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Title 1
GENERAL PROVISIONS

Chapter 1
ADOPTION OF CODE

1-1-0: SHORT TITLE, REFERENCE TO CODE:

This code shall be known as the *TEMPLE CITY MUNICIPAL CODE,* and it shall be sufficient to refer to said code as the "Temple City municipal code" in any prosecution for the violation of any provisions thereof. It shall also be sufficient to designate any ordinance adding to, amending or repealing said code, or portions thereof, as an addition or amendment to, or a repeal of, the "Temple City municipal code", or a portion thereof. (1960 Code)

1-1-1: CODIFICATION AUTHORITY:

This record consists of all of the regulatory, penal and certain of the administrative ordinances of the city of Temple City, codified pursuant to applicable provisions of the charter of the city of Temple City and the general laws of the state of California. (1960 Code)

1-1-2: EFFECTIVE DATE:

This code takes effect upon the effective date of the ordinance whereby this code is adopted. (1960 Code)

1-1-3: VALIDITY OF CODE SEVERABILITY:

If any section, subsection, sentence, clause, phrase or portion of this code is for any reason held to be invalid or unconstitutional by the final decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this code. The city council hereby declares that it would have adopted this code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions hereof be declared invalid or unconstitutional. (1960 Code)

1-1-4: DISTRIBUTION OF CODE:

Not less than three (3) current copies of this code shall be filed for use and examination by the public in the office of the city clerk. Additional copies shall be prepared in loose leaf form and mounted to withstand heavy usage in such binders as the city clerk may prescribe. Copies thereof shall be distributed as determined by the city manager. (1960 Code)

1-1-5: NOTATION OF AMENDMENTS:

Upon the adoption of any amendment or addition to said code, or upon the repeal of any of its provisions, the city clerk shall make an appropriate notation in the said code of the taking of such action, noting thereon the number of the ordinances pursuant to which such action is taken. Duly certified copies of every ordinance making changes in such code shall be filed in the office of the city clerk in books for such purpose, duly indexed for ready reference. (1960 Code)

1-1-6: AMENDMENTS:

The city clerk shall prepare copies of such changes in this code for insertion in the loose leaf copies thereof. Every section of this code so changed shall have printed thereon a notation of the ordinance number pursuant to which such change is adopted. (1960 Code)

1-1-7: EFFECT OF CODE ON PAST ACTIONS AND OBLIGATIONS:

Neither the adoption of this code nor the repeal of any ordinance or prior code

(hereinafter "ordinances") of this city:

A. Shall, in any manner affect the prosecution for violations of codes or ordinances, committed prior to the effective date hereof; nor

B. Shall the same be construed as a waiver of the requirement for any license or permit under such ordinances; nor

C. Shall the same be construed as affecting any of the provisions of such ordinances relating to the collection of any such license taxes or the penal provisions applicable to any violation thereof; nor

D. Shall the same be construed to affect the 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 thereunder appertaining shall continue in full force and effect.

The provisions of this code, insofar as they are substantially the same as preexisting ordinances of the city relating to the same subject matter, shall be construed as restatements and continuations of existing laws, and not as new enactments. (1960 Code)

1-1-8: PUBLIC PLACES FOR POSTING NOTICES:

During such times as the city shall be without all adjudicated newspapers, the following are officially designated as public places for the posting of all ordinances, resolutions or notices adopted or issued by the city:

Civic Center
5938 North Kauffman Avenue
Temple City, California

County Law Library
5939 Golden West Avenue
Temple City, California

United States Post Office
5940 North Oak Avenue
Temple City, California

(1960 Code; amd. Ord. 89-658)

1-1-9: POSTING:

During such times as the city shall be without all adjudicated newspapers, all ordinances and all resolutions required by law to be published or posted shall be posted in at least three (3) of the public places as set forth in the previous section of this code. (1960 Code)

Chapter 2
ENFORCEMENT OF CODE

1-2-0: VIOLATIONS, PENALTIES:

A. No person, firm, corporation, or other responsible entity shall violate any provision, restriction, or requirement of this code or any code adopted by reference herein, any ordinance of the city, any rule or regulation promulgated pursuant thereto, or any condition of any permit, license, or other entitlement issued pursuant to this code. Each such entity shall be guilty of a separate offense for each and every day during any portion of which the violation or failure to comply is committed, continued, permitted, suffered, or maintained, and shall be punished accordingly.

B. Any person, firm, corporation, or other responsible entity who violates any provision, restriction, or requirement of this code or any code adopted by reference herein, any ordinance of the city, any rule or regulation promulgated pursuant thereto, or any condition of any permit, license, or other entitlement issued pursuant to this

code shall be guilty of a misdemeanor punishable by a fine of not more than one thousand dollars ($1,000.00), or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment, unless:

1. Such requirement is classified as an infraction by the California Vehicle Code, this code, or any ordinance of the city;

2. The prosecuting attorney files a complaint charging the offense as an infraction;

3. The city manager or prosecuting attorney authorizes the issuance of a citation charging an offense as an infraction;

4. After filing of a misdemeanor complaint, the court, solely upon motion of the people, reduces the charge to an infraction, and the defendant does not object to having the case proceed as an infraction; or

5. An enforcement officer issues an administrative citation pursuant to chapter 4 of this title.

C. In addition to the penalties provided hereinabove, a violation of any provision, restriction, or requirement of this code or any code adopted by reference herein, any ordinance of the city, any rule or regulation promulgated pursuant thereto, or any condition of any permit, license, or other entitlement issued pursuant to this code shall be deemed a public nuisance and may be abated in the manner provided by law as such. Every day such violation continues shall be regarded as a new and separate offense. (Ord. 12-957)

1-2-0-1: VIOLATIONS; INFRACTIONS:

Pursuant to the provisions of section 36900 of the California Government Code, the city manager or other designated city official may enforce the first and second violations by any person of any provisions of the Temple City municipal code as "infractions", while any subsequent violations shall be deemed and enforced as "misdemeanors". (1960 Code; amd. Ord. 86-581; Ord. 93-750; Ord. 95-787; Ord. 98-824; Ord. 98-825)

1-2-0-2: PENALTY ASSESSMENTS; INFRACTIONS:

A violation of any provisions of this code expressly enforced as an infraction shall be punishable by a fine not to exceed that allowable by California state law, as set forth by city council resolution.

Failure to pay any penalty assessment imposed pursuant to the provisions of this code shall constitute a separate misdemeanor violation. (1960 Code; amd. Ord. 93-750; Ord. 98-825)

1-2-0-3: REINSPECTION FEE:

There is hereby imposed a reinspection fee on each person in violation of any provision of section 1-2-0-1 of this chapter when the particular violation for which an inspection or reinspection is scheduled is not fully abated or corrected as directed by, and within the time and manner specified in, the notice of violation. The fee shall not apply to the first scheduled inspection after service of the notice of violation, whether or not the correction is made. This fee is intended to compensate for administrative costs for unnecessary inspections, and not for enforcement of the law. Any fees imposed shall be separate and apart from any fines or penalties imposed for violations of the law.

The fee shall not exceed the cost necessary of providing the reinspection service as set forth by city council resolution. (1960 Code; amd. Ord. 93-750)

1-2-1: LABOR UPON PUBLIC WORKS:

Persons confined under a final judgment of imprisonment for a violation of any of the provisions hereof may be required to perform labor on the streets or other public property or works of the city.

The phrase, "streets or other public property or works within the city", as used in this section shall include, among other things, clerical and menial labor in any camp, or other place, maintained for such persons.

The city manager may prescribe and enforce rules and regulations under which such labor is to be performed; and may provide clothing of such distinctive character for such persons as he, in his discretion, may deem proper. (1960 Code)

1-2-2: ENFORCEMENT OF CODE; CITATION PROCEDURES:

A. Any officer arresting any person for a violation of any provision of this code, who does not immediately take such code of the court. The notice shall contain:

1. The name and address of the person arrested;

2. The offense charged, the time and place of such alleged violation; and

3. Where and when such arrested person shall appear in court.

The time specified in the notice to appear must be at least five (5) days after such arrest. The place specified in the notice to appear, and said notice, shall be in conformity with all applicable provisions of the Penal Code of the state of California.

B. The arresting officer shall deliver one copy of the notice to appear to the alleged violator; the alleged violator, in order to secure his immediate release, must give his written promise to so appear in court at the time and place indicated thereon, by signing the duplicate notice which shall be retained by the officer. Thereafter, the arresting officer shall forthwith release from custody the person so arrested. The duplicate copy of the notice to appear shall be filed in the manner prescribed in said Penal Code of the state of California. (1960 Code)

1-2-3: FAILURE TO APPEAR:

Any person who wilfully violates his written promise to appear in court by failing to so appear at the time and place stated, shall be deemed guilty of a misdemeanor, regardless of the disposition of the charge upon which he was originally arrested. (1960 Code)

1-2-4: FAILURE TO APPEAR; ISSUANCE OF WARRANT:

When a person signs a written promise to appear at the time and place specified therein, and has not posted bail as provided in said Penal Code of the state of California, the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after such person has failed to appear as promised, or if such person promises to appear before an officer do so on or before the date with which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction for execution, a warrant for his arrest. When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (1960 Code)

1-2-5: ENFORCEMENT:

Unless otherwise directed herein, the duty of enforcing the provisions of the code, shall be the responsibility of the city manager. (1960 Code)

1-2-6: PAYMENT OF CLAIMS:

Pursuant to the authority provided in section 995 of the Government Code of the state of California, the following claims procedures are hereby established for those claims hereinafter made or claimed against the city for money or damages not now governed by existing state law.

A. Claims are used in this section (and particularly as used in subsections B and C of this section) shall include:

1. All claims made by or on behalf of any public agency, governmental agency or the state of California or any political subdivision thereof; and

2. Any claim, set off or credit for salary or employee benefits submitted by any past or

present employee of the city; and

3. Any other claim not specifically covered by the provisions of the Government Code of the state.

B. Notwithstanding the exemptions set forth in section 905 of the Government Code, all claims against the city for damages, money, reimbursement or other financial matters when a procedure for processing such claims is not otherwise provided by state or local law (specifically including claims by other governmental agencies or the state or a past or present employee) shall be presented within the time limitations and in the manner and mode prescribed by sections 910 through 915.2 of the Government Code of the state; and if not so presented shall be null and void.

C. All such claims shall also be subject to the provisions of section 945.4 of the Government Code of the state relating to the prohibition of litigation in the absence of proper presentation of claims to (and action thereon by) the city council. Ontario v. Sup. Ct. (1993) 16 CalRptr. 2d 32. (Ord. 93-748)

Chapter 3
RULES OF CONSTRUCTION

1-3-0: CONSTRUCTION, PROVISIONS GOVERNING:

Unless the provisions or the context otherwise require, these general provisions, rules of construction and definitions shall govern proceedings under it are to be construed with a view to effect its objects and to promote justice. (1960 Code)

1-3-1: EFFECT OF HEADINGS:

Article and section headings contained herein shall not be deemed to govern, limit, modify or in any manner effect the scope, meaning or intent of the provisions of any article or section hereof. (1960 Code)

1-3-2: REFERENCE TO ACTS OR OMISSIONS WITHIN CITY:

Except as otherwise expressly provided, this code shall refer only to the omission or commission of acts within the territorial limits of the city and to that territory outside of the city over which the city has jurisdiction or control by virtue of the constitution, or any law, or by reason of ownership or control of property. (1960 Code)

1-3-3: PROHIBITED ACTS, INCLUDING CAUSING, PERMITTING OR SUFFERING:

Whenever in this code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering or concealing such act or omission. (1960 Code)

1-3-4: ACTS BY DEPUTY:

Whenever a power is granted to or duty is imposed upon a public officer or employee the power may be exercised or the duty may be performed by a deputy of such officer or employee or by a person otherwise duly authorized, pursuant to law or ordinance or by an officer of the county of Los Angeles, or by a deputy or employee of such officer when by contract with the city of Temple City such officer is obligated and has agreed to perform certain duties on behalf of the city, unless this code expressly provides otherwise. (1960 Code)

1-3-5: WRITING:

Writing includes any form of recorded message capable of comprehension by ordinary visual means. Whenever any notice, report, statement or record is required or authorized by this code, it shall be made in writing in the English language unless it is expressly provided otherwise. (1960 Code)

1-3-6: REFERENCE APPLIES TO AMENDMENTS:

Whenever a reference is made to any portion of this code, or to any ordinances of this city, the reference applies to all amendments and additions now or hereafter made. (1960 Code)

1-3-7: NOTICES:

Whenever a written notice is required to be given pursuant to this code unless a contrary provision is specifically made, such notice shall be given:

A. By personal delivery thereof to the person to be notified, or

B. By deposit in the United States postal service, in a sealed envelope, or postal card, postage prepaid, addressed to the person to be notified, at his last known business or residence address as the same appears in the public records of the city or other records pertaining to the matter to which such notice relates.

Service of such notice shall be deemed to have been completed at the time of deposit thereof in the said postal service, or at the time of personal service. (1960 Code)

1-3-8: PROOF OF NOTICE:

Proof of giving any notice may be made by the certificate of an officer or employee of the city, or by affidavit of any person over the age of eighteen (18) years, which shows service in conformity with this code, or other provisions of law applicable to the subject matter concerned. (1960 Code)

1-3-9: TENSE:

The present tense includes the past and future tenses, and the future, the present. (1960 Code)

1-3-10: GENDER:

The masculine gender includes the feminine and neuter. (1960 Code)

1-3-11: NUMBER:

The singular number includes the plural, and the plural, the singular. (1960 Code)

1-3-12: SHALL AND MAY:

"Shall" is mandatory and "may" is permissive. (1960 Code)

1-3-13: OATH:

"Oath" includes affirmation. (1960 Code)

1-3-14: DEFINITIONS:

CITY: The city of Temple City.

COUNCIL: The city council of the city of Temple City.

COUNTY: The county of Los Angeles.

GOODS: Wares or merchandise.

OFFICE: The use of the title of any officer, employee, office or ordinance shall mean such officer, employee, office or official of the city of Temple City.

OPERATE: Carry on, keep, conduct or maintain.

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

PERSON: As used in this code or in any ordinance or code adopted hereby, includes any person, firm, association, organization, partnership, business trust, company or corporation and any municipal, political or governmental corporation, district, body or agency, other than the city of Temple City.

SALE: Any sale, exchange, barter or offer for sale.

STATE: The state of California.

STREET: Includes all streets, highways, avenues, lanes, alleys, courts, places, squares, sidewalks, parkways, curbs or other public ways in this city which have been or may hereafter be dedicated and open to public use, or such other public property as designated in any law of this state.

TENANT OR OCCUPANT: Applied to a building or land shall include any person who occupies the whole or part of such building or land, whether alone or with others. (1960 Code)

1-3-15: INTERPRETATION:

Whenever in this code or in any ordinance, statute, or other matter which is adopted by reference unless the context requires otherwise, the following references shall be given the following meanings:

BOARD OF SUPERVISORS: The city council of the city of Temple City.

COUNTY: The city of Temple City.

COUNTY OF LOS ANGELES: The city of Temple City.

COUNTY OFFICER: The appropriate or designated officer of the city of Temple City.

UNINCORPORATED TERRITORY: The incorporated territory of the city of Temple City. (1960 Code)

Chapter 4
ADMINISTRATIVE CITATIONS

1-4-0: FINDINGS:

The city council of the city of Temple City finds and declares as follows:

A. Enforcement of this code and adopted ordinances throughout the city is an important public service. A program for enforcement of local codes is vital to protect public health, safety, and welfare. The establishment of a comprehensive and effective code enforcement program that is able to utilize both administrative and judicial remedies against violations of the city's laws is best equipped to protect public health, safety, and welfare.

B. Government Code section 53069.4 authorizes local jurisdictions to enact legislation making a violation of any local ordinance subject to an administrative fine or penalty. The state legislature has also enacted other provisions of California law that allow local governments to impose administrative fines and/or penalties for violations of specified provisions of state law. The city council intends, pursuant to this statute, to establish an administrative citation program that:

1. Imposes a nonjudicial administrative fine and/or penalty for offenses of this code (including, but not limited to, any other code adopted therein) and other state laws as authorized by statute;

2. Encourages prompt abatement or correction of prohibited conditions, uses or activities in the city; and

3. Creates deterrence against future violations of the city's laws.

C. The administrative citation remedy is not intended to replace any other remedy allowed by this code or state law. It is intended to provide an alternative and/or additional means by which the city's laws may be enforced. (Ord. 12-957)

1-4-1: APPLICABILITY AND SCOPE:

A. Use of this chapter shall be at the sole discretion of the city and is one remedy that the city has to address violations of this code or other applicable provisions of state law. By adopting this chapter, the city does not intend to limit its discretion or ability to utilize any administrative, civil, criminal, or other remedy available at law or equity, or any combination thereof, to address violations of the city's laws.

B. This chapter makes a violation of any provision, restriction, or requirement of this code or any code adopted by reference herein, any ordinance of the city, any rule or regulation promulgated pursuant thereto, or any condition of any permit, license, or other entitlement issued pursuant to this code subject to an administrative fine.

C. This chapter establishes the administrative procedures for the imposition, enforcement, collection, and administrative review of administrative fines and/or penalties pursuant to Government Code section 53069.4.

D. An administrative fine in an amount adopted by resolution of the city council shall be imposed by means of an administrative citation issued by an enforcement officer, and shall be paid directly to the city of Temple City. Payment of a fine shall not excuse a failure to correct a violation, nor shall it bar concurrent or further enforcement actions by the city.

E. The city manager, or a designee thereof, may dismiss a citation at any time if a determination is made that it was issued in error, in which event any deposit of a fine shall be refunded. Notice of such action shall be given to the citee in writing.

F. The city manager, or a designee thereof, is authorized to promulgate procedural rules and regulations governing the provisions in this chapter. (Ord. 12-957)

1-4-2: DEFINITIONS:

As used in this chapter, the following words are defined as follows:

ADMINISTRATIVE FINE AND/OR ADMINISTRATIVE PENALTY: The monetary sanction established by resolution of the city council that is imposed upon a responsible person by means of a citation.

CITATION: An administrative citation that is issued to a responsible person pursuant to this chapter.

CITEE: A responsible person to whom a citation is issued.

CITY: The city of Temple City, California.

CITY MANAGER: The chief administrative official of the city as appointed by the city council.

CODE: Shall include: a) the entire Temple City municipal code and any other code, rule, or regulation incorporated therein by adoption or reference, b) any uncodified ordinance adopted by the city council of Temple City, c) any rule or regulation promulgated pursuant to the provisions of this code, d) any condition of any permit, license, or other entitlement issued pursuant to this code, and e) other state laws as authorized by statute.

ENFORCEMENT OFFICER AND OFFICER: Any city employee with obligations to enforce this code. Enforcement officers shall include the following personnel: city manager; public services director; public safety manager; code enforcement officer; animal control officer; building inspector and resident safety volunteer member, and their designees. The city manager may designate additional persons to act as officers for purposes of implementing the provisions of this chapter.

HEARING OFFICER: Shall include a private entity, organization, association or person, or a public official, or duly constituted reviewing authority or commission that the city manager designates or appoints to consider all timely requests for an administrative hearing upon issuance of a citation.

OWNER: Shall mean and include any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, or responsibility for, any real property in the city, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County assessor's office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, responsibility for, or possession of such property.

PERSON: Shall mean and includes any individual, partnership of any kind, a corporation of any kind, limited liability company, association, joint venture or other organization or entity, however formed, as well as fiduciaries, trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the city.

PROPERTY OR PREMISES: Any real property, or improvements thereon, or portions thereof, as the case may be. "Property" includes any parkway or unimproved public easement abutting such real property. "Property" shall also include all forms of personal property or animals, where applicable.

RESPONSIBLE PERSON: Any person, whether as an owner or an agent, manager, or representative of an owner, or otherwise, that allows, causes, creates, maintains, suffers, or permits a violation of the code to exist or continue, by any act or the omission of any act or duty.

VIOLATION: An act or omission of any act, or use or condition that constitutes an offense of the code, as well as a breach or violation of any condition of a permit, approval or license issued pursuant to the code. A "transient" violation is one that is brief or spontaneous in its commission, or that is not typically confined to a fixed location. A "nontransient" violation is continuing in nature and generally present at one location. (Ord. 12-957)

1-4-3: SCOPE:

This chapter provides for imposition of an administrative fine pursuant to a citation for any violation of the code, as well as for a breach or violation of any condition of a permit, approval or license issued pursuant to the code. This remedy may be utilized in place of, or in addition to, any other remedy allowed by the code or state law. The city manager, or designees thereof, shall have sole discretion to utilize any remedy or remedies as authorized by law. (Ord. 12-957)

1-4-4: ISSUANCE OF ADMINISTRATIVE CITATION; CONTENTS

THEREOF:

A. Whenever an officer determines that a violation of the code has occurred, the officer may issue a citation on a city approved form imposing an administrative fine or fines to the responsible person(s) in accordance with the provisions of this chapter.

B. When the violation pertains to building, plumbing, electrical or other similar structural or zoning issues that creates an immediate danger to health or safety, a citation may be issued forthwith. In the absence of an immediate danger, a citation for a violation pertaining to building, plumbing, electrical, or other similar structural or zoning issues shall not be issued pursuant to this chapter unless the responsible person has first been provided with a reasonable period, as determined by the officer, in which to complete the abatement or compliance actions.

C. An officer may issue a citation for a violation not committed in the officer's presence if the officer has determined, through investigation, that the citee did commit, or is otherwise responsible for, the violation.

D. Each day, or any portion thereof, that a prohibited condition, use or activity under the code is committed, continued or permitted, shall constitute a separate violation for which an administrative fine may be imposed. A single citation may charge multiple

violations of the code, however, each violation is subject to a separate and distinct administrative fine.

E. Each citation shall contain the following information:

1. Name and mailing address of the responsible person;

2. The address or description of the location of the violation;

3. The date and approximate time of the commission of the violation(s), or detection thereof by an officer;

4. The relevant provision(s) or section(s) of the code alleged to have been violated;

5. A description of the violation(s);

6. Amount of the fine for each violation, the procedure and place to pay the fine(s) and/or reinspection fees, and any late penalty and/or interest charge(s), if not timely paid;

7. When appropriate, the action(s) required to correct the violation(s), and, if applicable, any deadlines or time limitations for commencing and completing such action(s);

8. A description of the administrative citation review process and the manner by which a hearing on a citation may be obtained (including the form to be used, where it may be procured from, and the period in which a request must be made in order to be timely);

9. The name and signature of the officer, and the signature of the citee, if he or she is physically present and will sign the citation at the time of its issuance. The refusal of a citee to sign a citation shall not affect its validity or any related subsequent proceeding, nor shall signing a citation constitute an admission that a person has committed a violation of the code;

10. A statement that the failure to timely tender the fine(s) and other fees, costs, and/or charges imposed pursuant to this chapter may result in the recordation of a lien and/or the delay in issuance or renewal of any city license and/or permit; and

11. Any other information deemed necessary by the city manager. (Ord. 12-957)

1-4-5: SERVICE OF CITATION:

A. A citation may be served either by personal delivery to the citee or by first class mail through the United States postal service. The date of personal service shall constitute the issuance date of a citation.

B. If served by first class mail, the citation shall be sealed in an envelope with postage prepaid and addressed to the citee at his or her last known business or residence address as same appears in public records of the city, the Los Angeles County tax assessor's office, and/or the secretary of state. The date a citation is deposited with the United States postal service shall: 1) constitute its issuance date, and 2) the date that service by certified mail shall be deemed to have been completed.

C. If an agent, manager or representative of a responsible person is personally served with a citation, a copy thereof shall also be served by first class mail to the responsible person at his or her last known business or residence address as same appears in public records of the city, the Los Angeles County tax assessor's office, and/or the secretary of state. In such instances, the date a copy of the citation is deposited with the U.S. postal service shall constitute the issuance date of a citation.

D. If service cannot be accomplished personally or by mail for citations involving a real property related violation of the code, the officer shall post the citation on the real property where the violation is alleged to have occurred. The date of posting shall constitute the issuance date of a citation.

E. Any notice or order given pursuant to any provision of this chapter shall be served in the manner provided for in this section, unless otherwise stated.

F. Failure of a citee to receive a citation or notice shall not invalidate any fine, late

penalty charge, action or proceeding that is imposed or brought pursuant to this chapter, if service was given in a manner stated in this section. (Ord. 12-957)

1-4-6: ADMINISTRATIVE FINES; FEES; OTHER CHARGES:

A. The amounts of the fines imposed pursuant to this chapter shall be set forth in a schedule of fines established by resolution of the city council. The city council may, by resolution, also impose escalating fines in amounts it deems appropriate for repeat offenses of the same ordinance. The amounts of fines may be modified from time to time by a resolution of the city council.

B. If a violation is otherwise classified as an infraction under the code, the administrative fine shall not exceed one hundred dollars ($100.00) for a first offense, two hundred dollars ($200.00) for a second offense of the same ordinance within a twelve (12) month period of time, and five hundred dollars ($500.00) for a third or greater offense of the same ordinance within a twelve (12) month period of time, as set forth in subdivision (b) of section 25132 and subdivision (b) of section 36900 of the California Government Code. The amounts of such fines may be modified from time to time by a resolution of the city council provided they do not exceed the limits allowed by state law.

C. In addition to any fine imposed pursuant to this chapter, a reinspection fee shall be assessed against any responsible person in an amount established by resolution of the city council if the responsible person does not timely and completely correct or abate a violation (with all requisite approvals, permits, licenses, and/or inspections) after having received notification from the city to correct or abate same.

D. Failure to pay an administrative fine within the period specified on the citation shall result in the assessment of a late penalty charge. The late penalty charge shall be equal to one hundred percent (100%) of the total fine owed (excluding any reinspection fee).

E. Failure to pay an administrative fine within sixty (60) days of the issuance of an administrative citation or, if contested, within sixty (60) days of an order to pay pursuant to a decision by a hearing officer or judicial officer confirming the fine, shall result in the imposition of an interest charge at a rate established by resolution of the city council. Interest shall not accrue on a late penalty charge or reinspection fee. The rate of interest may be modified from time to time by resolution of the city council.

F. Administrative fines, reinspection fees, late penalty charges, and any interest due shall be paid to the city at such location or address as stated in the citation, or as may otherwise be designated by the city manager.

G. The due date for the city's receipt of an administrative fine shall be twenty (20) calendar days from the issuance date of a citation. Thereafter, a late penalty charge shall be due and owing, as well as interest, as imposed by this chapter.

H. Payment of an administrative fine shall not excuse or discharge a citee from the duty to immediately abate a violation of the code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the code.

I. Abatement of a violation shall not excuse the obligation of a citee to pay an administrative fine or any other charges, fees, or costs imposed as a result of the issuance of a citation.

J. Unpaid administrative fines and other charges, fees, or costs imposed in accordance with this chapter shall constitute a debt that may be collected in any manner allowed by law, including, but not limited to, the recordation of a lien (secured or unsecured) with the county recorder's office and/or with the California franchise tax board "interagency offset program"[1]. The city may also withhold issuance or renewal of any license, permit, or other entitlement for any property or business whenever an administrative penalty resulting from a code violation at said

property or business remains unpaid. The city shall be entitled to recover its attorney fees and costs arising from an action to collect an administrative fine and other charges, fees, or costs imposed in accordance with this chapter if it is the prevailing party and provided it made the election to seek attorney fees at the commencement of the action. A citee shall be entitled to recover his or her attorney fees if the city made the election to seek attorney fees at the outset of the action and the citee prevails thereon. (Ord. 12-957)

1-4-7: RIGHT TO ADMINISTRATIVE HEARING; WAIVER OF ADVANCE DEPOSIT OF FINE:

A. Any citee may contest the violation(s), or that he or she is a responsible person, by filing a request for an administrative hearing on a city approved form with the office of the city clerk - Temple City City Hall, 9701 Las Tunas Drive, Temple City, CA 91780, within ten (10) calendar days from the issuance date of a citation. If the office of the city clerk does not receive the request in the required period, the citee shall have waived the right to a hearing and the citation shall be deemed final.

B. A request for a hearing shall contain the following:

1. The citation number.

2. The name, address, telephone and any facsimile numbers, of each person contesting the citation.

3. A statement of the reason(s) why a citation is being contested.

4. The date and signature of the citee(s).

C. No filing fee shall be charged for the filing of a request for a hearing.

D. Requests for a hearing shall be accompanied by an advance deposit of the entire amount of the fine stated in the citation. Failure to deposit a fine within the required period, or the tender of a nonnegotiable check in the required period, shall render a request for an administrative hearing incomplete and untimely, in which case the citee shall have waived the right to a hearing and the citation shall be deemed final. Fines that are deposited with the city shall not accrue interest. Fines deposited shall be returned to the person tendering the fines in the event a citation is overturned.

E. A citee who is financially unable to deposit the administrative fine with his or her request for a hearing may complete a city approved application form for an advance deposit hardship waiver (hereinafter, "hardship waiver"). This form and all required accompanying records shall be tendered, along with a request for a hearing, to the office of the city clerk - Temple City City Hall, 9701 Las Tunas Drive, Temple City, CA 91780, within ten (10) calendar days from the issuance date of a citation.

F. To be considered for a hardship waiver, the application form must be complete, signed, and must be accompanied by documents that enable the city to reasonably determine the citee's present inability to deposit the fine. Documents suitable for consideration, may include, without limitation, accurate, complete and legible copies of state and federal income tax returns and all schedules for the preceding tax year; financial statements, loan applications, bank account records, income and expense records for twelve (12) months preceding submittal of the waiver form, as well as other documentation demonstrating the citee's financial hardship. The city may, at its sole discretion, request additional documents in order to determine a citee's financial ability to tender an advance deposit of the fine. Failure to submit sufficient evidence of a citee's financial inability to tender an advance deposit of the fine shall result in a denial of the hardship waiver. The city may, at a time chosen in its sole discretion and after a citation is final or confirmed, destroy or discard the documents submitted by a citee for a hardship waiver without prior notice to the citee.

G. Failure to submit a completed, signed hardship waiver form, along with sufficient records that support a claim of financial hardship, shall render the request for hearing incomplete and untimely. In this event, the citee shall have waived the right to a hearing and the citation shall be deemed final.

H. The city shall issue a written decision regarding the application for a hardship

waiver. If the hardship waiver is denied, the written decision shall specify the reasons for not issuing the hardship waiver. This decision is final and nonappealable. The decision shall be served upon the person requesting the hardship waiver by first class mail.

1. Approval of a hardship waiver shall result in the city setting a hearing pursuant to section 1-4-8 of this chapter.

2. If the city determines that the citee is not entitled to a hardship waiver, he or she shall tender the full amount of the administrative fine to the office of the city clerk within ten (10) calendar days of the date the decision is deposited with the U.S. postal service. In the event the city clerk does not receive the full amount of the fine in the required period: a) the request for a hearing is rendered incomplete and untimely, b) the citee shall have waived the right to a hearing and the citation shall be deemed final, and c) a late penalty charge shall be imposed upon the administrative fine.

I. A timely request for a hearing shall not excuse a citee from the duty to immediately abate a violation of the code, nor from any other responsibility or legal consequences for a continuation or repeated occurrence(s) of a violation of the code. (Ord. 12-957)

1-4-8: ADMINISTRATIVE HEARING PROCEDURES:

A. An administrative appeal hearing shall be scheduled and conducted within sixty (60) calendar days of the date a timely and complete request is received by the office of the city clerk. A citee who files a request for an administrative hearing to contest a citation (hereinafter, "appellant") shall be notified in writing by first class mail of the date, time, and location of the hearing at least ten (10) calendar days prior to the date of the hearing. The failure of an appellant to receive a properly addressed notice shall not invalidate the citation or any hearing or city action or proceeding conducted pursuant to this chapter.

B. At the place and time set forth in the notification of administrative hearing, the hearing officer shall hear and consider the testimony of the issuing officer, the appellant(s), and/or their witnesses, as well as any documentary evidence presented by these persons concerning the violation(s) alleged in the citation.

C. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish a violation and responsibility therefor by a preponderance of evidence. The issuance of an administrative citation shall constitute prima facie evidence of the violation and the enforcement officer who issued the citation is not required to attend or participate at the hearing. The appellant(s), and officer, if present, shall have an opportunity to present evidence and witnesses and to cross examine witnesses. An appellant may bring an interpreter to the hearing at the appellant's sole expense. The hearing officer may question any person who presents evidence or who testifies at any hearing.

D. An appellant may appear at the hearing in person or by written declaration executed under penalty of perjury. Said declaration and any documents in support thereof shall be tendered to and received by the office of the city clerk at least three (3) city business days prior to the hearing. If the appellant fails to attend the scheduled hearing, or to otherwise submit a written declaration in a timely manner, the hearing officer shall cancel the hearing and send a notice thereof to the appellant(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to nonappearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the citation (and corresponding fine and other applicable fees) shall be deemed final.

E. Hearings may be continued once at the request of an appellant or the officer who issued the citation. The hearing officer may also continue the hearing for cause. (Ord. 12-957)

1-4-9: HEARING OFFICER DECISION; RIGHT OF APPEAL THEREFROM:

A. After considering all of the testimony and evidence submitted at the hearing, the hearing officer shall issue a written decision to uphold or overturn the citation and

shall state the reasons therefor. If the citation is upheld and the violation has not been fully corrected as of the date of the hearing, the hearing officer shall order correction thereof in the decision and provide a deadline to complete said action(s). The decision of the hearing officer shall be final. If the citation is upheld and the appellant did not deposit the fine at the time the appellant requested an administrative appeal hearing, the hearing officer shall also order the payment of the fine (and other applicable fees and costs) as set by council resolution within twenty (20) calendar days of the decision.

B. The appellant(s) shall be served by first class mail with a copy of the hearing officer's written decision. The date the decision is deposited with the U.S. postal service shall constitute the date of its service. The failure of an appellant to receive a properly addressed decision shall not invalidate any hearing, city action or proceeding conducted pursuant to this chapter.

C. Decisions of the hearing officer are, in accordance with Government Code section 53069.4(b), appealable to the superior court within twenty (20) days after the date of their service. Each decision shall contain a statement advising the appellant(s) of this appeal right and the procedures and court filing fee for its exercise. An appellant shall serve a copy of the court filed notice of appeal on the office of the city clerk - Temple City City Hall, 9701 Las Tunas Drive, Temple City, California, by personal service or first class mail within five (5) calendar days of filing the original thereof.

D. If a hearing officer's decision is not appealed in a timely manner, the decision shall be deemed confirmed.

E. The superior court is the sole reviewing authority and an appeal from a hearing officer's decision is not appealable to the city council. If a responsible person prevails on appeal, the city shall reimburse his or her filing fee, as well as the fine deposit in accordance with the court judgment. These monies shall be mailed to the responsible person within forty five (45) calendar days of the city's receipt of a notice of judgment or ruling from the superior court clerk. (Ord. 12-957)

1-4-10: PENALTIES:

Failure of a citee to comply with a corrective action stated in any uncontested citation, or with regard to a correction order in any hearing officer decision that is deemed confirmed and not appealed to the superior court, shall constitute a misdemeanor. (Ord. 12-957)

1-4-11: SEVERABILITY:

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Ord. 12-957)

Title 2
ADMINISTRATION

Chapter 1
CITY COUNCIL

2-1-0: COUNCIL MEETINGS:

Regular meetings of the city council shall be held in the city council chamber at the city hall, 5938 North Kauffman Avenue, Temple City, California, or at such location within the city as designated by the mayor or city manager, at seven thirty o'clock (7:30) P.M. on the first and third Tuesday of each month of the year. (Ord. 13-978U)

2-1-1: CONTRACTS WITH LOS ANGELES COUNTY:

The city council shall have the right to contract with the county for the performance

and execution by designated county officials of the rights, powers and duties of officers, officials, and employees of the city. Whenever in this code, whether set forth in full or by adoption by reference, any power or authority is granted to an officer, official or employee, the power or authority is conferred upon the appropriate officer, official or employee of the city, or the appropriate officer, official or employee of the county with whom a contract has been entered into. (1960 Code)

2-1-2: EXPENSES AND COMPENSATION:

Upon the submission of an itemized account any council member may be reimbursed for the member's actual and necessary expenses incurred in the performance of official duty. Pursuant to section 36516 of the Government Code of the state of California, each member of the city council shall receive as salary the sum of seven hundred twenty dollars ($720.00) per month, with such adjustments as may be permitted from time to time by state law. Such salaries shall be payable in the same manner and with the similar fringe benefits as are paid to other employees of the city. (Ord. 12-954)

2-1-3: OFFICIAL CITY SEAL:

The official city seal of the city of Temple City shall be in the form of a die two inches (2") in diameter; the form of the die shall be two (2) circles, one inside the other. Within the smaller circle shall be imprinted words "Incorporated May 25, 1960", within the larger circle and outside the limits of the inner circle shall be imprinted the words "City of Temple City, California", and the center shall contain a camellia, the design for which is on file with the city clerk. (1960 Code; amd. Ord. 98-819)

2-1-4: UNLAWFUL USE OF SEAL:

It shall be unlawful for any person, corporation, partnership or other entity to use the official city seal, or to reproduce, copy or create any reasonable facsimile or any city seal, emblem, without the express consent of the city council. (1960 Code)

2-1-5: CITY OFFICES:

The offices of agencies, department officers and employees of the city shall be located and maintained at 9701 Las Tunas Drive, Temple City, California. (Ord. 89-658)

2-1-6: CITY OFFICES; HOURS:

The hours that city facilities will be open to the public for business shall be established by the city council. (Ord. 89-658; amd. Ord. 93-753)

2-1-7: VOLUNTARY EXPENDITURE CEILING:

Pursuant to Government Code section 85400(c), a voluntary expenditure ceiling of fifty cents ($0.50) per resident is hereby established for candidates and controlled committees of such candidates for elective office for each election in the city in which the candidate is seeking elective office. (Ord. 97-804)

Chapter 2
CITY MANAGER

2-2-0: OFFICE OF CITY MANAGER CREATED:

The office of the city manager of the city is hereby created and established. The city manager shall be appointed by the city council solely on the basis of his executive and administrative qualifications and ability, and shall hold office at and during the pleasure of the city council. (1960 Code)

2-2-1: ELIGIBILITY:

Residence in the city at the time of appointment shall not be required as a condition

of appointment.

No person elected to membership on the city council shall, subsequent to such election, be eligible for appointment as city manager of the city until one year has elapsed after he has ceased being a member of the city council. (1960 Code)

2-2-2: BOND:

The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be approved by the city council and shall be conditioned on the faithful performance of the duties imposed on the city manager as herein prescribed. (1960 Code)

2-2-3: ABSENCE:

In case of absence or disability of the city manager the city council may designate some duly qualified person to perform the duties of the city manager during the period of absence or disability of said city manager. (1960 Code)

2-2-4: REMOVAL:

The city council shall appoint the city manager for an indefinite term and may remove him at any time by the affirmative vote of not less than three (3) members. The city council in removing the city manager shall use its uncontrolled discretion and its action shall be final, and shall not depend upon any particular showing or degree of proof. Upon such termination, the council shall forthwith pay to him any unpaid balance of his monthly salary plus any and all contractual rights in money or money's worth. (Ord. 05-901)

2-2-5: REMOVAL AFTER MUNICIPAL ELECTION:

(Rep. by Ord. 05-901)

2-2-6: COMPENSATION:

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

Said city manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties, or incurred when traveling on business pertaining to said city under direction of the city council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the city council, and by said city council duly approved and allowed. (1960 Code)

2-2-7: POWERS AND DUTIES:

The city manager shall be the administrative head of the city government under the direction and control of the city council, except as otherwise provided in this code. He shall be responsible for the efficient administration of all of the affairs of the city which are under his control. In addition to his general powers as city manager, and not as a limitation thereof, it shall be his duty and he shall have the power to:

A. See that the laws of the state of California pertaining to the city, the city charter, and all laws and ordinances of the city are duly enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;

B. Appoint, promote, discipline, and/or remove officers and employees of the city except the city attorney; to transfer employees from one department to another; and to consolidate or combine offices, positions, departments or units under his jurisdiction;

C. Exercise control over and to supervise in general all departments and divisions of

the city government and all appointive officers and employees thereof except the city attorney;

D. Attend all of the meetings of the city council and its committees unless excused therefrom by the city council;

E. Recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient;

F. Keep the city council at all times fully advised as to the financial conditions and needs of the city;

G. Prepare and submit to the city council the annual budget and to administer it after adoption;

H. Prepare and to recommend to the city council a salary plan;

I. Purchase or cause to be purchased all supplies for all departments or divisions of the city. No expenditures shall be submitted or recommended to the city council except upon report or approval of the city manager;

J. Make investigations into the affairs of the city and any department or division thereof, and any contract of the proper performance of any obligation running to the city;

K. Investigate all complaints in relation to matters concerning the administration of the government of the city and in regard to the service maintained by public utilities in the city and to see that all franchises, permits and privileges granted by the city are faithfully observed;

L. Exercise general supervision over all public buildings, public parks, streets and other public property which are under the control and jurisdiction of the city council;

M. Devote his entire time to the duties and interest of the city;

N. Make reports and recommendations as may be desirable or as requested by the city council;

O. Serve in any appointive office or head of department within the city government to which he may be qualified when appointed thereto by the city council and to hold and perform the duties thereof at the pleasure of the city council;

P. Perform such other duties and exercise such other powers as may be delegated to him from time to time by the city council. (1960 Code; amd. Ord. 89-658)

2-2-8: EX OFFICIO MEMBER OF BOARDS AND COMMISSIONS:

The city manager shall be an ex officio member of all boards and commissions appointed by the mayor or city council. He may participate in all deliberations or actions of such bodies, but without the right to vote. (1960 Code)

2-2-9: DUTY OF OTHER OFFICERS:

It shall be the duty of all subordinate officers including the city clerk, the city treasurer and the city attorney, to cooperate with and assist the city manager in administering the affairs of the city most efficiently, economically and harmoniously. (1960 Code)

2-2-10: ORDERS AND DIRECTIONS:

The city council and its members shall deal with officers and employees of the city only through the city manager, except for the purpose of inquiry and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. (1960 Code)

Chapter 3
PERSONNEL SYSTEM

ARTICLE A. ADOPTION AND APPLICATION

2-3A-0: ADOPTION OF PERSONNEL SYSTEM:

In order to establish an equitable and uniform procedure for dealing with personnel matters; to attract to Municipal service the best and most competent persons available; to assure that appointments and promotions of employees will be based on merit and fitness as determined by competitive selection techniques; and to provide a reasonable degree of security for qualified employees, the following personnel system is hereby created. (1960 Code)

2-3A-1: NOMENCLATURE:

The present tense includes the past and future tenses; and the future the present. "Shall" is mandatory and "may" is permissive. The masculine gender includes the feminine and neuter. The singular number includes the plural; and the plural the singular. (1960 Code; amd. Ord. 92-733)

2-3A-2: PERSONNEL OFFICER:

The City Manager shall be Personnel Officer. With the approval of the Council, the City Manager may delegate any of the powers and duties conferred upon him/her as Personnel Officer under this chapter to any other officer or employee of the City or may recommend that such powers and duties be performed under contract as provided herein. The City Manager shall:

A. Administer all the provisions of this chapter and of personnel rules not specifically reserved to the Council.

B. Prepare and recommend to the Council revisions and amendments to the personnel rules.

C. Prepare a position classification plan, including class specifications and revisions of the plan. The plan, and any revision thereof, shall become effective upon approval by the Council.

D. Prepare a plan of compensation, and revisions thereof, covering all classifications in the competitive service. The plan, and the revisions thereof, shall become effective upon approval by the City Council. (1960 Code; amd. Ord. 92-733)

2-3A-3: CITY SERVICE:

The provisions of this chapter shall apply to all offices, positions and employments in the service of the City, except:

A. Elective officers;

B. City Manager;

C. City Attorney;

D. Members of appointive boards, commissions and committees;

E. Persons engaged under contract to supply expert professional or technical services for a definite period of time;

F. Part-time and other temporary officers or employees;

G. Director of Parks and Recreation;

H. Parks and Recreation Manager;

I. Director of Community Development;

J. City Clerk;

K. Economic Development Manager/Assistant to the City Manager;

L. Administrative Services Director;

M. Administrative Assistant to the City Council and City Manager;

N. Planning Manager; and

O. Public Safety Supervisor. (Ord. 17-1023)

2-3A-4: RIGHT TO CONTRACT FOR SPECIAL SERVICES:

The City Manager shall consider and make recommendations to the City Council regarding the extent to which the City should contract for the performance of technical services in connection with the establishment or operation of the personnel system. The Council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this chapter, including the following:

A. The preparation of personnel rules and subsequent revisions and amendments thereof;

B. The preparation of a position classification plan, and subsequent revisions and amendments thereof;

C. The preparation of a plan of compensation, and subsequent revisions and amendments thereof;

D. The preparation, conduct and grading of competitive tests;

E. Special and technical services of advisory or informational character on matters relating to personnel and administration. (Ord. 92-733)

ARTICLE B. CLASSIFIED SERVICE

2-3B-0: ADOPTION OF RULES:

Personnel rules, prepared by the city manager subject to this chapter, shall be adopted, and may be amended from time to time, by resolution of the council. The rules shall establish specific procedures and regulations governing the personnel system. (Ord. 92-733)

2-3B-1: POWERS OF CITY MANAGER:

Subject to the provisions hereof and the personnel rules so adopted, the city manager shall have the power to appoint, promote, discipline, demote and dismiss officers and employees of the city included in the city service. (Ord. 92-733)

2-3B-2: LOYALTY OATH:

Every person employed by the city shall execute a loyalty oath in the form and manner designated by the state legislature. (Ord. 92-733)

2-3B-3: RESPONSIBILITIES OF CITY MANAGER:

The city manager shall be responsible for the following procedures within the framework of this chapter:

A. The formulation of standards and qualifications for each class of position;

B. The public announcement of vacancies and examinations and the acceptance of applications for employment;

C. The preparation and conduct of written and/or oral examinations and the establishment and use of employment lists containing the names of persons eligible for appointment;

D. The evaluation of employees during probationary period and periodically thereafter;

E. The standardization of hours of work, attendance, leave regulations, working conditions and the development of programs for improvement in employees' morale, welfare, training and safety;

F. The separation from service of employees through layoff, suspension and dismissal;

G. The maintenance and use of necessary forms and records to indicate days worked, sick leave, vacations, leaves of absence, etc.;

H. The establishment and maintenance of suitable methods for effective communication between the council, city manager, supervisors and other employees relating to conditions of employment in the city service. (1960 Code; amd. Ord. 92-733)

ARTICLE C. CONDITIONS OF EMPLOYMENT

2-3C-0: PAY RATES FOLLOWING PROMOTION:

Pay rates upon promotion shall be in line with rules established by resolution of the city council. (Ord. 92-733)

2-3C-1: VACATION LEAVE:

Vacation leave for city employees shall be established by resolution of the city council. (Ord. 92-733)

2-3C-2: SICK LEAVE WITH PAY:

Sick leave availability shall be established by resolution of the city council. (Ord. 92-733)

2-3C-3: HOLIDAYS:

Holidays for the city and for all employees shall be those days as are from time to time established by resolution of the city council. (Ord. 92-733)

2-3C-4: APPOINTMENTS SUBJECT TO CHAPTER:

The city manager, and any other officer in whom is vested the power to appoint, make transfers, promotion, demotions, reinstatements, layoffs and to suspend or dismiss employees shall retain such power subject to the provisions of this chapter and the personnel rules. (Ord. 92-733)

2-3C-5: ABOLITION OF POSITION:

Whenever in the judgment of the council it becomes necessary in the interest of economy or because the necessity for the position or employment involved no longer exists, the council may abolish any position or employment in the competitive service and layoff, demote or transfer any employee holding such position or employment without filing written charges and without right of appeal.

Competency shall be observed in effecting such reduction in personnel and the order of layoff shall be made by the city manager. Layoff shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the layoff of any probationary or permanent employee.

The names of probationary and permanent employees laid off shall be placed upon reemployment lists for classes which, in the opinion of the personnel officer, require basically the same qualifications and duties and responsibilities of those of the class or positions from which layoff was made. (Ord. 92-733)

2-3C-6: POLITICAL ACTIVITY:

Employees in the service of the city shall not engage in any political activities proscribed by state law as may be amended by the state legislature from time to time. (Ord. 92-733)

2-3C-7: SOLICITATION OF CONTRIBUTIONS:

No officer or employee of the city, or any other person directly or indirectly shall solicit or receive, or in any manner be concerned in the soliciting or receiving, from anyone on the eligible list or employee in the political service of the city any assessment, subscription, contribution or political service, for aiding or assisting in the campaign for city election, or appointment to any political or official or other position in the city. (Ord. 92-733)

2-3C-8: STATE AID FOR OFFICER TRAINING:

The city declares its desires to qualify to receive aid from the state, and that its law enforcement agency, the county, receive aid from the state of California under the provisions of chapter 1, of title 4, page 4 of the California Penal Code. (Ord. 92-733)

2-3C-9: STANDARDS FOR RECRUITMENT AND TRAINING:

Pursuant to section 13522 of said chapter 1, title 4 of part 4 of said California Penal Code, the city and the county acting as the law enforcement agency of 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 on peace officers standards and training. (Ord. 92-733)

Chapter 4
OFFICERS

2-4-0: ASSESSOR AND TAX COLLECTOR:

Pursuant to the authority granted by section 51501 of the Government Code of the state of California, the assessment and tax collection duties performed by the city assessor and tax collector hereby are transferred to the assessor and tax collector of the county of Los Angeles. (1960 Code)

2-4-1: ASSESSOR AND TAX COLLECTOR; ABOLISHMENT OF OFFICES:

The offices of city assessor and tax collector hereby are abolished. (1960 Code)

2-4-2: ASSESSOR AND TAX COLLECTOR; TRANSFER OF DUTIES:

Pursuant to the authority granted by section 51507 of the Government Code of the state of California, the duties of the city assessor, and the duties of the tax collector, hereby are transferred to and shall be performed by the assessor or tax collector of the county, respectively. (1960 Code)

2-4-3: CITY CLERK; DUTIES:

Any applications required to be filed with the city or fees required to be paid to the city, pursuant to the provisions of this code, shall be filed with or paid to the city clerk, unless otherwise by this code provided. (1960 Code)

2-4-4: BONDS; CITY CLERK, CITY TREASURER:

The city clerk and city treasurer upon the entry to office shall execute bonds to the city in amounts set by the city council. The premium costs for such bonds shall be a charge against the general funds of the city. (1960 Code)

2-4-5: REMOVAL OF PAPERS OR DOCUMENTS FROM THE CITY HALL:

No persons unless authorized by the city manager, city clerk, or city attorney, shall remove any papers or documents from the city hall. (1960 Code)

2-4-6: SALARIES:

The salaries and compensation of officers and employees of the city shall be as fixed and determined by resolutions of the city council. (Ord. 86-583)

Chapter 5
PURCHASING SYSTEM

2-5-0: ADOPTION OF PURCHASING SYSTEM:

In order to establish efficient procedures for the purchase of supplies, services and equipment, to secure for the city supplies, services and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is hereby adopted. All purchases or services or supplies for "public projects" as defined in section 20161 of the Public Contract Code (or any successor to that section) shall be made in accordance with the Public Contract Code and with sections 2-5-15 and 2-5-17, as applicable, of this chapter. All other purchases of supplies, services and equipment shall be made in accordance with this chapter. (Ord. 10-937)

2-5-1: CENTRALIZED PURCHASING DEPARTMENT:

There is hereby created a centralized purchasing department in which is vested authority for the purchase of supplies, services and equipment. (Ord. 10-937)

2-5-2: PURCHASING OFFICER:

There is hereby created the office of purchasing officer, who shall be appointed by the city manager. The purchasing officer shall be the head and have general supervision of the purchasing department. The purchasing officer shall have authority to:

A. Purchase or contract for supplies, service and equipment required by any using department in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt for the internal management and operation of the purchasing department and such other rules and regulations as shall be prescribed by the city council;

B. Negotiate and recommend execution of contracts for the purchase of supplies, services and equipment;

C. Act to procure for the city the needed quality in supplies, services and equipment at least expense to the city;

D. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;

E. Prepare and recommend to the city council rules governing the purchase of supplies, services and equipment for the city;

F. Prepare and recommend to the city council revisions and amendments to the purchasing rules;

G. Keep informed of current developments in the field of purchasing, prices, market conditions and new products;

H. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations;

I. Supervise the inspection of all supplies, services and equipment purchased to ensure conformance with specifications;

J. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any department or which have become unsuitable city use; and

K. Maintain a bidder's list, vendor's catalog file and records needed for the efficient operation of the purchasing department. (Ord. 10-937)

2-5-3: ESTIMATES OF REQUIREMENTS:

All departments using the purchasing department shall file detailed estimates of their requirements in supplies, service and equipment in such manner, at such time, and for such future periods as the purchasing officer shall prescribe. (Ord. 10-937)

2-5-4: ENCUMBRANCE OF FUNDS:

Except in cases of emergency, the purchasing officer shall not issue any purchase order for supplies, services or equipment unless there exists an unencumbered appropriation in the fund account against which said purchase is to be charged. (Ord. 10-937)

2-5-5: REQUISITIONS:

Using departments shall submit requests for supplies, services and equipment to the purchasing officer by standard requisition forms. (Ord. 10-937)

2-5-6: PURCHASE ORDERS:

Purchases of supplies, services and equipment shall be made only by purchase order or, where appropriate, by formal written contract. (Ord. 10-937)

2-5-7: EXEMPTIONS FROM CENTRALIZED PURCHASING:

The purchasing officer, with approval of the city council, may authorize in writing any department to purchase or contract for specified supplies, services and equipment independently of the purchasing department; but shall require that such purchases or contracts be made in conformity with the procedures established by this chapter and shall further require periodic reports from the department on the purchases and contracts made under such written authorization. (Ord. 10-937)

2-5-8: COOPERATIVE PURCHASING AGREEMENTS:

A. Without complying with the requirements of sections 2-5-10 and 2-5-11 of this chapter, the purchasing officer may participate in a cooperative purchasing agreement for the procurement of any supplies or equipment with any federal, state, county or local government agency when that agency has made their purchases in a competitive manner. The purchasing officer may participate in a cooperative purchasing agreement when the city can obtain supplies or equipment at a purchase price lower than that which the city can obtain through its normal purchasing procedures. In those instances where it is determined that purchasing through the federal, state, county or local government agencies will result in savings to the city, the purchasing officer is authorized to make such purchases.

B. The purchasing officer may also buy directly from a vendor at a price established by competitive bidding by another federal, state, county or local government agency in substantial compliance with sections 2-5-10 and 2-5-11 of this chapter even if the city has not joined with that public agency in a cooperative purchase agreement. (Ord. 10-937)

2-5-9: OPEN MARKET PROCEDURE:

Purchases of supplies, equipment, or services and sales of personal property of an estimated value in an amount more than five thousand dollars ($5,000.00) but less than twenty five thousand dollars ($25,000.00) may be made by the purchasing officer in the open market without observing the procedure prescribed in section 2-5-11 of this chapter. Purchase orders shall, whenever possible, be based on at least three (3) informal quotes. (Ord. 10-937)

2-5-10: BIDDING:

Purchases of supplies, services, or equipment and the sale of personal property of an estimated value in excess of twenty five thousand dollars ($25,000.00) shall be by bid procedures pursuant to this section and section 2-5-11 of this chapter. Bidding shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply, when the city council by a four-fifths ($^4/_5$) majority determines after opening of bids that rejection of all bids and purchase on the open market will best serve the city, or when the commodity can be obtained from only one vendor. (Ord. 10-937)

2-5-11: FORMAL CONTRACT PROCEDURE:

Except as otherwise provided herein, purchases and contracts for supplies, services, equipment and the sale of personal property of estimated value greater than twenty five thousand dollars ($25,000.00) shall be by purchase order or written contract with the lowest (or for purposes of section 2-5-16 of this chapter, highest) responsible bidder, as the case may be, pursuant to the procedure prescribed; herein:

A. Notice Inviting Bids: Notices inviting bids shall include a general description of the articles to be purchased or sold, shall state where bid blanks and specifications may be secured and the time and place for opening bids.

1. Published Notice: Notice inviting bids shall be published at least ten (10) days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published in the city, or if there is none, it shall be posted in at least three (3) public places in the city that have been designated by ordinance as the places for posting notices.

2. Bidder's List: The purchasing officer shall also solicit sealed bids from all responsible prospective suppliers whose names are on the bidder's list or who have requested their names to be added thereto.

3. Bulletin Board: The purchasing officer shall also advertise pending purchases or sales by a notice posted on a public bulletin board in the city hall;

B. Bidder's Security: When deemed necessary by the purchasing officer, bidder's security may be prescribed in the public notices inviting bids. Bidders shall be entitled to return of bid security; provided that a successful bidder shall forfeit his bid security upon refusal or failure to execute the contract within ten (10) days after the notice of award of contract has been mailed, unless the city is responsible for the delay. The city council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. If the city council awards the contract to the next lowest bidder, the amount of the lowest bidder's security shall be applied by the city to the difference between the low bid and the second lowest bid, and the surplus, if any, shall be returned to the lowest bidder;

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

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

E. Award Of Contracts: Contracts shall be awarded by the city council to the lowest responsible bidder who meets the quality requirements. The decision of the city council shall be final. For purchases of supplies and equipment, determination of the "lowest responsible bidder" may include the adjustment of the bid price of a qualifying local vendor (as defined in subsection 2-5-17B1 of this chapter) according to the local vendor preference procedures described in subsection 2-5-17B3 of this chapter. For purposes of this section, a "responsible bidder" means a bidder who has demonstrated the quality, fitness, capacity, and experience to satisfactorily perform the particular requirements of the city;

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

G. Performance Bonds: The city council shall have authority to require a performance bond before entering into a contract in such amount as it shall find reasonably necessary to protect the best interests of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 10-937)

2-5-12: INSPECTION AND TESTING:

The purchasing officer shall inspect supplies and equipment delivered and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The purchasing officer shall have authority to require chemical and physical tests of sample submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Ord. 10-937)

2-5-13: PROFESSIONAL SERVICES:

The city manager shall sign all professional service contracts on behalf of the city. Professional services contracts will be prepared in accordance with the city's standard consultants services agreement. The process for securing professional services will be through negotiation or through request for proposal subject to the contract value limitations of sections 2-5-9 and 2-5-10 of this chapter. (Ord. 10-937)

2-5-14: EMERGENCY PURCHASES:

During times of emergency, as concurred in by the city council or the city manager, mayor and city attorney, purchases necessary to meet such emergency may be made without compliance with this chapter. (Ord. 10-937)

2-5-15: DESIGN/BUILD CONTRACTS:

Whenever the city seeks to construct any public work, other than transportation facilities, with design and construction costs in excess of one million dollars ($1,000,000.00), the city council may proceed to contract therefor as a design/build project in compliance with California Public Contract Code section 20175.2, as amended, or any later enacted statute regulating design/build contracts. (Ord. 10-937)

2-5-16: SURPLUS SUPPLIES AND EQUIPMENT:

All using departments shall submit to the purchasing officer at such times and in such form as he shall prescribe, reports showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer shall have authority to sell all supplies and equipment which cannot be used by any department or which have become unsuitable for city use, or to exchange the same for, or trade in the same on, new supplies and equipment. Such sales shall be made pursuant to sections 2-5-9, 2-5-10 and 2-5-11 of this chapter, as applicable. (Ord. 10-937)

2-5-17: LOCAL VENDOR PREFERENCE PROGRAM:

A. The city has established a local vendor preference program to be applied in the procurement of supplies and equipment under section 2-5-11 of this chapter.

B. The adjustment to bids provided for under the local vendor preference program shall be implemented according to the following:

1. Qualification For Local Vendor Preference: In the procurement of supplies and equipment for the city's requirements, preference shall be given to those vendors who: a) qualify as a local vendor ("qualifying local vendor") under this subsection and b) submit a written statement in their bid package requesting to be considered a qualifying local vendor. In order to qualify as a local vendor, the bidder must certify the following information as part of the bid package:

a. It has fixed facilities with employees located within the city limits;

b. It has a business street address (post office box or residential address shall not suffice to establish a local presence);

c. All sales tax returns for the goods purchased must be reported to the state through a business within the geographic boundaries of the city; and

d. It has a city business license.

2. False Certifications: False certifications shall be immediate grounds for rejection of any bid or if the bid is awarded, grounds for voiding the bid, terminating any agreement, and seeking damages thereto. Failure to certify the above information shall result in the bid being considered by the city without any adjustment for a local vendor as described in subsection B3 of this section.

3. Application Of Local Vendor Preference: The bid of a qualifying local vendor shall be adjusted according to the following procedures:

a. In the tabulation of bids to determine the lowest responsible bidder, the bid of each qualifying local vendor shall be reduced by five percent (5%).

b. The reduced bid price of the qualifying local vendor will then be compared to the other bids received by the city to determine the lowest responsible bidder under section 2-5-11 of this chapter. Notwithstanding this reduction for purposes of determining the lowest responsible bidder, the contract amount with the lowest responsible bidder shall be at the bid price. (Ord. 10-937)

Chapter 5.5
BUDGET RESERVE FUND BALANCE REQUIREMENTS

2-5.5-0: PURPOSE:

The primary purpose of this chapter is to ensure adequate fiscal resources and stable delivery of city services during emergencies, fiscal emergencies, annual revenue fluctuations, liquidity shortages, or severe economic downturns so that in the event of these occurrences the city is able to continue providing essential city services and satisfying expenditure obligations. The secondary purpose of this chapter is to enable realistic long term planning, assist in development of annual budgets, require the prudent use of resources, and to implement sound fiscal management practices. To achieve these purposes, this chapter requires the city to:

A. Establish adequate reserves.

B. Establish sound fiscal reserve requirements.

C. Ensure the city satisfies its short term and long term financial obligations.

D. Establish a periodic review of the city's fund balances and reserves.

E. Enhance the city's credit rating.

To achieve the purposes of this chapter it is contemplated that the city will establish various budget reserve fund balance accounts facilitating funding of emergencies, contingencies, liabilities and planned major capital projects. (Ord. 12-953)

2-5.5-1: DEFINITIONS:

For the purposes of this chapter, the following terms shall have the following meanings:

ECONOMIC STABILIZATION RESERVE: As provided in GASB 54 (Governmental Accounting Standards Board), an identified fund for which the specified purpose is stabilizing the delivery of city services during periods of operational deficits resulting from deferral of federal, state, or county remittance and which may also be used as a short term bridge from unexpected and drastic downturns in the economy. Pursuant to GASB 54 stabilization is regarded as a specified purpose only if the circumstances or conditions that signal the need for stabilization: a) are identified in sufficient detail and b) are not expected to occur routinely.

EMERGENCY: As provided in section 2-7-1 of this title.

FISCAL EMERGENCY: The occurrence of any one or more of the following:

A. The existence of a default on a debt obligation for more than thirty (30) days, or the reasonable probability that the city will default on a debt obligation, or that the city will not be able to cure a default on a debt obligation within thirty (30) days;

B. The existence of a failure for lack of funds to make payment of all payroll to officials, officers, or employees of the municipal corporation for more than one payment cycled;

C. The existence of a condition in which accounts due and payable at the end of the preceding fiscal year, less the year end balance, exceeded one-twelfth ($^1/_{12}$) of the available revenues during the preceding fiscal year;

D. The existence of a condition in which the aggregate of deficit amounts of all deficit funds at the end of the preceding fiscal year, less the year end balance, exceeded one-twelfth ($^1/_{12}$) of the total of the general fund budget for that year and the receipts to those deficit funds other than from transfers from the general fund;

E. The existence of a condition in which, at the end of the preceding fiscal year, monies and marketable investments in or held for the unsegregated treasury of the municipal corporation, minus outstanding checks and warrants, were less than the aggregate of the positive balances of the general fund and those special funds whose purposes the unsegregated treasury meets, and such deficiency exceeded one-twelfth ($^1/_{12}$) of the total amount received into the unsegregated treasury during the preceding fiscal year. (Ord. 12-953; amd. Ord. 12-961)

2-5.5-2: MINIMUM BUDGET RESERVE FUND BALANCE:

The city will maintain combined general fund reserves as follows:

A. Emergency/Disaster Reserve - Fifty Thousand Dollars:

1. Use of these funds is allowable only when the following conditions have been met: a) the city council has declared the existence of either an "emergency" or "fiscal emergency"; and b) the use of the reserve has been approved by four-fifths ($^4/_5$) vote of the membership of the city council.

2. Within six (6) months after the council's determination in subsection A1 of this section the city manager shall present a plan to the city council to replenish this fund.

3. If all or a portion of the reserve is utilized, the reserve will be restored to the original level as adopted within the next five (5) years or whenever reasonably possible.

B. Liquidity Reserve - Two Million Dollars:

1. Funds are to be set aside to provide cash flow for timing of revenues and expenditures. For example, while payroll costs are biweekly and fairly predictable, state and county tax payments can vary. The city may also from time to time have major projects that are grant funded on a reimbursement basis that require large cash outlays. A "liquidity reserve" is established to provide the cash on hand needed in between large revenue payments and grant reimbursements and will alleviate the need for short term borrowing.

2. If all or a portion of the reserve is utilized, the reserve will be restored to the original level as adopted within the next five (5) years or whenever reasonably possible.

C. Local Economic Uncertainty Reserve - One Million Four Hundred Fifty Thousand Dollars:

1. Funds are to be set aside for the purpose of stabilizing the delivery of city services during periods of operational budget deficits resulting from the conditions as described in the definition of "economic stabilization reserve" herein.

2. Use of the funds are allowable only when the city council, upon the four-fifths ($^4/_5$) vote of its membership, has approved the use of the fund.

3. If all or a portion of the reserve is utilized, the reserve will be restored to the original level as adopted within the next five (5) years or whenever reasonably possible. (Ord. 15-1006)

D. Other Reserve Designations: The city council may at any time designate specific fund balance levels for future development of projects which it has determined to be in the best long term interests of the city.

E. Amount Of Reserves: The city manager must include a recommendation for the amounts to be appointed to these reserves during the annual budget process. (Ord. 12-953)

Chapter 6
CITY COMMISSIONS

ARTICLE A. PARKS AND RECREATION COMMISSION[1]

2-6A-0: PARKS AND RECREATION COMMISSION CREATED:

Pursuant to article XI of the charter of the city of Temple City, a parks and recreation commission is hereby created. (1960 Code; amd. Ord. 91-686; Ord. 95-777)

2-6A-1: MEMBERS:

The parks and recreation commission shall consist of five (5) members appointed for two (2) year terms who shall be residents and qualified electors of the city at the time of their appointment to office and members shall be required to remain residents and qualified electors of the city during their entire period of service on the commission. Members shall be appointed as set forth in section 1103 of the charter of the city of Temple City. (1960 Code; amd. Ord. 90-677; Ord. 95-777)

2-6A-2: ORGANIZATION:

The rules and regulations adopted by the commission and "Robert's Rules Of Order", where not inconsistent with said rules and regulations, shall govern all meetings of the commission.

The commission shall elect its chairman from among its appointed members for a term of one year. The commission shall hold at least one regular meeting in each month. (1960 Code)

2-6A-3: MEETINGS:

Regular meetings shall be as provided for by resolution of the parks and recreation commission and approved by the city council. Special meetings shall be called in the manner specified in the Government Code of the state of California for the calling of special meetings of commissions and boards. A majority of the regular members shall constitute a quorum. Less than a quorum may adjourn any meeting. (1960 Code; amd. Ord. 95-777)

2-6A-4: ABSENCE FROM MEETINGS:

If a member of the commission shall be absent from three (3) successive regular meetings of said commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the commission shall immediately inform the city council of such vacancy. (1960 Code)

2-6A-5: ABSENCE FOR CAUSE:

Where a member of the commission is absent due to illness or unavoidable absence from the city, and gives notice thereof to the secretary of the commission on or before the day of any regular meeting by said commission the same shall be deemed an absence for cause. (1960 Code)

2-6A-6: RECORDS:

The commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it. Such records shall be maintained as are public records of other bodies and agencies. Minutes of the commission shall be filed with the city clerk. (1960 Code)

2-6A-7: DUTIES:

The duties of the parks and recreation commission shall be as follows:

A. It shall be the continuing duty of the parks and recreation commission to monitor the existing parks and recreation programs and to formulate policy matters directly to the city council in respect to the development and acquisition of park sites, the development, maintenance and general operation of existing recreation areas and facilities; and the development of programs such as senior citizens' services; transportation; human services; youth services; special events, and other community wide programs and activities;

B. To act in an advisory capacity to the city council in all matters pertaining to parks, parks and recreation programs, transportation programs, and trees and parkways;

C. To act as liaison with the governmental agencies, private social service agencies, civic groups and citizens in order to establish an ongoing needs assessment for programs and sites, and to coordinate programs for a more effective delivery of services and reduction of duplication;

D. To advise city staff with respect to matter of administration, development of park and recreation programs, areas, facilities and services;

E. To make periodic inventories of recreation programs that exist or may be needed within the city, county or community, to review the needs with city staff and to advise the city council accordingly;

F. To advise city staff concerning the preparation of the annual parks maintenance, recreation/human services, public transportation, and trees and parkways program budgets, special projects and long range capital improvement programs;

G. To review on an as needed basis ordinances and city policies which relate to use of city parks and public facilities;

H. To develop, review, recommend and implement community activities that promote and encourage economic enhancement opportunities;

I. To assist city staff in the development, review, and amendment of a comprehensive street tree management plan, street tree inventory, master street tree list, and landscape plan requirements for private developments;

J. To recommend specific guidelines for tree maintenance, landscaping policies, placement and general pruning standards for publicly owned trees within the city;

K. To assess the effectiveness of the existing ordinances regulating trees and recommend tree preservation and enhancement ordinances;

L. Upon request by the city council or city staff, consider, investigate, and make findings, reports and recommendations upon any special matter or question relating to street trees within the city;

M. To hear appeals from residents on city staff decisions regarding denials of permits for removal or altering of trees in public places, or denials of permits to plant trees in public places;

N. To help develop and implement educational and other programs addressing urban forestry issues. (Ord. 13-966)

ARTICLE B. POLICE COMMISSION

2-6B-0: ESTABLISH; AUTHORITY:

The city council shall have the authority at any time to establish itself or to designate any other committee, board or commission, as a police commission; and may appoint official and ex officio members thereto. When so established, such police commission shall have the authority to:

A. Designate the city manager as director of public safety with authority to act pursuant to sections 41601 and 38791 of the Government Code of the state of California;

B. Establish any and all public safety functions and necessary rules and regulations;

C. Appoint peace officers pursuant to the provisions of section 830 of the Penal Code;

D. Issue weapons' permits pursuant to section 12050 of the Penal Code;

E. Issue indicia of authority, such as badges, identification, uniforms or other insignia of peace officer status; and

F. Perform any other such duties as may be assigned by the city council. (1960 Code)

2-6B-1: SALARY:

All members of the police commission and peace officers appointed thereby shall receive a salary of one dollar ($1.00) per year. (1960 Code)

ARTICLE C. ART IN PUBLIC PLACES PROGRAM

2-6C-0: PURPOSE:

The purpose of this article is to establish an Art in Public Places Program within the City. (Ord. 17-1024)

2-6C-1: DEFINITIONS:

ADVISORY COMMITTEE: The standing committee established by section 2-6C-2 of this article.

ART IN PUBLIC PLACES PROGRAM OR PROGRAM: The program established by section 2-6C-2 of this article.

ART IN PUBLIC PLACES PROGRAM PLAN OR PROGRAM PLAN: The annual report approved by City Council pertaining to how the Art in Public Places Program is to be implemented.

CITY APPROPRIATION: The appropriation of funds by the City to the Public Art Fund for City projects per section 2-6C-4 of this article.

PUBLIC ART: Art of a permanent nature procured or commissioned by the City for installation in a public space.

PUBLIC ART FUND: Those funds maintained by the City Administrative Services Director to support the Art in Public Places Program.

PUBLIC ART PROJECT: The procurement or commissioning, site selection and installation of public art by the City.

PUBLIC SPACE: Any property that is owned, controlled, or dedicated to the City that is generally accessible to the public. (Ord. 17-1024)

2-6C-2: ART IN PUBLIC PLACES PROGRAM, PUBLIC ART FUND AND

ADVISORY COMMITTEE ESTABLISHED:

A. Program Established: The City Council hereby establishes an Art in Public Places Program for the procurement, commissioning and installation of public art in public spaces. The City Council shall review and approve public art projects and shall oversee the program, including but not limited to review and approval of the annual Program Plan and the selection of appropriate public spaces for the placement of public art.

B. Public Art Fund Established: The City Council hereby establishes a Public Art Fund. The Public Art Fund shall be maintained by the City's Administrative Services Director and will support public art projects. Funds received by the City from whatever source, including City appropriations, that have been restricted or otherwise identified for expenditure for the purpose of procuring, commissioning, installing and maintaining public art shall be deposited by the City in the Public Art Fund.

C. Advisory Committee Established: The City Council hereby establishes a standing Advisory Committee of Council members and community members to advise the City Council on matters related to the Art in Public Places Program, including the annual Program Plan. This committee shall be comprised of two (2) City Council members and up to five (5) additional members of the community who have expertise in or interest in public art. Community members need not reside in the City but may be employed in the City or otherwise connected to public art in the City but may not be employed by the City. Selection of community members is not subject to any formal process and the City Council in its discretion may select and appoint members for a fixed period of time or for an open-ended period of time connected to the review and recommendation of a particular public art project. The City Council has the discretion to remove a community member from the Advisory Committee if it determines that the community member's expertise or advice is no longer needed for the program. Nothing in this section shall be interpreted to limit the authority of the City Council to establish one (1) or more ad hoc committees if the City Council deems necessary or prudent to provide recommendations regarding a specific aspect of the program. (Ord. 17-1024)

2-6C-3: ANNUAL ART IN PUBLIC PLACES PROGRAM PLAN:

It is the intent of the City Council to develop and adopt an annual Art in Public Places Program Plan that identifies specific program goals for the year, means of achievement, proposed expenditures, sources of supplemental revenue, schedule of execution, necessary resources and responsibilities, and an implementation plan. The Advisory Committee shall meet to review and make recommendations regarding the annual Program Plan. The City Council shall have final review and approval authority over the Program Plan. (Ord. 17-1024)

2-6C-4: CITY APPROPRIATIONS:

The City Council may appropriate City funds to the Public Art Fund from time to time as the Council determines is in the public interest. The City Council may accept recommendations regarding appropriations or may make appropriations of its own volition. (Ord. 17-1024)

2-6C-5: DONATIONS AND OTHER CHARITABLE GIFTS:

The City may receive offers of donations, gifts, bequests, grants, and art from any government agencies or private donors. All donations, gifts, and bequests are subject to approval by the City Council. Potential donors will be referred to the City Manager or his or her designee to discuss the nature of the gift and the review process. After a preliminary review is conducted, the City Manager shall refer the matter to the Advisory Committee. The Advisory Committee shall analyze the offer and the City's ability to incorporate the offer into the program, and shall make a recommendation to the City Council regarding acceptance or rejection of the offer and, where the offer is of physical public art, a public space for placement of the donation. The City Council shall review the Advisory Committee recommendation and may take such further action as it deems appropriate prior to accepting or rejecting the offer. Donated funds will be accounted for individually and may be administered by the City Administrative Services Director or designee, consistent with the donor's restrictions and direction

from the City Council. Donations and other charitable monies will be transferred to the Public Art Fund. (Ord. 17-1024)

ARTICLE D. TRAFFIC COMMISSION

(Rep. by Ord. 93-747)

ARTICLE E. TRANSPORTATION AND PUBLIC SAFETY COMMISSION

2-6E-0: CREATED:

Pursuant to article XI of the charter of the city of Temple City, a transportation and public safety commission for the city of Temple City is hereby created. (Ord. 13-986)

2-6E-1: MEMBERS:

The transportation and public safety commission shall consist of five (5) members appointed for two (2) year terms who shall be residents and qualified electors of the city at the time of their appointment to office and members shall be required to remain residents and qualified electors of the city during their entire period of service on the commission. Members shall be appointed as set forth in section 1103 of the charter of the city of Temple City. (Ord. 13-986)

2-6E-2: ORGANIZATION:

A. The rules and regulations adopted by the commission and "Robert's Rules Of Order", where not inconsistent with said rules and regulations, shall govern all meetings of the commission.

B. The commission shall elect its chairman, vice chairman and other such officers as may be required from among its appointed members for a term of one year.

C. The commission shall elect its officers every twelve (12) months. Said election shall be held at the regular July meeting of the commission.

D. The commission may appoint subcommittees as may be required. (Ord. 94-759)

2-6E-3: MEETINGS:

Regular meetings shall be as provided for by resolution of the transportation and public safety commission and approved by the city council. Special meetings shall be called in the manner specified in the Government Code of the state of California for the calling of special meetings of commissions and boards. A majority of the regular members shall constitute a quorum. Less than a quorum may adjourn any meeting. (Ord. 13-986)

2-6E-4: ABSENCE FROM MEETINGS:

If a member of the commission shall be absent from three (3) successive regular meetings of said commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the commission shall immediately inform the city council of such vacancy. (Ord. 94-759)

2-6E-5: ABSENCE FOR CAUSE:

Where a member of the commission is absent due to illness or unavoidable absence from the city and gives notice thereof to the chairman of the commission on or before the day of any regular meeting by said commission, the same shall be deemed an absence for cause. (Ord. 94-759)

2-6E-6: RECORDS:

The commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence and other matters coming before it. Such records shall be maintained as are public records of other bodies and agencies. Minutes of the commission shall be filed with the city clerk. (Ord. 94-759)

2-6E-7: DUTIES:

The transportation and public safety commission shall review community safety issues referred to the commission by the city council and make appropriate recommendations regarding the administration of public safety programs, including vehicular traffic and pedestrian safety, vehicle parking control, emergency preparedness, and transportation as follows:

A. Public Safety Programs:

1. The commission shall monitor the adequacy of city public safety programs, identify service deficiencies and make recommendations to the city council regarding improvements.

2. The commission shall monitor public safety program service levels and make recommendations to the city council regarding increases or decreases in service and potential program funding sources.

3. The commission shall consider alternative public safety programs and make recommendations to the city council regarding the feasibility, costs and benefits of contract service options.

4. The commission shall have the authority to act as the hearing body for the administrative citation program and to take action in accordance with all applicable local, state and federal laws.

B. Vehicular Traffic And Pedestrian Safety:

1. The commission shall identify and examine vehicular traffic and pedestrian safety deficiencies, perform or facilitate related studies and make recommendations to the city council regarding improvements.

2. The commission shall review vehicular traffic regulations and parking control activities and make recommendations to the city council regarding improvements.

3. The commission shall receive and investigate citizen complaints pertaining to vehicular traffic and pedestrian safety concerns, and when deemed necessary by the commission, report the commission's findings and recommendations to the city council.

4. The commission shall have the authority to act as the hearing body for the administrative citation program and to take action in accordance with all applicable local, state and federal laws.

5. The commission shall review appeals from permit holders for the overnight parking permit program.

C. Emergency Services:

1. The commission shall make specific recommendations to the city council regarding the development and implementation of emergency services programs.

2. All commissioners shall be considered members of the Temple City emergency organization pursuant to section 2-7-8 of this title and shall actively participate in the Temple City emergency reserve volunteer program.

D. Transportation:

1. Develop transportation policy recommendations for city council approval. Such policy recommendations shall be consistent with other adopted city plans and policies.

2. Review and advise the appropriate city departments, committees, commissions, and city manager on transportation policies.

3. Review transportation plans, including project/master plans (e.g., bike master plan,

downtown parking strategic plan) and documents that affect transportation systems in the city for the purpose of providing comments and advising the planning commission and/or city council.

4. Review of public transit system such as a trolley or shuttle bus system in the city for the purposes of advising city council or other city commissions.

5. Review and recommend effective methods to calm and slow traffic (e.g., speed humps/bumps, traffic circles, bulb outs).

6. Review and recommend effective methods to maximize the efficiency and safety of circulation system (i.e., circulation element of the general plan) for all participants including cyclists, pedestrians, and public transportation. (Ord. 13-986)

ARTICLE F. GENERAL PROVISIONS

2-6F-0: TERMS OF OFFICE[1]:

A. The members of all city commissions shall serve staggered two (2) year terms. Two (2) commissioners' terms shall expire on the same date and the remaining three (3) commissioners' terms shall expire one year later. All commissioner terms shall commence July 1 and end on June 30. If an individual is appointed to a commission seat after July 1 to fill a vacancy or for any other reason, the individual shall be appointed to serve for the unexpired portion of the term.

B. Notwithstanding subsection A of this section, the terms of individuals appointed to serve on a newly formed or reconstituted commission are deemed to have commenced on the July 1 immediately preceding their appointment. Two (2) commissioners on a newly formed or reconstituted commission shall serve a two (2) year term and the remaining three (3) commissioners shall serve a three (3) year term. Any commissioner serving on a newly formed or reconstituted commission may volunteer to serve for the shorter term, and shall be given such term if approved by a unanimous vote of the commissioners present. The terms for any remaining seats shall be determined by drawing lots.

C. The city clerk shall keep track of the commencement and expiration dates of all commissioner terms, the names of the individuals currently serving on a commission, and the dates on which the individuals currently serving on a commission were actually seated. The city clerk shall notify the city council of the need to commence consideration of the replacement or reappointment of commissioners three (3) months before the commissioners' terms are set to expire. (Ord. 11-940)

Chapter 7
CIVIL DEFENSE AND DISASTER COUNCIL

2-7-0: PURPOSES:

The declared purposes of this section through section 2-7-11 of this chapter are to provide for the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. Any expenditures made in connection with such civil defense and disaster activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (1960 Code)

2-7-1: DEFINITION:

As used in this chapter, "emergency" shall mean, in accordance with California Government Code section 8558(c), the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the city, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the city, and require the combined forces of other political subdivisions to combat. (Ord. 12-961)

2-7-2: MEMBERSHIP:

The Temple City civil defense and disaster council is hereby created and shall consist of the following:

A. The mayor, who shall be chairman;

B. The director of civil defense and disaster, who shall be vice chairman;

C. The assistant director, appointed by the city manager with the advice and consent of the city council, who, under the supervision of the director, shall develop civil defense and disaster plans and organize the civil defense and disaster program of this city, and shall have such other duties as may be assigned by the director;

D. Such deputy directors and chiefs of city emergency services as are provided for in the current civil defense and disaster emergency operations plan of the city and as confirmed by the director;

E. Such representatives of civic, business, labor, veterans, professional or other organizations having an official group or organization civil defense and disaster responsibility as may be appointed by the mayor with the advice and consent of the city council. (1960 Code)

2-7-3: COUNCIL POWERS AND DUTIES:

It shall be the duty of the Temple City disaster council and it is hereby empowered, to develop and recommend for adoption by the city council, emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice chairman. (1960 Code)

2-7-4: DIRECTOR AND ASSISTANT DIRECTOR OF EMERGENCY SERVICES:

There is hereby created the office of director of emergency services. The city manager shall be the director of emergency services. Furthermore, there is hereby created the office of assistant director of emergency services, who shall be appointed by the director. (1960 Code)

2-7-5: POWERS AND DUTIES OF THE DIRECTOR:

The director is hereby empowered to:

A. Request the city council to proclaim the existence or threatened existence of a "local emergency" if the city council is in session, or to issue such proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council shall take action to ratify the proclamation within seven (7) days; otherwise, the same shall lapse;

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

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

D. Direct cooperation between and coordination of services and staff of the emergency organization of this city; and resolve questions of authority and responsibility that may arise between them;

E. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein;

F. In the event of the proclamation of a "local emergency" as herein provided, the proclamation of a "state of emergency" by the governor or the director of the state office of emergency services, or the existence of a "state of war emergency", the director is hereby empowered to:

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

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

3. Require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a "state of war emergency", to command the aid of as many citizens of this community as he deems necessary in the execution of his duties;

4. Requisition necessary personnel or material of any city department or agency;

5. Execute all of his ordinary power as city manager, all of the special powers conferred upon him by this chapter or by resolution or approved plan adopted pursuant thereto, all powers conferred upon him by any statute, agreement approved by the city council, or by any other lawful authority, and in conformity with section 38791 of the Government Code, to exercise complete authority over the city and to exercise all police power vested in the city by the constitution and general laws;

6. Declare hours of curfew for all persons and, during said hours of curfew, all persons shall be at their homes and shall not be on the streets, alleys or other public areas of the city, except in cases of extreme urgency. The curfew shall be declared in a proclamation of the mayor, which proclamation shall be delivered to the chief of police, who shall then see that said proclamation and curfew and warn the public that any violation of the curfew shall be deemed a misdemeanor and violators will be arrested;

7. Temporarily close any and all streets, alleys, and other public ways in the city to the public whenever, in the opinion of the director, it is necessary in order to maintain the peace of said community;

8. Declare all or any business establishments to be closed and remain closed until further order. Any person, after notice, refusing to close and remain closed shall be deemed guilty of a misdemeanor. The mayor shall issue a proclamation which shall be delivered to the chief of police, who shall inform said business of said proclamation;

9. Invoke any or all of the following provisions:

a. Alcoholic Beverages: No persons shall consume any alcoholic beverages in a public street or place which is publicly owned or in any motor vehicle driven or parked thereon which is within a duly designated restricted area.

b. Weapons: No unauthorized person shall carry or possess any rock, bottle, club, brick or weapon.

c. Restricted Areas: No person shall enter any area designated by the city manager as a restricted area unless in the performance of official duties or the written permission from the city manager or his duly designated representative, or such person shall prove residence therein. (1960 Code)

2-7-6: ORDER OF SUCCESSION TO DIRECTORSHIP:

The director of emergency services shall designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform his duties during an emergency. Such order of succession shall be approved by the city council. (1960 Code)

2-7-7: POWERS AND DUTIES OF ASSISTANT DIRECTOR:

The assistant director shall, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans and manage the emergency programs of this city and shall have such other powers and duties as may

be assigned by the director. (1960 Code)

2-7-8: DISASTER OR EMERGENCY ORGANIZATION:

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may by agreement or operation of law, including persons impressed into service under the provisions of this chapter, be charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city of Temple City. (1960 Code)

2-7-9: ORGANIZATION, DUTIES AND FUNCTIONS:

The organization's duties and functions of the civil defense and disaster organization (city emergency organization), its relationship with the American National Red Cross and the order of emergency succession to the position of director of civil defense and disaster of the city shall be as set forth in the current civil defense and disaster of the city shall be as set forth in the current civil defense and disaster agencies of the federal government and the state of California. (1960 Code)

2-7-10: EMERGENCY PLAN:

The Temple City disaster council shall be responsible for the development of the city of Temple City emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services, and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. (1960 Code)

2-7-11: EXPENDITURES:

Any expenditures made in connection with emergency activities, including mutual aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city of Temple City. (1960 Code)

2-7-12: PUNISHMENT OF VIOLATORS:

It shall be a misdemeanor, punishable by a fine not to exceed five hundred dollars ($500.00), or by imprisonment not to exceed six (6) months, or both, for any person, during an emergency, to:

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

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

C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of this state. (1960 Code)

2-7-13: SUCCESSION OF CITY COUNCIL:

The following sections shall govern the succession of the city council during calamity:

A. In the event of great public calamity, such as extraordinary fire, flood, storm, epidemic, earthquake, sabotage, nuclear catastrophe or enemy attack any vacancies in the city council shall be filled pursuant to subsections B through E of this section.

B. Any vacancies in the city council to be filled pursuant to subsection A of this section shall be filled by the members of the city council able to act, or by the sole remaining member able to act, from members of the planning commission, transportation and public safety commission and parks and recreation commission who shall be able to act.

C. In the event no councilman is able to act five (5) people, selected pursuant to subsections C1, C2, C3, C4 and C5 of this section shall act as the city council until such time as any councilman shall be able to act, at which time a council shall be selected by the councilman able to act, pursuant to subsection B of this section. Selection shall be accomplished as follows:

1. The five (5) members of the planning commission shall act.

2. If there are not sufficient members of the planning commission able to act, those remaining members or anyone who can act, shall select the members needed from the transportation and public safety commission.

3. If there are no members of the planning commission able to act, the transportation and public safety commission shall act.

4. If there are not sufficient members of the transportation and public safety commission able to act, the parks and recreation commission shall act.

5. If there are not sufficient members of the parks and recreation commission able to act, those who are able to act shall select the remaining council members from residents of the city of Temple City.

D. Councilmen becoming able to act after one councilman has become able to act (and has filled the council vacancies) shall replace emergency appointments with the most recent appointment being the first replaced.

E. Upon the conclusion of any public calamity the city council shall cause an election to be held to fill any vacancy not filled within thirty (30) days of the particular vacancy in accordance with the Government Code of the state of California. (1960 Code; amd. Ord. 93-747; Ord. 94-763; Ord. 13-986)

Chapter 8
COMMUNITY REDEVELOPMENT AGENCY

2-8-0: CREATED; DUTIES; COMPENSATION:

There being a need for a redevelopment agency to function in the city, a community redevelopment agency be, the same hereby is, created in and for the city. The city council of the city does hereby, pursuant to the community redevelopment law of the state, declare itself to be the said community redevelopment agency. The said city council, when acting as said agency, shall be vested with all of the rights, powers, duties, privileges, immunities, and pay incident thereto. (Ord. 05-902)

Chapter 9
COMMUNITY DEVELOPMENT AND HOUSING AUTHORITY

2-9-0: CREATED; DUTIES; COMPENSATION:

There being a need for a community development and housing authority to function in the city, a community development and housing authority be, the same hereby is, created in and for the city. The city council of the city does hereby, pursuant to the Health And Safety Code and Government Code of the state of California, declare itself to be the said community development and housing authority. The said city council, when acting as said authority, shall be vested with all of the rights, powers, duties, privileges, immunities, and pay incident thereto. (Ord. 05-902)

Chapter 10
ECONOMIC DEVELOPMENT

2-10-0: PURPOSE:

The city of Temple City shall undertake economic development activities, including, but not limited to, those enumerated in this chapter, for the purpose of promoting the general health and welfare, the economic welfare, the public convenience and

general prosperity of the inhabitants of the city. The economic development activities authorized by this chapter accomplish these purposes and are municipal affairs. (Ord. 12-955)

2-10-1: AUTHORIZED ACTIVITIES:

In order that the purpose of this chapter be accomplished, the city council, or the city manager or his designee if directed or delegated to by the city council, is authorized to perform the following activities:

A. Purchase, lease, obtain option upon, acquire by gift, grant, bequest, devise, or otherwise, any real or personal property, any interest in property, and any improvements on it, including repurchase of developed property previously owned by the city;

B. Acquire real property by eminent domain if the acquisition of the real property is found by the city council to be necessary for the economic development of the city;

C. Dispose of real and personal property for fair market value, or for less than fair market value of the property so long as the disposition is found to aid in the purposes of this chapter;

D. Provide for site preparation work, including, but not limited to, demolition, clearing, and hazardous substance remediation, for private developments;

E. Insure, rent, manage, operate, repair, and clear real property owned by the city;

F. Rehabilitate, alter, construct buildings on, or otherwise improve real property in anticipation of disposal or long term lease of the property to a private or public entity;

G. Acquire, demolish, repair, and replace buildings or other improvements damaged or destroyed due to a state or nationally declared emergency;

H. Accept financial assistance from public or private sources for the purpose of engaging in economic development activities;

I. Provide financial assistance in the form of grants, loans, payments of insurance premiums, tax rebates, or other assistance to assist in the attraction or retention of commercial and industrial activity in the city;

J. Provide financial assistance in the form of grants, loans, payments of insurance premiums, tax rebates, or other assistance to assist in the attraction or retention of multi-family housing development to the city;

K. Take such other action as the city council finds necessary and appropriate to encourage economic development within the city for the purposes of this chapter. (Ord. 12-955)

Chapter 11
AWARD OF PUBLIC PROJECTS

2-11-0: PURPOSE:

The purpose of this chapter is to establish procedures that apply to public contracts in a manner that is consistent with the uniform public construction cost accounting act, commencing with Public Contract Code section 22000. (Ord. 13-977)

2-11-1: DEFINITIONS:

COMMISSION: The California uniform construction cost accounting commission established under Public Contract Code section 22010.

PUBLIC PROJECT: Shall have the meaning as set forth in Public Contract Code section 22002. (Ord. 13-977)

2-11-2: PUBLIC PROJECTS:

A. Except as provided by subsection D of this section, the city manager may cause public projects for forty five thousand dollars ($45,000.00) or less to be performed by employees of the city by force account, by negotiated contract, or by purchase order.

B. Except as provided by subsection D of this section, public projects of one hundred seventy five thousand dollars ($175,000.00) or less, may be let to contract by the informal bidding procedures described in section 2-11-4 of this chapter.

C. Except as provided in subsection D of this section and subsection 2-11-4B of this chapter, public projects of more than one hundred seventy five thousand dollars ($175,000.00) shall be let to contract by the formal bidding procedures described in section 2-11-5 of this chapter.

D. The dollar limits set forth in subsections A and B of this section shall adjust without city council action as necessary to comply with any adjustment mandated by the state controller pursuant to the authority granted by Public Contract Code section 22020. (Ord. 13-977)

2-11-3: CONTRACTOR LIST:

A list of contractors shall be developed and maintained in accordance with Public Contract Code section 22034 and any criteria promulgated from time to time by the commission. This list will be maintained by the city manager. (Ord. 13-977)

2-11-4: INFORMAL BIDDING PROCEDURE:

The following procedures apply to informal bids for public projects:

A. Notice: The notice inviting informal bids shall state the time and place for the submission of bids and describe the project in general terms with an explanation of how to obtain more detailed project information. It shall be mailed to all construction trade journals specified by the commission in accordance with Public Contract Code section 22036. Notification may also be provided to the contractors on the list created pursuant to section 2-11-3 of this chapter for the category of work being bid, and to any additional contractors or construction trade journals. However, if there is no list of qualified contractors maintained by the county 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. Further, 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.

Where the mailing of notices to contractors and construction trade journals is required, the notice shall be mailed not less than ten (10) calendar days before bids are due.

B. Opening Bids And Awarding Of Public Project: At the time provided in this notice, all bids timely received shall be opened. Unless all bids are rejected, the contract shall be awarded to the lowest responsible bidder.

If the lowest bid received is forty five thousand dollars ($45,000.00) or less, the city manager is authorized to award a contract. Contracts valued at more than forty five thousand dollars ($45,000.00) can only be awarded by the city council.

If all bids received pursuant to the informal bidding procedure are greater than one hundred seventy five thousand dollars ($175,000.00), the city council may adopt a resolution by a four-fifths ($^4/_5$) vote to award the contract at one hundred eighty seven

thousand five hundred dollars ($187,500.00) or less to the lowest responsible bidder if it determines that the city's cost estimate was reasonable. Otherwise, the project shall be rebid under the formal bidding procedure described in section 2-11-5 of this chapter. (Ord. 13-977)

2-11-5: FORMAL BIDDING PROCEDURE:

The following procedures apply to formal bids for public projects:

A. Notice: The notice inviting formal bids shall state the time and place for receiving and opening sealed bids and distinctly describe the projects. It shall be published in a newspaper of general circulation in the city at least fourteen (14) calendar days before the bidding opening date. It shall also be sent electronically, if available, by either facsimile or electronic mail and mailed to all construction trade journals specified in accordance with Public Contract Code section 22036.

B. Opening Bids And Award Of Public Project: At the time provided in the notice inviting formal bids, all bids timely received shall be opened. Unless all bids are rejected, the contract shall be awarded to the lowest responsible bidder. (Ord. 13-977)

2-11-6: EMERGENCY PROCEDURE:

In the case of an emergency when repairs or replacements are necessary, the city council may proceed at once to replace or repair any public facility without adopting plans, specifications, or working details, or giving notice for bids to let contracts. The work may be done by day labor under the direction of city council, by contractor, or by a combination of the two. In any such emergency, if notice for the bids will not be given, the city shall comply with the procedures set forth in Public Contract Code section 22050. (Ord. 13-977)

Title 3
PUBLIC SAFETY

Chapter 1
FIRE CODE

3-1-0: ADOPTION:

The city of Temple City hereby adopts the consolidated fire protection district of Los Angeles County (district) fire code as the fire code for the city of Temple City. Said district fire code is codified in title 32 of the Los Angeles County code. (Ord. 11-946)

3-1-1: APPLICATION TO CITY:

The city hereby adopts the Los Angeles County fire department as the city fire department and the county fire chief as the city fire chief. (1960 Code)

3-1-2: OPEN FIRES:

Section 27.101, reading as follows, is hereby added to said ordinance 2947:

Section 27.101. Open Fires.

There shall be excepted from this section:

A. The burning of charcoal, briquettes, natural gas or similar fuel, for the purpose of cooking food products in containers or pits located in yards of improved properties; and

B. The burning of wicks, lanterns or torches for lighting or ornamental effects. (1960 Code)

3-1-3: FIRE HYDRANTS:

All premises where buildings or portions of buildings, other than single-family or duplex dwellings, are hereafter constructed shall be provided as may be required by the chief with approved fire hydrants connected to a water system capable of supplying the fire flow required by the chief. Access to fire hydrants shall be provided and maintained to accommodate firefighting apparatus. (1960 Code)

3-1-4: ENFORCEMENT OF CHAPTER:

All provisions of this chapter shall be carried out and enforced in conjunction with the law enforcement agency of the city and by the fire chief. The general supervision of conditions and equipment which aid in control of fire, conditions constituting fire hazards or danger to life or property, and the abatement or minimizing of such fire hazards or dangerous conditions shall be the responsibility of the said fire chief. (1960 Code)

3-1-5: DEFINITIONS:

The most current adopted definitions set forth in the state fireworks law[1] will define the terms used in sections 3-1-5 through 3-1-19 of this chapter unless otherwise modified herein:

CITY: The city of Temple City.

DANGEROUS FIREWORKS: Any fireworks specified as such in the state fireworks law, Health And Safety Code section 12505, and such other fireworks as may be determined to be dangerous by the state fire marshal. "Dangerous fireworks" shall include any safe and sane fireworks that have been altered in such a manner as to provide said fireworks the qualities of dangerous fireworks as defined herein.

FIREWORKS PERMIT: A permit issued by the city to sell safe and sane fireworks within the city in accordance with the provisions of this chapter.

MINOR: A person under the age of eighteen (18) years. (Ord. 13-968)

3-1-6: GENERAL PROHIBITION AGAINST MANUFACTURE, SALE, USE, DISPLAY, DISCHARGE, OR POSSESSION OF DANGEROUS FIREWORKS:

A. Except as otherwise provided in this chapter, no person shall manufacture, use, discharge, sell, offer for sale, or display for sale any dangerous fireworks or any altered safe and sane fireworks within the city limits.

B. Except as otherwise provided in this chapter, no person shall possess twenty five (25) pounds or less (gross weight including packaging) of any dangerous fireworks. (Ord. 13-968)

3-1-7: SALE OF SAFE AND SANE FIREWORKS:

A. Permit Required: It shall be unlawful for any person to sell, offer for sale, or display for sale any safe and sane fireworks within the city limits without having first procured a valid fireworks permit in accordance with the provisions of this chapter.

B. Location Of Sales: It shall be unlawful for any person to sell, offer for sale, or display for sale any safe and sane fireworks within the city limits unless the sale, display for sale, or offer for sale occurs within a designated structure pursuant to section 3-1-18 of this chapter.

C. Hours Of Sale: It shall be unlawful to sell, offer for sale, or display for sale any safe and sane fireworks within the city limits except on July 1 through July 3, between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M.; and on July 4 between eight o'clock (8:00) A.M. and eight o'clock (8:00) P.M.

D. Sale To Minors Prohibited: It shall be unlawful for any person to cause, permit, allow, aid, abet, or suffer the sale of any safe and sane fireworks to a minor at any time. (Ord. 13-968)

3-1-8: USE, DISPLAY OR DISCHARGE OF SAFE AND SANE FIREWORKS:

Except as otherwise provided in this chapter, no person shall use, discharge, sell, offer for sale, or display for sale any safe and sane fireworks within city limits. It shall also be unlawful for any person having care, custody, or control of real property to suffer or permit any person to use, discharge, sell, offer for sale, or display for sale any fireworks thereon unless in accordance with the provisions of this chapter.

A. Hours Of Discharge: Except as otherwise provided in this chapter, it shall be unlawful for any person to use or discharge any safe and sane fireworks except on July 4 during the hours of twelve o'clock (12:00) noon to ten o'clock (10:00) P.M.

B. Location Limitations Of Discharge: Except as otherwise provided in this chapter, it shall be unlawful for any person to ignite, discharge, project or otherwise fire or use any safe and sane fireworks upon or over or onto the property of another without his/her consent or within ten feet (10') of any residence, dwelling or other structure used as a place of habitation by human beings or within any city park. No person shall ignite, discharge, project or otherwise fire or use any safe and sane fireworks within fifty feet (50') of any fireworks stand.

C. Discharge By Minors Prohibited: It shall be unlawful for any minor to use, discharge, explode, fire, or set off any safe and sane fireworks unless under the direct supervision and in the immediate presence of a parent, legal guardian, or other custodial adult eighteen (18) years of age or older and during the times permitted by this chapter.

It shall also be unlawful for any person having the care, custody or control of a minor to permit such minor to use, discharge, explode, fire or set off any dangerous fireworks or any altered safe and sane fireworks, at any time, or to permit such minor to use, discharge, explode, fire or set off any safe and sane fireworks unless such minor does so under the direct supervision and in the immediate presence of a parent, legal guardian, or other custodial adult eighteen (18) years of age or older and during the times permitted by this chapter. (Ord. 13-968)

3-1-9: PERMIT FOR PUBLIC DISPLAYS OF FIREWORKS AND/OR SPECIAL EFFECTS:

A. Permit Required: It shall be unlawful to cause, allow, permit, aid, abet, or suffer any discharge of dangerous fireworks (including a public display) or any use of special effects without having first obtained a permit therefor from the fire chief.

B. Rules And Regulations: The fire chief shall have authority to adopt reasonable rules and regulations for the granting of nontransferable permits for those activities contained in section 12640 of the California Health And Safety Code, including supervised public displays of fireworks by a jurisdiction, fair association, amusement park, other organization, or for the use of fireworks by artisans in pursuit of their trade. Each such use or display shall be handled by a licensed pyrotechnic operator[2] in accordance with a city issued permit, and shall be of such character and so located, discharged or fired as in the opinion of the fire chief or his designee, after proper investigation, will not be hazardous or endanger any person. A permittee shall strictly adhere to any rules, regulations, or conditions pertaining to the granting of a permit.

C. Required Bond/Insurance: The permittee for a fireworks display shall furnish a bond or certificate of insurance in an amount deemed adequate by the city manager (or designee thereof) for the payment of all damages which may be caused either to a person or persons or to property by reason of the permitted display, and arising from any acts of the permittee and/or agents, employees, or subcontractors thereof.

D. Disposal Of Unused Fireworks: The permittee of any fireworks display, having any fireworks that are unfired after the display has concluded, shall immediately dispose of same in a safe manner for the particular type of fireworks remaining and in accordance with all applicable laws. (Ord. 13-968)

3-1-10: SEIZURE OF FIREWORKS IN VIOLATION OF CHAPTER:

The fire chief (or designee thereof) shall seize, take, remove, and dispose of (in an approved manner) or cause to be seized, removed, and disposed of (in an approved manner), at the expense of the owner of same, all fireworks offered or exposed for sale, stored, possessed, or used in violation of this code. The seizure and disposal shall be conducted in accordance with the California Health And Safety Code and other applicable laws. (Ord. 13-968)

3-1-11: SALE/DISCHARGE OF FIREWORKS:

(Rep. by Ord. 13-968)

3-1-12: UNLAWFUL DISCHARGE:

(Rep. by Ord. 13-968)

3-1-13: PERMIT APPLICATION PROCEDURE:

Upon receipt of written application for a fireworks permit, the city manager shall make an investigation and submit to the city council a report of his findings and his recommendations for or against the issuance of a permit, together with his reasons therefor. After receipt of such recommendations and report, the city council shall have the power, in its discretion, to grant or deny the application. Any permit granted by the city council may be subject to such reasonable conditions and restrictions as may be imposed by the city council and such conditions and restrictions shall be complied with by the permittee. The city council shall require a cash deposit with the city clerk in the sum of one hundred dollars ($100.00) for each twenty four feet (24') in length or portion thereof, of the fireworks stand to be used by the applicant as a condition of granting a permit. Such deposit shall be refunded to the permittee upon compliance with all code provisions, but such deposit shall be forfeited and retained by the city in the event of noncompliance. (1960 Code)

3-1-14: QUALIFICATIONS OF PERMITTEES:

A. No permit shall be issued to any person except nonprofit associations or corporations organized primarily for veteran, patriotic, welfare, civic betterment or charitable purposes. Each such organization must have its principal and permanent meeting place in the city and must have been organized and established in the area that is within the city for a minimum of two (2) years continuously preceding the filing of the application for the permit and must have a bona fide membership of at least twenty (20) members.

B. Every stand shall submit to the city by October 30 of each year, a copy of the state board of equalization's state, local and district sales and use tax return from the operation of the fireworks stand for the prior July. Failure to do so shall result in the following:

1. Unable to get a permit for the following year; and

2. The deposit placed with the city shall be held until such time the report is filed but no longer than one year from the due date, at which time the deposit is thereby forfeited to the city.

C. No more than twelve (12) fireworks permits shall be issued in any year. Fireworks permits shall be issued first to those qualified persons who held a fireworks permit during the previous year. If there are any remaining available fireworks permits after those seeking a repeat permit have been considered, the remaining permits shall be distributed by lottery. (1960 Code; amd. Ord. 91-691; Ord. 96-792; Ord. 11-943)

3-1-15: PERMIT APPLICATION FILING:

Applications for such permit:

A. Shall be made in writing.

B. Shall be accompanied by a current roster of members.

C. Shall be filed with the city manager between January 1 and March 31 of each year.

D. Shall set forth the proposed location of any and all fireworks stands applied for, and the length thereof.

E. Shall be accompanied by a certificate of insurance in the amount of one million dollars ($1,000,000.00) public liability with an endorsement attached to the policy designating the city of Temple City as additional insured.

F. Shall be accompanied by a nonrefundable permit fee as set and/or modified by resolution of the city council.

G. Applicants for any such permits shall be notified by the city manager of the granting or rejection of their application for permit on or before May 1 of each calendar year.

H. Upon approval of permit, applicant shall be issued a separate temporary business license. The fee shall be waived by the city council. (1960 Code; amd. Ord. 92-715; Ord. 96-792)

3-1-16: PERMIT APPLICATION CONTENTS:

Each such application shall show the following:

A. Name and address of applicant.

B. The applicant's status as a nonprofit organization.

C. The name and address of the officers, if any, of the applicant.

D. The location where the applicant will sell fireworks.

E. When the applicant was organized and established.

F. The location of the applicant's principal and permanent meeting place.

G. The applicant's state board of equalization sales tax permit number. (1960 Code)

3-1-17: OPERATION OF STANDS:

The following regulations shall be complied with in the operation of fireworks stands:

A. No person other than the licensee organization, its members and members of their families, shall operate the stand for which the license is issued, or share or otherwise

participate in the profits of such stand. No assignment or licensing or other use of the permit may be permitted.

B. No person other than the individuals who are members of the licensee organization, or the spouses or adult children of such members, shall sell or otherwise participate in the sale of fireworks at such stand.

C. No person shall be paid consideration for selling or otherwise participating in the sale of fireworks at such stand.

D. Each person, group or organization shall be limited to one permit per year and each permit shall be limited to one stand. (1960 Code)

3-1-18: SALES FROM DESIGNATED STRUCTURES:

All retail sales of safe and sane fireworks shall be permitted only from within a temporary fireworks stand and the sale from any other building or structure is hereby prohibited. Such temporary stands shall be subject to the following provisions:

A. Fireworks stands need not comply with the provisions of the building code of the city provided, however, that all stands shall be erected under the supervision of the inspector who shall require that stands be constructed in a manner which will reasonably ensure the safety of attendants and patrons, and any stands constructed shall obtain an electrical permit from the city.

B. If, in the judgment of the fire department and the building inspector of the city, the construction of the stands or the conduct of the operators therein do not conform to the provisions of this code, such officers, or either of them, may order the stands immediately to close.

C. No person shall be allowed in the interior of the stand except those directly employed in the sale of fireworks.

D. There shall be at least one supervisor, twenty one (21) years of age or older, on duty at all times. No person under eighteen (18) years of age shall be allowed inside the booth at any time.

E. No fireworks shall remain unattended at any time regardless of whether the fireworks stand is open for business or not. No person shall sleep in the stand.

F. No stand shall be placed closer than twenty five feet (25') to any other building.

G. "NO SMOKING" signs shall be prominently displayed both inside and outside the stand. No smoking shall be permitted within the stand, or within fifteen feet (15') of the stand.

H. All weeds and combustible material shall be cleared from the location of the stand. No rubbish shall be allowed to accumulate in or around any fireworks stand, nor shall a fire nuisance be permitted to exist.

I. No stand shall be erected before June 15 of any year. The premises on which the stand is erected shall be cleared of all structures and debris within seventy two (72) hours after twelve o'clock (12:00) midnight of July 4.

J. All stands must be equipped with at least one fire extinguisher, type 2A, for each exit in the stand, which fire extinguishers must be approved as to efficiency and safety by the fire department.

K. Each stand in excess of twenty feet (20') in length must have at least two (2) exits and each stand in excess of forty feet (40') in length must have at least three (3) exits spaced approximately equidistant apart, provided however, that in no case shall the distance between exits exceed twenty feet (20').

L. No stand shall be constructed with a depth of more than twelve feet (12').

M. "No Drinking Of Alcoholic Beverages" signs shall be prominently displayed both inside and outside the stand. No drinking of alcoholic beverages shall be permitted within the stand, or within fifteen feet (15') of the stand; nor shall any person handling or selling fireworks be under the influence of alcohol or any other controlled substances; nor shall any alcoholic beverages or controlled substances be contained within the stand. (Ord. 85-563)

3-1-19: VIOLATIONS:

A. Any person who causes, permits, aids, abets, or suffers a violation of any provision of this chapter (with the exception of a violation of subsection 3-1-6B of this chapter), or who fails to comply with any obligation or requirement of this chapter, or who fails to strictly adhere to any condition of a permit issued pursuant to this chapter, is guilty of a misdemeanor offense punishable in accordance with section 1-2-0 of this code.

B. Any person who causes, permits, aids, abets, or suffers a violation of any provision of this chapter (including a violation of subsection 3-1-6B of this chapter), or who fails to comply with any obligation or requirement of this chapter, or who fails to strictly adhere to any condition of a permit issued pursuant to this chapter, is subject to an administrative fine in accordance with title 1, chapter 4 of this code. (Ord. 13-968)

Chapter 2
PUBLIC HEALTH CODE

ARTICLE A. GENERAL

3-2A-0: ADOPTION OF CODE:

Except as hereinafter provided, that certain Public Health Code known and designated as the Los Angeles County Public Health Code as contained in Los Angeles County ordinance 7583 and including all amendments and supplements enacted and in effect on or before December 31, 1974, shall be and become the Public Health Code of the city of Temple City. (1960 Code)

3-2A-1: ADOPTION OF LOS ANGELES COUNTY ORDINANCE 97-0071:

Ordinance 97-0071 of the county of Los Angeles is hereby adopted and made a part of this code, three (3) copies of which are on file with the city clerk. (1960 Code; amd. Ord. 98-815)

3-2A-2: COPIES ON FILE WITH CITY CLERK:

Three (3) copies of ordinance 7583 have been deposited with the city clerk and shall be at all times maintained by said clerk for use of and examination by the public. (1960 Code)

3-2A-3: APPLICATION TO CITY:

The city hereby adopts the county health department as the city health department and the county health officer as the city health officer. (1960 Code)

3-2A-4: SWIMMING POOL REGULATION[2]:

(Rep. by Ord. 14-990)

3-2A-5: MAINTENANCE OF SWIMMING POOL:

All swimming pools or bodies of water within the city shall be so maintained as to not cause any public health hazard, including, but not limited to, the creation of mosquitoes. (1960 Code)

3-2A-6: CONSTRUCTION OF SWIMMING POOLS:

All plans for construction of swimming pools or body of water shall show compliance with this code. Final inspection and approval of all swimming pools or bodies of water shall be withheld until all requirements of this code have been met. (1960 Code)

3-2A-7: COMPLIANCE WITH THIS CHAPTER:

All requirements of this code shall apply to existing swimming pools and outside bodies of water. (1960 Code)

3-2A-8: PERMIT FOR ENCLOSURES:

A permit shall be secured from the city for the installation of any fence or wall required by this code prior to erection and shall conform to all city regulations pertaining to buildings or structures. (1960 Code)

3-2A-9: ENCLOSURES COMPLYING WITH ZONING REGULATIONS:

Any fence or wall erected for the purpose of complying with this chapter shall conform to all zoning regulations of the city, provided, further that no swimming pool or outside body of water shall be constructed where protective fencing required by this chapter will be in conflict with said zoning regulations. (1960 Code)

3-2A-10: PERMITTED DEVIATION:

When practical difficulties, unnecessary hardships or results inconsistent with the general intent and purpose of this chapter occur by reason of strict interpretation of any of its provisions, the planning commission, upon its own motion may, or upon the verified application of any interested person, shall initiate proceedings for consideration of the granting of a deviation from the requirements of this chapter. (1960 Code)

ARTICLE B. PHOSPHATES

3-2B-0: DEFINITIONS:

The following terms shall have only the meanings set forth herein:

PERSON: Any individual, partnership, association or corporation.

PHOSPHATE: As used in this chapter shall include pendadosium trypolyphosphate ($NA_5P_3O_{10}$) and all derivatives thereof. (1960 Code)

3-2B-1: DISPLAY OF INFORMATION:

From and after the passage of this chapter, every laundromat, supermarket or business establishment where detergents are sold, shall provide and display in a conspicuous plainly visible location at or near where the detergent products are on display, a sign containing a list of all detergents sold in said establishment and setting forth the percentile of phosphate content in each of said detergents. (1960 Code)

3-2B-2: SPECIFICATIONS FOR DISPLAYS:

Each sign required by the terms of this chapter shall be at least two feet (2') in height and three feet (3') wide, shall be comprised of block lettering at least one inch (1") in

height on an otherwise white background, and shall have the following introductory heading:

PHOSPHATES IN DETERGENTS CAN DAMAGE THE CITY SEWAGE DISPOSAL SYSTEM AND POLLUTE LAKES, RIVERS AND OCEANS.

THE FOLLOWING LIST OF DETERGENTS AND THE PERCENTILE OF PHOSPHATE CONTENT OF EACH IS, THEREFORE, SUBMITTED FOR YOUR CONSIDERATION.

(1960 Code)

3-2B-3: VIOLATIONS:

It shall be unlawful for any person to sell or offer for sale, any detergent in any business establishment without having posted the sign as required in this chapter. (1960 Code)

3-2B-4: COMPLIANCE:

In order to comply with the percentile requirements of this chapter, the requisite sign may contain the various detergents with their phosphate content as set forth in the release of the federal water quality administration dated May 1, 1970, and any subsequent release and such other detergents as may be added from time to time. (1960 Code)

ARTICLE C. SECONDHAND SMOKE CONTROL

3-2C-0: TITLE:

This article may be referred to as the city's *COMPREHENSIVE SECONDHAND SMOKE CONTROL ORDINANCE.* (Ord. 12-964)

3-2C-1: PURPOSE AND LEGISLATIVE FINDINGS:

A. Purpose: The purposes of this article are to:

1. Protect the public health, safety, and general welfare by prohibiting smoking in public places and in the interior common areas of multi-family residential housing under circumstances where one or more persons will be exposed to secondhand smoke;

2. Ensure a cleaner and more hygienic environment for the city, its residents, its guests, and its natural resources;

3. Strike a reasonable balance between the needs of persons who smoke and the needs of nonsmokers, including children, to breathe smoke free air, by recognizing the threat to public health and the environment that smoking causes, and by acknowledging that, when these needs conflict, the need to breathe smoke free air must prevail; and

4. Recognize the right of city residents, workers, and visitors to be free from unwelcome secondhand smoke.

B. Findings: The city council hereby finds, determines, and declares that:

1. It is estimated that only fifteen percent (15%) of a cigarette's smoke is inhaled by the smoker, while eighty five percent (85%) is released into the air for others to breathe;

2. Extensive medical and scientific research confirms that tobacco smoke is harmful to smokers and nonsmokers alike, triggering eye, nose, throat, and sinus irritation; hastening lung disease, including emphysema; and causing heart disease and lung cancer;

3. In 1992, the United States surgeon general reported that involuntary smoking by inhaling secondhand smoke (also called "environmental tobacco smoke") can cause lung cancer in healthy nonsmokers and poses a significant public health hazard;

4. In 2006, the United States surgeon general concluded that a risk free level of exposure to secondhand smoke does not exist, and neither separating smokers from nonsmokers nor installing ventilation systems effectively eliminates secondhand

smoke;

5. The United States environmental protection agency ("U.S. EPA") has classified secondhand smoke as a group A carcinogen, the most dangerous class of carcinogen;

6. The United States centers for disease control and prevention ("CDC") has concluded that secondhand smoke contains approximately seventy (70) cancer causing chemicals;

7. The CDC has concluded that secondhand smoke causes approximately three thousand (3,000) lung cancer deaths per year among adult nonsmokers in the United States, and that even brief exposure can damage cells in ways that set the cancer process in motion;

8. The CDC has found that secondhand smoke causes children to suffer from lower respiratory tract illness, such as bronchitis and pneumonia; exacerbates childhood asthma; and increases the risk of acute chronic middle ear infections in children;

9. The California environmental protection agency has concluded that secondhand smoke causes coronary heart disease in nonsmokers;

10. The California air resources board has put secondhand smoke in the same category as the most toxic automotive and industrial air pollutants by categorizing it as a toxic air contaminant for which no safe level of exposure exists;

11. Secondhand smoke is especially hazardous to particular groups, including those with chronic health problems, the elderly, and children;

12. Inside buildings, tobacco smoke contributes significantly to indoor air pollution;

13. The aesthetic impacts and odors of secondhand smoke pose a nuisance and annoyance to nonsmokers when in close proximity to people who are smoking;

14. Smoking in parks or recreational facilities endangers children and other users by exposing them to secondhand smoke;

15. Within parks and recreational facilities, discarded cigarette and cigar butts (which do not readily decompose) pose a particularly hazardous risk to small children who sometimes ingest the butt or who handle it while it is still hot;

16. Discarding a lighted cigarette or cigar butt onto the ground in a city park or recreational facility not only has the potential to cause a fire, but also is a major source of litter and pollution, by washing into storm drains and then ultimately contaminating the ocean;

17. In outdoor dining areas; outdoor service areas; outdoor gathering and event areas; enclosed common areas of multi-unit residential housing complexes; in proximity to entrances/exits, windows, and vents of buildings open to the public, smoking endangers the health of nonsmokers who are in the same area;

18. Neither the United States constitution nor the California constitution gives a person a constitutional right to smoke;

19. The consumption of controlled substances in certain enclosed and unenclosed areas of the city poses a risk to the health, safety, and welfare of the public, including, but not limited to, in many of the same manners as the consumption of tobacco products. (Ord. 12-964)

3-2C-2: DEFINITIONS:

The following definitions shall govern construction of this article unless the context clearly requires otherwise:

CITY BUILDING OR STRUCTURE: Any building or structure (as these terms are defined by the Temple City building code) that the city of Temple City or the Temple City community redevelopment agency (or successor agency thereto) owns, controls, operates, occupies, manages, or maintains.

CITY PARK: A minipark, neighborhood park, community park, regional park, bikeway, trail, greenbelt, developed or undeveloped park land, open space land, open space parcel, or open space area that the city or the Temple City community redevelopment agency (or successor agency thereto) owns, controls, operates, occupies, manages, or maintains. It shall also include all buildings, structures, facilities, fields, or equipment within said city park.

CITY PARKING LOT OR STRUCTURE: A parking lot or structure that the city or the Temple City community redevelopment agency (or successor agency thereto) owns, controls, operates, occupies, manages, or maintains.

CITY RECREATIONAL FACILITY: An indoor or outdoor area, location, place, site,

lot, building, structure, facility, or complex that is open to the general public for one or more recreational or sport activities or purposes, regardless of a fee for admission or use, that the city or the Temple City community redevelopment agency (or successor agency thereto) owns, controls, operates, occupies, manages, or maintains. It shall also include all buildings, structures, facilities, fields, or equipment within said city facility.

CITY VEHICLE: Any vehicle that is owned, leased or rented by the city, as well as any vehicle that a city employee drives, operates, or has control over in connection with said person's employment with the city.

ELECTRONIC SMOKING DEVICE: An electronic or battery operated device that delivers vapors for inhalation. This term shall include every variation and type of such devices whether they are manufactured, distributed, marketed or sold as an electronic pipe, an electronic hookah, or any other product name or descriptor.

ENCLOSED AREA: A. Any covered or partially covered area having more than fifty percent (50%) of its perimeter walled or otherwise closed to the outside (for example, a covered porch with more than 2 walls) irrespective of whether said walls or other vertical boundaries include vents or other openings; or

B. Any space open to the sky (hereinafter, "uncovered") having more than seventy five percent (75%) of its perimeter walled or otherwise closed to the outside (for example, a courtyard), irrespective of whether said walls or other vertical boundaries include vents or other openings.

1. An uncovered space of three thousand (3,000) square feet or more (for example, a field in an open air arena) is not an "enclosed area" as defined in this article.

ENCLOSED COMMON AREA: Any "enclosed area" of a multi-unit residential housing complex accessible to and usable by residents of more than one unit, including, but not limited to, hallways, enclosed stairwells, lobby areas, elevators, laundry rooms, enclosed common cooking areas, playrooms, enclosed fitness rooms, enclosed swimming pools, and enclosed parking areas.

LANDLORD: Any person other than a sublessor who owns real property leased as residential property, who lets residential property, or who manages such property.

MARIJUANA: The same definition as set forth in the "California uniform controlled substances act"[1].

MULTI-UNIT RESIDENTIAL HOUSING COMPLEX: A premises that contains two (2) or more units rented or available to be rented and not occupied by a landlord of the premises. Multi-unit residence does not include a condominium as that term is defined in the city's zoning code.

NONPROFIT ENTITY: Any entity that meets the requirements of California Corporations Code section 5003 as well as any corporation, unincorporated association or other entity created for charitable, religious, philanthropic, educational, political, social or similar purposes, the net proceeds of which are committed to the promotion of the objectives of the entity and not to private gain. A public agency is not a nonprofit entity within the meaning of this definition.

OUTDOOR DINING AREA: A. An unenclosed area that is open to the general public, or closed to the public for a private function, where food and/or beverages are offered, served, or consumed, regardless of whether compensation is offered or given in exchange;

1. Outdoor dining area shall include, but shall not be limited to:

a. A restaurant, or a bar, or both;

b. A standing area;

c. A seating area;

d. A patio area.

2. Outdoor dining area does not include any unenclosed dining area at a private residence.

OUTDOOR PUBLIC EVENT: An activity, ceremony, event, fair, function, gathering, meeting, pageant, or program - whether athletic, civic, cultural, charitable, community, entertainment, intellectual, recreational, or social - that:

A. Is open to the general public;

B. Takes place outside of an enclosed building or structure; and

C. A person, employer, business, nonprofit entity, or the city sponsors, hosts, organizes, or operates.

OUTDOOR SEATING AREA: Bleachers, benches, or seats located outside of an enclosed building or structure - regardless of whether permanently or temporarily affixed - that is provided for an audience, viewers, spectators, or participants of an event that is adjacent to, in front of, facing, or opposite said event.

PRIVATE ENFORCER: As defined in subsection 3-2C-7B of this article.

PUBLIC PLACE: Any area, location, place, site, property, lot, building, structure, facility, or complex - public or private - open to the general public regardless of any fee or age requirement, including, but not limited to, streets, sidewalks, plazas, bars, restaurants, clubs, stores, stadiums, polling places, parks, playgrounds, restrooms, elevators, taxis, and buses.

PUBLIC TRANSIT STATION OR STOP: An enclosed or unenclosed platform, sidewalk, shelter, bench, or area where people wait for public transportation, such as a train, shuttle, or taxicab. It shall also include, but shall not be limited to, any ancillary area such as restrooms, kiosk area, storage locker area, and pedestrian path or walkway.

REASONABLE DISTANCE: A distance of twenty feet (20').

RECREATIONAL AREA: Any public or private area open to the public for recreational purposes whether or not any fee for admission is charged, including, without limitation, parks, gardens, sporting facilities, stadiums, and playgrounds.

SERVICE AREA: Any area - public or private - designated for one or more persons to wait for a transaction, entry, exit, or service of any kind, regardless of whether such service involves the exchange of money. Service area includes, but shall not be limited to, any area designated for lines or waiting for ATM machines; banks; information kiosks; restaurants and other food service venues; vending machines; tickets or admission to a theater or event; waiting areas at car washes and vehicle service establishments; and valet pick up areas.

SMOKING OR TO SMOKE: Possessing or to possess a lighted tobacco product, lighted tobacco paraphernalia, lighted marijuana, or any other lighted weed or plant (including, but not limited to, a lighted pipe, lighted hookah pipe, lighted cigar, or lighted cigarette of any kind), an electronic smoking device of any kind, or the lighting or emitting or exhaling the smoke or vapor of a tobacco product, tobacco paraphernalia, marijuana product, or any other weed or plant (including, but not limited to, a pipe, a hookah pipe, cigar, marijuana product, electronic cigarette or cigarette of any kind).

TOBACCO PRODUCT: 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.

UNENCLOSED AREA: Any area which is not an enclosed area.

UNIT: A. A dwelling space consisting of essentially complete independent living facilities for one or more persons, including, for example, permanent provisions for living and sleeping, and any associated private outdoor spaces such as balconies and patios; and

B. Senior citizen housing and single room occupancy hotels, as defined in California Health And Safety Code section 50519(b)(1), even where lacking private cooking or plumbing facilities. "Unit" does not include lodging in a hotel or motel that meets the requirements set forth in California Civil Code section 1940(b)(2). (Ord. 14-994)

3-2C-3: SMOKING PROHIBITED:

A. Smoking is prohibited in the following areas within the city of Temple City:

1. City Property: Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking in any city building or structure, city park or recreational facility, city parking lot or structure, or city vehicle.

2. Public Areas: Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking within any of the following areas:

a. Enclosed public place;

b. Service area;

c. Outdoor dining area;

d. Outdoor public event;

e. Outdoor seating area;

f. Public transit station or stop.

3. Enclosed Common Areas Of Multi-Unit Residential Housing Complex: Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking within any enclosed common area of any multi-unit residential housing complex.

B. Nothing in this section shall be deemed to authorize or allow smoking in any area where smoking is prohibited by state or federal law. (Ord. 12-964)

3-2C-4: SMOKING PROHIBITED WITHIN REASONABLE DISTANCES:

A. Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking within twenty feet (20') of the property line of any real property on which a public or private institution of learning for children (including preschool, kindergarten, and grades 1 - 12) exists, except when the smoking occurs within a private residence located adjacent to, or within a twenty foot (20') distance from said institution.

B. Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking within twenty feet (20') of any area in which smoking is prohibited under section 3-2C-3 of this article except while actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

C. Except as otherwise provided by this article or by state or federal law, no person shall smoke or otherwise permit, allow, or suffer smoking within twenty feet (20') of any entrance, window, or air intake vent to an enclosed area in which smoking is prohibited under section 3-2C-3 of this article except while actively passing on the way to another destination and provided smoke does not enter any unenclosed area in which smoking is prohibited.

D. Nothing in this section shall be deemed to authorize or allow smoking in any area where smoking is prohibited by state or federal law. (Ord. 12-964)

3-2C-5: OTHER REQUIREMENTS AND PROHIBITIONS:

A. Disposal Of Waste: No person shall dispose of used smoking or tobacco product within any area in which smoking is prohibited, including within any reasonable distance required by this article.

B. Smoker's Waste Receptacles: Except as otherwise provided by this article or by state or federal law, no person, employer, or nonprofit entity shall cause the presence or placement of a smoker's waste receptacle (for example, ashtrays or ashcans) within any area in which smoking is prohibited by law, including within any reasonable distances required by this article. Notwithstanding the foregoing, the presence of ash receptacles in violation of this subsection shall not be a defense to a charge of smoking in violation of any provisions of this article.

C. Signs: "No Smoking" or "Smoke Free" signs, with letters of not less than one inch (1") 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) or any alternative signage approved by the city manager shall be conspicuously posted by the person, employer, business, or nonprofit entity who or which has legal or de facto control of such place at each entrance to a public place in which smoking is prohibited by this article has occurred, or is likely to occur. The city manager shall post signs at each entrance to a public place in which smoking is prohibited by this article that is owned or controlled by the city. Signage required by this subsection shall not be subject to title 9, chapter 1, article L, "Signs", of this code. Notwithstanding the requirements of this section, the presence or absence of signs shall not be a defense to the violation of any other provision of this article.

D. Required Lease Terms:

1. Every lease or other rental agreement for the occupancy of a unit within a multi-unit residential housing complex entered into, renewed, or continued month to month on or after July 1, 2013, shall include:

a. A clause stating that smoking is prohibited within any enclosed common area, and a reference to subsection 3-2C-3A3 of this article;

b. A clause stating that it is a material breach of the lease or agreement to cause, permit, aid, abet, or conceal smoking within any interior common area of the multi-unit residential housing complex; and

c. A clause stating that all lawful occupants of the units in the multi-unit residential housing complex are third party beneficiaries of the clauses required by subsections D1a and D1b of this section.

2. The lease or agreement terms required by subsection D1 of this section are incorporated by force of law into any lease or other agreement for the occupancy of a unit in a multi-unit residential housing complex made on or after the effective date of this section which lease does not fully comply with subsection D1 of this section.

E. Intimidation: No person shall intimidate, threaten, or effect a reprisal, or retaliate against another person who seeks to attain compliance with one or more of this article's provisions.

F. Private Regulations: Nothing in this article prohibits any person, employer, or nonprofit entity with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area. (Ord. 12-964)

3-2C-6: PENALTIES AND ENFORCEMENT:

A. Any person who causes, permits, aids, abets, suffers, or conceals a violation of any provision of this article shall be guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code.

B. The city council declares that nonconsensual exposure to secondhand smoke constitutes a public nuisance, and that the uninvited presence of secondhand smoke on real property is a nuisance and a trespass.

C. The remedies provided by this article are cumulative and in addition to any other remedy available at law or in equity.

D. The city prosecutor, city attorney, any peace officer, any city code enforcement officer, or any other city official designated by the city manager may enforce this article. (Ord. 12-964)

3-2C-7: PRIVATE ENFORCEMENT:

A. The city attorney or city prosecutor may bring a civil action to enforce this article and to obtain the remedies specified below or otherwise in equity or at law.

B. Any person acting for the interest of himself, herself, or of its members, or of the general public (hereinafter, "private enforcer") may bring a civil action to enforce this article with the remedies specified below, if both of the following requirements are met:

1. The action is commenced more than sixty (60) days after the private enforcer has given written notice of the alleged violation of this article to the city attorney and to the alleged violator; and

2. No person acting on behalf of the city or the state has commenced or is prosecuting an action regarding the violation(s) which was or were the subject of the notice on the date the private action is filed.

C. A private enforcer shall provide a copy of his, her, or its action to the city attorney within seven (7) calendar days of filing it.

D. Upon settlement or judgment of any action brought pursuant to subsection G of this section, the private enforcer shall give the city attorney a notice of that settlement or judgment and of the final disposition of the case. No private enforcer may settle such an action, unless the city attorney or the court determines the settlement to be reasonable in light of the purposes of this article and any settlement in violation of this requirement may be set aside upon motion to a court of competent jurisdiction by the city attorney or city prosecutor.

E. Upon proof of a violation of this article, the court shall award the following:

1. Damages in the amount of either:

a. Actual damages according to proof;

b. Two hundred fifty dollars ($250.00) for each violation of this article (hereinafter, "statutory damages") where insufficient or no proof of actual damages has been proved. Unless otherwise specified in this article, each day of a continuing violation shall constitute a separate violation. Notwithstanding any other provision of this article, no private enforcer suing on behalf of the general public shall recover statutory damages based upon a violation of this article if a previous claim brought on behalf of the general public for statutory damages and based upon the same violation has been adjudicated, whether or not the private enforcer was a party to that earlier adjudication.

2. Restitution to the appropriate party or parties of the gains obtained by way of violation of this article.

3. Exemplary damages, where it is proven by clear and convincing evidence that the defendant is guilty of oppression, fraud, malice, or a conscious disregard for the public health and safety.

4. Attorney fees and costs reasonably incurred by a prevailing party. In any action brought on behalf of the city, attorney fees are not recoverable by any person as a prevailing party unless the city manager, or a designee thereof, or an attorney for, and on behalf of, the city, elects in writing to seek recovery of the city's attorney fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney fees in favor of any person or the city.

a. Provided that the city has made an election to seek attorney fees, an award of attorney fees to a person shall not exceed the amount of reasonable attorney fees incurred by the city in that action or proceeding.

F. Upon proof of at least one violation of this article, a private enforcer, the city attorney, city prosecutor, any peace officer or code enforcement official may obtain an injunction against further violations of this article or as, to small claims court actions, a judgment payable on condition that a further violation of this article occur within a time specified by the court.

G. Notwithstanding any legal or equitable bar, a private enforcer may bring an action to enforce this article solely on behalf of the general public. When a private enforcer does so, nothing about such an action shall act to preclude or bar the private enforcer from bringing a subsequent action on his, her, or its own behalf based upon the same facts.

H. Nothing in this article shall prohibit a private enforcer from bringing a civil action in small claims court to enforce this article, as long as the amount in demand and the

relief sought are within the jurisdiction of small claims court. (Ord. 12-964)

3-2C-8: SEVERABILITY:

If any section, subsection, paragraph, sentence, clause or phrase of this article is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this article. The city council declares that it would have adopted this article, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Ord. 12-964)

Chapter 3
TRAFFIC REGULATIONS

ARTICLE A. VEHICULAR TRAFFIC REGULATIONS

Part 1. Adoption Of Code

3-3A-0: ADOPTION:

A. That certain traffic code entitled "vehicles and traffic" and codified as title 15 of the Los Angeles County code, enacted and in effect as of December 1, 1983, three (3) copies of which are on file in the office of the city clerk, is hereby adopted by reference and shall be known as the traffic code of the city of Temple City.

B. There shall be deleted from said adopted traffic code, the following:

1. Chapter 15.84 which is hereby readopted as sections 3-3B-0 and 3-3B-1 of the Temple City municipal code.

2. Chapters 15.88, 15.92, 15.96 and 15.100.

3. To the extent that any of the following sections of former county ordinance 6544 are repeated in title 15, the same are deleted: 2103, 2501, 2502, 3204, 3211, 3211.1, 3212, 3212.1, 3212.2, 3213 and 5006 and chapters VI, VIII, IX, X and XI. (1960 Code; amd. Ord. 83-545)

3-3A-1: DEFINITIONS:

Whenever any of the following names or terms are used in said title 15 of the county of Los Angeles code as amended, each such name or term shall be deemed or construed to have the meanings ascribed to it in this section as follows:

COMMISSIONER: The city manager of the city of Temple City.

LOS ANGELES COUNTY HIGHWAY COMMISSION: The Temple City traffic commission.

SHERIFF'S DEPARTMENT: Is hereby adopted as the city police department and the county sheriff as the chief of police. (1960 Code)

3-3A-2: TRAFFIC MARKINGS:

All traffic markings, stop signs and traffic signs which are existing in the city on the date of incorporation thereof, which were erected and placed by the officers and officials of the county, are hereby declared to be the official traffic signs and regulations of the city of Temple City, and all matters pertaining thereto are hereby ratified and confirmed by the city council. (1960 Code)

Part 2. Truck Routes

3-3A-10: DESIGNATION; SIGNS:

Whenever any resolution 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 (3) tons, the city traffic engineer is hereby

authorized to designate such street or streets by appropriate signs such as "Truck Routes" or "Weight Limit Streets" for the movement of vehicles exceeding a maximum gross weight limit of three (3) tons. (1960 Code)

3-3A-11: VEHICLES LEFT ON TRUCK ROUTE:

No person shall park or leave standing any commercial vehicle upon any street or portion thereof which is established as a "truck route" for a period of time exceeding one hour except when necessary for the purpose of making pick ups, or deliveries of goods, wares and merchandise from or to any building or structure upon such restricted streets for which a building permit has previously been obtained therefor and actual loading and unloading operations are in progress. (1960 Code; amd. Ord. 89-660)

3-3A-12: TRUCK ROUTE DEFINED:

"Truck routes" are defined as those streets and parts of streets established by resolution of the city council as "truck routes" pursuant to enabling provisions of section 3-3A-10 of this article. (1960 Code)

3-3A-13: VEHICLES PROHIBITED:

When any such truck route or routes are established and designated by appropriate signs, the operator of any commercial vehicle exceeding a maximum gross weight limit of three (3) tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any commercial vehicle exceeding a maximum gross ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pick ups 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 bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor. Provided that any such commercial vehicle exceeding a maximum gross weight of three (3) tons shall not be parked or left standing on any such restricted street in excess of one hour unless actual loading or unloading operations are in process. (1960 Code; amd. Ord. 89-660)

3-3A-14: PROVISIONS NOT APPLICABLE:

The provisions of this section shall not apply to:

A. Passenger buses under the jurisdiction of the public utilities commission; or

B. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility. (1960 Code)

3-3A-15: RESOLUTION ESTABLISHING ROUTE:

Those streets and parts of streets established by resolution of the council are hereby declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three (3) tons. (1960 Code)

3-3A-16: LEAVING VEHICLE ON ROADWAY:

No person shall stop, park or leave standing any vehicle, whether attended or unattended, upon any street when it is practicable to stop, park or leave such vehicle off such portion of the street, but in every event an unobstructed width of the street opposite a standing vehicle shall be left for the free passage of other vehicles and a clear view of the stopped vehicle shall be available from a distance of two hundred feet (200') in each direction upon the street. This section shall not apply upon a street where the roadway is bounded by adjacent curbs. (1960 Code)

3-3A-17: LEAVING DISABLED VEHICLE:

This section shall not apply to the driver of any vehicle which is disabled in such a manner and to such extent that it is impossible to avoid stopping and temporarily leaving the disabled vehicle on the roadway. (1960 Code)

Part 3. Parking Restrictions

3-3A-20: PROHIBITED PARKING PERIOD:

No person shall stop, stand or park a vehicle, all forms of cycles and motorized scooters, and bicycles including similar devices moved exclusively by human power, on any street or in any city or community redevelopment agency owned parking lot between the hours of two o'clock (2:00) A.M. and five o'clock (5:00) A.M. of any day, except as expressly provided in this part. (Ord. 10-938)

3-3A-21: EXCEPTIONS:

The parking prohibition set forth in section 3-3A-20 of this article shall not apply to:

A. Any street or parking lot for which the city council has adopted a resolution permitting overnight parking for specified motor vehicles;

B. Authorized emergency vehicles;

C. Operable motor vehicles that are eligible for and have obtained an overnight parking permit in accordance with this part and that are properly displaying such valid overnight parking permit;

D. Any vehicle properly displaying a valid disabled placard or disabled license plate permitted to park overnight under state law. (Ord. 10-935)

3-3A-22: OVERNIGHT PARKING PERMITS:

A. Authority To Issue: The public safety officer or his/her designee (hereinafter referred to as the "issuing officer") is authorized to review applications for and to issue overnight parking permits as provided in this part. (Ord. 10-935)

B. Criteria: Overnight parking permits provided for under this part may only be issued for a vehicle with a gross weight rating of under six thousand (6,000) pounds and not exceeding twenty feet (20') in length. Recreational vehicles, boats, personal watercraft, trailers, all-terrain vehicles, off highway motorcycles and inoperable vehicles are not eligible for overnight parking permits under this part. Even though a motor vehicle may not qualify for an overnight parking permit under this part, the city may nevertheless issue an overnight parking permit for a motor vehicle owned by and issued to an employee of a federal, state, or local governmental agency for their use. The city may issue an overnight parking permit for a commercial passenger vehicle that is used by the registered owner for their personal business (i.e., an individually owned taxicab). The city may also issue an overnight parking permit for a vehicle (hereinafter a "take home vehicle") assigned to the applicant as a take home vehicle by the applicant's employer. An overnight parking permit will only be issued to a commercial passenger vehicle or take home vehicle provided the motor vehicle meets the weight and length requirements of this section and parking of the vehicle will not unreasonably impair parking for other permit holders. (Ord. 10-938)

C. Types Of Overnight Parking Permits:

1. Annual Permit: An annual permit used in accordance with this part entitles the permittee to park an assigned vehicle on a specified street overnight for the duration of the permit. The duration of annual permits is one full calendar year or a remaining portion of a calendar year. Annual permits expire at eleven fifty nine o'clock (11:59) P.M. of December 31 of the year for which such permits were issued, unless sooner revoked as provided in this part.

2. Monthly Permit: A monthly parking permit used in accordance with this part entitles the permittee to park an assigned vehicle on a specified street overnight for thirty (30) days following the date of permit issuance. The permit expires at eleven fifty nine o'clock (11:59) P.M. on the thirtieth day, unless sooner revoked as provided in this part.

3. Temporary Permit: A temporary parking permit may be purchased through a self-service parking permit vending machine located at city hall or issued by the issuing officer for the fee established by resolution adopted by the city council. Temporary permits expire at the date and time specified on the permit.

D. Reservation Of Safety And Enforcement Authority: Issuance of a permit under this part only provides the holder with the privilege of parking on the assigned street overnight and does not except the holder for the motor vehicle from the city's enforcement of all other parking, traffic, and safety laws and requirements of the state of California and the city of Temple City. The city hereby reserves for itself the right to make, impose and enforce upon holders of valid overnight parking permits any new traffic, parking, and safety requirements as the city council may from time to time adopt, or those that the city is required to impose and enforce under California law. (Ord. 10-935)

3-3A-23: ISSUANCE OF OVERNIGHT PARKING PERMITS:

A. Application: The registered owner of an eligible motor vehicle desiring an overnight parking permit (annual or monthly), or for the transfer of such permit, shall file a completed application, on the form furnished by the city, with the public safety officer or his/her designee. Each application shall set forth the following: (Ord. 10-938)

1. For the owner/applicant:

a. Owner's full name.

b. Copy of owner's valid California driver's license.

c. Owner's Temple City residence address.

d. Owner's telephone number.

2. For the vehicle being permitted and for each other vehicle registered to the owner at the property:

a. The license plate number.

b. The vehicle identification number (VIN).

c. The year, make, model, color and type of vehicle.

d. The gross vehicle weight rating.

e. Current California vehicle registration demonstrating that the vehicle is registered at the owner's residence.

f. Proof of California insurance.

3. A statement that off street parking at the owner's residence is not available or obtainable.

4. A statement that no off street parking at the owner's residence is used for any purpose other than parking of operable vehicles.

5. If a transfer is requested, the reason for the transfer and the required information for the vehicle to which the permit is to be transferred or the residence to which the vehicle will be parked near.

6. Whether the application is for an annual or monthly permit.

7. Such additional reasonable information as the public safety officer or his/her

designee may require.

8. The owner shall sign the application under penalty of perjury declaring that all facts and statements in the application are true. (Ord. 10-935)

9. If the applicant is requesting an annual overnight parking permit for a take home vehicle, the applicant will need to provide current vehicle registration and a letter from his/her employer on the employer's letterhead indicating that the specific vehicle has been issued to the applicant and that the applicant is authorized to take the vehicle home at night and park it at his/her residence. The letter must include the address of the applicant's residence. (Ord. 10-938)

B. Review By Issuing Officer:

1. Review And Issuance: Upon the filing of a complete application for an overnight parking permit or the transfer of such permit, the issuing officer shall review the application and, within ten (10) business days of the filing, determine whether to issue the permit or deny the application. The issuing officer shall issue the requested overnight parking permit unless any one or more of the following facts is determined:

a. The issuing officer determines that the application is not complete or the information is incorrect or invalid.

b. The applicant is not the registered owner.

c. The vehicle does not have a valid California registration or proof of insurance. The issuing officer may issue not to exceed six (6) months parking permits to a vehicle with valid out of state vehicle registration and proof of insurance.

d. The vehicle is not eligible for an overnight parking permit, as provided under this part.

e. Issuance of the permit would cause the number of overnight parking permits assigned to the residence to exceed the maximum allowable under this part.

f. An inspection of the on site parking at the residence and on street parking within the area concludes that on site parking is or should be available at the residence; or the owner refused permission to grant access to the property for the purpose of the inspection.

g. The owner fails to pay the required overnight parking fee.

h. The vehicle has outstanding unpaid parking tickets.

2. Inspection: The issuing officer may require an inspection of the on site parking at the residence and off street parking within the area to determine whether the circumstances warrant issuance of an overnight parking permit. The inspection may include, but is not limited to, any parking stalls, garages, carports, driveways and other areas designated for vehicle parking.

3. Conditional Permit: Where the issuing officer requires an inspection of the on site parking at a residence, or the issuing officer determines that verification of information contained in the application is needed, and the inspection or verification will require more than ten (10) business days to complete, then provided the application is complete and the owner pays the required fee, the issuing officer shall issue a conditional permit not to exceed thirty (30) days in duration. (Ord. 10-935)

4. Temporary Conditional Permit: The issuing officer may issue a temporary conditional permit when:

a. The applicant's permitted vehicle is disabled and is in the shop for repair, provided that the applicant submits paperwork (i.e., estimate/quote for repair, work order, etc.) from the repair shop. The temporary conditional permit shall not exceed thirty (30) days in duration.

b. A resident has active building permits for a construction project which reduces available off street parking at the resident's property during the course of

construction. The resident may apply for a temporary conditional permit, so long as the project is proceeding without delay and is receiving the required scheduled inspections by the building inspector. A temporary conditional permit may be issued for a period not to exceed thirty (30) days.

5. Maximum Number Of Permits: The maximum number of overnight parking permits issued relating to any residence shall be set by resolution adopted by the city council.

6. Availability Of On Site Parking: The city will deem on site parking to be available under the following circumstances:

a. There is at least one open and available parking space located on the property, whether in a garage, carport, parking stall or other permitted on site parking.

b. An otherwise open and available parking space is occupied by an inoperable vehicle, a vehicle without current valid registration, a recreational vehicle, a trailer, an all-terrain vehicle, an off highway motorcycle, boat or personal watercraft, or a commercial vehicle.

c. An otherwise open and available parking space is used for a purpose other than parking, for example the storage of furniture, goods, personal property or other materials.

d. An otherwise open and available parking space has been unlawfully converted to a residential dwelling or other nonpermitted use. (Ord. 10-938)

3-3A-24: OVERNIGHT PARKING PERMIT FEES:

A. Fee Established: There is hereby established a fee for issuance of an overnight parking permit by the city for an annual, monthly, temporary and conditional overnight parking permit, a fee for the transfer of such a permit, and a fee for the replacement of such a permit. The council shall set, from time to time, the amount of the fees for annual, monthly, temporary, and conditional permits and for the transfer and replacement of such permits by resolution.

B. Components Of The Fee: The overnight parking fees established by this part shall include: 1) the city's administrative cost to administer the overnight parking permit program, including, but not limited to, review and process applications, verify information in applications, inspect on site parking at the residence and off site parking available in the area, review and process denials, appeals, and revocations, and fuel and maintenance costs for inspection and enforcement vehicles; 2) the city's administrative cost to enforce the overnight parking program; and 3) the city's cost to repair and maintain streets burdened by overnight parking, including, but not limited to, repair and maintenance of sidewalks, curbs, gutters, and pavement replacement and resurfacing. The city will, from time to time, commission a fee study to assess the costs and ensure the fee reflects the actual cost of the service provided.

C. Payment Of Fee: The applying owner shall pay the fee applicable to the permit applied for at the time the application is filed with the city. Applications will not be processed without payment of the appropriate fee.

D. Proration Of Fee: The issuing officer is hereby authorized to prorate the fee for annual overnight parking permits for each quarter of the calendar year (January 1 through December 31) that shall have elapsed at the issuance of the permit, based on a schedule adopted by resolution of the city council.

E. Refund Of Fee: The issuing officer is hereby authorized to refund a portion of the fee paid by an applicant in the event the issuing officer denies the permit. Only that portion of the fee attributable to enforcement and repair and maintenance shall be refunded. No portion of the fee shall be refunded in the event that the permit is lost, stolen, transferred, or revoked. (Ord. 10-935)

3-3A-25: DUTIES OF PERMIT HOLDER:

A. Display Of Permits: The permit holder shall at all times display the overnight

parking permit, as required under this section:

1. Annual Permits: All annual overnight parking permits shall be visibly placed on the outside of the rear (back) window in the lower left hand corner (driver's side) or on the left hand side of the rear bumper, and the permit shall not be effective unless so placed. (Ord. 10-938)

2. Monthly Permits/Conditional Permits: All monthly and/or conditional overnight parking permits shall be visibly placed face up on the driver's side dashboard area of the vehicle, and the permit shall not be effective unless so placed.

3. Temporary Permits: All temporary overnight parking permits shall be visibly placed face up on the driver's side dashboard area of the vehicle, and the permit shall not be effective unless so placed. Temporary overnight parking permits are not effective unless the vehicle license number or vehicle identification number (VIN) is clearly displayed, in ink, on the permit.

B. Compliance With Laws: The permit holder shall at all times comply with all state and city of Temple City traffic, parking, and safety laws. Conviction or pleading guilty to a parking ticket or citation for a moving violation is grounds for revocation of the overnight parking permit.

C. Change Of Address: The permit holder shall inform the city of any change in his/her residence address. The overnight parking permit will not be valid for a new address, unless the owner applies for a transfer of the permit and the issuing officer approves the transfer, as provided in this part. (Ord. 10-935)

3-3A-26: REPLACEMENT OF PERMITS:

If a permit holder loses, surrenders, or destroys an unexpired overnight parking permit, he/she may file an application, on a form furnished by the city, requesting a replacement permit. The issuing officer shall review the application and issue or deny a replacement permit as provided in section 3-3A-23 of this article. (Ord. 10-935)

3-3A-27: TRANSFER OF PERMITS:

Holders of annual or monthly overnight parking permits may apply to the city for transfer of that permit to another vehicle or, in the event the permit holder is moving to a residence within the city, to have the permit reassigned to a new parking area. The permit holder shall file an application, on a form furnished by the city. The issuing officer shall review the application and issue or deny a permit transfer as provided in section 3-3A-23 of this article. Transfer shall not extend the expiration date of the permit. Upon transfer of the permit, the previous permit shall be of no further force and effect and the applicant shall be required to surrender the original permit or submit satisfactory evidence that the former permit has been destroyed or will no longer be used. (Ord. 10-935)

3-3A-28: REVOCATION OF PERMITS:

A. Permits Subject To Revocation: Overnight parking permits issued under this section are subject to revocation where the permit holder violates any of the duties of the permit holder established under section 3-3A-25 of this article, a material misstatement of fact is discovered in the permit holder's application, the permit holder sells, transfers or attempts to sell or transfer the permit to another person or vehicle without complying with this part, or the permit holder otherwise improperly uses the permit or violates the requirements of this part.

B. Revocation Procedure: The issuing officer is hereby authorized to revoke overnight parking permits on the grounds stated in this section. Before revoking a permit, the issuing officer shall provide written notice to the permit holder, at the address on file for the permit holder, at least ten (10) days prior to the holding of an administrative hearing before the issuing officer. The notice shall state the reason for the revocation and state that the permit holder shall be afforded an opportunity to appear at the hearing and present evidence as to why the permit should not be revoked. The issuing officer shall make a decision within three (3) business days of the hearing and provide the permit holder with written notice of same. If the permit is revoked, such revocation shall become effective three (3) business days after the

issuing officer mails the written determination to the permit holder. (Ord. 10-935)

C. Appeal: A permit holder may appeal a decision of the issuing officer to the city's transportation and public safety commission. An appeal before this body shall conform to such general appeal provisions as apply to this part. (Ord. 10-935; amd. Ord. 13-986)

3-3A-29: HARDSHIP:

If an applicant does not meet the criteria for an annual overnight parking permit or is requesting an exemption from the criteria, the applicant may file with the issuing officer a hardship request on the form provided by the city. The issuing officer will review the request for completeness within the times provided for such review in this part. When the request is complete the issuing officer will submit the request for review and consideration by the transportation and public safety commission. The transportation and public safety commission will render a decision to approve or deny the hardship request within thirty (30) days of the issuing officer's submittal. (Ord. 10-938; amd. Ord. 13-986)

3-3A-30: BACK-IN PARKING ON MUNICIPAL PARKING LOTS:

The city council, following a recommendation by the transportation and public safety commission, shall have the authority to prohibit back in parking on municipally owned or operated parking lots where deemed appropriate or necessary for the preservation of the public health, safety, or welfare. In such cases, appropriate signs shall be posted that prohibit the standing or parking of a vehicle on the municipally owned or operated parking lot in such manner that such vehicle is backed into a marked stall. There shall be exempted from the restrictions of this section, all trucks in excess of three (3) tons' gross weight while loading or unloading. (Ord. 15-1002)

3-3A-31: SPECIAL RESIDENT AND GUEST PARKING PERMITTED ON CERTAIN RESTRICTED STREETS:

No person shall leave standing any motorized vehicle upon any street in the city of Temple City which has been previously determined by city council resolution and posted: a) to be within a restricted parking zone, or b) upon any street determined by the city council to require the issuance of a "special resident parking permit", a "special guest permit", or their functional equivalent without compliance with the terms and conditions of said "restricted parking zone" as contained in the city council resolution establishing same. (Ord. 91-693; amd. Ord. 03-891)

3-3A-32: SPECIAL RESIDENT PARKING PERMIT APPLICATION AND FEE:

Each residence in the area of restricted parking may apply for and be granted such preferential parking permits as set forth by city council resolution. The amount of the fee for such permit shall be set by city council resolution and may be adjusted from time to time. (Ord. 91-693; amd. Ord. 03-891)

3-3A-33: DESIGNATED DISABLED PERSON VEHICLE PARKING SPACES:

The city council may approve and order the installation of appropriate markings and signs to designate special on street vehicle parking spaces on any city street, including residential and commercial areas for use by disabled persons possessing valid disabled persons or disabled veteran license plates or disabled person windshield placards. Such designated spaces are to be made available to any physically disabled driver or vehicle passenger and shall not be for the exclusive use of any one individual. (Ord. 93-743)

3-3A-34: ESTABLISHMENT OF PENALTIES AND OTHER RELATED CHARGES:

Penalties for vehicle parking violations, late payment penalties, administrative fees and other related charges shall be set and/or modified by resolution of the city council. (Ord. 94-766)

3-3A-35: STOPPING, PARKING, OR STANDING VEHICLES TO LOAD OR UNLOAD PASSENGERS:

A. It is unlawful for the driver of any vehicle to stop, park, or leave standing such vehicle, for the purpose of loading or unloading passengers, unless the vehicle is legally parked in accordance with all applicable laws, rules and regulations, including related signs and curb markings.

B. Any person who violates this section is guilty of an infraction and is subject to the enforcement provisions pursuant to section 1-2-0-1 of this code. (Ord. 99-839)

3-3A-36: FAILURE TO DISPLAY DISABLED PERSON'S PLACARD OR PERMIT WHILE PARKED IN A MARKED DISABLED PERSON'S PARKING SPACE:

A. Any person who fails to display a lawfully issued disabled person's placard or permit in their possession thereby causing the issuance of a citation for the unlawful parking of a vehicle in a designated disabled person parking space is in violation of the Temple City traffic code.

B. Any person who violates this section is guilty of an infraction. Upon presentation of proof that a valid placard or permit was in possession at the time of issuance of the citation and the privileges of the placard or permit were not abused, the fine will be reduced to an administrative fee as set forth by city council resolution. (Ord. 00-843)

3-3A-37: PARKING LOTS FOR MORE THAN FIFTY VEHICLES:

A. Findings: The city council finds that these regulations are necessary and in the public interest to assure the safety of large parking areas, to provide to the users necessary safety regulations in the public interest, and to provide the exclusive use of such parking areas for the use of the customers of the adjoining businesses.

B. Regulations: The following regulations shall apply to any public or private parking lot containing more than fifty (50) slots or stalls for the parking of private vehicles (whether such parking area is owned by 1 entity or exists as reciprocal facilities owned by more than 1 entity):

1. All areas of such facilities shall be surfaced with concrete or asphalt, and such surfacing shall be kept and maintained in good condition without potholes or other deterioration. With the consent of the city, specified areas may be improved with plantings.

2. The parking slots shall be clearly marked and maintained with at least an eight foot (8') wide slot, and be provided with stop bumpers.

3. All vehicles shall be parked within designated slots with front-in parking only.

4. All traffic lanes shall be clearly marked as one-way, and no vehicles shall enter or exit contrary to such markings.

5. The parking areas shall be sufficiently lighted for safety reasons for after dark usage.

6. There shall be a fifteen (15) miles per hour speed limit in all such facilities.

7. No recreation vehicles, trailers, motor homes or vehicles in excess of eight thousand (8,000) pounds shall be allowed to park in such facilities.

8. Vehicles parked for loading and unloading are exempt from these requirements provided the same do not exceed three (3) hours in duration.

9. There shall be a two (2) hour parking limit in any stall or slot.

10. Signs shall be posted on each property indicating these regulations.

C. Exemptions: There shall be exempted from these regulations any parking area that contains fifty (50) or more parking slots that abuts or serves a noncommercial, residential, park or school area. There shall also be exempted any area of commercial lots that the council permits to be set aside for employee parking.

D. Violation: Anyone violating any of the above regulations shall upon the first offense be guilty of an "infraction"; upon any subsequent violation shall be guilty of a misdemeanor. (Ord. 06-915)

3-3A-38: CURB MARKINGS:

A. Subject to the provisions and limitations of this chapter, the public safety officer shall place the following curb markings when directed by the city council, or its designated commission, and the curb markings shall have the meanings as herein set forth:

1. Red means no stopping, standing, or parking at any time except as permitted by the California Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

2. Yellow means no stopping, standing, or parking for any purpose other than loading or unloading of passengers or materials, provided that the loading or unloading of passengers shall not consume more than three (3) minutes nor the loading or unloading of materials more than twenty (20) minutes.

3. White means no stopping, standing, or parking for any purpose other than loading or unloading of passengers which shall not exceed three (3) minutes.

4. Green means no standing or parking for a period longer than twenty (20) minutes.

5. Blue means no stopping, standing, or parking at any time except vehicles which display a distinguishing license plate or valid placard issued to disabled persons and disabled veterans pursuant to the California Vehicle Code.

B. Installation of curb markings shall be approved by resolution of the city council, or its designated commission.

C. When the public safety officer, as authorized under this title, has caused curb markings to be placed, no person shall stop, stand, or park a vehicle adjacent to any such legible curb marking except as allowed in subsection A of this section. (Ord. 11-939U)

3-3A-38-1: THIRTY MINUTE PARKING ZONES:

No person shall stand or park any vehicle between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day except Sunday for a period longer than thirty (30) minutes in any place where the city council, or its designated commission, has determined, by resolution, that a thirty (30) minute parking restriction is necessary. Signs shall be posted giving notice of this parking restriction. (Ord. 11-939U)

3-3A-38-2: ONE HOUR PARKING ZONE:

No person shall stand or park any vehicle between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day except Sunday for a period longer than one hour in any place where the city council, or its designated commission, has determined, by resolution, that a one hour parking restriction is necessary. Signs shall be posted giving notice of this parking restriction. (Ord. 11-939U)

3-3A-38-3: TWO HOUR PARKING ZONE:

No person shall stand or park any vehicle between the hours of seven o'clock (7:00) A.M. and six o'clock (6:00) P.M. of any day except Sunday for a period longer than two (2) hours in any place where the city council, or its designated commission, has determined, by resolution, that a two (2) hour parking restriction is necessary. Signs shall be posted giving notice of this parking restriction. (Ord. 11-939U)

3-3A-38-4: REQUEST FOR CURB MARKINGS OR TIME LIMIT PARKING ZONES:

A request for curb markings or time limit parking shall be filed with the city council, or its designated commission. The city council, or its designated commission, shall approve or deny any such request by resolution. A decision on a request for curb markings or time limit parking that is made by a commission designated to hear such requests by the city council may be appealed by any interested person to the city council. An appeal must be filed with the city clerk within fifteen (15) calendar days from the date the commission adopts the resolution of approval or denial. (Ord. 11-939U)

Part 4. Oversized Vehicle Parking Regulations

3-3A-50: OVERSIZED VEHICLES:

3-3A-50-1: PROHIBITION ON PUBLIC STREETS:

No person shall park, or leave standing on any public street, alley or right of way in the city any oversized vehicle without displaying a valid oversized vehicle temporary parking permit. (Ord. 06-910)

3-3A-50-2: DEFINITIONS:

OVERSIZED VEHICLE: Any vehicle, whether motorized or nonmotorized, that exceeds twenty feet (20') in length, or eighty inches (80") in width or seventy eight inches (78") in height or that weighs more than six thousand (6,000) pounds (gross vehicle weight). Any extension caused by any mirror or any accessory attached to such vehicle shall be considered part of the measured distance.

Notwithstanding the length, width, and height requirements for an oversized vehicle, the following vehicles shall also be considered oversized vehicles subject to the prohibitions contained in section 3-3A-50-1 of this article:

A. Buses as defined in the California Vehicle Code;

B. Trailers, including boat trailers, and semitrailers, as these are defined in the California Vehicle Code, and stand alone boats not connected to trailers;

C. Trailer coaches as defined in the California Vehicle Code; and

D. Recreational vehicles as defined in this article.

RECREATIONAL VEHICLE: A motor home, slide-in camper, travel trailer, truck camper, or camping trailer, with or without motive power, designed for human habitation for recreational or emergency occupancy. Recreational vehicle shall also include:

Camping Trailer: A vehicular portable unit mounted on wheels and constructed with collapsible partial side walls which fold for towing by another vehicle and unfold at the campsite and designed for human habitation for recreational or emergency occupancy;

Motor Home: A vehicular unit built on or permanently attached to a self-propelled motor vehicle chassis, chassis cab or van, which becomes an integral part of the completed vehicle, designed for human habitation for recreational or emergency occupancy;

Slide-In Camper: A portable unit, consisting of a roof, floor and sides, designed to be loaded onto and unloaded from the bed of a pickup truck, and designed for human habitation for recreational or emergency occupancy and shall include a truck camper;

Travel Trailer: A portable unit, mounted on wheels, of such a size and weight as not to require special highway movement permits when drawn by a motor vehicle and for human habitation for recreational or emergency occupancy. (Ord. 06-910)

3-3A-50-3: EXEMPTIONS:

The provisions of section 3-3A-50-1 of this article shall not apply to any of the following:

A. Oversized vehicles making pick ups or deliveries of goods, wares, services or merchandise to or from any building or structure immediately adjacent to the property on which such building or structure is situated.

B. Any ambulance, paramedic or public safety vehicle involved in responding to an emergency.

C. Any vehicle being repaired under emergency conditions for less than eight (8) hours. For purposes of this section "emergency repairs" shall mean sudden and unexpected repairs occurring during transport of the vehicle.

D. Any vehicle belonging to federal, state or local authorities while conducting official government business.

E. Any vehicle displaying a valid permit issued pursuant to sections 3-3A-50-4 and 3-3A-50-6 of this article. (Ord. 06-910)

3-3A-50-4: TEMPORARY PARKING PERMITS:

The city manager, or his designee, shall issue a temporary parking permit to any resident of the city, for parking of an oversized vehicle that belongs to that resident, or a guest of the household in which such resident resides, provided the following conditions are met:

A. The permit is obtained by a resident of the property in front of which the oversized vehicle will be parked in accordance with this article.

B. The oversized vehicle is parked on the street immediately adjacent to the property upon which the person requesting the permit resides.

C. The duration of the permit shall not exceed forty eight (48) hours.

D. At the discretion of the city manager, or his designee, a permit may be issued for a period not to exceed seventy two (72) hours to accommodate houseguests.

E. No more than four (4) permits shall be issued for any specific oversized vehicle within any given calendar month. Permits may not be issued for consecutive periods, and there must be a minimum of forty eight (48) consecutive hours between the issuance of permits for a specific property or a specific oversized vehicle.

F. The oversized vehicle shall not be used for overnight camping, lodging, residing in, or any use for accommodation purposes.

G. The oversized vehicle shall not visibly block or obscure any existing safety or traffic control device, nor shall it be parked in such position that another's driveway approach is jeopardized, and it shall otherwise meet all other parking requirements for the street upon which it is parked.

H. The oversized vehicle is not licensed, registered or used for commercial purposes.

I. The city manager, or designee, determines that the parking of the oversized vehicle would not create a public safety hazard. Such a determination may be made based on factors, including, without limitation, the size of the oversized vehicle, the configuration of the street or the location of any nearby driveways, trees, improvements or structures. (Ord. 06-910)

3-3A-50-5: POSTING OF SIGNS:

Signs giving adequate notice of the prohibitions contained in section 3-3A-50-1 of this article shall be placed at the city limits, as well as at other appropriate locations as determined by the traffic engineer to be consistent with applicable law. (Ord. 06-910)

3-3A-50-6: PERMIT RESTRICTIONS:

A. It shall be unlawful for any person to whom a permit is issued pursuant to section 3-3A-50-4 of this article to transfer, sell, rent or lease such permit or allow such permit to be used by any person other than a guest of that person, either with or without consideration.

B. It shall be unlawful for any person to borrow, buy or otherwise acquire for value or use or display any parking permit, except as provided for in section 3-3A-50-4 of this article.

C. Each permit issued pursuant to section 3-3A-50-4 of this article shall be subject to all of the conditions and restrictions set forth in section 3-3A-50-4 of this article. The issuance of such permit shall not be construed to be a permit for or approval of any violation of any provision of this code or any other law or regulation.

D. The issuance of a permit pursuant to section 3-3A-50-4 of this article shall not be construed or interpreted as a warranty or representation by the city or its officials, officers or employees that the parking of any oversized vehicle is or is not in compliance with any other provision of law. Neither the enactment of this part nor the preparation or delivery of any permit pursuant thereto shall impose any mandatory duty upon the city, its officials, officers or employees to completely and accurately determine the safety of the parking of any oversized vehicle or impose any liability on the city, its officials, officers or employees regarding the same.

E. The city council may establish a reasonable permit fee by separate resolution to recover the city administrative costs in preparing and issuing permits. (Ord. 06-910)

ARTICLE B. BICYCLE REGULATIONS

Part 1. Registration And Licensing

3-3B-0: ADOPTION OF CODE:

Except as hereinafter provided, that certain bicycle licensing ordinance known and designated as ordinance 3027 of the county of Los Angeles, including all amendments and supplements enacted and in effect on or before December 31, 1974, shall be and is hereby adopted. (1960 Code, as amended)

3-3B-1: COPIES ON FILE:

Three (3) copies of said ordinance 3027 have been deposited with the city clerk, and shall be at all times maintained by said for use of and examination by the public. (1960 Code, as amended)

Part 2. Restrictions On Use

3-3B-10: DEFINITION:

"Block", as used in this article, means property facing one side of any street between the next intersecting streets or between the terminus of a dedicated right of way of a street and an intersecting street. (1960 Code, as amended)

3-3B-11: PARKING BICYCLES:

All bicycles shall be parked in the street area where automobiles are lawfully entitled to park except upon such streets and in such areas as the city council shall determine otherwise by resolution. (1960 Code, as amended)

3-3B-12: DESIGNATED BICYCLE PARKING AREAS:

The city council may by resolution designate certain blocks or portions of blocks as areas in which bicycles shall be parked only in certain bicycle parking racks provided by the city either within the roadway right of way or city sidewalk. Said blocks shall be posted with signs by the city manager reading, "No Bicycle Parking Except In City Racks", and the bicycle racks shall have a sign permanently posted on or in the immediate area reading:

CITY BICYCLE RACK - BICYCLES MUST BE PARKED IN THESE RACKS IN THIS BLOCK - NO OTHER PARKING PERMITTED.

(1960 Code, as amended)

3-3B-13: UNLAWFUL BICYCLE PARKING; FINE:

Any bicycle unlawfully parked shall be removed by any police officer of the city of Temple City and impounded. No bicycle shall be released until the sum of one dollar ($1.00) shall have been paid to the city clerk. For each additional offense there shall be charged one dollar ($1.00) over the previous fine paid. In the event a bicycle is not claimed and the fine paid within six (6) weeks of impounding, the bicycle shall be sold by the city for the highest bid after one advertisement in the "Temple City Times" reading:

A bicycle (or bicycles) shall be sold by the City of Temple City to the highest bidder on (date), at ten o'clock A.M.

All money received shall become the property of the city of Temple City and be deposited in the general fund. (1960 Code, as amended)

3-3B-14: RIDING ON SIDEWALKS:

No person shall ride a bicycle on any city sidewalk, pursuant to section 1401 of ordinance 6544 of the county of Los Angeles. The placing by walking, carrying or lifting of a bicycle into a bicycle rack provided by the city shall not be deemed operating a bicycle on a public sidewalk so long as same is done within a reasonable distance of a city bicycle rack. (1960 Code, as amended)

ARTICLE C. WHEELED TOY REGULATIONS

3-3C-0: DEFINITIONS:

BICYCLE: That defined by the vehicle code of the state of California.

WHEELED TOYS: Includes all other wheeled conveyances, regardless of motive power, not classified as bicycles in this code nor as vehicle in the vehicle code of the state, and specifically shall include, but without limitation, roller skates, skateboards, coasters, scooters and toy vehicles.

Exception is made for baby carriages, wheelchairs and any vehicle in the service of the city. (1960 Code; amd. Ord. 88-628)

3-3C-1: RIDING OF WHEELED TOYS:

No person shall ride a bicycle or other wheeled toy in any public park or parking lot, or on any city sidewalk within a commercial area of the city, or operate, or use it on public property within the city, except for official public safety officers or personnel. (1960 Code; amd. Ord. 96-798)

3-3C-2: PARKING OF WHEELED TOYS:

No person shall park or leave standing unattended any wheeled toy upon a public sidewalk. (1960 Code)

3-3C-3: PENALTY:

Any person violating the provision of these regulations shall be guilty of an infraction. Confiscation of the wheeled toy shall be at the discretion of the police officer. (1960 Code)

Chapter 4
STREETS AND SIDEWALKS

ARTICLE A. OBSTRUCTIONS

3-4A-0: DEFINITIONS:

As used in this chapter, the following terms shall be defined as set forth herein:

BENCH: A seat located upon public property along any public way for the accommodation of passerby or persons awaiting transportation.

BUSINESS: Means and includes any type of product, goods, service, performance or activity which is provided or performed, or offered to be provided or performed, in exchange for money, labor, goods or any other form of consideration.

EMPLOYMENT: Means and includes services, industry or labor performed by a person for wages or other compensation or under any contract of hire, written, oral, express or implied.

SIDEWALK: The space between the curb line of the street and the inside property line, whether covered with a cement walk or not.

SOLICIT: Means and includes any request, offer, enticement or action which announces the availability for or of employment, the sale of goods, or a request for money or other property or any request, offer, enticement or action which seeks to purchase or secure goods or employment, or to make a contribution of money or other property. As defined herein, a solicitation shall be deemed complete when made, whether or not an actual employment relationship is created, a transaction is completed, or an exchange of money or other property takes place.

STREETS: Any public thoroughfare or way including the sidewalk, the parkway and any other public property bordering upon a public way. (1960 Code; amd. Ord. 94-764)

3-4A-1: DEPOSITING DEBRIS:

It shall be unlawful for any person to deposit or cause or permit to be deposited in or upon any public street, alley, sidewalk or other public place any filthy water, rubbish, sweepings from any store or house, contents of a cuspidor, any putrid substance of any kind, tacks, nails or broken glassware. (1960 Code)

3-4A-2: DUTY OF PROPERTY OWNER:

It shall be unlawful for any person to fail, refuse or neglect to keep the sidewalk in front of his own house, place of business or premises in a clean and wholesome condition. (1960 Code)

3-4A-3: BUSHES OR TREES CAUSING OBSTRUCTION:

It shall be unlawful for any person having charge or control of any lot or premises in the city, whether as owner, lessee, tenant, occupant, or otherwise to allow any limbs, twigs or leaves of any bush, or tree growing in or upon the sidewalk or any public street or alley in front of such lot or premises or upon any premises abutting upon such sidewalk to interfere with or obstruct the free passage of pedestrians along such sidewalk, public street or alley. Whenever any bush, or tree growing in or upon any premises in such a manner that any portion thereof shall ever hang over any sidewalk, public street or alley, or growing in or upon any such sidewalk is greater than fifteen feet (15') in height, the lower limbs, twigs and leaves of such bush or tree shall be kept removed at all times, so that at no time shall any portion of street or alley, and whenever any such limbs, twigs or leaves of such bush or tree shall be kept at all times so that the same are not interfering with or obstructing the free passage of pedestrians or vehicles along such sidewalk, street or alley. (1960 Code)

3-4A-4: VEGETATION NOT TO OBSTRUCT SIDEWALKS:

It shall be unlawful for any person having charge or control of any lot or premises whether as owner, lessee, tenant, occupant or otherwise, to allow any vegetation to grow or exist along or upon the sidewalk or public street in front of such premises in such manner as to interfere with or obstruct the free passage of pedestrians along such sidewalk, street or alley. (1960 Code)

3-4A-5: PROPERTY OWNER DEPOSITING DEBRIS:

It shall be unlawful for any person having charge or control of any lot or premises in the city, either as owner, lessee, tenant, occupant or otherwise to allow any soil, trash, rubbish, garden refuse, tree trimmings, ashes, tin cans or other waste or refuse to remain upon or in any public street or alley or upon any sidewalk abutting on such lot or premises, or to interfere with or obstruct the free alleys or streets. (1960 Code)

3-4A-6: BARBED WIRE FENCES PROHIBITED:

It shall be unlawful for any person having charge or control of any lot or premises, either as owner, lessee, tenant, occupant or otherwise, to erect or maintain or permit to be erected or maintained any barbed wire fence along any sidewalk or along any property line abutting on any sidewalk nearer than seven feet (7') above such sidewalk. (1960 Code)

3-4A-7: GOODS ON SIDEWALKS:

It shall be unlawful for any person in the city to place or cause to be placed anywhere upon any public street, way or sidewalk, or for any person owning, operating or having control of any premises, to suffer to remain in front thereof upon the sidewalk or portion of the street, alley or way next to such premises, any boxes, bales, barrels, goods, wares, merchandise, wood, lumber or any other thing obstructing the free use or passage of such street, way or sidewalk, provided that any person may display goods, wares and merchandise on the portion of the sidewalk within one and one-half feet ($1\frac{1}{2}$') from the property line, and also provided, that goods, wares and merchandise actually in transit may be allowed on the outer one-third ($\frac{1}{3}$) of the width of any sidewalk, between the hours of eight o'clock (8:00) P.M. and eight o'clock (8:00) A.M. of the next day. (1960 Code)

3-4A-8: DRAINAGE OF WATER ON SIDEWALKS, STREETS OR ALLEYS:

It shall be unlawful for any person having control of any lot or premises whether as owner, lessee, tenant or occupant or otherwise, or any agent or any employee of any such person, to cause or to permit any water to run or drain across or onto or upon or to stand on any sidewalk, street, or alley abutting on such lot or premises, except such water as is actually and necessarily used in washing or cleaning such sidewalk or street, and except for a reasonable amount of water which may be occasioned by sprinkling of lawns or shrubbery. The draining of swimming pool water is expressly prohibited by this section, except where specific written permission has been granted by the city manager of the city of Temple City. (1960 Code)

3-4A-9: DEPOSIT OF TACKS, ETC., UNLAWFUL:

It shall be unlawful for any person to throw or deposit tacks, broken glassware or nails, upon the sidewalks, street, avenues, alleys or other public places in the city. (1960 Code)

3-4A-10: CUTTING OR DEFACING SIDEWALKS, ETC., UNLAWFUL:

It shall be unlawful for any person to cut, carve, hack, hew or otherwise deface any sidewalk, curb, gutter or pavement on any public street in the city. (1960 Code)

3-4A-11: OBSTRUCTIONS DEEMED NUISANCES:

Any obstruction in or upon any street, alley, sidewalk or other public place or maintained thereon shall be deemed to be a public nuisance and be treated as such. (1960 Code)

3-4A-12: SIGNS ON STREET:

It shall be unlawful to place any sign or signs upon any sidewalk, including, but not limited to, signs placed on chairs, stands, boxes or racks which are movable. The city shall cause to be removed forthwith any sign placed upon any city sidewalk not placed pursuant to proper resolution or ordinance of the city, and any sign or signs so removed shall be retained by the city for a period of five (5) days, in which time the owner thereof may have same returned. In the event the owner of any moved signs shall fail to claim same within the said five (5) day period the city shall dispose of such sign or signs as it shall deem fit. In the event the owner of any sign or signs shall place same a second time upon any city sidewalk, the city shall dispose of same as it shall deem fit. (1960 Code)

3-4A-13: STREET SOLICITATIONS:

This section regulates the activity of soliciting employment, business or contributions by occupants of moving vehicles from persons standing on public streets and sidewalks, as well as persons standing in the public streets and sidewalks soliciting occupants of moving vehicles. (Ord. 94-764)

3-4A-14: SOLICITATION FROM PUBLIC STREETS PROHIBITED:

A. For the purposes of this section the following meanings shall apply:

BARTER: Means and includes buy, sell, accept, trade, solicit, or any other activity in connection with goods, wares and merchandise.

CRITICAL HOUR: Anytime from six o'clock (6:00) A.M. to eleven thirty o'clock (11:30) P.M. Mondays through Sundays.

EMPLOYMENT: Any offer or exchange or consideration for labor or other personal services, including part time or temporary services.

MERCHANDISE: Means and includes all forms of commercial transactions including the delivery thereof, and services.

SOLICIT OR HIRE: Any request, offer, enticement, or other action or gesture which induces another person to reasonably believe that his or her services are being sought or available for hire.

STAND: Includes sit, lie, be or remain.

STREET OR HIGHWAY: All of the area dedicated to public use for public street purposes and shall included, but not be limited to, roadways, parkways, medians, alleys, sidewalks, or front curbs, and public ways. It shall also include the first one hundred feet (100') in depth of any publicly owned property abutting a street, and the first two hundred feet (200') of any street intersecting a listed street.

For all purposes of this section, the use of the term "street or highway" shall include only the following streets:

1. Rosemead Boulevard in its entirety.

2. Lower Azusa Avenue in its entirety.

3. Temple City Boulevard in its entirety.

4. Las Tunas Boulevard in its entirety.

5. All streets intersecting the above streets for a distance of two hundred feet (200') from such intersection.

B. It shall be unlawful for any person to stand on an above listed street or highway during any critical hour, and solicit, or attempt to:

1. Barter merchandise; or

2. Solicit employment, business, or contributions; from an occupant of any motor vehicle.

C. It shall be unlawful for any person during a critical hour to stop, park or stand a motor vehicle on an above listed street or highway from which any occupant attempts or succeeds to:

1. Barter merchandise; or

2. Hire or hires for employment another person or persons.

D. It shall be unlawful for any person during a critical hour to:

1. Barter merchandise; or

2. Offer or solicit employment, in person or through an agent, or to conduct any commercial activity; in any public park owned by the city except as part of a public entertainment activity for which a public entertainment permit has been issued by the city, or pursuant to a concession agreement with the city.

E. No person shall solicit or attempt to:

1. Barter merchandise; or

2. Solicit employment, business or contributions of money or other property, from a location within a commercial parking area other than an area within or served by such parking area which is authorized by the property owner or the property owner's authorized representative for such solicitations. (This section shall not apply to a solicitation to perform the barter of merchandise or employment or business for the owner or lawful tenants of the subject premises.)

a. For purposes of this subsection, "commercial parking area" shall mean privately owned property which is designed or used primarily for the parking of vehicles and which adjoins one or more commercial establishments.

b. This subsection shall only apply to commercial parking areas where the following occurs:

(1) The owner or person in lawful possession of the commercial parking area establishes a written policy which provides area(s) for the lawful solicitation of:

(A) The barter of merchandise; or

(B) The employment, business, or contributions of money or other property, in locations which are accessible to the public and do not interfere with normal business operations of the commercial premises;

(2) A copy of said policy is submitted to the city administrator to be maintained in city files; and

(3) The owner or person in lawful possession of the commercial parking area has caused a notice to be posted in a conspicuous place at each entrance to such commercial parking area not less than eighteen by twenty four inches (18 x 24") in size with lettering not less than one inch (1") in height and not to exceed in total area, six (6) square feet. The notice shall be in substantially the following form:

It shall be a misdemeanor to engage in:

a)The barter of merchandise; or
b)The solicitation of employment, business or contributions or money, or other property in areas of this parking lot which are not first approved for such activity by the property owner.

F. This section shall not be construed so as to prohibit a business establishment or property owner from: 1) bartering merchandise, or 2) soliciting or hiring employees at or on the premises. For the purpose of this section, motor vehicles and other similar types of mobile locations shall not be considered a business establishment or premises.

G. This section and the interpretation of each and every word, clause or sentence hereof shall conform to the construction and restriction placed thereon as may from time to time be handed down by final decisions of courts having jurisdiction over this city and its ordinances, including the following: Acorn v. Phoenix 798 F2d 1260; Acorn v. New Orleans 606 FS 16; Clark v. Community 468 U.S. 288; Blair v. Shanahan 775 FS 1315; Gaudiya v. San Francisco 952 F2d 1059; Central v. Glen

753 FS 1315; Young v. New York 903 F2d 146; and Lee v. Hare Krisna 112 S. Ct. 2709; Xiloj v. Agoura 29 CR2d 879; Joyce v. S.F 846 FS 843; Cincinnati v. Discovery 113 S.Ct. 1505; One World 76 F3d 1009; Denver v. Aurora 896 P2d 306; Scarrino 83 F3d 364; Acuna 14 Cal4th 1090; Barajas v. Anaheim 18 CR2d 478. (Ord. 94-764; amd. Ord. 99-832)

3-4A-15: SOLICITATION FROM VEHICLES:

It shall be unlawful for any person, while the occupant of a moving vehicle, to solicit, or attempt to solicit, employment, business or contributions of money or other property, from a person who is within the public right of way, including, but not limited to, a public street, highway, sidewalk or driveway. (Ord. 94-764)

ARTICLE B. STREET BENCHES

3-4B-0: PERMIT REQUIRED:

No person shall place, install or maintain any bench on any street within the city, without first obtaining a written permit therefor from the city. A separate permit shall be obtained for each bench, which permit shall be valid only for the particular locations specified thereon. There shall not be more than two (2) benches at any one location. (1960 Code)

3-4B-1: APPLICATION FOR PERMIT:

Application for permit must be submitted in writing to the city for each bench and must show:

A. The name and address of the applicant;

B. The location where the bench is to be placed;

C. A description of the bench showing its type, general dimensions and material construction;

D. A description of the advertising, if any, to appear thereon. (1960 Code)

3-4B-2: PRIORITY OF APPLICATION:

Applications will be processed by the city on a first come basis. When two (2) or more applications for the same location are received at the same time, the one with the earliest postmark will be honored, unless an application has been filed with a prior time stamp at the city hall. (1960 Code)

3-4B-3: CONSTRUCTION:

Every street bench shall not be more than eight feet (8') in length, or more than forty two inches (42") high, and must be of sturdy, safe construction approved by the city engineer. (1960 Code)

3-4B-4: LIMITATION OF ADVERTISING:

No advertisement sign, printing or writing on any street bench shall display "Stop", "Look", "Drive-In", or any other word, symbol or device calculated to interfere with, mislead or distract traffic. (1960 Code)

3-4B-5: LICENSE FEE:

Upon granting of any application, a fee of three dollars ($3.00) shall be collected at the time of the issuance of the permit by the city license collector. Each permit and each renewal permit shall be required on December 31 next following the date of its

issuance. If the renewal is granted, a fee of three dollars ($3.00) for each bench shall be charged and must be paid for each renewal of the permit. Application for renewal must be made prior to the expiration date of permit, and must be accompanied by the required renewal fee or fees. (1960 Code)

3-4B-6: PERMITTEE'S OBLIGATIONS:

No permittee shall locate or maintain any bench at a point or location other than that specified therefor in the permit for such bench. It shall be the duty of the permittee to maintain each bench at all times in a safe condition and at its proper and lawful location. (1960 Code)

3-4B-7: INSTALLATION WITHOUT PERMIT:

Any bench installed without a permit shall be removed by the city. (1960 Code)

3-4B-8: REVOCATION OF PERMIT:

After the revocation of any permit, the city may order the removal and storage of the bench, if the permittee fails to do so within ten (10) days after notice. (1960 Code)

3-4B-9: RECOVERY BY OWNER:

Notwithstanding the provisions of sections 3-4B-7 and 3-4B-8 of this article, the permittee may recover the bench, if within sixty (60) days after the removal, he pays the cost of such removal and storage, which shall not exceed two dollars ($2.00) for removal and five dollars ($5.00) a month for storage, for each such bench. After sixty (60) days, the city council may sell, destroy or otherwise dispose of the bench at its discretion. All of the foregoing shall be at the sole risk of the permittee, and shall be in addition to any other remedy provided by law for the violation of this section. (1960 Code)

3-4B-10: BOND OR INSURANCE POLICY:

No permit shall be issued pursuant to these sections unless the applicant shall post and maintain with the city license collector a surety bond or policy of public liability insurance, approved by the city attorney and conditioned as hereinafter provided. Such bond or policy shall be subject to the following conditions and provisions:

A. The bond or policy shall be so conditioned such that the permittee shall indemnify and save the city of Temple City, its officers and employees from any and all loss, costs, damages, expenses or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the bench for which the permit is issued and that the permittee shall pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of such installation or maintenance;

B. The bond or policy of insurance shall be maintained in its original amount by the permittee at this expense at all times during the period for which the permit is in effect;

C. In the event that two (2) or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two (2) or more benches, and each bond or policy shall be of such type that its coverage shall be automatically restored immediately from and after the time for the reporting of any accident from which liability may thereafter accrue;

D. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this section shall in no case be less than fifty thousand dollars ($50,000.00) for bodily injuries to or death of one person, one hundred thousand dollars ($100,000.00) for any one accident, nor less than five thousand dollars ($5,000.00) for property damage. (1960 Code)

3-4B-11: PERMIT INDEX FILE:

The street superintendent shall keep and maintain an index file of all permits granted or renewed under the provisions of this article. (1960 Code)

3-4B-12: ENFORCEMENT:

The street superintendent and police chief, shall enforce the provisions of this article, furthermore, the street superintendent shall make annual surveys as to the condition of all such benches hereunder permitted. (1960 Code)

ARTICLE C. UMBRELLAS

3-4C-0: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

OWNER: Shall include the plural as well as the singular and shall include all forms of entity, including, but not limited to, corporations, partnerships, joint ventures, sole proprietorships, joint tenancies, tenants in common and community property.

UMBRELLA: A shade consisting of cotton or other fabric or of metal, extended on strips of metal or other material fastened to a pole or rod usually by pivots or hinges so as to allow for its being opened and closed with ease.

"Umbrella" shall be deemed to include the singular as well as the plural. (1960 Code)

3-4C-1: INSTALLATION:

Umbrellas may be installed upon city sidewalks in certain locations and zones only upon compliance with the provisions of this part. Furthermore, umbrellas may be installed only in zones C-1, C-2, and C-3 as established by this code. (1960 Code)

3-4C-2: LICENSE FEE:

A license fee in the sum of five dollars ($5.00) for each umbrella shall be paid to the city clerk, which fee shall be paid prior to the installation of an umbrella. The license fee shall be valid only to the end of the fiscal year of the city of Temple City in which it is paid. License renewals must be paid within ten (10) days of the commencement of each fiscal year. (1960 Code)

3-4C-3: INSURANCE:

No license shall be issued by the city clerk until the applicant for license has handed to the city clerk written proof of insurance, by an insurance company approved by the city attorney of coverage for the term of the license, which insurance coverage shall hold the city free and harmless from any loss, damage or liability resulting in any way from the installation of any umbrellas installed by the applicant, in an amount not less than two hundred fifty thousand dollars ($250,000.00) for injuries, including death, to any one person, and subject to the same limit for each person in an amount not less than five hundred thousand dollars ($500,000.00) on account of one accident and twenty five thousand dollars ($25,000.00) property damage. (1960 Code)

3-4C-4: CONDITIONS FOR ISSUANCE OF LICENSE:

No permit shall be issued by the city clerk except to the owner of the real property most immediately adjacent to the sidewalk upon which the umbrella is to be located or to the owner of the business, but both the owner of the real property and the owner of the business shall execute an agreement with the city in such form as may be approved by the city council. (1960 Code)

3-4C-5: AUTHORITY OF CITY MANAGER:

The city manager shall have the following authority and duties:

A. The city manager shall set up administrative rules and regulations concerning the size, construction and installation of umbrellas, which administrative rules and regulations shall be directed to public safety.

B. All umbrellas shall be located upon sidewalks only at such locations as shall be approved by the city manager.

C. The city manager may cause to be removed any umbrella without notice if the city manager shall determine any umbrella to be dangerous to persons or property.

D. The city manager may cause to be removed any umbrella he shall deem unsightly or in need of repair after giving the licensee of the particular umbrella three (3) day notice in writing so to do and no correction of the particular umbrella having been made pursuant to the notice served. Such notice shall be in writing, sent by regular mail to the address appearing on the license for the particular umbrella. (1960 Code)

3-4C-6: TITLE:

Title to any umbrellas removed under subsection 3-4C-5C or D of this article shall pass forthwith upon removal to the city. (1960 Code)

3-4C-7: ADVERTISING:

No words, lettering, writing or pictures or drawings of any kind shall appear on any umbrellas licensed in this code. (1960 Code)

3-4C-8: TERMINATION:

All licenses issued under this article shall be issued subject to the right of the city of Temple City to terminate and cancel all licenses issued at any time upon a resolution adopted by the city council of the city of Temple City at a regularly called meeting which resolution shall declare and determine that the continued installation of the umbrellas is detrimental to the public health and well being of the people of Temple City. Each licensee shall be deemed to have notice of the provision whether stated upon the license or not and a finding by the city council that the umbrellas continued installation is detrimental to the public health shall be conclusive. (1960 Code)

ARTICLE D. TREE PRESERVATION AND PROTECTION

3-4D-0: PURPOSE AND INTENT:

This article is adopted for the purpose of establishing policies, regulations and specifications relating to the planting, care, maintenance and removal of trees, shrubs and any other plantings in public areas, including rights of way and easements, and the maintenance of private trees that impact public areas. These policies are necessary to govern installation, maintenance and preservation of trees to beautify the city, to purify the air, to provide shade and wind protection, and to provide habitat for birds and other animals.

It is the policy of the city to line its streets with trees and to conduct a consistent and adequate program for maintaining and preserving these trees. It is the goal of this article to provide for planting trees in all areas of the city and for selecting appropriate species to achieve as much beauty and economy as possible. It is also the policy of the city to protect and preserve all desirable trees that are located on the city's right of way. (Ord. 13-983)

3-4D-1: APPLICABILITY:

This article provides full power and authority to the city over all trees, plants and shrubs located within street rights of way, public parks and public areas of the city; and to trees and shrubs located on private property that constitute a hazard or threat to the community at large. (Ord. 13-983)

3-4D-2: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

COMMISSION: The parks and recreation commission of the city of Temple City.

DIRECTOR: The city's director of parks and recreation or the person designated with responsibility for the city's tree program.

DRIP LINE: A line which may be drawn on the ground around a tree directly under its outermost branch tips which identifies the location where rainwater tends to drip from the tree.

EXCEPTIONAL SPECIMEN TREE: A tree considered an outstanding specimen of its species by reason of age, rarity, location, size, aesthetic quality, endemic status, or unique character.

HAZARD OR HAZARDOUS CONDITION: Any condition in a tree or shrub that poses a significant threat of serious injury or harm to the public or considerable damage to real property.

MAINTAIN OR MAINTENANCE: The entire care of trees and shrubs including ground preparation, fertilizing, cultivating, trimming, treating for disease or injury or similar acts which promotes the life, growth, health or beauty of any planting.

MASTER TREE LIST: A document that specifies the species of trees suitable and desirable for planting in certain public areas of the city in order to establish a diverse urban forest.

PARKWAY: That portion of a public street which is not improved for actual street, curb, gutter, or sidewalk use and which is available for planting and maintaining trees.

PRIVATE TREE: Any tree where the centerline of the trunk is located on private property and not within any public right of way.

PROPERTY OWNER: The legal owner of any real property, and any lessee of such owner.

PRUNING, TRIMMING OR THINNING: Methods to control the height and spread of a tree, preserve its health and appearance, produce fuller branching and shaping, aid in disease prevention by allowing more light and air passage within which will increase its longevity in an urban environment.

PUBLIC AREA: Any property that is owned, controlled by, or dedicated to the city other than a public street, including, but not limited to, parks, areas around city owned buildings, city owned parking lots, and all other areas under the supervision and control of the city.

PUBLIC RIGHT OF WAY: All public areas and public streets in the city.

PUBLIC STREET: Includes every way set apart for public travel or use in the city, including any area available for use as a city street, road, avenue, boulevard, lane, alley, median, parkway, planting strip, curb, gutter, or sidewalk owned by the city in fee or as an easement or right of way for public use.

PUBLIC TREE: Any tree where the centerline of the trunk lies within the public right of way of the city.

REMOVAL: The uprooting, cutting or severing of the main trunk or major branches of a tree, or any act which causes or may be reasonably expected to cause a tree to die.

ROOT PRUNING: Cutting back tree roots where they may be damaging curbs, gutters, sidewalks, driveways, and possibly sewer and water lines or other utilities in an attempt to prevent further damage, undertake necessary concrete repair work, and to avert or at least postpone the need for actual tree removal.

SEVERE PRUNING: Pruning the tree that deviates from industry standards by removing more than twenty five percent (25%) of the foliage or leaving stubs.

SHRUB: A low woody plant having several stems and a trunk less than three inches (3") in diameter at a height less than four and one-half feet ($4^1/_2$') above the ground.

TREE: Any woody plant which has the potential of attaining a minimum height of fifteen feet (15') and has a canopy of foliage borne normally by a single trunk.

URBAN FOREST: A collection of trees that grows within a city, town or suburb, including trees on public streets, public areas, and on private property to provide for multiple use benefits for the general well being of the entire community.

VALID TREE SITE: A location in that area of the public right of way where a tree can be planted. All tree sites beneath electrical lines shall be considered small tree sites. (Ord. 13-983)

3-4D-3: JURISDICTION:

The city manager, acting through the director or his/her designee, shall exercise exclusive jurisdiction and control over the planting, maintenance, removal and replacement of trees, shrubs, or plants in all public rights of way of the city, and shall have such power, authority, jurisdiction and duties as are prescribed in this article. (Ord. 13-983)

3-4D-4: MASTER TREE LIST:

The city shall develop and maintain a master tree list, which shall be adopted by resolution of the city council and shall be on file in the office of the city clerk. The master tree list shall specify the species of trees suitable and desirable for planting in certain areas in order to establish a diverse urban forest. (Ord. 13-983)

3-4D-5: PUBLIC TREE PLANTING AND MAINTENANCE:

The city manager, acting through the director or his/her designee, shall develop and implement a program for the scheduling of public tree maintenance on a regular basis including policies and standards for planting and maintenance required of all trees located in the public right of way. (Ord. 13-983)

3-4D-6: APPROVAL PRIOR TO PLANTING:

No tree or shrub shall be planted in the public right of way of the city unless the director or his/her designee first approves the kind and variety, designates the location therefor, and grants a permit for planting pursuant to section 3-4D-10 of this article. Any tree planted without a permit, or any tree that voluntarily grows in a public area this is not an approved species, or is not located in a desirable area, shall be removed by the property owner or by the city. (Ord. 15-1007)

3-4D-7: DUTY TO MAINTAIN TREES:

A. It shall be the obligation of the director or his/her designee, to perform appropriate scheduled maintenance, including, but not limited to, pruning, fertilization and pest control, based on age, species, size, and location to assure the proper maintenance of all public trees, except as otherwise provided herein.

B. With the exception of pruning and trimming, property owners are responsible for the proper maintenance of parkways, and the trees planted within the parkways, adjacent to their property. Such maintenance shall include, but not be limited to, irrigation and maintaining the area surrounding the trees to be free from weeds or other obstructions.

C. If a private tree causes damage to any public right of way, the property owner is responsible for the cost of any repairs performed by the city.

D. Notwithstanding other provisions of this article, it is the responsibility of every property owner, at their sole cost, to keep all private trees which extend over any public street trimmed so that the branches overhanging the public street are at least fourteen feet (14') above ground level, except that a clearance of at least eight feet (8') shall be permitted over a sidewalk area.

E. The director or his/her designee may remove limbs from any tree or shrub regardless of its location, if in his/her opinion immediate removal is necessary

because the limb presents an imminent danger to persons or property. If the removal would require entry onto private property, the director or his/her designee shall comply with the procedures for the summary abatement of nuisances in section 4-2C-17 of this code.

F. Any person requesting service on any public tree such as trimming, pruning, root pruning or spraying, but desiring to have it undertaken sooner than the city is able to schedule work, may apply for a permit from the city pursuant to section 3-4D-10 of this article. (Ord. 13-983)

3-4D-8: PROTECTION OF TREES:

No person shall:

A. Plant, remove, trim, prune, spray or cut above or below ground any tree or shrub growing in the public right of way without first obtaining a permit to do so from the director pursuant to section 3-4D-10 of this article. A permit shall not be required to perform the routine maintenance of parkway trees required by subsection 3-4D-7B of this article.

B. Remove, injure or misuse any guard or device placed to protect any tree or shrub growing in the public right of way of the city.

C. Attach or keep attached to any tree growing in the public right of way any rope, wire, nail, tack, staples, advertising posters or other contrivance whatsoever.

D. Deposit, discharge, release, or apply, or allow any agent, employee, invitee, or licensee allowed to enter upon his property to deposit, discharge, release or apply, any hazardous material or toxic substance upon the ground that lies within the drip line of any tree or shrub growing in the public right of way.

E. Construct, place or maintain any structure or thing that impedes the free access of water or air to a public tree.

F. Place or pile building material, equipment or other substances around any public tree.

G. Construct retaining walls, fences, or similar improvements which impede the planting or maintaining of public trees or affect the growth of public trees.

H. Interfere, or cause any person to interfere, with employees of the city or contractors employed by the city, who are engaged in planting, maintaining, treating, removing or replacing any public tree or shrub or removing any material which is likely to cause injury to the tree or shrub.

I. Change the grade around any public tree. (Ord. 13-983)

3-4D-9: REMOVAL OF PUBLIC TREES:

A. Criteria For Removal: The city values trees as an important part of the environment and shall strive to preserve them whenever possible and feasible. Subject to provisions of this article, the director or his/her designee shall be responsible for inspection, maintenance, removal and replacement of public trees, and may cause public trees to be removed, or permit the removal of a public tree pursuant to a permit, if they are deemed to be:

1. Dead;

2. Dying, decayed or hazardous, or so weakened by age, disease, storm, fire, excavation, removal of adjacent trees, or any injury so as to cause imminent danger to persons or property;

3. Structurally unsound due to an abnormal and uncorrectable structure or appearance due to severe pruning or storm damage;

4. Diseased beyond reclamation, or the condition of which is a source of present danger to healthy trees in the vicinity, providing that an inspection and notice attesting to such fact has been completed by a state licensed pest control advisor or arborist;

5. Obstructing curb, gutter or sidewalk repair, or in the way of a new curb, gutter or sidewalk for which an exception to standard design is determined by the director to be inconsistent with established policies and standards for public tree planting and maintenance;

6. In dangerous proximity to existing structures or interfering with existing utilities;

7. Causing excessive damage to curbs, gutters, sidewalks, or driveways;

8. Obstructing proposed improvements so as to restrict economic enjoyment of the adjacent property, including the construction or safe use of a driveway or parking space for which a permit has been issued, unless such tree has been designated as an exceptional specimen tree;

9. Crowded by other trees and good horticultural practices dictate removal of some of them;

10. Otherwise healthy, but the removal of which is considered desirable because it is a proven nuisance species and/or in order to achieve a properly staged tree replacement schedule which enables several generations of trees to exist simultaneously;

11. Causing an allergic reaction to a property owner whose property is adjacent to the public tree. The property owner must provide a certification from a physician licensed to practice in California that the tree is causing the property owner to suffer allergic reactions. Exceptional specimen trees may not be removed pursuant to this subsection A11;

12. Incompatible with the growing space or unsuitable for use in its present location;

13. To facilitate hardscape repairs that cannot be completed without severe root pruning or other action that would jeopardize the health and stability of the tree. (Ord. 15-1007)

B. Removal Process: All public tree removals, whether by the city or by a private citizen pursuant to a permit issued under section 3-4D-10 of this article, shall adhere to the following procedures:

1. Upon approval of the removal of a public tree the city shall place a visible, nonremovable marking upon the subject tree indicating the tree is scheduled for removal a minimum of thirty (30) days prior to its removal.

2. A letter of notification will be sent to the owner of any private property adjacent to where the tree is scheduled to be removed at least thirty (30) days prior to the removal.

3. The city manager, acting through the director or his/her designee, may waive notification requirements for a tree removal in either of the following circumstances:

a. When the city manager, acting through the director or his/her designee, determines that a tree's condition immediately threatens public health, safety or welfare;

b. When local, state or federal authorities have declared a state of emergency and a tree's condition threatens public health, safety or welfare.

4. All tree removal shall include the removal of the stump and the removal of all stump grinding chips and the backfilling of the hole created by stump removal with a good quality topsoil suitable for the replanting of a replacement tree.

5. All removed trees shall be replaced with a tree of the same species as removed, except where the location of the removed tree is not a valid tree site or the removed species does not conform to the recommended species for the location in the master tree list approved by the city.

6. Trees that are touching or nearly touching utility lines shall be replaced with a recommended species.

7. All tree replanting shall be with a minimum fifteen (15) gallon container tree. For city removals, the city will only plant a larger tree if a person agrees to pay the difference in cost of a larger replacement tree size and any additional costs associated with the planting of a larger tree. (Ord. 13-983)

3-4D-10: PERMITS:

A. Any person may apply for a permit from the city to plant, remove, trim, prune, spray or cut above or below ground any tree or shrub growing in the public right of way.

B. The applicant shall submit a complete application form, along with any required permit fee, to the director or his/her designee. The application form shall require the applicant to describe in detail the work the applicant is proposing to perform, identify the licensed contractor who will be performing the work, and any other information the director deems necessary. The applicant must also submit proof of insurance coverage for the proposed work that satisfies the city's current insurance requirements.

C. The director shall approve or deny the application within thirty (30) days of receiving a completed application and proof of insurance. The director shall notify the applicant by mail of the decision. Notice of the decision shall also be given to the property owner(s) who own property adjacent to the location of the tree.

D. The applicant or any other interested person may appeal the decision of the director to the commission within fifteen (15) days of the notification of the decision. The appeal shall be heard in the same manner as provided in section 3-4D-11 of this article.

E. The permittee shall bear all costs associated with the work to be performed under the permit. (Ord. 13-983)

3-4D-11: APPEALS:

Any person may appeal a decision of the director to remove a public tree to the commission within fifteen (15) days of notification of the decision. Upon receipt of an appeal request, the director shall schedule the appeal hearing for the next available commission meeting. The appeal shall be a public hearing, and mailed notice of the public hearing shall be given to the adjacent property owner and any other person who has requested notice at least ten (10) days prior to the hearing. If the commission denies an applicant's appeal, the applicant may request a final appeal to the city council within ten (10) calendar days of the commission's decision. The same procedures for an appeal to the commission shall be followed for an appeal to the council. Fees for an appeal shall be determined by resolution of the city council. (Ord. 13-983)

3-4D-12: VIOLATIONS; PENALTIES:

A. It shall be unlawful for any person to cause damage to any public tree by any act or omission, whenever such act or omission is expressly prohibited by this article or not. Negligent or wilful injury to, or disfigurement of, any public tree shall be a violation of this article. Any person or persons who negligently or wilfully damage, disfigure or destroy any public tree shall be charged for all actual replacement or repair costs. The repair or replacement costs shall also include all legal, administrative and other costs incurred by the city associated with the repair or replacement.

B. Any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than five hundred dollars ($500.00). (Ord. 13-983)

ARTICLE E. ENCROACHMENTS

3-4E-0: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

ENCROACHMENT: Any physical obstruction or protrusion other than permitted driveway curb cuts and aprons, turf, normal ground cover or street trees.

SIDEWALK RIGHT OF WAY: The space between the curb line of the street and the inside property line, whether covered with cement walk or not. (See also definition of

"sidewalk" in section 3-4A-0 of this chapter.)

STREET RIGHT OF WAY: Any public thoroughfare or way including the sidewalk, the parkway and any other public property bordering upon a public way. (See also definition of "streets" in section 3-4A-0 of this chapter.) (Ord. 95-783)

3-4E-1: RIGHT OF WAY ENCROACHMENTS PROHIBITED:

No person shall install or allow to continue any physical obstruction or protrusion other than permitted driveway curb cuts and aprons, turf, normal ground cover/landscaping or street trees within the sidewalk and street right of way area adjacent to private property. (Ord. 95-783)

Chapter 5
PARKS AND CIVIC CENTER

ARTICLE A. GENERAL

3-5A-0: DEFINITIONS:

As used in this chapter, the following terms shall be defined as set forth herein:

CIVIC CENTER: That area of the city which contains the city hall, civic center building, library, and adjacent parking lots.

DIRECTOR: The city's director of parks and recreation or the person responsible for the operations of the parks and recreation department.

PARK: A park, reservation, playground, beach, recreation center or any other area in the city owned or used by the city, and devoted to active and passive recreation including any adjacent parking lots.

STAFF: Any employee of the city of Temple City immediately in charge of any park area and its activities.

VEHICLE: Any wheeled conveyance, whether motor powered, animal drawn or self-propelled, including bicycles, skateboards, scooters and similar self-propelled conveyance. The term shall include any trailer in tow of any size, kind or description. Exception is made for baby carriages, wheelchairs and any vehicles in the service of the city. (Ord. 05-899)

ARTICLE B. PARK PROPERTY

3-5B-0: DISFIGURATION AND REMOVAL:

No person shall wilfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notices or placards whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities or park property or appurtenances whatsoever, either real or personal. (Ord. 05-899)

3-5B-1: RESTROOMS AND WASHROOMS:

No person shall fail to cooperate in maintaining restrooms and washrooms in a neat sanitary condition. No person over the age of six (6) years shall use the restrooms and washrooms designated for the opposite sex. (Ord. 05-899)

3-5B-2: REMOVAL OF NATURAL RESOURCES:

No person shall dig or remove any sand whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, down timber or other wood or materials or make any excavation by tool, equipment, blasting or other means of agency except upon prior written approval of the director. (Ord. 05-899)

3-5B-3: ERECTION OF STRUCTURES:

No person shall construct or erect any building or structure of whatever kind, whether

permanent or temporary in character, or run or string any public service utility into, upon or across such lands, except upon prior written approval of the director. (Ord. 05-899)

3-5B-4: INJURY, REMOVAL OR PLANTING:

No person shall damage, cut, carve, plant, transplant or remove any tree or plant or injure the bark or pick the flowers or seeds of any tree or plant. Nor shall any person attach any rope, wire or other contrivance to any tree or plant. A person shall not dig in or otherwise disturb grass areas or in any other way injure or impair the natural beauty or usefulness of any area. (Ord. 05-899)

3-5B-5: CLIMBING UPON PARK PROPERTY:

No person shall climb any tree or walk, stand or sit upon any buildings, structures, monuments, vases, fountains, railings, fences or gun carriages or upon any other property not designated or customarily used for such purposes. (Ord. 05-899)

3-5B-6: HITCHING OF ANIMALS:

No person shall tie or hitch any animal to any structure, equipment, facility or park property. (Ord. 05-899)

3-5B-7: HUNTING:

No person shall hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor shall he remove or have in his possession the young of any wild animal, or the eggs or nest, or young of any reptile or bird; nor shall he collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen alive or dead of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight. (Ord. 05-899)

3-5B-8: FEEDING:

No person shall give or offer, or attempt to give to any animal or bird or reptile any tobacco, alcohol or other known noxious substances. (Ord. 05-899)

3-5B-9: POLLUTION OF WATERS:

No person shall throw, discharge or otherwise place or cause to be placed in the waters of any fountain or pond or other body of water in or adjacent to any park or any storm sewer, or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of said waters. (Ord. 05-899)

3-5B-10: REFUSE AND TRASH:

No person shall have brought in or shall dump, deposit or leave any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage or refuse or other trash. No such refuse or trash shall be placed in any waters in or contiguous to any park or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided; where receptacles are not provided all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere. (Ord. 05-899)

ARTICLE C. TRAFFIC REGULATIONS

3-5C-0: STATE MOTOR VEHICLE LAWS APPLY:

No person shall fail to comply with all applicable provisions of any city, county or state vehicle codes or traffic laws in regard to equipment and operation of vehicles together with such regulations as are contained in this and other ordinances. (Ord. 05-899)

3-5C-1: ENFORCEMENT OF TRAFFIC REGULATIONS:

No person shall fail to obey all traffic officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the director. (Ord. 05-899)

3-5C-2: TRAFFIC SIGNS:

No person shall fail to observe carefully all traffic signs indicating speed, direction, caution, stopping, or parking and all others posted for proper control and to safeguard life and property. (Ord. 05-899)

3-5C-3: OPERATION OF VEHICLES:

No person shall ride or drive a vehicle on any area except the paved park roads or parking areas or such other areas as may on occasion be specifically designated as temporary parking areas by the director. (Ord. 05-899)

3-5C-4: OPERATION CONFINED TO ROADS:

(Rep. by Ord. 05-899)

3-5C-5: PARKING, DESIGNATED AREAS:

All persons shall park a vehicle only in an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of an attendant who may be present. (Ord. 05-899)

3-5C-6: FULL PARKING:

(Rep. by Ord. 05-899)

3-5C-7: IMMOVABLE VEHICLES:

It shall be unlawful to leave any vehicle anywhere in the park so that such vehicle cannot readily be moved by hand. (Ord. 05-899)

3-5C-8: VEHICLE PARKING:

No private vehicle shall be parked in any park area including parking lots between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., without the written consent of the director or other authorizing city official. Vehicles left unattended between ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. may be towed. No vehicles shall enter upon any park property except legally established driveways or parking areas, without the written consent of the director or other authorized city official. (Ord. 05-899)

3-5C-9: EMERGENCY PROCEDURE:

(Rep. by Ord. 05-899)

3-5C-10: DOUBLE PARKING:

No person shall double park any vehicle on any road or parkway unless directed by staff. (Ord. 05-899)

3-5C-11: MUFFLER REQUIRED:

(Rep. by Ord. 05-899)

3-5C-12: BICYCLES CONFINED TO ROAD:

No person shall ride a bicycle on other than a paved vehicular road or path designated for the purpose unless pursuant to a supervised activity approved in writing by the director or by the department of parks and recreation. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or on any paved area reserved for pedestrian use. (Ord. 05-899)

3-5C-13: OPERATION OF BICYCLES:

No person shall ride a bicycle other than on the right hand side of the road paving as close as conditions permit, and bicycles shall be kept in a single file when two (2) or more are operating as a group. Bicyclists shall at all times operate their machines with reasonable regard to the safety of others, signal all turns, pass to the right of any vehicle they are overtaking, and pass to the right of any vehicles they may be meeting. Safety equipment shall be worn as required by law. (Ord. 05-899)

3-5C-14: RIDER PROHIBITED:

No person shall ride any other person on a bicycle. (Ord. 05-899)

3-5C-15: DESIGNATED RACKS:

No person shall leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available. (Ord. 05-899)

3-5C-16: IMMOBILE:

No person shall leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them. (Ord. 05-899)

3-5C-17: NIGHT OPERATION:

No person shall ride a bicycle on any road between thirty (30) minutes after sunset or before thirty (30) minutes before sunrise without an attached headlight plainly visible at least two hundred feet (200') in front of and without a red taillight or red reflector plainly visible from at least one hundred feet (100') from the rear of such bicycle. (Ord. 05-899)

ARTICLE D. PARK ACTIVITIES

3-5D-0: DESIGNATED SWIMMING AREAS:

No person shall swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the director upon a finding that such use of the water would be dangerous or, otherwise inadvisable. (Ord. 05-899)

3-5D-1: HOURS:

No person shall frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as shall be designated by the director for such purposes for each individual area. (Ord. 05-899)

3-5D-2: COSTUME:

No person shall be so attired in a bathing suit as to allow for the indecent exposure of such person. (Ord. 05-899)

3-5D-3: BATHHOUSES:

No person shall disrobe for the purpose of changing clothes either in the park, in any vehicle, toilet or other place, except in such structures as may be provided for that purpose. (Ord. 05-899)

3-5D-4: HUNTING AND WEAPONS:

No person shall hunt, trap or pursue wildlife at any time. No person shall use, carry or possess firearms of any description, or air rifles, spring guns, bow and arrows, slings, swords, knives, or other forms of weapons potentially inimical to wildlife and dangerous to human safety, or any instrument that can be loaded with and fire blank cartridges, or any kind of trapping device except such activities as shall be approved in writing by the director or by the Temple City department of parks and recreation. Shooting into park areas from beyond park boundaries is forbidden. (Ord. 05-899)

3-5D-5: PICNIC AREAS AND USE:

Use of picnic areas shall be subject to the following conditions and provisions:

A. All persons shall picnic or lunch only in those areas designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end;

B. Use of the individual fireplace together with tables and benches follows generally the rule of "first come, first served", subject to the exception that the tables in accordance with such rules of practice as said department shall adopt, but which rules shall be subject to such change, addition or modification as the city council shall by resolution adopt;

C. No person shall use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded;

D. No person shall leave a picnic area before the fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles, garbage and other refuse is placed in the disposal receptacles where provided. If no such trash receptacles are available, then refuse and trash shall be carried away from the park area by the picnicker to be properly disposed of elsewhere. (Ord. 05-899)

3-5D-6: CAMPING:

No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as house trailer, camp trailer, camp wagon or the like except upon the written approval of the director. (Ord. 05-899)

3-5D-7: GAMES:

No person shall take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits, or games

that may cause damage to the facilities, is prohibited except on the fields and courts or areas provided thereof. (Ord. 05-899)

3-5D-8: HORSEBACK RIDING:

No person shall ride a horse within the park area except upon written approval of the director. (Ord. 05-899)

3-5D-9: BEHAVIOR:

No person in a park or civic center shall, except as express written permission is granted by the parks and recreation commission:

A. Have brought alcoholic beverages nor shall any person drink alcoholic beverages at any time in the park (except as provided for in section 4-4-0 of this code);

B. Have entered or be under the influence of intoxicating liquor or narcotics, both as defined by the Penal Code of the state of California;

C. Brought, or have in his possession or set off or otherwise cause to explode or discharge or burn, any firecrackers, torpedo, rocket or other fireworks or explosives of inflammable material or discharge them or throw them into any such area from land or highway adjacent thereto. This prohibition includes any substance compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints; (Ord. 05-899)

D. Have been responsible for the entry of a dog or other domestic animal into a city park except for dogs under the circumstances as provided for in section 3-5D-11 of this article; (Ord. 14-995)

E. Occupy any seat or bench, or enter into or loiter or remain in any pavilion or other park structure or section thereof which may be reserved and designated for the use of the opposite sex. Exception is made for children under six (6) years of age;

F. Appear at any place in other than proper clothing;

G. Solicit alms or contributions for any purpose whether public or private except that the department of parks and recreation may in writing approve "passing the hat" at Little League baseball games and such other solicitation as the department may deem worthwhile;

H. Building or attempt to build a fire except in such areas and under such regulations as may be designated by the director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material, within any park area or on any highway, road or street abutting or contiguous thereto;

I. Enter an area posted as "Closed To The Public" nor shall any person use, or abet the use of any area in violation of posted notices;

J. Gamble or participate in or abet any game of chance;

K. Engage in loud, boisterous, threatening, abusive, insulting or indecent language, or engage in any disorderly conduct or behavior tending to a breach of the public peace;

L. Fail to produce and exhibit any permit from the director he claims to have, upon request of any authorized person who shall desire to inspect the same for the

purpose of enforcing compliance with any ordinance or rule;

M. Disturb or interfere unreasonably with any person or party occupying any area or participating in any activity, under the authority of a permit;

N. No person shall ride wheeled toys in a park, civic center or in adjacent parking lots;

O. No person shall operate a remote control vehicle in a park;

P. No person shall have brought in, procured or be responsible for carnival type attractions including moon bounces or similar type attractions; (Ord. 05-899)

Q. Smoke and/or possess a lighted tobacco product, including, but not limited to, cigars, cigarettes, and any electronic smoking device. (Ord. 14-994)

3-5D-10: MERCHANDISING, ADVERTISING AND SIGNS:

No person in a park shall:

A. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing. Exception is here made as to any concessionaire who may be authorized in writing to do so act under the authority and regulation of the director. Pursuant to section 4-8-15 of this code, food carts, wagons or stands (including ice cream vendors) are prohibited within three hundred feet (300') of the nearest property line of any public park;

B. Announce, advertise or call the public attention in any way to any article of service for sale or hire, except as express written permission is granted therefor by the parks and recreation commission to further any charitable or worthy cause;

C. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park, except as express written permission is granted therefor by the parks and recreation commission to further any charitable or worthy cause. (Ord. 05-899)

3-5D-11: DOGS:

A. Dogs are prohibited in the following areas of the parks:

1. Building interiors, patios, and covered walkways immediately adjacent thereto;

2. Performing arts pavilion;

3. Playgrounds;

4. Picnic shelters;

5. Tennis courts;

6. Basketball courts;

7. Athletic fields;

8. Baseball/softball fields;

9. Bleachers; and

10. Areas temporarily designated by the director during special events.

B. Dogs are permitted in passive grass areas and walkways of the parks, not included in subsection A of this section, or in areas designated from time to time by the director. The following requirements shall be adhered to by the person(s)

responsible for the dog:

1. Dogs must be securely restrained by a leash no longer than six feet (6') of sufficient strength, and under the full care, custody and proper control of a competent and capable person. Dogs shall not be left unattended at any time.

2. Persons responsible for the dog shall immediately remove and properly dispose of any dog waste.

3. The presence of a dog shall constitute implied consent of the dog's owner or any person responsible for the dog, to strictly follow the rules of this section and shall constitute a waiver of liability to the city, its elected officials, officers and employees, and assumption of all risks, and an agreement and undertaking to protect, and indemnify, defend and hold harmless the city, its elected officials, officers and employees, for any injury or damage to persons or property during any time that the dog is in the park or civic center.

C. Dogs controlled by law enforcement and legitimate service dogs and guide dogs are exempt from the prohibitions in subsection A of this section.

D. Any person who violates any provision of this section is guilty of an infraction pursuant to section 1-2-0-2 of this code and may be subject to a penalty of one hundred dollars ($100.00) for the first offense and two hundred dollars ($200.00) for the second offense; subsequent violations shall be deemed "misdemeanors" and are subject to a penalty of five hundred dollars ($500.00). (Ord. 14-995)

ARTICLE E. OPERATIONS POLICY

3-5E-0: HOURS:

Except for unusual and unforeseen emergencies or specific holidays designated by the director, parks shall be open to the public every day of the year during designated hours. The opening and closing of each individual park shall be posted therein for public information.

Notwithstanding any other provisions of this code, all municipally owned parks and recreation areas of the city shall be closed between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M. The parks and recreation director of the city may, from time to time, authorize in writing group recreational activities to continue after ten o'clock (10:00) P.M. (Ord. 05-899)

3-5E-1: CLOSED AREAS:

Any section or part of any park may be declared closed to the public by the director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise) and either entirely or merely to certain uses, as the director shall find reasonably necessary. (Ord. 05-899)

3-5E-2: PERMITS:

A. All organized and/or scheduled use of park facilities require that an application for said use shall be filed with the parks and recreation department. Reserved use of city athletic fields shall be limited to organizations and groups with fifty one percent (51%) or more of Temple City residents as verified by membership rolls and/or team rosters.

A person seeking issuance of a permit hereunder shall file an application with the appropriate director. The application shall state:

1. The name and address of the applicant;

2. The name and address of the person, persons, corporation or association sponsoring the activity, if any;

3. The day and hours for which permit is desired;

4. The park or portion thereof for which such permit is desired;

5. An estimate of the anticipated attendance;

6. Any other information, which the director shall find reasonably necessary to a fair determination, as to whether a permit should be issued hereunder;

B. The director shall issue a permit hereunder when he finds:

1. That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park;

2. That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare, safety and recreation;

3. That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;

4. That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the city;

5. That the facilities desired have not been reserved for other use at the day and hour required in the application;

C. A fee shall be paid in such amount as shall be set by the city council in a resolution adopted by the city council at a regular meeting;

D. Within twenty (20) days after receipt of an application the director shall apprise an applicant in writing his reasons for refusing a permit, and any aggrieved person shall have the right to appeal in writing within ten (10) days to the parks and recreation commission, which shall consider the application. Any aggrieved person shall have the right to appeal a parks and recreation commission decision in writing within ten (10) days to the city council. The decision of the city council shall be final;

E. A permittee shall be bound by all park rules and regulations and all applicable ordinances fully as though the same were inserted in said permits;

F. The person or persons to whom a permit is issued shall be liable for any loss, damage or injury sustained by any person whatever by reason of the negligence of the person or persons to whom such permit shall have been issued;

G. The director shall have the authority to revoke a permit upon a finding of violation of any rule or ordinance, or upon good cause shown. (Ord. 05-899)

3-5E-3: PUBLIC STORAGE:

The parks and recreation director is hereby authorized to provide on an as available basis storage for private personal property belonging to permittee groups used in connection with use of park facilities, but any personal property so stored shall be without liability of the city for any loss or damage which may occur. (Ord. 05-899)

3-5E-4: ENFORCEMENT:

The director and park attendants shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter. (Ord. 05-899)

3-5E-5: EJECTMENT:

The director and any park attendant shall have the authority to eject from the park any person acting in violation of this chapter. (Ord. 05-899)

3-5E-6: SEIZURE OF PROPERTY:

The director and any park attendant shall have the authority to seize and confiscate any property, thing or device in the park or used in violation of this chapter. (Ord. 05-899)

3-5E-7: RESERVED:

(Ord. 98-816)

3-5E-8: LOITERING:

No person shall enter or remain in any public park or recreation area within the city at anytime between the hours of ten o'clock (10:00) P.M. and six o'clock (6:00) A.M., except as authorized by the parks and recreation director under section 3-5E-0 of this article. No person shall loiter outside of a recreation center while an activity is conducted therein as to which such person is not eligible to participate. (Ord. 05-899)

3-5E-9: RULES AND REGULATIONS:

All persons entering a city park, playground, building, facility, court, water area or sports field shall adhere to all rules and regulations, whether posted or not, governing the use of said area, and such supplementary regulations as may be issued subsequently by the director. The first violation by any person of any rule or regulation shall be deemed an infraction; and subsequent violation shall be deemed a misdemeanor punishable in the manner provided in this code. (Ord. 05-899)

3-5E-10: RESERVED:

(Ord. 98-816)

3-5E-11: PARK FACILITY UTILIZATION AND UTILITY FEES:

A. The city council shall establish fees for nonscheduled utilization of park facilities and utility use. Such fees shall be set by city council resolution in an amount not to exceed the actual cost incurred by the city of reasonable estimated cost.

B. Park facilities shall include buildings, patio areas, playgrounds, tennis courts, basketball courts, athletic fields, designated picnic areas, vehicle parking lots and all open space within park boundaries.

C. Utilities shall include water, gas, electrical power, and operation of lighting systems for patio areas, playgrounds, tennis courts, basketball courts, athletic fields, designated picnic areas, vehicle parking lots and all open space within park boundaries.

D. The director shall be responsible for fee collection and determining the method of collection, which may include the installation of coin meters to control the operation of utility systems. (Ord. 05-899)

Chapter 6
ANIMAL CONTROL

3-6-0: ADOPTION OF LOS ANGELES COUNTY ANIMAL CONTROL ORDINANCE:

A. Subject to the amendments contained in this chapter, divisions 1, 2, and 3 of title 10 of the Los Angeles County code ("animals"), and any subsequent amendments thereto, are hereby adopted and incorporated herein by reference, and may be cited as the "animal control ordinance" of the city of Temple City.

B. Notwithstanding the provisions of subsection A of this section, the provisions of the animal control ordinance relating to mandatory microchipping of dogs and cats, and the mandatory spaying and neutering of dogs shall not become operative until January 1, 2013.

C. In the event there are any inconsistencies between the animal control ordinance and this chapter pertaining to animal control, the latter shall prevail.

D. In the event there are any inconsistencies between the animal control ordinance and the city's zoning ordinance relating to animals, the latter shall prevail.

E. At least one copy of the animal control ordinance shall be maintained on file either in the office of the city clerk or the chief enforcement officer of animal control for public inspection. (Ord. 12-956)

3-6-1: DEFINITIONS:

Notwithstanding the definitions provided in chapter 10.08 of the animal control ordinance, whenever any of the following names or terms is used in the animal control ordinance and this chapter, each such name or term shall be deemed or construed to have the meaning ascribed to it in this section as follows:

BOARD OF SUPERVISORS: The city council of the city of Temple City.

CITY: The city of Temple City.

COUNTY OR COUNTY OF LOS ANGELES OR UNINCORPORATED TERRITORY OF LOS ANGELES COUNTY: The city of Temple City.

KENNEL: Any lot, building, structure, enclosure, or premises whereupon or wherein four (4) or more dogs or cats, or any combination thereof, over four (4) months of age are kept or maintained for any purpose, including places where dogs are boarded, kept for sale, or kept for hire.

OWNER: Any person who holds the license to the animal, or if the animal is not licensed, the person legally entitled to possession of the animal, or any person with primary responsibility for the care of the animal. An owner shall also include any adult person who has possession of, or who exercises control over, an animal. (Ord. 12-956)

3-6-2: REPEALS TO THE ANIMAL CONTROL ORDINANCE:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, the following provisions of the animal control ordinance are hereby repealed: section 10.04.060 ("penalty: general"); section 10.20.038 ("residential dogs and cats - limitations"); section 10.20.375 ("penalty: spay and neuter"); chapter 10.37 ("potentially dangerous and vicious dogs"); section 10.84.030 ("penalty: predator animals"). (Ord. 12-956)

3-6-3: AMENDMENT; LICENSE - REQUIRED - FEES AND OTHER CHARGES:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.20.030 of the animal control ordinance is hereby amended to read as follows:

10.20.030 - Dog License - Required - Fees And Other Charges.

Every person owning or having custody or control of any dog over the age of four months in the unincorporated territory of the county of Los Angeles shall obtain an annual license from the director for each dog and shall pay the fee for the licenses including delinquency charges and field enforcement fees as set forth in sections 10.20.130 and 10.90.010. The owner or custodian of an animal found unlicensed by a department employee in the field will be charged a field enforcement fee. (Ord. 12-956)

3-6-4: AMENDMENT; TAG TO BE WORN BY DOG:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.20.180 of the animal control ordinance is hereby amended to read as follows:

10.20.180 - Tag To Be Worn By Dog.

A license tag for an individual dog shall be securely affixed to a collar, harness or other device which shall at all times be worn by such dog except while such dog remains indoors or in any enclosed yard or pen.

(Ord. 12-956)

3-6-5: AMENDMENT; MICROCHIPPING OF DOGS AND CATS REQUIRED:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.20.185 of the animal control ordinance is hereby amended to read as follows:

10.20.185 - Microchipping Of Dogs Required.

All dogs and cats over the age of four months must be implanted with an identifying microchip. The owner or custodian is required to provide the microchip number to the department, and shall notify the department and the national registry applicable to the implanted chip, of a change of ownership of the dog, or a change of address or telephone number.
(Ord. 12-956)

3-6-6: AMENDMENT; DOGS - RUNNING AT LARGE PROHIBITED:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.32.010 of the animal control ordinance is hereby amended to read as follows:

10.32.010 - Dogs - Running At Large Prohibited - Exceptions.

A. No person owning or having charge, care, custody, or control of any dog shall cause, permit, or allow such dog to be or to run at large upon any highway, street, lane, alley, court, or other public place, or upon any private property or premises other than those of the person owning or having charge, care, custody, or control of such dog, in the city, unless such dog be restrained by a substantial chain or leash not exceeding six feet (6') in length and is in the charge, care, custody, or control of a competent person.

B. No person owning or having charge, care, custody, or control of any dog shall cause, permit, or allow such dog to be or to run at large upon any private property or premises in the city unless said property or premises is enclosed by fencing or other structures sufficient to confine such dog to said property.
(Ord. 12-956)

3-6-7: AMENDMENT; NONDOMESTICATED MAMMALIAN PREDATORS:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.84.010(B) of the animal control ordinance is hereby amended to read as follows:

B. For purposes of this chapter:

1. "Rodent" includes, but is not limited to, ground squirrels;

2. "Non-domesticated" includes, but is not limited to, any animal that has not been adapted to human living conditions and practical uses, any animal that is not owned by a person, and any feral animal.

3. "Mammalian predators" include, but are not limited to, coyotes, raccoons, foxes, opossums, and cats.
(Ord. 12-956)

3-6-8: AMENDMENT; FEES:

Notwithstanding the provisions of subsection 3-6-0A of this chapter, section 10.90.010 of the animal control ordinance is deleted in its entirety and replaced with the following:

10.90.010 - Fee Schedule.

A. The fees, costs, and charges to be paid for all services and activities set forth in the animal control ordinance shall be established by resolution of the city council.

B. The director may waive any fees in cases of undue hardship.
(Ord. 12-956)

3-6-9: PENALTIES:

Any person violating or failing to comply with any provision, regulation, or requirement of the animal control ordinance or of this chapter shall be deemed guilty of a misdemeanor violation pursuant to section 1-2-0 of this code. (Ord. 12-956)

3-6-10: SEVERABILITY:

If any section, subsection, paragraph, sentence, clause or phrase of this chapter is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this chapter. The city council declares that it would have adopted this chapter, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Ord. 12-956)

Chapter 7
FIREARMS

3-7-0: PERSONS UNDER AGE EIGHTEEN, FIREARM:

Except as otherwise provided in section 3-7-5 of this chapter, it shall be unlawful in the city for any person, firm or corporation, to sell, give, lend or in any way furnish, or cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen (18) years, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot or device designed or intended to discharge or capable of discharging, any dangerous missile. (1960 Code)

3-7-1: PERSONS UNDER AGE EIGHTEEN, AMMUNITION:

Except as otherwise provided in section 3-7-5 of this chapter it shall be unlawful in the city, for any person, firm or corporation, to sell, give, lend, or in any way furnish or cause or permit to be sold, given, lent or in any way furnished, to any person under the age of eighteen (18) years, any cartridge, shell, ammunition or device containing any exploding substance, designed or intended to be used in or fired from, any gun, revolver, pistol or firearm. (1960 Code)

3-7-2: PERSONS UNDER AGE EIGHTEEN, DISCHARGING FIREARM:

Except as otherwise provided in section 3-7-5 of this chapter it shall be unlawful in said city, for any person under the age of eighteen (18) years to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or operating, or to have in his or her possession, care, custody or control, any gun, revolver, pistol, firearm, spring gun, air gun, sling, slingshot, or device designed, or intended to discharge, or capable of discharging, any dangerous missile, or any cartridge, shell, ammunition or device containing any exploding substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm. (1960 Code)

3-7-3: OTHER PERSONS DISCHARGING FIREARM:

Except as otherwise provided in sections 3-7-5 and 3-7-8 of this chapter, it shall be unlawful in said city for any person to fire, discharge, shoot or operate, or to assist or participate in the firing, discharging, shooting, or operating of any gun, revolver, pistol, firearms, spring gun, air gun, sling, slingshot, or device designed or intended to discharge or capable of discharging any dangerous missile of any cartridge, shell, ammunition, or device containing any exploding substance, designed or intended to be used in or fired from any gun, revolver, pistol or firearm. (1960 Code)

3-7-4: ARROWS AND SIMILAR MISSILES:

Except as otherwise provided in this chapter, a person shall not within any district or area described in this chapter shoot any arrow or similar missile to be shot, and a person, firm or corporation shall not cause or permit any arrow or similar missile to be shot at any place within two hundred (200) yards of any public highway, private street used by the general public, recreational area, park, riding and hiking trail, dwelling house, camp or place of human habitation, except when the arrow is shot under the adult supervision of a person connected with a responsible organization, as determined to be same by the city manager of the city, and then any arrow shot shall be from and at all times remains on or over, and lands upon private property, if all persons occupying or having the right to occupy such private property or portion thereof, consent thereto, and no arrow shall be shot anywhere unless said range shall be at least two hundred feet (200') in length and fifty feet (50') in width. (1960 Code)

3-7-5: PERSONS UNDER EIGHTEEN, AUTHORIZED USE:

Nothing in this chapter shall be deemed or construed to prohibit in said city the selling, giving, lending or furnishing to any person under the age of eighteen (18) years, upon the written consent of the parent or guardian of such person, any article mentioned in sections 3-7-0 and 3-7-1 of this chapter; not to prohibit any such person under the age of eighteen (18) years from having in his or her possession, care, custody or control any article mentioned in section 3-7-2 of this chapter in the event that such possession, care, custody or control of such article is had with the consent of the parent or guardian of such person and is under the direct supervision and control of some adult person; not to prohibit any such person under the age of eighteen (18) years from firing, discharging, shooting or operating any article mentioned in section 3-7-2 of this chapter when such person is accompanied by, and under the direct care and control of, some adult person and is engaged in hunting any wild game or predatory bird or animal which may be lawfully hunted and killed in said city, or is lawfully engaged in shooting at any inanimate target, or trapshooting device, while accompanied by and under the direct care and control of some such adult person. (1960 Code)

3-7-6: CONCEALED WEAPONS:

It shall be unlawful for any person except a duly elected or appointed peace officer to carry concealed upon or about his person any revolver, pistol, dagger, dirk, slug or slingshot, billy or other deadly weapon or instrument without first having obtained a written permit from the sheriff of the county of Los Angeles. (1960 Code)

3-7-7: CONFISCATION OF CONCEALED WEAPONS:

All concealed weapons found on person violating the provisions of this chapter shall upon conviction of said person be confiscated upon order of the court in which said conviction has been had. (1960 Code)

3-7-8: APPROVED DISCHARGE:

This chapter, except as otherwise provided in this title, does not prohibit the discharge of any rifle, shotgun, pistol, revolver or firearm of any kind, or the shooting of any arrow or other missile when necessary so to do to protect life or property, or to destroy or kill any predatory or dangerous animal, nor does this chapter prohibit the discharge of any rifle, shotgun, pistol or revolver at an approved firing range. An approved firing range is one which has been certified as safe by the city council of the city. (1960 Code)

Title 4
LAW ENFORCEMENT

Chapter 1
UNLAWFUL CONDUCT

ARTICLE A. GENERAL CONDUCT

4-1A-0: DISORDERLY CONDUCT:

No person shall engage in any disorderly or boisterous conduct, or disturb the peace by assaulting, striking or fighting, or be found in an intoxicated or drunken condition upon any premises within the city, or expose his person or any part thereof in a lewd and offensive manner in any place in the city where there are other persons to be offended or annoyed thereby, or to make in any place, or suffer to be made on his premises or upon premises under his control, any disorder or tumult, to the disturbance of the public peace, or utter in the presence of two (2) or more persons, any bawdy, lewd or obscene words or epithets or address another by any words, language or expressions having a tendency to create a breach of the peace, or utter or use within the hearing of one or more persons, any seditious language. (1960 Code)

4-1A-1: UNNECESSARY NOISES:

No person shall make, cause or suffer or permit to be made upon any premises, owned, occupied or controlled by him any unnecessary noises or sounds which are physically annoying to persons of ordinary sensitiveness or which are so harsh or so prolonged or unnatural or unusual in their use, time or place as to occasion physical discomfort to the inhabitants of any neighborhood. (1960 Code)

4-1A-2: GATES:

It shall be unlawful to construct or maintain any gate in any fence in such a manner that such gate may be opened outward over any portion of any public highway open for either pedestrians or vehicular traffic. Furthermore, it shall be unlawful to cause or permit any such gate in any fence to be or remain open outward over any portion of any public highway open for either pedestrian or vehicular traffic. (1960 Code)

4-1A-3: AIRCRAFT:

It shall be unlawful for any person, firm or corporation to drive, or cause to be driven, or to conduct, or cause to be conducted any aircraft, balloon airships or flying machines, in the air at a distance of less than one thousand feet (1,000') from the ground except in case of emergency. (1960 Code)

4-1A-4: HORSES:

No person shall drive or ride any horse or other animal upon any public highway or thoroughfare, in such a manner as to endanger the safety of persons on said highways or thoroughfares. (1960 Code)

4-1A-5: ILLEGAL DUMPING:

No person shall place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any garbage, swill, cans, bottles, papers, ashes, dirt, sand, rock, cement, glass, metal, carcass of any dead animal, offal, refuse, plants, cuttings or trash, or rubbish of any nature whatsoever, or any nauseous, offensive matter in or upon any public or private road, highway, street, alley, public way or any public or private property of any kind whatsoever. (1960 Code)

4-1A-6: FLOWING MUD OR WATER ON HIGHWAY:

It shall be unlawful for any person, firm or corporation, to deposit, drain, wash, allow to run or divert into or upon any public road, highway, street or alley, drainage ditch, storm drain or flood control channel owned by or controlled by any public agency within the city, any water, mud, sand, oil or petroleum. (1960 Code)

4-1A-7: DAMAGING PROPERTY:

No person shall wilfully or maliciously break or destroy any window, window sash, door, blind or pane of glass of any occupied or unoccupied house or outhouse in the city or enter any unoccupied house or outhouse and commit any nuisance therein or break, destroy or injure anything therein or any part of said house or outhouse, or any fence, or improvement whatever, or aid, abet or assist anyone to commit such nuisance or injure said property. (1960 Code)

4-1A-8: FALSE REPORTS:

No person shall inform or report to a peace officer that a crime has been committed whether a felony or misdemeanor, unless he, in good faith, believes that such crime has been committed. (1960 Code)

4-1A-9: GATE CRASHING:

No person, with intent gratuitously to avail himself of the entertainment or recreation furnished or the privileges conferred therein, shall enter any theater, stadium, athletic club, ballpark, golf course, golf club, tennis club or other place of amusement, entertainment or recreation, for admission to which an admission fee or membership fee is charged, without first paying such admission fee or membership fee. Any person who is a bona fide guest of a member of any club may enter such club according to the rules thereof. Any person may enter any place which is within the purview of this section with the consent of the owner or manager thereof. This section shall not be deemed to apply to the entry into any such place by a law enforcement officer acting within the scope and course of his official duties. (1960 Code)

4-1A-10: LOOKOUTS:

No person shall act as a lookout for a gambling game, house of prostitution or other illegal act. (1960 Code)

4-1A-11: PICKING FLOWERS:

No person shall pick any flower or flowers growing in a public park or place of the city, except by the express authorization of the superintendent thereof. (1960 Code)

4-1A-12: SMOKING:

No person shall smoke or possess any burning cigarette, cigar, pipe, in a polling place during an election. (1960 Code)

4-1A-13: THROWING MISSILES:

It shall be unlawful for any person to throw upon, along or across any public highway, road, street, alley, sidewalk, any missile capable of causing personal injury or damage to personal property at or toward any person or any vehicle. (1960 Code)

4-1A-14: UNAUTHORIZED REMOVAL, USE OR POSSESSION OF SHOPPING CARTS:

Use of shopping carts shall be subject to the following provisions:

A. No person shall remove any shopping cart, shopping basket or other similar device from the premises or parking area of any business establishment if such shopping cart, basket or device has permanently affixed to it a sign identifying it as belonging to the owner or operator or such business establishment and a notification to the effect that such cart, basket or device is not to be removed from the premises;

B. No person shall abandon or leave any such shopping cart, shopping basket or other similar device which has been removed from the owners premises upon any public street, alley, sidewalk, parkway or other public place, nor upon any private property except that of the owner of such cart, basket or device;

C. No person shall have in his possession any shopping cart, shopping basket or other similar device which has been removed from the premises of any business establishment operated by the owner of said cart, basket or device and which has permanently affixed to it a sign identifying it as belonging to the operator of a business establishment and a notification to the effect that such cart, basket or device

is not to be removed from the premises of said establishment;

D. No person shall use any shopping cart, shopping basket or other similar device for any purpose other than that intended by the owner of said cart, basket or device;

E. No person shall alter, convert or tamper with any shopping cart, shopping basket or other similar device or remove any part thereof. (1960 Code)

4-1A-15: SLEEPING IN VEHICLES:

It shall be unlawful for any person to park any motor vehicle in any city owned or operated parking lot, mall parking facility, or other place of public ownership, including parks and school facilities, between the hours of three o'clock (3:00) A.M. through five o'clock (5:00) A.M. for the purpose of sleeping, eating or otherwise using such parked vehicle as a residence or for uses unrelated to the primary purpose of vehicle parking. (Ord. 81-500)

ARTICLE B. MINORS

4-1B-0: DEFINITIONS:

As used in this article the following terms shall be defined as set forth herein:

CURFEW HOURS: Ten o'clock (10:00) P.M. of any day until six o'clock (6:00) A.M. the following day.

EMERGENCY: An unforeseen combination of circumstances or the resulting state that calls for immediate action to prevent serious bodily injury or loss of life. The term includes, but is not limited to, a fire, a natural disaster, an automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

ESTABLISHMENT: Any privately owned place of business to which the public is invited, including, but not limited to, any place of amusement, entertainment, or recreation.

GUARDIAN: A. A person who, under court order, is the guardian of the person of a minor;

B. A public or private agency with whom a minor has been placed by a court; or

C. A person who is at least eighteen (18) years of age and authorized by a parent or guardian to have the care and custody of a minor.

MINOR: Any person under eighteen (18) years of age.

PARENT: A person who is a natural parent, adoptive parent, or stepparent of a minor.

PUBLIC PLACE: Any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities, and shops.

SERIOUS BODILY INJURY: Bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement, or protracted loss or impairment of the function of any bodily member or organ. (Ord. 97-810)

4-1B-1: OFFENSES:

A minor commits an offense by being present in any public place or on the premises of any establishment within the city during curfew hours.

A parent or guardian of a minor commits an offense by an act or an omission, or by threats, or other form of coercion contributes to, or induces or attempts to induce any dependent child or ward of such person to fail or refuse to conform to any lawful order of a law enforcement officer, or to conform to the requirements of this code concerning curfew, shall be subject to a civil penalty. For purposes of this section, a parent or legal guardian to any person under the age of eighteen (18) years shall

have the duty to exercise reasonable care, supervision, protection and control over their minor child or ward. (Ord. 97-810)

4-1B-2: DEFENSES:

It is a defense to prosecution under section 4-1B-1 of this article that the minor was:

A. Accompanied by the minor's parent or guardian;

B. On an errand at the direction of the minor's parent or guardian, without any detour or stop;

C. In a motor vehicle involved in interstate travel;

D. Engaged in a lawful employment activity, or going to or returning home from a lawful employment activity, without detour or stop;

E. Acting in response to an emergency;

F. On the sidewalk abutting the minor's residence or abutting the residence which is immediately adjacent to the minor's residence;

G. Attending an official school, cultural, religious, sports, amusement, entertainment, or other recreational activity supervised by adults and sponsored by the city, a civic organization, or another similar entity that takes responsibility for the minor;

H. Exercising first amendment rights protected by the United States constitution as it pertains to minors, such as the free exercise of religious, freedom of speech, and the right of assembly, but subject to all other applicable laws, rules, and regulations; or

I. Emancipated in accordance with applicable state law. (Ord. 97-810)

4-1B-3: ENFORCEMENT:

Before taking action under section 4-1B-1 of this article a law enforcement officer shall ask the apparent offender's age and reason for being in the public place or on the premises of the establishment during curfew hours. The officer shall not issue a citation or make an arrest under this section unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, no defense in section 4-1B-2 of this article is present or applicable.

Any person who violates the provision of section 4-1B-1 of this article shall be liable for a civil penalty not to exceed two thousand five hundred dollars ($2,500.00) for each violation, which shall be assessed and recovered by the civil action brought in the name of the city. In any action brought pursuant to this section, penalties collected shall be paid to the treasurer of this city.

The remedies provided in this section are in addition to the remedies and penalties available under this code and all other laws of this state. (Ord. 97-810)

ARTICLE C. PUBLIC GATHERINGS

4-1C-0: CLOSING HOURS, AMUSEMENT AND ENTERTAINMENT PLACES:

No person shall carry on or assist in carrying on any amusement or entertainment to which the public is invited, or in which the public may participate, at any time between the hours of two o'clock (2:00) A.M. and six o'clock (6:00) A.M. (1960 Code)

4-1C-1: SPECIAL PERMISSION:

Any person who shall desire to carry on or conduct such amusement or entertainment for one night only, during the hours prohibited by the foregoing section, may apply in writing to the sheriff for permission so to do and the sheriff may grant such permission to such applicant when in his discretion the conduct of such amusement or entertainment at such time shall not be detrimental to the public health, safety, morals or welfare. The sheriff shall either grant or deny such application within three (3) days after such application has been presented to him and if he does not grant the same within such period such application shall be deemed to have been denied, except as herein provided. (1960 Code)

4-1C-2: APPLICATION TO CITY COUNCIL:

Any person who shall desire to carry on or conduct any such amusement or entertainment, during the hours prohibited by the foregoing sections and for a longer period than one night, shall file a written application therefor with the city clerk for presentation to the city council. Such application shall contain a detailed statement of the type of amusement or entertainment which the applicant desires to carry on or conduct and a statement of the reasons which in his opinion warrant the granting the same. Such application shall be filed with the city clerk at least five (5) days prior to the date upon which the applicant desires the granting of such permission and five (5) days prior to the meeting of the city council next succeeding the filing of such application. Thereupon the city clerk shall refer said application to the sheriff for investigation and his recommendation thereon. The city council may grant such permission to such applicant when in its discretion the nightly conduct of such amusement or entertainment will not be detrimental to the public health, safety, morals or welfare. (1960 Code)

4-1C-3: RESIDENTIAL PARTIES; PUBLICIZED COMMERCIALISM PROHIBITED:

A. Definitions: For the purpose of this section:

COMMERCIAL: The suggestion or request of a monetary charge, or a request for a donation, for admission.

PARTY: A group of persons meeting together for social, recreational or amusement purposes, but excluding meetings for political, charitable or religious purposes.

PUBLICIZED: An open invitation circulated by flier or advertised by publication, posting or distribution in or about public places suggesting unlimited or unreserved attendance.

RESIDENTIAL ZONE: All of the residential zones as defined and zoned in the zoning code of this city.

B. Party Prohibited: It shall be unlawful to host, conduct or permit a publicized commercial party in a residential zone of this city.

C. Penalty: Violation of this section is punishable by a fine not to exceed five hundred dollars ($500.00) or by imprisonment for not to exceed six (6) months, or by both such fine and imprisonment. (1960 Code)

ARTICLE D. SEXUAL CONDUCT

4-1D-0: PROHIBITIONS; WAITERS, WAITRESSES, ENTERTAINERS:

Every person is guilty of a misdemeanor who, while acting as a waiter, waitress or entertainer in an establishment which serves food, beverages, or food and beverages, including, but not limited to, alcoholic beverages, for consumption on the premises of such establishment:

A. Exposes his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region; or

B. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic region; or

C. Exposes any portion of the female breast at or below the areola thereof. (1960 Code)

4-1D-1: COUNSELING OR ASSISTING:

Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in section 4-1D-0 of this article. (1960 Code)

4-1D-2: EMPLOYMENT OR PAYMENT NOT NECESSARY FOR OFFENSE:

A person shall be deemed to be a waiter, waitress or entertainer if such person acts in that capacity without regard to whether or not such person is paid any compensation by the management of the establishment in which the activity is performed. (1960 Code)

4-1D-3: PROHIBITIONS; PUBLIC PERFORMANCE:

Every person 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:

A. Expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

B. Exposes any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region; or

C. Exposes any portion of the female breast at or below the areola thereof. (1960 Code)

4-1D-4: COUNSELING OR ASSISTING:

Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists any person to expose or simulate exposure as prohibited in section 4-1D-3 of this article. (1960 Code)

4-1D-5: EXEMPTION OF THEATRICAL ESTABLISHMENTS:

The provisions of sections 4-1D-0 through 4-1D-4 of this article shall not apply to a theater, concert hall or similar establishment which is primarily devoted to theatrical performances. (1960 Code)

ARTICLE E. GAMBLING

4-1E-0: GAMBLING PROHIBITED:

It shall be unlawful in the city for any person, firm, corporation or association, either as owner, lessee, manager, employee, agent or servant to conduct manage, carry on, maintain, operate, open, deal or deal in or to cause or permit to be conducted, managed, carried on, maintained, operated, opened, dealt or dealt in, any game, operation or transaction wherein any prize, gift, rebate, compensation, reward, award, payment or gratuity, consisting of any money, check, token, credit, goods, wares, merchandise, property or thing of value, is or is to be given, awarded or delivered,

either directly or indirectly, and wherein chance is a determining factor or is any determining factor of the result of such game, operation or transaction, which game, operation or transaction is conducted, carried on, or maintained, operated or played by the throwing, tossing, dropping, depositing or placing of any ball, marker, object, thing or substance into any perforation, hole or indentation in or upon any surface, receptacle, container, object or thing having marked, designated or identified thereon by or with any figure, number, character, symbol, letter, design or mark of any kind, or by selecting, designating, turning, indicating, choosing or projecting of any such figure, number, character, symbol, letter design or mark of any device, apparatus or equipment, or by any means or in any manner, or by drawing, selecting, choosing or removing from any receptacle or container of any ball, disk, object, substance or material marked, designated or identified by or with any figure, number, character, symbol, letter, design or mark hereinabove referred to, corresponding to, duplicating, referring to or relating to, in whole or in part, directly or indirectly, any figure, number, character, symbol letter, design or mark upon any card, paper, board, fabric, surface, object, substance or thing, held, used, operated or maintained by any player or participant therein or by any person where, by any predetermined or prearranged, or by any rule, method, scheme, design or procedure any person is found, declared or determined to be, or is or is to be, the winner, donee, recipient or taker of such prize, gift, rebate, compensation, reward, award, payment or gratuity, in the event that any such player or participant pays, deposits, expends, gives or pledges, either directly or indirectly or agrees, promises or intends to pay, deposit, expend, give or pledge, either directly or indirectly, any money, check credit, property or thing of value or makes or agrees to make any purchase for the privilege of playing or participating therein or of gaining admission to the place or premises where such game, operation or transaction is or is to be played, conducted, carried on, maintained or operated, or to any place or premises. (1960 Code)

4-1E-1: STATE LAW, GAMES PROHIBITED:

Provided, however, that no provision of this article shall be deemed or construed as prohibiting any act made unlawful by the provisions of section 320 or 330 of the Penal Code, or of any other code section or general law of the state of California, it being the intent of the city council to prohibit by this article all games, operations or transaction herein described, not prohibited by the provisions of any general law of this state, including all games, operations or transactions for profit commonly known as keno, tango, movie tango, bingo, bean sill ball, fortune, quintain, fascination or inspiration, and all games, operations or transactions similar thereto under whatever name they may be designated. (1960 Code)

4-1E-2: PARTICIPATION:

It shall be unlawful in the city for any person to participate in play, play in or engage in, either directly or indirectly, any game, operation or transaction prohibited by the provisions of sections 4-1E-0 and 4-1E-1 of this article. (1960 Code)

4-1E-3: CONTROL OF PROHIBITED GAMES:

It shall be unlawful for any person, firm, or corporation or association, owning, leasing, managing, controlling or having any interest in any property or premises lying within the city to cause or permit the maintenance or operation in or on such property or premises, having knowledge, or after reasonable notice, of the existence thereof, of any game, operation or transaction declared by the provisions of sections 4-1E-0 and 4-1E-1 of this article to be unlawful. (1960 Code)

4-1E-4: BETTING ON GAMES:

It shall be unlawful for any person to deal, play, carry on, open or conduct any game of chance played with cards, dice, or any other device, for money, checks, credit or thing of value; and no person shall bet at any of said prohibited games. There shall be excepted from the effect of this section, but not from the effects of Penal Code section 330 or any other state proscription, occasional private games played exclusively for social purposes in a private home, provided such games are not conducted with any aspect or manifestation of commercialism, and with respect to which there is no promoter, house charge, advertising, promotion or participation by the public. (1960 Code)

4-1E-5: GAMBLING INFORMATION:

No person, either as principal agent, employee or otherwise shall let or lease any telegraph or telephone line or wire knowing that it is to be used for the purpose of conducting or carrying on a poolroom, or for the purpose of conducting the business of making books or selling pools on races or other contests, or of betting or laying of wagers upon the result of any race or contest. And no person shall transmit any message over any telephone or telegraph line or wire owned, controlled or leased by any person engaged in conducting or carrying on a poolroom or in conducting the business of making books or selling pools on races or other contests, or of betting or laying of wagers upon the result of any race or contest, knowing that such message is to be used in conducting or carrying on such poolroom or business. (1960 Code)

4-1E-6: HORSERACE INFORMATION:

It shall be unlawful for any person, firm or corporation to have in his or its possession in the city any written or printed form, chart, table, list, sheet, circular or publication of any kind, giving or purporting to give, or representing as giving, any list or probable or possible list, of entries for any horserace or other contest thereafter anywhere to take place or which is anywhere taking place, if there be written or printed or published as part thereof, or in connection therewith, or in any other publication, printing or writing accompanying the same or referring thereto or connected therewith, any tip, information, prediction or selection of or advice as to or any key, cipher or cryptogram indicating, containing or giving any tip, information, publication or selection of or advice as to the winner, probable winner, or a loser or probable loser, or the result or probable result of any such race or other contest or the standing or probable standing of any horse or other contestant therein, or any statement as to, or comment upon, or reference to, the form, condition or standing of any horse or other contestant, or the actual, probable or possible state, past, present or future of the betting, wagering of odds upon or against any horse or other contestant named in such list, or probable or possible list of entries unless the names of such horses or other contestants shall be arranged in such list, or probable or possible list, in alphabetical order and shall be printed in type of the same size and face and of identical appearance, and shall all be printed flush with the left side of the column in which the same are printed or all in equal distance therefrom. (1960 Code)

4-1E-7: POOLROOM:

For the purposes of this article a "poolroom" is defined to be a room or place where betting or laying of wagers upon the result of races or contests is carried on as a business. (1960 Code)

4-1E-8: GAMES PROHIBITED:

A person shall not:

A. Deal, play, carry on or conduct:

1. Any game where players bet or wager money, checks, credits or other things of value against each other; or

2. Any game of chance for money, checks, credits or other things of value.

B. Bet or wager at or on any such game.

C. Permit any game prohibited by subsection A or B of this section to be played, conducted or dealt in any house or other premises owned by, rented by or in lawful possession of such person.

Provided, however, that no provision of this section shall be deemed or construed as prohibiting any act made unlawful by the provision of sections 320, 320a, 330 or 3371 of the Penal Code, or of any other code section or general law of the state of California, it being the intent of the city council to prohibit by this section all gambling herein described, not otherwise prohibited by the provisions of any law of this state. (1960 Code)

4-1E-9: SALE AND DISPLAY OF NARCOTIC AND OTHER

PARAPHERNALIA:

A. Minors: No owner, manager, proprietor or other person in charge of any room in any place of business selling or displaying for the purpose of sale, any device, contrivance, instrument of paraphernalia for smoking or injecting, or consuming marijuana, hashish, PCP, or any controlled substance, as defined in the Health And Safety Code of the state of California, other than prescription drugs and devices to ingest or inject prescription drugs, as well as roach clips, and cigarette papers and rollers designed for the smoking of the foregoing, shall allow or permit any person under the age of eighteen (18) years to be, remain in, enter or visit such room unless such minor person is accompanied by one of his or her parents, or by his or her legal guardian.

B. Minors; Excluded: A person under the age of eighteen (18) years shall not be, remain in, enter or visit any room in any place used for the sale, or displaying for sale, devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips, and cigarette papers and rollers designed and used for smoking the foregoing, unless such person is accompanied by one of his or her parents, or his or her legal guardian.

C. Sale And Display Rooms: A person shall not maintain in any place of business to which the public is invited the display for sale, or the offering to sell, of devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP, or any controlled substance, other than prescription drugs and devices to ingest or inject prescription drugs, including roach clips and cigarette papers and roller designed and used for smoking the foregoing, unless within a separate room or enclosure to which minors not accompanied by a parent or legal guardian are excluded. Each entrance to such a room shall be signposted in reasonably visible and legible words to the effect that narcotic paraphernalia are being offered for sale in such a room, and minors unless accompanied by a parent or legal guardian are excluded.

D. Minors; Nuisance: The distribution or possession for the purpose of sale, exhibition or display in any place of business from which minors are not excluded as set forth in this section, and where devices, contrivances, instruments or paraphernalia for smoking or injecting marijuana, hashish, PCP or any controlled substance, other than prescription drugs or devices to ingest or inject prescription drugs, including roach clips and cigarette papers and rollers designed and used for smoking the foregoing, is hereby declared to be a public nuisance, and may be abated pursuant to the provisions of section 731 of the Code Of Civil Procedure of the state of California. This remedy is in addition to any other remedy provided by law, including the penalty provisions applicable for violation of the terms and provisions of this code. (1960 Code)

ARTICLE F. BINGO GAMES

4-1F-0: BINGO AUTHORIZED:

Pursuant to the authority granted by section 19 of article IV of the California constitution and sections 326.3 through 326.5 of the California Penal Code, the city hereby authorizes bingo games to be conducted within the city consistent with the provisions of this article. The provisions of this article shall be interpreted to be consistent with sections 326.3 through 326.5 of the California Penal Code. To the extent there are any inconsistencies, sections 326.3 through 326.5 of the California Penal Code shall prevail. (Ord. 14-997)

4-1F-1: DEFINITIONS:

Words and phrases used herein shall be interpreted as set forth in this section.

BINGO: Game of chance in which prizes are awarded on the basis of designated numbers or symbols that are marked or covered by the player on a tangible card in the player's possession and that conform to numbers or symbols, selected at random and announced by a live caller.

CARD MINDING DEVICES: Handheld, portable devices to assist in monitoring the numbers or symbols announced by a live caller as those numbers or symbols are called in a live game.

DEPARTMENT: The department of justice.

ON SITE BINGO: A bingo game where the live caller is physically present at the same location as all of the bingo players.

PERSON: Includes a natural person, corporation, limited liability company, partnership, trust, joint venture, association, or any other business organization.

REMOTE CALLER BINGO: A bingo game in which the numbers or symbols on randomly drawn plastic balls are announced by a natural person present at the site at which the live game is conducted, and the organization conducting the bingo game uses audio and video technology to link any of its in state facilities for the purpose of transmitting the remote calling of a live bingo game from a single location to multiple locations owned, leased, or rented by that organization, or as described in subdivision (o) of Penal Code section 326.3. (Ord. 14-997)

4-1F-2: LICENSE REQUIRED:

A. License Required: A license from the city is required to conduct a bingo game within the city. No person shall conduct a bingo game within the city without a license from the city.

B. Eligibility For License: The following organizations are eligible to obtain a bingo license from the city:

1. An organization exempt from the payment of the taxes imposed under the corporation tax law by section 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, 23701k, 23701l, or 23701w of the Revenue And Taxation Code.

2. A mobilehome park association of a mobilehome park that is situated in the city of Temple City.

3. Senior citizen organizations.

4. Charitable organizations affiliated with a school district.

C. Additional Eligibility Criteria For Remote Caller Bingo License: If an organization eligible for a license under subsection B of this section seeks a license to conduct remote caller bingo, the organization must also meet the following requirements to be eligible for a license:

1. The organization has been incorporated or in existence for three (3) years or more.

2. The operation of bingo is not the primary purpose for which the organization is formed.

D. Application: The application shall be in a form prescribed by the city and shall be accompanied by a fifty dollar ($50.00) nonrefundable license fee. The city shall require the applicant to provide any such information and documentation as deemed necessary by the city to verify the applicant's eligibility for a bingo license.

E. Issuance And Term Of License: The license shall not be issued until the city has verified the facts stated in the application and determined that the applicant is qualified. A license issued pursuant to this section shall be valid until the end of the calendar year, at which time the license shall expire. A new license shall only be obtained upon filing a new application and payment of the license fee.

F. Denial Of License: If a license application is denied, the applicant will be refunded half of the license fee.

G. Revocation Of License: The fact that a license has been issued to an applicant creates no vested right on the part of the licensee to continue to conduct bingo games within the city. Any violation of any of the provisions of this article or of Penal Code sections 326.3 through 326.5, inclusive, shall constitute grounds for revocation of a license to conduct a bingo game and may further constitute grounds for the denial to the applicant or licensee of any future license to conduct additional bingo games within the city. At the request of the organization, the city council shall hold a public hearing before revoking any license issued pursuant to this article. (Ord. 14-997)

4-1F-3: CONDITIONS APPLICABLE TO ALL BINGO GAMES:

A. Use Of Proceeds: All proceeds from bingo games shall be kept in a special fund or account and shall not be commingled with any other funds. The proceeds of bingo games shall only be used for charitable purposes, except as follows:

1. The proceeds may be used for prizes.

2. Up to twenty percent (20%) of the proceeds before the deduction for prizes or two thousand dollars ($2,000.00), whichever is less, may be used for the rental of property and for overhead.

3. The proceeds may be used to pay license fees.

B. Minors Prohibited: Minors shall not be allowed to participate in any bingo game.

C. Location Of Games: An organization licensed to conduct bingo games shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by that organization for an office or for performance of the purposes for which the organization is organized. Nothing in this subdivision shall be construed to require that the property owned or leased by, or whose use is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

D. Public Participation: All bingo games shall be open to the public, not just to the members of the authorized organization. A person shall not be allowed to participate in a bingo game unless the person is physically present at the time and place where the bingo game is being conducted.

E. Staffing: A bingo game shall be operated and staffed only by members of the authorized organization that organized it. Only the organization authorized to conduct a bingo game shall operate such a game, or participate in the promotion, supervision, or any other phase of a bingo game. This subdivision does not preclude the employment of security personnel who are not members of the authorized organization at a bingo game by the organization conducting the game.

F. Third Party Interests: No individual, corporation, partnership, or other legal entity, except the organization authorized to conduct a bingo game, shall hold a financial interest in the conduct of a bingo game.

G. Card Minding Devices: Players may use card minding devices subject to the following provisions:

1. Card minding devices may not be used in connection with any bingo game where a bingo card may be sold or distributed after the start of the ball draw for that game.

2. The card minding device has been approved by the department as meeting the requirements of Penal Code section 326.5(p).

H. Signs: No signs shall be permitted advertising any bingo game at any location, except one sign on the site not to exceed six (6) square feet only during the day of the game.

I. Frequency And Hours: No location shall be used to, nor shall any licensee, conduct bingo games more often than one day per week. All games shall be conducted only between the hours of ten o'clock (10:00) A.M. to eleven fifty nine o'clock (11:59) P.M.

J. No Payment Of Wages: No person shall receive or pay a profit, wage, or salary from any bingo game, except as allowed by Penal Code sections 326.3(d) and 326.5(b). (Ord. 14-997)

4-1F-4: CONDITIONS APPLICABLE TO ON SITE BINGO:

The total value of prizes awarded during the conduct of any bingo game shall not exceed five hundred dollars ($500.00) in cash or kind, or both, for each separate

game which is held. (Ord. 14-997)

4-1F-5: CONDITIONS APPLICABLE TO REMOTE CALLER BINGO:

A. Maximum Participation: No more than seven hundred fifty (750) people may participate in a remote caller bingo game in a single location, except as authorized by Penal Code section 326.3(j)(3) for remote caller bingo games for the relief of victims of a disaster or catastrophe.

B. Notice To Police: The organization operating a remote caller bingo site within the city shall provide the city's police department at least thirty (30) days' written notice of its intent to conduct a remote caller bingo game. The notice shall contain all of the information required by Penal Code section 326.3(j)(4).

C. Cosponsors: An organization shall not cosponsor a remote caller bingo game with one or more other organizations except as allowed under Penal Code section 326.3(o). All cosponsors must have a bingo license from the city.

D. Cash Prizes: The value of prizes awarded during the conduct of any remote caller bingo game shall not exceed thirty seven percent (37%) of the gross receipts for that game. Gross receipts shall be calculated in accordance with Penal Code section 326.3(p). Every remote caller bingo game shall be played until a winner is declared. Progressive prizes are prohibited. Prizes shall be paid by check only in accordance with Penal Code section 326.3(p). (Ord. 14-997)

4-1F-6: PENALTIES AND ENFORCEMENT:

Violation of any of the provisions of this article shall be punishable as a misdemeanor in the manner provided in this code. Notwithstanding the foregoing, a violation of subsection 4-1F-3J of this article is a misdemeanor and shall be punishable by a fine not to exceed ten thousand dollars ($10,000.00), which fine shall be deposited in the general fund of the city. (Ord. 14-997)

ARTICLE G. BURGLAR ALARM SYSTEM

4-1G-0: DEFINITIONS:

ALARM OWNER: The person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family, any alarm system.

ALARM SYSTEM: Any device, whether known as a burglary, robbery or intrusion alarm, direct dial telephone device, audible or silent alarm or by any other name, which is used for the detection of an unauthorized entry into a building, structure or facility, or to signal the commission of an unlawful act. It shall include those devices which emit a signal within the protected premises only, are supervised by the proprietor of the premises where located, and are otherwise known as "proprietary alarm systems". Auxiliary devices installed by a telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system are not included in this definition.

AUDIBLE ALARM: A device designed to notify persons in the immediate vicinity of the protected premises by emission of an audible sound of an authorized entry on the premises or of the commission of an unlawful act.

DIRECT DIAL DEVICE: A device which is connected to a telephone line and upon activation of an alarm system, automatically dials a predetermined telephone number and transmits a message or signal indicating a need for emergency response.

FALSE ALARM: An alarm signal activated by causes other than the commission or attempted commission of any unlawful act which the alarm system is designed to detect. An alarm signal activated by violent conditions of nature or other extraordinary circumstances not subject to the control of the alarm owner shall not constitute a false alarm. (1960 Code; amd. Ord. 80-494)

4-1G-1: DIRECT DIAL TELEPHONE DEVICES:

No person shall use any alarm system which is equipped with a direct dial device,

and which when activated, automatically dials any telephone number in any office or any public agency. (1960 Code)

4-1G-2: AUDIBLE ALARM REQUIREMENT:

For every audible alarm, the alarm owner or user thereof, shall post the names and telephone numbers of persons to be notified to render repairs or service during any hour of the day or night during which the audible alarm is operated. An audible alarm shall terminate its operation, or the audible alarm shall automatically reset, within thirty (30) minutes of its being activated. (1960 Code)

4-1G-3: FALSE ALARM:

A person shall not knowingly turn in a false alarm. This section does not prohibit a test of an alarm system as permitted in advance by the sheriff. (1960 Code)

4-1G-4: PUBLIC NUISANCE ALARMS:

Any alarm system which generates more than three (3) false alarms in any twelve (12) month period shall constitute a public nuisance due to the inordinate response time and risk attributable thereto. No person shall own, use or operate any alarm system classified as a public nuisance hereunder. (1960 Code)

4-1G-5: EXEMPTIONS:

The provisions of this article are not applicable to audible alarms affixed to motor vehicles or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California public utilities commission. (1960 Code)

4-1G-6: CORRECTIVE ACTION:

Upon the first violation of section 4-1G-4 of this article, the sheriff shall serve a written notice on the violator describing the violation and specifying that the causes of the violation shall be corrected within ten (10) days of the date of service of the written notice. No further action shall be taken provided that the sheriff determines that the causes of the violation have been removed or fully corrected within the time period specified in this section. (1960 Code)

4-1G-7: INFRACTION:

Violation of any of the provisions of sections 4-1G-0 through 4-1G-6 of this article shall be deemed an infraction under subsection 1-2-0A of this code. Any alarm owner or user about to be cited for an infraction may avoid such process by paying a civil penalty to the city clerk of seventy five dollars ($75.00) for the first offense, one hundred fifty dollars ($150.00) for the second, and two hundred fifty dollars ($250.00) for the third and subsequent offenses. (1960 Code)

4-1G-8: SEVERABILITY:

If any provisions or clause of this article or application thereof to any persons or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this article which can be given effect without the invalid provisions or application, and to this end the provisions of this article are declared to be severable. (1960 Code)

ARTICLE H. BUSINESS REGULATIONS REGARDING SEXUAL ACTIVITIES

4-1H-0: BUSINESS REGULATIONS:

No adult business (as defined in section 9-1T-3 of this code) may maintain any closed area, booth, cubicle, room or other such area (within its place of business) that is or could be used for private sexual activity. No nudity or sexual activities shall be allowed on the premises. All portions of the premises shall be available by access

and visual inspection at all times by any city inspector standing at the front door. Bona fide bathrooms are excepted. (Ord. 86-593)

4-1H-1: STANDARD CONDITIONS:

Unless otherwise stated in this chapter, elsewhere in this code and the zoning code if applicable, the conditions imposed upon an operation and conduct of such business shall be set and/or modified by resolution of the city council. (Ord. 97-807)

Chapter 2
NUISANCES

ARTICLE A. VEHICLES

4-2A-0: DEFINITIONS:

HIGHWAY: A way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. "Highway" includes street.

PUBLIC PROPERTY: Shall not include "highway".

VEHICLE: A device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks. (1960 Code)

4-2A-1: PUBLIC NUISANCE:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof, except as expressly herein permitted, on private or public property (not including highways) is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects, and to be injurious to the health, safety and general welfare.

A. The presence of an abandoned, wrecked, dismantled or inoperative vehicle or part thereof, on private or public property (not including highways), except as expressly herein permitted, may be declared to constitute a public nuisance and abated as such in accordance with the provisions of sections 4-2A-0 through 4-2A-16 of this article and section 22660 of the Vehicle Code.

B. A vehicle is deemed "inoperative" if the vehicle is: 1) mechanically incapable of being driven; or 2) prohibited from being operated on a public street or highway pursuant to Vehicle Code section 4000, 5202, 24002, or 40001, concerning license plates, registration, equipment, safety and related matters. (1960 Code; amd. Ord. 75-409; Ord. 98-824)

4-2A-2: EXCEPTIONS:

Sections 4-2A-0 through 4-2A-16 of this article shall not apply to:

A. A vehicle or part thereof which 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

B. A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; or

C. A vehicle which has remained inoperative for less than seventy two (72) hours accumulated; provided, however, that this exception shall not apply to vehicles stored or parked in front yard areas.

D. A vehicle classified as a genuine antique, or collector's item, and licensed as such

under applicable state law, specifically the state of California Vehicle Code, "vehicles of historic value" section 5004, "model year date license plates" section 5004.1, "pre-1943 motorcycles" section 5004.5, and "street rod vehicle plates" section 5004.6.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than chapter 10 (commencing with section 22650) of division 11 of the Vehicle Code. (1960 Code; amd. Ord. 75-409; Ord. 98-828)

4-2A-3: NONEXCLUSIVE REGULATION:

Sections 4-2A-0 through 4-2A-16 of this article are not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city; instead shall supplement and be in addition to the other regulatory provisions heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction. (1960 Code)

4-2A-4: ENFORCEMENT BY CITY MANAGER:

Except as otherwise provided herein, the provisions of sections 4-2A-0 through 4-2A-16 of this article shall be administered and enforced by the city manager. In such enforcement, the city manager or his subordinates may enter upon private or public property to examine a vehicle or parts thereof or to obtain information as to the identity of a vehicle. Where permission is refused, search orders may be obtained. (1960 Code)

4-2A-5: NOTICE OF VIOLATION:

Where the city manager determined that there is such an abandoned, wrecked, dismantled or inoperative vehicle, he shall give written notice of such determination either: a) by personally serving the occupant of such premises, or b) by placing or affixing such notice to the vehicle or parts thereof. The notice shall state the date, the determination as defined in section 4-2A-0 of this article and prescribe a minimum of forty eight (48) hours within which the vehicle or part thereof shall be removed. A copy of such notice shall be promptly delivered to the city clerk. (1960 Code; amd. Ord. 98-824)

4-2A-6: NOTICE PROCEDURE:

Notice of such hearing shall be mailed at least ten (10) days before the hearing by certified mail, with a five (5) day return requested, to the owner of the land as shown on the last equalized county assessment roll and to the last registered and legal owner of record if numbers are not available to determine ownership. If any of the foregoing notices are returned undelivered by the United States post office, the hearing shall be continued to a date not less than ten (10) days from the date of such return. (1960 Code)

4-2A-7: PUBLIC HEARING:

Upon receipt of a copy of the notice set forth in sections 4-2A-5 and 4-2A-6 of this article and expiration of the forty eight (48) hour period, the city manager shall present the violation to the city council at its regular meeting, but in no event less than fifteen (15) days from the date stated on such notice. At such meeting of the city council, a public hearing shall be held on the question of public nuisance, and abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of administrative costs and costs of removal of the vehicle or part thereof against the property on which it is located. (1960 Code; amd. Ord. 98-824)

4-2A-8: NOTICE TO CALIFORNIA HIGHWAY PATROL:

Notice of hearing shall also be given to the California highway patrol identifying the vehicle or part thereof proposed for removal; such notice to be mailed at least ten (10) days prior to the public hearing. (1960 Code)

4-2A-9: CONDUCT OF HEARINGS, ASSESSMENT OF COSTS:

Hearings held as required by these sections shall be conducted as follows:

A. All such hearings shall be held before the city council which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or part thereof and the circumstances concerning its location on the said private property or public property, the effect of such upon adjoining properties and whether a public nuisance has been created thereby. The city council shall not be limited by the technical rules of evidence. The owner of the land on which the vehicle is located may appear in person at the hearing or present a written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with reasons for such denial.

B. The city council may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose hereof. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the city council may: 1) find that a vehicle or part thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public property; and 2) issue its written order to have the same removed from the property as a public nuisance and disposed of as hereinafter provided; and 3) determine whether the administrative costs and the cost of removal are to be charged against the owner of the parcel of land on which the vehicle or part thereof is located. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if located thereon.

C. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence, the city council shall not assess costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such landowner.

D. If an interested party makes a written presentation to the city council but does not appear, he shall be notified in writing of the decision. (1960 Code; amd. Ord. 75-409; Ord. 98-824)

4-2A-10: NOTICE OF DECLARATION OF PUBLIC NUISANCE:

At the conclusion of the hearing if the city council determines that a public nuisance exists, it shall adopt a resolution declaring such motor vehicle to be a public nuisance and ordering abatement thereof which order shall be served in the same manner as described above. (1960 Code; amd. Ord. 98-824)

4-2A-11: REMOVAL, AUTHORITY:

When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant thereto. (1960 Code)

4-2A-12: DETERMINATION OF COSTS:

The costs of removal and abatement shall be the actual charges submitted by the person or persons under contract or franchise with the city for such removal. The administrative costs are hereby determined to be twenty five dollars ($25.00) per removal. (1960 Code)

4-2A-13: RESERVED:

(Ord. 98-824)

4-2A-14: DISPOSAL OF VEHICLE:

Six (6) days after the mailing of the order declaring the vehicle or parts thereof to be a public nuisance and ordering its removal, the city may cause the vehicle or parts thereof to be disposed of by removal to a scrap yard or automobile dismantler's yard or other suitable site. (1960 Code; amd. Ord. 98-824)

4-2A-15: NOTICE OF DISPOSAL:

Within five (5) days after the date of removal of the vehicle or part thereof, notice shall be given to the department of motor vehicles identifying such vehicle or part thereof. At the same time there shall be transmitted to the department of motor vehicles any evidence or registration available, including registration certificates, certificates of title and license plates. (1960 Code)

4-2A-16: COLLECTION OF COSTS:

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to section 4-2A-9 of this article are not paid within thirty (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. Said assessment shall have the same priority as other city taxes. (1960 Code)

ARTICLE B. POLITICAL SIGNS AND HANDBILLS

4-2B-0: LEGISLATIVE INTENT:

The city council of the city of Temple City hereby declares that its intent in adopting reasonable and nondiscriminatory regulations pertaining to the placement and removal of political signage is to provide for the health, safety, and welfare of the general public. The city council further declares that it would have passed and does hereby pass this article and each sentence, section, clause, and phrase hereof, irrespective of the fact that any one or more sections, sentences, clauses, or phrases be declared invalid or unconstitutional. (Ord. 02-875)

4-2B-1: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

PARKWAY: A landscaped area between the edge of curb and the front of sidewalk.

POLITICAL: Relating to or concerning an election, a candidate for election, or a ballot proposition. (Ord. 02-875)

4-2B-2: PLACEMENT OF POLITICAL SIGNS IN THE PUBLIC RIGHT OF WAY:

Political signage may be placed in the public right of way in accordance with the following restrictions:

A. When curb/gutter and sidewalk is present: Political signs are allowed in an area which is a minimum of two feet (2') (24 inches) behind the back of sidewalk;

B. When curb and gutter (but no sidewalk) is present: Political signs are allowed in an area which is a minimum of six feet (6') (72 inches) behind the back of the curb;

C. When neither curb/gutter nor sidewalk is present: Political signs are allowed in an area which is a minimum of six feet (6') (72 inches) behind the edge of pavement;

D. On those streets with a parkway, political signs are not allowed in the parkway area. Political signage is allowed in the area a minimum of two feet (2') (24 inches) behind the back of sidewalk;

E. No part of the sign, including both the post and sign face, shall encroach into the areas designated above. (Ord. 02-875)

4-2B-3: PLACEMENT OF POLITICAL SIGNS ON PRIVATE PROPERTY:

The regulations provided in this article shall apply only to areas within the public right of way. Political signs placed solely upon private property shall not be subject to this article. (Ord. 02-875)

4-2B-4: DECLARATION OF NUISANCE/SPECIAL ABATEMENT PROCEDURES:

Signs not in compliance with section 4-2B-2 of this article are hereby designated and constitute a public nuisance within this city and shall be subject to abatement and lien as provided in section 38771 et seq., of the California Government Code.

The following "special abatement procedures" shall apply:

A. Political signs not posing an immediate threat to health, safety, and welfare, placed in violation of section 4-2B-2 of this article shall be subject to removal by the city. Prior to removal, the city manager shall cause a "notice of violation and pending removal" to be delivered to the last known address of the candidate, party, and/or proponent/opponent responsible for placing the sign. Said notice shall be delivered by the United States postal service or other recognized overnight courier service and shall be deemed delivered at five o'clock (5:00) P.M. on the third day following deposit thereof in the United States postal service (or 5:00 P.M. on the day following deposit with the courier service). The notice shall inform the recipient of the location(s) of signs in violation of this article, the time after which the signs may be removed by the city, and the storage period and storage area provided for in subsection D of this section should the signs be removed. Failure of the recipient to remove the signs prior to the time stated in the notice shall subject the signs to removal by the city.

B. A political sign which is deemed by the city manager to pose an immediate threat to health, safety, and welfare shall be subject to immediate removal by the city.

C. Political signs shall be removed from the public right of way within fifteen (15) days of the conclusion of an election. Signs remaining after the fifteen (15) day period shall be subject to the notice and removal provisions of this section.

D. Political signs removed by the city shall be stored at the city for a period of fifteen (15) days following the date of removal. Upon expiration of the storage period, the city may dispose of the political signs without compensation to the owner of the political signs. (Ord. 02-875)

4-2B-5: HANDBILLS, SIGNS; PUBLIC PLACES AND OBJECTS:

A. No person shall paint, mark, or write on or post or otherwise affix any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamppost, hydrant, tree, shrub, tree stake or guard, railroad trestle, electric light or power or telephone or telegraph or trolley wire pole, or wire appurtenance thereof or upon any fixture of the fire alarm or police telegraph system or upon any lighting system, public bridge, drinking fountain, street sign or traffic sign, or traffic signal facilities.

B. Any handbill or sign found posted or otherwise affixed upon any public property contrary to the provisions of this section may be removed by the city manager or his designee. The person responsible for any such illegal posting shall be liable for the cost incurred in the removal thereof and the city manager is authorized to effect the collection of said costs.

C. Nothing in this section shall apply to the installation of a metal plaque or plate or individual letters or figures in a sidewalk commemorating a historical, cultural, or artistic event, location or personality for which the city manager has granted a written

permit in accordance with the appropriate section of this code.

D. Nothing in this section shall apply to the painting of house numbers upon curbs done under permits issued by the city manager under and in accordance with the provisions of this code. (Ord. 02-875)

ARTICLE C. PUBLIC NUISANCES

Part 1. Nuisances Enumerated

4-2C-0: FINDINGS, PURPOSE, AND INTENT:

A. Findings: The city council finds and declares as follows:

1. Section VII of article XI of the California constitution provides that a city may make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws.

2. California Government Code section 38771 provides that legislative bodies of cities may declare what constitutes a nuisance.

3. California Government Code section 38772 et seq., further provides that legislative bodies of cities may also provide for the summary abatement of any nuisance at the expense of the persons creating, causing, committing, or maintaining it, and by ordinance may make the expense of abatement of nuisances a lien against the property on which the nuisance is maintained and a personal obligation against the property owner.

4. Nuisance conditions are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public.

B. Purpose And Intent: The purpose and intent of this article are as follows:

1. To define as public nuisances and violations those conditions and uses of land that are offensive or annoying to the senses, detrimental to property values and community appearance, an obstruction or interference with the comfortable enjoyment of adjacent properties or premises (both public and private), and/or are hazardous or injurious to the health, safety, or welfare of the general public.

2. To develop regulations that will promote the sound maintenance of property and enhance conditions of appearance, habitability, occupancy, use and safety of all structures and premises in the city.

3. To establish administrative procedures for the city's use, upon its election, to correct or abate violations of this article on real property throughout the city.

4. This article is not intended to be applied, construed or given effect in a manner that imposes upon the city, or upon any officer or employee thereof, any duty toward persons or property within the city or outside of the city that creates a basis for civil liability for damages, except as otherwise imposed by law. (Ord. 11-950)

4-2C-1: DEFINITIONS:

As used in this article, the following definitions shall apply. For purposes of this article, these definitions shall supersede any other definitions of the same terms elsewhere in this code.

ABANDONED PERSONAL PROPERTY: Shall mean and refers to any item, object, thing, material or substance that, by its condition of damage, deterioration, disrepair, nonuse, obsolescence or location on public real property or on private real property, causes a reasonable person to conclude that the owner has permanently relinquished all right, title, claim and possession thereto, or that the object, thing, material or substance cannot be used for its intended or designed purpose. Abandoned personal property may include junk and vehicles.

ABANDONED STRUCTURE: Real property, or any building or structure thereon, that is vacant and is maintained in an uninhabitable condition or a condition of disrepair or deterioration as evidenced by the existence of public nuisances therein, or that is vacant and under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or that is vacant and has been the subject of a foreclosure sale where title was retained by the beneficiary of a deed of trust involved in the foreclosure. Factors that may also be considered in a determination of an abandoned structure include, without limitation: present operability and functional utility; the presence of nonfunctional, broken or missing doors or windows, such that entry therein by unauthorized persons is not deterred; the existence of real property tax delinquencies for the land upon which the structure is located; age and degree of obsolescence of the structure, and the cost of rehabilitation or repair versus its market value.

ABATEMENT COSTS: All costs, fees, and expenses, incidental or otherwise, incurred by the city in investigating and abating a public nuisance.

ATTRACTIVE NUISANCE: Any condition, device, equipment, instrument, item or machine that is unsafe, unprotected and may prove detrimental to minors whether in a structure or in outdoor areas of developed or undeveloped real property. This includes, without limitation, any abandoned or open and accessible wells, shafts, basements or excavations; any abandoned refrigerators and abandoned or inoperable motor vehicles; any structurally unsound fences or structures; or any lumber, trash, fences, debris or vegetation which may prove hazardous or dangerous to inquisitive minors. An attractive nuisance shall also include pools, standing water or excavations containing water, that are unfenced or otherwise lack an adequate barrier thereby creating a risk of drowning, or which are hazardous or unsafe due to the existence of any condition rendering such water to be clouded, unclear or injurious to health due to, without limitation, any of the following: bacterial growth, infectious or toxic agents, algae, insect remains, animal remains, rubbish, refuse, debris, or waste of any kind.

BUILDING: Any structure designed, used, or maintained for the shelter or enclosure of persons, animals, chattels, equipment, or property of any kind, and shall also include structures wherein things may be grown, made, produced, kept, handled, stored, or disposed of, and all appendages, accessories, apparatus, appliances, and equipment installed as a part thereof.

CITY: The city of Temple City.

CITY MANAGER: The city manager or designee thereof.

CITY PERSONNEL: Any city employee, representative, agent or contractor designated by the city manager to abate a public nuisance.

CODE, CODES, AND TEMPLE CITY MUNICIPAL CODE: The Temple City municipal code and any code, law, or regulation incorporated therein by reference, the Temple City zoning code, and any adopted and uncodified ordinances.

CODE ENFORCEMENT FEES: Fees imposed by the city to defray its costs of code enforcement actions including, but not limited to, the time and other resources of public officials expended by them in identifying, inspecting, investigating, seeking or causing the abatement of a violation at a residential structure or property. These include, but are not limited to, site inspections, drafting reports, taking photographs, procuring other evidence, engaging in meetings, conferences and communications with responsible persons, their agents or representatives, concerning a violation, as well as with attorneys for the city at any time, and appearances before judicial officers or reviewing authorities during the pendency of a judicial proceeding and other appearances at such judicial or administrative hearings. The time and resources that public officials further expend to confirm that a residential structure remains free of public nuisances while a responsible person is on probation to a court or when a matter concerning a residential structure remains pending before a reviewing authority in an administrative action, shall also constitute code enforcement actions. For purposes of this definition:

Residential Structure And Property: Shall mean and include all structures and premises that are regulated by the California state housing law[1] and any future amendments thereto, as well as any property within a residential zone as designated by the Temple City zoning code. These include, but are not limited to, apartment houses, hotels, motels, and dwellings, and residential buildings and structures thereto.

Violation: Shall mean and include a public nuisance as described in this article, or any condition, activity, or use that is caused, allowed to exist, or maintained (whether due to an affirmative act, inaction, or omission) by a responsible person in violation of any other provision, regulation, or requirement of this code, or any applicable county,

state, or federal laws or regulations.

CODE ENFORCEMENT OFFICER: Any individual employed by the city with primary enforcement authority for city codes, or his or her duly authorized representative(s).

COMMERCIAL VEHICLE: Any vehicle of a type required to be registered under the state of California Vehicle Code used or maintained for the transportation of persons for hire, compensation or profit, or designed, used, or maintained primarily for the transportation of property or for other commercial purposes. Passenger vehicles that are not used for the transportation of persons for hire, compensation, or profit, house cars (motor homes), and van pool vehicles are not commercial vehicles.

COMPLIANCE PERIOD: The period of time and/or required schedule set forth in a notice of abatement and/or an order of abatement within which all nuisance abatement actions referenced in such notice of abatement and/or order of abatement must be completed.

CONTROLLED SUBSTANCES: Any substance that is declared by state or federal law to be a controlled substance.

FIRE HAZARD: Shall include, but shall not be limited to, any device, equipment, waste, vegetation, condition, thing, or act which is in such a condition that it increases or could cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing, or extinguishing fire or that otherwise provides a ready fuel to augment the spread and intensity of fire or explosion arising from any cause; or any device, equipment, waste, vegetation, condition, thing, or act which could obstruct, delay, hinder, or interfere with, or may become the cause of obstruction, delay, or hindrance of, the operations of the fire department or other emergency service personnel or the egress of the occupants in the event of fire.

GRAFFITI: Any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on or otherwise glued, posted, or affixed to or on any real or personal property (including, but not limited to, buildings, structures, and vehicles), regardless of the nature of the material to the extent that the same was not authorized in advance by the owner thereof.

HAZARDOUS MATERIALS: Any material or substance of any kind that is declared by any federal, state, or local law, ordinance, or regulation to be composed of hazardous material.

HEARING OFFICER: The city employee or representative appointed by the city manager, or a designee thereof, to hear all timely appeals from a notice of abatement.

INCIDENTAL EXPENSES: Shall include, but shall not be limited to, the actual expenses and costs of the city, such as preparation of notices, specifications, contracts, inspection of work, costs of printing and mailings required hereunder, costs of any filing and/or recordation with the county recorder's office or other governmental agency, and the costs of administration and legal services.

INOPERABLE VEHICLE: Shall mean and include, without limitation, any vehicle that is incapable of being lawfully driven on a street and/or highway. Factors that may be used to determine this condition include, without limitation, vehicles that have a "planned nonoperational" status with the California department of motor vehicles, vehicles lacking a current and valid registration, a working engine, transmission, wheels, inflated tires, doors, windshield or any other part or equipment necessary for its legal and safe operation on a highway or any other public right of way.

JUNK: Shall mean and include, but is not limited to, any castoff, damaged, discarded, junked, obsolete, salvaged, scrapped, unusable, worn out or wrecked appliance, device, equipment, furniture, fixture, furnishing, object, material, substance, tire, or thing of any kind or composition. Junk may include abandoned personal property, as well as any form of debris, refuse, rubbish, trash or waste. Factors that may be considered in a determination that personal property is junk include, without limitation, its:

A. Condition of damage, deterioration, disrepair or nonuse.

B. Approximate age and degree of obsolescence.

C. Location.

D. Present operability, functional utility and status of registration or licensing, where applicable.

E. Cost of rehabilitation or repair versus its market value.

JUNKYARD: Real property of any zoning classification on which junk is kept, maintained, placed or stored to such a degree that it constitutes a principal use or condition on said premises. The existence of a junkyard is not a nuisance when it is an expressly permitted use in the applicable zone and it is in full compliance with all provisions of the Temple City zoning code, and all other applicable provisions of the Temple City municipal code, as well as all future amendments and additions thereto.

NOTICE OF ABATEMENT: A notice of public nuisance and intention to abate with city personnel, as described in section 4-2C-12 of this article.

ORDER OF ABATEMENT: An order issued by a hearing officer following an appeal of a notice of abatement.

OWNER: Shall mean and include any person having legal title to, or who leases, rents, occupies or has charge, control or possession of, any real property in the city, including all persons shown as owners on the last equalized assessment roll of the Los Angeles County assessor's office. Owners include persons with powers of attorney, executors of estates, trustees, or who are court appointed administrators, conservators, guardians or receivers. An owner of personal property shall be any person who has legal title, charge, control, or possession of such property.

PERSON: Shall mean and include any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the city.

PERSONAL PROPERTY: Means property that is not real property, and includes, without limitation, any appliance, furniture, article, device, equipment, item, material, product, substance or vehicle.

POLICE CHIEF: The highest ranking officer of the police department or his/her designee.

POLICE DEPARTMENT: Shall mean the law enforcement agency providing law enforcement services to the city, and shall include the Los Angeles County sheriff's department.

PUBLIC NUISANCE: Anything which is, or likely to become, injurious or detrimental to health, safety or welfare, or is 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 free passage or use, in the customary manner, of any sidewalk, public park, square, street or highway. All conditions hereafter enumerated in this article, or that otherwise violate or are contrary to any provision of this code, are public nuisances by definition and declaration, and said enumerated conditions shall not, in any manner, be construed to be exclusive or exhaustive. A public nuisance shall also exist when a person fails to comply with any condition of a city approval, entitlement, license or permit or when an activity on, or use of, real property violates, or is contrary to, any provision or requirement of this code.

REAL PROPERTY OR PREMISES: Any real property owned by any person and/or any building, structure, or other improvement thereon, or portions thereof. "Real property" or "premises" includes any adjacent sidewalk, parkway, street, alley, or other unimproved public easement, whether or not owned by the city of Temple City.

RESPONSIBLE PERSON: Any person, whether as an "owner" as defined in this article, or otherwise, that allows, causes, creates, maintains, suffers, or permits a public nuisance, or any violation of this code or county or state law, or regulation thereof, to exist or continue, by any act or the omission of any act or duty. A responsible person shall also include employees, principals, joint venturers, officers, agents, and/or other persons acting in concert with, or at the direction of, and/or with the knowledge and/or consent of the owner and/or occupant of the lot, building or structure on, or in which, a public nuisance or violation exists or existed. The actions or inactions of a responsible person's agent, employee, representative or contractor may be attributed to that responsible person.

STRUCTURE: That which is built or constructed, an edifice, wall, fence, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. For purposes of this article, this definition shall supersede any other definition of this term in this code.

VACANT: Real property or any building or structure thereon that is not legally occupied. Factors that may be used, either alone or in combination, to determine whether real property, or building or structure thereon, is vacant include, but shall not

be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, fliers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items consistent with residential and/or commercial furnishings consistent with the permitted uses within the zone of the real property; statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

VEHICLE: Any device, by which any person or property may be propelled, moved, or drawn upon a highway or other public right of way, and includes all vehicles as defined by the California Vehicle Code, and all future amendments thereto. "Vehicle" does not include devices: a) that are propelled exclusively by human power such as bicycles and wheelchairs, or b) those that are used exclusively upon stationary rails or tracks.

WEEDS: Shall include, but shall not be limited to, any of the following:

A. Any plant, brush, growth, or other vegetation that bear seeds of a downy or wingy nature;

B. Any plant, brush, growth, or other vegetation that attains such large growth as to become, when dry, a fire hazard;

C. Any plant, brush, growth, or other vegetation that is noxious or dangerous;

D. Poison oak and poison ivy when the conditions of growth are such as to constitute a threat to the public health; or

E. Dry grass, rubble, brush, or other flammable plant, growth, or other vegetation that endangers the public safety by creating or tending to create a fire hazard. (Ord. 11-950)

4-2C-2: PROHIBITED PUBLIC NUISANCE CONDITIONS:

The city council finds and declares that, notwithstanding any other provision of this code, it is a public nuisance and unlawful for any person to allow, cause, create, maintain, or suffer, or permit others to cause, create, or maintain the following:

A. Any real property or premises in the city in such a manner that any one or more of the following conditions are found to exist thereon:

1. Land, the topography, geology or configuration of which whether in natural state or as a result of the grading operations, excavation or fill, causes erosion, subsidence, or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to adjacent properties.

2. Buildings or other structures, or portions thereof, that are partially constructed or destroyed or allowed to remain in a state of partial construction or destruction for an unreasonable period of time. As used herein, an "unreasonable" period shall mean any portion of time exceeding the period given to a responsible person by the city for the complete abatement of this nuisance condition with all required city approvals, permits and inspections. Factors that may be used by the city to establish a reasonable period for the complete abatement of this nuisance include, but are not limited to, the following:

a. The degree of partial construction or destruction and the cause therefor.

b. Whether or not this condition constitutes an attractive nuisance or if it otherwise poses or promotes a health or safety hazard to occupants of the premises, or to others.

c. The degree of visibility, if any, of this condition from public or adjoining private real property.

d. The scope and type of work that is needed to abate this nuisance.

e. The promptness with which a responsible person has applied for and obtained all required city approvals and permits in order to lawfully commence the nuisance

abatement actions.

f. Whether or not a responsible person has complied with other required technical code requirements, including requesting and passing required inspections in a timely manner, while completing nuisance abatement actions.

g. Whether or not a responsible person has applied for extensions to a technical code permit or renewed an expired permit, as well as the number of extensions and renewals that a responsible person has previously sought or obtained from the city.

h. Whether or not a responsible person has made substantial progress, as determined by the city, in performing nuisance abatement actions under a technical code permit that has expired, or is about to expire.

i. Whether delays in completing nuisance abatement actions under a technical code permit have occurred, and the reason(s) for such delays.

3. Real property, or any building or structure thereon, that is abandoned, uninhabited, or vacant (irrespective of whether said structure is secured against unauthorized entry) for a period of more than six (6) months.

4. Any building or structure which has any or all of the following conditions or defects:

a. Whenever any door, aisle, passageway, stairway, or other means of exit is not of sufficient width or size, or it is not so arranged as to provide safe and adequate means of exit, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might, use such door, aisle, passageway, stairway, or other means of exit.

b. Whenever the stress in any materials, member or portion thereof, due to all dead and live loads, is more than one and one-half ($1^1/_2$) times the working stress or stresses allowed in the building code.

c. Whenever any portion thereof has been damaged by earthquake, wind, flood, or by any other cause, in such a manner that the structural strength or stability thereof is appreciably less than it was before such catastrophe and is less than the minimum requirements of this code for a new building of similar structure, purpose or location.

d. Whenever any portion or member or appurtenance thereof is likely to fail, or to become detached or dislodged, or to collapse and thereby injure persons or damage property.

e. Whenever any portion of a building, or any member, appurtenance or ornamentation on the exterior thereof is not of sufficient strength or stability, or is not so anchored, attached or fastened in place so as to be capable of resisting a wind pressure of one and one-half ($1^1/_2$) that specified in the California building code or California residential code (or other applicable building regulation) without exceeding the working stresses permitted in the California building code or California residential code (or other applicable building regulation).

f. Whenever any portion thereof has settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of new construction.

g. Whenever the building or structure, or any portion thereof, because of dilapidation, or because of the removal or movement of some portion of the ground necessary for the purpose of supporting such building or portion thereof, or some other cause, is likely to partially or completely collapse, or some portion of the foundation or underpinning is likely to fall or give way.

h. Whenever, for any reason whatsoever, the building or structure, or any portion thereof, is manifestly unsafe for the purpose for which it is used.

i. Whenever the exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third ($^1/_3$) of the base.

j. Whenever the building or structure, exclusive of the foundation, shows thirty three percent (33%) or more of damage or deterioration to the member or members, or fifty percent (50%) of damage or deterioration of a nonsupporting enclosing or outside wall or covering.

k. Whenever the building or structure has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated as to become an attractive nuisance to children who might play therein to their danger, or as to afford a harbor for vagrants, criminals or immoral persons, or as to enable persons to resort thereto for the purpose of committing nuisance or unlawful or immoral acts.

l. Any building or structure which has been constructed or which now exists or is maintained in violation of any specific requirement or prohibition, applicable to such building or structure, of the building regulations of this city, as set forth in the building code or uniform housing code, or of any law or ordinance of this state or city relating to the condition, location or structure of buildings.

m. Any building or structure which, whether or not erected in accordance with all applicable laws and ordinances, has in any nonsupporting or in any supporting member less than sixty six percent (66%) of the strength, fire resisting qualities or characteristics required by law or ordinance in the case of like area, height and occupancy in the same location.

n. Whenever a building or structure, used or intended to be used for dwelling purposes, because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the health officer, or is likely to work injury to the health, safety or general welfare of those living within.

o. Whenever the building or structure, used or intended to be used for dwelling purposes, has light, air, ventilation, heating, and sanitation facilities inadequate to protect the health, safety or general welfare of persons living within.

p. Whenever any building or structure by reason of obsolescence, dilapidated condition, deterioration, damage, electric wiring, gas connections, heating apparatus, or other cause, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause.

5. Exterior portions of buildings or structures (including, but not limited to, roofs, balconies, decks, fences, stairs, stairways, walls, signs and fixtures), as well as sidewalks, walkways, pedestrianways, driveways, parking areas, and any detached or freestanding structure, that have become defective, unsightly or no longer viable, or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values, or where such condition creates a hazard to persons using said building, structure, or way, or where such condition interferes with the peaceful use, possession and/or enjoyment of adjacent properties, or where such condition otherwise violates, or is contrary to, this code, or other applicable law.

6. Failure to provide and maintain adequate weather protection to structures or buildings, in such a manner that results in or tends to result in the existence of cracked, peeling, warped, rotted, or severely damaged paint, stucco or other exterior covering.

7. Broken, defective, damaged, dilapidated, or missing windows, doors, or vents in a building or structure, and/or broken, defective, damaged, dilapidated, or missing screens for windows, doors, or crawl spaces in a building or structure.

8. Windows or doors that remain boarded up or sealed after ten (10) calendar days' written city notice to a responsible person requesting the removal of these coverings and the installation of fully functional or operable windows or doors. City actions to board up or seal windows or doors in order to deter unauthorized entry into structures shall not relieve responsible persons from installing fully functional or operational windows or doors.

9. Obstructions of any kind, cause or form that interfere with required light or ventilation for a building or structure, or that interfere with, hinder, delay, or impede ingress therein and/or egress therefrom.

10. Abandoned personal property that is visible from public or private property.

11. Any form of an attractive nuisance.

12. Interior portions of buildings or structures (including, but not limited to, attics, ceilings, walls, floors, basements, mezzanines, and common areas) that have become defective, unsightly, or are maintained in a condition of dilapidation, deterioration or disrepair to such an extent as to result in, or tend to result in, a diminution in property values, or where such condition interferes with the peaceful use, possession and/or enjoyment of properties in the vicinity, or where such condition otherwise violates, or is contrary to, this code or other applicable law.

13. Items of junk, trash, debris, or other personal property that are kept, placed, or stored inside of a structure or on exterior portions of real property that constitute a fire or safety hazard or a violation of any provision of this code; or items of junk, trash, debris, or other personal property that are visible from public or private real property, or that are otherwise out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a diminution in property values. Notwithstanding the foregoing, the existence of a junkyard is not a nuisance when such use and the premises on which such use occurs are in full compliance with all provisions of the Temple City zoning code (including all approvals and permits required thereby), and all other applicable provisions of the Temple City municipal code and any future amendments and additions thereto, as well as applicable county, state, and/or federal laws and regulations.

14. The keeping or disposing of, or the scattering or accumulating of flammable, combustible or other materials including, but not limited to, composting, firewood, lumber, junk, trash, debris, packing boxes, pallets, plant cuttings, tree trimmings or wood chips, discarded items, or other personal property on exterior portions of real property, or within any building or structure thereon, when such items or accumulations:

a. Render premises unsanitary or substandard as defined by the Temple City housing code, the state housing law, the Temple City building code, or other applicable local, state, or federal law, rule, or regulation;

b. Violate the Temple City health code, Los Angeles County health code, or any other health code adopted by and/or applicable in the city of Temple City;

c. Cause, create, or tend to contribute to, a fire or safety hazard;

d. Harbor, promote, or tend to contribute to, the presence of rats, vermin and/or insects;

e. Cause, create, or tend to contribute to, an offensive odor; or

f. Cause the premises to be out of conformity with neighboring community standards to such an extent as to result in, or tend to result in, a diminution of property values. Provided, however, that this use of land or condition shall not constitute a nuisance when expressly permitted under the applicable zone classification and the premises are in full compliance with all provisions of the Temple City zoning code, and all other applicable provisions of the Temple City municipal code and any future amendments and additions thereto, as well as applicable county, state, and/or federal laws and regulations.

15. Unsanitary, polluted or unhealthful pools, ponds, standing water or excavations containing water that constitute an attractive nuisance or that are otherwise likely to harbor mosquitoes, insects or other vectors. The likelihood of insect harborage is evidenced by any of the following conditions: water which is unclear, murky, clouded or green; water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or bodies of water which are abandoned, neglected, unfiltered or otherwise improperly maintained.

16. Holiday lights, decorations, or displays that are erected, installed, displayed, or maintained on exterior portions of real property more than thirty (30) calendar days before a federal, state, or religious holiday and/or more than fifteen (15) calendar days after a federal, state, or religious holiday.

17. The hanging, drying, or airing of clothing or household fabrics on fences, trees, or

shrubberies, or the existence of clotheslines, in front yard areas of any real property, or in any yard area that is visible from a public right of way.

18. Canopies, tents, tarps, or other similar membrane structures located in the front yard of any real property in excess of seventy two (72) hours, unless otherwise authorized pursuant to a permit or other entitlement from the city.

19. Overgrown vegetation including, but not limited to, any one of the following:

a. Vegetation likely to harbor, or promote the presence of, rats, vermin and/or insects.

b. Vegetation causing detriment to neighboring properties, or that is out of conformity with neighboring community standards to such an extent as to result in, or contribute to, a diminution of property values, including, but not limited to:

(1) Lawns with grass in excess of six inches (6") in height.

(2) Hedges, trees, lawns, plants, or other vegetation that are not maintained in a neat, orderly, and healthy manner as a result of lack of adequate mowing, grooming, trimming, pruning, fertilizing, watering, and/or replacement.

c. Vegetation that creates, or tends to create, the existence of a fire hazard.

d. Vegetation that overhangs or grows onto or into any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right of way, so as to cause an obstruction to any person or vehicle using such public property.

e. Tree branches or other vegetation within five feet (5') of the rooftop of a structure so as to facilitate rodent or animal access thereto.

20. Dead, decayed, diseased or hazardous trees, weeds, ground cover, and other vegetation, or the absence of healthful vegetation, that causes, contributes to, or tends to cause or contribute to, any one of the following conditions or consequences:

a. An attractive nuisance;

b. A fire hazard;

c. The creation or promotion of dust or soil erosion;

d. A diminution in property values; or

e. A detriment to public health, safety or welfare.

21. Lack of landscaping or other ground cover in any yard area as otherwise required by the Temple City zoning code or other provisions of the city's municipal code.

22. Waste containers, yard waste containers, and recycling containers that are kept, placed or stored in driveways or parking areas, or in front or side yards, such that said containers are visible from public streets, except when placed in places of collection at times permitted and in full compliance with this code.

23. The use, parking, or storing of any recreational vehicle as temporary or permanent living space.

24. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked or stored in violation of any provision of the Temple City municipal code, including the Temple City zoning code.

25. Vehicles, trailers, campers, boats, recreational vehicles, and/or other mobile equipment placed, parked, or stored on any unpaved surface within the front yard setback of any real property.

26. Parking spaces required by the Temple City municipal code, including the

Temple City zoning code, that are not maintained in such a manner that said spaces are continuously free, accessible, and available for vehicle parking without the movement of real or personal property.

27. Abandoned, dismantled, inoperable or wrecked boats, campers, motorcycles, trailers, vehicles, or parts thereof, unless kept, placed, parked, or stored inside of a completely enclosed, lawfully constructed building or structure.

28. Commercial vehicles or equipment placed, parked, or stored on any private real property that is located within a residential zone of the city or any other private real property used for residential purposes, except when the commercial vehicle is parked in connection with, and in the aid of, the performance of a service to or on the private real property where it is parked until such service is completed.

29. Vehicles, construction equipment, or other machinery exceeding the permissible gross vehicle weight for the streets or public property upon which they are located. A nuisance also exists under this provision when a vehicle, construction equipment, or other machinery is stopped, kept, placed, parked, or stored on private real property and when such vehicle, equipment, or machinery exceeds the permissible gross vehicle weight for the streets or public property that were utilized in its placement on said private real property unless pursuant to a valid permit issued by the city.

30. Any equipment, machinery, or vehicle of any type or description that is designed, used, or maintained for construction type activities that is kept, parked, placed, or stored on public or private real property except when such item is being used during excavation, construction, or demolition operations at the site where said equipment, machinery, or vehicle is located pursuant to an active permit issued by the city.

31. Maintenance of signs, or sign structures, on real property relating to uses no longer lawfully conducted or products no longer lawfully sold thereon, or signs and their structures that are in disrepair or which are otherwise in violation of, or contrary to, the Temple City municipal code, including the Temple City zoning code.

32. Specialty structures that have been constructed for a specific single use only, and which are unfeasible to convert to other uses, and which are abandoned, partially destroyed or are permitted to remain in a state of partial destruction or disrepair. Such specialty structures include, but are not limited to, the following: tanks for gas or liquid(s), lateral support structures and bulkheads, utility high voltage towers and poles, utility high rise support structures, electronic transmitting antennas and towers, structures which support or house mechanical and utility equipment and are located above the rooflines of existing buildings, high rise freestanding chimneys and smokestacks, and recreational structures such as tennis courts and cabanas.

33. Any personal property or structure that obstructs or encroaches on any public property, including, but not limited to, any public alley, highway, land, sidewalk, street or other right of way, unless a valid encroachment permit has been issued authorizing said encroachment or obstruction.

34. Causing, maintaining or permitting graffiti or other defacement of real or personal property to be present or to remain on a building, structure or vehicle, or portion thereof, that is visible from a public right of way or from private real property.

35. Storage of hazardous or toxic materials or substances, as so classified by any local, state or federal laws or regulations, on real property in such a manner as to be injurious, or potentially injurious or hazardous, to the public health, safety or welfare, or to adjacent properties, or that otherwise violates local, state or federal laws or regulations.

36. Any discharge of any substance or material other than stormwater which enters, or could possibly enter, the city's storm sewer system in violation of this code.

37. Maintenance of any tarp or similar covering on or over any graded surface or hillside, except in the following circumstances:

a. A state of emergency has been declared by local, county, state, or federal officials directly impacting the area to be covered; and/or

b. Covering with a tarp performed pursuant to an active building or grading permit.

38. Maintenance of any tarp or similar covering on or over any roof of any structure, except during periods of active rainfall, or when specifically permitted under an active roofing or building permit.

39. Maintenance of any tarp or similar covering attached to, affixed to, or located on a fence for purposes of screening or for providing shade.

40. The keeping or suffering of any animal, reptile, or insect in a manner that poses a threat, disturbance, or menace to persons or property, or in such a manner or quantity that otherwise violates any provision of this code.

41. Any noise that is made, generated, produced, or continued in such a manner that it unreasonably disturbs the peace and quiet of any neighborhood or which causes any discomfort or annoyance to any reasonable person of normal sensitivities, or that otherwise violates any provision of the Temple City municipal code, including the noise limits set forth in the Temple City zoning code. Factors which shall be considered in determining whether the noise is a nuisance shall include, but not be limited to, the following:

a. The volume of the noise;

b. The intensity of the noise;

c. Whether the nature of the noise is usual or unusual;

d. Whether the origin of the noise is natural or unnatural;

e. The volume and intensity of the background noise, if any;

f. The proximity of the noise to residential sleeping facilities;

g. The nature of the zoning of the area from which the noise emanates;

h. The density of inhabitation of the area from which the noise emanates;

i. The time of day or night the noise occurs;

j. The duration of the noise;

k. Whether the noise is recurrent, intermittent, or constant;

l. Whether the noise is produced by commercial or noncommercial activity; and

m. Whether the noise is a consequence or expected result of an otherwise lawful use.

42. Maintenance of premises so out of harmony or conformity with the maintenance standards of properties in the vicinity as to cause, or that tends to cause, substantial diminution of the enjoyment, use, or property values of such properties in the vicinity.

43. Any condition recognized in local or state law or in equity as constituting a public nuisance, or any condition existing on real property that constitutes, or tends to constitute, blight, or that is a health or safety hazard to the community or neighboring properties.

B. Any "unsafe building", "unsafe structure", "substandard building", or "substandard property" as defined by the Los Angeles County building code or Los Angeles County residential code, as adopted and amended by the Temple City municipal code.

C. Any building or structure, or portion thereof, or the premises on which the same is located, in which there exists any of the conditions listed in section 17920.3 of the California Health And Safety Code, and any future amendments thereto.

D. Any building or structure used by any person to engage in acts which are prohibited pursuant to the laws of the United States or the state of California, the provisions of this code, or any other ordinance of this city, including, but not limited to, the following acts:

1. Unlawful possession, use, and/or sale of controlled substances; and/or

2. Prostitution; and/or

3. Unlawful gambling.

E. Any real property, or any building or structure thereon, that is used by persons to cause, allow, contribute to, permit, or suffer any of the following acts:

1. Disturbances of the peace;

2. Excessive and/or loud noise disturbances;

3. Consumption of alcohol in public and/or public intoxication;

4. Urination in public;

5. Harassment of passersby;

6. Theft, assault, battery, or vandalism;

7. Storage or sale of stolen goods;

8. Excessive littering;

9. Illegal parking or traffic violations;

10. Curfew violations;

11. School attendance violations;

12. Lewd and/or lascivious conduct; and/or

13. Excessive responses by the police department or other law enforcement personnel.

F. Any condition, use, or activity that constitutes a public nuisance as defined by sections 3479 or 3480 of the California Civil Code, and any future amendments thereto.

G. Any building, structure, or use of real property that violates or fails to comply with: 1) any applicable approval, permit, license, or entitlement or condition relating thereto, 2) any ordinance of the city, including, but not limited to, any provision of this code, or 3) any applicable county, state, or federal law or regulation. (Ord. 11-950)

4-2C-3: PENALTY:

A. Notwithstanding any other provision of this code to the contrary, any person who causes, permits, suffers, or maintains a public nuisance, or any person who violates any provision of this article, or who fails to comply with any obligation or requirement of this article, is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code. A criminal prosecution and/or civil litigation may be initiated without the commencement of the "nuisance abatement" procedures outlined in part 2 of this article.

B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this article, or of any law or regulation referenced

herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly. (Ord. 11-950)

Part 2. Administrative Procedures For Abatement Of Nuisances

4-2C-10: ABATEMENT OF PUBLIC NUISANCES:

All conditions or uses that constitute a "public nuisance" as defined in part 1 of this article, or that are contrary to, or in violation of, any other provision or requirement of this code, or of any applicable county or state law, or regulation thereof, which shall also constitute a public nuisance, shall be abated by repair, rehabilitation, demolition, removal or termination. The procedures for abatement in this part shall not be exclusive and shall not, in any manner, limit or restrict the city from pursuing any other remedies available at law, whether civil, equitable or criminal, or from enforcing city codes and adopted ordinances, or from abating or causing abatement of public nuisances, in any other manner provided by law. (Ord. 11-950)

4-2C-11: CONTINUING OBLIGATION OF RESPONSIBLE PERSONS TO ABATE A PUBLIC NUISANCE:

A. No person shall allow, cause, create, permit, suffer or maintain a public nuisance to exist on their premises. If public nuisances do arise or occur, responsible persons shall promptly abate them by repair, rehabilitation, demolition, repair, removal or termination with all required city approvals, permits and inspections, when applicable.

B. The city may exercise its administrative, civil/injunctive and criminal remedies, or any one or combination of these remedies, to compel responsible persons to abate a public nuisance when, in its judgment, such persons have not completed nuisance abatement actions in a timely or proper manner, or when responsible persons have failed to prevent an occurrence or recurrence of a public nuisance. (Ord. 11-950)

4-2C-12: NOTICE OF PUBLIC NUISANCE AND INTENTION TO ABATE WITH CITY PERSONNEL:

A. Whenever a code enforcement officer or other public official determines that city personnel may need to abate a public nuisance, he or she shall serve a written "notice of public nuisance and intention to abate with city personnel" (hereafter in this section and in subsequent sections of this article, the "notice of abatement") on the responsible person(s) that contains the following provisions:

1. The address of the real property on which the nuisance condition(s) exists.

2. A description of the nuisance condition(s).

3. A reference to the law describing or prohibiting the nuisance condition(s).

4. A brief description of the required corrective action(s); and

5. A compliance period in which to complete the nuisance abatement actions (with all required city approvals, permits and inspections, when applicable).

6. The period and manner in which a responsible person may contest the notice of abatement as set forth in section 4-2C-13 of this article. No such right shall exist when the city is not seeking to establish the right to abate a public nuisance with city forces or contract agents.

7. A statement that the city may record a declaration of substandard property with the Los Angeles County recorder's office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the city, with the compliance period specified in the notice of abatement, provided that a timely appeal therefrom has not been made.

B. The procedure in subsection A of this section shall not apply to public nuisances

constituting an imminent hazard. In such instances, the provisions in section 4-2C-17, "Emergency Action To Abate An Imminent Hazard", of this article shall be followed.

C. The city's election to issue a notice of abatement pursuant to this section shall not excuse responsible persons from their continuing obligation to abate a public nuisance in accordance with all applicable laws, regulations and legal requirements. Furthermore, the issuance of a notice of abatement shall not obligate the city to abate a public nuisance. (Ord. 11-950)

4-2C-12-1: ADDITIONAL REQUIREMENTS FOR DEMOLITION OF BUILDINGS OR STRUCTURES:

A. The city shall provide responsible persons with a reasonable period to elect between options of repair, rehabilitation, or demolition, as well as a reasonable period of time to complete any of these options, before city personnel abate a public nuisance by demolishing a building or structure pursuant to this part.

B. The city shall serve a notice of abatement on all secured lienholders of record with the Los Angeles County recorder's office in the event abatement actions include demolition of a building or structure.

C. Notwithstanding the provisions of section 4-2C-13-1 of this article, entry onto any real property to abate a public nuisance by demolition of a building or structure, excepting in cases involving an imminent hazard, shall be pursuant to a warrant issued by a court of competent jurisdiction.

D. The provisions of this section shall not apply if demolition is required to address an imminent hazard. In such situation, the provisions of section 4-2C-17, "Emergency Action To Abate An Imminent Hazard", of this article shall apply. (Ord. 11-950)

4-2C-12-2: NOTICE AND ORDER TO VACATE BUILDINGS OR STRUCTURES:

A. If the building official, fire chief, and/or health official (or designees thereof) determine that a public nuisance exists at real property (or any buildings or structures thereon) to such an extent that said property (or any building or structure thereon) is immediately dangerous to the life, limb, property, or safety of the occupants of the property or the general public, the building or structure shall be ordered to be vacated.

B. If any building or structure is ordered vacated pursuant to this section, the notice of abatement issued pursuant to section 4-2C-12 of this article, in addition to the information required pursuant to section 4-2C-12 of this article, shall include:

1. A determination that the building official, fire chief, and/or health official (or designees thereof) has determined that the property (and/or any building or structure thereon) constitutes an immediate danger to the life, limb, property, or safety of the occupants of the property or the general public;

2. A reference to the specific building(s) and/or structure(s) which is/are being ordered vacated;

3. The date and/or time when the order to vacate becomes effective; and

4. Language that substantially states that:

No person shall remain in or enter any building or structure that has been ordered vacated until authorized to do so by the Building Official, Fire Chief, and/or Health Official. No person shall remove, alter, or deface this Notice after it has been posted at the property referenced herein until all required repairs, demolition, or removal have been completed in accordance with this Notice and until such time as the removal of this Notice has been authorized by the Building Official, Fire Chief, and/or Health Official. Any person violating this Order to Vacate shall be guilty of a

misdemeanor.

(Ord. 11-950)

4-2C-12-3: SAMPLE NOTICE OF ABATEMENT:

A. The notice of abatement shall be written in a form that is substantially consistent with the following:

Notice of Public Nuisance(s) and
Intention to Abate with City Personnel
("Notice of Abatement")
[Date]

[Responsible Person(s)]
[Mailing Address]
[City, State and Zip Code]

Re:Real Property at , Temple City, CA
L.A. County A.P.N.:
Legal description [Optional]:

Notice is hereby given *that the following public nuisance conditions or activities exist on the premises described above:*

(1)[Describe condition or activities] in violation of Temple City Municipal Code ***[as well as County and State laws, if applicable]*** *Section(s) .*

(a) Required Corrective Action(s): (with all required permits, approvals and inspections).
(b) Required Completion Date: ***[Repeat (1 a-b) for each additional public nuisance to be included in this notice]***

The foregoing public nuisance conditions are subject to abatement by repair, rehabilitation, demolition, removal or termination.

Please Take Further Notice *that you may appeal this Notice of Abatement by filing an appeal on a City approved form with the City Clerk's office (located at 9701 Las Tunas Drive, Temple City) within ten (10) calendar days of service of this notice. No fee shall be due for the filing of an appeal. Failure of the City Clerk to receive a timely appeal constitutes a waiver of your right to any further administrative appeal and renders the Notice of Abatement final and binding. A written request for an appeal shall contain the following information, as well as any other information deemed necessary for the processing of the appeal by the City Manager or designee:*

1. Name, address, and telephone number of each responsible party who is appealing the Notice of Abatement (hereinafter, "appellant"), as well as relationship of appellant to the public nuisance described in the Notice of Abatement.

2. Address and description of real property upon which the City intends to enter and abate a public nuisance.

3. Date of Notice of Abatement being appealed.

4. Specific action or decision being appealed.

5. Grounds for appeal in sufficient detail to enable the Hearing Officer to understand the nature of the controversy.

6. The signature of at least one appellant.

Following appeal, in the case of a final decision by the City, judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure sections 1094.6 et seq.

Please Take Further Notice *that, if the public nuisance violations are not abated within the time specified in this Notice and a timely appeal is not made, such nuisance may be abated by City employees, representatives or contract agents (hereafter "City Personnel"), in the manner stated in this Notice of Abatement. On such occasions, all costs of the abatement, including, but not limited to, those stated in Article C, Chapter 2, Title 4 of the Temple City Municipal Code, shall be assessed against the responsible person(s) and/or the subject property, as a lien, or as a special assessment, or as otherwise allowed by law.*

Please Take Further Notice *that the City may record a Declaration of Substandard Property with the Los Angeles County Recorder's Office against the premises if the public nuisance is not fully abated or corrected (with all required approvals, permits and inspections), as determined by the City, in the manner and time set forth in this Notice of Abatement and provided that a timely appeal therefrom has not been made.*

Please Take Further Notice *that, in the event of abatement by City Personnel, all buildings, structures, and/or personal property constituting a public nuisance may be removed from the subject premises or from public property and destroyed or disposed of, without regard to its actual or salvage value.*

Dated: This day of , 20 .

Public Official ***[Name and Title]***

A notice of abatement shall be deemed in substantial compliance with this subsection regardless of form if all substantive information is contained in such notice of abatement. (Ord. 11-950)

4-2C-12-4: SERVICE OF NOTICE:

A. Except as otherwise expressly required by a provision of this article, any notice required by this article may be served by personal delivery to any responsible person or by first class mail. The date of service shall be the date it is personally delivered or placed in a U.S. postal service receptacle. Failure of any responsible person to receive a properly addressed notice of abatement by mail shall not invalidate any action or proceeding pursuant to this article.

1. Any notice of abatement that includes an order to vacate shall, in addition to being served upon a responsible party in accordance with this subsection A, shall also be posted at or upon each exit of the building or structure being ordered vacated.

B. Except as otherwise expressly required by a provision of this article, any notice issued to an owner of real property shall be sent to the mailing address on the last equalized assessment roll of the Los Angeles County assessor's office. Failure of any owner to receive a properly addressed notice by mail shall not invalidate any action or proceeding pursuant to this article. (Ord. 11-950)

4-2C-13: RIGHT OF APPEAL FROM A NOTICE OF ABATEMENT:

A. A responsible person may contest a notice of abatement by filing a written request for an appeal with the city clerk's office (located at 9701 Las Tunas Drive, Temple City) within ten (10) calendar days of service of the notice of abatement. No fee shall be due for the filing of an appeal.

1. The filing of a request for an appeal shall not stay an order to vacate any building or structure issued in accordance with the provisions of this article by the building official and/or fire chief to vacate.

B. A written request for an appeal shall contain the following information:

1. Name, address, and telephone number of each responsible party who is appealing the notice of abatement (hereinafter, "appellant").

2. Address and description of real property upon which the city intends to enter and abate a public nuisance.

3. Date of notice of abatement being appealed.

4. Specific action or decision being appealed.

5. Grounds for appeal in sufficient detail to enable the hearing officer to understand the nature of the controversy.

6. The signature of at least one appellant.

C. Failure of the city clerk to receive a timely appeal constitutes a waiver of the right to contest a notice of abatement. In this event, the notice of abatement is final and binding.

D. The provisions of this section only apply to instances where the city has elected to establish the right, but not the obligation, to abate public nuisances with city personnel. In no event does this article limit the right of city officials to issue alternative written or oral notices of code violations to responsible persons or to cause the abatement of public nuisances in a different manner, including, without limitation, by court orders arising from the city's exercise of its criminal or civil remedies. In such instances, a responsible person shall receive a right to hearing and other due process rights through the court process. (Ord. 11-950)

4-2C-13-1: CONSEQUENCE OF AN UNTIMELY APPEAL:

A. If a timely appeal is not received by the city clerk, the right to appeal is waived and the notice of abatement is final and binding. In such instances, the city may, without any administrative hearing, cause the abatement with city personnel of any or all of the nuisance conditions or activities stated in the notice of abatement. Entry onto private real property that is both improved and occupied shall, excepting instances of an imminent hazard, be pursuant to a warrant from a court of competent jurisdiction. The city shall follow the procedures stated in this article for recovery of all abatement costs, fees and expenses (incidental or otherwise).

B. Nothing contained in this article shall obligate the city to undertake abatement actions pursuant to a notice of abatement, whether or not there is a timely appeal. (Ord. 11-950)

4-2C-14: ABATEMENT BY RESPONSIBLE PERSON PRIOR TO HEARING:

A. Any responsible person shall have the right to abate a nuisance in accordance with the notice of abatement at his or her own expense, provided all corrective actions are completed with all required city permits, approvals and inspections, prior to the date the matter is set for a hearing.

B. A hearing shall be canceled if all nuisance conditions or activities are, as determined by the city, fully and lawfully abated prior thereto. (Ord. 11-950)

4-2C-15: REVIEW BY HEARING OFFICER:

A. Any responsible person who contests a notice of abatement shall, subject to filing a timely appeal, obtain review thereof before a hearing officer. The administrative appeal shall be scheduled no later than sixty (60) calendar days, and no sooner than ten (10) calendar days, after receipt of a timely filed request for appeal. The appellants listed on the written request for an appeal shall be notified in writing of the date, time, and location of the hearing at least ten (10) calendar days prior to the date of the hearing.

B. Any request by an appellant to continue a hearing must be submitted to the city clerk in writing no later than two (2) business days before the date scheduled for the hearing. The hearing officer may continue a hearing for good cause or on his/her own motion; however, in no event may the hearing be continued for more than thirty (30) calendar days without stipulation by all parties.

C. At the place and time set forth in the notification of appeal hearing, the hearing officer shall hear and consider the testimony of the appealing person(s), the issuing officer, and/or their witnesses, as well as any documentary evidence presented by these persons concerning the alleged public nuisance(s).

D. Appeal hearings are informal, and formal rules of evidence and discovery do not apply. The city bears the burden of proof to establish a nuisance exists by a preponderance of evidence. The issuance of a notice of abatement shall constitute

prima facie evidence of the violation and the code enforcement officer who issued the notice of abatement is not required to participate in the appeal hearing. The appellant, and the enforcement officer issuing the notice, as well as all other responsible persons, shall have the opportunity to present evidence and to present and cross examine witnesses. The appellant and the enforcement officer issuing the notice of abatement, or other responsible persons, may represent himself/herself/themselves or be represented by anyone of his/her/their choice. The appellant, or other interested persons, may bring an interpreter to the hearing at his/her/their sole expense. The city may, at its discretion, record the hearing by stenographer or court reporter, audio recording, or video recording.

E. If the appellant fails, or other responsible persons fail, to appear, or to otherwise submit any admissible evidence demonstrating the nonexistence of the alleged nuisance(s), the hearing officer shall cancel the hearing and send a notice thereof to the responsible person(s) by first class mail to the address(es) stated on the appeal form. A cancellation of a hearing due to nonappearance of the appellant shall constitute the appellant's waiver of the right to appeal. In such instances, the notice of abatement is final and binding. (Ord. 11-950)

4-2C-15-1: DECISION OF HEARING OFFICER; ORDER OF ABATEMENT:

A. Not later than fifteen (15) calendar days following conclusion of the hearing, the hearing officer shall determine if any nuisance condition exists at the subject property. If the hearing officer determines that each nuisance condition described in the notice of abatement is nonexistent, the notice of abatement shall be deemed canceled. If the hearing officer determines that one or more of the nuisance conditions described in the notice of abatement exists, he/she shall issue a written order of abatement which shall contain the following:

1. A finding and description of each nuisance condition existing at the subject property.

2. The name of each person responsible for a nuisance condition or conditions at the subject property, as well as the name of any person who is not responsible therefor.

3. The required corrective action and a compliance period for each unabated nuisance condition.

4. Any other finding, determination or requirement that is relevant or related to the subject matter of the appeal.

5. The following statement:

The decision of the Hearing Officer is final and binding. Judicial review of this decision is subject to the provisions and time limits set forth in California Code of Civil Procedure Sections 1094.6 et seq.

B. Notwithstanding any provision of the code to the contrary, the decision of the hearing officer is final and conclusive.

C. A copy of the decision shall be served by first class mail on each responsible person to whom the notice of abatement was issued. If the owner is not an appellant, a copy of the order of abatement shall also be served on the owner by first class mail to the address shown on the last equalized assessment roll. Failure of a person to receive a properly addressed decision shall not invalidate any action or proceeding by the city pursuant to this article. (Ord. 11-950)

4-2C-16: ABATEMENT OF NUISANCE BY RESPONSIBLE PERSONS PRIOR TO CITY ABATEMENT ACTIONS:

A. Any responsible person shall have the right to fully abate a nuisance in accordance with the hearing officer's decision prior to the date of entry of city personnel upon the subject real property, provided that all corrective actions are completed with all required city permits, approvals and inspections, prior to said entry

date. In such instances, all administrative proceedings shall be canceled, with the exception of the city's right to seek recovery of its incurred incidental expenses, code enforcement fees, and attorney fees as provided by and pursuant to the provisions of this article.

B. Once the city enters a subject real property to abate a public nuisance, it shall have the right to complete this action.

C. It is unlawful and a misdemeanor for any person to obstruct, impede, or interfere with city personnel in the performance of any act that is carried out to abate a public nuisance.

D. All buildings, structures, and/or personal property that are removed by city personnel from premises in the abatement of a nuisance shall be lawfully disposed of or destroyed without regard to its actual or salvage value, if any. (Ord. 11-950)

4-2C-17: EMERGENCY ACTION TO ABATE AN IMMINENT HAZARD:

A. Notwithstanding any provision of this code to the contrary, the police chief, the fire chief, or the building official, or any of their designees, may cause a public nuisance to be summarily abated if it is determined that the nuisance creates an imminent hazard to a person or persons, or to other real or personal property.

B. Prior to abating a nuisance that creates an imminent hazard, the city manager shall attempt to notify a responsible person by telephone or in writing of the imminent hazard and request its abatement by said person; provided however, that the city manager may dispense with any attempt at prior notification of a responsible person if, in the sole discretion of the city manager, the nature or severity of the hazard justifies such inaction. If notice has been so given, but, in the sole discretion of the city manager, the responsible person(s) fail(s) to take immediate and meaningful steps to abate the imminent hazard, the city may abate the nuisance with city personnel without further notice, and charge the costs and fees thereof to the responsible person(s).

C. Within ten (10) business days following emergency action of city personnel to abate an imminent hazard, the city shall serve any responsible person with a notice of emergency abatement by city personnel of an imminent hazard by first class mail. Notice to a property owner shall be mailed to the mailing address set forth in the last equalized assessment roll of the Los Angeles County assessor's office. Failure of any responsible person to receive a properly addressed notice of emergency abatement by city personnel of an imminent hazard by mail shall not invalidate any action or proceeding pursuant to this article.

D. A notice of emergency abatement by city personnel of an imminent hazard shall contain the following provisions:

1. The name of all known responsible persons who are being served with the notice of emergency abatement by city personnel of an imminent hazard and the address of the real property on which the imminent hazard was present.

2. A brief description of the condition(s) and reasons why it constituted an imminent hazard.

3. A brief description of the law prohibiting or pertaining to the imminent hazard.

4. A brief description of the actions city personnel took to abate the imminent hazard.

E. Omission of any of the foregoing provisions in a notice of emergency abatement by city personnel of an imminent hazard, whether in whole or in part, or the failure of a responsible person to receive said notice, or the failure of the city to issue said notice in a timely fashion, shall not render it defective or render any proceeding or action pursuant to this article invalid.

F. Emergency abatement of an imminent hazard by city personnel shall not preclude the city from recording a declaration of substandard property in accordance with the provisions of section 4-2C-30 of this article, if conditions thereafter remain at the premises that constitute a violation of law or a public nuisance.

G. The city shall be entitled to recover its fees and costs (incidental or otherwise) for the abatement of an imminent hazard. In such instances, the city shall follow the procedures set forth in this article. (Ord. 11-950)

4-2C-18: COMBINATION OF NOTICES:

The notices that are authorized by this article may be combined in the discretion of the city. (Ord. 11-950)

4-2C-19: ESTABLISHMENT OF COSTS OF ABATEMENT:

A. The city shall keep an accounting of the abatement costs.

B. The city shall serve a statement of abatement costs on the responsible persons within ninety (90) calendar days of the city's completion of nuisance abatement actions. Service of this statement may be made in the manner provided for in section 4-2C-12-4 of this article.

C. Unless a timely contest of the statement of abatement costs is filed, a responsible person shall tender the abatement costs in U.S. currency to the city within thirty (30) calendar days of the date of service of the statement of abatement costs.

D. A responsible person has the right to contest a statement of abatement costs by filing a written request for contest with the city clerk's office (located at 9701 Las Tunas Drive, Temple City) within ten (10) calendar days of service of the statement of abatement costs.

1. A written request for contest shall contain the following information:

a. Name, address, telephone number, and signature of each responsible person who is contesting the statement of abatement costs.

b. Address and description of the real property upon which the city abated a public nuisance.

c. Date of the statement of abatement costs being appealed.

d. Description of the specific abatement cost(s) being contested, and a statement of the grounds for contest in sufficient detail to enable the city council to understand the nature of the controversy.

2. No fee shall be due for the filing of a request for contest.

E. Failure of the city clerk to receive a timely appeal request for contest constitutes a waiver of the right to contest a statement of abatement costs. In this event, the statement of abatement costs is final and binding, and the city may proceed to collect its abatement costs as contained in a final statement of abatement costs in any manner allowed by law.

F. If a timely request for contest is received by the city clerk, a hearing shall be set before the city manager no later than sixty (60) calendar days, and no sooner than ten (10) calendar days, of receipt of the request for contest. A notice of the date, time and location of the hearing shall be served on all responsible persons who contested the statement of abatement costs by first class mail to the address(es) stated on the request form at least ten (10) calendar days prior to the hearing. Failure of a person requesting a contest to receive a properly addressed notice shall not invalidate any action or proceeding by the city pursuant to this article.

G. Any request by an appellant to continue a hearing must be submitted to the city clerk in writing no later than five (5) business days before the date scheduled for the hearing. The city manager may continue a hearing for good cause or on its own motion; however, in no event may the hearing be continued for more than sixty (60) calendar days without stipulation by all parties.

H. At the time and place fixed for receiving and considering the request to contest the statement of abatement costs, the city manager shall hear and pass upon the evidence submitted by city personnel, together with any objections or protests raised by responsible persons liable for said costs. Testimony and evidence shall be limited to issues related to the abatement costs, and no person shall be permitted to present evidence or testimony challenging the existence of a public nuisance or the manner of abatement as described in the notice of abatement. Thereupon, the city manager may make such revision, correction or modification to the statement as it may deem just, after which the statement, as it is submitted, or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time.

I. Notwithstanding any provisions of the code to the contrary, the decision of the city manager is final and binding.

J. The city clerk shall cause a confirmed statement of abatement costs to be served upon all persons who contested the original statement by first class mail to the address(es) stated on the request form. The city clerk shall cause a confirmed statement of abatement costs to be served on the owner of the property on which city personnel abated a public nuisance by first class mail to the address shown on the last equalized assessment roll (irrespective of whether the owner contested the statement of abatement costs). This document shall also contain the following statement:

The determination of the City Manager is final and binding. Judicial review of the decision is subject to the provisions and time limits set forth in California Code of Civil Procedure Sections 1094.6 et seq.

K. Failure of a person to receive a properly addressed confirmed statement shall not invalidate any action or proceeding by the city pursuant to this article.

L. A responsible person shall tender the abatement costs in U.S. currency to the city within thirty (30) calendar days of the date of service of the confirmed statement of abatement costs. The city may thereafter proceed to collect its abatement costs as contained in the confirmed statement of abatement costs in any manner allowed by law. (Ord. 11-950)

4-2C-19-1: COLLECTION OF ABATEMENT COSTS BY SPECIAL ASSESSMENT:

A. The city may cause a special assessment to be made upon real property upon which a public nuisance was abated pursuant to California Government Code section 38773.5, and future amendments thereto, in the event a statement of abatement costs or a confirmed statement of abatement costs is not paid in a timely manner.

B. A notice of special assessment shall be sent to the owner(s) of the subject real property by certified mail at the time the assessment is imposed which shall contain the following recitals:

The property may be sold after three years by the tax collector for unpaid delinquent assessments. The tax collector's power of sale shall not be affected by the failure of the property owner to receive notice. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon, prior to the date on which the first installment of the taxes would become delinquent, then the cost of abatement shall not result in a lien against the real property but instead shall be transferred to the unsecured roll for collection.

C. The city attorney or city prosecutor shall establish the notice of special assessment form for use, or consideration by, the tax collector in collecting a special assessment.

D. The notice of special assessment shall be entitled to recordation with the Los Angles County recorder's office.

E. The amount of a special assessment shall also constitute a personal obligation of the property owners of land upon which the nuisance was abated. (Ord. 11-950)

4-2C-19-2: COLLECTION OF COSTS OF ABATEMENT BY NUISANCE ABATEMENT LIEN:

A. As an alternative to the procedure contained in section 4-2C-19-1 of this article, the city may cause a nuisance abatement lien to be recorded upon real property upon which a public nuisance was abated pursuant to California Government Code section 38773.1, and future amendments thereto, in the event a statement of abatement costs or a confirmed statement of abatement costs is not paid in a timely manner.

B. A lien shall not be recorded prior to serving the owner of record of the parcel of land on which the public nuisance is maintained, with a notice. This document shall be served in the same manner as a summons in a civil action in accordance with article 3 (commencing with section 415.10) of chapter 4 of title 5 of part 2 of the Code Of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten (10) days and publication thereof in a newspaper of general circulation published in Los Angeles County pursuant to section 6062 of the California Government Code.

C. The nuisance abatement lien shall be recorded in the Los Angeles County recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

D. A nuisance abatement lien authorized by this section shall specify the amount of the lien for the city of Temple City, the name of the city department or division on whose behalf the lien is imposed, the date of the abatement actions, 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.

E. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection D of this section shall be recorded by the city. A nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

F. A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment.

G. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

H. The amount of a nuisance abatement lien shall also constitute a personal obligation of the property owners of land upon which the nuisance was abated. (Ord. 11-950)

4-2C-20: TREBLE THE COSTS OF ABATEMENT:

Pursuant to California Government Code section 38773.7 (or any subsequent amendment thereto), upon entry of a second or subsequent civil or criminal judgment within a two (2) year period finding that an owner of property is responsible for a public nuisance except for public nuisance conditions abated pursuant to California Health And Safety Code section 17980 ("state housing law"), the court may order that person to pay treble the costs of the abatement. (Ord. 11-950)

4-2C-21: VIOLATIONS AND PENALTIES:

A. Any person who remains in or enters any building or structure that has been ordered to be vacated pursuant to the provisions of this article is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code.

B. Any responsible person who fails to comply with an order of abatement by completing each of the requisite corrective actions in the manner and time set forth in the order of abatement is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code.

C. Any person who obstructs, impedes, or interferes with any representative of the city engaged in vacating, repairing, rehabilitating, or demolishing and removing any property pursuant to the provisions of this article is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code.

D. Any person who defaces, alters, or removes any notice or order posted as required in this article is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code.

E. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this article, or of any law or regulation referenced herein, is allowed, committed, continued, maintained or permitted by such person, and shall be punishable accordingly. (Ord. 11-950)

Part 3. Recordation, Enforcement And Attorney Fees

4-2C-30: RECORDATION OF SUBSTANDARD NOTICE:

A. Notwithstanding any provision of this code to the contrary, if the city determines that any property, building or structure, or any part thereof, is in violation of any provision of this code and said violation has not been fully abated or corrected, as determined by the city, in the manner and time provided in any written notice to a responsible person, then the city, in its sole discretion, may record a declaration of substandard property with the Los Angeles County recorder's office against said premises. As used herein, "fully abated or corrected" includes the procurement of all required city approvals, permits, licenses and the passage of all city required inspections.

B. A declaration of substandard property shall not be recorded unless the city has first issued a written notice (in any form) to the owner of real property: 1) identifying and requiring correction of a public nuisance condition; and 2) disclosing that a declaration of substandard property may be recorded against the real property if the public nuisance condition(s) is/are not fully abated or corrected in the manner and time delineated in said notice, as determined by the city.

1. If the notice required pursuant to this subsection B was comprised of a "notice of abatement" as defined in this article or of an administrative citation issued pursuant to title 1, chapter 4 of this code, a declaration of substandard property shall not be recorded unless the notice of abatement and/or administrative citation is deemed a final and binding city decision.

C. The form that constitutes a declaration of substandard property shall be approved by the city attorney or the city prosecutor.

D. The city shall record a notice of rescission of declaration of substandard property with the Los Angeles County recorder's office within ten (10) business days of its determination that a violation or a public nuisance has been fully abated or corrected.

E. The city shall cause copies of recorded declarations of substandard property and notices of rescission of declaration of substandard property to be served on all persons having an ownership interest in the subject real property as shown in the last equalized assessment roll of the Los Angeles County assessor's office. Service thereof shall be by first class mail. Failure of any person to receive such notices shall not invalidate any action or proceeding pursuant to this article. (Ord. 11-950)

4-2C-31: CODE ENFORCEMENT FEES:

A. Pursuant to California Health And Safety Code section 17951, and any successor statute thereto, responsible persons, who cause, allow, permit, suffer, or maintain a violation in, or upon, residential properties, shall be charged fees (hereafter "code enforcement fees") by the city to defray its costs of code enforcement actions. Such fees shall not exceed the amount reasonably required to achieve this objective and are chargeable whether the city's code enforcement actions occur in the absence of

formal administrative or judicial proceedings, as well as prior to, during, or subsequent to, the initiation of such proceedings.

1. Nothing in this section shall be construed to inhibit or prevent the city from assessing code enforcement fees against and/or collecting code enforcement fees from those responsible persons who cause, allow, permit, suffer, or maintain a public nuisance or other violation of this code in or upon any commercial, industrial, or other real property, in order to defray its costs of code enforcement actions.

B. The amount(s) or rate(s) of code enforcement fees for city personnel time and other resources that are used for code enforcement actions shall be established, and may thereafter be amended, by resolution by the city council.

C. The city manager, or a designee thereof, is authorized to adopt regulations for the uniform imposition of code enforcement fees, and for related administrative actions pertaining to such fees.

D. The fees imposed pursuant to this section shall be in addition to any other fees or charges that responsible persons may owe in accordance with any other provision of this code, or which are imposed pursuant to county, state or federal laws or regulations.

E. Code enforcement fees shall be recoverable in conjunction with any civil, administrative or criminal action to abate, cause the abatement or cessation of, or otherwise remove a violation or a public nuisance, and is not limited to those proceedings whereby city personnel perform the necessary abatement actions.

F. Failure to pay code enforcement fees shall constitute a debt that is collectible in any manner allowed by law. (Ord. 11-950)

4-2C-32: RECOVERY OF ATTORNEY FEES:

A. A prevailing party in any administrative, civil or equitable judicial action to abate, or cause the abatement of a "public nuisance" as defined in this article, or in any appeal or other judicial action arising therefrom, may recover reasonable attorney fees in accordance with the following subsections:

1. Attorney fees are not recoverable by any person as a prevailing party unless the city manager, or a designee thereof, or an attorney for, and on behalf of, the city, elects in writing to seek recovery of the city's attorney fees at the initiation of that individual action or proceeding. Failure to make such an election precludes any entitlement to, or award of, attorney fees in favor of any person or the city.

2. The city is the prevailing party when an administrative or judicial determination is made or affirmed by which a person is found to be responsible for one or more conditions or activities that constitute a public nuisance. A person is the prevailing party only when a final administrative or judicial determination completely absolves that person of responsibility for all conditions or activities that were alleged, in that action or proceeding, to constitute a public nuisance. An administrative or judicial determination that results in findings of responsibility and nonresponsibility on the part of a person for conditions or activities that were alleged in that action or proceeding to constitute a public nuisance, shall nevertheless result in the city being the prevailing party.

B. Provided that the city has made an election to seek attorney fees, an award of attorney fees to a person shall not exceed the amount of reasonable attorney fees incurred by the city in that action or proceeding. (Ord. 11-950)

4-2C-33: APPLICABILITY OF OTHER LAWS:

A. This article does not exclusively regulate the conditions and use of property within the city. This article shall supplement other provisions of this code and other statutes, ordinances or regulations now existing or subsequently enacted by the city, the state or any other entity or agency having jurisdiction.

B. The procedures for abatement set forth in this article are not exclusive and are in

addition to any other provisions set forth in this code or by state law for the abatement of public nuisances. (Ord. 11-950)

ARTICLE D. YARD SALES

4-2D-0: DEFINITION:

"Yard" or "garage sales", defined as the advertised sale of five (5) or more articles of personal property, shall be permitted in residential zones, only if conducted in accordance with the following:

A. That the occupant of a residence shall first obtain a no fee city permit and that a copy of such permit shall be displayed at the site of the sale at all times during such sale; and

B. That no such sale shall be of a duration in excess of two (2) days; and

C. That not more than one such sale shall be permitted during any six (6) month period; and

D. That such sale shall be conducted only on an improved residential lot; and

E. That no portion of the public right of way shall be utilized for such purposes; and

F. That such sales shall be conducted only between the hours of eight o'clock (8:00) A.M. and six o'clock (6:00) P.M. of any day; and

G. That only property lawfully in possession of the occupant of the lot upon which conducted shall be involved, offered for sale, or sold; and

H. That no signs relating to such sale shall be placed on any private property except one double face sign not to exceed five (5) square feet in area may be displayed on the sales premises during the hours sales are lawfully conducted; and

I. That no signs or devices relating to such sale shall be placed on any public property or right of way or public utility facilities excluding legally parked vehicles; and

J. Any person violating any of the provisions of this article is guilty of an infraction punishable by a fine not to exceed that allowable by California state law, as set forth by city council resolution. Each such person is guilty of a separate offense for every day during any portion of which any violation of any of the provisions of this article is committed, continued or permitted by such person, and shall be punished therefor as provided by this article. Pursuant to the provisions of section 36900 of the California Government Code, the first and second violations of any provisions of this article may be enforced as "infractions", while any subsequent violations shall be deemed and enforced as "misdemeanors". (Ord. 95-779)

ARTICLE E. NEWSRACKS

4-2E-0: NEWSRACKS:

For the purpose of this section through section 4-2E-10 of this article, certain words and phrases shall be construed as set forth in this section, unless it is apparent from the context that a different meaning is intended:

NEWSRACKS: Any self-service or coin operated box, container, storage unit or other dispenser installed, used, or maintained for the display and sale of newspapers or news periodicals.

PARKWAY: That area between the sidewalks and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line

adjacent thereto. "Parkway" shall also include any area within a roadway which is not open to vehicular travel.

ROADWAY: That portion of a street improved, designed, or ordinarily used for vehicular travel.

SIDEWALK: Any surface provided for the exclusive use of pedestrians.

STREET: All that area dedicated to public use for public street purposes and shall include, but not be limited to, roadways, parkways, alleys and sidewalks. (1960 Code)

4-2E-1: PROHIBITION OF NEWSRACKS ON ROADWAYS:

No person shall install, use or maintain any newsrack or other structure which projects into, onto or over any part of any roadway of any public street, or which rests wholly or in part upon, along, over or within eighteen inches (18") or any portion of the roadway of any public street. (1960 Code)

4-2E-2: DANGEROUS CONDITION OR OBSTRUCTION:

No person shall install, use or maintain any newsracks which in whole or in part rests upon, in or over any public sidewalk or parkway.

A. When such installation, use or maintenance endangers the safety of persons or property, or which site or location is used for public utility purposes, public transportation purposes or other governmental use; or

B. When such newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic including any legally marked or stopped vehicle, the ingress into or egress from any residence or place of business, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location; or

C. When such newsracks are so insufficiently illuminated at night as to cause a potential hazard to pedestrians. (1960 Code)

4-2E-3: STANDARDS FOR MAINTENANCE AND INSTALLATION:

Any newsrack which is whole or in part rests upon, in or over any public sidewalk or parkway shall comply with the following standards:

A. Newsracks shall not be located in any public right of way except along primary and secondary streets as identified in the Temple City general plan.

B. No newsrack shall exceed four feet (4') in height, thirty inches (30") in width, or two feet (2') in thickness.

C. Newsracks shall only be placed "near" a curb or "adjacent" to the wall of a building. Newsracks placed "near" the curb shall be placed no less than eighteen inches (18") nor more than twenty four inches (24") from the edge of the curb. Newsracks placed "adjacent" to the wall of a building shall be placed parallel to such wall and not more than six inches (6") from the wall. No newsrack shall be placed or maintained on the sidewalk or parkway opposite (within a 30 degree angle) of another newsrack.

D. No newsrack shall be chained, bolted or otherwise attached to any property not owned by the newsrack to any permanently fixed public property or public utility object.

E. Newsracks may be placed next to each other, provided that no group of newsracks shall extend more than thirty feet (30') along a curb or wall and a space of no less

than twenty five feet (25') shall separate each such group of newsracks.

F. Newsracks may be chained or otherwise attached to one another in groups, provided no more than three (3) newsracks be joined together in this manner, and a space of no less than eighteen inches (18") shall separate each such group.

G. No newsrack (or group of attached newsracks allowed under subsection F of this section) shall weigh in excess of one hundred twenty five (125) pounds when empty.

H. Notwithstanding the provisions of section 4-2E-2 of this article, no newsrack shall be placed, installed, used or maintained in a public place:

1. Within five feet (5') of any marked crosswalk.

2. Within fifteen feet (15') of the curb return of any unmarked crosswalk.

3. Within five feet (5') of any fire hydrant, fire call box, police call box or other emergency facility.

4. Within five feet (5') of any driveway.

5. Within five feet (5') ahead of any twenty five feet (25') to the rear of any sign marked a designated bus stop.

6. Within six feet (6') of any bus bench.

7. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet (6').

8. Within three feet (3') of any area improved with lawn, flowers, shrubs, or trees or within three feet (3') of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.

I. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.

J. Each newsrack shall be maintained in a clean, neat and attractive condition and in good repair at all times.

K. No newsrack shall be permitted to remain in other than its vertical position for more than twenty four (24) hours.

L. No newsrack may remain empty in excess of three (3) days.

1. Material offered for sale must be the current edition of the publication so offered.

M. Newsracks shall be so placed and maintained in such a manner that they do not:

1. Endanger the safety of persons or property.

2. Interfere with any governmental use of the sidewalk.

3. Unreasonably interfere with pedestrians, including persons leaving and entering motor vehicles.

4. Interfere with the ingress or egress of private property.

5. Interfere with the use of mailboxes or traffic signals.

N. The city manager or his designee shall have supervision over the placement, maintenance and removal of all publication vending machines on public sidewalks in the city of Temple City.

O. Newsracks shall be maintained and painted regularly in a satisfactory manner. Newsracks shall be constructed of a metal type material.

P. Each vendor may have no more than two (2) machines in any one location; in some instances, depending upon space available, the vendor may be limited one. (1960 Code; amd. Ord. 95-787)

4-2E-4: STANDARDS FOR MATERIALS SOLD:

A. No publication defined as "harmful matter" by section 313 of the Penal Code of the state of California shall be distributed as defined in section 313.1 of said Penal Code in a newsrack upon public property within one hundred feet (100') of the entrance to any restaurant, theater, school or other place catering to minors.

B. No publication may be offered for sale to the public on any public right of way by means of such newsrack in such manner as to expose to the public view any photograph or drawing contained within such publication displaying any of the following:

1. The genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region of any person, other than a child under the age of puberty.

2. Any portion of the breast, at or below the areola, of any female person, other than a child under the age of puberty.

3. Actual or simulated sexual intercourse or sexual conduct prohibited by the Penal Code.

4. Human excrement, feces, urine or semen.

C. No single edition of a publication shall remain in a newsrack in excess of eight (8) days, unless the owner shall first file a statement with the city clerk indicating such extended sale. Failure to so file such statement shall constitute a violation of this section.

D. Every person is guilty of a misdemeanor who causes, permits, procures, counsels or assists in an offer of sale of any such publication in violation of this section.

E. Any publication offered for sale in violation of this section constitutes a public nuisance and a misdemeanor. (1960 Code)

4-2E-5: EXCEPTIONS:

There shall be excepted from the provisions of section 4-2E-4 of this article any publication, display or depiction which:

A. Constitutes a violation of any state statute; or

B. Is specifically held to be preempted from local regulation by a court of final resort; or

C. Constitutes a photograph of an existing serious work of art; or

D. Constitutes a photograph of a current event of a serious social value. (1960 Code)

4-2E-6: AUTHORITY OF CITY MANAGER TO ADOPT REGULATIONS:

The city manager is hereby empowered to adopt reasonable standards and regulations to implement the provisions and purposes of these sections based upon street and pedestrian traffic requirements, access to parking places and facilities, and public health, safety and welfare. Notice of such additional regulations shall be given to each newsrack owner five (5) days before becoming effective. (1960 Code)

4-2E-7: INFORMATION REQUIRED:

Within thirty (30) days after these sections become effective every person or other entity which places or maintains a newsrack on the streets of the city shall have his or its name, address and telephone number affixed thereto in a place where such information may be easily seen. (1960 Code)

4-2E-8: NEWSRACKS IN VIOLATION OF THESE SECTIONS:

Upon determination by the city manager that a newsrack has been installed, used or maintained or contains matter in violation of the provisions of these sections, an order to correct the offending condition and request correction of the condition or content within ten (10) days after the mailing date of the order or shall result in the offending newsrack being summarily removed. If the offending newsrack is not properly identified as to owner under the provision of section 4-2E-7 of this article, it shall be removed immediately, the recovery of the newsrack and contents by the owner shall be in accordance with section 4-2E-22 of this article.

A. If correction is made by the owner, then the city manager shall cause inspection to be made of the corrected condition. The owner of said newsrack shall be charged a ten dollar ($10.00) inspection fee for each newsrack so inspected.

B. If correction is not made before removal, and such removal is completed, the city manager shall notify the owner (if known) that he may pick up the newsrack and contents, where and when. If the owner fails to make such pick up and pay a fifteen dollar ($15.00) impound charge within ten (10) days after such notice, the newsrack and contents may be destroyed. (1960 Code; amd. Ord. 95-787)

4-2E-9: APPEALS:

Any person or entity aggrieved by a finding, determination, notice or action taken under the provisions of these sections may appeal and shall be appraised of their right to appeal to the city council. An appeal must be perfected within ten (10) days after receipt of notice of any protested decision or action by filing with the office of the city clerk a letter of appeal briefly stating therein the basis for such appeal. Appellant shall be given at least ten (10) days notice of the time and place of the hearing. The city council shall give the appellant, and any other interested party, reasonable opportunity to be heard in order to show cause why the determination should not be upheld. In all such cases, the burden of proof shall be upon the appellant to show that there was no substantial evidence to support the action taken. At the conclusion of the hearing, the city council shall make a final and conclusive determination. (1960 Code; amd. Ord. 95-787)

4-2E-10: OTHER VIOLATIONS:

In the case of violations of these sections relative to restrictions upon attachments of newsracks to property other than owned by the owner of the newsracks, to fixed objects or each other, and upon location of newsracks, any city employee authorized by the city manager may, as an alternative to removal under section 4-2E-8 of this article, remove such attachment and/or move such rack or racks in order to restore them to a legal condition. (1960 Code)

4-2E-11: ENFORCEMENT:

Any person, firm or corporation violating this article shall be guilty of an infraction. The first and second violations may be enforced as infractions while any subsequent violations shall be deemed and enforced as misdemeanors. (1960 Code; amd. Ord. 95-787)

4-2E-12: VALIDITY:

If any section, subsection, sentence, clause, or phrase of this article 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 this article. The Temple City council hereby declares that it should have passed this article, and each section, subsection, sentence, clause and phrase hereof, irrespective of the fact that any one or more of the sections, subsections, sentences, clauses or phrases hereof be declared invalid or unconstitutional. (1960 Code)

4-2E-13: DISPLAY OF CERTAIN MATTER PROHIBITED:

A. Publications offered for sale from newsracks placed or maintained on or projecting over the sidewalks or highways shall not be displayed or exhibited in a manner which express to public view from the sidewalk or highway any of the following:

1. Any statements or words describing explicit sexual acts, sexual organs, or excrement where such statements or words have as their purpose or effect sexual arousal, gratification or affront.

2. Any picture or illustration of genitals, pubic hair, perineum, anuses, or anal regions of any person where such picture or illustration has as its purpose or effect sexual arousal, gratification, or affront.

B. No person shall display or exhibit in any public newsrack or other display device, any material which is defined by California Penal Code section 313 as harmful to minors unless such material is:

1. Displayed in an area from which minors are excluded or,

2. Is covered by a device, commonly known as a "blinder rack", such that the lower two-thirds ($^2/_3$) of the material is not exposed to view. (1960 Code; amd. Ord. 95-787)

4-2E-14: DEFINITION OF EXPLICIT SEXUAL ACTS:

Explicit sexual acts, as used in this chapter, means depictions of sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sadism, masochism, or excretory functions in conjunction with sexual activity, masturbation, or lewd exhibition of the genitals, whether any of the above conduct is depicted or described as being performed alone or between members of the same or opposite sex or between humans and animals, or other act of sexual arousal involving any physical contact with a person's genital, pubic region, pubic hair, perineum, anus or anal region. (1960 Code)

4-2E-15: ENCROACHMENT PERMIT REQUIRED; NEWSRACKS:

No person shall place, install or maintain any newsrack(s) on any street within the city, without first obtaining approval and a permit from the city. A separate permit shall be obtained for each newsrack and shall be valid only for the specific location identified in the permit as approved by the city. (1960 Code; amd. Ord. 95-787)

4-2E-16: APPLICATION FOR ENCROACHMENT PERMIT:

Application for permit must be submitted in writing to the city for each newsrack and must show:

A. The name and address of the applicant;

B. The location where the newsrack is to be placed;

C. A description of the newsrack showing its type, general dimensions and material construction;

D. A description of the advertising, if any, to appear thereon. (1960 Code; amd. Ord. 95-787)

4-2E-17: ENCROACHMENT PERMIT FEE; NEWSRACKS:

Upon granting of any application, a fee established by separate resolution may be collected at the time of the issuance of the permit. Each permit shall expire on December 31 of each year following the issuance date. Application for a renewal permit shall be made prior to the expiration date of the permit, and shall be

accompanied by required renewal fee(s) if applicable. Any fee collected for newsrack(s) shall be set and/or modified by resolution of the city council. (1960 Code; amd. Ord. 95-787)

4-2E-18: PERMITTEE'S OBLIGATIONS:

No permittee shall locate or maintain any newsrack(s) at a point or location other than that specified within the permit for newsrack(s). It shall be the duty of the permittee to maintain each newsrack at all times in a safe condition and at its proper and lawful location. (1960 Code; amd. Ord. 95-787)

4-2E-19: PLACEMENT OF PERMIT:

The permit (sticker) shall be visibly placed on the top of the newsrack so as to be visible from public view. The permit shall not be effective unless so placed. (1960 Code; amd. Ord. 95-787)

4-2E-20: INSTALLATION WITHOUT PERMIT:

Any newsrack(s) installed without a permit (sticker) shall be removed by the newsrack operator, distributor or entity responsible for the newsrack(s). The city may order the removal and storage of the newsrack(s) at the offender's expense if the offender fails to do so within ten (10) days after notice. (1960 Code; amd. Ord. 95-787)

4-2E-21: REVOCATION OF PERMIT:

After the revocation of any permit, the city may order the removal and storage of the newsrack(s) if the permittee fails to do so within ten (10) days after notice. (1960 Code; amd. Ord. 95-787)

4-2E-22: RECOVERY BY OWNER:

Notwithstanding the provisions of sections 4-2E-20 and 4-2E-21 of this article, the permittee may recover the newsrack(s), at the owner/operator's expense if within sixty (60) days after removal, he pays the cost of such removal and storage, for each such newsrack(s). After sixty (60) days, the city council may sell, destroy or otherwise dispose of the newsrack(s) and its contents at its discretion. All of the foregoing shall be at the sole risk of the permittee, and shall be in addition to any other remedy provided by law for the violation of this section. (1960 Code)

4-2E-23: SURETY BOND OR INSURANCE POLICY; NEWSRACKS:

No encroachment permit shall be issued pursuant to these sections unless the applicant shall post and maintain with the city a surety bond or policy of public liability insurance, approved by the city attorney and conditioned as hereinafter provided. Such bond or policy shall be subject to the following conditions and provisions.

A. The bond or policy shall be so conditioned such that the permittee shall indemnify, defend and hold the city of Temple City, its officers, and employees harmless from any and all loss, costs, damages, expenses, or liability which may result from or arise out of the granting of the permit, or the installation or maintenance of the newsrack(s) for which the permit is issued that the permittee shall pay any and all loss or damage that may be sustained by any person as a result of, or which may be caused by or arise out of such installation or maintenance;

B. The bond or policy of insurance shall be maintained in its original amount by the permittee at the permittee's expense at all times during the period for which the permit is in effect;

C. In the event that two (2) or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two (2) or more newsracks,

and each bond or policy shall be of such type that its coverage shall be automatically restored immediately from and after the time for the reporting of any accident from which liability may thereafter accrue;

D. The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this section shall in no case be less than the city's minimum insurance requirements as established by city administrative policy. (1960 Code; amd. Ord. 95-787)

ARTICLE F. REGULATION OF DOGS

4-2F-0: NUISANCE BY BARK OR UTTERANCE:

It shall be unlawful for any person knowingly to keep or harbor any animal which habitually barks, howls, yelps, or utters any sound to the substantial discomfort of the peace and quiet of the neighborhood, or in such manner as to materially disturb or annoy persons in the neighborhood who are of ordinary sensibilities. Such animals are hereby declared to be a public nuisance. (1960 Code)

4-2F-1: EXCEPTION:

A public nuisance shall not mean barking, howling, yelping or other utterance whenever an animal is in the act of protecting against or resisting trespassers upon its premises. The burden of proof of such act of protection or resistance to trespassers by an animal is upon the person owning, harboring, controlling, maintaining, possessing, or having charge of the dog. (1960 Code)

4-2F-2: NOTIFICATION OF OWNER:

Whenever any person shall complain to the animal control department that an animal which habitually barks, howls or yelps is being kept by any person in the city, the animal control department shall notify the keeper or owner of said animal that a complaint has been received and that the person should take whatever steps necessary to alleviate the howling, yelping, barking, or utterance. (1960 Code)

4-2F-3: ENFORCEMENT:

If the warning given to the person alleged to be keeping an animal as set forth in section 4-2F-2 of this article is ineffective, then a verified complaint of at least two (2) citizens not from the same residence may be presented to the animal control department, alleging that an animal which habitually barks, howls or yelps is being kept by a person within the city. The animal control department shall inform the owner of (or person responsible for) such animal that said petition has been received and may be presented to the district attorney to be filed as a criminal complaint pursuant to section 373(A) of the Penal Code of the state of California. (1960 Code)

ARTICLE G. GRAFFITI

4-2G-0: PROHIBITED:

It is unlawful for any person to paint, chalk, or otherwise apply graffiti or other inscribed material on publicly or privately owned permanent structures located on publicly or privately owned real property within the city. (1960 Code)

4-2G-1: REMOVAL BY VIOLATOR:

Any person applying graffiti within the city shall have the duty to remove the same within twenty four (24) hours after notice by the city or by the public or private owner of the property involved. Failure of any person to so remove graffiti shall constitute an additional violation. Where graffiti is applied by juvenile, the parent or parents shall be responsible for such removal or for the payment therefor. (1960 Code)

4-2G-2: REMOVAL BY OWNER:

It is declared to be a public nuisance for the owner (or person in possession) of any

property, public or private, to permit graffiti to remain thereon for more than seventy two (72) hours after notice from the city to remove the same.

A. Abatement proceedings shall be conducted pursuant to Penal Code 370, Civil Code 3479 and 3480, or appropriate section of the municipal code.

B. If the owner (or person in possession of property) fails to remove graffiti within ten (10) days after notice from the city, such failure shall constitute a separate offense, and shall be classified as an infraction under this code. (1960 Code)

4-2G-3: REMOVAL BY CITY:

After a finding by the city council that any graffiti or other inscribed material is obnoxious, and after securing, in the case of a publicly owned structure, the consent of the public entity having jurisdiction thereof, and in the case of the privately owned structure, after securing the consent of the owner thereof, the city council may order the removal of such graffiti or other inscribed material, at public expense. The foregoing procedure does not preclude the city removal of graffiti on public or private property pursuant to Penal Code 370, Civil Code 3479 and 3480, or appropriate section of the municipal code. (1960 Code)

4-2G-4: VIOLATION; PENALTY:

Wilful violation of this article is declared unlawful and shall constitute a misdemeanor, punishable by a fine of not to exceed five hundred dollars ($500.00), or imprisonment not to exceed six (6) months, or both. Every day of such violation shall constitute a separate offense. (1960 Code)

ARTICLE H. AEROSOL SPRAY PAINT AND MARKING PEN REGULATIONS

4-2H-0: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

AEROSOL PAINT CONTAINER: Any aerosol container, regardless of the material from which it is made, which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

ETCHER: Any device which is adapted or made for the purpose of applying a mark or scar on any surface.

FELT TIP MARKER: Any indelible marker or similar implement with a tip which, at its broadest width is at least one-eighth inch ($^1/_8$") in width.

GRAFFITI PARAPHERNALIA: Any aerosol paint container, felt tip marker, paint stick, graffiti stick or etching tool capable of applying a one-eighth inch ($^1/_8$") mark or scar on any surface.

PAINT STICK OR GRAFFITI STICK: Any device containing a solid paint, chalk, wax, epoxy or other similar substance capable of being applied to a surface, and upon application, leaving a mark at least one-eighth inch ($^1/_8$") in width. (Ord. 93-755)

4-2H-1: SALE AND POSSESSION OF AEROSOL SPRAY PAINT CANS AND MARKING PENS BY JUVENILES:

It shall be considered a misdemeanor for any person to sell, exchange, give, loan or cause or permit to be sold, exchanged, given or loaned, any aerosol paint container, felt tip marker, paint stick, graffiti stick or etcher to anyone under the age of eighteen (18) years. It shall be considered an infraction for anyone under the age of eighteen (18) years to purchase or otherwise obtain or possess any aerosol paint container, felt tip marker, paint stick, graffiti stick or etcher in a public place unless such juvenile is in the presence of a parent or guardian. (Ord. 93-746; amd. Ord. 93-755)

4-2H-2: SALE OF AEROSOL SPRAY PAINT AND MARKING PENS AND STORAGE REQUIREMENTS:

A. Any business or establishment offering for sale to the public any aerosol paint container, felt tip marker, paint stick, graffiti stick or etcher shall post and maintain a sign which contains the provisions of section 4-2H-1 of this article in letters at least one-half inch ($^1/_2$") in height and such sign shall be plainly visible to customers.

B. Any business or establishment offering for sale to the public any aerosol paint container, felt tip marker, paint stick, graffiti stick or etcher shall keep, store and maintain such materials in a place that is locked and secured or otherwise inaccessible to the public. (Ord. 93-746; amd. Ord. 93-755)

ARTICLE I. VACANT AND ABANDONED PROPERTY

4-2I-0: PURPOSE AND SCOPE:

It is the purpose and intent of the city council, through the adoption of this article, to establish a registration program for abandoned and vacant property as a mechanism to protect residential neighborhoods and commercial areas from becoming blighted through the lack of adequate maintenance and/or security of abandoned and vacant properties. (Ord. 11-949)

4-2I-1: DEFINITIONS:

As used in this article, the following definitions shall apply and, for purposes of this article, shall supersede any other definitions of the same terms in this code.

ABANDONED: Real property that is vacant and that meets any of the following conditions:

A. Is under a current notice of default.

B. Is under a current notice of trustee's sale.

C. Is pending a tax assessor's lien sale.

D. Has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure.

E. Has been transferred under a deed in lieu of foreclosure.

ACCESSIBLE PROPERTY: Any property that is accessible through a gate, fence, wall, or other barrier that is broken, unlocked, unsecured, or otherwise missing or lacking.

ACCESSIBLE STRUCTURE: A building or structure (as defined by the building code) that is unsecured in any manner that could allow access to the interior of the building or structure by unauthorized persons.

AGREEMENT: Any agreement or written instrument which provides that title to real property shall be transferred or conveyed from one owner to another in any manner (whether by sale, gift, exchange, transfer, partition, assignation, placement in a trust, or any other method).

ASSIGNMENT OF RENTS: An instrument that transfers the beneficial interest under a deed of trust from one lender or entity to another.

BENEFICIAL INTEREST: The interest held in a deed of trust by a beneficiary.

BENEFICIARY: The person or persons who own or hold a promissory note that is secured by a deed of trust and who is/are named in that document. Beneficiary shall include, but shall not be limited to, the assignees, successors, or transferees of a holder of such a promissory note.

CITY: The city of Temple City.

CODE: The Temple City municipal code and all laws and regulations incorporated

therein, as well as all uncodified and adopted ordinances.

DEED IN LIEU OF FORECLOSURE/SALE: A deed to real property accepted by a lender/beneficiary from a defaulting trustor/borrower to avoid the necessity of foreclosure proceedings by the lender.

DEED OF TRUST: An instrument by which an interest in title to real estate is transferred to a third party trustee as security for a real estate loan (and often used in California instead of a mortgage). This definition applies to any and all subsequent deeds of trust (e.g., second deed of trust, third deed of trust).

DEFAULT: The failure to fulfill a contractual obligation, monetary or otherwise, under a promissory note and/or deed of trust.

DISTRESSED PROPERTY: A property that meets any of the following conditions:

A. Is under a current notice of default that has been recorded with the Los Angeles County recorder's office.

B. Is under a current notice of trustee's sale that has been recorded with the Los Angeles County recorder's office.

C. Is pending a tax assessor's lien sale.

D. Has been the subject of a foreclosure sale where legal title was retained or acquired by the beneficiary of a deed of trust involved in the foreclosure.

E. Has been transferred under a deed in lieu of foreclosure.

EVIDENCE OF VACANCY: Any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions shall include, but shall not be limited to, overgrown and/or dead vegetation; accumulation of newspapers, circulars, fliers, and/or mail; past due utility notices and/or disconnected utilities; accumulation of trash, junk, and/or other debris; the absence of window coverings such as curtains, blinds, and/or shutters; the absence of furnishings and/or personal items and/or commercial furnishings consistent with the permitted residential or commercial uses permitted within the zone of the real property; or statements by neighbors, passersby, delivery agents, government employees that the property is vacant.

FORECLOSURE: The process by which real property pledged as security for a debt is sold to satisfy the debt in event of default in payments or terms. Said process may include recordation of a notice of default and/or notice of trustee's sale against the property that is the subject of a default.

LOCAL: Within forty (40) driving miles' distance of the subject property.

NOTICE OF DEFAULT: A recorded notice indicating that a default has occurred under a deed of trust and that the beneficiary/trustee named therein, or a successor trustee, intends to proceed with a trustee's sale and/or other foreclosure proceeding. This notice remains current so long as an instrument evidencing its cancellation, withdrawal, or rescission has not been recorded.

NOTICE OF TRUSTEE'S SALE: A recorded notice that follows a notice of default to announce the date, time, and place that a sale of real property may occur as a result of a default under a deed of trust. This notice remains current so long as an instrument evidencing its cancellation, withdrawal, or rescission has not been recorded.

OUT OF AREA: Not within forty (40) driving miles' distance of the subject property.

OWNER: Any person having legal or equitable title or any interest in any real property, including the right to possess and use that property.

OWNER OF RECORD: The person having title to the property at any given point in time as recorded with the Los Angeles County recorder's office.

PERSON: Shall mean and include any individual, partnership of any kind, corporation, limited liability company, association, joint venture or other organization, however formed, as well as trustees, heirs, executors, administrators, or assigns, or any combination of such persons. "Person" also includes any public entity or agency that acts as an owner in the city.

PERSONAL PROPERTY: Shall mean property that is not real property, and

includes, without limitation, any appliance, article, device, equipment, item, material, product, substance or vehicle.

REAL PROPERTY: Any improved or unimproved real property owned by any person and/or any building, structure, or other improvement thereon, or any portions thereof.

RESPONSIBLE PARTY: Any person or persons who has/have equitable or legal title to or control over real property. "Responsible party" includes, but is not limited to, every owner, owner of record, beneficiary, lienholder, trustee, servicing company, real estate agent, and property management company, as well as any person acting on behalf of another responsible party.

SECURING: Shall mean and include such measures as may be directed by the city manager (or designee thereof) that assist in rendering real property inaccessible to unauthorized persons, including, but not limited to, the repair of fences, walls, and other barriers; chaining or padlocking of gates; and/or the repair or boarding of doors, windows, and/or other openings. The boarding of any window, door, or other opening shall be completed to a minimum of the current United States department of housing and urban development (HUD) securing standards at the time the boarding is completed or required and shall be consistent with the requirements of this chapter.

SUBSTITUTION OF TRUSTEE: A document executed by a beneficiary that replaces a trustee under a deed of trust with another.

TRUSTEE: The person holding a deed of trust on real property, and who has the power to sell the property if the trustor does not fulfill the obligations as recited in the instrument.

TRUSTOR: A borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

VACANT: Real property and any building or structure thereon that is not legally occupied, or that otherwise shows evidence of vacancy. (Ord. 11-949)

4-2I-2: RECORDATION OF TRANSFER OF LOAN/DEED OF TRUST:

A. Within ten (10) calendar days following the purchase or transfer of a loan or deed of trust secured by real property, the new beneficiary and trustee shall record with the Los Angeles County recorder's office an assignment of rents or similar document that lists the name of the person purchasing or acquiring the loan or deed of trust and the mailing address and contact telephone number of the new beneficiary and trustee responsible for receiving payment associated with the loan or deed of trust. This requirement shall not apply to the sale or transfer of a property when such sale or transfer does not include the sale or transfer of any loan or deed of trust associated with such property.

B. Within ten (10) calendar days following the change of a trustee in a deed of trust secured by real property, the beneficiary shall record with the Los Angeles County recorder's office a substitution of trustee or similar document that lists the name of all new trustees, as well as the mailing address and contact telephone number of all new trustees. (Ord. 11-949)

4-2I-3: REGISTRATION; FEES:

A. Any beneficiary and trustee who holds a deed of trust on real property located within the city of Temple City shall, prior to recording a notice of default with the Los Angeles County recorder's office, perform an inspection of said real property. If the real property is found to be "abandoned" or shows "evidence of vacancy" (as these terms are defined by this article), the beneficiary and trustee shall register the real property with the city, on city approved forms, within ten (10) calendar days of the inspection and shall pay an annual registration fee as set by resolution of the city council. The registration (including the statement of intent as referenced hereinbelow) and accompanying fee shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. The registration fee shall not be prorated. Subsequent registrations and fees shall be due January 1 of each year and must be received by the city no later than January 31 of the year due.

B. If the property is occupied at the time of the initial inspection but a notice of default or notice of trustee's sale remains current in connection therewith, it shall be

inspected by the beneficiary and trustee every subsequent calendar month until:

1. The trustor or other party remedies the default;

2. The foreclosure is completed and ownership is transferred to a new owner who is not the former beneficiary or trustee; or

3. The real property is found to be vacant or shows signs of vacancy, at which time the beneficiary and trustee shall register the real property with the city within ten (10) calendar days of said inspection.

C. The beneficiary and trustee shall register with the city any real property which becomes vacant or shows evidence of vacancy after a foreclosure where the title was transferred to the beneficiary of a deed of trust involved in the foreclosure and any property which becomes vacant or shows evidence of vacancy after being transferred under a deed in lieu of foreclosure/sale. Registration shall be filed on city approved forms within ten (10) calendar days of the inspection demonstrating the vacancy or the evidence of vacancy.

D. The registration forms, as established by the city manager (or designee thereof) shall contain, at a minimum, the following information:

1. Name and street/office address (not a P.O. box) and, if different, the mailing address of each beneficiary and trustee;

2. A direct contact name, telephone number, and e-mail address for the person handling the deed of trust and/or foreclosure;

3. The name, street address, telephone and facsimile numbers of a local property management service provider responsible for the security and maintenance of the real property, as well as identical information for all realtors who have been engaged to market the real property;

4. A statement of intent that provides the following information:

a. The expected period of vacancy;

b. A detailed plan for the regular maintenance of the real property during the period of vacancy;

c. A timetable for the lawful reoccupancy of the real property, or for the rehabilitation or demolition of the structures thereon.

E. Persons required to register real property pursuant to this article shall keep such property registered and shall comply with all security and maintenance requirements of this article (as well as all other provisions of this code) for the entire time such property remains vacant or shows evidence of vacancy. Persons required to register real property pursuant to this article shall also report in writing to the city any change of information contained in the registration within ten (10) calendar days of the change.

F. When real property subject to registration pursuant to this article becomes occupied or title is transferred to another responsible party, the beneficiary, trustee and/or prior responsible party shall notify the city in writing within ten (10) calendar days of the property's occupancy or the transfer of title.

G. In such instance where title to an abandoned or vacant real property that was subject to registration pursuant to the provisions of this article has been transferred to another responsible party, the new responsible party shall reregister the real property with the city on city approved forms within ten (10) calendar days of the transfer. Reregistration forms shall contain, at a minimum, all of the information required by subsection D of this section. A reregistration fee as set by council resolution shall accompany the reregistration form.

H. Nothing contained within this chapter relieves a responsible party from complying with any other obligation set forth in any applicable "conditions, covenants, and restrictions" and/or homeowners' association rules and regulations or with any other provision of this code. (Ord. 11-949)

4-2I-4: INSPECTION AND REGISTRATION OF PREVIOUSLY

ABANDONED PROPERTY:

Any beneficiary and trustee who holds a deed of trust on real property located within the city of Temple City, which property is distressed (as defined by this article) on the effective date of this article, shall, within sixty (60) days of adoption of this article, perform an inspection of the real property that is the security of the deed of trust. If the real property is found to be vacant or shows evidence of vacancy, the beneficiary and trustee shall register the real property with the city, on city approved forms, within ten (10) calendar days of the inspection, and shall otherwise comply with the requirements of section 4-2I-3 of this article. (Ord. 11-949)

4-2I-5: PROPERTY MAINTENANCE REQUIREMENTS:

Real property subject to the registration requirements of this article shall be maintained in a neat, clean, healthful, and sanitary condition at all times. The following conditions do not constitute a neat, clean, healthful, and sanitary condition and shall be explicitly prohibited:

A. Buildings or structures with graffiti, tagging, or other markings, or graffiti, tagging, or other markings that have not been completely removed or painted over with a color matching the exterior of the remaining portion of the building or structure;

B. Accumulations of lumber, junk, trash, debris, construction material, household furniture, appliances, clothing, or discarded, unused, or abandoned personal property on exterior portions of the real property;

C. Accumulations of newspapers, circulars, fliers, notices, or other printed material that give the appearance that the property is vacant (except those required by federal, state, or local law);

D. Vegetation that is overgrown, dead, decaying, or otherwise that is not adequately trimmed, pruned, cut, fertilized, watered, or replaced;

E. Swimming pools, spas, or other bodies of water that are not maintained in such a manner as to be free and clear of pollutants or debris, or that are maintained in such a manner as to be likely to harbor mosquitoes, insects, or vectors, including, but not limited to, water that is clouded or green, water containing bacterial growth, algae, insect larvae, insect remains, or animal remains; or swimming pools that are not covered, secured and/or maintained in such a manner that water cannot collect or accumulate therein or on top of a cover thereon; and

F. Accessible property or accessible structures not secured as required by this code. (Ord. 11-949)

4-2I-6: SECURITY REQUIREMENTS:

A. Real properties subject to registration pursuant to this article (and buildings or structures thereon) shall be secured within seventy two (72) hours of becoming abandoned, vacant, or showing evidence of vacancy, in a manner to prevent access by unauthorized persons, including, but not limited to, the closure, locking, and/or boarding of windows, doors, gates, or other openings of such a size that it may allow a child to access the interior of the real property and/or buildings or structures located thereon (including garage structures or detached accessory structures).

1. No window, door, or other opening shall be boarded without prior written approval of the city manager (or designee thereof) and when such approval has been granted, the boarding of any window, door, or other opening shall be completed to a minimum of the current United States department of housing and urban development (HUD) securing standards at the time the boarding is completed or required and shall be consistent with the requirements of this chapter. The factors that shall be considered in determining whether the boarding of windows, doors, or other openings is required include, but are not limited to:

a. Whether the window, door, or other opening is visible from a public vantage;

b. The difficulty of adequately securing the window, door, or other opening in another manner so as to prevent unauthorized entry;

c. The length of time the real property has been abandoned or vacant; and

d. The length of time the real property is expected to remain abandoned or vacant (as indicated in any statement of intent on file with the city).

B. Responsible parties for any real property subject to registration pursuant to this article shall submit a "letter of agency" (or other similarly entitled authorization) to the Los Angeles County sheriff's department (Temple Station) every thirty (30) calendar days and post "No Trespassing" signs as required and approved by the city so that the sheriff's department is authorized to remove and/or arrest all unauthorized persons from the property. (Ord. 11-949)

4-2I-7: LOCAL PROPERTY MANAGEMENT SERVICE PROVIDER REQUIRED:

A. Responsible parties for any real property subject to registration pursuant to this article shall retain the services of a local property management service provider that shall be responsible for the maintenance and security of the real property. Responsible parties shall provide in writing the name and telephone number of the local property management service provider to adjoining neighbors in case of emergency or other issues that arise in connection with the subject property. Use of out of area property management service providers is prohibited. The retention of a local property management service provider shall not relieve other responsible parties of their obligations, duties, or responsibilities for the maintenance and security of the real property.

B. Responsible parties shall cause the on site inspection of any real property subject to registration pursuant to this article to be inspected on a weekly basis and shall submit a written inspection report to the city manager (or designee thereof) on or before the tenth day of each calendar month for which the real property remains vacant or shows evidence of vacancy. The written report shall consist of, at a minimum, the following:

1. The address of the real property being inspected;

2. The dates of inspection;

3. A description of any unlawful conditions observed; and

4. The actions taken or proposed to be taken by the responsible party to abate the unlawful conditions.

C. Responsible parties shall cause the abatement of any unlawful condition existing on real property subject to registration pursuant to this article within forty eight (48) hours of observing or of being notified of the unlawful condition. Nothing in this article relieves any responsible party of the need to obtain approvals, permits, and/or licenses as otherwise required by this code. (Ord. 11-949)

4-2I-8: ADDITIONAL REQUIREMENTS; APPEAL:

A. In addition to the specific maintenance and security requirements provided in this article, the community development director, sheriff's department, and/or fire department (or designees thereof) shall have the authority to require responsible parties for real property subject to registration pursuant to this article to implement additional maintenance and security measures in order to effectuate the purpose of this article, including, but not limited to, the installation of security lighting, increasing the frequency of on site inspections, employment of an on site security guard, and/or posting of additional signage at the subject property.

B. Any responsible party may request a hearing before the city manager (or designee thereof) in order to challenge or appeal the imposition of any additional maintenance and/or security requirements pursuant to this section in accordance with the requirements, procedures, and provisions of article C of this chapter. (Ord. 11-949)

4-2I-9: REOCCUPANCY OF ABANDONED OR VACANT PROPERTY; CERTIFICATE OF CODE COMPLIANCE:

No person shall cause, permit, or suffer the reoccupancy of any real property (or building or structure thereon) that has been subject to registration pursuant to this article in excess of one hundred eighty (180) calendar days without having first obtained a "certificate of code compliance" as issued by the city manager (or designee thereof). A "certificate of code compliance" shall not be issued until such time as the following conditions have been met:

A. All charges, fees, and/or costs imposed pursuant to this article or other applicable provisions of this code have been tendered in full to the city;

B. City officials have conducted an on site inspection of the real property (including all buildings or structures located thereon) to confirm they are in compliance with applicable provisions of this code; and

C. All unlawful conditions existing at the subject property have been fully corrected and abated with all requisite approvals, permits, and/or inspections. (Ord. 11-949)

4-2I-10: VIOLATIONS AND PENALTIES:

A. Notwithstanding any other provision of this article to the contrary, any person who causes, permits, or suffers a violation of any provision of this article, or who fails to comply with any obligation or requirement of this article, is guilty of a misdemeanor punishable in accordance with title 1, chapter 2 of this code and is also subject to administrative citations in accordance with title 1, chapter 4 of this code.

B. Each person shall be guilty of a separate offense for each and every day, or part thereof, during which a violation of this article, or of any law or regulation referenced herein, is allowed, committed, continued, maintained, permitted or suffered by such person, and shall be punishable accordingly.

C. This article does not exclusively regulate the use, maintenance, and security of real and/or personal property within the city, and the remedies provided in this article are in addition to other remedies and penalties authorized by this code, or by the laws of the state of California or of the United States. (Ord. 11-949)

Footnote 1: HSC div. 13, part 1.5, § 17910 et seq.

Chapter 3
PARADES

4-3-0: DEFINITIONS:

As used in this chapter, the following term shall be defined as set forth herein:

SOUND AMPLIFYING EQUIPMENT: Any machine or device for the amplification of the human voice, music or any other sound. "Sound amplifying equipment" shall not be construed as including standard automobile radios when used and intended to be heard only by the occupants of the vehicle in which installed, warning devices on authorized emergency vehicles and horns or other warning devices on other vehicles used only for traffic safety purposes. (1960 Code)

4-3-1: PARADES:

No person shall hold, manage, conduct, carry on or participate in, any parade, march or procession of any kind or any other similar activity or bear or play any drum, triangle, tambourine or any wind or string instrument upon any public street or alley in the city without first having applied for and obtained a permit therefor from the sheriff with the approval of the city clerk, as provided in this chapter. (1960 Code)

4-3-2: APPLICATION FOR PERMIT:

Any person desiring to do any of the acts specified in section 4-3-1 of this chapter

shall file an application with the city clerk upon a form to be supplied by the city without charge to the applicant setting forth the following information in regard to the proposed event:

A. The name and address of applicant;

B. The purpose;

C. The date and time;

D. The place and/or route. (1960 Code)

4-3-3: APPLICATIONS GRANTED:

All applications filed pursuant to this section shall be acted upon by the city clerk within a reasonable time from the date of filing.

Should the clerk after an investigation of the applicant and the facts contained in the application determine that the applicant has stated true facts in his application and the event as proposed will not interfere unduly with the use of the streets and will not tend to cause breach of the public peace, he shall issue a permit, with the approval of the sheriff endorsed thereon, designating the time, place and route of such event. (1960 Code)

4-3-4: APPEALS:

In the event the application is denied, applicant may file with the clerk a statement and the reasons why it is believed the clerk or sheriff acted improperly. The city council at its next regular meeting held after the date on which such appeal is filed with said city clerk, shall hear the appeal and determination of said city council thereon shall be final. (1960 Code)

4-3-5: OPERATION WITHOUT COMPLIANCE:

No person shall use or cause to be used a sound truck with its sound amplifying equipment in operation for any noncommercial purpose in the city without filing a registration statement with the city clerk in writing. (1960 Code)

4-3-6: REGISTRATION STATEMENT:

A registration statement shall be filed in duplicate and shall state the following:

A. Name and home address of the applicant;

B. Address of place of business of applicant;

C. License number and motor number of each sound truck to be used by applicant;

D. Name and address of person who owns each sound truck to be used by applicant;

E. Name and address of person having direct charge of each sound truck to be used by applicant;

F. Names and addresses of all persons who will use or operate any sound truck;

G. The purpose for which the sound truck or trucks will be used;

H. A general statement as to the section or sections of the city in which each sound truck will be used;

I. The proposed hours of operations of the sound trucks;

J. The number of days of proposed operation of each sound truck;

K. A general description of the sound amplifying equipment which is to be used;

L. The maximum sound producing power of the sound amplifying equipment which is to be used in or on each sound truck, including:

1. The wattage to be used; and

2. The approximate maximum distance for which sound will be thrown from each sound truck. (1960 Code)

4-3-7: REGISTRATION STATEMENT AMENDMENT:

All persons using or causing to be used any sound truck for noncommercial purposes shall amend any registration statement duly certified by the city clerk as a correct copy of said application. Said certified copy of the application shall be in the possession of any person operating any sound truck at all times while the sound truck's sound amplifying equipment is in operation and said copy shall be displayed and shown to any policeman upon request. (1960 Code)

4-3-8: REGULATIONS FOR USE:

Noncommercial use of sound trucks in the city with the sound amplifying equipment in operation shall be subject to the following regulations:

A. The only sounds permitted are music or human speech;

B. Operations are permitted for three (3) hours per day, except Saturdays, Sundays and legal holidays when no operations are authorized. The permitted three (3) hour operation shall be between the hours of eleven o'clock (11:00) A.M. and twelve o'clock (12:00) noon and three o'clock (3:00) P.M. and five o'clock (5:00) P.M.; provided that upon petition and proper showing, the council may allow operation in excess of three (3) hours per day but no longer than seven o'clock (7:00) A.M. to seven o'clock (7:00) P.M.;

C. Sound amplifying equipment shall not be operated unless the sound truck upon which such equipment is mounted is operated at a speed of at least ten (10) miles per hour except when said truck is stopped or impeded by traffic. Where stopped by traffic sound amplifying equipment shall not be operated for longer than one minute at each such stop.

D. Sound shall not be issued within five hundred feet (500') of hospitals, schools, churches, courthouses, courtrooms, county buildings or the city hall. (1960 Code)

4-3-9: VEHICLES; COMMERCIAL ADVERTISING:

No person at any time shall operate, drive or park or cause to be operated, driven or parked upon any street, alley, parkway, sidewalk or public property within the city, without first obtaining written permission therefor from the city clerk, any advertising vehicle sound truck or commercial vehicle with its sound amplifying equipment in operation or with any sound or signaling device in operation for the purpose of advertising goods, wares or merchandise sold at or from such vehicle or for the purpose of attracting or calling attention to such vehicle. Application for the permission required hereunder shall be made to the city clerk in accordance with such rules and regulations as he may prescribe therefor and such permission shall

be given only if the operation of any such vehicle, sound truck or commercial vehicle will not be inimical to the public welfare, health or safety or cause such sounds or noises to be emitted or created as will disturb the peace of the citizens of the city. (1960 Code)

4-3-10: ADVERSE TO PUBLIC WELFARE:

The city clerk must refer the application to the county sheriff and may in his discretion rely on the decision of the county sheriff whether the same will be inimical to public welfare, health or safety, or will disturb the peace. (1960 Code)

Chapter 4
ALCOHOLIC BEVERAGES

4-4-0: DRINKING UPON PUBLIC STREETS:

No person shall drink any alcoholic beverage containing more than one-half of one percent of alcohol by volume: a) upon any public street, alley, sidewalk or parkway (except for the sale and consumption of beer and wine in conjunction with an approved sidewalk cafe operated as a permitted accessory or incidental activity at a "bona fide restaurant" as that term is defined by Temple City municipal and zoning codes and the department of alcoholic beverage control); nor b) in any public building, public lavatories, auto park; nor c) within the public lobby or entranceway of any public or private business or commercial building within the city; nor d) within any city park or other city owned property.

The city council may issue permits for special events exemptions from this section under the following conditions:

A. Such permits shall be issued for not more than a six (6) hour period on any one day (with a 1 day limitation), and shall be limited to designated areas.

B. Such permits shall be issued only for special events sponsored by a public agency, provided such event is found by the city council to serve a beneficial interest to this city. (1960 Code; amd. Ord. 97-812; Ord. 98-817; Ord. 02-873)

4-4-1: INTOXICATED IN PUBLIC:

It shall be unlawful for any intoxicated person, or any person in any intoxicated condition, wilfully to appear, remain or be in or on any public highway, street, alley, park, playground or public place in the incorporated territory of the city of Temple City, whether such person is or is not in or upon any automobile, street or interurban car, vehicle or conveyance. (1960 Code)

4-4-2: PUBLIC VIEW:

It shall be unlawful for any intoxicated person, or any person in an intoxicated condition, wilfully to appear, remain or be in any place open to public view or in any store, railway depot, stadium, or other place to which the public is admitted or invited, or in or on any private premises or in any private house to the annoyance of any other person. (1960 Code)

4-4-3: ALCOHOLIC BEVERAGE ON SCHOOL GROUNDS:

No person shall consume any alcoholic beverage on the grounds of any public school or any stadium or athletic field while being used by a public school. (1960 Code)

4-4-4: DRINKING IN VEHICLE:

No person shall enter or remain in a vehicle while any other occupant is consuming any alcoholic beverage while such vehicle is on a public street, alleyway or public highway. (1960 Code)

4-4-5: DISORDERLY:

No person shall lie and sleep on any of the sidewalks, streets or other public places within the city, or appear therein in such a state of intoxication or drunkenness as to be unable to take proper care of himself or disturb the peace or quiet of any person, family or neighborhood by drunkenness or by making loud and unusual noises or by violent language or offensive language, or by boisterous, tumultuous or offensive conduct, or by the threatening, traducing, quarreling, fighting or offering or challenging to fight, or in any other way or manner whatever shall disturb the peace, quiet and decency of any person, street or neighborhood. (1960 Code)

4-4-6: CONSUMING LIQUOR:

Every person who goes upon or remains upon any part of a public highway, while he is consuming any alcoholic beverage is guilty of a misdemeanor. Furthermore, every person who enters or remains in any vehicle while such vehicle is on any part of any public highway when such person or any other occupant of such vehicle is consuming any alcoholic beverage is guilty of a misdemeanor. (1960 Code)

Chapter 5
DISTRIBUTION OF ADVERTISING MATERIAL

4-5-0: DEFINITIONS:

As used in this chapter, the following term shall be defined as set forth herein:

ADVERTISING MATERIAL: Means and includes, dodgers, booklets, cards in excess of two and one-half inches by four inches ($2^1/_2$" x 4") and any other printed advertising material calling attention to any product, business enterprise, person, firm, or corporation. (Ord. 97-814)

4-5-1: FINDINGS AND DETERMINATIONS:

The city council hereby determines that the practice of throwing or placing of advertising material or other similar material upon public and private property in the city has resulted and will continue to result in the littering of public and private property to the detriment of the residents; and that the indiscriminate throwing or placing of such material on private property creates a serious police problem and a threat to public safety in that property owners or occupants are not always aware that such material is to be thrown upon their premises, and are often unable to make proper provisions for the removal of such material from their property with the result that their absence from their premises may inadvertently be made known to persons of criminal propensities because of the accumulation of such material; and that the regulations hereinafter imposed are necessary to alleviate the aforesaid conditions and to protect the public health, safety and welfare of the community. (Ord. 97-814)

4-5-2: PUBLIC PLACES:

No person shall throw, distribute, scatter, deposit or place upon any public place within the city, including, but not limited to, streets, alleys, public parks and school grounds, any "advertising material" as defined herein; provided, however, the same may be personally delivered to persons who are willing to accept the same in hand; and provided that newsstands are permitted at such locations as do not impair traffic or pedestrian movements. (Ord. 97-814)

4-5-3: AUTOMOBILES:

No person shall place in or on any automobiles or other motor vehicle in the city any "advertising material" as defined herein, without first having obtained the permission of the owner or person in possession thereof. (Ord. 97-814)

4-5-4: PRIVATE PREMISES:

No person shall throw, distribute, scatter, deposit, place or deliver any advertising material in the yard or grounds of any house, building, or structure, on any porch, doorstep, or vestibule thereof, if the owner thereof shall have registered with the city

clerk the refusal of such owner to receive such advertising material. Refusals to receive such information shall be maintained as follows:

A. The city clerk shall maintain a list of those properties whose owners have written to the city clerk to refuse such advertising material;

B. It shall be the responsibility of any person distributing advertising material on private property to obtain from the city clerk a list of those properties whose owners have so refused to receive such material;

C. The city clerk shall give such list, free of charge, to any person desiring to make such distribution;

D. It shall be unlawful for any person:

1. To distribute advertising material without having obtained such list;

2. To distribute in violation of the provisions thereof; or

3. To fail to provide adequate supervision to assure compliance with such list. (Ord. 97-814)

4-5-5: VACANT PROPERTY:

No person shall throw, distribute, scatter, deposit, place or deliver any advertising material upon any vacant property. (Ord. 97-814)

4-5-6: IDENTIFICATION:

All advertising material disseminated in the city shall have printed thereon or affixed in legible form the name, address and telephone number of the person responsible for the distribution of such advertising material, together with a legible notice to the effect that anyone who does not desire to receive such advertising material shall notify the said person responsible for the distribution thereof or the city clerk, city hall, city of Temple City, in writing to that effect. Thereafter the person thus notified shall disseminate no such advertising material to the premises described in such notification. (Ord. 97-814)

4-5-7: EXEMPTION:

The provisions of these sections shall not be deemed to apply to the distribution of United States mail, telegrams or other material preempted by state, federal, county or local law. (Ord. 97-814)

4-5-8: PERMIT REQUIREMENTS:

Any person publishing or distributing advertising material, within the city of Temple City as defined herein shall first obtain a permit for such purpose as set forth in the following:

A. No person shall distribute any advertising material or medium or solicit for permission to distribute advertising material or medium without first applying for and receiving a permit from the financial services director. Such application shall set forth the name and address of the applicant, the particular advertising material or medium which the applicant desires to distribute, the area in which it is proposed to be distributed, whether or not it is proposed to be distributed at regular or irregular intervals and a schedule of times when it is proposed to be distributed during the period to be covered by the permit.

B. The permit fee for the distribution of advertising material shall be established by city council resolution and payable on an annual basis in advance at the time the written permit application is filed.

C. The permit fee herein required shall not apply to any such advertised material sent through the United States post office in accordance with postal regulations nor shall it be required for the printing, publishing or circulating of newspapers as herein defined. For the purpose of this chapter, a "newspaper" is defined as a publication which has been and is at the time of its distribution admitted as second class material under United States postal regulations, and is at such time a newspaper of general circulation under the laws of the state of California, and at such time maintains a bona fide list of paying subscribers at regular published rates, and contains a weekly average of advertising material not exceeding sixty percent (60%) of the total amount of printed material therein. (Ord. 97-814)

4-5-9: VIOLATIONS; MISDEMEANORS:

No person shall violate any provisions, or fail to comply with any of the requirements of this code. Any person violating the provisions or failing to comply with any of the mandatory requirements of this code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code, shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the city or county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. 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 is committed, continued, or permitted by such person and shall be punishable accordingly. (Ord. 97-814)

4-5-10: VIOLATIONS; INFRACTIONS:

Pursuant to the provisions of section 36900 of the California Government Code, the city may enforce the first and second violations of this code as "infractions", while any subsequent violations shall be deemed and enforced as "misdemeanors". (Ord. 97-814)

4-5-11: PENALTY ASSESSMENTS; INFRACTIONS:

A violation of any provisions of this code expressly enforced as an infraction shall be punishable by a fine not to exceed that allowable by California state law, as set forth by city council resolution. (Ord. 97-814)

4-5-12: ENFORCEMENT:

The duty of enforcing this code shall be the responsibility of the city manager or other designated city official. (Ord. 97-814)

Chapter 6
CHARITABLE-RELIGIOUS SOLICITATIONS

ARTICLE A. CHARITABLE SOLICITATIONS

4-6A-0: PERMIT REQUIRED:

No person, without having first obtained a permit therefor as herein provided, shall make any appeal to the public for charity or charitable or religious purpose, either by soliciting or collecting gifts, contributions, donations, or subscriptions, or by promoting or conducting any sale, bazaar or exhibition by any other means, at any place or to any person within the city. (1960 Code)

4-6A-1: TICKETS:

No person, without first having obtained a permit therefor, as hereinafter provided, shall sell or solicit for or on behalf of any person, by telephone or otherwise, for the sale of any ticket or right to admission to any amusement, show, entertainment, lecture or other enterprise not regularly carried on for private profit or gain by any person at a fixed place of business in the city, or solicit any contribution or gift in connection with such amusement, show, entertainment, lecture or other enterprise, where such sale or solicitation is for a charitable purpose and is made to persons other than the bona fide members of the firm, association or corporation, causing such solicitation or sale, or for, or on, whose behalf such solicitation or sale is made and where, in connection with any such amusement, show, entertainment, lecture or other enterprise, it is represented, advertised, held out, implied, or made to appear

that such sale, solicitation, contribution or gift or any part of the proceeds therefrom shall belong to or be devoted or used for the benefit of any person, firm, association or corporation. (1960 Code)

4-6A-2: APPLICATION:

Any person desiring a permit to do any of the acts referred to in sections 4-6A-0 and 4-6A-1 of this article, shall file a written application therefor with the city manager of the city containing the following information:

A. Name and address of applicant (if applicant is a corporation, partnership or association, the names and addresses of all officers, partners, and/or principals);

B. Location of national, state and local headquarters, if any;

C. The names and addresses of all persons directly interested in or who in any manner will be engaged in the activity;

D. The purpose for which the proceeds of the solicitations, sale, bazaar, exhibition, promotion, amusement, show, lecture, entertainment or other enterprise, or any part thereof, are to be used, including the manner and amount of any compensation intended to be paid to any person, firm, association or corporation, out of such gross proceeds;

E. The total amount sought to be raised, and the bank or place where all or any part of such funds will be placed on deposit or invested;

F. The type of records proposed to be kept of funds received and the location of such records and the custodian thereof;

G. The type of identification to be carried or uniform to be worn by persons engaged in the activity;

H. Such other information relating to applicant and the parties directly interested or engaged in the activity, as may be necessary to enable a full and complete investigation to be conducted, including, but not limited to, suitable photographs and fingerprints. (1960 Code)

4-6A-3: INVESTIGATION:

The city manager of the city, upon receipt of such an application, shall refer the same to the police and sheriff's department for investigation. After the investigation has been conducted, the chief of police or his authorized deputy or sheriff shall transmit to the city manager, for referral to the city council, the report of the investigation. (1960 Code)

4-6A-4: GRANTING OR DENYING APPLICATION:

The city council shall consider the application and investigation report and such other information as may be relevant, and if it finds that the applicant has not stated true facts in the application or that if a permit were to be granted to applicant, a fraud, in all probability, would be perpetrated on the public, the council shall refuse the issuance of a permit to such applicant. If the council finds that the application is truthful, that the applicant is acting in good faith and that in all probability a fraud would not be perpetrated on the public, a permit shall be issued to such applicant for such period of time as applicant may request, not to exceed a period of three (3) months from the date of issuance of said permit. Provided, that as a condition to granting such permit, the council may require applicant to file a bond with the city clerk, in a sum not to exceed one thousand dollars ($1,000.00), in a form to be approved by the city attorney, conditioned so that if applicant should fail to devote, pay or use the entire proceeds or percentage thereof, as specified in the applicant, derived from the activity, to the person for, or on whose behalf, or benefit such activity

was carried on, as indicated on the application, then the surety will pay to such person the amount of such bond. (1960 Code)

4-6A-5: EXCEPTION:

Renewal permits shall not be required for any of the acts or activities described in sections 4-6A-0 and 4-6A-1 of this article, by the members of any religious or charitable organization which has been in existence in, and which regularly has maintained a headquarters or a place of worship in the city, for a period of at least five (5) years next preceding the date on which such activity is proposed to be commenced; provided that the council has issued a basic permit authorizing the acts or activities described in said sections by such organization. Permits issued to organizations as described in this section shall be valid until revoked by the council; provided such permittees shall advise the city of changes in sponsors or officers. (1960 Code)

4-6A-6: SUSPENSION OR REVOCATION:

The city manager shall have the power to suspend any permit if he finds that the permittee is not operating in conformity with the application pursuant to which the permit was issued, or if he finds, that further activity of the permittee would, in all probability, allow fraud to be perpetrated upon the public or any portion thereof. Notice of such suspension shall be given to permittee by registered mail directed to the permittee at his last known address, postage prepaid, and deposited in the United States mail. The said permit in such a case shall be suspended and no further activity otherwise permitted thereunder shall be permitted, effective three (3) days after date of mailing said letter. In such a case, permittee shall have a right of immediate appeal to the city council and at the next regularly schedule council meeting after such suspension, said permittee shall show cause before the council why the permit should not be revoked. If the council finds that the suspension was justified, the permit shall forthwith be revoked. No formal public notice need be given by the council in connection with the denying or revocation of such permit, provided that notice of such hearing is given to applicant by depositing in the United States mail by registered mail, directed to the last known address of such applicant, at least forty eight (48) hours prior to the holding of such hearing. (1960 Code)

4-6A-7: SOLICITATION BY MAIL:

No permit shall be required for any solicitation through the United States mail. (1960 Code)

4-6A-8: DELEGATION TO CITY MANAGER:

During the time this section remains in effect, the responsibilities and prerogatives imposed by this section upon the city council are hereby delegated in the first instance to the city manager. Any person dissatisfied with the decision of the city manager, may appeal such decision to the city council whereupon the decision of the city manager shall be vacated and the city council shall exercise its prerogatives as set forth in this chapter. (1960 Code)

4-6A-9: RELIGIOUS SOLICITATION:

See article B of this chapter. (1960 Code)

4-6A-10: RESTRICTIONS:

A. Solicitation shall only take place between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

B. Solicitation shall not be made at any house, apartment or other dwelling in which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupant thereof. (Ord. 91-695)

ARTICLE B. RELIGIOUS SOLICITATIONS

4-6B-0: DEFINITIONS:

CITY MANAGER: The person exercising that function of any city employee designated by the city manager to perform such functions hereunder.

CONTRIBUTIONS: Means and includes the words alms, food, clothing, money, property, subscription or pledge, and also donations under the guise of loans of money or property.

PERSON: Any individual, firm, partnership, corporation, company, association, society, organization, church, congregation, assembly or league, and includes any trustee, receiver, assignee, agent or other similar representative thereof.

RELIGIOUS AND RELIGION: Shall have the meaning established by the supreme court of California or the supreme court of the United States. It shall not mean and include the word "charitable".

SOLICIT AND SOLICITATION: The request, directly or indirectly, of money, credit, property, financial assistance or other things of value on the plea or representation that such money, credit, property, financial assistance or other thing of value will be used for a religious purpose as those purposes are defined in this section, conducted door to door, in any place of public accommodation, in any place of business open to the public generally, on the city streets and sidewalks, in the public parks, on the public beaches or in any public place. These words also mean and include the following methods of securing such money, credit, property, financial assistance or other thing of value, when conducted in the manner stated above:

A. Any oral or written request.

B. The local distribution, circulation, posting or publishing of any handbill, written advertisement or other local publication.

C. The sale of any goods or services.

"Solicitation" as defined herein shall be deemed to have taken place when the request is made, whether or not the person making the request receives any contribution referred to in this section. (1960 Code)

4-6B-1: PERMIT REQUIRED:

No person shall, directly or indirectly, solicit nor authorize any other person to solicit contributions for any religious purposes within the city without a permit therefor as provided in this article. (1960 Code)

4-6B-2: EXEMPTION:

The provisions of this article shall not apply to any person where religious solicitations are conducted among the members thereof by other members, whether at regular assemblies or services or otherwise. (1960 Code)

4-6B-3: FILING APPLICATION FOR PERMIT:

An application for a religious solicitation permit shall be made to the city manager upon forms prescribed by him. The application shall be sworn to or affirmed and filed with the city manager not less than ten (10) days prior to the time at which the permit applied for shall become effective; provided, however the city manager may for a good cause shown allow such filing less than ten (10) days prior to the effective date the permit applied for. (1960 Code)

4-6B-4: INFORMATION REQUIRED IN APPLICATION:

The application shall contain the following information:

A. Name, address and principal office of the person applying for the permit.

B. If the applicant is not an individual, the names and addresses of the applicant's principal officers and executives.

C. A statement that the purpose for which the solicitation is made is exclusively for and in connection with the exercise of religion.

D. The total amount of funds proposed to be raised by solicitation.

E. The name and address of the person or persons who will be in charge of conducting the solicitation and the names of all of funds raisers connected to or to be connected with the proposed solicitation.

F. A short outline of the method or methods to be used in conducting the solicitation.

G. The time when such solicitation will be made, giving the preferred dates and hours of the day for the commencement and termination of solicitation.

H. A statement to the effect that if a permit is granted, it will not be used or represented in any way as an endorsement by the city or any department or officer thereof. If while the application is pending or during the term of any permit granted there is a change in fact, policy or method that would alter the information to be given in the application the applicant shall notify the city manager in writing thereof within twenty four (24) hours after such change. (1960 Code)

4-6B-5: INVESTIGATION:

The city manager shall investigate all applications to the extent he deems necessary for him to perform his duties hereunder. Upon request by the city manager, applicant shall make available for inspection all of applicant's financial books, records, and papers at any reasonable time before the application is granted or during the time the permit is in effect, which books, records and papers will be inspected solely for the determination of the factual accuracy of the information contained in the application. Failure to make any such information available within ten (10) days at the city manager's request to inspect same shall automatically result in revocation of the permit. (1960 Code)

4-6B-6: LIMITATIONS ON SOLICITATION:

Solicitations pursuant to permit hereunder:

A. Shall only take place between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

B. Solicitation shall not be made at any house, apartment or other dwelling in which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupant thereof. (1960 Code; amd. Ord. 91-695)

4-6B-7: ISSUANCE OF PERMIT:

The city manager must and shall issue the permit unless any of the following have been demonstrated by substantial evidence:

A. Any statement made in the application is factually incorrect.

B. That the proposed solicitation will violate any of the requirements of section 4-6B-6 of this article.

C. That applicant has not provided the information required by this article. (1960

Code)

4-6B-8: TIME OF ISSUANCE:

The city manager shall either grant or deny the requested permit within ten (10) days of the date the application is made. In the event the city manager fails to act within the time prescribed, the permit shall be deemed granted. (1960 Code)

4-6B-9: RENEWAL OF PERMIT:

On the expiration of any permit, and if requested in writing to do so, the city manager must renew the permit within ten (10) days of such request, if the factual information upon from which the original application was granted remains unchanged and no violations have been committed. Upon such request for renewal applicant must state that no change has occurred since issuance of the original permit. (1960 Code)

4-6B-10: FORM OF PERMIT:

Permits issued under this article shall bear the name and address of the person to whom it is issued, the number of the permit, the date issued, the dates within which the permit holder may solicit and the statement that the permit does not constitute an endorsement by the city or any of its departments, officers or employees of the purpose of or for the person conducting the solicitation. (1960 Code)

4-6B-11: TERM OF PERMITS:

Permits issued hereunder shall be valid for a period of thirty (30) days unless renewed, revoked or suspended pursuant to the provisions hereof. (1960 Code)

4-6B-12: NONTRANSFERABILITY OF PERMITS:

No permit issued hereunder shall be transferred or assigned and any such attempt of assignment or transfer shall be void. (1960 Code)

4-6B-13: CREDENTIALS OF SOLICITORS:

All persons to whom permits have been issued hereunder shall furnish proper credentials to their agents and solicitors for such solicitation. The credential shall include the name of the permit holder, the date, a statement of the religious purposes of the solicitation, signature of the permit holder or its executive officer and the name and the signature of the solicitor to whom such credentials are issued and the specific period of time during which the solicitor is authorized to solicit on behalf of the permit holder. No person shall solicit under any permit granted under this article without credentials required hereunder. (1960 Code)

4-6B-14: DENIAL OF PERMIT:

In the event the city manager denies a permit to any applicant, the city manager shall give the applicant a written notice, stating with specificity the reasons for such denial. (1960 Code)

4-6B-15: REVOCATION:

Whenever it shall be shown that any persons to whom a permit has been issued has violated any of the provisions of this article, the city manager shall suspend the permit after giving written notice to the permit holder of not less than two (2) business days in person or by registered special delivery of the proposed revocation, stating with specificity the reason for such proposed revocation. (1960 Code)

4-6B-16: APPEAL TO CITY COUNCIL:

Any applicant or permit holder aggrieved by any action of the city manager to deny,

revoke or refusal to renew a permit, may appeal to the city council by filing with the city clerk a statement addressed to the city council setting forth the facts and circumstances regarding the action of the city manager. Such appeal shall be filed within ten (10) days after the disputed action of the city manager and the city council shall hear the appeal at its next regular meeting, not more than fifteen (15) days after filing thereof. At the time of the appeal hearing, the city council shall hear all relevant evidence and shall determine the merits of the appeal and render a decision thereon within three (3) business days of the hearing.

In the event the city council affirms the decision of the city manager, the appellant shall be given written notice thereof within two (2) days thereafter stating with specificity the reasons for the decision. The action of the city council shall be final and appealable to the superior court of the state of California pursuant to Code Of Civil Procedure section 1094.5. (1960 Code)

4-6B-17: RECEIPTS:

Any person receiving money or anything of value in excess of five dollars ($5.00) from any contributor by means of solicitation made pursuant to a permit shall give each contributor a written receipt signed by the solicitor showing plainly the name and the permit number of the person under whose permit the solicitation is conducted, the date, and the amount received; provided, however, this section shall not apply to any contribution collected by means of a closed box or receptacle where it is impractical to determine the amount of such contributions. (1960 Code)

4-6B-18: MANNER OF SOLICITATION:

No persons to whom a permit has been issued nor any agents or solicitors of such person:

A. Shall affix any object to the person of any contributor or member of the public without first receiving express permission therefor;

B. Shall persistently and importunately request any donation from any member of the public after such member of the public expresses his desire not to make a donation; and

C. Shall intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally. (1960 Code)

4-6B-19: AUTHORITY OF CITY MANAGER:

Nothing hereunder shall be construed as granting to the city manager or any other person the authority to grant, deny, revoke, renew or suspend any permit by reason of agreement or disagreement with the philosophy, opinion or belief that the applicant, permit holder or person soliciting thereof, or for any other reason not specifically provided for herein. (1960 Code)

4-6B-20: PENALTIES:

Any person, as hereinbefore defined or any agent, servant, employee or officer thereof violating any of the provisions of this article, or who aids or abets in the procuring of a violation of any provision, part or portion hereof, or who files or causes to be filed an application for a permit containing a false or fraudulent statement of fact, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not more than five hundred dollars ($500.00) for each offense, or undergo imprisonment for not more than six (6) months, or both. Each violation shall be deemed a separate offense, and shall be punishable as such. (1960 Code)

4-6B-21: SEVERABILITY:

It is the intention of the city council that each separate provision of this chapter shall be deemed independent of all other provisions herein and it is further the intention of the city council that if any provision of this chapter is declared invalid, the remaining

provisions shall remain viable and in effect. (1960 Code)

Chapter 7
LOITERING

4-7-0: NO CONFLICT WITH STATE STATUTES:

This chapter does not prohibit any act prohibited by section 374b or 647 of the Penal Code or by section 23112 of the Vehicle Code or by any other state statute or state law. (1960 Code)

4-7-1: LOITERING:

A person shall not loiter or stand in or upon any public highway, alley, sidewalk or crosswalk or other public way open for pedestrian travel.

The provisions of this section do not prohibit a person from sitting upon a public highway, alley, sidewalk or crosswalk or other public way open for pedestrian travel if:

A. Necessitated by the physical disability of such person.

B. Viewing a legally conducted parade; or

C. On a bench lawfully installed for such purpose. (1960 Code)

4-7-2: LEAVING PROPERTY UPON WALKWAYS:

A person shall not leave or permit to remain on any public highway, alley, sidewalk, crosswalk or other public way open for pedestrian travel any merchandise, baggage, or any article of personal property. However, this section does not apply to any temporary rack or stand used for the purpose of displaying newspapers for sale while such rack or stand is so used if such rack or stand does not occupy any portion of the highway set aside for vehicular use and such rack or stand does not cover an area exceeding ten (10) square feet. (1960 Code)

4-7-3: LOITERING NEAR SCHOOLS:

A person shall not loiter about any school or public place at or near which schoolchildren attend. (1960 Code)

4-7-4: LITTERING:

A person shall not deposit or throw any litter or trash on any public highway or sidewalk or on any private property without the consent of the owner or person in lawful possession thereof. (1960 Code)

4-7-5: PROHIBITION OF STREET GANG ACTIVITIES:

A. It is unlawful for any person who is a member of a "criminal street gang" (as that term is defined in California Penal Code section 186.22(f)) or who is in the company of or acting in concert with a member of a "criminal street gang" to loiter or idle in a "public place", as defined herein, under any of the following circumstances:

1. With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate nonmembers of the gang from entering, remaining in, or using the public place or adjacent area; and/or

2. With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.

B. For purposes of this section, a "public place" means the public way, street,

sidewalk or any other location open to the public, whether publicly or privately owned, including, but not limited to, any: street, sidewalk, curb area, parkway, alley, park, playground, or other public ground or public building including the accessways thereto, and any common area of a school, theater, apartment house, office building or privately owned business to which the public is invited, including places of amusement, entertainment, or eating establishment. Any public place also includes the front yard area, driveway and walkway areas of any private property.

C. Nothing in this section shall be construed in any way to limit the authority of a law enforcement officer to make an investigation, detention or arrest as such officer would be permitted to make in the absence of this section.

D. Any parent(s), legal guardian(s) or other adult person(s) authorized by such parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits (or by insufficient control allows) a minor to violate the provisions of this section is guilty of a misdemeanor.

E. Violation of the section shall be punishable by fine and/or imprisonment, as provided by law. (Ord. 03-884)

Chapter 8
MISCELLANEOUS

4-8-0: DEFINITIONS:

As used in this chapter the following terms shall be defined as set forth herein:

HANDBILL: Any handbill, dodger, commercial advertising, circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice or other written, printed or printed matter calculated to attract attention of the public.

TIP SHEET: Any written or printed form, chart, table, list sheet, circular or publication of any kind, giving or purporting to give, or represented as giving, any list, or probable or possible list of one or more entries for any race or other contest thereafter anywhere to take place, if there be written or printed or published as part thereof, or in connection therewith, or in any other publication, printing or writing accompanying the same or referring thereto or connected therewith, any tip, information, prediction, or selection of, or advise to, or any key, cipher, or cryptogram indicating, containing or giving any tip, information, publication or selection of, or advice, as to the winner or probable winner, or a loser or probable loser, or the result or probable result of any such race or other contest or the standing of probable standing of any horse or other contestant therein, or any statement as to, or comment upon, or reference to, the form, condition or standing of any horse or other contestant, or the actual, probable or possible result of any race or contest, or the actual, probable or possible state, past, present or future, of the betting wagering or odds upon or against any horse or other contestant named in such list or probable or possible list, of entries. (1960 Code)

4-8-1: HANDBILLS:

No person shall distribute, scatter, hand out or circulate any commercial or noncommercial handbill, circular, tract or leaflet in any place or under any circumstances which does not have printed on the cover, front or back thereof, the name and address of:

A. The person who caused the same to be printed, written, compiled or manufactured.

B. The person who caused the same to be distributed.

C. In the event the person who caused the same to be printed, written, compiled or manufactured, or distributed is a fictitious person or club, there shall appear on said handbill, circular, tract or leaflet, in addition to such fictitious name, the true name of the owner, manager or agent of the person sponsoring said handbill. (1960 Code)

4-8-2: HANDBILLS ADVOCATING DISLOYALTY OR BREACH OF

PEACE:

No person shall post, hand out or distribute any commercial or noncommercial handbill, circular, tract or leaflet which reasonably shall tend to incite riot or other public disorder or which advocates disloyalty to, or the overthrow of the government of the United States by force and arms or other unlawful means, or which urges any unlawful conduct or encourages or reasonably tends to encourage a breach of the public peace of the community. (1960 Code)

4-8-3: TIP SHEETS PROHIBITED:

A person shall not, upon any street, sidewalk, highway or parkway, cast, throw or deposit, sell or distribute among pedestrians or to persons in vehicles, any tip sheet or any commercial advertising handbill, or any handbill distributed for the purpose of advertising any merchandise, commodity, property, business, service, art or skill, offered, sold or rendered for hire, reward price, trade or profit. (1960 Code)

4-8-4: HANDBILLS EXPRESSING VIEWS:

This section shall not be deemed or construed to prohibit or restrict the distribution of written or printed matter devoted to the expression of views, opinions, beliefs or contentions relating to religious, political or sociological subjects, or to public or civic affairs, or to labor disputes or other controversies, or to community, state, regional, national, or international affairs or which treat of any social or economic order, or which relate to the arts or sciences; or which are aimed to redress any grievance, or which otherwise are not distributed for the purpose of soliciting business, trade or custom; nor shall the terms hereof be deemed to include the printed notice of an event which is not arranged for profit or to stimulate the business, trade or traffic of the person who causes the dissemination of the notice, even though a monetary contribution or an admission fee be requested or accepted in connection with such event. (1960 Code)

4-8-5: THROWING TIP SHEETS AND HANDBILLS:

The city council hereby finds and determines that the casting, throwing, depositing, selling or distributing among pedestrians or to persons in vehicles, any such tip sheet or any such handbill, tends to impede the ordinary and lawful use of the public highways to a far greater extent than does the vending, peddling or hawking of newspapers, magazine, periodicals or other printed matter and that the publications described in this section are not commonly sold or disposed of by newsboys or news vendors. (1960 Code)

4-8-6: DISORDERLY HOUSE:

No person shall keep a riotous or disorderly house, or permit any riotous or disorderly conduct in his house, yard or premises connected with his house, or be guilty of any riotous or disorderly conduct in any house, yard or premises, whereby the peace, quiet or decency of the neighborhood of such house or of any person may be disturbed. (1960 Code)

4-8-7: ABANDONED WELLS:

Every person who digs, drills, excavates, constructs, owns or controls any abandoned water well or abandoned oil well, and every person owning or having possession of any premises on which any such abandoned well exists, shall cap or otherwise close the mouth of or entrance to such well in such manner as to prevent persons from falling therein and in such a manner that such capping or covering cannot be removed by accident or inadvertence or such persons shall fill such a well. (1960 Code)

4-8-8: FAILURE TO CAP ABANDONED WELLS:

Whenever any person fails or refuses to perform any act required by this chapter the city may itself cap, cover or fill such well. It is not necessary to follow the provisions of this section as condition precedent to any criminal prosecution. (1960 Code)

4-8-9: RESERVED:

(Ord. 85-565)

4-8-10: FORTUNE TELLING:

4-8-10-1: DEFINITIONS:

AGENT: Every person who acts as an agent for any other person, assists or procures customers for another person for the purpose of engaging in anything which is defined herein as "fortune telling", or who receives any fee, reward or donation for such procuring.

CITY COUNCIL: The city council of the city of Temple City.

FOR PAY: For a fee, reward, donation, loan or receipt of anything of value.

FORTUNE TELLING: Every person who engages in, practices or professes to practice, or acts as an agent for, the business or art of astrology, phrenology, life reading, mesmerism, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, spirit photography, spirit writing, spirit voices, spirit psychometry, seership, prophecy, augury, palmistry, materialization, etherealization, numerology, physiognomy, necromancy, clairsentience, dreams, apportism, extoplasm, levitation, mediumship, seance, soothsaying, psychic healing, divination by magic, radiesthesia, or any other similar art or business or craft.

"Fortune telling" shall further mean (in the alternative) every person who, by means of occult or psychic powers, faculties or forces, spirits, cards, talismans, charms, potions, magnetism or magnetized articles or substances, animal sacrifice or by using parts of animals or human beings, effigies, or any craft art described in this chapter, or similar art or craft which may be known by another name or title in any other language, which purports to or does tell fortunes, life readings, find or restore lost or stolen property, located oil wells, gold or silver, or other ore or metal, restore lost love or affection, unite loved ones, wives, husbands, children, lost relatives or friends, procure lovers, wives or husbands, diagnosis of disease or injury, casts spells, cause sickness or injury, advises of the past, present or future, or by such means gives counseling or advice whatsoever, and who demands, solicits or receives directly or indirectly a fee or reward or who accepts any donation therefor. (1960 Code)

4-8-10-2: PERMIT AND COMPLIANCE WITH CONDITIONS REQUIRED:

A. No person shall conduct, engage in, carry on, participate in or practice (or act as an agent for) fortune telling or cause the same to be done for pay without having first obtained a permit from the city council.

B. No person shall violate any of the terms and conditions of a permit issued pursuant to this section, nor any of the regulations and provisions within this section. Each day such violation or violations occur shall constitute a separate offense. (1960 Code)

4-8-10-3: PERMIT APPLICATION:

Every natural person who, for pay, actively conducts, engages in, carries on, or practices fortune telling, whether as principal or agent, shall file a separate verified application for a permit with the city clerk. The application shall contain:

A. The name, home and business address, and home and business phone number of the applicant.

B. The record of conviction for violations of law, excluding minor traffic violations.

C. The fingerprints of the applicant on a form provided by the Los Angeles County sheriff's department.

D. The address, city and state, and the approximate dates, if any, where and when the applicant practiced a similar business, either alone or in conjunction with others.

E. Nonrefundable permit fee. (1960 Code; amd. Ord. 97-805)

4-8-10-4: INVESTIGATION:

Upon filing of the application, it shall be referred by the city clerk to the sheriff's department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the city council within fourteen (14) days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the grounds for the recommended denial shall be set forth. At the time of the filing of the report and recommendation with the city council, a copy thereof shall be served personally or by certified mail by the city clerk on the applicant, accompanied by a notice to the applicant who may request to be heard when the city council considers the application and report. (1960 Code)

4-8-10-5: HEARING AND DECISION BY CITY COUNCIL:

A. The city council shall consider the application and the report and recommendation at a hearing held at a regularly scheduled meeting on or before the seventh day after filing of the report and recommendation referred to in section 4-8-10-4 of this chapter.

B. Notice of time and place of the hearing shall be given to all parties by the city clerk at least three (3) days prior to the hearing.

C. Any interested party shall be heard upon a reasonable request.

D. City shall have the burden of proof to show the permit should be denied; otherwise, it will be granted.

E. The decision of the city council to grant or deny the permit shall be in writing, and if adverse to the applicant, shall contain findings of fact and a determination of the issues presented.

F. Unless the applicant agrees in writing to an extension of time, the city council shall make its order denying or granting the application within fifteen (15) days after completion of the hearing on the application for a permit and shall notify the applicant of its action by personal service or certified mail.

G. Any member of the city council who is absent from the hearing or has not read or heard the record of the proceedings shall not vote on the decision. (1960 Code)

4-8-10-6: ISSUANCE OF PERMIT:

A. The city council shall approve the issuance of the permit if they find:

1. All the information contained in the application and supporting data is true.

2. The applicant has not, within the previous six (6) months, been convicted of any violation of this section or any law relating to fraud or moral turpitude.

3. The applicant appeared in person at the hearing.

4. The applicant agrees to abide by and comply with all conditions of the permit and this section.

B. The city council shall deny the permit only if it cannot make each of the findings set forth above.

C. If the city council approves the permit, the city clerk shall thereafter issue the permit when the fee required by this section has been paid.

D. The term of the permit shall not exceed one year. The city council, at its discretion, may grant a permit for a period of less than one year, and may impose such reasonable conditions upon the granting of such permit as, in the discretion of the city council, based upon the evidence presented in connection with the application for the permit, are necessary for the protection of the public health, safety and welfare. A renewal application shall be filed no later than thirty (30) days prior to the expiration of the permit and shall be processed in the same manner as a new application. Should the information on the renewal application not vary from the initial application; the sheriff's investigation indicate that the same is true and the city clerk verifies that no complaints have been filed against the previous permit; the requirement for a hearing before the city council for a renewal permit may be waived and the city manager may grant approval. (1960 Code; amd. Ord. 97-805)

4-8-10-7: EXCEPTIONS:

A. Religion: This section does not apply to, and it shall not be construed to interfere with the belief, practices or usage of an incorporated ecclesiastical governing body or the duly licensed teacher or minister, priest, rector or an accredited representative who holds a certificate of credit, commission, or ordination under the ecclesiastical laws of a religious corporation which is incorporated under the laws of the state of California, or any voluntary religious association, and who fully conforms to the rites and practices prescribed by the supreme conference, convocation, convention, assembly, association or synod of the system or faith with which they are affiliated, thereof acting in good faith and without personal fee, reward, donation or the solicited or unsolicited promise of any fee, reward or donation. Any church or religious association or organization which is organized for the primary purpose of conferring certificates of commission, credit or ordination for price, fee, donation or reward, and not primarily for the purpose of teaching and practicing a religious doctrine or belief, shall not be deemed to be a bona fide church or religious organization.

1. Except as provided in subsection A3 of this section, the fees, gratuities, emoluments and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the bona fide church or religious association, as defined in this section.

2. The minister holding a certificate or ordination from such bona fide church or religious association, as defined in this section, shall file with the city clerk a copy of the minister's name, age, street address and phone number in this city where the activity set forth in this section is to be conducted.

3. Such bona fide church or religious association, as defined in this section, may pay to its ministers a salary or compensation based upon a percentage basis, pursuant to an agreement between the church and the minister which is embodied in a resolution and transcribed in the minutes of such church or religious association.

B. Education: This section does not apply to, nor shall be construed to interfere with the functions, research, instruction, practice, therapy, treatment, diagnosis, healing art or science, make prognosis, predictions or foretelling the results of injury, disease, condition, state, status, future consequences of possible actions of behavior, in both mental and physical aspects of any animal or human activity, or in any area of science, medicine, psychology, psychiatry or investigation which is duly certified and/or licensed by the state of California, or permitted by funding by federal, state, county, local, foundation or educational grants, or with any international organization with which the United States maintains diplomatic relations.

Nor shall this section apply to any student who is enrolled in an approved educational institution when the course of study includes anything which is defined herein; nor shall it apply to any student, intern or person who is under the direct or indirect supervision of any individual who is acting within the purview of his or her license or certification. (1960 Code)

4-8-10-8: FEES:

The fees applied to fortune telling for a business license and permit shall be set and/or modified by resolution of the city council. (1960 Code; amd. Ord. 91-703)

4-8-10-9: SITING:

All fortune telling shall be conducted only at sites authorized by the Temple City zoning code, and shall be conducted in strict accordance with applicable sign regulations. (1960 Code; amd. Ord. 95-774)

4-8-11: RESERVED:

(Ord. 95-774)

4-8-12: SOLICITING IN CITY OR COUNTY BUILDINGS:

No person shall solicit in any manner for any purpose in any city building. (1960 Code)

4-8-13: UNSIGHTLINESS:

Any person, firm or corporation, who owns or has the care or management of any real property and wilfully permits any part of the property to become so unsightly as to detract from the appearance of the immediate neighborhood and who fails to remedy the condition within thirty (30) days from being ordered to do so by the city council is guilty of a misdemeanor. (1960 Code)

4-8-14: VENDORS' PERMIT:

It is unlawful to sell goods, wares merchandise (except newspapers) on any public street, highway, road alley or sidewalk within the city without first obtaining a permit so to do from the city council. (1960 Code)

4-8-15: VENDORS' RESTRICTIONS:

No licensee shall either as owner, agent, employee or otherwise, keep, maintain or conduct or to cause, or permit to be kept, maintained or conducted, any lunch, meal or eating cart, wagon or stand, in or upon any public street, sidewalk, alley, court or other public place within three hundred feet (300') of the nearest property line of any property upon which a public or private school building is located, or nearest property line of any public park. (1960 Code)

4-8-16: VENDORS' VEHICLES:

No licensee or any person having charge, custody or control of any cart, wagon or other vehicle shall allow such vehicle to remain within the limits of any one block for the purpose of vending at retail from such vehicle, for a period longer than ten (10) minutes in any one day, except while vending to the residents of such block. (1960 Code)

4-8-17: SALES UPON STREETS:

It is unlawful to sell newspapers or magazines from the traveled roadway or from any vehicular portion of a public highway or street. (1960 Code)

4-8-18: SIGNS:

No person shall paint, post, attach or affix any handbill, dodger, notice, sign or advertisement upon or to any bridge, fence, building or other property belonging to the city, or any tree situated in any street of said city, and no person shall deface, mar or disfigure any bridge, fence, building or structure belong to said city, or any tree situated in any city street of said city, by painting, cutting, scratching or breaking the same or attaching or affixing anything thereto. (1960 Code)

4-8-19: ERECTION OF SIGNS:

No person shall erect, construct, place or maintain any signboard, billboard, sign or advertisement in or on any city street of the city of Temple City. (1960 Code)

4-8-20: STREET SIGNS:

Nothing in sections 4-8-18 and 4-8-19 of this chapter shall be construed to prohibit the erection or the placing in any city street of mileposts, mile boards, guide boards or guideposts, or the painting, pasting, attaching or affixing of warning signs, notices or signboards upon bridges, fences, buildings or other structures belonging to the city of Temple City, under authority of the city council thereof. (1960 Code)

4-8-21: ITEM PRICING:

Every retail grocery store or grocery department within a general retail merchandise store which uses an automatic checkout system shall cause to have a clearly readable price indicated on each packaged consumer commodity offered for sale.

A. The provisions of this section shall not apply to any of the following:

1. Any consumer commodity which was not generally item priced on January 1, 1977, as determined by the department of food and agriculture pursuant to subdivision (c) of section 12604.5 of the Business And Professions Code of the state of California, as effective July 8, 1977.

2. Any unpackaged fresh food produce, or to consumer commodities which are under three (3) cubic inches in size, weight less than three (3) ounces, and are priced under thirty cents ($0.30).

3. Any consumer commodity offered as a sale item or as a special, and which is so designated on the package.

4. Any business which has as its only regular employees the owner thereof, or the parent, spouse, or child of such owner, or, in addition thereto, not more than two (2) other regular employees.

5. Identical items within a multi-item package.

6. Items sold through a vending machine.

B. For the purpose of this section:

AUTOMATIC CHECKOUT SYSTEM: A computer capable of reading the universal product code or similar code to determine the price of items being purchased.

CONSUMER COMMODITY: Includes:

1. Food, including all material whether solid, liquid or mixed, and whether simple or compound, which is used or intended for consumption by human beings or domestic animals normally kept as household pets, and all substances or ingredients added to any such material for any purpose. This definition shall not apply to individual package of cigarettes or individual cigars.

2. Napkins, facial tissues, toilet tissues, foil wrapping, plastic wrapping, paper toweling and disposable plates and cups.

3. Detergents, soaps and other cleaning agents.

4. Pharmaceuticals, including nonprescription drugs, bandages, female hygiene products and toiletries.

GROCERY DEPARTMENT: An area within a general retail merchandise store which is engaged primarily in the retail sale of package food, rather than food prepared for immediate consumption on or off the premises.

GROCERY STORE: A store engaged primarily in the retail sale of packaged food, rather than food prepared for consumption on the premises.

SALE ITEM OR SPECIAL: Any consumer commodity offered in good faith for a period of seven (7) days or less, on sale at a price below the normal price that item is usually sold for in that store.

C. Violation of this section shall constitute an infraction under section 1-2-0 of this code. (1960 Code; amd. Ord. 81-504)

Chapter 9
DISPLAY OF BOOKS, MAGAZINES AND OTHER PUBLICATIONS

4-9-0: DEFINITIONS:

For the purposes of this chapter the following words and phrases shall have the meanings as ascribed to them by this section:

COMMERCIAL PURPOSES: Means and includes, displaying, advertising or attracting for the purpose of merchandising or selling.

HARMFUL MATTER: The term or meaning of the term "harmful matter to minors" as defined by state law, has no applicability to this chapter.

PERSON: Any individual, partnership, firm, association, corporation or legal entity. (1960 Code; amd. Ord. 80-497)

4-9-1: SEALING OF MATERIALS:

No person shall for commercial purposes knowingly display, cause to be displayed or permit to be displayed in any business at any time open to minors (unless accompanied by a parent or guardian) any book, magazine or other publication or matter which depicts any photograph or pictorial representation of any of the anatomical parts of a person's genitals or anus, or any act of sexual intercourse, oral copulation, sodomy, masturbation or bestiality, whether actual or simulated, when to the average adult person in this community such photograph or pictorial representation has as its primary purpose, design or effect sexual arousal, gratification or affront; unless such book is stapled closed, or is by any other means sealed in such a manner as to reasonably restrict and deter its being opened prior to sale, whereby such photograph or pictorial representation may become exposed to the view of any minor. (1960 Code)

4-9-2: EXEMPTION TO SEALING:

As defined in section 4-9-1 of this chapter, any book, magazine or other publication or matter need not be wrapped, stapled, closed or sealed when displayed from an area which places such book, magazines or other publication or matter reasonably beyond the reach of any minor, provided that no such book, magazine or other publication or matter depicts any photograph or pictorial representation, as defined in section 4-9-1 of this chapter, on its cover or elsewhere, whereby such photograph or pictorial representation may by virtue of its display be readily viewed by a minor in which case, such photograph or pictorial representation shall be covered from view whether or not wrapped, stapled closed or by any other means sealed as required by this chapter. Also exempted shall be any publication classified as a newspaper containing at least forty percent (40%) of its columnar inches devoted to news, current events and public commentaries (and capable of being entered as second class matter in the U.S. post office), with a bona fide subscription list of at least one percent (1%) of the population of this city.

Further exempted shall be materials in public libraries and in bona fide theatrical productions. (1960 Code)

4-9-3: POSTING OF SIGNS:

Any business, in which, for commercial purposes, there is displayed any book, magazine or other publication or matter which depicts any photograph or pictorial representation as defined by section 4-9-1 of this chapter and which is not wrapped, stapled closed, sealed or covered as required by sections 4-9-1 and 4-9-2 of this chapter, shall have a sign posted at each of its doors normally used or intended to be used for public admittance, which shall read:

Notice, this business displays sexually explicit materials. Admission to minors is prohibited by law unless accompanied by a parent or guardian. Temple City Code Chapter 9, Title 4

Said sign shall be not less than two (2) square feet in area and the letters shall be not

less than two inches (2") in height. (1960 Code)

4-9-4: MINOR NEED NOT VIEW OR GAIN CONTROL OF MATERIAL:

To commit a violation of sections 4-9-1 and 4-9-2 of this chapter it is not required that a minor have actually viewed or physically gained control of any book, magazine or other publication or matter as defined by section 4-9-1 or 4-9-2 of this chapter, when such book, magazine or other publication or matter is not wrapped, stapled closed, sealed or covered as required by section 4-9-1 or 4-9-2 of this chapter. (1960 Code)

4-9-5: DEFENSE IN PROSECUTION:

It shall be a defense in any prosecution for any violation of this chapter that the book, magazine or other publication or matter by virtue of its apparent character, outward appearance or contemporary Los Angeles countywide reputation would not cause the average adult person in this community to reasonably know or suspect that it depicted any photograph or pictorial representation as defined by section 4-9-1 of this chapter. It may also be evidence of a violation of this chapter in any such prosecution that the book, magazine or other publication or matter by virtue of its apparent character, outward appearance, or contemporary countywide reputation would cause the average adult person in this community to reasonably know or suspect that it depicted any photograph or pictorial representation as defined by section 4-9-1 of this chapter. (1960 Code)

4-9-6: EXEMPTION OF PARENT OR GUARDIAN:

Nothing in this chapter shall prohibit any parent or guardian from having his child or ward accompany him into any business otherwise in violation of any of the provisions of this chapter. (1960 Code)

4-9-7: PERSONS EXEMPT:

The provisions of this chapter, with respect to the display, causing to be displayed or permitted to be displayed any book, magazine or other publication or matter as defined in section 4-9-1 or 4-9-2 of this chapter, shall apply only to persons having proprietary interest in or managerial control of the ordinary and routine operation of the business wherein and at which time there occurs a violation of any of the provisions of this chapter. (1960 Code)

4-9-8: EXEMPTION OF BUSINESS PERSON:

Nothing in this chapter shall prohibit any person from admitting a minor into any business which displays any unwrapped, unstapled, unsealed or uncovered book, magazine or other publication or matter which depicts any photograph or pictorial representation as defined in section 4-9-1 of this chapter provided that the minor is accompanied by an adult who represents himself to be the parent or guardian of the minor and whom the person, by the exercise of reasonable care, does not have reason to know is not the parent or guardian of the minor, or that a minor who when not accompanied by a parent or guardian, presented false documentation of being at least eighteen (18) years of age, when to the average and prudent person such documentation on would appear legitimate. (1960 Code)

4-9-9: PENALTIES, PRIOR CONVICTIONS:

Every person who violates any provision of this chapter is guilty of an infraction. Every person who having been twice convicted for any violation of this chapter, is upon each subsequent violation guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00), or imprisonment in the county jail for not more than thirty (30) days, or both, provided that both of the prior violations occurred within two (2) years period of the subsequent violation. (1960 Code)

4-9-10: PUBLIC NUISANCE:

Any violation of this chapter is hereby declared to be a public nuisance which may be abated as provided by law in addition to any infraction or misdemeanor offenses. (1960 Code)

4-9-11: EFFECTIVE DATE:

This chapter shall become immediately effective and shall apply to existing as well as new businesses. (1960 Code)

4-9-12: VIDEO STORES:

Video sales and rental stores shall conform to the following regulations:

A. The rental or sale of adult videos shall be limited to an incidental portion of a video sales and rental store which is the principal use, offering a full range of videos for home viewing.

B. No viewing of adult videos shall be permitted on the premises at any time whatsoever.

C. The display of available adult videos shall be limited to a specified separate area within the business.

D. The "adults only" section shall be separated from other display materials within the store. The "adults only" section shall be situated:

1. So that store operator and employees can monitor activities within the "adults only" section at all times; and

2. So that minors may not observe the content, pictures or jackets of the material.

E. Each such "adults only" section shall be posted with a sign to read "Adults Only" and/or "No One Under 18 Admitted".

F. No displays, posters, advertisements or promotional materials for adult videos shall be visible from outside the store.

G. Each business owner operator of video sales and rental store shall sign an acknowledgment of the above indicated restrictions or a statement that no adult videos will be maintained on the premises.

H. Any video store not complying with the foregoing regulations shall be classified as an "adult business" under section 9-1T-3 of this code. (1960 Code)

Chapter 10
CAMPING AND STORAGE OF PERSONAL PROPERTY

4-10-0: PURPOSE:

The public streets and areas within the city of Temple City should be readily accessible and available to residents and the public at large. The use of these areas for camping purposes or storage of personal property interferes with the rights of others to use the areas for which they were intended. The purpose of this chapter is to maintain public streets and areas within the city of Temple City in a clean and accessible condition. (Ord. 95-778)

4-10-1: DEFINITIONS:

Unless the particular provisions or the context otherwise requires, the definitions contained in this section shall govern construction, meaning and application of words and phrases used in this chapter.

CAMP: To pitch or occupy camp facilities; to live temporarily in a camp facility or outdoors; to use camp paraphernalia.

CAMP FACILITIES: Include, but are not limited to, tents, huts or temporary shelters.

CAMP PARAPHERNALIA: Includes, but is not limited to, tarpaulins, cots, beds, sleeping bags, hammocks or noncity designated cooking facilities and similar equipment.

PARK: The same as defined in section 3-5A-0 of this code.

STORE: To put aside or accumulate for use when needed, to put for safekeeping, to place or leave in a location.

STREET: The same as defined in section 3-4A-0 of this code. (Ord. 95-778)

4-10-2: UNLAWFUL CAMPING:

It shall be unlawful for any person to camp, occupy camp facilities or use camp paraphernalia, in the following areas, except as otherwise provided:

A. Any park;

B. Any street;

C. Any public parking lot or public area, improved or unimproved. (Ord. 95-778)

4-10-3: STORAGE OF PERSONAL PROPERTY IN PUBLIC PLACES:

It shall be unlawful for any person to store personal property, including camp facilities and camp paraphernalia, in the following areas, except as otherwise provided by resolution of the city council:

A. Any park;

B. Any street;

C. Any public parking lot or public area, improved or unimproved. (Ord. 95-778)

Chapter 11
SHOPPING AND LAUNDRY CARTS

4-11-0: FINDINGS AND DECLARATION:

A. The city council finds that shopping carts and laundry carts are being removed from retail businesses and abandoned throughout the city on public and private property, which blight the city of Temple City, create safety hazards for pedestrians, create potential safety hazards for motor vehicle operators, increase the operating costs of retail businesses and cause the city to expend resources unnecessarily by deploying its employees to retrieve and remove such carts from public and private property. The city council also finds that the accumulation of such carts on public and private property diminishes property values and promotes blight throughout the entire city.

B. The city council finds that the conditions created by the removal of shopping carts and laundry carts from retail business premises and the abandonment of such carts throughout the city of Temple City constitute nuisances.

C. The purposes of this chapter are to require business owners that provide shopping carts and/or laundry carts to their customers to maintain such carts on their business premises, to require business owners to prevent persons from removing such carts from their business premises, to make it unlawful for any person to remove such carts from any business premises, to make it unlawful for any person to abandon such carts onto any public or private property, and to reduce the city's and/or business

owners' costs of retrieving such carts from public and private property.

D. Therefore, pursuant to California Business And Professions Code section 22435.8, effective containment or control of shopping carts shall be mandated, and the presence of wrecked, dismantled or abandoned shopping or laundry carts, or parts thereof, on property located outside the premises or parking lot of the business that provided such cart, shall be cause to institute impoundment and abatement procedures in accordance with the provisions of this chapter and of California Business And Professions Code division 8, chapter 19 "shopping and laundry carts". (Ord. 11-948)

4-11-1: DEFINITIONS:

As used in this chapter, the following words and phrases have the meanings set forth below:

ABANDONED SHOPPING OR LAUNDRY CART: A shopping or laundry cart located outside the business premises of a retail establishment that furnishes such cart for use by its patrons.

BUSINESS OWNER: Any person; any partner, employee or agent of a partnership; any officer, director, employee or agent of any corporation who conducts, directs, manages, supervises, operates, oversees, or owns any retail business within the city of Temple City that uses or locates shopping or laundry carts on the business premises.

BUSINESS PREMISES: The lot area, maintained and managed by the business, that may include the building, parking lot and adjacent walkways, and where the business' shopping or laundry carts are permitted. The parking area of a business establishment located in a multistore complex or shopping center shall include the entire parking area used by the complex or center.

CART: A "shopping cart" or "laundry cart" as defined in this section.

CODE: The Temple City municipal code.

DIRECTOR: The Temple City community development director or designee thereof.

LAUNDRY CART: A basket which is mounted on wheels or a similar device, provided by a laundry or cleaning establishment operator for the purpose of transporting clothing or other fabrics and cleaning supplies within the business premises of said laundry or cleaning establishment.

RETAIL BUSINESS OR RETAIL ESTABLISHMENT: A business establishment within the city of Temple City that provides or furnishes to its patrons or employees the use of laundry and/or shopping carts.

SHOPPING CART: A basket of any size that is mounted on wheels or a similar device, provided by a store operator for the purpose of transporting goods of any kind within the business premises of a retail business.

SHOPPING OR LAUNDRY CART OWNER: The owner of a shopping or laundry cart, the agent of the owner of such cart, including individuals or business entities, or the retail establishment that furnishes such cart for use by its patrons. (Ord. 11-948)

4-11-2: ADMINISTRATION:

The director is hereby authorized to enforce the provisions of this code. The director shall have the authority to promulgate and/or adopt regulations to implement the provisions of this chapter. (Ord. 11-948)

4-11-3: UNAUTHORIZED REMOVAL OR POSSESSION:

A. It shall be unlawful for any person to perform any of the following acts with respect to a shopping or laundry cart, when such cart has a sign permanently affixed in conformity with this chapter:

1. To remove a shopping or laundry cart from the business premises of a retail establishment with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart;

2. To be in possession of any shopping or laundry cart that has been removed from the business premises of a retail establishment with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart;

3. To be in possession of any shopping or laundry cart with serial numbers or identification signage removed, obliterated, defaced, or altered, with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart;

4. To leave or abandon a shopping or laundry cart at a location other than the business premises with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart;

5. To alter, convert, or tamper with a shopping or laundry cart, or to remove any part or portion thereof, or to remove, obliterate, deface, or alter serial numbers or identification signage on a cart, with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart;

6. To be in possession of any shopping or laundry cart while that cart is not located on the business premises, with the intent to temporarily or permanently deprive the shopping or laundry cart owner of possession of the cart.

B. This section shall not apply to a shopping or laundry cart owner, or his or her agent, employee or patron who has written consent from the shopping or laundry cart owner to be in possession of such cart or to remove such cart from the store premises.

C. In any civil proceeding, any shopping or laundry cart with an identification sign affixed to it pursuant to section 4-11-6 of this chapter shall establish a rebuttable presumption affecting the burden of producing evidence that the property is that of the person or business named in the sign and not abandoned by the person or business named in the sign.

D. In any criminal proceeding, it may be inferred that any shopping cart or laundry cart which has a sign affixed to it pursuant to section 4-11-6 of this chapter is the property of the person or business named in the sign and has not been abandoned by the person or business named in the sign.

E. Nothing contained in this section shall preclude the application of any other laws related to prosecution for theft. (Ord. 11-948)

4-11-4: CART CONTAINMENT AND RETRIEVAL PLAN:

A. No shopping or laundry cart owner shall commence, conduct or continue business operations without having implemented a city approved cart containment and retrieval plan to prevent the unauthorized removal of such carts from store premises, and, if removed, to retrieve such carts within twenty four (24) hours of the removal, or notice of removal.

B. A proposed cart containment and retrieval plan shall be submitted to the director in writing, on a city approved form, and shall include, at a minimum, the following information:

1. Owner/Business Information: Information about shopping or laundry cart owner and business establishment, including the name of each business owner and/or shopping or laundry cart owner; the name of the retail establishment; the physical address of the business premises; the name, address and telephone number of each on site or off site owner or manager.

2. Cart Inventory: A complete inventory of all shopping or laundry carts maintained on or in the premises.

3. Cart Identification Signage: A description of the identification sign to be affixed to each shopping or laundry cart on the business premises. The identification must, at a minimum, contain the information set forth in section 4-11-6 of this chapter.

4. Business Premises Signage: A description of the signage to be posted on the business premises, including sign and typeface size, sign text, and posting locations. Signage must, at a minimum, conform to the requirements set forth in section 4-11-7 of this chapter.

5. Mandatory Cart Retrieval: Evidence of a contract with a cart retrieval service

employed to retrieve shopping or laundry carts that have been removed from their store premises within twenty four (24) hours of the removal, or notice of removal.

6. Containment Methods: A detailed description of all methods the shopping or laundry cart owner shall implement to prevent removal of carts from the store premises. These methods may include, but are not limited to, those set forth in section 4-11-9 of this chapter.

7. Community Outreach: A description of the community outreach process under which the owner shall cause notice to be provided to customers that the removal of carts from the business premises is prohibited and a violation of state and municipal law. This process may include, but is not limited to, fliers distributed on the store premises, warnings on shopping bags, signs posted in prominent places near store and parking lot exits, direct mail, announcements using intercom systems on the business premises, or other means demonstrated to be effective. Any posting of signs shall comply with applicable provisions of title 9, chapter 1, article L of this code.

8. Employee Training: A description of an employee training program that shall be implemented by the shopping or laundry cart owner and conducted at least once a year to educate new and existing employees on the cart containment and retrieval plan.

C. No proposed cart containment and retrieval plan shall be accepted unless accompanied by payment of a fee in an amount established by resolution of the city council.

D. Notwithstanding any other provisions of this chapter, shopping or laundry cart owners engaging in business in the city on the effective date of this chapter shall implement a city approved cart containment and retrieval plan in accordance with the provisions of this chapter within three (3) months from the effective date of this chapter, with the exception that said owners shall have one hundred eighty (180) days from the effective date of this chapter to implement the cart containment methods pursuant to said city approved plan.

E. It shall be the responsibility of a shopping or laundry cart owner to implement and continuously maintain all provisions and measures of the city approved cart containment and retrieval plan at all times he or she is engaging in business in the city. (Ord. 11-948)

4-11-5: APPROVAL OR DENIAL OF CART CONTAINMENT AND RETRIEVAL PLAN; APPEAL:

A. Director Authority: Cart containment and retrieval plans shall be reviewed by the community development director. The director may approve, conditionally approve, or deny a plan.

B. Application Review: The director shall approve the cart containment and retrieval plan unless the director determines that any of the following grounds for denial exist, in which case the cart containment and retrieval plan shall be denied:

1. Implementation of the plan would violate provisions of the building, zoning, health, safety, fire, or municipal code, or any county, state or federal law which substantially affects public health, welfare or safety;

2. The plan fails to include all information required by this chapter;

3. The plan is insufficient or inadequate to prevent removal of carts from the store premises;

4. Implementation of the plan would violate a term or condition of a city approval, license, permit, or other entitlement; or

5. The applicant has made a false, misleading or fraudulent material statement or omission of fact in the cart containment and retrieval plan.

C. Conditional Approval: The director may conditionally approve a plan if imposing such conditions will eliminate any ground requiring denial of the plan.

D. Appeal: Any business owner or shopping or laundry cart owner may appeal the director's denial or conditional approval of a proposed cart containment and retrieval plan by filing a written request for an appeal, on a city approved form, with the director within ten (10) calendar days of such denial or conditional approval. The appeal shall be conducted before the planning commission as set forth in section 9-1E-4 of this code.

1. Any business owner or shopping or laundry cart owner dissatisfied with the decision of the planning commission may appeal the commission's decision to the city council by filing a written request for an appeal with the city clerk, on a city approved form, within fifteen (15) calendar days of the planning commission's decision. The appeal shall be conducted before the city council as set forth in section 9-1E-4 of this code. (Ord. 11-948)

4-11-6: CART IDENTIFICATION:

A. It shall be the responsibility of a shopping or laundry cart owner to maintain each cart with an identification sign permanently affixed to it. Cart identification signs shall be in conformity with that described in the owner's city approved cart containment and retrieval plan and which, at a minimum, contains all of the following information:

1. The identity of the shopping or laundry cart owner, or the retail establishment, or both;

2. Notification to the public of the procedure to be utilized for authorized removal of the cart from the business premises;

3. Notification to the public that the unauthorized removal of the cart from the business premises, or the unauthorized possession of the cart, is a violation of state and municipal law;

4. The address or telephone number for returning a cart removed from the business premises to the shopping or laundry cart owner.

B. Notwithstanding any other provisions of this chapter, shopping or laundry cart owners engaging in business in the city on the effective date of this chapter shall affix identification to each cart, in conformity with subsection A of this section, within three (3) months from the effective date of this chapter. (Ord. 11-948)

4-11-7: BUSINESS PREMISES SIGNAGE:

A. It shall be the responsibility of a shopping or laundry cart owner to maintain signage concerning cart removal posted on the business premises. Signage shall be in conformity with that described in the owner's city approved cart containment and retrieval plan and which, at a minimum, meets the following requirements:

1. Each sign shall be not less than eighteen inches (18") in width and twenty four inches (24") in height with block lettering not less than one-half inch ($^1/_2$") in width and two inches (2") in height;

2. A sign shall be posted in a conspicuous place within two feet (2') of each customer entrance and exit;

3. Signs shall also be posted in a conspicuous place within the parking lot or parking area of the business premises, as set forth in the owner's city approved cart containment and retrieval plan;

4. Each sign shall state, at a minimum, as follows:

REMOVAL OF SHOPPING OR LAUNDRY CARTS FROM THE PREMISES IS PROHIBITED BY STATE AND MUNICIPAL LAW. (B&P §22435.2; T.C.M.C.§5013[1].)

and

5. Each sign shall be in English, Spanish, and other such languages as may be specified by the director.

B. Notwithstanding any other provisions of this chapter, shopping or laundry cart owners engaging in business in the city on the effective date of this chapter shall post signage on the store premises, in conformity with subsection A of this section, within three (3) months from the effective date of this chapter. (Ord. 11-948)

4-11-8: CART RETRIEVAL; RETRIEVAL SERVICE:

A. It shall be the responsibility of a shopping or laundry cart owner to secure and continuously maintain a service to retrieve shopping or laundry carts which have been removed from their store premises within twenty four (24) hours of the removal, or notice of removal. Service shall only be established with a person or business entity engaged in the business of shopping or laundry cart retrieval who possesses a valid Temple City business license and any other requisite approval, license, or permit.

B. No person or business entity shall engage in the business of cart retrieval without a valid Temple City business license. Such person or business entity shall comply with the following requirements:

1. A person or business entity engaged in the business of cart retrieval shall retain records showing written authorization from the shopping or laundry cart owner, or an agent thereof, to retrieve carts and to be in possession of carts retrieved. A copy of said records shall be maintained in each vehicle used for cart retrieval.

2. Each vehicle used for the retrieval of shopping or laundry carts shall display a sign that clearly identifies the person or business entity engaging in the business of cart retrieval.

C. Notwithstanding any other provisions of this chapter, shopping or laundry cart owners engaging in business in the city on the effective date of this chapter shall secure a retrieval service, in conformity with subsection A of this section, within three (3) months from the effective date of this chapter. (Ord. 11-948)

4-11-9: CART CONTAINMENT:

A. It shall be the responsibility of a shopping or laundry cart owner to effectively contain or control all carts within the boundaries of the store premises. An owner shall install and/or implement each method of containment described in the city approved cart containment and retrieval plan. Methods of containment may include, but are not limited to, the following:

1. Electronic or other disabling devices installed on the shopping or laundry carts that prevent their removal from the business premises;

2. Bollards or other structures installed or erected on the perimeter of the business premises that restrict shopping or laundry carts to these premises. Such structures shall not interfere with fire lanes, handicap access, or conflict with federal, state and local laws, including municipal building and zoning codes;

3. Use of courtesy clerks to accompany customers to their vehicles and return shopping or laundry carts to the store;

4. Security deposit for patron's use of a shopping or laundry cart; and/or

5. Other demonstrably effective method, approved by the director, which is likely to prevent cart removal from the business premises.

B. Notwithstanding any other provisions of this chapter, shopping or laundry cart owners engaging in business in the city on the effective date of this chapter shall implement all methods of cart containment, in conformity with subsection A of this section and the owner's city approved cart containment and retrieval plan, within six (6) months from the effective date of this chapter. (Ord. 11-948)

4-11-10: ABANDONED SHOPPING OR LAUNDRY CARTS;

ABATEMENT, REMOVAL AND STORAGE:

A. The city may impound a shopping or laundry cart that has a permanently affixed sign, in conformity with this chapter, provided both of the following conditions have been met:

1. The shopping or laundry cart is located outside the "business premises", as defined in this chapter;

2. The shopping or laundry cart is not retrieved within three (3) business days from

the date the shopping or laundry cart owner receives actual notice from the city of such cart's discovery and location.

B. Notwithstanding other provisions of this section, the city may immediately retrieve a shopping or laundry cart from public or private property when the location of such cart will impede emergency services, as determined by the director or his or her designee.

C. Any shopping or laundry cart that has been impounded by the city pursuant to subsection A or B of this section shall be held at a location that is reasonably convenient to the shopping or laundry cart owner and is open for business at least six (6) hours of each business day.

D. When the city has impounded a shopping or laundry cart pursuant to subsection A or B of this section, the city may recover its actual costs for providing such service.

E. The city may fine a shopping or laundry cart owner fifty dollars ($50.00) for each occurrence in excess of three (3) during a six (6) month period for failure to retrieve shopping or laundry carts in accordance with this chapter. For purposes of this subsection, an "occurrence" shall include all shopping or laundry carts impounded in accordance with this section during a calendar day.

F. The city or authorized agent thereof may sell or dispose of any shopping or laundry cart not reclaimed by the owner within thirty (30) calendar days of receipt of actual notice from the city.

G. Notwithstanding subsection A of this section, the city may impound a shopping or laundry cart that is located outside the business premises without complying with the three (3) day advance notice requirement of subsection A of this section provided that:

1. The shopping or laundry cart owner has been provided actual notice within twenty four (24) hours following the impound, and said notice informs the owner of the location where such cart may be claimed;

2. The impounded shopping or laundry cart is held at a location in compliance with subsection C of this section;

3. Any shopping or laundry cart reclaimed by the owner within three (3) business days following the date of actual notice of the impound shall be released and surrendered to the shopping or laundry cart owner at no charge whatsoever - including the waiver of any impound and storage fees or fines that would otherwise be applicable pursuant to subsections D and E of this section;

a. Any shopping or laundry cart reclaimed by the owner thereof within three (3) business days of actual notice of the impound shall not be deemed an "occurrence" for purposes of subsection E of this section;

4. Any shopping or laundry cart not reclaimed within three (3) business days following the date of actual notice of the impound shall be subject to fees and fines pursuant to subsections D and E of this section;

5. The city or authorized agent thereof may sell or dispose of any shopping or laundry cart not reclaimed within thirty (30) days following the date of actual notice of the impound.

H. Notwithstanding other provisions of this section, the city may immediately impound, sell and/or dispose of any shopping or laundry cart that does not contain a permanently affixed sign required pursuant to this chapter and whose ownership cannot otherwise be ascertained. (Ord. 11-948)

4-11-11: PENALTY:

Notwithstanding any other provision of this code to the contrary, any person who violates any provision of this chapter, and any cart owner who violates or fails to comply with or continuously maintain any provision of the owner's city approved cart containment and retrieval plan, is guilty of a misdemeanor offense punishable in accordance with title 1, chapter 2 of this code. (Ord. 11-948)

4-11-12: ENFORCEMENT:

Any person who violates any provision of this chapter, and any cart owner who violates or fails to comply with or continuously maintain any provision of the owner's city approved cart containment and retrieval plan, shall be subject to enforcement procedures for each violation by any lawful means available to the city, including, but not limited to, those set forth in California Business And Professions Code division 8, chapter 19, as well as title 1, chapters 2 and 4 of this code and chapter 2, article C of this title. (Ord. 11-948)

4-11-13: APPLICABILITY OF OTHER LAWS:

This chapter does not exclusively regulate the conditions and use of property within the city. This chapter shall supplement other provisions of this code and other statutes, ordinances or regulations now existing or subsequently enacted by the city, the state or any other entity or agency having jurisdiction. (Ord. 11-948)

Title 5
BUSINESS LICENSES AND REGULATIONS

Chapter 1
BUSINESS LICENSES

ARTICLE A. LICENSE REQUIREMENTS

5-1A-0: DEFINITIONS:

For the purpose of this title, certain words and phrases are defined and certain provisions shall be construed as herein set forth, unless it is apparent from the context that a different meaning is intended.

As used in this chapter, the following terms shall be defined as set forth herein:

BUSINESS: Professions, trades and occupations and all and every kind of calling whether or not carried on for profit or livelihood.

CONDUCT: Conducting, managing or carrying on of a business either as owner, officer, agent, manager, employee, servant or lessee.

EMPLOYEE: The terms "individuals engaged, employed or used in the conduct of business", or "employee", shall mean all individuals actively participating in the conduct of such business, whether as owners, partners, managers or employees, but shall exclude any employee or employee position requiring the payment of wages for, or work hours of, less than twenty (20) hours per week or less than four (4) weeks per year. "Employee" for the purpose of determining rates is further defined in section 5-1B-9 of this chapter.

LICENSE COLLECTOR: The city clerk, except in those cases where an application is made to the county tax collector or other county official. (1960 Code)

5-1A-1: SCOPE:

It is the intent of this chapter to provide regulatory provisions only with regard to the specific businesses set forth herein and to prescribe a schedule of fees for revenue purposes only for those businesses set forth herein. In the event that any provision of this chapter should be construed to be regulatory, then neither such provision, nor any penal or regulatory provision thereof shall be applied or be made applicable to any business activity which is regulated exclusively by the state of California or other governmental agency, or which by the laws of this state or court decision is not subject to regulation by this city. Any business activity listed herein, for which a permit is required, shall be construed as enacted for both revenue and regulatory purposes. (1960 Code)

5-1A-2: SUBSTITUTE FOR OTHER REVENUE ORDINANCES:

Persons required to pay a license tax for transacting and carrying on any business under this title shall not be relieved from the payment of any license tax for the privilege of doing such business required under any other ordinance of the city, and shall remain subject to the regulatory provision of other ordinances and chapters of this code. (1960 Code)

5-1A-3: EFFECT OF ARTICLE ON PAST ACTIONS AND OBLIGATIONS PREVIOUSLY ACCRUED:

Neither the adoption of this title 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 the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such bond or case 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. (1960 Code)

5-1A-4: BUSINESS VIOLATING LAW:

The issuance of a license under this title shall not entitle the licensee to engage in any business which for any reason is in violation of any law, ordinance or code section. (1960 Code)

5-1A-5: LICENSE NONTRANSFERABLE:

No license hereunder shall be transferred or assigned, nor shall such license be construed as authorizing any person other than the licensee to engage in the licensed business. (1960 Code)

5-1A-6: LICENSES UPON WHICH FEES ARE EXEMPT:

No license fee shall be required for, of or from the following:

A. Those exempt from municipal license tax by virtue of the constitution and the laws of this state or the United States. Those exempt from municipal license tax under the rules applicable to interstate commerce;

B. Any institution or organization which is conducted wholly for the benefit of charitable purposes and from which profit is not derived either directly or indirectly by any person; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture on scientific, historical, literary, religious or moral subjects whenever the receipts from the same are to be appropriated to any church or school, or to any religious or benevolent purpose within the city; nor shall any license be required for the conducting of any entertainment, dance, concert, exhibition or lecture whenever the receipts from the same are to be appropriated for the purposes and objects for which such association or organizations was formed, and from which profit is not derived, either directly or indirectly, by any person. Nothing in this chapter contained shall be deemed to exempt any such institution or organization from complying with the provisions of this code requiring such institution or organization to obtain a permit from the city council or proper officer to conduct, manage or carry on any business;

C. Any enterprise or entertainment when the receipts derived therefrom are to be apportioned to any church or school or to any religious or benevolent and/or charitable purpose within the city;

D. Any honorably discharged soldier, sailor or marine of the United States who is physically unable to obtain a livelihood by manual labor, and who is peddling, hawking and vending any goods, wares or merchandise owned by him; and who exhibits his authenticated discharge papers and an application approved by the license collector of the city;

E. Any person peddling exclusively any fruit or vegetables or other produce raised upon his lands; provided, however, that such person shall furnish conclusive proof to the license collector of the city that such products were raised by him on his lands before the issuance of license exempt from fee, and any person so peddling shall carry said license with him;

F. Any employee or direct agent of a licensee conducting the business of such licensee;

G. The conducting of any boarding home, boarding school, lodging house, apartment house or home for the aged containing less than four (4) sleeping rooms, or the conducting of any boarding house, day school or day nursery accommodating less than four (4) persons for renumeration;

H. To conduct a sale at public auction of articles of personal property belonging to residents of the city which articles shall not be a stock in trade or any part of any stock in trade of any kind. (1960 Code)

5-1A-7: EXEMPTION CLAIMS:

Any person claiming an exemption pursuant to section 5-1A-6 of this article shall file a verified statement with the license collector stating the facts upon which exemption is claimed. The license collector shall, upon the proper showing contained in the certified statement, issue a license to such person claiming exemption under the subdivisions of this section without payment to the city of the license tax required by this title. (1960 Code)

5-1A-8: PROOF OF EXEMPT STATUS:

In all cases of doubt as to any applicant being entitled to an exemption from any license tax or from the application of any of the provisions of this title, the burden of establishing the right of such exemption shall be upon the applicant. All applications for such exemption shall be referred to the city council which shall consider and act upon the same and grant or refuse such exemption as in the use of its discretion it shall deem just. In the event the city council refuses an exemption, the applicant therefor shall be entitled to a hearing before the council upon request therefor, at which time the council shall review the matter. However, nothing in sections 5-1A-6 through 5-1A-8 of this article shall exempt any person from complying with any of the regulatory measures or provisions of any other ordinance of the city. (1960 Code)

5-1A-9: MISTAKE IN AMOUNT:

In no event shall any mistake made by the license collector in stating the amount of the license fee or in receiving the license fee prevent or prejudice the collection by the city of the amount actually due, together with all costs of collection, from any person for conducting any business activity without a license or for refusing to pay the license fees specified herein. Overpayments shall be reimbursed upon approval of the city manager. (1960 Code)

5-1A-10: PENALTIES FOR FAILURE TO PAY TAX WHEN DUE:

For failure to pay an annual, semiannual or quarterly license tax when due, the license collector shall add a penalty of ten percent (10%) of said license tax on the thirtieth day of each month after the due date thereof; and/or failure to pay a monthly, weekly or daily license tax when due, the license collector shall add a penalty of ten percent (10%) of said license tax on the day following the due date thereof. (1960 Code)

5-1A-11: LICENSE TAX CONSIDERED DEBT:

The amount of any license tax and penalty imposed by the provisions of this title shall be deemed a debt to the city, and any person carrying on any business without first having procured a license from said city so to do, shall be liable to an action in the name of said city in any court of competent jurisdiction for the amount of license tax and penalties imposed on such business. (1960 Code)

5-1A-12: BOTH CRIMINAL AND CIVIL ACTION AUTHORIZED FOR FAILURE TO PAY LICENSE TAX:

The conviction and fine or imprisonment of any person for engaging in any business

without first obtaining a license to conduct such business, shall not relieve such person from paying the license tax to conduct such business, nor shall the payment of any license tax prevent a criminal prosecution for the violation of any of the provisions of this title. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof. (1960 Code)

5-1A-13: ENFORCEMENT AUTHORITY:

The Los Angeles County sheriff shall have and exercise the power to make arrests for the violation of any of the provisions of this title and to enter, free of charge, at any time, any place of business for which a license is required by this title and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business; and if such person shall then and there fail to exhibit such license, such persons shall be liable to the penalty provided in violation of this code. (1960 Code)

ARTICLE B. LICENSE PROCEDURE

5-1B-0: LICENSE REQUIRED:

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this title license taxes in the amounts hereinafter prescribed. It shall be unlawful for any person to transact and carry on any business, trade, profession, calling or occupation in the city without first having procured a license from said city so to do or without complying with any and all applicable provisions of this title. This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirement conflicts with applicable statutes of the United States or of the state of California. Any public utility operating within the city and making franchise payments thereunder, is subject to the provisions of this title only to the extent that such utility engages in retail merchandising within said city not covered by franchise.

A. No person shall conduct any business in the city without having an unrevoked license from the city so to do, valid and in effect at the time, and without complying with any and all regulations of such business contained in this code. No person who is an employee or who is the direct representative of a licensee shall be required to pay a license fee for the doing of any part of the work of such licensee;

B. Every person who operates any business, whether upon a cost, rental or commission basis as a concession or upon rented floor space in or upon the premises of any person licensed under any provision of this title, shall be required to obtain a separate and independent license pursuant to the provisions hereof, and shall be subject to all provisions of this title. (1960 Code)

5-1B-1: SEPARATE BUSINESS:

Separate licenses must be obtained for each branch, establishment or separate place of business in which the business is conducted; except that the utility services used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (1960 Code)

5-1B-2: TWO OR MORE BUSINESSES:

In the event that any person is conducting, managing or carrying on, at one location, more than one business required to be licensed hereunder (or is conducting 1 business which might be classified in 1 or more groups), the license tax to be paid by such person shall be determined as follows:

A. Such person shall pay the highest license tax provided herein for any of the businesses so conducted, and shall not pay any license tax for any other of such several businesses;

B. For the purpose of this section, vending machines and games of skill and science shall be treated as a separate business as to which a full and separate license fee

shall be paid unless such vending machines are operated by an otherwise licensed person, who is the owner of the goods being sold by such vending machines and which are operated only as an incident to another licensed business. (1960 Code)

5-1B-3: NO LICENSE TRANSFERABLE:

No license issued pursuant to this chapter shall be transferable; provided, that where a license is issued authorizing a person to transact and carry on a business at a particular place, such license may, upon application therefor and paying a fee of one dollar ($1.00), have the license amended to authorize the transacting and carrying on of such business under said license at some other location to which the business is or is to be moved. (1960 Code)

5-1B-4: UNEXPIRED LICENSE HERETOFORE ISSUED:

Where a license for revenue purposes has been issued to any business by the city and the tax paid therefor under the provisions of any ordinance heretofore enacted and the terms of such business license has not expired, then the license tax prescribed for said business shall not be payable until the expiration of the term of such unexpired license. (1960 Code)

5-1B-5: DUPLICATE LICENSE:

A duplicate license may be issued by the license collector to replace any license previously issued hereunder which has been lost or destroyed, upon the license filing an affidavit attesting to such fact, and at the time of filing such affidavit paying to the license collector a duplicate license fee of one dollar ($1.00). (1960 Code)

5-1B-6: POSTING AND KEEPING LICENSES:

All licenses must be kept and posted in the following manner:

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 such business;

C. Any licensee to whom a license has been issued for the operation of a wheeled vehicle shall be issued by the license collector, in addition to the license certificate, a paper or metal license certificate and said certificate shall at all times during the effective dates thereof be affixed to the windshield or left front door in the case of a sticker, or on the rear of said vehicle in a conspicuous place in case of a metal license plate. (1960 Code)

5-1B-7: APPLICATION; CONTENTS OF LICENSE:

Every person required to have a license under the provisions of this title, shall make application for the same to the license collector of the city and upon the payment of the prescribed tax the license collector shall issue to such person a license which shall contain:

A. The name of the person to whom the license is issued;

B. The business license;

C. The place where such business is to be transacted and carried on;

D. The date of expiration of such license;

E. Such other information as may be necessary for the enforcement of the provisions of this title. (1960 Code)

5-1B-8: RATES:

The amount of license fees to be paid to the city by any person engaged in or carrying on any profession, trade, calling, occupation or business under the provisions of this title, is hereby fixed and established as in article C of this chapter. (1960 Code)

5-1B-9: AFFIDAVIT; FIRST LICENSE:

Initial licenses shall be issued according to the following conditions and provisions:

A. In all cases where the amount of license to be paid by any person is based upon the number of employees employed, it shall be the duty and obligation of the applicant to file with the license collector simultaneously with the filing of the application or as a part thereof, a written statement showing the average number of individuals engaged, employed or used in the conduct of such business during the six (6) month period immediately prior to the filing of the application and such number of individuals shall determine the license fee to be paid in accordance with the schedule herein provided;

B. In determining the number of employees for the purpose of fixing the license tax due under this title, the employer shall take the number of employees earning wages during pay periods ending the nearest fifteenth day of each month as shown by form DE3 of the state of California, department of employment, or other form which may hereafter be adopted for reporting payments due under the unemployment insurance act for each month on the previous calendar year, adding the same and dividing by twelve (12); if the employer has been in business less than one year, he may use the average number of employees as shown by said form for the last quarter. If the application of such formula produces a fractional number of employees, the next lowest integer shall be used;

C. If the application is for a new, previously unlicensed business, such application or written statement shall estimate the number of individuals proposed to be engaged, employed or used in the conduct of the business, with which estimate shall be reconciled in accordance with the facts when the succeeding annual renewal of the license certificate is applied for at which time the license fee shall be adjusted accordingly;

D. Such statements or estimates shall not be conclusive upon the city or upon any officer thereof as to the matters set forth therein, and the same shall not prejudice the rights of the city to recover any amount that might be ascertained to be due from such person, in addition to the amount shown by such statement to be due in case such statements are found to be incorrect. The correctness of all such statements shall be subject to verification by the license collector of the city or his properly authorized deputies who are hereby authorized and empowered to inspect and audit the books and records of any and all persons licensed to carry on any trade, business, occupation or calling in this title specified; except utilities operating under the jurisdiction of the public utilities commission of the state of California;

E. If any person fails to file any required statement within the prescribed time, the license collector shall assess the maximum license rate prescribed for the profession, trade, calling or occupation carried on by such person as hereinabove provided by giving written notice of the amount assessed by serving it personally or by depositing it in a United States post office, postage prepaid, addressed to the person so assessed, at his last known address. Such person may, within ten (10) days after the mailing or serving of such notice, make application in writing to the license collector for a hearing, on the amount of the license tax. If such application is not made within the time prescribed, the assessment shall become final, and if such application is made within the time prescribed the license collector shall cause the matter to be set for hearing before the city council. The city council shall consider all evidence produced and the amount of the license tax so determined by the city

council shall be the amount due and payable for such license;

F. The license 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 written statements and/or paid the license tax as herein required. (1960 Code)

5-1B-10: NUMBERED PLATES:

The license collector shall issue numbered plates or stickers to each licensee who is issued a license for conducting business by vehicle as defined herein, one plate for each vehicle so used, which plate shall be placed conspicuously on the vehicle. No person shall place any such plate or sticker on a vehicle not used by the licensee in such business, or drive or operate a vehicle engaged in any such business upon which no plate or sticker is placed, except as provided. (1960 Code)

5-1B-11: DATE OF LICENSES:

Annual licenses shall date from January 1 of each year; quarterly licenses shall date from January 1, April 1, July 1 and October 1, respectively; monthly licenses shall date from the first day of the calendar month for which they are issued; daily or weekly licenses shall be due and payable each day or week in advance. Renewal licenses shall become delinquent on or after the due date and new licenses become delinquent upon the date of commencement of the operation of business. (1960 Code)

5-1B-12: HOW AND WHEN PAYABLE; PRORATION:

All annual license fees, under the provisions of this chapter, shall be due and payable in lawful money of the United States in advance on January 1 of each year. Any person doing business for less than the full year and for which business an annual license fee is provided in this chapter, shall be required to pay the amount of the license fee for a full year, except that the fee for any such license issued within the second quarter, third quarter or fourth quarter of any year for the remainder of such calendar year shall be seventy five percent (75%), fifty percent (50%) and twenty five percent (25%), respectively, of the annual license fee prescribed for such business.

Except as otherwise herein provided, license fees, other than annual, required hereunder, shall not be prorated and shall be due and payable in advance in lawful money of the United States as follows:

A. Quarterly license fees on January 1, April 1, July 1 and October 1 of each year;

B. Monthly license fees on the first day of each and every calendar month;

C. Weekly license fees on Monday of each week;

D. Daily license fees each day in advance.

No greater or less license fee or amount of money shall be charged or received than is provided for in this title and no license shall be issued or authorized for any period of time other than or different from that provided in this title. (1960 Code)

5-1B-13: IDENTIFICATION CARDS REQUIRED:

Concurrently with the issuance of a license for any mechanical amusement device which furnishes or may be operated as a game, contest or amusement, or any vending machine, weighing machine, or machine or device furnishing astrological readings, foot-ease service, automatic shoeshining, automatic instrumental or phonographic music, the license collector shall issue and furnish an identification card for each such device or machine so licensed. Such identification card shall be and remain attached to said device or machine at all times. A change in the particular device or machine at the place of business specified on the license may be made at the option of the owner or operator thereof at any time during the period designated in

said license where such change is the substitution of a device or machine of the same type and the owner or operator thereof shall notify the license collector of such change. (1960 Code)

5-1B-14: UNEXPIRED LICENSES HERETOFORE ISSUED:

Where a license has been issued by the city for any business and the tax fee paid therefor under the provisions of any ordinance heretofore enacted and the term of such license has not expired then the license fee prescribed for said business by this title shall not be payable until the expiration of the term of such unexpired license. (1960 Code)

5-1B-15: REFUNDS:

Upon denial of a license application, the license collector shall refund all business license fees collected, except as follows: a) any fees collected for the purposes of a background investigation shall be forfeited to the city to cover costs incurred due to such investigation; and b) any costs incurred by the city in connection with ascertaining zoning, health and other compliances shall be deducted from such refund and shall be forfeited to the city.

However, upon revocation of a license, no part of the license fee collected shall be returned but shall be forfeited to the city. When the license of any person is revoked for any cause, no new or other license shall be granted to such person within six (6) months from the date of such revocation. (1960 Code; amd. Ord. 97-802; Ord. 00-841)

5-1B-16: REVOCATION OF LICENSES:

Any license issued under this chapter is subject to revocation for cause in the manner provided as follows:

A. Complaints against any licensee seeking a revocation of license must be in writing and must set forth one or more of the grounds hereinafter enumerated, which shall constitute the basis for the revocation of the license issued hereunder.

B. A written report of the sheriff or any officer or employee of the city disclosing asserted violations of law or ordinance by the licensee shall be deemed a complaint within the meaning of this section. All complaints must be verified unless made by officers or employees in their official capacity.

C. The following are grounds which shall constitute the basis for the revocation of licenses:

1. When the continuance of the operations of the licensee under such license shall be contrary to the public health, safety, peace, welfare or morals.

2. The violation of any of the penal provisions of this title.

3. The misrepresentation of a material fact by any applicant in obtaining a license hereunder.

4. The plea, verdict or judgment of guilty to any public offense involving moral turpitude charged against the licensee. (1960 Code)

5-1B-17: LICENSE REVOCATION HEARING:

Complaints may be filed with the city council and upon the filing thereof the city council, after investigation, if it deems such complaint to warrant further consideration, must provide for a public hearing thereon and determine whether or not such license should be revoked. (1960 Code)

5-1B-18: WRITTEN NOTICE:

The city council shall cause written notice of the time and place of the hearing of the complaint or report to be given to the complaining part as well as to the licensee. The hearing shall be set for a date not less than five (5) days subsequent to the mailing of

the notice. The notice shall be sent to the licensee by registered mail, addressed to said licensee at this address as shown on the license records of the city, and enclosed with such notice shall be a copy of the complaint or report filed with the city council. All hearings before the city council shall be conducted informally and the council shall not be bound by any statutory rules of evidence or procedure, but shall make inquiry in such manner as it deems advisable to protect the rights of the parties and to carry out the purposes of this chapter.

A licensee shall be entitled to have witnesses subpoenaed and to appear and give testimony with respect to the charges made against him. The decision of the city council after holding of such hearing shall be final and conclusive and shall be binding upon all parties concerned. If the city council shall order the revocation of any license issued hereunder, no person whose license has been revoked shall thereafter conduct such business in the city. (1960 Code)

5-1B-19: USE OF CRIMINAL HISTORY INFORMATION:

A. The following officers are hereby authorized to access and utilize criminal history record information when it is required for them to fulfill employment, certification, licensing duties or any other investigative process called for in this code as hereinafter specified in section 5-1B-20 of this article: city manager, city clerk, public services director, community development director, financial services director, city attorney and code enforcement officer.

B. The Los Angeles County sheriff's department shall, upon the request of the city council or other authorized city officials as listed in section 5-1B-20 of this article or elsewhere in this code, investigate and report all facts or evidence bearing upon the place where any proposed business is to be located, and the character, reputation and moral fitness of those who will be in charge thereof. (1960 Code; amd. Ord. 97-802)

5-1B-20: CONVICTION DISQUALIFICATION:

Conviction (including pleas of guilty and nolo contendere) of a felony shall be prima facie disqualification of an applicant for municipal employment or an applicant for any business requiring a permit from the city council.

An applicant who is thus prima facie disqualified for employment, licensing or permit, may make an appeal in writing to the employing, licensing or certifying agency or officer. The agency or officer shall consider the following factors and shall render a decision on whether the appeal should be upheld, which decision shall be final and conclusive:

A. The classification to which the person is applying or which the person is employed, including its sensitivity;

B. The nature and seriousness of the conduct;

C. The circumstances surrounding the conduct;

D. The date of the conduct;

E. The age of the applicant at the time of the conduct;

F. Contributing social or environmental conditions;

G. The absence or presence of rehabilitation or efforts at rehabilitation. (1960 Code; amd. Ord. 77-447)

5-1B-21: NO RIGHT TO APPEAL:

Notwithstanding the provisions of section 5-1B-20 of this article, an applicant for a peace officer or firefighter positions shall be disqualified, without right of appeal, from employment if the applicant shall have been convicted of a felony. (1960 Code)

5-1B-22: ADOPTING TITLE 7 OF THE LOS ANGELES COUNTY CODE:

Title 7 of the Los Angeles County business license code, being an ordinance regulating and licensing business and other activities is hereby adopted to provide regulations for certain businesses and standards for the issuance of permits to the extent said title 7 is not inconsistent with this title. In the event of conflict, this title shall prevail. (Ord. 86-593)

5-1B-23: PAYMENT OF CHARGES AND FEES:

Payment of all charges and fees, relating to an applicant for a business license or renewal thereof, imposed under other provisions of this code (specifically including all applicable fees required under section 6-2A-0 of this code) is hereby made a prerequisite to the issuance of any business license or renewal thereof. (Ord. 95-785)

ARTICLE C. SCHEDULE OF RATES

5-1C-0: DEFINITIONS:

As used in this chapter, the following terms shall be defined as set forth herein:

ADVERTISING BENCH: Any bench on or upon which any kind of advertising matter is placed, maintained or displayed.

ADVERTISING MATTER: Printed handbills, dodgers, booklets, cards in excess of two and one-half inches by four inches ($2^1/_2$" x 4"), and any other printed advertising matter describing or calling attention to any product, business, enterprise, person, firm or corporation for any purpose other than solely for religious or political purposes, but excluding a newspaper.

ADVERTISING VEHICLE: The business of operating upon the street any wheeled vehicle equipped with music or a musical device, loudspeaker or other device for attracting attention, or of operating any wheeled vehicle for advertising purposes and to which wheeled vehicle there are attached signs, placards, billboards or other advertising matter.

APARTMENT HOUSE: Any building or portion thereof which is designed, built, rented, leased, let or hired out to be occupied or which is occupied as the home or residence of four (4) or more families living independently of each other and doing their own cooking in said building, and shall include flats and apartments.

AUTOMOBILE FOR HIRE: Every automobile or motor propelled vehicle used for the transportation of passengers for compensation over the streets and not over a fixed or defined route, irrespective of whether the operations extend beyond the boundary limits of the city, at rates for distance traveled, per mile, per trip, for waiting time or otherwise. "Automobile for hire" shall include taxi and taxicab.

BENCH: Any seat, chair, bench or similar device located in or upon any street or other public property for the use or accommodation of passerby or persons awaiting transportation.

BUNGALOW COURT: Four (4) or more separate or connected dwelling units on any one parcel or contiguous parcels of land.

BUSINESS BY VEHICLE: The business of running, driving or operating any automobile, automobile truck, automobile tank wagon or any vehicle used for transportation, selling, collection or delivery of goods or other personal property of any kind from a vehicle, either as a principal business or in connection with any other business; of soliciting for work, labor or services to be performed upon the public street, in or from a vehicle, or to be performed on goods or other personal property; or peddling goods; or soliciting for work, labor or services on goods to be taken for such purpose to a plant or establishment inside or outside the city limits.

The term shall be deemed to apply to the delivery of goods purchased by retail merchants in the city at wholesale prices and delivered to said merchants in said city at wholesale prices and delivered to said merchants in said city for resale by them for use or consumption by the public, and shall apply to the delivery of services to the businesses and professions listed in this chapter, but shall not apply to persons operating such vehicles together with, and in conjunction with, a fixed place of

business within the city, for which such business license fee is paid under the other provisions of this title.

The provisions of this title are not to be construed as imposing a tax upon vehicles, but as a method of classification of businesses and distinguishing between those maintaining a fixed place of business in the conduct of which vehicles are used but who do not have a fixed place of business in the city.

CLUB DANCE: Any dance held or conducted by a dancing club.

CONTRACTOR: Any person who engages with the owner or lessee or other person in possession of any lot or parcel of land or building, for the erection, construction or repair of any building, or structure, or for the construction or doing of any heating, air conditioning, automatic or other sprinkler system, paving, wrecking, excavating, drainage, irrigation, electric signs, sign devices, gas filled luminous tube signs or designs, brick laying, cement work, sewer work, painting, paperhanging, tile work, carpenter work, glazing, insulation, structural pest control, lathing plastering, roofing, sheet metal, shingling, flooring, swimming pools, landscaping, fencing or interior decorating, whether the same be by contract at a fixed price, or upon the cost of materials and labor basis, or upon the basis of the cost of construction or repair plus a percentage thereof.

DANCING CLUB: Any club or association of persons which conducts dances other than public dances for its members or bona fide guests more often than once per month, at which a fee is charged either for admission to such dance or for dancing therein, or at which any collection or donation of money is made or received, or in which the amount of dues to be paid by each member is dependent upon attendance at such dances by such member.

DISSEMINATE: Means and includes the terms distribute, deposit, hand out, pass out, give out, deliver and throw away, as well as causing or permitting any of the foregoing.

DRIVER: A person who drives or is in actual physical control of an automobile for hire.

INDEPENDENT SERVICE PROVIDER: An independent substation in another business such as a hairdresser, real estate agent or other service or profession occupying space in the premises of another licensee.

INFORMAL ENTERTAINMENT: Random, unpaid, act, play, review, pantomime, scene, song, dance act, song and dance act, poetry recitation, by not more than two (2) persons at a time and must be secondary use to the establishment with no alcohol being served at any time.

KENNEL: Any place where four (4) or more dogs and cats, or four (4) or more of either, are maintained at any one location.

MAINTAIN: Means and includes, construct, erect, install, place and permit to be.

MANUFACTURER: Means and includes the process of making, preparing, altering, repairing or finishing, in whole or in part, or to assemble, inspect, wrap or package any articles or materials; the making or fashioning by working on or combining material; the assembling of component parts.

MEDICINE SHOW: Means and includes the using of any music, lecture, entertainment or operation of other like scheme or plan to attract an audience or crowd, and the selling or giving away to any person in such audience or crowd any drug or medicine, or pretended medicament, or any surgical or medical appliances or instrument.

NEWSPAPER: Shall mean and be limited to a publication which has been and at the time of its dissemination or distribution is admitted as second class matter under applicable United States postal regulations, is a newspaper of general circulation under the laws of the state, and at the time of its dissemination or distribution maintains a bona fide list of paying subscribers at regular published rates.

NONADVERTISING BENCH: Any bench on or upon which no kind of advertising matter is placed, maintained or displayed.

OWNER: When used with reference to an automobile for hire, shall mean and include any person other than a driver who or which owns, operates, controls or directs the use of an automobile for hire.

PEDDLERS AND SOLICITORS: Includes every person who travels from place to place or house to house and makes demonstrations of, or solicits, takes orders or canvasses for the sale of, or who sells any goods, wares or merchandise, or things or articles of value of any nature, kind or description, whether the does one or more of

the things described in this section.

POULTRY AND ANIMAL BUSINESS: The business of owning or maintaining twenty five (25) or more birds, fowl, poultry, rabbits or animals (other than horses), and the offering to sell, trade or exchange for anything of value, any birds, fowl, poultry, rabbits or animals (other than horses) or the offspring, products or byproducts of any thereof. Every person who owns or maintains twenty five (25) or more birds, fowl, poultry, rabbits or animals (other than horses), and who sells, offers to sell, trades or exchanges for anything of value, or who by any sign or other means of advertising offers to sell, trade or exchange for anything of value, any birds, fowl, poultry, rabbits or animals (other than horses) or the offspring, products or byproducts of any thereof, shall conclusively be presumed to be conducting, managing and carrying on business and subject to the provisions of this title.

PREMISES: Means and includes every house, dwelling, building, structure, enclosure, business establishment, lot, yard, location, place, alley, parkway, sidewalk, street, public way and every vehicle.

PRINTED: Means and includes the terms, mimeographed, lithographed, handwritten, stereotyped, typewritten and painted.

PRIVATE PATROL: The operation, maintenance or conduct of the business or occupation of night watchman, night watch service or agency, private policeman, police patrol service or any other occupation the purpose of which is to afford, for hire or reward, additional police, guard, or fire protection in addition to that furnished by the city.

PROFESSION: Means and includes those occupations universally classified as professions, as opposed to a business activity; a calling in which one professes to have acquired some special knowledge used by way of instructing, building and advising others or serving them in some calling, vocation or employment, and which includes, but not by way of limitation, those professions listed as such in the Business And Professions Code of the state of California for which a testing requirement is imposed.

PROFESSIONAL ENTERTAINMENT: A person or persons who engage in any act, play, review, pantomime, scene, song, dance act, song and dance act, live band, or poetry, for livelihood or gain in the presentation of entertainment and where alcohol is being served.

PUBLIC DANCE: A gathering of persons in or upon any premises where dancing is participated in, either as the main purpose for such gathering or as an incident to some other purpose, and to which premises the public is admitted.

PUBLIC DANCE HALL: A place where dancing is conducted, whether for profit or not for profit, and to which the public is admitted either with or without charge, or at which the public is allowed to participate in the dancing either with or without charge.

RETAILER: Includes every seller who makes any retail sales or sales of tangible personal property. A retail sale is any sale defined as such by the sales and use tax laws of the state of California.

SERVICE: Includes all business activities involving the providing of labor, together with the furnishing of incidental materials in connection therewith; i.e., labor performed in the interest and under the direction of others, except as such business activity may be more specifically included in some other category.

SLAUGHTERHOUSE: A place where anyone slaughters more than three (3) fowl or three (3) rabbits per day for other than the personal use of such person.

WHEELED VEHICLE: Means and includes an automobile, truck, tank truck, trailer, wagon, cart and any and all contrivances used or capable of being used as a means of transportation of persons or property, that move or roll on one or more wheels.

WHOLESALER: Means and includes every seller who makes any sale or sales of tangible personal property for resale. (1960 Code; amd. Ord. 92-714; Ord. 94-770)

5-1C-1: CLASSIFICATIONS:

All persons engaged in or carrying on any profession, trade, calling, occupation or business in or into the city of Temple City are hereby classified in the following groups as follows:

A. Professional;

B. Retailers;

C. Wholesalers;

D. Manufacturers;

E. Services;

F. Contractors;

G. Business by vehicle;

H. Specialty businesses;

I. Home occupation;

J. Independent service provider;

K. Not otherwise classified. (1960 Code; amd. Ord. 92-714)

5-1C-2: RATES:

The rates applied to the business classifications set forth in section 5-1C-1 of this article shall be set and/or modified by resolution of the city council. (1960 Code)

Chapter 2
BUSINESS PERMITS

ARTICLE A. PERMIT REQUIRED FOR CERTAIN BUSINESSES

5-2A-0: PERMIT REQUIRED FOR CERTAIN BUSINESSES:

No person shall operate, and no license shall be issued for, any of the following businesses unless a prerequisite permit, if required, has first been obtained as specifically provided for elsewhere in this code. Upon granting of needed prerequisite permit, a license shall be issued pursuant to this chapter, pursuant to the zoning code, and by council action, if applicable:

Auto wrecking and towing.

Baths.

Billiard rooms (public).

Bridal shops.

Business by vehicle.

Carnival.

Circus, primary business:

A. Sideshow.

B. Exhibition.

Dances.

Entertainment.

Escort bureau.

Explosives.

Fireworks.

Fortune telling.

Games of skill.

Liquor stores.

"Massage business or establishment" as defined in section 5-2E-1 of this chapter.

Pawnbroker.

Racetrack.

Rides - carnival/merry-go-round.

Rodeo.

Salvage dealer.

Secondhand dealer.

Shooting gallery.

Solicitor, peddlers, itinerant vendors.

Waste collector.

Waste disposal facility. (1960 Code; amd. Ord. 96-796; Ord. 97-802; Ord. 16-1010)

5-2A-1: APPLICATION:

The application for any permit required by this chapter shall be filed with the license collector, shall be signed and verified by the applicant and shall set forth the following:

A. The name and address of the applicant.

B. The name and address of the persons by whom employed, if any.

C. The nature of the business for which a permit is requested.

D. The place where such business is to be conducted.

E. A brief description of the nature and amount of equipment to be used in such business.

F. The personal description of the applicant.

G. Evidence of the identity of the applicant of such character as the city council may require.

H. Fingerprints and thumbprints of the applicant. (1960 Code)

5-2A-2: GRANTING OR REFUSAL OF PERMIT:

The city council may, after investigation of said application and of said business proposed to be conducted, grant or refuse to grant a permit. The city council shall

have the right to refuse any such permit if it shall determine that the granting of the same or the conduct of the business will be contrary to the preservation of health, safety, morals or welfare of the city or its inhabitants. If such permit is granted, the city council may impose such terms, conditions and restrictions upon the operation and conduct of such business, not in conflict with any paramount law, as it may deem necessary or expedient to protect the public peace, health, safety, morals or welfare of the city or its inhabitants. Any applicant for such a permit shall be entitled to a hearing thereon before the city council upon a request therefor. (1960 Code; amd. Ord. 96-796; Ord. 97-802)

5-2A-3: SOLICITORS, PEDDLERS AND ITINERANT VENDORS:

A. Solicitation shall only take place between the hours of nine o'clock (9:00) A.M. and five o'clock (5:00) P.M.

B. Solicitation shall not be made at any house, apartment or other dwelling in which is affixed a sign indicating "No Solicitors" or similar indications that no solicitation contact is desired by the occupant thereof. (1960 Code; amd. Ord. 91-695; Ord. 96-796; Ord. 97-802)

5-2A-4: POSTING:

Such permit shall be posted in a conspicuous place on the premises where the business for which such permit is issued is conducted, and shall remain so posted during the period the permit shall be in force. (1960 Code)

5-2A-5: PERMIT FEES:

Unless otherwise stated in this code, the fees for permits shall be set and/or modified by resolution of the city council. (1960 Code)

5-2A-6: POLICE INVESTIGATION:

This classification is now covered under subsection 5-1B-19B of this title. (1960 Code; amd. Ord. 96-796; Ord. 97-802)

5-2A-7: REVOCATION, SUSPENSION, HEARING, NOTICE:

When the city council shall issue any permit under the terms of this chapter, the same may be revoked at any time thereafter by said city council if said city council becomes satisfied that the conduct of such business does or will in any manner endanger the public welfare or that the same has been conducted in an illegal, improper or disorderly manner. Said city council may revoke or suspend permits issued for any business where the proprietor or person in charge thereof violates or permits any infraction of any law of the state or any ordinance of the city. No permit for any business shall be revoked or permanently suspended under the terms of this chapter unless the permittee shall be adjudged guilty of a misdemeanor hereunder or unless a notice and public hearing thereof be first given the permittee, provided, however, that any such permit may be temporarily suspended without such notice or hearing by the city council. (1960 Code)

5-2A-8: NONTRANSFERABILITY:

No permit issued under this chapter shall be transferable except by the consent of the city council. (1960 Code)

5-2A-9: STANDARD CONDITIONS:

Unless otherwise stated in this chapter, elsewhere in this code and the zoning code if applicable, the conditions imposed upon an operation and conduct of such business shall be set and/or modified by resolution of the city council. (Ord. 97-807)

ARTICLE B. COMMERCIAL FILMING

5-2B-0: DEFINITIONS:

CHARITABLE FILMS: Commercials, motion pictures, television programs, videotapes or still photography produced by a nonprofit organization, which qualifies under section 501(C)3 of the internal revenue code as a charitable organization. No person directly or indirectly shall receive a profit from the marketing or production of a charitable film.

FILMING OR FILMING ACTIVITY: Means and includes all activity attendant to staging or shooting motion pictures, television shows, videotapes, commercials and still photography.

STUDENT FILMS: Motion pictures, television programs, videotapes or still photography made for the purpose of a school project. (1960 Code)

5-2B-1: PERMIT REQUIRED:

A. No person shall use any public or private property, facility or residence for the purpose of filming activity without first applying for and receiving a permit as provided in this section.

B. The provisions of this section shall not apply to or affect reporters, photographers or camera operators in the employ of a newspaper, news service or similar entity engaged in covering newsworthy events, nor shall it apply to filming solely for private, noncommercial use. Charitable films and student films must obtain a permit and reimburse the city for reasonable cost of personnel and equipment but are exempt from permit fees. (1960 Code)

5-2B-2: PERMIT FEE:

Permit fee shall be set by resolution of the city council. (1960 Code)

5-2B-3: APPLICATION:

A. The issuing authority shall be the city manager or designee.

B. All applicants will be required to complete a commercial filming application which shall include information required by the state model film permit application and such additional information the city manager may require.

C. The city manager shall determine the number of fire, sheriff, county road services and other personnel necessary to ensure that the filming activity does not endanger the health and safety of persons or property in the area of the filming location, to minimize the disruption to businesses of residents in the area, and to minimize traffic congestion.

D. Prior to issuance of the permit, the applicant shall be requested to consult with neighboring businesses and/or residents and submit with the application suitable evidence showing that such businesses or residents do not object to the proposed filming activity.

E. Applications shall be submitted a minimum of three (3) working days before the proposed filming activity. However, processing may be increased up to ten (10) days by the city manager, where such activity will interfere with traffic, requires road closures or multiple day traffic control, involves potential public safety hazards or requires special assistance by the city.

F. Upon submission of a completed application, the permit fee, the required deposits and the certificate of insurance, and upon the determining that the proposed filming activity will not unduly disrupt neighboring business and/or residents, the city manager shall issue the permit. In all cases, issuance of a permit shall depend upon

the availability of sheriff, fire and other necessary personnel and equipment. Conditions may be attached to a permit to ensure health and safety of persons, disruption of neighboring businesses and residents and traffic congestion.

G. Written permit application may be filed in person, by mail or by facsimile machine. Where it is impractical to submit a written permit application, an oral permit application may be made by telephone during regular city hall business hours provided that appropriate documents and signatures be obtained by the city two (2) days prior to filming. (1960 Code)

5-2B-4: INSURANCE:

A certificate of insurance for comprehensive and general liability covering the entire period of the permit, naming the city of Temple City and its employees as additionally insured shall accompany the application. The amount of the insurance shall be set by the city manager dependent upon the potential liability but shall not be less than one million dollars ($1,000,000.00). Permittee waives all claims against the city of Temple City, its officers, agents and employees, for fees and damage caused by, arising out of, or in any way connected with the exercise of the permit. (1960 Code)

5-2B-5: SEPARATE LICENSE:

Upon approval of commercial filming permit, applicant shall be issued a separate temporary business license. The fee shall be set by resolution of the city council. (1960 Code)

5-2B-6: SPECIAL SERVICES:

The city shall have the right to require and the applicant shall have the right to request special sheriff, fire, road or other administrative services. The applicant will be billed directly for all special services provided by the city. The fee for special services will be the cost incurred by the city for providing special services. City may require a deposit applicable to these costs. (1960 Code)

5-2B-7: POSTING:

Each applicant will be required to post all of the properties which are immediately adjacent to the filming location prior to the start of filming. The posting shall include a general description of the filming activity that will take place and the dates and times the filming activity is scheduled. (1960 Code)

ARTICLE C. PUMPKIN AND CHRISTMAS TREE SALES

5-2C-0: PERMIT REQUIRED:

No person shall conduct pumpkin or Christmas tree sales without first applying for and receiving a permit as provided in this section. (Ord. 96-794)

5-2C-1: QUALIFICATION OF PERMITTEES:

A. Every pumpkin sales lot shall submit to the city by March 1 of each year and Christmas tree sales lot by April 1, a copy of the state board of equalization's state, local and district sales and use tax return from the operation of the pumpkin or Christmas tree lot for the prior year. Failure to comply with this section shall result in the following:

1. Unable to get a permit for the following year; and

2. The deposit placed with the city shall be held until such time the report is filed but no longer than one year from the due date, at which time the deposit is thereby forfeited to the city. (Ord. 96-794)

5-2C-2: PERMIT APPLICATION FILING:

A. The issuing authority shall be the city manager or designee.

B. All applicants will be required to complete a pumpkin sales or Christmas tree sales application.

C. Pumpkin sales applications shall be submitted by September 30 and Christmas tree sales applications shall be submitted by November 30.

D. A separate permit shall be required for each location.

E. Each application shall be accompanied by a nonrefundable permit fee as set and/or modified by resolution of the city council.

F. A refundable deposit of two hundred fifty dollars ($250.00) shall be required for each location. Such deposit shall be refunded to the permittee upon compliance with all code provisions. Locations shall be cleared of all debris and restored to their original condition by November 5 for pumpkin lots and December 31 for Christmas tree lots. Such deposit shall be forfeited and retained by the city in the event of noncompliance.

G. Each application shall be accompanied by a certificate of insurance in the amount of one million dollars ($1,000,000.00) public liability with an endorsement attached to the policy designating the city of Temple City as additional insured. The insurance company providing the coverage must be "admitted" in the state of California.

H. Each application shall include a diagram showing storage, display area, sales office and available parking.

I. Each application shall contain a plan for the proposed signage for review and approval by the city's planning department.

J. Each application shall include written permission from property owner of proposed lot site. (Ord. 96-794)

5-2C-3: PERMIT APPLICATION CONTENTS:

Each such application shall show the following:

A. Name and address of applicant.

B. The location where the applicant will sell pumpkins or Christmas trees.

C. The applicant's state board of equalization sales tax permit number. (Ord. 96-794)

5-2C-4: SEPARATE LICENSE:

Upon approval of pumpkin or Christmas tree sales permit, applicant shall be issued a separate temporary business license. The fee shall be set by resolution of the city council. (Ord. 96-794)

5-2C-5: OPERATION OF LOTS:

The following regulations shall be complied with in the operation of pumpkin or Christmas tree lots:

A. "NO SMOKING" signs shall be prominently displayed both inside and outside the location.

B. Strict adherence to the fire prevention bureau inspection guide as outlined below or as modified at any given time:

1. Tents shall not be used for the purpose of storage, display or uses requiring the public to enter the same. However, flameproofed canopies without sides will be permitted.

2. All electrical wiring shall be installed and approved under permit of the Los Angeles County division of building and safety.

3. All heating appliances must be of an approved type.

4. First aid firefighting appliances shall be provided, as required by the fire prevention bureau.

5. Spray painting with flammable liquids shall be permitted only in approved locations; provided trees painted are only retailed on the same lot.

6. Storage or handling flammable liquids shall conform to requirements of the county fire prevention code.

7. No open burning will be permitted on any lot.

8. The storage and display of pumpkins or trees, decorations and similar material shall be in such a manner as to prevent the creation of any undue fire or life hazard to the public, adjacent building or property.

C. All weeds and combustible material shall be cleared from the lot location. No rubbish shall be allowed to accumulate in or around any lot, nor shall a fire nuisance be permitted to exist.

D. All stands must be equipped with at least one fire extinguisher, type 2A, for each exit in the stand, which fire extinguishers must be approved as to efficiency and safety by the fire department.

E. No pumpkin lot shall commence sales before October 1 of any year and no Christmas tree lot shall commence sales before December 1. Each pumpkin sales lot shall be cleaned up to the satisfaction of the city by November 5. Each Christmas tree sales lot shall be cleaned up to the satisfaction of the city by December 31. (Ord. 96-794)

5-2C-6: SIGNS:

Each lot where pumpkins or Christmas trees are sold may have no more than two (2) banners and one freestanding sign. The maximum total surface area of all banners shall not exceed thirty two (32) square feet. The surface area of the freestanding sign shall not exceed thirty two (32) square feet per face. No signs shall be installed prior to the issuance of the business license and not more than forty five (45) days prior to the required date of the sign's removal. All signs for pumpkin sales location shall be removed on or before November 5 of the year in which it was installed. All signs for Christmas tree sales locations shall be removed on or before December 31 of the year in which it was installed. (Ord. 96-794)

ARTICLE D. TOBACCO RETAILER PERMIT

5-2D-0: TITLE:

This article may be referred to as the *TOBACCO RETAILER PERMIT ORDINANCE* of the city of Temple City. (Ord. 12-965)

5-2D-1: PURPOSE:

In enacting this article, it is the intent of the city council to encourage responsible tobacco retailing and to discourage violations of tobacco related laws, especially those that discourage the sale or distribution of tobacco and nicotine products to minors. There is no intent, however, to expand or reduce the degree to which the acts regulated by federal or state law are criminally proscribed or to alter the penalties

provided therein. (Ord. 12-965)

5-2D-2: DEFINITIONS:

The following words and phrases, whenever used in this article, shall have the meanings defined in this section unless the context clearly requires otherwise:

ARM'S LENGTH TRANSACTION: A sale in good faith and for valuable consideration that reflects the fair market value in the open market between two (2) informed and willing parties, neither of which is under any compulsion to participate in the transaction. A sale between relatives, related companies or partners, or a sale for which a significant purpose is avoiding the effect of the violations of this article is not an arm's length transaction.

DEPARTMENT: The community development department, and any other agency or person tasked by the city manager of the city with enforcement of this article.

DIRECTOR: The community development director of the city and any other person tasked by the city manager of the city with enforcement of this article.

PERMITTEE: Any tobacco retailer or proprietor thereof holding a permit issued by the city pursuant to the provisions of this article.

PERSON: Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

PROPRIETOR: A person with an ownership or managerial interest in a business. An ownership interest shall be deemed to exist when a person has a ten percent (10%) or greater interest in the stock, assets, or income of a business other than the sole interest of security for debt. A managerial interest shall be deemed to exist when a person can or does have or share ultimate control over the day to day operations of a business.

SELF-SERVICE DISPLAY: The open display or storage of tobacco products or tobacco paraphernalia in a manner that is physically accessible in any way to the general public without the assistance of the retailer or employee of the retailer and a direct person to person transfer between the purchaser and the retailer or employee of the retailer. A vending machine is a form of self-service display.

SMOKING: Possessing a lighted tobacco product, lighted tobacco paraphernalia, or any other lighted weed or plant (including a lighted pipe, cigar, hookah pipe, or cigarette of any kind) and means the lighting of a tobacco product, tobacco paraphernalia, or any other weed or plant (including a pipe, cigar, hookah pipe, or cigarette of any kind).

TOBACCO PARAPHERNALIA: Cigarette papers or wrappers, pipes, holders of smoking materials of all types, cigarette rolling machines, and any other item designed for the smoking, preparation, storing, or consumption of tobacco products.

TOBACCO PRODUCT: Any substance containing tobacco leaf, including, but not limited to, cigarettes, cigars, pipe tobacco, hookah tobacco, snuff, chewing tobacco, dipping tobacco, snus, bidis, or any other preparation of tobacco; and any product or formulation of matter containing biologically active amounts of nicotine that is manufactured, sold, offered for sale, or otherwise distributed with the expectation that the product or matter will be introduced into the human body, but does not include any cessation product specifically approved by the United States food and drug administration for use in treating nicotine or tobacco dependence.

TOBACCO RETAILER: Any person who sells, offers for sale, or does or offers to exchange for any form of consideration, tobacco, tobacco products or tobacco paraphernalia.

TOBACCO RETAILER PERMIT: A permit issued by the city authorizing a proprietor to engage in tobacco retailing.

TOBACCO RETAILING: The doing of any of the activities mentioned in the definition of "tobacco retailer". This definition is without regard to the quantity of tobacco, tobacco products, or tobacco paraphernalia sold, offered for sale, exchanged, or offered for exchange. (Ord. 12-965)

5-2D-3: TOBACCO RETAILER PERMIT REQUIRED:

A. It shall be unlawful and a misdemeanor for any person to act as a tobacco retailer in the city without first obtaining and maintaining a valid tobacco retailer's permit

pursuant to this article for each location at which that activity is to occur.

1. Except where noted otherwise in this article, notwithstanding any other provisions of this code, the issuance, suspension, and revocation of a tobacco retailer permit, and all related procedures, shall be governed solely by this article. (Ord. 12-965)

5-2D-4: LIMITS ON ELIGIBILITY FOR A TOBACCO RETAILER PERMIT:

A. No tobacco retailer permit may issue to authorize tobacco retailing at other than a fixed location. Peripatetic tobacco retailing, tobacco retailing by persons on foot or from vehicles is explicitly prohibited.

B. No tobacco retailer permit may be issued to authorize tobacco retailing at any location that violates any provision of the Temple City zoning code. (Ord. 12-965)

5-2D-5: TOBACCO RETAILER PERMIT APPLICATION PROCEDURE:

A. Any person seeking a tobacco retailer permit shall submit a completed application, on a city approved form, to the department. Application for a tobacco retailer permit shall be submitted in the name of each proprietor proposing to conduct retail tobacco sales and shall be signed by each proprietor or an authorized agent thereof. Said application shall contain the following information:

1. The name, address, and telephone number of each proprietor of the business seeking a permit.

2. The business name, address, and telephone number of the single, fixed location for which a permit is sought.

3. A single name and mailing address authorized by each proprietor to receive all communications and notices (hereinafter, "authorized agent") required by, authorized by, or convenient to the enforcement of this article. If an authorized agent is not supplied, each proprietor shall be understood to consent to the provision of notice at the business address specified in subsection A2 of this section.

4. Proof that the location for which a tobacco retailer permit is sought has been issued a valid state tobacco retailer's license by the California board of equalization.

5. Whether any proprietor or any agent of the proprietor has been issued a permit pursuant to this article that is or was at any time suspended or revoked, and, if so, the dates of the suspension period or the date of revocation.

6. Whether any proprietor or any agent of the proprietor has admitted violating or has been determined to have violated any provision of this article or any state or federal tobacco related law, and, if so, the dates of all such violations within the preceding five (5) years.

7. Such other information as the department deems necessary for the administration or enforcement of this article as specified on the application form required by this section.

B. No application for a tobacco retailer permit shall be accepted by the city unless accompanied by payment of an annual fee in an amount established by resolution of the city council.

C. A permittee shall inform the department in writing of any change in the information submitted on an application for a tobacco retailer permit within ten (10) business days of a change.

D. All information specified in an application pursuant to this section shall be subject to disclosure under the California public records act[1] or any other applicable law, subject to the laws' exemptions. (Ord. 12-965)

5-2D-6: ISSUANCE OF TOBACCO RETAILER PERMIT:

A. Upon the receipt of both a completed application for a tobacco retailer permit and the corresponding permit fee, the department shall issue a permit unless substantial evidence demonstrates that one or more of the following bases for denial exists:

1. The information presented in the application is inaccurate or false. Intentionally supplying inaccurate or false information shall be a violation of this article.

2. The application seeks authorization for tobacco retailing at a location for which this article prohibits issuance of tobacco retailer permit. However, this subsection A2 shall not constitute a basis for denial of a permit if the applicant provides the city with documentation demonstrating by clear and convincing evidence that the applicant has acquired or is acquiring the location or business in an arm's length transaction.

3. The application seeks authorization for tobacco retailing for a proprietor to whom this article prohibits a permit to be issued.

4. The applicant or proprietor of the proposed tobacco retailer has had a tobacco retailer permit revoked within the preceding twelve (12) months.

5. The application seeks authorization for tobacco retailing that is prohibited pursuant to this article, that is unlawful pursuant to this code (including, without limitation, the zoning code and business license regulations), or that is unlawful pursuant to any other law.

B. Any applicant aggrieved by a decision denying a tobacco retailer permit may appeal the decision in the same manner as the appeal of a suspension or revocation pursuant to the provisions of subsection 5-2D-12D and section 5-2D-13 of this article. (Ord. 12-965)

5-2D-7: TERM AND RENEWAL:

A. Term: A permit issued pursuant to this article shall be valid for one year, unless the permit is revoked earlier in accordance with the provisions of this article.

B. Renewal Of Permit: Each tobacco retailer who seeks to renew a tobacco retailer permit shall submit a renewal application on a city approved form and tender the annual permit fee to the department no later than thirty (30) calendar days prior to the expiration of the permit. Any tobacco retailer permit that is not timely renewed shall expire and become null and void at the end of its term. (Ord. 12-965)

5-2D-8: PERMITS NONTRANSFERABLE:

A. A permit holder shall not operate under a name, or conduct business under a designation, not specified on the permit.

B. A tobacco retailer permit may not be transferred from one person to another or from one location to another. A change in proprietor, business name, or location, or a change in any other information from that which is shown on the permit application shall render the permit null and void, and shall require the permit holder to obtain a new tobacco retailer permit in accordance with the provisions of this article.

C. Notwithstanding any other provision of this article, prior violations at a location shall continue to be counted against a location and permit ineligibility periods shall continue to apply to a location unless:

1. The location has been fully transferred to a new proprietor or fully transferred to entirely new proprietors; and

2. The new proprietor(s) provide(s) the city with clear and convincing evidence that the new proprietor(s) has/have acquired or is acquiring the location in an arm's length transaction. (Ord. 12-965)

5-2D-9: PERMIT CONVEYS A LIMITED, CONDITIONAL PRIVILEGE:

Nothing in this article shall be construed to grant any person obtaining and maintaining a tobacco retailer permit any status or right other than the limited conditional privilege to act as a tobacco retailer at the location in the city identified on the face of the permit. Nothing in this article shall be construed to render inapplicable, supersede, or apply in lieu of, any other provision of applicable law, including, but not limited to, any provision of this code, including, without limitation, title 3, chapter 2, article C, "Secondhand Smoke Control", and title 9, "Zoning Regulations", of this code and any condition or limitation on smoking in an enclosed place of employment

pursuant to California Labor Code section 6404.5. For example, obtaining a tobacco retailer registration does not make the retailer a "retail or wholesale tobacco shop" for the purposes of California Labor Code section 6404.5. (Ord. 12-965)

5-2D-10: OPERATING REQUIREMENTS:

The following applicable operating requirements of this section shall be deemed conditions of any tobacco retailer permit issued pursuant to the provisions of this article, and failure to comply with every such requirement shall be grounds for suspension, revocation, and/or the imposition of administrative fines in accordance with section 5-2D-12 of this article.

A. Knowledge Of Applicable Laws: It is the responsibility of each permittee and proprietor to be informed of the laws applicable to tobacco retailing, including those laws affecting the issuance of a tobacco retailer permit. No person may rely on the issuance of a permit as a determination by the city that the proprietor has complied with all laws applicable to tobacco retailing. A permit issued contrary to this article, contrary to any other law, or on the basis of false or misleading information supplied by a proprietor shall be revoked pursuant to section 5-2D-12 of this article. Nothing in this article shall be construed to vest in any person obtaining and maintaining a tobacco retailer permit any status or right to act as a tobacco retailer in contravention of any provision of law.

B. Lawful Business Operation: In the course of tobacco retailing or in the operation of the business or maintenance of the location for which a tobacco retailer permit has been issued, it shall be a violation of this article for a permittee, or any of the permittee's agents or employees, to violate any local, state, or federal law applicable to tobacco products, tobacco paraphernalia, or tobacco retailing.

C. Display Of Permit: Each tobacco retailer permit shall be prominently displayed in a publicly visible location at the permitted location.

D. Retail Sales To Persons Under Eighteen Prohibited: No person engaged in tobacco retailing shall sell or offer to sell, give or offer to give, or transfer or offer to transfer any tobacco product or tobacco paraphernalia to any person who is under the legal age of eighteen (18) years.

E. Positive Identification Required: No person engaged in tobacco retailing shall sell or offer to sell, give or offer to give, or transfer or offer to transfer any tobacco product or tobacco paraphernalia to another person who appears to be under the age of thirty (30) years without first examining the identification of the recipient to confirm that the recipient is at least the minimum age under state law to purchase and possess the tobacco product or tobacco paraphernalia. The permittee or the permittee's agent or employee shall refuse the sale or transfer of any tobacco product or tobacco paraphernalia to any person who appears to be under the age of thirty (30) years, who fails to present valid, legal photo identification prior to the sale or transfer.

F. Minimum Age For Persons Selling Tobacco: No person who is younger than the minimum age established by state law for the purchase or possession of tobacco products shall engage in tobacco retailing.

G. Self-Service Displays Prohibited: Tobacco retailing by means of a self-service display is prohibited.

H. Compliance With State Mandated Sign Requirements: Tobacco retailers shall post and maintain all signage required by the California Labor Code, California Business And Professions Code, California Penal Code, and any other applicable federal, state, or local law.

I. False And Misleading Advertising Prohibited: A tobacco retailer or proprietor without a current and valid tobacco retailer registration, including, but not limited to, a tobacco retailer whose permit is suspended or has been revoked:

1. Shall keep all tobacco products and tobacco paraphernalia out of public view. The public display of tobacco products or tobacco paraphernalia in violation of this

provision shall constitute tobacco retailing without a permit under section 5-2D-3 of this article; and

2. Shall not display any advertisement relating to tobacco products or tobacco paraphernalia that promotes the sale or distribution of such products from the tobacco retailer's location or that could lead a reasonable consumer to believe that such products can be obtained at that location. (Ord. 12-965)

5-2D-11: COMPLIANCE MONITORING AND ENFORCEMENT:

A. Compliance with this article shall be monitored by the Los Angeles County sheriff's department, the public safety division and code enforcement personnel, the community development department, and permit investigators (hereinafter, collectively, "enforcement officers"). The city manager may designate any number of additional persons to monitor compliance with this article.

B. Enforcement officers should check the compliance of each tobacco retailer at least three (3) times per twelve (12) month period. Enforcement officers may check the compliance of tobacco retailers previously found to be in compliance with this article a fewer number of times so that enforcement officers may check the compliance of new permittees and tobacco retailers previously found in violation of this article more frequently. Nothing in this subsection shall create a right of action in any permittee or other person against the city or its agents.

C. Compliance checks shall be conducted so as to allow enforcement officers to determine, at a minimum, if a tobacco retailer is complying with laws regulating youth access to tobacco. Enforcement officers may also conduct compliance checks to determine compliance with other laws applicable to tobacco retailing.

D. Enforcement officers shall have the right to enter, free of charge or restriction, at any time, any place of business for which a permit is required by this article, and to demand the exhibition of such permit for the current term by any person engaged or employed in the transaction of such business.

E. The Los Angeles County sheriff's department and/or the city manager (or designee thereof) may promulgate and adopt policies, procedures, and/or guidelines for the participation of persons under the age of eighteen (18) in compliance checks pursuant to this article (hereinafter, "youth decoy").

F. The city shall not enforce any law establishing a minimum age for tobacco purchases or possession against a youth decoy if the potential violation occurs when:

1. The youth decoy is participating in a compliance check supervised by a peace officer or enforcement officer;

2. The youth decoy is acting as an agent of an enforcement officer;

3. The youth decoy is participating in a compliance check funded in part, either directly or indirectly through subcontracting, by the city or the California department of health services. (Ord. 12-965)

5-2D-12: SUSPENSION AND REVOCATION OF TOBACCO RETAILER PERMIT; IMPOSITION OF ADMINISTRATIVE FINE:

A. Suspension Or Revocation; Administrative Fine: In addition to any other penalty authorized by law, a tobacco retailer permit shall be suspended or revoked and an administrative fine shall be assessed against the tobacco retailer in accordance with the procedures set forth in this section if it is determined that the permittee or his or her agent or employee has violated any of the conditions of the permit imposed pursuant to this article or any other local, state or federal law pertaining to the sale of tobacco products or tobacco paraphernalia to persons under eighteen (18) years of age.

1. First Violation: Upon a determination by the department of a first permit violation within a sixty (60) month period, the permit shall be suspended for a period of thirty (30) calendar days and an administrative fine in the amount of five hundred dollars

($500.00) (or as otherwise set by resolution of the city council) shall be assessed against the tobacco retailer. The administrative fine shall be due and payable in full at the time that the suspension becomes effective.

2. Second Violation: Upon a determination by the department of a second permit violation within a sixty (60) month period, the permit shall be suspended for a period of ninety (90) calendar days and an administrative fine in the amount of one thousand dollars ($1,000.00) (or as otherwise set by resolution of the city council) shall be assessed against the tobacco retailer. The administrative fine shall be due and payable in full at the time that the suspension becomes effective.

3. Third Violation: Upon a determination by the department of a third permit violation within a sixty (60) month period, the permit shall be revoked and an administrative fine in the amount of two thousand five hundred dollars ($2,500.00) (or as otherwise set by resolution of the city council) shall be assessed against the tobacco retailer. The administrative fine shall be due and payable in full at the time that the revocation becomes effective.

B. Revocation Of Permit Wrongly Issued: A tobacco retailer permit shall be revoked if the department determines that one or more of the bases for denial of a permit under subsection 5-2D-6A of this article existed at the time the application was made or at any time before the permit was issued. No administrative fine shall accompany a revocation of a permit that had been wrongly issued.

C. Order Of Suspension/Revocation: Upon a determination by the department that the permittee or his or her agent or employee has violated any of the conditions of the permit imposed pursuant to this article, or any other local, state or federal law pertaining to the sale of tobacco products or tobacco paraphernalia to persons under the age of eighteen (18) years, the department shall serve a written order of suspension/revocation of tobacco retailer permit (hereinafter, "order of suspension/revocation") upon either: 1) the authorized agent either via personal service or via first class mail, postage prepaid to the address provided on the tobacco retailer permit application, or 2) if an authorized agent was not listed on the tobacco retailer permit application, to the permittee via personal service or via first class mail, postage prepaid to the business address.

1. The order of suspension/revocation shall provide, at a minimum, the following information:

a. The name of the permittee and tobacco retailer permit number;

b. A brief statement of the specific ground(s) for the suspension or revocation;

c. If applicable, the term of the suspension;

d. If applicable, the amount of any administrative fine being assessed;

e. If applicable, the dates and terms of any prior suspensions and administrative fines within the preceding sixty (60) months;

f. The effective date of the suspension or revocation and the due date of the administrative fine;

g. If applicable, the date on which a permittee may apply for a new tobacco retailer permit after revocation;

h. The time frame and manner in which the permittee may contest the order of suspension/revocation as set forth in subsection D1 of this section;

i. A statement that the failure of the permittee to contest the order of suspension/revocation will constitute a waiver of the permittee's right to administratively challenge the order of suspension/revocation, and the order of suspension/revocation shall be deemed a final and binding administrative decision; and

j. If applicable and in the possession of the department, copies of the following documents:

(1) Permittee's application for tobacco retailer permit;

(2) Permittee's tobacco retailer permit;

(3) Permittee's tobacco retailer's license (as issued by the state board of equalization); and

(4) Any law enforcement report, memorandum, and/or photograph submitted by the sheriff's department or other law enforcement agency relied upon by the department in support of the suspension or revocation. These documents shall be redacted as required or permitted by law.

2. Service of the order of suspension/revocation shall be deemed to have been

completed on the date on which the order of suspension/revocation is either personally delivered to the authorized agent or permittee or the date on which the order of suspension/revocation is deposited with the United States postal service.

3. Failure of an authorized agent or permittee to receive a properly addressed order of suspension/revocation shall not invalidate any of the proceedings pursuant to this article.

D. Contest Of Order Of Suspension/Revocation:

1. Any permittee whose permit has been suspended or revoked pursuant to the provisions of this article may contest the order of suspension/revocation by filing with the department a written request to contest the order of suspension/revocation (including the imposition of the corresponding administrative fine) within ten (10) calendar days of the order of suspension/revocation. The written request must include, at a minimum, the following:

a. The name of the permittee, the address of the business property, and the tobacco retailer permit number that is subject to the order of suspension/revocation;

b. The date on which the order of suspension/revocation was issued;

c. A brief statement in ordinary and concise language of the specific action protested, together with any material facts claimed to support the contentions of the permittee;

d. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the order of suspension/revocation should be reversed or otherwise set aside;

e. The signature of all proprietors who are contesting the order of suspension/revocation under penalty of perjury as to the contents of the request for appeal.

2. Notwithstanding title 1, chapter 4, "Administrative Citations", of this code or any other provision of this code, an administrative fine assessed against a tobacco retailer in conjunction with an order of suspension/revocation, the assessment of the administrative fine, shall only be challenged as set forth in this section.

3. Upon receipt of such written request for a hearing, the department shall give not less than five (5) business days' written notice to the permittee to show cause at a time and place fixed in the notice why the tobacco retailer permit should not be suspended or revoked (as the case may be). The written notice of hearing shall be served upon the permittee in the same manner as the order of suspension/revocation.

4. Any order of suspension/revocation and any assessment of a corresponding administrative fine shall be stayed pending a director's determination upon the timely filing of a request for a hearing.

E. Administrative Review Hearing:

1. The director shall conduct the administrative review hearing at the designated time and place. The hearing is to be conducted informally, and formal rules of evidence do not apply. If a youth decoy participated in the underlying investigation, the youth decoy shall not be required to appear or to give testimony. At the hearing, the permittee shall have the burden of showing cause why the tobacco retailer permit should not be suspended or revoked, and the permittee shall be given an opportunity to present any evidence (testimonial, documentary, or otherwise) as it pertains to whether a ground for suspension or revocation exists. In determining whether a ground for suspension or revocation exists, the director shall not consider any evidence pertaining to "preventative measures" or "subsequent remedial measures" (e.g., employee training, the termination of employment of the agent/employee that committed the underlying violation, etc.).

2. Within thirty (30) calendar days of the conclusion of the administrative review hearing, the director shall serve the permittee with written notice of its determination as to whether the tobacco retailer permit shall be suspended or revoked (and the corresponding administrative fine shall be assessed). The written determination shall be served upon the permittee in the same manner as the order of suspension/revocation. If the director determines that the tobacco retailer permit shall be suspended or revoked, the written determination shall contain all of the information required pursuant to subsection C1 of this section. A written determination that the tobacco retailer permit shall be suspended or revoked shall also contain the time frame and manner in which the permittee may contest the director's determination as set forth in section 5-2D-13 of this article, and, a statement that the failure of the permittee to contest the director's determination will constitute a waiver of the permittee's right to administratively challenge the director's determination, and the director's determination to suspend or revoke the tobacco retailer permit shall be deemed a final and binding administrative decision. (Ord. 12-

965)

5-2D-13: APPEAL OF DIRECTOR'S DETERMINATION:

A. Request For Appeal: Any permittee who has been aggrieved by a director's determination to affirm an order of suspension/revocation and to suspend or revoke a tobacco retailer permit (and impose the corresponding administrative fine) may appeal the director's determination by submitting a written request for appeal to the city clerk within ten (10) calendar days of the director's written determination. The written request for appeal shall contain, at a minimum, the following:

1. The name of the permittee, the address of the business property, and the tobacco retailer permit number that is subject to the director's determination to suspend or revoke;

2. The date on which the director's determination was issued;

3. A statement as to all grounds for appeal in ordinary and concise language, together with any material facts claimed to support the contentions of the permittee (as only the matters and issues raised in the written request will be considered on appeal);

4. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the director's determination should be reversed or otherwise set aside;

5. The signature of all proprietors who are contesting the director's determination under penalty of perjury as to the contents of the request for appeal.

B. Staying Of Suspension/Revocation: A director's determination to suspend or revoke a tobacco retailer permit (and to pay the corresponding administrative fine) shall be stayed pending a determination of the city manager (or designee thereof) upon the timely filing of a written request for appeal.

C. Notice Of Appeal Hearing: Upon receipt of such written request for appeal, the city clerk shall give not less than five (5) business days' written notice to the permittee of the date and time of the appeal hearing. Service of the notice of appeal hearing shall be in the same manner as the order of suspension/revocation.

D. Appeal Hearing: At the time and place set for the appeal hearing, the city manager (or designee thereof) shall proceed to hear testimony and to receive evidence from the city, the permittee, and other competent persons respecting those matters or issues on appeal. Only those matters or issues specifically raised by the permittee in the written request for appeal shall be considered in the hearing of the appeal. The formal rules of evidence do not apply to this proceeding. If a youth decoy participated in the underlying investigation, the youth decoy shall not be required to appear or to give testimony. At the hearing, the permittee shall be given an opportunity to present any evidence (testimonial, documentary, or otherwise) as it pertains to whether a ground for suspension or revocation exists. In determining whether a ground for suspension or revocation exists, the director shall not consider any evidence pertaining to "preventative measures" or "subsequent remedial measures" (e.g., employee training, the termination of employment of the agent/employee that committed the underlying violation, etc.).

E. Decision On Appeal: If it is shown at the appeal hearing by a preponderance of the evidence that one or more bases exist to suspend or revoke the tobacco retailer permit, the city manager (or designee thereof) shall affirm the director's determination to suspend or revoke the permit and to impose the corresponding administrative fine. The city manager shall cause to be served upon the permittee a written notice of decision, which shall contain the city manager's determination as to whether the tobacco retailer permit shall be suspended or revoked and the corresponding administrative fine assessed, as well as findings of fact that support the determination. The written notice of decision shall further inform the appellant that the decision is a final decision and that the time for judicial review for the suspension or revocation is governed by California Code Of Civil Procedure section 1094.6 et seq., and that the time for judicial review for the imposition of the administrative fine is governed by Government Code section 53069.4(b). The notice of decision shall be served upon the appellant in the same manner as the order of suspension/revocation. A decision to affirm the director's determination to suspend or revoke a tobacco retailer permit shall become effective, and the permit shall be suspended or revoked, immediately upon service of the written notice of decision. The corresponding administrative fine shall be immediately due upon service of the

written notice of decision. (Ord. 12-965)

5-2D-14: NEW PERMIT AFTER REVOCATION:

A. Notwithstanding any other provision of this article, no tobacco retailer's permit shall be issued to a tobacco retailer (or proprietor thereof) whose permit has previously been revoked pursuant to subsection 5-2D-12A of this article for a period of twelve (12) months from the date of the prior revocation.

B. Notwithstanding any other provision of this article, no tobacco retailer's permit shall be issued for any location where a tobacco retailer permit has previously been revoked pursuant to subsection 5-2D-12A of this article for a period of twelve (12) months from the date of the prior revocation, unless ownership of the business at the location has been transferred in an arm's length transaction.

C. The revocation of a tobacco retailer's permit pursuant to subsection 5-2D-12B of this article shall be without prejudice to the filing of a new tobacco retailer permit application. Any such new application shall be reviewed in accordance with section 5-2D-6 of this article. (Ord. 12-965)

5-2D-15: VIOLATIONS:

A. In addition to any other remedy, any person who causes, permits, aids, abets, suffers, or conceals a violation of any provision of this article, or who fails to comply with any obligation or requirement of this article, is guilty of a misdemeanor punishable in accordance with title 1, chapter 2 of this code.

B. Each violation of this article is hereby declared to be a public nuisance.

C. The remedies provided by this article are cumulative and in addition to any other remedies available at law or in equity.

D. In addition to other remedies provided by this article or by other law, any violation of this article may be remedied by administrative or civil action, including, but not limited to, civil injunction or other abatement action. (Ord. 12-965)

5-2D-16: SEVERABILITY:

If any section, subsection, paragraph, sentence, clause or phrase of this article is declared by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such decision shall not affect the validity of the remaining portions of this article. The city council declares that it would have adopted this article, and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional. (Ord. 12-965)

ARTICLE E. MASSAGE ESTABLISHMENTS AND THERAPISTS

5-2E-0: PURPOSE AND INTENT:

The purpose of this article is to protect the public's health and safety through the establishment of certain licensing standards pertaining to massage establishments within the city of Temple City, and to recognize massage therapy as a legitimate business occupation and health service enhancement. Nothing in this article is intended to permit any use, conduct and/or activity that violates any federal, state, or local law or regulations. (Ord. 16-1010)

5-2E-1: DEFINITIONS:

Unless the particular provision or the context otherwise requires, the definitions and provisions contained in this section shall govern the construction, meaning, and application of words and phrases used in this article.

APPROVED SCHOOL: An institution that provides massage therapy education and training as such term is defined in section 4600 of the massage therapy act.

BUSINESS PERMIT OFFICER: The community development director of the city of Temple City, or his or her designated representative.

CAMTC: The California massage therapy council created by California Business And Professions Code section 4600 and following sections.

CAMTC CERTIFICATE: A current and valid certificate issued by the CAMTC.

CITY: The city of Temple City.

CITY COUNCIL: The city council of the city of Temple City.

CITY MANAGER: The city manager of the city of Temple City, or his or her designated representative.

COUNTY: The county of Los Angeles.

CUSTOMER AREA: Any area open to customers of a massage business or establishment.

EMPLOYEE: Any person, other than a massage therapist or manager, who performs services at the massage establishment and receives compensation from the operator of the massage establishment for such services, including an independent contractor, while on the premises of the massage establishment.

HEALTH DEPARTMENT: The Los Angeles County department of health services.

MANAGER: The person(s) designated by the operator of the massage establishment to act as the representative and agent of the operator in managing day to day operations with the same liabilities and responsibilities. Evidence of management includes, but is not limited to, evidence that the individual has power to direct or hire and dismiss employees, control hours of operation, create policy or rules, or purchase supplies. A manager may also be an operator.

MASSAGE BUSINESS OR ESTABLISHMENT: Any business or establishment, including a sole proprietor or independent contractor, conducted within the city where any person engages in, conducts, carries on or permits to be engaged in, conducted or carried on, for money or any other consideration, the administration to another person of a massage.

MASSAGE OR MASSAGE THERAPY: Any method of treating the external parts of the body for remedial, hygienic, relaxation or any other similar purpose, whether by means of pressure on, friction against or stroking, kneading, tapping, pounding, vibrating, rubbing or other manner of touching external parts of the body with the hands, or with the aid of any mechanical or electrical apparatus or appliance with or without supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, ointment or other similar preparations commonly used in this practice and shall include herbal body wraps. For the purposes of this article, "massage" or "massage therapy" includes the techniques of acupressure and reflexology.

MASSAGE THERAPIST: Any person who administers to another person a massage for any form of consideration.

MASSAGE THERAPY ACT: Chapter 10.5 of division 2 of the California Business And Professions Code (beginning at section 4600).

OPERATOR: A sole proprietor of, a general partner of, or all persons who have an ownership interest in, a massage business or establishment.

PERSON: Any individual, corporation, partnership, association or other group or combination of individuals acting as an entity.

SHERIFF: The designated representative of the Los Angeles County sheriff's department.

SHERIFF'S DEPARTMENT: The Los Angeles County sheriff's department.

SPECIFIED CRIMINAL OFFENSE: One or more of the following:

A. Pleading guilty or nolo contendere to, or being convicted in a court of competent jurisdiction, within five (5) years of the date of filing the application, a misdemeanor or felony crime involving sexual misconduct, including, but not limited to, the following:

1. Chapter 1 of title 9 of the Penal Code (sections 261 - 269) relating to sexual crimes; or

2. Chapter 8 of title 9 of the Penal Code (sections 314 - 318.6) relating to indecent exposure, obscenity, and disorderly establishments; or

3. Penal Code section 647(a) or (b) relating to prostitution; or

4. Any similar offenses under the criminal code or Penal Code of this state or any other states or countries; or

B. Having permitted within five (5) years of filing the application, through an act of omission or commission, an employee or agent to engage in any type of moral turpitude or sexual misconduct offense listed in subsection A of this definition (the conduct of the employee or agent, if such resulted in a conviction or a plea of nolo contendere or guilty, will be considered imputed to the principal). (Ord. 16-1010)

5-2E-2: CONDITIONAL USE PERMIT:

A. Permit Required: No massage business or establishment may operate without first obtaining a conditional use permit in accordance with title 9, chapter 1, article F of this code. All operations must be conducted at the site identified in the conditional use permit and comply with all conditions contained in the conditional use permit.

B. Exceptions: Subsection A of this section shall not apply to the following:

1. Medical offices, state licensed hospitals, nursing homes, and state licensed physical or mental health facilities where massage therapy is provided exclusively by physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses or vocational nurses duly licensed to practice their respective profession in the state.

2. Barbershops, beauty parlors, beauty salons, hair salons, day spas, and nail salons where massage therapy is provided exclusively by barbers, cosmetologists, estheticians, or manicurists licensed to practice their respective profession under the laws of the state while performing activities within the scope of their license, provided that such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees of their patrons. (Ord. 16-1010)

5-2E-3: CAMTC CERTIFICATE:

A. Massage Businesses And Establishments: No person may engage in, conduct or carry on, or permit to be engaged in, conducted or carried on in any location within the city, a massage business or establishment unless all persons providing massage therapy at or on behalf of the massage business or establishment have a CAMTC certificate.

B. Massage Therapy: No person may engage in, conduct, carry on, or perform massage therapy within the city unless such person has a CAMTC certificate.

C. Exceptions: Subsections A and B of this section shall not apply to the following:

1. Any physician, surgeon, chiropractor, osteopath, naturopath, podiatrist, acupuncturist, physical therapist, registered nurse or vocational nurse duly licensed to practice their respective profession in the state.

2. Any treatment administered in good faith in the course of the practice of any healing art or profession by any person licensed to practice any such art or profession under the California Business And Professions Code or any other law of the state.

3. Barbers, cosmetologists, estheticians, and manicurists licensed to practice their respective profession under the laws of the state while performing activities within the scope of their license, provided that such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees of their patrons.

4. State licensed hospitals, nursing homes, and other state licensed physical or mental health facilities and their employees.

5. Persons who provide massage therapy to athletes or athletic teams, facilities or events, so long as such persons do not practice massage therapy as their primary occupation within the city.

6. Approved schools and their employees that provide massage therapy education or training and their students in training, provided that such students perform massage therapy only under the direct personal supervision of an instructor. (Ord. 16-1010)

5-2E-4: MASSAGE BUSINESS PERMIT:

A. Business Permit Required: The operator of each massage business or establishment must obtain a business permit pursuant to this article prior to commencing operation or providing any massage therapy and must thereafter maintain a valid business permit.

B. Business Permit Application: The application for a business permit will be made in accordance with the provisions of this article. Each applicant for a massage business permit must provide the following information where applicable as determined by the city, with the application:

1. The full true name under which the massage establishment will be conducted.

2. The present or proposed address where the massage establishment is to be conducted.

3. The applicant's full, true name, any other names used within the past five (5) years, date of birth, California driver's license number or California identification number, present residence address and residence telephone number, and the sex, height, weight, color of hair, and color of eyes of the applicant.

4. Acceptable written proof that the applicant is at least eighteen (18) years of age.

5. If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter together with the state and date of incorporation and the names and residence addresses and telephone numbers of each of its current officers and directors, and of each stockholder holding more than five percent (5%) of the stock of that corporation.

6. If the applicant is a partnership, the application shall set forth the name, residence address and telephone numbers of each of the partners, including each of the limited partners. If the applicant is a limited partnership, it shall furnish a copy of its certificate of limited partnership. If one or more of the partners is a corporation, the provisions of this section pertaining to corporate applicants shall apply.

7. A complete description of all services to be provided at the massage establishment.

8. The names and addresses of each massage therapist providing massage therapy at or on behalf of the business or establishment, including whether they are a full time employee or an independent contractor, and proof that each such massage therapist has a valid CAMTC certificate.

9. The name of the person(s) designated by the applicant to act as manager of the massage establishment. The manager shall be required, at all times, to meet all of the applicable requirements of this article.

10. A photograph of passport quality for each manager and massage therapist employed at the massage business or establishment.

11. A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant.

12. The name and address of the owner and lessor of the real property upon or in which the massage establishment is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his/her property.

13. Business, occupation, or employment history of the applicant for the three (3) years immediately preceding the date of the application.

14. The business license and permit history of the applicant, including whether such person, in previously operating in this city, or another city or state under license or permit, has had such license or permit revoked or suspended, and the reason for such action.

15. An affidavit that the applicant has not been convicted of or permitted any specified criminal offense. The applicant and operator of the massage establishment must provide proof of a Live Scan or other similar city approved background check.

16. A nonrefundable business permit fee, and renewal fee in the case of a business permit renewal, as set by resolution of the city council shall be paid to the city to defray the actual cost of processing the business permit.

17. A floor plan of the premises to be occupied by the massage establishment, including any adjacent space to be leased, owned or occupied by the operator of the massage establishment, and showing all entrances, exits, windows, interior doors, restrooms, and all other separately enclosed rooms including, but not limited to, closets, storerooms, break rooms, and changing rooms.

18. An acknowledgment that by applying for a business permit, the applicant understands that they are responsible for all violations of employees or independent contractors that may take place in the massage business or establishment that they own or manage, including whether each employee or independent contractor holds a CAMTC certificate, and that such violations are grounds for revocation of the business permit.

C. Inspection Of Premises: Upon receipt and/or after approval of a complete application, a business permit officer will cause the periodic inspection of the proposed premises of any fixed location massage business or establishment for compliance with the requirements of this article and code.

D. Issuance Of Permit: Upon receipt of a written application for a business permit for an establishment, a business permit officer shall ascertain whether such business permit should be issued as requested. Upon the completion of the review, the city must issue the business permit if it finds:

1. The required fee has been paid; and

2. The application conforms in all respects to the provisions of this article; and

3. The applicant has not made a material misrepresentation or omission in the application; and

4. The applicant is at least eighteen (18) years of age; and

5. A conditional use permit has been approved to operate the massage establishment at the proposed location; and

6. The massage establishment as proposed by the applicant would comply with all applicable laws, including, but not limited to, health, zoning, fire and safety requirements and standards.

E. Denial Of Permit: If a business permit officer finds that any of the applicable requirements of this article or this code are not satisfied, including any conviction for or the permitting of a specified criminal offense, recent history of prior business license or permit suspension or revocation, or evidence that the applicant has provided materially false information, the application will be denied. The decision of a business permit officer to deny a business permit application or renewal may be appealed pursuant to the procedures set forth in section 5-2E-7 of this article.

F. Permit Renewal: A massage business permit shall expire on December 31 of the year in which it is issued and shall be subject to annual renewals thereafter. A business permit must be renewed annually in the same manner as a new permit as provided in this article, at which time the applicant must provide proof that all applicable requirements of this article and this code remain satisfied.

G. Transfer Of Permit Prohibited: Upon the sale or transfer of any interest in a massage business or establishment, the business permit will become void. The person acquiring the interest in a massage business or establishment must submit a new business permit application and receive approval of such permit in accordance with the provisions of this article.

H. Notification Of Changes In Registered Massage Therapists: Each permittee must submit to the city the names and applicable CAMTC certificate of any new massage therapists not previously included in the list required under subsection B8 of this section who are hired or retained to provide massage therapy at or on behalf of the business or establishment, including whether they will be an employee or independent contractor, prior to such person commencing the provision of any massage therapy services. In addition, any discharge or termination of the services of a massage therapist must be reported to the city within five (5) business days of such event.

I. Revocation Or Suspension Of Permit: The following grounds constitute a basis for the revocation or suspension of a permit:

1. The misrepresentation of a material fact by an applicant in obtaining a permit; or

2. The continuation of the operations of the permittee under such permit will be detrimental to the public health, safety, peace, welfare or morals, or is found to constitute a public nuisance; or

3. The violation of any law related to the operation of the applicable business, including any violations of this code or a specified criminal offense; or

4. The violation of any condition imposed on the permit.

J. Revocation/Suspension Procedures:

1. Complaints against any permittee must be in writing and must set forth one or more of the grounds enumerated above. Complaints must be filed with, or may be initiated by, a business permit officer, who will then conduct an investigation to determine whether the complaint is sufficient to show probable cause for the revocation or suspension of the permit. A written report of any officer, employee or agent of the city disclosing violations of any law by the permittee or the permittee's agents or employees will also be deemed a complaint within the meaning of this section. All complaints must be verified unless made by city officers, employees, or agents in their official capacity.

2. Upon completion of the business permit officer's investigation, the business permit officer will report the results to the city manager, together with a recommendation as to whether grounds exist to revoke or suspend the permit or whether the complaint should be disregarded.

3. Based upon the report of such business permit officer and such additional investigation as the city manager may deem appropriate, the city manager will determine whether the complaint constitutes a sufficient basis to revoke or suspend the permit, and if so, will issue a written order of revocation or suspension to the permittee setting forth the grounds for revocation or suspension of the permit. Such written order must be sent by certified mail to the permittee's last known address or be personally delivered. The order must also provide notice that the permit revocation or suspension will become final within ten (10) days of the date of mailing or personal delivery of the order unless it is timely appealed in the manner provided in section 5-2E-7 of this article. (Ord. 16-1010)

5-2E-5: MASSAGE ESTABLISHMENT OPERATING REQUIREMENTS:

No person shall engage in, conduct, carry on, or permit to be engaged in, conducted, or carried on, any massage establishment, unless each and all of the following requirements are met:

A. Massage operations shall be carried on or conducted, and the premises shall be open, only between the hours of eight o'clock (8:00) A.M. and ten o'clock (10:00) P.M. of any day. A massage begun anytime before ten o'clock (10:00) P.M. must nevertheless terminate at ten o'clock (10:00) P.M. All customers and visitors shall be excluded from the massage establishment by that time. The hours of operation shall be displayed in a conspicuous public place in the lobby within plain view of the entrance and clearly visible from the outside.

B. A person designated as a manager shall be on the massage establishment premises at all times of operation and must be registered with the city by the operator to receive all complaints and be responsible for all violations taking place on the premises. The appointment of a manager must be in writing with the manager in charge of the premises acknowledging this appointment. All managers must be registered with the city prior to being employed in this position, and all managers must possess a valid CAMTC certificate.

C. The massage establishment must post signs specifying a list of services available, the cost of such services, and notice indicating that the massage establishment and the massage rooms do not provide complete privacy and are subject to inspection by the city and health officials without prior notice. Such signs shall be posted in bold minimum one inch (1") type, in English and such other languages as may be convenient to communicate such services, in an open public place within plain view of the entry of the premises, and shall be described in readily understandable terms. No operator or manager shall permit, and no massage therapist shall offer or perform,

any service other than those posted pursuant to this section.

D. The massage establishment business permit and a copy of the CAMTC certificate of each and every massage therapist employed in the massage establishment shall be displayed in an open and conspicuous place within plain view of the entry of the massage establishment premises.

E. Every massage establishment shall require all customers to sign a register book. The manager shall assure that the massage establishment shall keep an accurate register book showing the name and address of each customer in clear and legible writing, verified by the customer's driver's license or identification card, the name of the massage therapist administering the treatment, and the type of treatment administered. Such register books shall be maintained on a form approved by the city. Such books shall be open to inspection by officials with responsibility for enforcement of this article during regular business hours upon demand, written or oral, and without use of subpoena or court process; and may not be used for any other purpose, including use of the file by operators, managers and employees of the establishment. Such register books shall be maintained on the premises of the massage establishment for a period of two (2) years.

F. Massage establishments shall at all times be equipped with an adequate supply of clean towels, coverings, and linens. Clean towels, coverings, and linens shall be stored in enclosed cabinets. Separate enclosed cabinets shall be provided for the storage of clean and soiled linens and shall be plainly marked "clean linen" and "soiled linen". Towels and linens shall not be used on more than one patron, unless they have first been laundered and disinfected. Towels and linens shall be laundered or changed promptly after each use. Disposable towels and coverings shall not be used on more than one patron. Soiled linens and paper towels shall be deposited in separate, marked receptacles.

G. Adequate bathing, dressing, locker, and toilet facilities shall be provided for patrons. All shower, toilet, and washing facilities shall be thoroughly cleaned and disinfected with a disinfectant approved by the health department as needed, and at least once each day the premises are open.

H. If wet and dry heat rooms, steam and vapor rooms, cabinets, tanning booths, whirlpool baths and pools are offered, they shall be thoroughly cleaned and disinfected with a disinfectant approved by the health department as needed, and at least once each day the premises are open. Bathtubs shall be thoroughly cleaned after each use with a disinfectant approved by the health department. All walls, ceilings, floors, and other physical facilities for the establishment must be in good repair and maintained in a clean and sanitary condition.

I. Instruments for performing massage shall not be used on more than one patron unless they have been sterilized, using approved sterilization methods. Each operator and/or on duty manager shall provide and maintain on the premises adequate equipment for disinfecting and sterilizing instruments used in massage.

J. All massage therapists shall be subject to the dress code provided in Business And Professions Code section 4909(a)(10). All managers and employees who are not massage therapists shall wear clean, nontransparent outer garments that continuously cover the area from the bottom of the neck to the top of the kneecap, shall remain clothed while on the massage establishment premises, and shall not expose their genitals, pubic area, buttocks, or breasts.

K. No person shall enter, be or remain in any part of a massage establishment while in possession of, consuming, or using any alcoholic beverage or drugs except pursuant to a prescription for such drugs dispensed by a pharmacy licensed through the state of California, board of pharmacy. The operator and manager shall not permit the storage of alcoholic beverages or condoms upon such premises.

L. All exterior doors (except a rear entrance for employees only) shall remain unlocked during business hours, unless there is no massage establishment staff available to assure the security of clients and massage therapists who are behind closed doors.

M. Except as provided in subsection L of this section, doors to dressing rooms, massage rooms, and treatment rooms may not be locked.

N. No massage establishment or accessory use locations employing massage therapists shall be equipped with tinted or "one-way" glass in any room or office.

O. Every operator or manager shall report to the city any change of employees, whether by new or renewed employment, discharge or termination, on the form and in the manner required by the city. The report shall contain the name of the employee and the date of hire or termination. The report shall be made within five (5) days of the date of hire or termination.

P. The operator and/or on duty manager shall consent to the unannounced inspection of the massage establishment by the city and the county fire, sheriff's, and health departments for the purpose of determining that the provisions of this article or other applicable laws or regulations are met.

1. The city and the county fire, sheriff's, and health departments may, from time to time, make an unannounced inspection of each massage establishment for the purpose of determining that the provisions of this article, state law or other applicable laws or regulations are met. Criminal investigations may be conducted as directed by the sheriff's department. The sheriff's department and/or city may inspect the occupied massage rooms for the purpose of determining that the provisions of this article are met. During an inspection, the sheriff's department and/or the city may verify the identity of all on duty managers, therapists, and employees.

2. An operator, manager, massage therapist, or employee is prohibited from refusing to permit an inspection of the massage establishment premises by a representative of the city or a Los Angeles County regulatory official at any time it is occupied or open for business, as required by this section.

Q. No person or persons shall live inside the massage establishment at any time. No massage therapist or other person shall be allowed to occupy the massage establishment after one hour of closing or before one hour of opening. Bona fide cleaning contractors are exempt from this provision.

R. No electrical, mechanical or artificial device shall be used by the operator, manager, therapist, or any employee of the massage establishment for audio and/or video recording within dressing rooms, massage rooms, or treatment rooms, or the conversation or other sounds within dressing rooms, massage rooms, or treatment rooms.

S. The operator or on duty manager of the massage establishment shall keep a complete and current list of the names, residence addresses, and telephone numbers of all massage therapists and employees of the massage establishment and the name, residence address and telephone number of the manager purported to be principally in charge of the operation of the massage establishment. This roster shall be written in English, kept on the premises and be available for inspection by any official charged with enforcement of this article.

T. Each massage establishment shall provide to all customers clean, sanitary and opaque coverings capable of covering the patrons' specified anatomical areas including the genital and pubic areas, anus, and female breast consistent with state of California Government Code section 51034. No common use of such coverings shall be permitted and reuse is prohibited unless adequately cleaned.

U. No massage establishment shall place, publish, distribute, or cause to be placed, published, or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers that any service is available other than those services described in this article. No massage establishment shall employ language in the text of such advertising that would reasonably suggest to prospective customers that any service is available other than those services authorized by this article.

V. No person shall engage in, conduct, or carry on the business of a massage

establishment unless there is on file with the city, in full force and effect at all times, documents issued by an insurance company authorized to do business in the state of California evidencing that the licensee is insured under a liability insurance policy providing minimum coverage of one hundred thousand dollars ($100,000.00) for injury or death to one person arising out of the operation of any massage establishment and the administration of a massage.

W. All massage establishments must comply with all state and federal laws and regulations for persons with a disability, including all applicable antidiscrimination laws.

X. No person(s) other than valid CAMTC certificate holders, employees, customers, vendors, and service providers will be allowed beyond the front lobby, located directly inside the front door entrance during hours of operation.

Y. Minimum lighting shall be provided in accordance with article 220 of the national electrical code, and, in addition, at least one artificial light of not less than forty (40) watts shall be illuminated in each room or enclosure where massage services are performed on customers.

Z. Massages shall be administered only on standard massage tables, and not on pads or beds. Pads used on massage tables shall be covered with a durable washable plastic or other waterproof material acceptable to the health department.

AA. No massage business located in a building or structure with exterior windows fronting a public street, highway, walkway, or parking area shall block visibility into the interior reception and waiting areas through the use of curtains, closed blinds, tints, or any other material that obstructs or darkens the view into the premises or by signs that cover more than fifteen percent (15%) of any windowpane. The interior of the business shall be plainly visible from the exterior of the business by passing vehicles and pedestrians.

BB. Each establishment, operator, manager, massage therapist, and employee shall comply with the state of California Business And Professions Code sections 4600 - 4641.

CC. Each establishment, operator, manager, massage therapist, and employee shall ensure that at no time other than for brief moments during changing in private rooms will any genitalia or female breasts be uncovered. (Ord. 16-1010)

5-2E-6: CHANGE OF LOCATION, NAME, OR INFORMATION AND SEPARATE LOCATION:

A. Any change of location of any massage establishment must first be approved by the city who must determine, prior to approval that all ordinances and regulations of the city will be complied with at any proposed new location and that a conditional use permit has been approved to operate the massage establishment at the new location.

B. Where a person holding a business permit issued under the provisions of this article changes the name of the massage establishment, such person must make an application to the city and pay a fee in an amount set by city council resolution to have said business permit amended to reflect the change of name.

C. No CAMTC certificate holder or massage establishment shall operate under any name or conduct any establishment under any designation not specified in the CAMTC certificate or business permit issued pursuant to this article.

D. Any application for an extension or expansion of a building or other place of business of a massage establishment shall require compliance with the city's zoning regulations.

E. A separate business permit shall be required for each location of a massage

establishment.

F. If during the life of a massage establishment business permit the permittee has any change in information concerning the original application, notification of such change(s) must be made to the city, in writing, within thirty (30) days of the change(s).

G. Any massage establishment which is legally permitted by the city upon the effective date of this article and has any type of change to the ownership or ownership structure shall be required to comply in full with all requirements of this article. (Ord. 16-1010)

5-2E-7: APPEALS:

A. Permit Denial:

1. An applicant may appeal the business permit officer's denial of a permit or permit renewal by filing a written notice of appeal with the city clerk setting forth the grounds for disagreement with the decision within ten (10) days of the date of the decision. The appeal must be accompanied by the applicable appeal fee.

2. The city clerk will then fix a time and place for the hearing of such appeal before the city manager, and must give notice to the appellant of the time and place of the hearing by certified mail or personal delivery to the appellant at the address provided in the appeal.

3. At the hearing, the city manager will have authority to determine all questions raised on such appeal, provided that no such determination may conflict with any substantive provision of this code or other applicable law. The decision of the city manager will be final, and will be effective upon the date that written notice of the decision is sent by certified mail or personally delivered to the appellant.

B. Permit Revocation Or Suspension:

1. A permittee may appeal the city manager's revocation or suspension order by filing a written notice of appeal with the city clerk setting forth the grounds for disagreement with the decision within ten (10) days of the date of the revocation or suspension order. The appeal must be accompanied by the applicable appeal fee established by city council resolution.

2. If an appeal of a revocation or suspension order is timely filed, the matter will be scheduled for a hearing within a reasonable time before a city appointed administrative hearing officer. The filing of such appeal will stay the revocation or suspension order until a final decision is made by the hearing officer. The permittee, and any other persons requesting notice must be given at least ten (10) days' written notice of the time and place of such hearing.

3. At the hearing, the hearing officer will determine whether a sufficient basis exists for the revocation or suspension of the permit based upon the complaint, applicable staff reports, the revocation or suspension order, and such other evidence as may be presented that is relevant to the proceedings. The permittee will be given a reasonable opportunity to be heard in conjunction with the revocation or suspension proceedings. The burden of proof will be upon the city to show that the facts and evidence is sufficient to constitute a basis for revocation or suspension of the permit. The proceedings before the hearing officer will be an informal administrative hearing and the rules of evidence, as generally applied in judicial proceedings, will not be applicable. However, city officials or representatives and the permittee will have the right of subpoena.

4. The hearing officer must issue a written decision on the appeal within ten (10) days of the conclusion of the hearing unless the city and the permittee agree to a different deadline. Notice of such decision must be provided to the permittee by certified mail or personal delivery.

5. The decision of the hearing officer will be effective upon the date of mailing or personal delivery of the decision, and will be final. (Ord. 16-1010)

ARTICLE F. ADULT ORIENTED BUSINESSES

5-2F-0: LEGISLATIVE PURPOSE:

It is the purpose of this article to regulate adult oriented businesses in order to promote the health, safety, morals, and general welfare of the citizens of the City. The provisions of this article have neither the purpose nor effect of imposing a limitation or

restriction on the content of any communicative materials, including adult oriented materials. Similarly, it is not the intent nor effect of this article to restrict or deny access by adults to adult oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of adult oriented entertainment to their intended market. Neither is it the intent nor effect of this article to condone or legitimize the distribution of obscene material. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-1: DEFINITIONS:

For the purpose of this article the following words and phrases shall have the meanings respectively ascribed to them by this section:

ADULT ORIENTED BUSINESS OPERATOR (OPERATOR): A person who supervises, manages, inspects, directs, organizes, controls or in any other way is responsible for or in charge of the premises of an adult oriented business or the conduct or activities occurring on the premises thereof.

ADULT ORIENTED BUSINESSES: Any one (1) of the following:

Adult Arcade: An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, videocassettes, slides or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore: An establishment that has thirty percent (30%) or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

Adult Cabaret: A nightclub, restaurant, or similar business establishment which: a) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or b) which regularly features persons who appear seminude; and/or c) shows films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Hotel/Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration which: a) provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and b) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty four (24) hour period.

Adult Motion Picture Theater: A business establishment where, for any form of consideration, films, computer generated images, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

Juice Bar And Other Places Dispensing Food Or Drink: Any food or beverage establishment where the persons owning or employed in the preparation or dispensation of such food or beverage appears before (or is discernable by) the patrons of such establishment as being nude, seminude or exhibiting the specified anatomical features, as described herein.

Modeling Studio: A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant

to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities".

APPLICANT: A person who is required to file an application for a permit under this chapter, including an individual owner, managing partner, officer of a corporation, or any other operator, manager, employee, or agent of an adult oriented business.

BAR: Any commercial establishment licensed by the State Department of Alcoholic Beverage Control to serve any alcoholic beverages on the premises.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON: The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).

FIGURE MODEL: Any person who, for pecuniary compensation, consideration, hire or reward, poses in a modeling studio to be observed, sketched, painted, drawn, sculptured, photographed or otherwise depicted.

HEALTH OFFICER: The Health Officer of the City of Temple City or his or her duly authorized representative.

NUDITY OR A STATE OF NUDITY: The showing of the human male or female genitals, pubic area, or buttocks with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernible turgid state.

OPERATE AN ADULT ORIENTED BUSINESS: The supervising, managing, inspecting, directing, organizing, controlling or in any way being responsible for or in charge of the conduct of activities of an adult oriented business or activities within an adult oriented business.

PERMITTEE: The person to whom an adult oriented business permit is issued.

PERSON: Any individual, partnership, copartnership, firm, association, joint stock company, corporation, or combination of the above in whatever form or character.

POLICE CHIEF: The Police Chief of the City of Temple City or the authorized representatives thereof.

REGULARLY FEATURES: With respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

SEMINUDE: A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SPECIFIED ANATOMICAL AREAS: Any of the following:

A. Less than completely and opaquely covered human: 1) genitals or pubic region; 2) buttocks; and 3) female breast below a point immediately above the top of the areola; and

B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

C. Any device, costume or covering that simulates any of the body parts included in subsection A or B of this definition.

SPECIFIED SEXUAL ACTIVITIES: 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;

B. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

C. Masturbation, actual or simulated;

D. Excretory functions as part of or in connection with any of the other activities described in subsections A through C of this definition. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-2: PERMITS REQUIRED:

A. It shall be unlawful for any person to engage in, conduct or carry on, or to permit to be engaged in, conducted or carried on, in or upon any premises in the City of Temple City the operation of an adult oriented business unless the person first obtains and continues to maintain in full force and effect a permit from the City of Temple City as herein required, i.e., an adult oriented business regulatory permit.

B. It shall be unlawful for any persons to engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult oriented business unless the person first obtains and continues in full force and effect a permit from the City of Temple City as herein required, i.e., an adult oriented business performer permit. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-3: ADULT ORIENTED BUSINESS REGULATORY PERMIT REQUIRED:

Every person who proposes to maintain, operate or conduct an adult oriented business in the City of Temple City shall file an application with the City Manager upon a form provided by the City of Temple City and shall pay a filing fee, as established by resolution adopted by the City Council from time to time, which shall not be refundable. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-4: APPLICATIONS:

A. Adult oriented business regulatory permits are nontransferable, except in accordance with section 5-2F-7 of this article. Therefore, all applications shall include the following information:

1. If the applicant is an individual, the individual shall state his or her legal name, including any aliases, address, and submit satisfactory written proof that he or she is at least eighteen (18) years of age.

2. If the applicant is a partnership, the partners shall state the partnership's complete name, address, the names of all partners, whether the partnership is general or limited, and attach a copy of the partnership agreement, if any.

3. If the applicant is a corporation, the corporation shall provide its complete name, the date of its incorporation, evidence that the corporation is in good standing under the laws of California, the names and capacity of all officers and directors, the name of the registered corporate agent and the address of the registered office for service of process.

B. If the applicant is an individual, he or she shall sign the application. If the applicant is other than an individual, an officer of the business entity or an individual with a ten percent (10%) or greater interest in the business entity shall sign the application.

C. If the applicant intends to operate the adult oriented business under a name other than that of the applicant, the applicant shall file the fictitious name of the adult oriented business and show proof of registration of the fictitious name.

D. A description of the type of adult oriented business for which the permit is requested and the proposed address where the adult oriented business will operate, plus the names and addresses of the owners and lessors of the adult oriented

business site.

E. The address to which notice of action on the application is to be mailed.

F. The names of all employees, independent contractors, and other persons who will perform at the adult oriented business, who are required by section 5-2F-8 of this article to obtain an adult oriented business performer license (for ongoing reporting requirements see section 5-2F-8 of this article).

G. A sketch or diagram showing the interior configuration of the premises, including a statement of the total floor area occupied by the adult oriented business. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches (.6").

H. A certificate and straight line drawing prepared within thirty (30) days prior to application depicting the building and the portion thereof to be occupied by the adult oriented business, and: 1) the property line of any other adult oriented business within eight hundred feet (800') of the primary entrance of the adult oriented business for which a permit is requested; and 2) the property lines of any church, school, park, residential zone or use within eight hundred feet (800') of the primary entrance of the adult oriented business.

I. A diagram of the off street parking areas and premises entries of the adult oriented business showing the location of the lighting system required by subsection 5-2F-12C of this article.

J. The City Manager shall immediately designate a Special Hearing Officer. If the Special Hearing Officer determines that the applicant has completed the application improperly, the Special Hearing Officer shall promptly notify the applicant of such fact and, on request of the applicant, grant the applicant an extension of time of ten (10) days or less to complete the application properly. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the Special Hearing Officer to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

K. The fact that an applicant possesses other types of State or City permits or licenses does not exempt the applicant from the requirement of obtaining an adult oriented business regulatory permit. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-5: INVESTIGATION AND ACTION ON REGULATORY PERMIT APPLICATION:

A. Upon receipt of a completed application and payment of the application and permit fees, the Special Hearing Officer shall immediately stamp the application as received and promptly investigate the information contained in the application to determine whether the applicant shall be issued an adult oriented business regulatory permit.

B. Within thirty (30) days of receipt of the completed application, the Special Hearing Officer shall complete the investigation, grant or deny the application in accordance with the provisions of this section, and so notify the applicant as follows:

1. The Special Hearing Officer shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

2. If the application is denied, the Special Hearing Officer shall attach to the application a statement of the reasons for denial, and advise the applicant in writing that there is a ninety (90) day statute of limitations under Code of Civil Procedure 1094.6 in which he may seek court review.

3. If the application is granted, the Special Hearing Officer shall attach to the application an adult oriented business regulatory permit.

4. The application as granted or denied and the permit, if any, shall be placed in the United States mail, first class postage prepaid, addressed to the applicant at the

address stated in the application.

C. The Special Hearing Officer shall grant the application and issue the adult oriented business regulatory permit upon findings that the proposed business meets the locational criteria of subsection 9-1T-3D of this Code; and that the applicant has met all of the development and performance standards and requirements of section 5-2F-12 of this article, unless the application is denied for one (1) or more of the reasons set forth in section 5-2F-6 of this article. The permittee shall post the permit conspicuously in the adult oriented business premises.

D. Any other provision of this Code notwithstanding, this City recognizes its obligations under Federal and State constitutional guarantees to provide decisions without delay with regard to applications for adult businesses. Accordingly, whenever any such application is made, the City will conduct its proceedings in such fashion as:

1. To indicate to applicant in writing within fifteen (15) days whether the application is complete, and if not complete to inform the applicant what additional information is required to make such application complete;

2. To make its decision to approve or disapprove such application within twenty (20) days after the application therefor is complete.

a. If any such application is denied, the applicant may within ninety (90) days as provided in Code of Civil Procedure 1094.6 apply to a court of competent jurisdiction for a review of such denial; in such case, City shall expedite a judicial decision with regard thereto in order to have such judicial decision completed within thirty (30) days after applicant files the same, discounting such time as applicant itself causes any delay in such court proceedings.

b. City shall do nothing to cause any delay in the process above set forth.

c. If City cannot comply with such administrative twenty (20) day deadline, or if a judicial decision cannot be obtained within thirty (30) days after applicant's filing (disregarding any delays caused by applicant), then City shall immediately, upon written request from applicant, issue an interim defacto license for such activity to the extent it is mandated by State or Federal guarantees; and to the extent it complies with every other relevant Municipal Code or Zoning Code section with regard thereto.

(1) Such interim defacto license shall continue only until such court decision is rendered, provided that the same may be revoked or suspended, if applicant causes any delay in such proceedings.

(2) Such interim defacto license shall continue on a day to day basis until such deadlines are met.

(3) Such interim defacto license shall be deemed to be in force and effect for the limited purpose of according to an applicant its constitutional rights; and shall not be deemed a decision on the merits nor an indication of permanency.

(4) Any applicant asking for and receiving such interim defacto license shall assume the risk of any expenditures or reliance upon such temporary activity in the event that the permanent license is denied by the courts or City.

(5) This subsection D shall remain in effect for only so long as: a) the case of Baby Tam v. Las Vegas 154 F3d 1097 remains in effect and has not been overruled; or b) the State Legislature adopts legislation providing a prompt review under section 1094.5, 1094.6, 1094.7 or 1094.8 of the Code of Civil Procedure. Upon either such event this subsection D shall be inoperative. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-6: PERMIT DENIAL:

The Special Hearing Officer shall deny the application for any of the following reasons:

A. The building, structure, equipment, or location used by the business for which an adult oriented business regulatory permit is required do not comply with the requirements and standards of the health, zoning, fire and safety laws of the City and the State of California, or with the locational or development and performance standards and requirements of these regulations.

B. The applicant, his or her employee, agent, partner, director, officer, shareholder or manager has knowingly made any false, misleading or fraudulent statement of material fact in the application for an adult business regulatory permit.

C. An applicant is under eighteen (18) years of age.

D. The required application fee has not been paid.

E. The adult oriented business does not comply with the zoning ordinance locational standards, subsections 9-1T-3D through 9-1T-3F of this Code.

Each adult oriented business regulatory permit shall expire one (1) year from the date of issuance, and may be renewed only by filing with the City Manager a written request for renewal, accompanied by the annual permit fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for action upon applications for permits. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-7: TRANSFER OF ADULT ORIENTED BUSINESS REGULATORY PERMITS:

A. A permittee shall not operate an adult oriented business under the authority of an adult oriented business regulatory permit at any place other than the address of the adult oriented business stated in the application for the permit.

B. A permittee shall not transfer ownership or control of an adult oriented business or transfer an adult oriented business regulatory permit to another person unless and until the transferee obtains an amendment to the permit from the City Manager stating that the transferee is now the permittee. Such an amendment may be obtained only if the transferee files an application with the City Manager in accordance with sections 5-2F-3 and 5-2F-4 of this article, accompanies the application with a transfer fee in an amount set by resolution of the City Council, and the City Manager determines in accordance with section 5-2F-5 of this article that the transferee would be entitled to the issuance of an original permit.

C. No permit may be transferred when the City Manager has notified the permittee that the permit has been or may be suspended or revoked.

D. Any attempt to transfer a permit either directly or indirectly in violation of this section is hereby declared void, and the permit shall be deemed revoked. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-8: ADULT ORIENTED BUSINESS PERFORMER PERMIT:

A. No person shall engage in or participate in any live performance depicting specified anatomical areas or involving specified sexual activities in an adult oriented business, without a valid adult oriented business performer permit issued by the City. All persons who have been issued an adult oriented business regulatory permit shall promptly supplement the information provided as part of the application for the permit required by section 5-2F-2 of this article, with the names of all performers required to obtain an adult oriented business performer permit, within thirty (30) days of any change in the information originally submitted. Failure to submit such changes shall be grounds for suspension of the adult oriented business regulatory permit.

B. The City Manager shall grant, deny and renew adult business employee permits.

C. The application for a permit shall be made on a form provided by the City Manager. An original and two (2) copies of the completed and sworn permit application shall be filed with the City Manager.

D. The completed application shall contain the following information and be accompanied by the following documents:

1. The applicant's legal name and any other names (including "stage names" and aliases) used by the applicant;

2. Age, date and place of birth;

3. Height, weight, hair and eye color;

4. Present residence address and telephone number;

5. Whether the applicant has ever been convicted of:

a. Any of the offenses set forth in sections 315, 316, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(D) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered.

b. The equivalent of the aforesaid offenses outside the State of California;

6. Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution;

7. State driver's license or identification number;

8. Satisfactory written proof that the applicant is at least eighteen (18) years of age;

9. The applicant's fingerprints on a form provided by the Police Department, and a color photograph clearly showing the applicant's face. Any fees for the photographs and fingerprints shall be paid by the applicant;

10. If the application is made for the purpose of renewing a license, the applicant shall attach a copy of the license to be renewed.

E. The completed application shall be accompanied by a nonrefundable application fee. The amount of the fee shall be set by resolution of the City Council.

F. Upon receipt of an application and payment of the application fees, the City Manager or his Special Hearing Officer shall immediately stamp the application as received and promptly investigate the application.

G. If the City Manager determines that the applicant has completed the application improperly, the City Manager shall promptly notify the applicant of such fact and grant the applicant an extension of time of not more than ten (10) days to complete the application properly. In addition, the applicant may request an extension, not to exceed ten (10) days, of the time for the City Manager to act on the application. The time period for granting or denying a permit shall be stayed during the period in which the applicant is granted an extension of time.

H. The foregoing time limits shall be subordinate to the overall time limits set forth in subsection 5-2F-5D of this article. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-9: INVESTIGATION AND ACTION ON PERFORMER PERMIT

APPLICATION:

A. Within five (5) days after receipt of the properly completed application, the City Manager or his Special Hearing Officer shall grant or deny the application and so notify the applicant as follows:

1. The City Manager shall write or stamp "Granted" or "Denied" on the application and date and sign such notation.

2. If the application is denied, the City Manager shall attach to the application a statement of the reasons for denial.

3. If the application is granted, the City Manager shall attach to the application an adult oriented business employee permit.

4. The application as granted or denied and the permit, if any, shall be placed in the

United States mail, first class postage prepaid, addressed to the applicant at the residence address stated in the application.

B. The City Manager or his Special Hearing Officer shall grant the application and issue the permit unless the application is denied for one (1) or more of the reasons set forth in subsection D of this section.

C. The foregoing time limits shall be subordinate to the provisions of subsection 5-2F-5D of this article.

D. The City Manager or his Special Hearing Officer shall deny the application for any of the following reasons:

1. The applicant has knowingly made any false, misleading, or fraudulent statement of a material fact in the application for a permit or in any report or document required to be filed with the application;

2. The applicant is under eighteen (18) years of age;

3. The adult oriented business employee permit is to be used for performing in a business prohibited by State or City law.

4. The applicant has been registered in any state as a prostitute.

5. The applicant has been convicted of any of the offenses enumerated in subsection 5-2F-8D5 of this article or convicted of an offense outside the State of California that would have constituted any of the described offenses if committed within the State of California. A permit may be issued to any person convicted of the described crimes if the conviction occurred more than five (5) years prior to the date of the application.

E. Each adult oriented business performer permit shall expire one (1) year from the date of issuance and may be renewed only by filing with the City Manager a written request for renewal, accompanied by the application fee and a copy of the permit to be renewed. The request for renewal shall be made at least thirty (30) days before the expiration date of the permit. When made less than thirty (30) days before the expiration date, the expiration of the permit will not be stayed. Applications for renewal shall be acted on as provided herein for applications for permits. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-10: SUSPENSION OR REVOCATION OF ADULT ORIENTED BUSINESS REGULATORY PERMITS AND ADULT ORIENTED BUSINESS PERFORMER PERMITS:

An adult oriented business regulatory permit or adult oriented business performer permit may be suspended or revoked in accordance with the procedures and standards of this section.

A. On determining that grounds for permit revocation exist, the City Manager or his Special Hearing Officer shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground or grounds upon which the hearing is based, the pertinent Code sections, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be delivered to the permittee personally, at least ten (10) days prior to the hearing date. Hearings shall be conducted in accordance with procedures established by the City Manager, but at a minimum shall include the following:

1. All parties involved shall have a right to offer testimonial, documentary, and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness. The City Manager's or his Special Hearing Officer's decision may be appealed in accordance with section 5-2F-11 of this article.

B. A permittee may be subject to suspension or revocation of his permit, or be subject to other appropriate disciplinary action, for any of the following causes arising from

the acts or omissions of the permittee, or an employee, agent, partner, director, stockholder, or manager of an adult oriented business:

1. The permittee has knowingly made any false, misleading or fraudulent statement of material facts in the application for a permit, or in any report or record required to be filed with the City.

2. The permittee, employee, agent, partner, director, stockholder, or manager of an adult oriented business has knowingly allowed or permitted, and has failed to make a reasonable effort to prevent the occurrence of any of the following on the premises of the adult oriented business, or in the case of an adult oriented business performer, the permittee has engaged in one (1) of the activities described below while on the premises of an adult oriented business:

a. Any act of unlawful sexual intercourse, sodomy, oral copulation, or masturbation.

b. Use of the establishment as a place where unlawful solicitations for sexual intercourse, sodomy, oral copulation, or masturbation openly occur.

c. Any conduct constituting a criminal offense which requires registration under section 290 of the California Penal Code.

d. The occurrence of acts of lewdness, assignation, or prostitution, including any conduct constituting violations of sections 315, 316, or 318 or subdivision b of section 647 of the California Penal Code.

e. Any act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors, including, but not limited to, sections 311 through 313.4.

f. Any conduct prohibited by this article.

3. Failure to abide by an disciplinary action previously imposed by an appropriate City official.

C. After holding the hearing in accordance with the provisions of this section, if the City Manager or his Special Hearing Officer finds and determines that there are grounds for disciplinary action, based upon the severity of the violation, the Police Chief shall impose one (1) of the following:

1. A warning;

2. Suspension of the permit for a specified period not to exceed six (6) months;

3. Revocation of the permit. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-11: APPEAL OF DENIAL; SUSPENSION OR REVOCATION:

After denial of an application for an adult oriented business regulatory permit or an adult oriented business performer permit, or after denial of renewal of a permit, or suspension or revocation of a permit, the applicant or person to whom the permit was granted may seek review of such administrative action in accordance with this Code.

A. If the denial, suspension or revocation is affirmed on review, the applicant, permittee may seek prompt judicial review of such administrative action pursuant to California Code of Civil Procedure section 1094.5. The City shall make all reasonable efforts to expedite judicial review, if sought by the permittee.

B. The time limits set forth in subsection 5-2F-5D of this article shall prevail. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-12: ADULT ORIENTED BUSINESS DEVELOPMENT AND PERFORMANCE STANDARDS:

A. Maximum occupancy load, fire exits, aisles and fire equipment shall be regulated, designed and provided in accordance with the Fire Department and building regulations and standards adopted by the City of Temple City.

B. 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 way or from any

location outside the building or area of such establishment. This provision shall apply to any display, decoration, sign, show window or other opening. No exterior door or window on the premises shall be propped or kept open at any time while the business is open, and any exterior windows shall be covered with opaque covering at all times.

C. All off street parking area and premises entries of the sexually oriented business shall be illuminated from dusk to closing hours of operation with a lighting system which provides an average maintained horizontal illumination of one (1) foot-candle of light on the parking surface and/or walkways. The required lighting level is established in order to provide sufficient illumination of the parking areas and walkways serving the sexually oriented business for the personal safety of patrons and employees and to reduce the incidence of vandalism and criminal conduct. The lighting shall be shown on the required sketch or diagram of the premises.

D. The premises within which the adult oriented business is located shall provide sufficient sound absorbing insulation so that noise generated inside said premises shall not be audible anywhere on any adjacent property or public right-of-way or within any other building or other separate unit within the same building.

E. Except for those businesses also regulated by the California Department of Alcoholic Beverage Control, an adult oriented business shall be open for business only between the hours of eight o'clock (8:00) A.M. and twelve o'clock (12:00) midnight on any particular day.

F. The building entrance to an adult oriented business shall be clearly and legibly posted with a notice indicating that persons under eighteen (18) years of age are precluded from entering the premises. Said notice shall be constructed and posted to the satisfaction of the Community Development Director or designee. No person under the age of eighteen (18) years shall be permitted within the premises at any time.

G. All indoor areas of the adult oriented business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

H. Any adult oriented business which is also an "adult arcade", shall comply with the following provisions:

1. The interior of the premises shall be configured in such a manner that there is an unobstructed view from a manager's station of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. Restrooms may not contain video reproduction equipment. If the premises has two (2) or more manager's stations designated, then the interior of the premises shall be configured in such a manner that there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose from at least one (1) of the manager's stations. The view required in this subsection must be direct line of sight from the manager's station.

2. The view area specified in subsection H1 of this section shall remain unobstructed by any doors, walls, merchandise, display racks, or other materials at all times. No patron is permitted access to any area of the premises which has been designated as an area in which patrons will not be permitted.

3. No viewing room may be occupied by more than one (1) person at any one time.

4. The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times, with no holes between any two (2) such rooms such as would allow viewing from one (1) booth into another or such as to allow physical contact of any kind between the occupants of any two (2) such booths or rooms.

5. Customers, patrons or visitors shall not be allowed to stand idly by in the vicinity of any such video booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the video booths.

6. The floors, seats, walls and other interior portions of all video booths shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any such booths shall be evidence of improper maintenance and inadequate sanitary controls; repeated instances of such conditions may justify suspension or revocation of the owner and operator's license to conduct the adult oriented establishment.

I. All areas of the adult oriented business shall be illuminated at a minimum of the following foot-candles, minimally maintained and evenly distributed at ground level:

Area	Foot-Candles
Arcades	10
Bookstores and other retail establishments	20
Modeling studios	20
Motels/hotels	20 (in public areas)
Theaters and cabarets	5 (except during performances, at which times lighting shall be at least 1.25 foot-candles)

J. Adult oriented business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from any adult material. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this subsection shall not apply to an adult oriented business which deals exclusively with sale or rental of adult material which is not used or consumed on the premises, such as an adult bookstore or adult video store, and which does not provide restroom facilities to its patrons or the general public.

K. The following additional requirements shall pertain to adult oriented businesses or any other business providing live entertainment depicting specified anatomical areas or involving specified sexual activities, except for businesses regulated by the Alcoholic Beverage Control Commission:

1. No person shall perform live entertainment for patrons of an adult oriented business except upon a stage at least eighteen inches (18") above the level of the floor which is separated by a distance of at least ten feet (10') from the nearest area occupied by patrons, and no patron shall be permitted within ten feet (10') of the stage while the stage is occupied by an entertainer. "Entertainer" shall mean any person who is an employee or independent contractor of the adult oriented business, or any person who, with or without any compensation or other form of consideration, performs live entertainment for patrons of an adult oriented business.

2. The adult oriented business shall provide separate dressing room facilities for entertainers which are exclusively dedicated to the entertainers' use.

3. The adult oriented business shall provide an entrance/exit for entertainers which is separate from the entrance/exit used by patrons.

4. The adult oriented business shall provide access for entertainers between the stage and the 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 (3') wide walk aisle for entertainers between the dressing room area and the stage, with a railing, fence or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers.

5. No entertainer, either before, during or after performances, shall have physical contact with any patron and no patron shall have physical contact with any entertainer either before, during or after performances by such entertainer. This subsection shall only apply to physical contact on the premises of the adult oriented business.

6. Fixed rail(s) at least thirty inches (30") in height shall be maintained establishing the separations between entertainers and patrons required by this subsection.

7. No patron shall directly pay or give any gratuity to any entertainer and no entertainer shall solicit any pay or gratuity from any patron.

8. No owner or other person with managerial control over an adult oriented business (as that term is defined herein) shall permit any person on the premises of the adult oriented business to engage in a live showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque coverage, and/or the female breast with less than a fully opaque coverage over any part of the nipple or areola and/or covered male genitals in a discernibly turgid state. This provision may not be

complied with by applying an opaque covering simulating the appearance of the specified anatomical part required to be covered.

L. Adult oriented businesses shall employ security guards in order to maintain the public peace and safety, based upon the following standards:

1. Adult oriented businesses featuring live entertainment shall provide at least one (1) security guard at all times while the business is open. If the occupancy limit of the premises is greater than thirty five (35) persons, an additional security guard shall be on duty.

2. Security guards for other adult oriented businesses may be required if it is determined by the Police Chief that their presence is necessary in order to prevent any of the conduct listed in subsection 5-2F-10B2 of this article from occurring on the premises.

3. Security guard(s) shall be charged with preventing violations of law and enforcing compliance by patrons of the requirements of these regulations. Security guards shall be uniformed in such a manner so 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 required pursuant to this subsection shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

The foregoing applicable requirements of this section shall be deemed conditions of adult oriented business regulatory permit approvals, and failure to comply with every such requirement shall be grounds for revocation of the permit issued pursuant to these regulations. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-13: REGISTER AND PERMIT NUMBER OF EMPLOYEES:

Every permittee of an adult oriented business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities must maintain a register of all persons so performing on the premises and their permit numbers. Such register shall be available for inspection during regular business hours by any police officer or health officer of the City of Temple City. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-14: DISPLAY OF PERMIT AND IDENTIFICATION CARDS:

A. Every adult oriented business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such adult oriented business in a conspicuous place so that the same may be readily seen by all persons entering the adult oriented business.

B. The City Manager shall provide each adult oriented business performer required to have a permit pursuant to this chapter, with an identification card containing the name, address, photograph and permit number of such performer.

C. An adult oriented business performer shall have such card available for inspection at all times during which such person is on the premises of the adult oriented business. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-15: EMPLOYMENT OF AND SERVICES RENDERED TO PERSONS UNDER THE AGE OF EIGHTEEN YEARS PROHIBITED:

A. It shall be unlawful for any permittee, operator, or other person in charge of any adult oriented business to employ, or provide any service for which it requires such permit, to any person who is not at least eighteen (18) years of age.

B. It shall be unlawful for any permittee, 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 at least eighteen (18) years of age. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-16: INSPECTION:

An applicant or permittee shall permit representatives of the Sheriff's Department, Health Department, Fire Department, Planning Division, or other City departments or agencies to inspect the premises of an adult oriented business for the purpose of ensuring compliance with the law and the development and performance standards applicable to adult oriented businesses, at any time it is occupied or opened for business. A person who operates an adult oriented business or his or her agent or employee is in violation of the provisions of this section if he/she refuses to permit such lawful inspection of the premises at any time it is occupied or open for business. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-17: REGULATIONS NONEXCLUSIVE:

The provisions of this section regulating adult oriented businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other regulations pertaining to the operation of businesses as adopted by the City Council of the City of Temple City nor shall it excuse the commission of a public nuisance. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-18: EMPLOYMENT OF PERSONS WITHOUT PERMITS UNLAWFUL:

It shall be unlawful for any owner, operator, manager, or permittee in charge of or in control of an adult oriented business which provides live entertainment depicting specified anatomical areas or involving specified sexual activities to allow any person to perform such entertainment who is not in possession of a valid, unrevoked adult oriented business performer permit. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-19: TIME LIMIT FOR FILING APPLICATION FOR PERMIT:

All persons who possess an outstanding business license heretofore issued for the operation of an adult oriented business and all persons required by this article to obtain an adult oriented business performer permit, must apply for and obtain such a permit within ninety (90) days of the effective date of these actions. Failure to do so and continued operation of an adult oriented business, or the continued performances depicting specified anatomical areas or specified sexual activities in an adult oriented business after such time without a permit shall constitute a violation of this section. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-20: SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this article or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this article or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-21: CALIFORNIA ENVIRONMENTAL QUALITY ACT FINDING:

The City Council finds that this ordinance is enacted in order to mitigate the threat posed to the public peace, health, or safety by adult oriented businesses. In this regard, the findings set forth in section 1 of this ordinance are incorporated herein by reference. This ordinance either provides for the amendment of existing regulations applicable to adult oriented businesses or, for the first time, provides for zoning regulations which are specifically applicable to adult oriented business uses. Such uses are already allowed under the City's existing zoning regulations. Therefore, it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, and therefore the adoption of this ordinance is exempt from CEQA pursuant to section 15061(b)(3) of the CEQA guidelines. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-22: REPEAL:

All City ordinances inconsistent herewith are hereby repealed. (Ord. 99-835; amd. Ord. 17-1022)

5-2F-23: EFFECTIVE DATE:

This article shall go into effect and be in full force and operation from and after thirty (30) days after its final passage and adoption. (Ord. 99-835; amd. Ord. 17-1022)

Chapter 3
BUSINESS TAXES

ARTICLE A. SALES TAX

5-3A-0: SHORT TITLE:

This article shall be known as the *UNIFORM LOCAL SALES AND USE TAX ORDINANCE OF THE CITY OF TEMPLE CITY*. (1960 Code)

5-3A-1: PURPOSE:

The city council of the city of Temple City hereby declares that this article is adopted to achieve the following among other purposes, and directs that the provisions thereof 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 of the state of California.

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 of California insofar as those provisions are not inconsistent with the requirements and limitations contained in part 1.5 of division 2 of the said Revenue And Taxation Code.

C. To adopt a sales and use tax ordinance which imposes a one percent (1%) tax and provides a measure therefor that can be administered and collected by the state board of equalization in a manner that adapts itself as fully as practical 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 said 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 ordinance. (1960 Code)

5-3A-2: SALES TAX:

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the city at the rate of one percent (1%) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city of Temple City on and after the operative date of this article. (1960 Code)

5-3A-3: PLACE OF SALE:

For the purpose 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, the place or places at which the retail sales are consummated shall be determined under the rules and regulations to be prescribed and adopted by the board of equalization. (1960 Code)

5-3A-4: AMENDMENTS TO STATE CODE:

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of part 1.5 of division 2 of the said code, as amended, and in force and effect on January 1, 1975, applicable to sales taxes are hereby adopted and made a part of this section as though fully set forth herein. (1960 Code)

5-3A-5: REFERENCE TO "STATE":

Wherever, and to the extent that, in part 1 of division 2 of the said Revenue And Taxation Code the state of California is named or referred to as the taxing agency, the city of Temple City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the city of Temple City for the word "state" when that word is used as part of the title of the state controller, the state treasurer, the state board of control, the state board of equalization, or the name of the state treasury, or of the constitution of the state of California; nor shall the name of the city be substituted for that of the state in any section 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 article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of part 1 of division 2 of the said Revenue And Taxation Code; not to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under the said provisions of that code; and, in addition, the name of the city shall not be substituted for that of the state in sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797, 6828 of said Revenue And Taxation Code as adopted. (1960 Code)

5-3A-6: ADDITIONAL PERMIT NOT REQUIRED:

If a seller's permit has been issued to a retailer under section 6068 of the said Revenue And Taxation Code, an additional seller's permit shall not be required by reason of this section. (1960 Code)

5-3A-7: 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 have 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 computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.

D. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax.

E. 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.

F. In addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue And Taxation Code the storage, use or other consumption of 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. (1960 Code; amd. Ord. 83-544)

5-3A-8: CREDIT FOR TAXES DUE TO TEMPLE CITY COMMUNITY REDEVELOPMENT AGENCY:

Any person subject to a sales and use tax under the provisions of this chapter shall be entitled to credit against the payment of taxes due under this chapter the amount of sales and use taxes due to the Temple City community redevelopment agency pursuant to section 7202.6 of the Revenue And Taxation Code. In the event that the Temple City community redevelopment agency issues obligations secured in whole or in part by taxes levied pursuant to the provisions of section 7202.6 of the Revenue And Taxation Code, the city shall not revoke this credit in whole or in part, nor shall it reduce its sales and use tax rate, so long as such obligations are outstanding. (Ord. 93-757)

ARTICLE B. USE TAX

5-3B-0: EXCISE TAX IMPOSED:

An excise tax is hereby imposed on the storage, use or other consumption in the city of Temple City of tangible personal property purchased from any retailer on or after the operative date of this article, for storage, use or other consumption in the city at the rate of one percent (1%) 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. (1960 Code, as amended)

5-3B-1: ADOPTION OF STATE CODE:

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of part 1.5 of division 2 of said Revenue And Taxation Code, all of the provisions of part 1 of division 2 of said code, as amended and in force and effect on January 1, 1975, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein. (1960 Code, as amended)

5-3B-2: REFERENCE TO "STATE":

Whenever, and to the extent that, in part 1 of division 2 of the said Revenue And Taxation Code the state of California is named or referred to as the taxing agency, the city of Temple City shall be substituted therefor. Nothing in this subdivision shall be deemed to require the substitution of the name of the city of Temple City for the word "state" when that word issued as part of the title of state controller, the state treasurer, the state board of control, the state board of equalization, or the name of the state treasury, or of the constitution of the state of California, nor shall the name of the city be substituted for that of the state in any section 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 article; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of part 1 of division 2 of the said Revenue And Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provisions of that code;

and in addition, the name of the city shall not be substituted for that of the state in sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue And Taxation Code as adopted, and the name of the city shall not be substituted for the word "state" in the phrase "retailer engaged in business in this state" in section 6203 nor in the definition of that phrase in section 6203. (1960 Code, as amended)

5-3B-3: EXCLUSIONS FROM EXCISE TAX:

There shall be exempt from the tax due under this section:

A. The amount of 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 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 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 of California;

D. The use of 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. (1960 Code, as amended)

5-3B-4: AMENDMENTS TO STATE CODE:

All amendments of the said Revenue And Taxation Code enacted subsequent to the effective date of this article which relate to the sales and use tax and which are not inconsistent with part 1.5 of division 2 of the said Revenue And Taxation Code shall automatically become a part of this article. (1960 Code, as amended)

5-3B-5: ENJOINING COLLECTION FORBIDDEN:

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this article, 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. (1960 Code, as amended)

ARTICLE C. DOCUMENTARY STAMP TAX ON SALE OF REAL PROPERTY

5-3C-0: ADOPTION:

This article shall be known as the *REAL PROPERTY TRANSFER TAX ORDINANCE OF THE CITY OF TEMPLE CITY*. It is adopted pursuant to the authority contained in part 6.7 (commencing with section 11901) of division 2 of the Revenue And Taxation Code of the state of California. (1960 Code)

5-3C-1: APPLICATION OF TAX:

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the city of Temple City shall be 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 ($100.00), a tax at the rate of twenty seven and one-half cents ($0.275) for each five hundred dollars ($500.00) or fractional part thereof. (1960 Code)

5-3C-2: PAYMENT OF TAX:

Any tax imposed pursuant to these sections shall be paid by any person who makes, signs or issued any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (1960 Code)

5-3C-3: INAPPLICABLE TO DEBT INSTRUMENT:

Any tax imposed pursuant to this article shall not apply to any instrument in writing given to secure a debt. (1960 Code)

5-3C-4: INAPPLICABLE TO FEDERAL GOVERNMENT:

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 article with respect to any deed, instrument or writing to which it is a party, but the tax may be collected by assessment from any party liable therefor. (1960 Code)

5-3C-5: EXCLUSIONS:

Any tax imposed pursuant to this article shall not apply to the making, delivering or filing of conveyance to make effective any plan or reorganization or adjust which is:

A. Confirmed under the federal bankruptcy act, as amended;

B. 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;

C. 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

D. A mere change in identity, form or place of organization is effected.

Subsections A to D, inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change. (1960 Code)

5-3C-6: INAPPLICABLE TO SEC TRANSFERS:

Any tax imposed pursuant to this article 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. (1960 Code)

5-3C-7: PARTNERSHIP PROPERTY:

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

A. Such partnership (or another partnership) is considered a continuing partnership within the meaning of section 708 of the internal revenue code of 1954; and

B. Such continuing partnership continues to hold the realty concerned. (1960 Code)

5-3C-8: TERMINATION OF PARTNERSHIP:

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 article, 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. (1960 Code)

5-3C-9: NO DUPLICATION OF TAX:

Not more than one tax shall be imposed pursuant to this article by reason of a termination described in section 5-3C-8 of this article and any transfer pursuant thereto with respect to the realty held by such partnership at the time of such termination. (1960 Code)

5-3C-10: ENFORCEMENT:

The county recorder shall administer this article 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. (1960 Code)

5-3C-11: REFUNDS:

Claims for refund of taxes imposed pursuant to this article shall be governed by the provisions of chapter 5 (commencing with section 5096) of part 9 of division 1 of the Revenue And Taxation Code of the state of California. (1960 Code)

ARTICLE D. TRANSIENT OCCUPANCY TAX

5-3D-0: TITLE:

This article shall be known as the *UNIFORM TRANSIENT OCCUPANCY TAX ORDINANCE OF THE CITY OF TEMPLE CITY*. (1960 Code)

5-3D-1: DEFINITIONS:

Except where the context otherwise requires, the definitions given in this section govern the construction of this article:

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

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

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

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

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

TAX ADMINISTRATOR: The city treasurer of the city of Temple City.

TRANSIENT: Any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement for a period of thirty (30) consecutive calendar days or less, counting portions of calendar days as full days. Any such person so occupying space in a hotel shall be deemed to be a transient until the period of thirty (30) days has expired unless there is an agreement in writing between the operator and the occupant providing for a longer period of occupancy. In determining whether a person is a transient, uninterrupted periods of time extending both prior and subsequent to the effective date of this article may be considered. (1960 Code; amd. Ord. 89-658)

5-3D-2: TAX IMPOSED:

For the privilege of occupancy in any motel, hotel, each transient is subject to and shall pay tax in the amount of ten percent (10%) of the rent charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the motel or hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the motel or hotel. If for any reason the tax due is not paid to the operator of the motel or hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator. (1960 Code; amd. Ord. 91-707)

5-3D-3: EXEMPTIONS:

No tax shall be imposed upon:

A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;

B. Any federal or state of California officer or employee when on official business;

C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. (1960 Code)

5-3D-4: OPERATOR'S DUTIES:

Each operator shall collect the tax imposed by this article to the same extent and at the same time as the rent is collected from every transient. The amount of the tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. (1960 Code)

5-3D-5: REGISTRATION:

Within thirty (30) days after the effective date of this article, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the tax administrator and obtain from him a "transient occupancy registration certificate" to be at all times posted in a

conspicuous place on the premises. Said certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. *This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Ordinance by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any board, commission, department or office of this City. This Certificate does not constitute a permit.*
(1960 Code)

5-3D-6: REPORTING AND REMITTING:

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any certificate holder if he deems it necessary in order to insure collection of the tax and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operator pursuant to this article shall be held in trust for the account of the city until payment thereof is made to the tax administrator. (1960 Code)

5-3D-7: PENALTIES AND INTEREST:

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

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

C. Fraud: If the tax administrator determines that the nonpayment of any remittance due under this article is due to fraud, a penalty of twenty five percent (25%) of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.

D. Interest: In addition to the penalties imposed, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one-half of one percent (0.05%) per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.

E. Penalties Merged With Tax: Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (1960 Code)

5-3D-8: FAILURE TO COLLECT AND REPORT TAX; DETERMINATION

OF TAX BY TAX ADMINISTRATOR:

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this article, any report and remittance of said tax or any portion thereof required by this article, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this article. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or be depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at this last known place of address. Such operator may within ten (10) days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five (5) days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in section 5-3D-9 of this article. (1960 Code)

5-3D-9: APPEAL:

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen (15) days of the serving or mailing of the determination of the tax due. The council shall fix a time and place for hearing such appeal, and the city clerk shall give notice in writing to such operator at his last known place of address. The findings of the council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice. (1960 Code)

5-3D-10: RECORDS:

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this article to keep and preserve, for a period of three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the city, which records the tax administrator shall have the right to inspect at all reasonable times. (1960 Code)

5-3D-11: REFUNDS:

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

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

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

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (1960 Code)

5-3D-12: ACTIONS TO COLLECT:

Any tax required to be paid by any transient under the provisions of this article shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owned by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city of Temple City for the recovery of such amount. (1960 Code)

5-3D-13: VIOLATIONS, MISDEMEANOR:

Any person violating any of the provisions of this article shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than five hundred dollars ($500.00) or by imprisonment in the county jail for a period of not more than six (6) months or by both such fine and imprisonment.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim with intent to defeat or evade the determination of any amount due required by this article to be made, is guilty of a misdemeanor and is punishable as aforesaid. (1960 Code)

5-3D-14: SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this article or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this chapter or any part thereof. The city council hereby declares that it would have passed each section, subsection, subdivisions, paragraph, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional. (1960 Code)

ARTICLE E. MOBILE SOURCE AIR POLLUTION REDUCTION

5-3E-0: TITLE:

This article shall be known as the *MOBILE SOURCE AIR POLLUTION REDUCTION ORDINANCE OF THE CITY OF TEMPLE CITY.* (1960 Code)

5-3E-1: INTENT:

This article is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the city into compliance with the requirements set forth in section 44243 of the Health And Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles. (1960 Code)

5-3E-2: DEFINITIONS:

Except where the context otherwise requires, the definitions given in this section govern the construction of this article:

CITY: The city of Temple City.

FEE ADMINISTRATOR: The finance director of the city or his/her designee.

MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAMS: Any program or project implemented by the city to reduce air pollution from motor vehicles which it determines will be consistent with the California clean air act of 1988 or the plan proposed pursuant to article 5 (commencing with 40460) of chapter 5.5 of part 3 of the California Health And Safety Code. (1960 Code)

5-3E-3: ADMINISTRATION OF VEHICLE REGISTRATION FEE:

A. Receipt Of Fee: The additional vehicle registration fees disbursed by the SCAQMD and remitted to the city, pursuant to this article, shall be accepted by the fee administrator.

B. Establishment Of Air Quality Improvement Trust Fund: The fee administrator shall establish a separate interest bearing trust fund account in a financial institution authorized to receive deposits of city funds.

C. Transfer Of Funds: Upon receipt of vehicle registration fees, the fee administrator shall deposit such funds into the separate account established pursuant to section 5-3E-1 of this article. All interest earned by the trust fund account shall be credited only to that account.

D. Expenditure Of Air Quality Trust Fund Revenues: All revenues received from the SCAQMD and deposited in the trust fund account shall be exclusively expended on mobile source emission reduction programs as defined in section 5-3E-2 of this article. Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.

E. Audits: The city consents to an audit of all programs and projects funded by vehicle registration fee revenues received from the SCAQMD pursuant to section 44223 of the Health And Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in sections 44244 and 44244.1(a) of the Health And Safety Code. (1960 Code)

Title 6
PUBLIC HIGHWAYS, SEWER AND UTILITIES

Chapter 1
PUBLIC HIGHWAYS

ARTICLE A. ADOPTION OF CODE

6-1A-0: ADOPTION OF CODE:

Except as hereinafter provided, that certain highway permit ordinance known and designated as the Los Angeles County highway permit ordinance as contained in ordinances 3597 and 9879 of the county of Los Angeles and including all amendments and supplements enacted and in effect on or before December 7, 1979, shall be and become the highway permit ordinance of the city of Temple City which regulates streets and highways and provides for permits for the moving of buildings and the making of excavations in public streets and the laying, constructing and repairing of curbs and sidewalks. (1960 Code, as amended)

6-1A-1: COPIES ON FILE:

Three (3) copies of ordinances 3597 and 9879, as amended, of the county of Los Angeles, are on deposit in the office of the city clerk and shall be at all times maintained by said city clerk for use and examination by the public. (1960 Code, as amended)

6-1A-2: TERMS USED:

Whenever any of the following names or terms are used in said ordinances, each such name or term shall be deemed and construed to have the meaning ascribed to it

in this section as follows:

COUNTY, COUNTY OF LOS ANGELES OR UNINCORPORATED AREA: The city of Temple City.

SUPERINTENDENT OF STREETS: The road commissioner of the county of Los Angeles or such other person as may be appointed to act in such capacity by the city council of the city of Temple City from time to time by resolution or minute order. (1960 Code, as amended)

6-1A-3: FEES:

The fees payable for permits pursuant to ordinance 3597, as amended, of the county of Los Angeles, shall be from time to time adopted by resolution. (Ord. 77-451)

ARTICLE B. OBSTRUCTION ABATEMENT

Part 1. Corner Properties

6-1B-0: SHORT TITLE:

This article shall be known as the *OBSTRUCTION ABATEMENT CODE*. (1960 Code)

6-1B-1: CONTENTS:

This article embraces only obstructions to visibility which unreasonably or substantially interfere with such visibility in areas covered by this article. (1960 Code)

6-1B-2: OBSTRUCTIONS PROHIBITED:

On property at any corner formed by intersecting streets it shall be unlawful to install, set out or maintain or to allow the installation, setting out or maintenance of any sign, hedge, shrubbery, natural growth or other obstruction to the view higher than forty inches (40") above the reference point located at:

A. The point of intersection with the prolongation of the curb lines; or in the absence of such; or

B. The point of intersection of the prolongation of the edge of the paved roadway;

within the triangular area between the curb or edge of the paved roadway lines and a diagonal line joining points on the curb or edge of paved roadway lines forty feet (40') from the point of their intersection or in the case of rounded corners, the triangular area included between the reference point and the curb line or edge of paved roadway line forty feet (40') from the point of intersection. (1960 Code)

6-1B-3: EXCEPTIONS:

The foregoing provision shall not apply to permanent buildings, public utility poles, young saplings or trees trimmed (to the trunk) to a line at least six feet (6') above the level of the reference point as defined in section 6-1B-2 of this article, official traffic signs or to places where the natural contour of the ground is such that there can be no crossing visibility at the intersection. (1960 Code)

6-1B-4: INVESTIGATION:

The enforcement of this part shall be under the direction of the city manager, as follows:

A. The city manager shall cause alleged violations of this code to be investigated forthwith;

B. The city manager shall review these findings within thirty (30) days and either authorize the sheriff of Los Angeles County to post such notice as is hereinafter set

forth and perform such other duties to enforce this code as are necessary or shall notify the said sheriff in writing, that no abatement is necessary. (1960 Code)

6-1B-5: APPEALS:

The owner of such posted property may appeal to the traffic commission of the city and show cause why said work should not be done or why the time therefor should be extended. Such appeal shall be in writing and shall be filed with the city clerk of the city within ten (10) days from the date of posting notice. The said traffic commission shall hear and pass upon such appeal, and its determination thereon shall be final except for an appeal that may be filed with the city council within ten (10) days of the date of the mailing of the traffic commission's decision. (1960 Code)

6-1B-6: REMEDIES:

Any obstruction maintained in violation of this article shall be deemed nuisance and upon failure to abate the same within twenty (20) days after the posting upon the premises of notice to abate the nuisance, the city manager or his authorized agent may enter upon the premises and remove or eliminate the obstruction. In such event, the cost to the city of the abatement of the nuisance shall be a lien upon the premises provided a claim therefor be filed within the time and in the manner as prescribed in sections 3093, 3097, 3115 and 3118 of the Civil Code of the state of California. The cost of such abatement shall, in addition, be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the city in an action before any court of competent jurisdiction. (1960 Code)

Part 2. Intersections

6-1B-20: OBSTRUCTIONS BETWEEN INTERSECTIONS:

Obstructions to visibility at edge of roadway between intersecting streets which unreasonably or substantially interfere with the safety of pedestrian movements and/or vehicular movements are hereby declared to be matters of public safety and subject to regulation under the police power of the city. (1960 Code)

6-1B-21: OBSTRUCTIONS PROHIBITED:

There shall not be maintained upon any property facing any public street any sign, hedge, shrubbery, natural growth or other obstruction to the view, higher than forty inches (40") above the gutter (or if there be no gutter, the edge of the roadway) within a distance of ten feet (10') from the edge of the gutter or roadway as hereinafter defined. (1960 Code)

6-1B-22: GUTTER AND EDGE OF ROADWAY DEFINED:

EDGE OF ROADWAY: The average edge of the paved roadway existing in front of any parcel of property.

GUTTER: The bottom of the curb at the juncture of the curb and gutter. (1960 Code)

6-1B-23: EXCEPTIONS:

The foregoing provisions shall not apply to permanent buildings, public utility poles, young saplings or trees trimmed (to the trunk) to a line at least six feet (6') above the level of the reference point as defined in section 6-1B-22 of this article, or to places where the natural contour of the ground is such that there can be no cross visibility at the midblock location. (1960 Code)

6-1B-24: INVESTIGATION:

The enforcement of sections 6-1B-20 through 6-1B-26 of this article shall be under the direction of the city manager.

A. The city manager shall cause alleged violations of this code to be investigated forthwith.

B. The city manager or his authorized agent shall review these findings within thirty (30) days and either authorize the sheriff of Los Angeles County to post such notice as is hereinafter set forth and perform such other duties to enforce this code as are necessary or shall notify the said sheriff, in writing, that no abatement is necessary. (1960 Code)

6-1B-25: APPEALS:

The owner of such posted property may appeal to the traffic commission of the city and show cause why such work should not be done or why the time therefor should be extended. Such appeal shall be in writing and shall be filed with the city clerk of the city within ten (10) days from the date of posting notice. The said traffic commission shall hear and pass upon such appeal, and its determination thereon shall be final except for an appeal that may be filed with the city council within ten (10) days of the date of the mailing of the traffic commission's decision. (1960 Code)

6-1B-26: REMEDIES:

Any obstruction maintained in violation of this article shall be deemed a nuisance and upon failure to abate the same within twenty (20) days after the posting upon the premises of the notice to abate the nuisance the city manager or his authorized agent may enter upon the premises and remove or eliminate the obstruction. In such event, the cost to the city of the abatement of the nuisance shall be a lien upon the premises provided a claim therefor be filed within the time and in the manner as prescribed in sections 3093, 3097, 3115 and 3118 of the Civil Code of the state of California. The cost of such abatement, shall in addition, be a personal obligation against the owner of the premises upon which the nuisance was maintained, recoverable by the city in an action before any court of competent jurisdiction. (1960 Code)

Chapter 2
SEWERS AND WASTE

ARTICLE A. ADOPTION OF CODE

6-2A-0: ADOPTION OF CODE:

Except as hereinafter provided, that certain code known and designated as the Los Angeles County code, title 20, utilities, division 2, sanitary sewers and industrial waste as amended, except as herein provided, shall be and become the sanitary sewer and industrial waste ordinance of the city of Temple City providing for the issuance of permits and the collection of fees therefor and providing penalties for violation of such code.

The fees for the issuance of industrial waste permits shall be the same as those established by the county of Los Angeles in title 20, utilities, division 2, sanitary sewer and industrial waste ordinance and any subsequent amendments, modifications or annual COLA adjustments, plus twenty percent (20%) charge, except as may be modified by resolution of the city council. (1960 Code; amd. Ord. 89-662; Ord. 95-782)

6-2A-1: COPIES ON FILE:

Three (3) copies of said ordinance 6130, as amended, of the county of Los Angeles, have been deposited with the city clerk and shall be at all times maintained by said city clerk for use and examination by the public. (1960 Code)

6-2A-2: REFERENCE TO UNINCORPORATED AREA:

Whenever in the said ordinance 6130 reference is made to the unincorporated area of the county of Los Angeles, such area shall be deemed to include in its true geographical location, the area of the city of Temple City. (1960 Code)

6-2A-3: TERMS:

Whenever any of the following names or terms are used in the said ordinance 6130,

each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

BOARD: The city council.

COUNTY ENGINEER: The city engineer.

COUNTY HEALTH OFFICER: The city health officer.

COUNTY OF LOS ANGELES: The city of Temple City, except in such instances where the county of Los Angeles is a correct notation due to circumstances.

COUNTY SEWER MAINTENANCE DISTRICT: The county sewer maintenance district except in the instance where the territory concerned either is not within or has been withdrawn from a county sewer maintenance district. In any such instance "county sewer maintenance district" shall mean the city of Temple City.

ORDINANCE: An ordinance of the city of Temple City, except in such instances where the reference is to a stated ordinance of the county of Los Angeles.

PUBLIC SEWER: All sanitary sewers and appurtenances thereto, lying within streets or easements dedicated to the city, which are under the sole jurisdiction of the city.

TRUNK SEWER: A sewer under the jurisdiction of a public entity other than the city of Temple City. (1960 Code)

6-2A-4: AMENDMENT OF COUNTY CODE:

The following amendments to ordinance 6130 are hereby enacted:

A. Section 4007.1 of said ordinance is amended to read as follows:

The city engineer may recommend that the city council approve an agreement to reimburse or agree to reimburse a subdivider, school district, an improvement district formed under special assessment procedures, or person for the cost of constructing sanitary sewers for public use where such sewers can or will be used by areas outside of the proposed development; and to establish a reimbursement district and collection rates are described in the agreement under the provisions of this ordinance.

B. Section 5204.2 of said ordinance is amended to read as follows:

In the event the city engineer determines that the property described in the application for a permit is included within a sewer reimbursement district, which has been formed by the city council in accordance with section 4007.1, the charge for connecting to the public sewer shall be as set forth in the agreement.

C. Section 5212 of said ordinance is amended to read as follows:

Except as otherwise provided in this ordinance all money received under section 5201 shall be deposited with the city treasurer and credited to the special sewer maintenance fund.

D. Section 5221 of said ordinance is hereby repealed.

E. Section 5222 of said ordinance is amended to read as follows:

All monies collected under this section for sewer maintenance are to be submitted directly to the county sewer maintenance district for inclusion in the maintenance district's funds.

F. Section 5506 of said ordinance is amended to read as follows:

In the event the damaged public sewer is not in a sewer maintenance district, the violator shall reimburse the city within thirty (30) days after the city engineer shall render an invoice for the same. The amount when paid shall be deposited in the city treasury.

G. Section 6109 of said ordinance is amended to read as follows:

No uncontaminated cooling water shall be discharged into a drainage system connected with a public sanitary sewer except by written permission from the city engineer.

H. The following is added to section 5212 of said ordinance:

The city of Temple City shall not be held liable or responsible for reimbursement to subdividers for any fees paid to the county of Los Angeles.
(1960 Code)

6-2A-5: COUNTY PERMITS:

Any permit heretofore issued by the county of Los Angeles pursuant to the sanitary sewer and industrial waste ordinance of said county for work within the territorial limits of the city shall remain in full force and effect according to its terms. (1960 Code)

ARTICLE B. SEWER CHARGES

6-2B-0: TITLE:

This article shall be known as the *CITY OF TEMPLE CITY SEWER RECONSTRUCTION ORDINANCE,* and may be cited as such. (1960 Code)

6-2B-1: PURPOSE:

Most of the existing sewers in the city were constructed years ago and were designed to serve residential and agriculture properties. However, due to the ever increasing population density within the city, the erection of many multi-family dwelling units and growth of the commercial and industrial areas, the city sewerage system is no longer adequate to accommodate the increased volume of sewage generated by such developments. The purpose hereof is to establish a means of providing adequate sewers required by development in the city and to establish a charge to be collected from all the properties that propose to discharge, to the public sewer, quantities of sewage in excess of the quantity for which the existing sewerage system was designed; and to establish a fund into which these charges may be deposited and from which monies will be available for the city sewer reconstruction program. (1960 Code)

6-2B-2: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

CITY: That portion of the state of California incorporated as the city of Temple City and all areas subsequently annexed to the city of Temple City.

CITY COUNCIL: The city council of the city of Temple City, county of Los Angeles, state of California.

CITY ENGINEER: The city engineer of the city of Temple City, or its deputy, agent or representative.

FLOOR AREA: The area included within the exterior walls of a building or portion thereof, exclusive of open vent shafts and courts.

LOT: Any piece or parcel of land bounded, described or shown upon a map, plot or deed recorded in the office of the county recorder, county of Los Angeles or shown as a separate parcel on the last equalized assessment roll which conforms to the boundaries of such lot as shown upon such recorded map, plot or deed or roll; provided, however, that in the event any building or structure or intended use covers more area than a lot as herein defined, the term lot shall include all such pieces or parcels of land upon which said building or structure or intended use is wholly or partly located, together with the yards, courts and other unoccupied spaces legally required for the building or structure.

OWNER: An individual human being, a firm, partnership, corporation, organization or anyone having an interest in any lot or parcel of land in the city of Temple City.

PEAK FLOW: The instantaneous maximum rate of flow of sewage to be discharged to the sewer and, for the purpose hereof, shall be as provided herein.

PUBLIC SEWER: The main line public sanitary sewer. Exception therefrom sewers under the jurisdiction of a public entity other than the city of Temple City. (1960 Code)

6-2B-3: GENERAL PROVISIONS:

No person shall, within the city of Temple City, erect, construct, enlarge or alter any building or structure or cause the same to be done without first having complied with the provisions hereof. (1960 Code)

6-2B-4: VALIDITY:

If any provision hereof or the application thereof to any person or circumstance, be held invalid, the remainder hereof, and the application of such provisions to other persons or circumstances shall not be affected thereby. (1960 Code)

6-2B-5: CITY ENGINEER TO ENFORCE:

The city engineer shall enforce and administer all the provisions hereof. (1960 Code)

6-2B-6: CAPACITY WITHIN THE CITY:

The city engineer shall determine what capacity is necessary in each public sewer to provide for the proper collection of sewage in the city. In the event a lot in the city is to undergo development or redevelopment, and the anticipated sewage from the proposed use is found by the city engineer to exceed the capacity available in the public sewer, the building permit for such development or redevelopment shall not be issued until such time as capacity in the public sewer is available or can be made available before the building is occupied. (1960 Code)

6-2B-7: DETERMINATION OF CAPACITY:

The size and grade of each public sewer must be such as to provide at all times sufficient capacity for peak flow rates of discharge. In order to establish estimates of sanitary sewage at peak flow, the owner or developer of a building shall submit plans of intended construction and such other information as the city engineer may require on printed forms provided for that purpose.

The following table is established as the peak flows for the various occupancies and shall be used as the basis for computing the discharge rates to the public sanitary sewer.

Occupancy	Peak Flow
Apartment or multiple-dwelling	600 gallon/day/dwelling unit
Assembly areas	15 gallon/day/person
Auditorium	15 gallon/day/seat
Bar and cocktail lounges	60 gallon/day/seat
Gas station:	
Without wash rack	1,500 gallon/day
With wash rack	300 gallon/day
Hospital (convalescent)	300 gallon/day/bed
Hospitals	1,500 gallon/day
Hotels	600 gallon/day/room
Ice plant	1,200 gallon/day/1,000 square feet of floor area
Industry, light (no water processes)	600 gallon/day/1,000 square feet of floor area
Laundry, automatic (public)	225 gallon/day/machine

Medical office	900 gallon/day/1,000 square feet of floor area
Mobile homes and/or trailer courts	600 gallon/day/unit
Motels	600 gallon/day/unit
Office	600 gallon/day/1,000 square feet of floor area
Restaurant	150 gallon/day/seat
Schools:	
Elementary	27 gallon/day/capita
Other	75 gallon/day/capita
Single-family dwelling	600 gallon/day/dwelling unit
Stand or drive-in for sale of lunches, ice cream, beverages and similar items	900 gallon/day/1,000 square feet of floor area
Storage garages and warehouses	75 gallon/day/1,000 square feet of floor area
Stores, commercial and display	300 gallon/day/1,000 square feet of floor area

All others shall be classified by the occupancy it most nearly resembles as determined by the city engineer or as computed by the city engineer in accordance with the anticipated use. The city engineer shall determine the appropriate flow rate for automobile washes.

The peak flow to the sanitary sewer for a building containing mixed occupancies shall be determined by adding the peak flow characteristics of the various occupancies as set forth in the above table.

In the event that an area of occupancy, in use prior to the enactment hereof, is to undergo structural innovations and such innovations shall not increase the peak flow as it existed from the lot immediately prior to said date of enactment to the public sewer, the owner shall submit to the city engineer an affidavit or statement pursuant to section 2015.5 of the Code Of Civil Procedure, in duplicate, verifying the actual occupancy load prior to said date of enactment. (1960 Code)

6-2B-8: CHARGES:

The applicant for a permit to build in the city shall declare all information necessary, as determined by the city engineer, to comply with the provisions hereof and shall pay, to the city at the time of issuance of a building permit, a charge based on the anticipated additional peak flow created by the new construction, or change of use, at the rate of forty cents ($0.40) per gallon per day of additional peak flow less any credit which might be allowed as provided herein. (1960 Code)

6-2B-9: CREDITS FOR EXISTING CAPACITY:

In calculating the chargeable peak flow of sewage, each lot within the city shall be given a credit of six hundred (600) gallons per day per five thousand (5,000) square feet of lot area. The amount of peak sewage generated by any existing facilities on the lot shall be deducted from this credit. This credit shall be applied more than once to the same lot, except when the building on the lot has been demolished. (1960 Code)

6-2B-10: CITY SEWER RECONSTRUCTION FUND:

The monies collected hereunder shall be deposited with the city treasurer and credit to the sewer reconstruction fund. (1960 Code)

6-2B-11: USE OF CITY SEWER RECONSTRUCTION FUND:

Money deposited in the city sewer reconstruction fund as provided herein may be expended by the city council to accomplish any lawful purpose as provided herein and as set forth in section 5471 of the Health And Safety Code of the state of California, or for such other sewer purpose that the city council may lawfully authorize. All engineering costs, refunds as provided herein, mileage, overhead,

incidentals and construction costs necessarily incurred in the reconstruction costs necessarily incurred in the reconstruction of sewers shall be charged to the fund, to the extent allowed by law. (1960 Code)

6-2B-12: REFUND:

In the event any person shall have paid the applicable sewer charge based on the anticipated additional peak flow created by the new construction as provided herein and no portion of the new construction shall have been commenced and the permit for such construction shall have been canceled or expired, said person shall be entitled upon written request to a refund in an amount equal to one hundred percent (100%) of the sewer charges paid by said person minus one percent (1%) of said charge. However, the amount retained shall not be less than ten dollars ($10.00) nor more than one hundred dollars ($100.00). (1960 Code)

ARTICLE C. GARBAGE AND RUBBISH DISPOSAL

6-2C-0: LEGISLATIVE POLICY:

The city council does hereby find and determine that the storage, accumulation, collection and disposal of trash, rubbish debris and other discarded goods and material including garbage, combustible trash and rubbish is a matter of great public concern in that improper control of such matters can lead to air pollution, fire hazards and rat infestation and other problems affecting the health, welfare and safety of the residents of this and surrounding cities. The city council further declares that the regulations in this chapter provided are designed to eliminate or alleviate such problems. (1960 Code)

6-2C-1: DEFINITIONS:

As used in this article, the following terms shall be defined as set forth herein:

COMBUSTIBLE TRASH: All waste and refuse, capable of burning readily, from and incidental to the use of homes and places of business, such as rags, paper, paper product newspapers, magazines, wrappings, discarded clothing, empty packing cases, boxes, packing materials, hay, straw, shavings, excelsior, sawdust, lawn and tree trimmings and cuttings, brush weeds and leaves. No piece of combustible trash in excess of fifty (50) pounds or one cubic yard or four feet (4') in length shall be considered as combustible trash within the definition hereof.

GARBAGE: All animal and vegetable refuse and waste matter originating in kitchens (residential and commercial), stores, markets, warehouses and delivery vehicles and resulting from the handling, storing, processing, preparing, preserving, selling or delivering of meat, fish, fowl or other animal food or from vegetables, fruits, melons and other vegetable food, including vegetable trimmings and vegetable and animal matter not fit for human consumption, remaining in or coming from any market, store or other place, private or commercial, where meat, fish, fruit or vegetables are sold, processed, stored or handled.

MISCELLANEOUS DEBRIS: Includes any and all trash, rubbish, debris or other abandoned or discarded materials not otherwise provided for under the foregoing definitions, or as expressly excepted therefrom, except animal excrete.

RUBBISH: All waste and refuse from residences and places of business such as metals, tin cans, bottles, broken glass and any other materials not capable of burning readily. Rubbish shall not include or be construed to include any of the following: garbage, dead animals, dirt or earth, debris, debris from lawn renovations, rocks, stones, combustible trash, or any other waste materials, including plaster, resulting from building construction, alteration or repair. No individual piece of rubbish shall be considered rubbish, within the definition hereof, which is of a size either in excess of two feet by one foot by four feet (2' x 1' x 4') or a weight in excess of fifty (50) pounds or both.

STORAGE: The accumulating, maintaining, dumping, abandoning, storing, collecting or other gathering, stacking or piling, other than in a mercantile building or in a dwelling unit which latter places shall be regulated by the fire prevention code. (1960 Code)

6-2C-2: GARBAGE; CONTAINERS AND LOCATION:

Every residential householder shall place each garbage, combustible trash, and

rubbish container for collection as designated in this section:

A. Container Placement For Collection: Containers shall be placed:

1. At the curb in front of the premises; or

2. At the side of the street premises where the premises are adjacent to more than one street; or

3. In an alley abutting to the rear property line.

B. Container Restrictions:

1. Containers shall not be placed on public rights of way as to compromise public safety; and

2. Containers shall be constructed in accordance with this article and/or city's waste agreement.

C. Preceding And Following Collection:

1. No person shall place any such container for collection earlier than five o'clock (5:00) P.M. of the day preceding the day designated for collection, and all containers and receptacles shall be removed from the place of collection prior to ten o'clock (10:00) P.M. of the day the containers have been emptied. Such containers shall be removed to a storage location in the rear or side yards of improved lots, which is not visible from any public right of way, excluding alleys. (Ord. 14-993)

6-2C-3: COMBUSTIBLE TRASH AND RUBBISH:

All storage of combustible trash and rubbish shall be subject to the following provisions:

A. Combustible trash and rubbish shall be stored in the same or separate cans, tanks or other receptacles;

B. Each such receptacle shall have a capacity of not more than thirty five (35) gallons, shall never be filled so as to exceed sixty (60) pounds in weight;

C. No garbage shall be placed therein;

D. Except when placed for collection as otherwise provided herein, such container of combustible trash or rubbish or both shall not be placed in any alley, street, parkway or public place, nor on any private lot or parcel of land other than in the rear or side yards of improved lots;

E. In the residential zones, grass clippings, small tree trimmings, brush and branches may be stored as "miscellaneous debris" as defined in section 6-2C-1 of this article;

F. In the commercial zones, receptacles must be:

1. Metal lined and leakproof, and provided with a metal lined lid; or

2. Constructed of noncombustible materials and provided with a noncombustible lid; or

3. Approved by the fire department or its representative as providing adequate protection against fire hazard.

G. In the multiple residential and commercial zones adequate trash and garbage collection and pick up areas shall be provided for all apartments or dwelling units and for all commercial and industrial buildings in a location or locations accessible by motor vehicle to a public street or alley. All outside trash areas shall be enclosed on at least three (3) sides and on all sides visible from streets, by a five foot (5') high block, masonry or similar wall. Furthermore, the following provisions shall be applicable:

1. Required area for apartments or dwelling units shall be of adequate size to permit storage and removal for pick up of a standard three (3) yard steel trash bin on wheeled casters. For commercial and industrial buildings provided for one or more standard three (3) yard trash bins;

2. Three (3) yard bin dimensions:

Length	74 inches
Width	49 inches
Rear height	61 inches
Front height	52 inches
Door	58 inches

3. Floors shall be of concrete pavement and the requisite access to street or alley shall be paved, with no curb or abrupt grade change. Suitable bumpers either for bin wheels or rear wall shall be installed. Such trash areas shall not obstruct vehicular access or parking required by this code. (1960 Code)

6-2C-4: MISCELLANEOUS DEBRIS; CONTAINERS AND LOCATIONS:

Miscellaneous debris shall be stored or accumulated only in stacks or piles not in excess of two (2) cubic yards total, which stacks or piles shall be:

A. Separated from any other stack or pile and from any building, structure or other combustible material by a sufficient distance so as not to create a fire hazard, provided that in any event such separation shall at all times be not less than five feet (5');

B. Shall not be located in any street, alley, parkway, or other public place or in or upon any vacant or unimproved lot; and

C. Shall be located only in the rear or side yards of improved lots in a place shielded from winds which may scatter the same and also shielded from the view of neighboring properties and streets. (1960 Code)

6-2C-5: OTHER STORAGE PROHIBITED; PRIVATE PROPERTY:

Other property than as set forth in sections 6-2C-2 and 6-2C-4 of this article, it shall be unlawful for any person to dump or otherwise dispose of or to store or accumulate any garbage, rubbish, combustible trash or miscellaneous debris on any private property in the city, except that the storage of leaves, grass clippings and the like may be permitted for the purpose of composting. The following rules and regulations are hereby prescribed as proper health and safety precautions for proper composting and violation of any such rules or regulations shall be deemed to constitute a misdemeanor:

A. Location: Composting shall be located in rear or side yards of improved lots only and shall not be located in any street, alley, parkway or other place, or in or upon any private unimproved lot, unless such lot adjoins the improved property of the owner thereof;

B. Contents: Composting shall consist only of organic waste materials such as leaves, small twigs, grass clippings and other vegetable matter except garbage;

C. Receptacles: Composting shall be contained and maintained in either: 1) a pit, hole or other earth depression excavated for such purpose; in which case the contents shall always be maintained below natural surrounding ground level; or 2) shall be maintained in metal or wood containers not in excess of three feet (3') in height. Such receptacles or pits shall not be maintained within five feet (5') of any property line or structure. Composting may also be maintained in open stacks or piles not in excess of three feet (3') in height but only in the event such stacks or piles are maintained not less than fifty feet (50') from any property line or structure;

D. Covering And Maintenance: Composting must at all times be covered with at least one-half inch ($^1/_2$") of soil or other nonorganic or chemical covering, first approved by the health officer designed to prevent the harboring of rodents, the breeding of flies and the emission of odors. All composting must be kept moist at all times until decomposition is completed;

E. Miscellaneous Rules: No hardwood branches, second season growth or other twigs, limbs or branches in excess of one-fourth inch ($^1/_4$") in diameter or two feet (2') in length shall be permitted in any composting. (1960 Code)

6-2C-6: PUBLIC OR PRIVATE PLACES:

Except as otherwise provided, it shall be unlawful for any person to dump, discard, abandon or otherwise deposit any garbage, combustible trash, rubbish or miscellaneous debris in or upon any public or private property within the city including any vacant lot or in, on or upon any floodwater channel, any channel or structure tributary to any floodwater channel, any easement or right of way for floodwater channel purposes, or in or upon any place in the city where the natural flow of stormwater might carry the same to any such floodwater channel or structure. (1960 Code)

6-2C-7: DURATION OF STORAGE:

It shall be unlawful for any person to store or accumulate any garbage, rubbish, combustible trash or miscellaneous debris, in any container or at any location other than as set forth in sections 6-2C-2 through 6-2C-4 of this article, or for any length of time other than as follows:

A. Garbage: Garbage shall not be accumulated or stored for a period of time in excess of:

1. Commercial and zoned areas: Forty eight (48) hours. (Sundays and holidays excepted.)

B. Combustible Trash: Combustible trash shall not be stored or accumulated for a period of time in excess of:

1. Commercial zoned areas: Five (5) days; provided, however, that combustible trash stored in commercial zones in approved containers as prescribed in subsection 6-2C-3F of this article may be accumulated for not to exceed one week.

2. All other areas: One week; provided, however, that newspapers, magazines and the like, if bundled and tied, may be stored in an accessory building for not to exceed one year.

C. Rubbish: Rubbish shall not be stored or accumulated for a period of time in excess of:

1. Commercial zoned areas: One week.

2. All other areas: Two (2) weeks.

D. Miscellaneous Debris: Miscellaneous debris shall not be stored or accumulated for a period of time in excess of:

1. Commercial zoned areas: One week.

2. All other areas: Two (2) weeks. (1960 Code)

6-2C-8: DUTY OF PROPERTY OWNERS REGARDING COLLECTION:

Subject to the provisions of section 6-2C-9 of this article, it shall be the duty of every residential and commercial property owner, tenant or person in possession in the city to provide the method and means of the removal of any and all garbage, trash, rubbish and miscellaneous debris from any premises of which he is the owner, occupant or person in charge or possession within the time limits provided in section

6-2C-7 of this article and failure to do so shall constitute a misdemeanor. Such collection shall be only by a company franchised and licensed to make such collections in the city and shall be done in the manner and means provided in said franchises, including the payment of the fees and charges in the manner and means set forth in said franchise or franchises. Failure to comply with said franchise or violation of this section is declared to be a misdemeanor and public nuisance. (1960 Code)

6-2C-9: FRANCHISE; RESIDENTIAL AND COMMERCIAL:

The city may enter into an exclusive franchise agreement regarding the collection and disposal of certain trash, rubbish, debris and other discarded goods and materials, including all garbage, combustible trash, rubbish and miscellaneous debris from residential and commercial properties. If the city shall enter into a franchise agreement, the collection and disposal of the materials provided for therein shall be made only in accordance with the terms and conditions thereof, including the mandatory payment by each individual householder and commercial business of the fees and charges provided for by such franchise agreement. (1960 Code; amd. Ord. 91-701; Ord. 02-872)

6-2C-10: COLLECTION AND REMOVAL:

Collection and removal shall be subject to the following conditions and provisions:

A. It shall be unlawful for any person to haul, remove or carry any garbage through, upon or along any street, in the city, unless such garbage is contained in a strong, watertight or metal compartment or receptacle having a tightfitting wooden or metal cover and so constructed as to prevent any water or liquid from falling, leaking or spilling, or odor escaping therefrom and unless such compartment or receptacles and the wagon or truck carrying the same used for carrying or hauling has been thoroughly cleansed within twenty four (24) hours before being used. It shall be unlawful to fail or neglect to thoroughly cleanse such compartment or receptacles and the wagon or truck carrying the same immediately after carrying or hauling garbage;

B. No person shall collect, gather, remove, transport or carry any garbage from any premises in the city over, on or through any public street, alley or parkway of the city without first having a city business license or franchise with the city to collect and remove the same;

C. No person shall for hire collect, transport or convey any combustible trash, rubbish or miscellaneous debris from any place or premises of another within the city until such person shall have first procured from the city clerk therefor a business license of this city or shall hold a franchise from the city. No such license shall be issued until the city clerk shall cause to have inspected and approved the collection vehicles; provided, however, that any person dissatisfied with a denial by or delay of the city clerk may petition the city council for such permit, whereupon, the city council shall investigate the matter and issue its ruling thereon; provided, further, that no such business license which in any way conflicts with any franchise granted by the city shall be issued;

D. Any person may collect, transport or convey combustible trash, rubbish and miscellaneous debris from any residential premises of which he is either the owner or occupant; or from any residential premises owned or occupied by a member of his family, provided, that such person shall not collect, transport or convey any such material for hire;

E. The foregoing limitations set forth in subsection C of this section shall not apply to the hauling or disposal of grass clippings, prunings, trees and other discarded materials from a private residence; provided, however, such materials shall have been occasioned by and be incidental to a separate and distinct business operation, such as that of tree trimmers, gardeners and builders;

F. No collector of garbage, combustible trash, rubbish, or miscellaneous debris shall drop or spill or permit to be dropped or spilled any such matter on any private or public property in the city of Temple City during the course of collection;

G. Collection shall not be conducted by any person other than between the hours prescribed:

Combustible trash	Monday - Saturday	6:00 A.M. - 6:00 P.M.
Garbage	Monday - Saturday	6:00 A.M. - 6:00 P.M.
Rubbish	Monday - Saturday	6:00 A.M. - 6:00 P.M.
Miscellaneous debris	Monday - Saturday	6:00 A.M. - 6:00 P.M.

Provided that the foregoing hours shall not apply to any collection pursuant to subsection D of this section;

H. Each truck, van, trailer or other vehicle used for collection for hire shall bear the name of the owner or operator thereof set out legibly in letters not less than three inches (3") in height and permanently imprinted on the exterior door or paneling in a place readily viewable, in contrasting color;

I. No collection vehicle shall remain stopped or standing on any public street for any period of time in excess of fifteen (15) minutes at any one location, without first having informed the highway patrol of the state of California of intention to do so;

J. Every collection vehicle shall comply with all laws, including the traffic regulations of this city, of the state of California, and of other applicable agencies;

K. No person shall collect, gather, remove, transport or carry any garbage, combustible trash, rubbish or miscellaneous debris for hire from any premises in the city over, on or through any public street, alley or parkway of the city without first having furnished satisfactory evidence to the city clerk that such person carried at all times public liability insurance with a company licensed to do business in the state of California covering liability for injuries or deaths and property damage, arising out of or in connection with the operations of the contractor, in amount not less than five hundred thousand dollars ($500,000.00) for injuries, including accidental death to any one person and subject to the same limit for each person, in an amount of not less than one million dollars ($1,000,000.00) on account of one accident and property damage in an amount of not less than fifty thousand dollars ($50,000.00). The city clerk shall not issue any business license to any person who is subject to the foregoing requirements and who fails to comply therewith, and shall revoke any business license issued to any such person who so fails to comply. (1960 Code)

6-2C-11: MISCELLANEOUS RULES:

It shall be unlawful for any person to bury any garbage, combustible trash, rubbish or miscellaneous debris, or to place the same in any hole or excavation in the city, whether on private or public property. The sweeping, washing or placing of leaves, clippings or similar debris into a public street or alley is prohibited. (1960 Code)

6-2C-12: SPECIAL PERMITS:

The city council declares, in ordaining the provisions of this chapter pursuant to the legislative policy set forth in section 6-2C-10 of this article, that there may from time to time occur situations where unusual topography, land improvements or other conditions exist on any residential or business lot which render some of the provisions of this chapter unnecessary in order to provide adequate protection against air pollution, fire hazard, rat infestation, the breeding of flies, the orderly collection of rubbish and other problems relating to the health, welfare and safety of the residents of this city.

It is therefore provided that any owner, manager, occupant or person in possession of any premises in this city may file an application with this city for exemption or exception from any of the requirements of this chapter. Such application shall be directed to the attention of the city clerk, who shall have the authority to grant such exceptions after endorsing on such applications his findings as to the effect of such exceptions on the intent expressed in the legislative policy of this chapter and as the same may relate to the orderly collection of rubbish within this city. Such exceptions shall be granted by way of a special permit which shall be effective until revoked by

action of the aforementioned city clerk, upon which revocation the provisions of this chapter shall immediately be in force and effect with regard to such premises; provided, however, that no exception or exceptions shall be granted as to storage. Any person dissatisfied with a decision or delay on an application for exception by the aforementioned city clerk, may file a written appeal to the city council; thereafter the city council shall consider such appeal and issue its decision thereon which decision shall be final. The city clerk may in his discretion refer directly to the city council any such request. (1960 Code)

ARTICLE D. INTEGRATED WASTE MANAGEMENT PROGRAM

6-2D-0: DEFINITIONS:

AUTHORIZED RECYCLING AGENT: A person, municipal collection service, private refuse hauler, private recycling enterprise or private nonprofit corporation or association, authorized by the city to collect its recyclable waste material.

DESIGNATED COLLECTION LOCATION: The place where an authorized recycling agent has contracted to pick up segregated, recyclable material. This location will customarily be the curbside of a residential neighborhood or the service alley of a commercial enterprise.

SEGREGATED FROM OTHER WASTE MATERIAL: Any of the following:

A. The placement of recyclable materials in separate containers.

B. The binding of recyclable material separately from the other waste material. (1960 Code)

6-2D-1: UNAUTHORIZED COLLECTION OF RECYCLABLE MATERIALS:

No person, other than the authorized recycling agent, shall remove paper, glass, cardboard, plastic, used motor oil, ferrous metal, aluminum, or other recyclable materials which have been segregated from other waste materials and placed at a designated collection location for the purposes of collection and recycling.

A. Unless otherwise provided by contract, paper, glass, cardboard, plastics, used motor oil, ferrous metal, aluminum and other waste materials, which are segregated for the purposes of recycling and placed at the designated collection location, may not be removed by anyone other than the authorized collection agent of the local governing body or private commercial entity.

B. Nothing in this article shall limit the right of the individual person to donate, sell or otherwise dispose of his or her recyclable materials.

C. In any legal action by an authorized recycling agent against a person alleged to have violated this section, the court may allow treble damages against the unauthorized person removing the recycling material as measured by the value of the material removed. (1960 Code)

6-2D-2: METHOD OF COLLECTION OF RECYCLABLE MATERIALS:

During such times as the city or its authorized recycling agent suspend the segregation of recyclable materials, but provide another method of collection, it shall be unlawful for any unauthorized person to remove recycling material from any container. (Ord. 00-845)

6-2D-3: PUNISHMENT OF VIOLATIONS:

Any person violating the provisions or failing to comply with any of the mandatory requirements of this chapter is guilty of an infraction punishable by a fine not to exceed that allowable by California state law, as set forth by city council resolution. 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 ordinance is committed,

continued, or permitted by such person, and shall be punishable accordingly. Pursuant to the provisions of section 36900 of the California Government Code, the first and second violations of any provisions of this ordinance may be enforced as "infractions", while any subsequent violations shall be deemed and enforced as "misdemeanors". (Ord. 95-788)

Chapter 3
PUBLIC UTILITIES

ARTICLE A. GENERAL

6-3A-0: DEFINITIONS:

As used in this chapter, the following terms shall be defined as set forth herein:

COMMISSION: The public utilities commission of the state of California.

POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES: Poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuit, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication or similar or associated service.

UNDERGROUND UTILITY DISTRICT OR DISTRICT: 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 6-3A-3 of this article.

UTILITY: Includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (1960 Code)

6-3A-1: 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 (10) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (1960 Code)

6-3A-2: REPORT BY CITY ENGINEER:

Prior to holding such public hearing, the city engineer shall consult all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities participation and estimates of the total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (1960 Code)

6-3A-3: DESIGNATION OF UNDERGROUND UTILITY DISTRICTS:

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation with a designated area, the council shall, by resolution, declare such designated areas 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. (1960 Code)

6-3A-4: UNLAWFUL ACTS:

Whenever the council creates an underground utility district and orders the removal

of poles, overhead wires and associated overhead structures therein as provided in section 6-3A-3 of this article, 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 said 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 of such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility services as provided in section 6-3A-9 of this article, and for such reasonable time required to remove said facilities after said work has been performed, and except as otherwise provided in this article. (1960 Code)

6-3A-5: EXCEPTIONS:

Notwithstanding the provisions of this article, overhead facilities may be installed and maintained for a period of not to exceed thirty (30) days, without authority of the city engineer in order to provide emergency service. The city engineer may grant special permission, on such terms as he may deem appropriate, in cases of unusual circumstances and without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures for not to exceed another thirty (30) days. Any further extensions shall be granted only by the city council. (1960 Code)

6-3A-6: OTHER EXCEPTIONS:

In any resolution adopted pursuant to section 6-3A-3 of this article, the city may authorize any or all of the following exceptions:

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 thirty four thousand five hundred (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;

F. 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. (1960 Code)

6-3A-7: NOTICE TO PROPERTY OWNERS AND UTILITY COMPANIES:

Within ten (10) days after the effective date of a resolution adopted pursuant to section 6-3A-3 of this article, the city clerk shall notify all affected utilities and all persons owning real property within the district created by said resolution of the

adoption thereof. Said city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location, subject to the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission.

Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to section 6-3A-3 of this article, together with a copy of the ordinance, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (1960 Code)

6-3A-8: RESPONSIBILITY OF UTILITY COMPANIES:

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to section 6-3A-3 of this article, 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. (1960 Code)

6-3A-9: RESPONSIBILITY OF PROPERTY OWNERS:

The responsibilities of real property owners or others having control over real property, shall be as follows:

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in section 6-3A-8 of this article, and the termination facility on or within said building or structure being served all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities on file with the commission;

B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A of this section within the time provided for the resolution enacted pursuant to section 6-3A-3 of this article, the city engineer may post written notice on the property being served and thirty (30) days thereafter may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property;

C. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in section 6-3A-8 of this article and the termination facility on or within the time provided for in the resolution enacted pursuant to section 6-3A-3 of this article, the city engineer shall give notice in writing to the person in possession of such premises, and a notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the require underground facilities within ten (10) days after receipt of such notice;

D. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll and when no address appears, to general delivery, city of Temple City. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within forty eight (48) hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches (8" x 10") in size, to be posted in a conspicuous place on said premises;

E. The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost

and expense thereof will be assessed against the property benefited and become a lien upon such property;

F. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work, provided, however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer may in lieu of providing the required underground facilities, authorize the disconnection and removal of any and all overhead service wires an associated facilities supplying utility services to said property. Upon completion of the work by the city engineer, he shall file a written report with the city council setting for the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such cost is to be assessed. The council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon such premises, which said time shall not be less than ten (10) days thereafter;

G. The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to provided the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment;

H. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment;

I. If any assessment is not paid within five (5) days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city engineer is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said assessor and tax collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable shall bear interest at the rate of six percent (6%) per annum. (1960 Code)

6-3A-10: RESPONSIBILITY OF CITY:

City shall remove at its own expense all city owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to section 6-3A-3 of this article. (1960 Code)

6-3A-11: EXTENSION OF TIME:

In the event that any act required by this article or by a resolution adopted pursuant to section 6-3A-3 of this article 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. (1960 Code)

ARTICLE B. UNDERGROUNDING OF UTILITIES

6-3B-0: UNDERGROUNDING OF UTILITIES:

Except where undergrounding of utilities shall be required by districts established pursuant to the provisions of this title, commencing with section 6-3A-0 of this chapter, the undergrounding of utility facilities shall be required, except as hereinafter provided, in all of the following circumstances, in accordance with all applicable rules, regulations and tariffs of the respective utility companies providing such service:

A. All land subdivisions of five (5) lots or more; and

B. All new multiple residential uses consisting of five (5) or more dwelling units; and

C. All new commercial or manufacturing uses. (1960 Code)

6-3B-1: SURFACE EQUIPMENT:

Notwithstanding the provisions of section 6-3B-0 of this article, underground installation shall not be required for surface mounted transformers, pedestal mounted terminal boxes, meter cabinets, concealed ducts in underground systems, and other related accessory appurtenances and equipment. Provided, however, that any of the aforesaid facilities which are not located underground shall not be located within any front yard area. (1960 Code)

6-3B-2: RESPONSIBILITY FOR COMPLIANCE:

The owner and/or occupant of any property to which section 6-3B-0 of this article applies shall be responsible for compliance therewith, including, but not limited to, obtaining the installation of required facilities by the appropriate utility company or companies in accordance with applicable rules and regulations set forth by the public utilities commission of the state of California. (1960 Code)

6-3B-3: EXCEPTIONS:

The owner and/or occupant of any property may, within ten (10) days of the mailing of notice by the planning director requiring compliance with the provisions of section 6-3B-0 of this article, file a written request for an exemption from the provisions thereof with the secretary of the planning commission. (1960 Code)

6-3B-4: GRANTING EXCEPTIONS:

The matter shall thereafter be heard by the planning commission which may grant an exemption from compliance with the provisions of section 6-3B-0 of this article if it finds that compliance with the provisions of section 6-3B-0 of this article would render the proposed development economically unfeasible. (1960 Code)

6-3B-5: DECISION OF COMMISSION:

The decision of the planning commission shall be final and conclusive at twelve o'clock (12:00) noon of the tenth day following the date of its decision in the absence of a written appeal in the manner hereinafter specified. Upon the filing of an appeal in the manner hereinafter set forth, the decision of the planning commission shall be suspended and of no force or effect. (1960 Code)

6-3B-6: APPEALS:

Any applicant who is aggrieved by the decision of the planning commission may file a written letter of appeal with the city clerk together with a filing and processing fee of fifty dollars ($50.00), prior to the planning commission's action becoming final. Upon receipt of such a written letter of appeal, together with said fee, the matter shall be placed upon the council agenda at the next regularly scheduled meeting of the council at which time the matter shall be heard by the city council and a decision rendered thereon in accordance with the provisions specified in sections hereof. The decision of the city council shall be final. (1960 Code)

ARTICLE C. COMMUNITY ANTENNA TELEVISION SYSTEMS

6-3C-0: AUTHORITY:

The city of Temple City, pursuant to applicable federal and state law, is authorized to grant one or more nonexclusive franchises to construct, operate, maintain and reconstruct cable television systems within the city limits. (Ord. 96-793)

6-3C-1: FINDINGS:

The city council finds that the development of cable television and telecommunications systems has the potential of having great benefit and impact upon the residents of Temple City. Because of the complex and rapidly changing technology associated with cable television, the city council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers which should be vested in the city or such persons as the city may designate. It is the intent of this article and subsequent amendments to provide for and specify the means to attain the best possible cable television and telecommunications service to the public and any franchises issued pursuant to this article shall be deemed to include this as an integral finding thereof. It is the further intent of this article to establish regulatory provisions that permit the city to regulate cable television and telecommunications franchises to the extent permitted by federal and state law, including, but not limited to, the federal cable communications policy act of 1984, the federal cable television consumer protection and competition act of 1992, the telecommunications act of 1996, applicable federal communications commission regulations and applicable California law. (Ord. 96-793)

6-3C-2: SHORT TITLE:

This article shall constitute the *CABLE TELEVISION AND TELECOMMUNICATIONS REGULATORY ORDINANCE* of the city of Temple City and may be referred to as such. (Ord. 96-793)

6-3C-3: DEFINITIONS:

For the purposes of this article, the following terms, phrases, words and their derivations shall have the meaning given herein. Words used in the present tense include the future, words in the plural number include the singular number, and words in the singular number include the plural number. Words not defined shall be given their common and ordinary meaning.

BASIC CABLE SERVICE: Any service tier which includes the retransmission of local television broadcast signals.

CABLE SERVICE: The total of the following:

A. The one-way transmission to subscribers of video programming or other programming service; and

B. Subscriber interaction, if any, which is required for the selection of such video programming or other programming service.

CABLE TELEVISION SYSTEM OR SYSTEM (Also Referred To As CABLE COMMUNICATIONS SYSTEM OR CABLE SYSTEM): A facility 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 any other lawful telecommunications services and which is provided to multiple subscribers within a community, but such term does not include:

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

B. A facility that serves only subscribers in one or more multiple-unit dwellings under common ownership, control, or management, unless such facility uses any public rights of way;

C. 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; or

D. Any facilities of any electric utility used solely for operating its electric utility system.

CHANNEL OR CABLE CHANNEL: A portion of the electromagnetic frequency spectrum which is used in a cable system which is capable of delivering a television

channel as defined by the federal communications commission.

COUNCIL: The city council of the city of Temple City.

FRANCHISE: An initial authorization, or renewal thereof, issued by the city council, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, which authorizes the construction or operation of a cable system. Any such authorization, in whatever form granted, shall not supersede the requirement to obtain any other license or permit required for the privilege of transacting business within the city as required by the other ordinances and laws of the city.

FRANCHISE AGREEMENT: A franchise grant ordinance or a contractual agreement, containing the specific provisions of the franchise granted, including references, specifications, requirements and other related matters.

FRANCHISE FEE: Any fee or assessment of any kind imposed by the city on a grantee as compensation for the grantee's use of the public rights of way. The term "franchise fee" does not include:

A. Any tax, fee or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and cable operators or their services, but not including a tax, fee or assessment which is unduly discriminatory against cable operators or cable subscribers);

B. Capital costs which are required by the franchise to be incurred by grantee for public, educational, or governmental access facilities;

C. Requirements or charges incidental to the awarding or enforcing of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

D. Any fee imposed under title 17, United States Code.

GRANTEE: Any "person" receiving a franchise pursuant to this article and under the granting franchise ordinance or agreement, and its lawful successor, transferee or assignee.

GRANTOR OR CITY: The city of Temple City as represented by the council or any delegate, acting within the scope of its jurisdiction.

GROSS ANNUAL CABLE SERVICE REVENUES: The annual gross revenues received by a grantee from all sources of operations of the cable television system within the city utilizing the public streets and rights of way for which a franchise is required in order to deliver such cable service, excluding refundable deposits, rebates or credits, except that any sales, excise or other taxes or charges collected for direct pass through to local, state or federal government shall not be included. Revenues collected as franchise fees from subscribers shall not be included in gross annual cable service revenues pending any possible litigation of the FCC's decision with respect to the franchise fee issue in United Artists Cable Of Baltimore, 77 RR 2d 1306 (released April 6, 1995). If the final decision (following all judicial appeals) in this case results in a determination that franchise fees should be included in gross annual cable service revenues, then grantee shall pay any underpayment of franchise fees owed to the grantor based on such determination, within ninety (90) days of the final decision.

GROSS ANNUAL TELECOMMUNICATIONS SERVICE REVENUES: The annual revenues received by a grantee from the operation of the cable system to provide telecommunications services, other than cable service.

INSTALLATION: The connection of the system to subscribers' terminals, and the provision of service.

PERSON: An individual, partnership, association, joint stock company, trust, corporation or governmental entity.

PUBLIC, EDUCATIONAL OR GOVERNMENT ACCESS FACILITIES OR PEG ACCESS FACILITIES: The total of the following:

A. Channel capacity designated for noncommercial public, educational, or government use; and

B. Facilities and equipment for the use of such channel capacity.

SECTION: Any section, subsection or provision of this article.

SERVICE AREA OR FRANCHISE AREA: The entire geographic area within the city as it is now constituted or may in the future be constituted, unless otherwise specified in the franchise granting ordinance or agreement.

SERVICE TIER: A category of cable service or other services provided by a grantee and for which a separate rate is charged by the grantee.

STATE: The state of California.

STREET OR PUBLIC WAY: Each of the following which have been dedicated to the public or are hereafter dedicated to the public and maintained under public authority or by others and located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights of way and similar public property and areas that the grantor shall permit to be included within the definition of street from time to time.

SUBSCRIBER OR CUSTOMER OR CONSUMER: Any person who or which elects to subscribe to, for any purpose, a service provided by the grantee by means of or in connection with the cable system, and who pays the charges therefor. (Ord. 96-793)

6-3C-4: FRANCHISE PURPOSES:

A franchise granted by the city under the provisions of this article shall encompass the following purposes:

A. To engage in the business of providing cable service, and such other telecommunications service as may be permitted by law, which grantee chooses to provide to subscribers within the designated service area.

B. 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.

C. 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.

D. To set forth the obligations of a grantee under the franchise. (Ord. 96-793)

6-3C-5: FRANCHISE REQUIRED:

It shall be unlawful for any person to construct, install or operate a cable television system in the city within any public street without a properly granted franchise awarded pursuant to the provisions of this article. (Ord. 96-793)

6-3C-6: TERM OF FRANCHISE:

A. A franchise granted hereunder shall be for a term established in the franchise agreement, commencing on the grantor's adoption of an ordinance or resolution authorizing the franchise.

B. A franchise granted hereunder may be renewed upon application by the grantee pursuant to the provisions of applicable state and federal law and of this article. (Ord. 96-793)

6-3C-7: FRANCHISE TERRITORY:

Any franchise shall be valid within all the territorial limits of the city, and within any

area added to the city during the term of the franchise, unless otherwise specified in the franchise granting ordinance or agreement. (Ord. 96-793)

6-3C-8: FEDERAL OR STATE JURISDICTION:

This article shall be construed in a manner consistent with all applicable federal and state laws, and shall apply to all franchises granted or renewed after the effective date of this article to the extent permitted by applicable law. (Ord. 96-793)

6-3C-9: FRANCHISE NONTRANSFERABLE:

A. Grantee shall not sell, transfer, lease, assign, sublet or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation or otherwise, the franchise or any of the rights or privileges therein granted, without the prior consent of the council and then only upon such terms and conditions as may be prescribed by the council, which consent shall not be unreasonably denied or delayed. Any attempt to sell, transfer, lease, assign or otherwise dispose of the franchise without the consent of the council shall be null and void. The granting of a security interest in any grantee assets, or any mortgage or other hypothecation, shall not be considered a transfer for the purposes of this section.

B. The requirements of subsection A of this section shall apply to any change in control of grantee. The word "control" as used herein is not limited to major stockholders or partnership interests, but includes actual working control in whatever manner exercised. In the event that grantee is a corporation, prior authorization of the council shall be required where ownership or control of more than ten percent (10%) of the voting stock of grantee is acquired by a person or group of persons acting in concert, none of whom own or control the voting stock of the grantee as of the effective date of the franchise, singularly or collectively.

C. Grantee shall notify grantor in writing of any foreclosure or any other judicial sale of all or a substantial part of the franchise property of the grantee or upon the termination of any lease or interest covering all or a substantial part of said franchise property. Such notification shall be considered by grantor as notice that a change in control of ownership of the franchise has taken place and the provisions under this section governing the consent of grantor to such change in control of ownership shall apply.

D. For the purpose of determining whether it shall consent to such change, transfer, or acquisition of control, grantor may inquire into the qualifications of the prospective transferee or controlling party, and grantee shall assist grantor in such inquiry. In seeking grantor's consent to any change of ownership or control, grantee shall have the responsibility of insuring that the grantee and/or the proposed transferee complete an application in accordance with federal communications commission form 394 or equivalent. An application shall be submitted to grantor not less than one hundred twenty (120) days prior to the proposed date of transfer. The transferee shall be required to establish that it possesses the qualifications and financial and technical capability to operate and maintain the system and comply with all franchise requirements for the remainder of the term of the franchise. If the legal, financial, character, and technical qualifications of the applicant are satisfactory, the grantor shall consent to the transfer of the franchise. The consent of the grantor to such transfer shall not be unreasonably denied or delayed.

E. Any financial institution having a pledge of the grantee or its assets for the advancement of money for the construction and/or operation of the franchise shall have the right to notify the grantor that it or its designee satisfactory to the grantor shall take control of and operate the cable television system, in the event of a grantee default of its financial obligations. Further, said financial institution shall also submit a plan for such operation within ninety (90) days of assuming such control that will insure continued service and compliance with all franchise requirements during the term the financial institution exercises control over the system. The financial institution shall not exercise control over the system for a period exceeding one year unless extended by the grantor in its discretion and during said period of time it shall have the right to petition the grantor to transfer the franchise to another grantee.

F. Upon transfer, grantee shall reimburse grantor for grantor's reasonable out of pocket processing and review expenses in connection with the transfer of the

franchise or of control of the franchise. Any such reimbursement shall not be charged against any franchise fee due to grantor during the term of the franchise. (Ord. 96-793)

6-3C-10: GEOGRAPHICAL COVERAGE:

A. Grantee shall design, construct and maintain the cable television system to have the capability to pass every dwelling unit in the city, subject to any service area line extension requirements of the franchise agreement.

B. After service has been established by activating trunk and/or distribution cables for any service area, grantee shall provide service to any requesting subscriber within that service area within thirty (30) days from the date of request, provided that the grantee is able to secure all rights of way necessary to extend service to such subscriber within such thirty (30) day period on reasonable terms and conditions. (Ord. 96-793)

6-3C-11: NONEXCLUSIVE FRANCHISE:

Any franchise granted shall be nonexclusive. The grantor specifically reserves the right to grant, at any time, such additional franchises for a cable television system or any component thereof, as it deems appropriate, subject to applicable state and federal law, provided that if the grantor grants an additional franchise on terms more favorable to the second grantee (whether by the grant of greater benefits or the imposition of lesser obligations), or if another entity utilizing the public rights of way offers service competitive with grantee then the initial grantee shall have the right to renegotiate its franchise to incorporate the more favorable terms and/or reduce its obligations to achieve competitively neutral and nondiscriminatory treatment. (Ord. 96-793)

6-3C-12: MULTIPLE FRANCHISES:

A. Grantor may grant any number of franchises subject to applicable state or federal law. Grantor may limit the number of franchises granted, based upon, but not necessarily limited to, the requirements of applicable law and specific local considerations, such as:

1. The capacity of the public rights of way to accommodate multiple cables in addition to the cables, conduits and pipes of the utility systems, such as electrical power, telephone, gas and sewerage.

2. The benefits that may accrue to cable subscribers as a result of cable system competition, such as lower rates and improved service.

3. The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property, and the disruption arising from numerous excavations of the rights of way.

B. Developers of new residential housing with underground utilities shall provide conduit to accommodate cables for at least two (2) cable systems and dedicate the use of such conduit to the city.

C. Grantor may require that any new grantee be responsible for its own underground trenching and the costs associated therewith, if, in grantor's opinion, the rights of way in any particular area cannot feasibly and reasonably accommodate additional cables. (Ord. 96-793)

6-3C-13: FILING OF APPLICATIONS:

Any person desiring an initial franchise for a cable television system shall file an application with the city. A reasonable nonrefundable application fee established by the city shall accompany the application to cover all costs associated with processing and reviewing the application, including, without limitation, costs of administrative review, financial, legal and technical evaluation of the applicant, consultants (including technical and legal experts and all costs incurred by such experts), notice and publication requirements with respect to the consideration of the application and document preparation expenses. In the event such costs exceed the application fee,

the selected applicant(s) shall pay the difference to the city within thirty (30) days following receipt of an itemized statement of such costs. (Ord. 96-793)

6-3C-14: APPLICATIONS, CONTENTS:

An application for an initial franchise for a cable television system shall contain, where applicable:

A. A statement as to the proposed franchise and service area;

B. Resume of prior history of applicant, including the expertise of applicant in the cable television field;

C. List of the partners, general and limited, of the applicant, if a partnership, or the percentage of stock owned or controlled by each stockholder, if a corporation;

D. List of officers, directors and managing employees of applicant, together with a description of the background of each such person;

E. The names and addresses of any parent or subsidiary of applicant or any other business entity owning or controlling applicant in whole or in part, or owned or controlled in whole or in part by applicant;

F. A current financial statement of applicant verified by a certified public accountant audit or otherwise certified to be true, complete and correct to the reasonable satisfaction of the city;

G. Proposed construction and service schedule;

H. Any reasonable additional information that the city deems applicable. (Ord. 96-793)

6-3C-15: CONSIDERATION OF INITIAL APPLICATIONS:

A. Upon receipt of any application for an initial franchise, the city's chief administrator or a delegate shall prepare a report and make recommendations respecting such application to the city council.

B. A public hearing shall be set prior to any initial franchise grant, at a time and date approved by the council. Within thirty (30) days after the close of the hearing, the council shall make a decision based upon the evidence received at the hearing as to whether or not the franchise(s) should be granted, and, if granted, subject to what conditions. The council may grant one or more franchises, or may decline to grant any franchise. (Ord. 96-793)

6-3C-16: FRANCHISE RENEWAL:

Franchise renewals shall be in accordance with applicable law. Grantor and grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise. (Ord. 96-793)

6-3C-17: OPERATIONAL STANDARDS:

A. Except as otherwise provided in the franchise agreement, grantee shall maintain the necessary facilities, equipment and personnel to comply with the following consumer protection and service standards under normal conditions of operation:

1. Sufficient toll free telephone line capacity during normal business hours to assure

that telephone calls shall be answered before the fourth ring; telephone answer time by a customer service representative, including wait time, shall not exceed thirty (30) seconds; and callers needing to be transferred shall not be required to wait more than thirty (30) seconds before being connected to a service representative. Under normal operating conditions, a caller shall receive a busy signal less than three percent (3%) of the time.

2. Emergency toll free telephone line capacity on a twenty four (24) hour basis, including weekends and holidays. After normal business hours, the telephone calls may be answered by a service or an automated response system, including an answering machine. Calls received after normal business hours must be responded to by a trained company representative on the next business day.

3. A conveniently located local business and service and/or payment office open during normal business hours at least eight (8) hours daily, and at least four (4) hours weekly on evenings or weekends, and adequately staffed to accept subscriber payments and respond to service requests and complaints.

4. An emergency system maintenance and repair staff, capable of responding to and repairing major system malfunction on a twenty four (24) hour per day basis.

5. An installation staff, capable of installing service to any subscriber requiring a standard installation within seven (7) days after receipt of a request, in all areas where trunk and feeder cable have been activated. "Standard installations" shall be those that are located up to one hundred fifty feet (150') from the existing distribution system, unless otherwise defined in any franchise agreement.

6. Grantee shall schedule, within a specified four (4) hour time period during normal business hours, all appointments with subscribers for installation of service, service calls and other activities at the subscriber location. Grantee may schedule installation and service calls outside of normal business hours for the express convenience of the customer. Grantee shall not cancel an appointment with a customer after the close of business on the business day prior to the scheduled appointment. If a grantee representative is running late for an appointment with a customer and will not be able to keep the appointment as scheduled, the customer shall be contacted and the appointment rescheduled, as necessary, at a time which is convenient for the customer.

B. The standards of subsections A1 through A6 of this section shall be met not less than ninety percent (90%) of the time measured on a quarterly basis. (Ord. 96-793)

6-3C-18: SERVICE STANDARDS:

A. Grantee shall render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Scheduled interruptions, insofar as possible, shall be preceded by notice and shall occur during a period of minimum use of the cable system, preferably between twelve o'clock (12:00) midnight and six o'clock (6:00) A.M.

B. The grantee shall maintain a repair force of technicians normally capable of responding to subscriber requests for service within the following time frames:

1. For A System Outage: Within two (2) hours, including weekends, of receiving subscriber calls or requests for service which by number identify a system outage of sound or picture of one or more channels, affecting at least ten percent (10%) of the subscribers of the system.

2. For An Isolated Outage: Within twenty four (24) hours, including weekends, of receiving requests for service identifying an isolated outage of sound or picture for one or more channels that affects three (3) or more subscribers. On weekends, an outage affecting fewer than three (3) subscribers shall result in a service call no later than the following Monday morning.

3. For Inferior Signal Quality: Within forty eight (48) hours, excluding Sundays and holidays, of receiving a request for service identifying a problem concerning picture or sound quality.

C. Grantee shall be deemed to have responded to a request for service under the provisions of this section when a technician arrives at the service location and begins work on the problem. In the case of a subscriber not being home when the technician arrives, the technician shall leave written notification of arrival.

D. Grantee shall not charge for the repair or replacement of defective or

malfunctioning equipment provided by grantee to subscribers, unless the defect was caused by the subscriber.

E. Unless excused, grantee shall determine the nature of the problem within forty eight (48) hours of beginning work and resolve all cable system related problems within five (5) business days unless technically infeasible. (Ord. 96-793)

6-3C-19: BILLING AND INFORMATION STANDARDS:

A. Subscriber bills shall be clear, concise and understandable. Bills shall be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills shall also clearly delineate all activity during the billing period, including optional charges, rebates and credits.

B. In case of a billing dispute, the grantee shall respond to a written complaint from a subscriber within thirty (30) days.

C. Upon request, grantee shall provide credits or refunds to subscribers whose service has been interrupted for four (4) or more hours. All credits for service shall be issued no later than the customer's next billing cycle following the determination that a credit is warranted. For subscribers terminating service, refunds shall be issued promptly, but no later than thirty (30) days after the return of any grantee supplied equipment.

D. Grantee shall provide written information on each of the following areas at the time of the installation of service, at least annually to all subscribers, and at any time upon request:

1. Products and services offered; and

2. Prices and options for programming services and conditions of subscription to programming and other services; and

3. Installation and service maintenance policies; and

4. Instructions on how to use the cable service; and

5. Channel positions of programming carried on the system; and

6. Billing and complaint procedures, including the address and telephone number of the grantor office designated for dealing with cable related issues.

E. Subscribers shall be notified of any changes in rates, programming services or channel positions as soon as possible through announcements on the cable system and in writing. Notice must be given to subscribers a minimum of thirty (30) days in advance of such changes if the change is within the control of the grantee. In additions, grantee shall notify subscribers thirty (30) days in advance of any significant changes in the information required in subsection D of this section. (Ord. 96-793)

6-3C-20: VERIFICATION OF COMPLIANCE WITH STANDARDS:

A. Upon five (5) days' notice, grantee shall establish its compliance with any or all of the standards required above. Grantee shall provide sufficient documentation to permit grantor to verify the compliance.

B. A repeated and verifiable pattern of noncompliance with the consumer protection standards of section 6-3C-18 of this article, after grantee's receipt of due notice and an opportunity to cure, may be deemed a material breach of the franchise agreement. (Ord. 96-793)

6-3C-21: SUBSCRIBER COMPLAINTS AND DISPUTES:

A. 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. Grantee shall file a copy of these procedures with grantor. Said procedures shall include a requirement that grantee respond to any written complaint from a subscriber within thirty (30) days of receipt.

B. Grantor shall have the right to review grantee's response to subscriber complaints in order to determine grantee's compliance with the franchise requirements, subject to the subscriber's right to privacy.

C. It shall be the right of all subscribers to continue receiving service insofar as their financial and other obligations to the grantee are honored. In the event that the grantee elects to rebuild, modify, or sell the system, or the grantor gives notice of intent to terminate or not to renew the franchise, the grantee shall act so as to ensure that all subscribers receive service so long as the franchise remains in force.

D. In the event of a change of control of grantee, or in the event a new operator acquires the system, the original grantee shall cooperate with the grantor, new grantee or operator in maintaining continuity of service to all subscribers. During such period, grantee shall be entitled to the revenues for any period during which it operates the system. (Ord. 96-793)

6-3C-22: OTHER REQUIREMENTS:

A. In the event grantee fails to operate the system for seven (7) consecutive days without prior approval or subsequent excuse of the grantor, the grantor may, at its sole option, operate the system or designate an operator until such time as grantee restores service under conditions acceptable to the grantor or a permanent operator is selected. If the grantor should fulfill this obligation for the grantee, then during such period as the grantor fulfills such obligation, the grantor shall be entitled to collect all revenues from the system, and the grantee shall indemnify the grantor against any damages grantor may suffer as a result of such failure.

B. All officers, agents or employees of grantee or its contractors or subcontractors who, in the normal course of work come into contact with members of the public or who require entry onto subscribers' premises shall carry a photo identification card in a form approved by grantor. Grantee shall account for all identification cards at all times. Every vehicle of the grantee or its major subcontractors shall be clearly identified as working for grantee.

C. Additional service standards and standards governing consumer protection and response by grantee to subscriber complaints not otherwise provided for in this article may be established in the franchise agreement or by separate ordinance, and grantee shall comply with such standards in the operations of the cable television system. A verified and continuing pattern of noncompliance may be deemed a material breach of the franchise, provided that grantee shall receive due process, including written notification and an opportunity to cure, prior to any sanction being imposed. (Ord. 96-793)

6-3C-23: FRANCHISE FEE:

A. Following the issuance and acceptance of the franchise, the grantee shall pay to the grantor a franchise fee on cable service revenues in the amount and at the times set forth in the franchise agreement. For telecommunications service revenues, the grantee shall pay an in lieu of franchise fee payment in the maximum amount permitted by applicable law.

B. The grantor, on an annual basis, shall be furnished a statement within sixty (60) days of the close of the calendar year, either audited and certified by an independent certified public accountant or certified by an officer of the grantee, reflecting the total amounts of gross revenues and all payments, deductions and computations for the period covered by the payment. Upon thirty (30) days' prior written notice, grantor shall have the right to conduct an independent audit of grantee's records, in accordance with generally accepted accounting procedures, and if such audit indicates a franchise fee and/or in lieu fee underpayment of two percent (2%) or

more, the grantee shall assume all reasonable costs of such audit.

C. Except as otherwise provided by law, no acceptance of any payment by the grantor shall be construed as a release or as an accord and satisfaction of any claim the grantor may have for further or additional sums payable as a franchise fee and/or in lieu fee under this article or for the performance of any other obligation of the grantee.

D. In the event that any franchise and/or in lieu fee payment or recomputed amount is not made on or before the dates specified in the franchise agreement, grantee shall pay as additional compensation:

1. An interest charge, computed from such due date, at an annual rate equal to the prime lending rate of any national bank selected by grantor, plus one percent (1%) during the period for which payment was due; and

2. If the payment is late by forty five (45) days or more, a sum of money equal to five percent (5%) of the amount due in order to defray those additional expenses and costs incurred by the grantor by reason of delinquent payment.

E. Franchise fee and/or in lieu fee payments shall be made in accordance with the schedule indicated in the franchise agreement. (Ord. 96-793)

6-3C-24: SECURITY FUND:

A. Grantor may require grantee to provide a security fund, in an amount and form established in the franchise agreement. The amount of the security fund shall be established based on the extent of the grantee's obligations under the terms of the franchise.

B. The security fund shall be available to grantor to satisfy all claims, liens and/or taxes due grantor from grantee which arise by reason of construction, operation, or maintenance of the system, and to satisfy any actual or liquidated damages arising out of a franchise breach, subject to the procedures and amounts designated in the franchise agreement.

C. If the security fund is drawn upon by grantor in accordance with the procedures established in this article and the franchise agreement, grantee shall cause the security fund to be replenished to the original amount no later than thirty (30) days after each withdrawal by grantor. Failure to replenish the security fund shall be deemed a material breach of the franchise. (Ord. 96-793)

6-3C-25: SYSTEM CONSTRUCTION:

A. Grantee shall not construct any cable system facilities until grantee has secured the necessary permits from grantor, or other cognizant public agencies.

B. In those areas of the city where transmission lines or distribution facilities of the public utilities providing telephone and electric power service are underground, the grantee likewise shall construct, operate and maintain its transmission and distribution facilities therein underground.

C. In those areas of the city where the grantee's cables are located on the aboveground transmission or distribution facilities of the public utility providing telephone or electric power service, and in the event that the facilities of both such public utilities subsequently are placed underground, then the grantee likewise shall reconstruct, operate and maintain its transmission and distribution facilities underground, at grantee's cost. Certain of grantee's equipment, such as pedestals, amplifiers and power supplies, which normally are placed above ground, may continue to remain in aboveground enclosures, unless otherwise provided in the franchise agreement.

D. Any changes in or extensions of any poles, anchors, wires, cables, conduits,

vaults, laterals or other fixtures and equipment (herein referred to as "structures"), or the construction of any additional structures, in, upon, along, across, under or over the streets, alleys and public ways shall be made under the direction of grantor's city engineer or a designee, who shall, if the proposed change, extension or construction conforms to the provisions hereof, issue written permits therefor. The height above public thoroughfares of all aerial wires shall conform to the requirements of the California regulatory body having jurisdiction thereof.

1. All transmission and distribution structures, lines and equipment erected by the grantee shall be located so as not to interfere with the proper use of streets, alleys and other public ways and places, and to cause minimum interference with the rights or reasonable convenience of property owners who adjoin any of the said streets, alleys or other public ways and places, and not to interfere with existing public utility installations.

2. In the event that any property or improvement of the grantor in the public rights of way is disturbed or damaged by the grantee or any of its contractors, agents or employees in connection with undertaking any and all work pursuant to the right granted to the grantee pursuant to this article, the grantee shall promptly, at the grantee's sole cost and expense, restore as nearly as practicable to their former condition said property or improvement which was so disturbed or damaged, and in the event that any such property or improvement shall at any later time become uneven, unsettled or otherwise require restoration, repair or replacement because of such disturbance or damage by the grantee, then the grantee, as soon as reasonably possible, shall, promptly upon receipt of notice from the grantor and at the grantee's sole cost and expense, restore as nearly as practicable to their former condition said property or improvement which was disturbed or damaged. Any such restoration by the grantee shall be made in accordance with such materials and specifications as may, from time to time, be then provided for by grantor ordinance.

3. Prior to commencing any work in the public rights of way, the grantee shall obtain any and all permits lawfully required by such grantor codes and ordinances of general application for such work. In the event that emergency work may be required by the grantee, however, the grantee shall obtain any and all such permits within three (3) working days after the beginning of such emergency work.

4. There shall be no unreasonable or unnecessary obstruction of the public rights of way by the grantee in connection with any of the work herein provided for, and the grantee shall maintain such barriers, signs and warning signals during any such work performed on or about the public rights of way or adjacent thereto as may be necessary to reasonably avoid injury or damage to life and property.

5. If at any time during the period of this franchise the grantor shall lawfully elect to alter or change the grade or location of any street, alley or other public rights of way, the grantee shall, upon reasonable notice by the grantor, remove, relay and relocate its poles, wires, cables, underground conduits, manholes and other fixtures at it own expense, and in each instance comply with the requirements of the grantor.

6. The grantee shall not place poles, conduits or other fixtures above or below ground where the same will interfere with any gas, electric, telephone fixtures, water hydrants or other utility, and all such poles, conduits or other fixtures placed in any street shall be so placed as to comply with all ordinances of the grantor.

7. The grantee may be required by the grantor to permit joint use of its property and appurtenances located in the streets, alleys or other public rights of way, by utilities insofar as such joint use may be reasonably practicable and upon payment of reasonable rental therefore; provided that in the absence of agreement regarding such joint use, the city council shall provide for arbitration of the terms and conditions of such joint use and the compensation to be paid therefrom, which award shall be final.

8. The grantee shall, on request of any person holding a moving permit issued by the grantor, temporarily move its wires or fixtures to permit the moving of buildings, the expense of such temporary removal to be paid by the person requesting the same, and the grantee shall be given not less than forty eight (48) hours' advance notice to arrange for such temporary changes.

9. The grantee shall have the authority, except when in conflict with existing grantor ordinances, to trim any trees upon and overhanging the streets, alleys, sidewalks and public places so as to prevent the branches of such trees from coming in contact with the wires and cables of the grantee, except that at the option of the grantor, such trimming may be done by it, or under its supervision and direction, at the expense of the grantee. (Ord. 96-793)

6-3C-26: MULTIPLE FRANCHISES:

A. In the event that more than one franchise is awarded, the grantor reserves the right to limit the number of drop cables per residence, or to require that the drop cable(s) be utilized only by the cable operator selected by the resident to provide service.

B. The grantor reserves the right to grant an encroachment permit to a cable franchisee applicant to install conduit and/or cable in anticipation of the granting of a franchise. Such installations shall be at the applicant's risk, with no recourse against the grantor in the event the pending franchise application is not granted. The grantor may require an applicant to provide a separate trench for its conduit and/or cable, at the applicant's cost. (Ord. 96-793)

6-3C-27: APPLICABLE TECHNICAL STANDARDS:

The grantee shall construct, install, operate and maintain its system in a manner consistent with all applicable laws, ordinances, construction standards, governmental requirements, FCC technical standards, and any detailed standards set forth in its franchise agreement. In addition, the grantee shall provide to the grantor, upon request, a written report of the results of the grantee's periodic proof of performance tests conducted pursuant to FCC and franchise standards and guidelines. (Ord. 96-793)

6-3C-28: NONCOMPLIANCE WITH STANDARDS:

Repeated and verified failure to maintain specified technical standards shall constitute a material breach of the franchise. (Ord. 96-793)

6-3C-29: HOLD HARMLESS:

Grantee shall indemnify, defend and hold grantor, its officers, agents and employees harmless from any liability, claims, damages, costs or expenses, to the extent provided in the franchise agreement. (Ord. 96-793)

6-3C-30: INSURANCE:

A. On or before commencement of franchise operations, the grantee shall obtain policies of liability, workers' compensation and property insurance from appropriately qualified insurance companies, which shall be "admitted" in the state of California.

B. The policy of liability insurance shall:

1. Be issued to grantee and name grantor, its officers, agents and employees as additional insureds;

2. Indemnify for all liability for personal and bodily injury, death and damage to property arising from activities conducted and premises used pursuant to this article by providing coverage therefor, including, but not limited to:

a. Negligent acts or omissions of grantee, and its agents, servants and employees, committed in the conduct of franchise operations, and/or

b. Use of motor vehicles;

3. Provide a combined single limit for comprehensive general liability and comprehensive automobile liability insurance in the amount provided for in the franchise agreement. Such insurance policy shall be subject to review by grantor's legal counsel; and

4. Be noncancelable without thirty (30) days' prior written notice thereof directed to grantor.

C. The policy of workers' compensation insurance shall comply with the laws of the state of California.

D. The policy of property insurance shall provide fire insurance with extended coverage on the franchise property used by grantee in the conduct of franchise operations in an amount adequate to enable grantee to resume franchise operations following the occurrence of any risk covered by this insurance.

E. Grantee shall file with grantor prior to commencement of franchise operations a

certificate of insurance for each of the required policies executed by the company issuing the policy or by a broker authorized to issue such a certificate, certifying that the policy is in force and providing the following information with respect to said policy:

1. The policy number;

2. The date upon which the policy will become effective and the date upon which it will expire;

3. The names of the named insureds and any additional insured required by the franchise agreement;

4. The subject of the insurance;

5. The type of coverage provided by the insurance; and

6. The amount or limit of coverage provided by the insurance.

If the certificate of insurance does not provide all of the above information, grantor reserves the right to inspect the relevant insurance policies.

F. Conduct of franchise operations shall not commence until grantee has complied with the aforementioned provisions of this section.

G. In the event grantee fails to maintain any of the above described policies in full force and effect, grantor shall, upon forty eight (48) hours' notice to grantee, have the right to procure the required insurance and recover the cost thereof from grantee. Grantor shall also have the right to suspend the franchise during any period that grantee fails to maintain said policies in full force and effect. In order to account for increases in consumer prices, no more than once during any five (5) year period, grantor shall have the right to order grantee to increase the amounts of the insurance provided in the franchise agreement. Such order may be made by grantor after conducting a duly noticed public hearing. Increases in insurance coverage shall be based upon current prudent business practices of like enterprises involving the same or similar risks. (Ord. 96-793)

6-3C-31: RECORDS REQUIRED:

A. Grantee shall at all times maintain:

1. A record of all service calls and interruptions or degradation of service experienced for the preceding two (2) years, provided that such complaints result in or require a service call, subject to the subscriber's right of privacy.

2. A full and complete set of plans, records and "as built" maps showing the locations of the cable television system installed or in use in the city, exclusive of subscriber service drops and equipment provided in subscriber's homes.

3. If requested by grantor, a summary of service calls, identifying the number, general nature and disposition of such calls, on a monthly basis. A summary of such service calls shall be submitted to the grantor within thirty (30) days following any grantor request, in a form reasonably acceptable to the grantor.

B. The grantor may impose reasonable requests for additional information, records and documents from time to time, provided they reasonably relate to the scope of the city's rights under this article or the grantee's franchise agreement.

C. Upon reasonable notice, and during normal business hours, grantee shall permit examination by any duly authorized representative of the grantor of all franchise property and facilities, together with any appurtenant property and facilities of grantee situated within or without the city, and all records relating to the franchise, provided they are necessary to enable the grantor to carry out its regulatory responsibilities under this article or the franchise agreement. Grantee shall have the right to be present at any such examination. (Ord. 96-793)

6-3C-32: ANNUAL REPORTS:

A. Within ninety (90) days after the end of the calendar year, grantee shall submit a written annual report to grantor, if requested, with respect to the preceding calendar year in a form approved by grantor, including, but not limited to, the following

information:

1. A summary of the previous year's (or in the case of the initial reporting year, the initial year's) activities in development of the cable system, including, but not limited to, services begun or discontinued during the reporting year;

2. A list of grantee's officers, members of its board of directors, and other principals of grantee;

3. A list of stockholders or other equity investors holding five percent (5%) or more of the voting interest in grantee;

4. An indication of any residences in grantee's service area where service is not available, and a schedule for providing service;

5. Information as to the number of homes passed, subscribers, additional television outlets, and the number of basic and pay subscribers.

6. Any other information relevant to franchise regulation which the grantor shall reasonably request, and which is relevant to its regulatory responsibilities.

B. Upon request, grantee shall submit to grantor copies of all pleadings, applications and reports submitted by grantee to, as well as copies of all decisions, correspondence and actions by, any federal, state or local court, regulatory agency, or other governmental body which are nonroutine in nature and which will materially affect its cable television operations within the franchise area. Information otherwise confidential by law and so designated by grantee, which is submitted to grantor, shall be retained in confidence by grantor and its authorized agents and shall not be made available for public inspection. Notwithstanding the foregoing, grantee shall have no obligation to provide copies of documents to grantor which contain trade secrets of grantee or which are otherwise of a confidential or proprietary nature to grantee unless it receives satisfactory assurances from grantor that such information can and will be held in strictest confidence by the grantor. To the extent possible, grantee will provide grantor with summaries of any required documents or copies thereof with trade secrets and proprietary matters deleted therefrom. The burden of proof shall be on grantee to establish the confidential nature of any information submitted, to the reasonable satisfaction of the grantor.

C. If grantee is publicly held, a copy of each grantee's annual and other periodic reports and those of its parent, shall be submitted to grantor within forty five (45) days of its issuance.

D. Upon grantor's request, but no more than annually, grantee shall submit to grantor a privacy report indicating the degree of compliance with the provisions contained in subsections 6-3C-19C, D and E of this article and all steps taken to assure that the privacy rights of individuals have been protected.

E. All reports required under this article, except those required by law to be kept confidential, shall be available for public inspection in the grantor's offices during normal business hours.

F. All reports and records required under this article shall be furnished at the sole expense of grantee, except as otherwise provided in the franchise agreement.

G. The wilful refusal, failure, or neglect of grantee to file any of the reports required as and when due under this article, may be deemed a material breach of the franchise agreement if such reports are not provided to grantor within thirty (30) days after written request therefor, and may subject the grantee to all remedies, legal or equitable, which are available to grantor under this article or the franchise agreement.

H. Any materially false or misleading statement or representation made knowingly and wilfully by the grantee in any report required under this article or under the franchise agreement may be deemed a material breach of the franchise and may subject grantee to all remedies, legal or equitable, which are available to grantor. (Ord. 96-793)

6-3C-33: OPINION SURVEY:

Upon request of the grantor, but not more than once annually, the grantee shall conduct a subscriber satisfaction survey pertaining to quality of service, which may be transmitted to subscribers in grantee's invoice for cable services. The results of such survey shall be provided to the grantor on a timely basis. The cost of such survey shall be borne by the grantee. (Ord. 96-793)

6-3C-34: ANNUAL REVIEW:

A. Each year throughout the term of the franchise, if requested by the grantor, grantor and grantee shall meet publicly to review system performance and quality of service. The various reports required pursuant to this article, results of technical performance tests, the record of subscriber complaints and grantee's response to complaints, and the information acquired in any subscriber surveys, shall be utilized as the basis for review. In addition, any subscriber may submit comments or complaints during the review meetings, either orally or in writing, and these shall be considered. Within thirty (30) days after the conclusion of a system performance review meeting, grantor may issue findings with respect to the cable system's franchise compliance and quality of service.

B. If grantor determines that grantee is not in compliance with the requirements of this article or the grantee's franchise, grantor may direct grantee to correct the areas of noncompliance within a reasonable period of time. Failure of grantee, after due notice, to correct the areas of noncompliance within the period specified therefor or to commence compliance within such period and diligently achieve compliance thereafter, shall be considered a material breach of the franchise, and grantor may exercise any remedy within the scope of this article and the franchise agreement considered appropriate. (Ord. 96-793)

6-3C-35: SPECIAL REVIEW:

When there have been complaints made or where there exists other evidence which, in the judgment of the grantor, casts reasonable doubt on the reliability or quality of cable service to the effect that the grantee is not in compliance with the requirements of this article or its franchise, the grantor shall have the right to compel the grantee to test, analyze and report on the performance of the system in order to protect the public against substandard cable service. Grantor may not compel grantee to provide such tests or reports unless and until grantor has provided grantee with at least thirty (30) days' notice of its intention to exercise its rights under this section and has provided grantee with an opportunity to be heard prior to its exercise of such rights. Such test or tests shall be made and the report shall be delivered to the grantor no later than thirty (30) days after the grantor notifies the grantee that it is exercising such right, and shall be made at grantee's sole cost. Such report shall include the following information: the nature of the complaints which precipitated the special tests, what system component was tested, the equipment used and procedures employed in said testing, the results of such tests, and the method by which such complaints were resolved. Any other information pertinent to the special test shall be recorded. (Ord. 96-793)

6-3C-36: SPECIAL EVALUATION SESSIONS:

The grantor may hold special evaluation sessions at any time during the term of a franchise, provided such sessions are held no more often than once every three (3) years. The grantee shall be notified of the place, time and date thereof and the topics to be discussed. Such sessions may be open to the public and advertised in a newspaper of general circulation at least thirty (30) days before each session. The sessions may include an evaluation of any items considered relevant to the cable system, the subscribers and the city. Either the grantor or the grantee may propose items for discussion or evaluation. (Ord. 96-793)

6-3C-37: REMEDIES FOR VIOLATIONS:

If grantee fails to perform in a timely manner any material obligation required by this article or a franchise granted hereunder, following notice from the grantor and an opportunity to cure such nonperformance in accordance with the provisions of section 6-3C-38 of this article and the franchise, grantor may at its option and in its sole discretion:

A. Cure the violation and recover the actual cost thereof from the security fund

established herein if such violation is not cured within thirty (30) days after written notice to the grantee of grantor's intention to cure and draw upon the security fund;

B. Assess against grantee liquidated damages in an amount set forth in the franchise agreement for any such violation(s) if such violation is not cured, or if grantee has not commenced a cure, on a schedule acceptable to grantor, within thirty (30) days after written notice to the grantee of grantor's intention to assess liquidated damages. Such assessment may be withdrawn from the security fund, and shall not constitute a waiver by grantor of any other right or remedy it may have under the franchise or applicable law, including, without limitation, its right to recover from grantee such additional damages, losses, costs and expenses, including actual attorney fees, as may have been suffered or incurred by grantor by reason of or arising our of such breach of the franchise. (Ord. 96-793)

6-3C-38: PROCEDURE FOR REMEDYING FRANCHISE VIOLATIONS:

Prior to imposing any remedy or other sanction against grantee specified in this article, grantor shall give grantee notice and opportunity to be heard on the matter, in accordance with the following procedures:

A. Grantor shall first notify grantee of the violation in writing by personal delivery or registered or certified mail, and demand correction within a reasonable time, which shall not be less than fifteen (15) days in the case of the failure of the grantee to pay any sum or other amount due the grantor under this article or the grantee's franchise and thirty (30) days in all other cases. If grantee fails to correct the violation within the time prescribed or if grantee fails to commence correction of the violation within the time prescribed and diligently remedy such violation thereafter, the grantor shall then give written notice of not less than twenty (20) days of a public hearing to be held before the city council. Said notice shall specify the violations alleged to have occurred.

B. Subsequent to the public hearing, the council shall hear and consider all other relevant evidence, and thereafter render findings and its decision.

C. In the event the council finds that the grantee has corrected the violation or has diligently commenced correction of such violation after notice thereof from grantor and is diligently proceeding to fully remedy such violation, or that no material violation has occurred, the proceedings shall terminate and no penalty or other sanction shall be imposed.

D. In the event the council finds that material violations exist and that grantee has not corrected the same in a satisfactory manner or has not diligently commenced correction of such violation after notice thereof from grantor and is not diligently proceeding to fully remedy such violation, the council may impose one or more of the remedies provided in this article and the franchise agreement as it, in its discretion, deems appropriate under the circumstances. (Ord. 96-793)

6-3C-39: GRANTOR'S POWER TO REVOKE:

Grantor reserves the right to revoke any franchise granted pursuant to this article and rescind all rights and privileges associated with it in the following circumstances, each of which shall represent a default by grantee and a material breach under the franchise grant:

A. If grantee shall default in the performance of its material obligations under this article or the franchise agreement and shall continue such default after receipt of due notice and reasonable opportunity to cure the default;

B. If grantee shall fail to provide or maintain in full force and effect the insurance coverage or security fund as required in the franchise agreement;

C. If grantee shall violate any order or ruling of any regulatory body having jurisdiction over the grantee relative to the grantee's franchise, unless such order or ruling is being contested by grantee by appropriate proceedings conducted in good

faith;

D. If grantee practices any fraud or deceit upon grantor;

E. If grantee becomes insolvent, unable or unwilling to pay its debts, or is adjudged a bankrupt.

The termination and forfeiture of the grantee's franchise shall in no way affect any right of grantor to pursue any remedy under the franchise or any provision of law. (Ord. 96-793)

6-3C-40: APPEAL OF FINDING OF REVOCATION:

The grantee may appeal a finding of revocation pursuant to section 6-3C-39 of this article to arbitration, but only after the grantor and grantee engage in mediation with respect to the alleged violation. Any proposed revocation shall be subject to grantee's right to invoke mediation and arbitration provisions under this provision. No revocation shall be implemented until the mediation and arbitration process, including any judicial appeals thereof has been concluded, or until the time for invoking such rights has expired.

Within ten (10) days of written notification of a finding of revocation by the grantor, the grantee shall notify the grantor in writing of its intention to invoke mediation procedures. Within fifteen (15) days of such notification, the grantor and grantee shall select a mediator to assist in the resolution of the dispute. If the dispute is not resolved through the mediation process within sixty (60) days, the grantee may invoke arbitration procedures under section 6-3C-41 of this article by providing the grantor with written notice within ten (10) days after the mediation process is terminated. (Ord. 96-793)

6-3C-41: PROCEDURES APPLICABLE TO ARBITRATION:

Any arbitration held pursuant to a proposed revocation shall be conducted as follows:

A. The grantor and the grantee each shall, within fifteen (15) days of the decision to proceed to arbitration appoint one arbitrator experienced in the cable television business, which arbitrators shall mutually select a third arbitrator of similar qualifications.

B. Within thirty (30) days after appointment of all arbitrators and upon fifteen (15) days' written notice to the parties to the arbitration, the arbitrators shall commence a hearing on the dispute.

C. The hearing shall be recorded and may be transcribed and the request of either the grantor or the grantee.

D. At the close of the hearings and within thirty (30) days, the arbitrators shall prepare written findings and serve such decision upon the grantor and the grantee.

E. Either party may seek judicial relief to the arbitrator's decision. (Ord. 96-793)

6-3C-42: FORCE MAJEURE, GRANTEE'S INABILITY TO PERFORM:

In the event grantee's performance of any of the terms, conditions or obligations required by this article or a franchise granted hereunder is prevented by a cause or event not within grantee's control, such inability to perform shall be deemed excused and no penalties or sanctions shall be imposed as a result thereof; provided, however, that such inability to perform shall not relieve a grantee from the obligations imposed by subsection 6-3C-19C of this article pertaining to refunds and credits for interruptions in service. For the purpose of this section, causes or events not within the control of grantee shall include, without limitation, acts of God, strikes, sabotage, riots or civil disturbances, restraints imposed by order of a governmental agency or court, explosions, acts of public enemies, and natural disasters such as floods,

earthquakes, landslides, and fires, but shall not include financial inability of the grantee to perform or failure of the grantee to obtain any necessary permits or licenses from other governmental agencies or the right to use the facilities of any public utility where such failure is due solely to the acts or omissions of grantee, or the failure of the grantee to secure supplies, services or equipment necessary for the installation, operation, maintenance or repair of the cable communications system where the grantee has failed to exercise reasonable diligence to secure such supplies, services or equipment. (Ord. 96-793)

6-3C-43: ABANDONMENT OR REMOVAL:

A. In the event that the use of any property of grantee within the public rights of way is discontinued for a continuous period of twelve (12) months, grantee shall be deemed to have abandoned that franchise property. Any part of the cable system that is parallel or redundant to other parts of the system and is intended for use only when needed as a backup for the system or a part thereof, shall not be deemed to have been abandoned because of its lack of use.

B. Grantor, upon such terms as grantor may impose, may give grantee permission to abandon, without removing, any system facility or equipment laid, directly constructed, operated or maintained under the franchise. Unless such permission is granted or unless otherwise provided in this article, the grantee shall remove all abandoned aboveground facilities and equipment upon receipt of written notice from grantor and shall restore any affected street to its former state at the time such facilities and equipment were installed, so as not to impair its usefulness. In removing its plant, structures and equipment, grantee shall refill, at its own expense, any excavation that shall be made by it and shall leave all public ways and places in as good condition as that prevailing prior to such removal without materially interfering with any electrical or telephone cable or other utility wires, poles, or attachments. Grantor shall have the right to inspect and approve the condition of the public ways, public places, cables, wires, attachments and poles prior to and after removal. The liability, indemnity and insurance provisions of this article and the security fund as provided herein shall continue in full force and effect during the period of removal and until full compliance by grantee with the terms and conditions of this section.

C. Upon abandonment of any franchise property in place, the grantee, if required by the grantor, shall submit to the grantor an instrument, satisfactory in form to the grantor, transferring to the grantor the ownership of the franchise property abandoned.

D. At the expiration of the term for which the franchise is granted, or upon its revocation or earlier expiration, as provided herein, in any such case without renewal, extension or transfer, the grantor shall have the right to require grantee to remove, at its own expense, all aboveground portions of the cable television system from all streets and public ways within the city within a reasonable period of time, which shall not be less than one hundred eighty (180) days.

E. Notwithstanding anything to the contrary set forth in this article, the grantee may abandon any underground franchise property in place so long as it does not materially interfere with the use of the street or public rights of way in which such property is located or with the use thereof by any public utility or other cable grantee. (Ord. 96-793)

6-3C-44: RESTORATION BY GRANTOR; REIMBURSEMENT OF COSTS:

In the event of a failure by grantee to complete any work required herein or by any other law or ordinance, and if such work is not completed within thirty (30) days after receipt of written notice thereof from grantor or, if more than thirty (30) days are reasonably required therefor, if grantee does not commence such work within such thirty (30) day period and diligently complete the work thereafter (except in cases of emergency constituting a threat to public health, safety or welfare), grantor may cause such work to be done and grantee shall reimburse grantor the costs thereof within thirty (30) days after receipt of an itemized list of such costs, or grantor may recover such costs through the security fund provided by grantee. (Ord. 96-793)

6-3C-45: EXTENDED OPERATION AND CONTINUITY OF SERVICES:

Upon expiration or revocation of the franchise, the grantor shall have the discretion to permit grantee to continue to operate the cable television system for an extended period of time. Grantee shall continue to operate the system under the terms and conditions of this article and the franchise and to provide the regular subscriber service and any and all of the services that may be provided at that time. It shall be the right of all subscribers to continue to receive all available services provided that financial and other obligations to grantee are honored. The grantee shall use reasonable efforts to provide continuous, uninterrupted service to its subscribers, including operation of the system during transition periods following franchise expiration or termination. (Ord. 96-793)

6-3C-46: RECEIVERSHIP AND FORECLOSURE:

A. A franchise granted hereunder shall, at the option of grantor, cease and terminate one hundred twenty (120) days after appointment of a receiver or receivers, or trustee or trustees, to take over and conduct the business of grantee, whether in a receivership, reorganization, bankruptcy or other action or proceeding, unless such receivership or trusteeship shall have been vacated prior to the expiration of said one hundred twenty (120) days, or unless: 1) such receivers or trustees shall have, within one hundred twenty (120) days after their election or appointment, fully complied with all the terms and provisions of this article and the franchise granted pursuant hereto, and the receivership or trustees within said one hundred twenty (120) days shall have remedied all the faults under the franchise or provided a plan for the remedy of such faults which is satisfactory to the grantor; and 2) such receivers or trustees shall, within said one hundred twenty (120) days, execute an agreement duly approved by the court having jurisdiction in the premises whereby such receivers or trustees assume and agree to be bound by each and every term, provision and limitation of the franchise granted.

B. In the case of a foreclosure or other judicial sale of the franchise property, or any material part thereof, grantor may serve notice of termination upon grantee and the successful bidder at such sale, in which event the franchise granted and all rights and privileges of the grantee hereunder shall cease and terminate thirty (30) days after service of such notice, unless: 1) grantor shall have approved the transfer of the franchise, as and in the manner that this article provides; and 2) such successful bidder shall have covenanted and agreed with grantor to assume and be bound by all terms and conditions of the franchise. (Ord. 96-793)

6-3C-47: RESERVATION OF GRANTOR RIGHTS:

In addition to any rights specifically reserved to the grantor by this article, the grantor reserves to itself every right and power which is required to be reserved by a provision of any ordinance or under the franchise. (Ord. 96-793)

6-3C-48: WAIVER:

The grantor shall have the right to waive any provision of the franchise, except those required by federal or state regulation, if the grantor determines: a) that it is in the public interest to do so, and b) that the enforcement of such provision will impose an undue hardship on the grantee or the subscribers. To be effective, such waiver shall be evidenced by a statement in writing signed by a duly authorized representative of the grantor. Waiver of any provision in one instance shall not be deemed a waiver of such provision subsequent to such instance nor be deemed a waiver of any other provision of the franchise unless the statement so recites. (Ord. 96-793)

6-3C-49: RIGHTS OF INDIVIDUALS:

A. Grantee shall not deny service, deny access, or otherwise discriminate against subscribers, channel users, or general citizens on the basis of race, color, religion, national origin, age or sex. Grantee shall comply at all times with all other applicable federal, state and local laws and regulations relating to nondiscrimination.

B. Grantee shall adhere to the applicable equal employment opportunity requirements of federal, state and local regulations, as now written or as amended from time to time.

C. Neither grantee, nor any person, agency, or entity shall, without the subscriber's consent, tap, or arrange for the tapping, of any cable, line, signal input device, or subscriber outlet or receiver for any purpose except routine maintenance of the system, detection of unauthorized service, polling with audience participation, or audience viewing surveys to support advertising research regarding viewers where individual viewing behavior cannot be identified.

D. In the conduct of providing its services or in pursuit of any collateral commercial enterprise resulting therefrom, grantee shall take reasonable steps to prevent the invasion of a subscriber's or general citizen's right of privacy or other personal rights through the use of the system as such rights are delineated or defined by applicable law. Grantee shall not without lawful court order or other applicable valid legal authority utilize the system's interactive two-way equipment or capability for unauthorized personal surveillance of any subscriber or general citizen.

E. No cable line, wire amplifier, converter, or other piece of equipment owned by grantee shall be installed by grantee in the subscriber's premises, other than in appropriate easements, without first securing any required consent. If a subscriber requests service, permission to install upon subscriber's property shall be presumed.

F. The grantee, or any of its agents or employees, shall not sell, or otherwise make available to any party without consent of the subscriber pursuant to state and federal privacy laws:

1. Any list of the names and addresses of subscribers containing the names and addresses of subscribers who request in writing to be removed from such list; and

2. Any list which identifies the viewing habits of individual subscribers, without the prior written consent of such subscribers. This does not prohibit the grantee from providing composite ratings of subscriber viewing to any party. (Ord. 96-793)

6-3C-50: SEPARABILITY:

If any provision of this article is held by any court or by any federal or state agency of competent jurisdiction, to be invalid as conflicting with any federal or state law, rule or regulation now or hereafter in effect, or is held by such court or agency to be modified in any way in order to conform to the requirements of any such law, rule or regulation, such provision shall be considered a separate, distinct, and independent part of this article, and such holding shall not affect the validity and enforceability of all other provisions hereof. In the event that such law, rule or regulation is subsequently repealed, rescinded, amended or otherwise changed, so that the provision thereof which had been held invalid or modified is no longer in conflict with such law, rule or regulation, said provision shall thereupon return to full force and effect and shall thereafter be binding on grantor and grantee, provided that grantor shall give grantee thirty (30) days' written notice of such change before requiring compliance with said provision or such longer period of time as may be reasonably required for grantee to comply with such provision. (Ord. 96-793)

Chapter 4
TELECOMMUNICATION FACILITIES IN THE PUBLIC RIGHT OF WAY

ARTICLE A. GENERAL

6-4A-0: SHORT TITLE:

This chapter shall be known as the *TELECOMMUNICATIONS FACILITY ORDINANCE* and serves as the city's regulation over such facilities in the public right of way. (Ord. 16-1012)

6-4A-1: DEFINITIONS:

For the purpose of this chapter, certain words and phrases are defined in this section, unless it is apparent from the context that a different meaning is intended:

ANTENNA ARRAY: One or more rods, panels, disks, or similar devices used for the transmission or reception of radio frequency signals, which may include omnidirectional antennas (whip), directional antennas (panel), and parabolic antennas (dish), but excluding any support structure.

COLLOCATE: A site or facility where a wireless provider shares a telecommunications facility with an existing structure, such as an existing streetlight or utility pole.

CORNER LOT: A lot bounded by two (2) or more intersecting streets that has an angle of intersection of not more than one hundred thirty five degrees (135°). The intersecting streets shall not be the same street. In determining the angle of intersection for a rounded corner, straight lines shall be drawn as extensions of both street lines. The calculation of the angle of intersection shall be made from the side facing toward the lot at the point where these two (2) extensions meet.

DIRECTOR: The director of the department of community development or his/her written designee. The director is hereby designated as the administrative enforcement official for this chapter and may issue an administrative citation pursuant to title 1, chapter 4 of this code, and a violator shall be subject to the procedures, costs and civil penalties set forth therein.

PARKWAY: That area between the sidewalk and the curb of any street, and where there is no sidewalk, that area between the edge of the roadway and the property line adjacent thereto. Parkway shall also include any area within a roadway, which is not open to vehicular travel.

PERMIT: A permit issued pursuant to this article allowing the placement of a telecommunications facility within a specifically designated portion of the public right of way. This is separate from the encroachment permit.

PERSON: Any individual, firm, company, corporation or other organization.

PRIMARY USE: The main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours which activities occur, including, but not limited to, a streetlight or power pole.

PUBLIC RIGHT OF WAY OR RIGHT OF WAY: Any public street, public way, public place or rights of way, now laid out or dedicated, and the space on, above or below it, and all extensions thereof, and additions thereto, under the jurisdiction of the city.

PUBLIC SIDEWALK: Any surface dedicated to the use of pedestrians by license, easement, operation of law or by grant to the city.

PUBLIC STREET: All of that area dedicated to public use for public street and sidewalk purposes and includes, but is not limited to, roadways, parkways, alleys and sidewalks.

ROADWAY: That portion of a public street improved, designed or ordinarily used for vehicular travel.

STREET SEGMENT: The length of a street between two (2) cross streets and includes both sides of such street. For streets that turn at an angle of ninety degrees (90°) or more, the portion before and after the right angle shall each be considered a street segment.

SUPPORT STRUCTURE: A freestanding structure designed and constructed to solely support an antenna array and that may consist of a monopole, a self-supporting lattice tower, a guywire support tower, or other similar structure.

TELECOMMUNICATIONS FACILITY: Any wire or line, antenna, pipeline, pipe, duct, conduit, converter, cabinet, pedestal, meter, tunnel, vault, equipment, drain, manhole, splice box, surface location marker, pole, structure, utility, or other appurtenance, structure, property, or tangible thing used to provide telecommunications and/or video service to the public.

WIRELESS COMMUNICATION FACILITY (WCF): For purposes of this chapter, a wireless communications facility is any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna array, connection cables, an equipment enclosure or facility, and a tower structure or other building or structure used to achieve the necessary elevation. (Ord. 16-1012)

6-4A-2: PROHIBITED ON ROADWAY OF PUBLIC STREET:

No person shall install, use or maintain any telecommunications facility which projects onto, in or over any part of the roadway of any public street or which rests, wholly or in part, upon, along or over any portion of the roadway of any public street. (Ord. 16-1012)

6-4A-3: DANGEROUS CONDITION OR OBSTRUCTION:

A. No person shall install, use or maintain any telecommunications facility which in whole or in part rests upon, in or over any public sidewalk or parkway:

1. When such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or

2. When such site or location is used for public utility purposes, public transportation purposes or other governmental use, or

3. When such telecommunications facility unreasonably interferes with or impedes the flow of:

a. Pedestrian or vehicular traffic including any legally parked or stopped vehicle,

b. The ingress into or egress from any residence or place of business,

c. The use of poles, posts, traffic signs or signals, hydrants, mailboxes, permitted sidewalk dining, permitted street furniture or other objects permitted at or near said location. (Ord. 16-1012)

6-4A-4: PERMIT REQUIRED:

A. Required: No person shall install or maintain any telecommunications facility which in whole or in part rests upon, in or over the public right of way without:

1. First obtaining a telecommunications permit or "permit" from the director under this chapter and

2. Demonstrating that the operator is regulated by the public utilities commission or has a certificate of public convenience and necessity.

B. Application Information: Applications for permits shall be made to the director and shall contain the following:

1. The name, address and telephone number of the owner of the telecommunications facility;

2. The name, address and telephone number of the responsible person whom the city may notify or contact at any time concerning the telecommunications facility;

3. A site plan containing the exact proposed location of the facility (including the longitude and latitude for purposes of noting the location in the city's geographic information system), and detailed plans created by a qualified licensed engineer and in accordance with requirements set by the director;

4. A photograph and/or model number of the type of telecommunications facility being used;

5. A hold harmless agreement pursuant to section 6-4A-13 of this article;

6. A certificate of insurance pursuant to section 6-4A-14 of this article;

7. Agreement to conform to the requirements of this chapter;

8. An application and processing fee, as established by resolution of the city council; and

9. Any additional data sufficient to show the correctness of the application and/or plans required by the director.

C. Public Improvements: Applications will not be accepted for geographic locations which are then unavailable due to current or proposed public improvements as specified in the current capital improvement program.

D. Existing Facilities: This section does not apply to the terms and conditions of any agreement or permit (or extension thereof) pertaining to telecommunications facilities (issued by the city or of which the city is a party) that is already in existence at the effective date hereof, provided that the agreement or permit (or extension thereof) does not result in a material change (including, but not limited to, changes in size, shape, color, or exterior material) of the telecommunications facilities covered by such existing agreement.

E. Impact Minimizing Conditions: The director may impose impact minimizing conditions on a permit to mitigate potential noise or aesthetic impacts.

F. Permits: The director shall have the right to review the permit every ten (10) years to determine whether the equipment is no longer needed and/or useful, or whether new means exist to further reduce noise and/or aesthetic impacts that are materially greater than those that would have existed when the WCF was installed as originally permitted.

G. Additional Impact Mitigations: The director may require facility upgrades and/or additional mitigations to reduce impacts of such facilities unless the applicant demonstrates that the mitigations are not feasible.

H. Eligible Facilities Requests: Eligible facilities requests (as defined in the middle class tax relief and job creation act of 2012, section 6409 and any subsequent modifications) that do not require a substantial change in physical dimensions shall be processed in accordance with 47 USC section 1455, and any duly authorized implementing orders and regulations of the federal communications commission. In reviewing permits for qualifying eligible facilities requests, the director shall approve applications, but shall retain discretion to enforce and condition approval on compliance with generally applicable building, structural, electrical, and safety codes and with other laws (including, without limitation, this article) codifying objective standards reasonably related to health and safety. (Ord. 16-1012)

6-4A-5: FINDINGS REQUIRED FOR ALL TELECOMMUNICATIONS FACILITIES:

No permit shall be granted unless the following findings can be made by the director:

A. The proposed use is allowed in the public right of way and complies with all applicable provisions of this chapter.

B. Prior to the installation of any telecommunications facility, the applicant has demonstrated that the installation will not interfere with the use of the public right of way and existing subterranean infrastructure.

C. The applicant has coordinated the final siting location of the telecommunications facility with the director.

D. All notification requirements for the proposed telecommunications facility have been met. (Ord. 16-1012)

6-4A-6: ADDITIONAL FINDINGS REQUIRED FOR WIRELESS COMMUNICATIONS FACILITIES:

No permit shall be granted for any wireless communications facility if the following additional findings cannot be made by the director:

A. The applicant has demonstrated, by way of a justification study, the rationale for selecting the proposed use, a detailed explanation of the coverage gap that the proposed use would serve, and how the proposed use is the least intrusive means for the applicant to provide wireless service.

B. The applicant has posted a performance bond or other security in an amount rationally related to the cost of removal.

C. The wireless communications facility will not result in levels of radio frequency emissions that exceed federal communications commission standards, including, but not limited to, FCC office of engineering technology (OET) bulletin 65, "Evaluating

Compliance With FCC Guidelines For Human Exposure To Radiofrequency Electromagnetic Fields", as amended. Additionally, if the director determines the wireless communications facility, as constructed, may emit radio frequency emissions that are likely to exceed federal communications commission uncontrolled/general population standards in the FCC office of engineering technology (OET) bulletin 65, "Evaluating Compliance With FCC Guidelines For Human Exposure To Radiofrequency Electromagnetic Fields", as amended, in areas accessible by the general population, the director may require postinstallation testing to determine whether to require further mitigation of radio frequency emissions. Applications for amateur radio antennas or antennas installed for home entertainment purposes are exempt from this requirement. (Ord. 16-1012)

6-4A-7: SPECIAL NOTICE:

A. Notice Of Application Submittal:

1. Residential districts: Notice that the application has been submitted shall be mailed to the owners of property located within a radius of three hundred feet (300') as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records of the assessor or county tax collector which contain more recent and accurate addresses by United States mail, postage prepaid. Notices shall contain a description of the location, a brief description of the proposal, the deadline to submit comments, the date the director is scheduled to make a decision, and information about when and how an appeal may be filed.

2. All other zoning districts: Notice that the application has been submitted shall be mailed to all property owners within one hundred feet (100') of the proposed facility (including any antenna array, radome and enclosure facility) as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records of the assessor or county tax collector which contain more recent and accurate addresses by United States mail, postage prepaid. Notices shall contain a description of the location, a brief description of the proposal, the deadline to submit comments, the date the director is scheduled to make a decision, and information about when and how an appeal may be filed.

B. Comment Period: Written comments received by the director during this period shall be considered as part of the staff review.

1. Residential Districts: For proposed uses located in residential zoning districts, the comment period shall be fifteen (15) days from the date notice is provided.

2. All Other Zoning Districts: For proposed uses located in all other zoning districts, the comment period shall be ten (10) days from the date notice is provided.

C. Notice Of Installation: After the appeal period has expired, and no less than forty eight (48) hours prior to installation, written notice shall be provided to the same persons who originally received notice pursuant to subsection A, "Notice Of Application Submittal", of this section.

D. Exemption: Any WCF operated by suppliers of electric, gas, or water utilities shall be exempt from the provisions of this section. (Ord. 16-1012)

6-4A-8: TIME FOR DECISION:

A. A permit for a telecommunications facility that provides video services for a holder of a statewide video franchise shall be granted, denied or granted conditionally by the director no later than sixty (60) days after receiving a completed application.

B. A permit for all other telecommunications facilities shall be granted, denied or granted conditionally by the director within a reasonable time after receiving a completed application, with that reasonable time maintaining compliance with all state and federal requirements.

C. If the director denies an application, the director shall, at the time of notifying the applicant of the denial, furnish to the applicant a detailed explanation of the reason for the denial. (Ord. 16-1012)

6-4A-9: APPEALS:

Any interested person may appeal the decision of the director pursuant to this chapter to the city council. The appeal shall be filed with the city clerk within fifteen (15) days after the decision by the director from which the appeal is being taken. (Ord. 16-1012)

6-4A-10: INSTALLATION STANDARDS APPLICABLE TO ALL TELECOMMUNICATIONS FACILITIES:

A permit for telecommunications facilities within the public right of way shall comply with the following installation standards:

A. Construction: The director or his/her designee shall determine the time, place, and manner of construction for all WCFs located within the PROW consistent with Public Utilities Code.

B. Colors: WCFs shall have subdued colors and nonreflective materials which blend in with the surrounding area to the satisfaction of the director or his/her designee.

C. Compliance With ADA: All WCFs shall be built in compliance with the Americans with disabilities act (ADA), including, but not limited to, surface access in and around facilities.

D. Utility And Light Poles:

1. The maximum height of any antenna shall not exceed twenty four inches (24") above the height of an existing utility pole and no portion of the antenna or equipment mounted on a pole shall be less than sixteen feet (16') above any drivable road surface. All installations on utility poles shall fully comply with California public utilities commission general order 95.

2. The maximum height of any antenna or antenna radome shall not exceed six feet (6') above the height of an existing light pole.

3. Pole mounted equipment shall not exceed six (6) cubic feet.

4. Antennas shall be installed on existing utility or light poles, except when impractical or technologically infeasible. No new poles may be installed except as replacements for existing poles, or when the applicant provides evidence as part of the application showing why and how complying with the foregoing standard would be impractical or technologically infeasible. In such event, the director may hire an independent, qualified consultant to evaluate any technical aspect of the proposed replacement or modification and any proposed exceptions from these development standards at the applicant's sole cost. The applicant shall submit a deposit to pay for such independent third party review as set forth in the city's fee resolution.

E. Restoration Of Parkway: In the event the parkway and/or roadway, where approved, adjacent the applicant's telecommunications facility is disturbed or altered in the process of installation, the applicant shall restore the parkway to the condition in which it existed prior to installation.

F. Modifications Prohibited Without Approval: No modifications to aboveground or at grade telecommunications facility, including those related to size, color, and shape of the housing, may be made by the applicant without first having obtained approval from the director.

G. Placement Below Ground: Where feasible, as new technology becomes available, the applicant shall place an existing or proposed aboveground telecommunications facility below ground.

H. Proximity: In residential areas, WCFs shall not be located within one standard block width of another wireless communication facility; this does not include collocation of sites.

I. Residential Location: In residential districts where a telecommunications facility is proposed adjacent to a corner lot, the facility shall be located along the side yard and not on the primary frontage of a residence, if feasible.

J. Landscaping: To the extent feasible, the area surrounding the telecommunications facility shall be maintained with landscaping or alternate screening. The landscaping shall be irrigated and of a sufficient height and density to screen the facility from the public sidewalk and parkway.

K. Tree Protection: The applicant shall obtain the director's approval of a tree protection plan prepared by a certified arborist for the installation of any telecommunications facility located within the canopy of a street tree, or a protected tree on private property, or within a minimum of a ten foot (10') radius of the base of such a tree. Depending on site specific criteria (e.g., location of tree, size and type of tree, etc.), a radius greater than ten feet (10') may be required by the director.

L. Illumination: No telecommunications facility may be illuminated unless specifically required by the federal aviation administration or other governmental agencies.

M. Consultations: At the discretion of the director, the applicant may be required to provide an authorization to permit the city to hire an independent, qualified consultant to evaluate any technical aspect of a proposed wireless communications facility, including, but not limited to, issues involving radio frequency emissions, alternative designs, and alternative sites. Any authorization for this purpose shall include a deposit to cover all reasonable costs associated with the consultation. Any proprietary information disclosed to the city or the consultant is deemed not to be a public record, and shall remain confidential and not to be disclosed to any third party without the express consent of the applicant, unless otherwise required by law. (Ord. 16-1012)

6-4A-11: ADDITIONAL INSTALLATION STANDARDS APPLICABLE TO WIRELESS COMMUNICATIONS FACILITIES:

A. No support structures are permitted in the public right of way. New streetlights and utility poles installed for the support of wireless communication facilities and found to be required per subsection 6-4A-10D4 of this article are allowed.

B. No wireless communications facility shall be located on a pole that is less than twenty five feet (25') in height.

C. An antenna array shall not extend over seven feet (7') beyond the top of the pole, unless the applicant can demonstrate to the director that doing so is impractical or unreasonable.

D. When feasible, panel antennas shall utilize brackets that allow no more than a four inch (4") extension from the pole. Panel antennas shall not exceed the height of the pole.

E. All permits for wireless communications facilities shall be valid for no less than ten (10) years. The director may administratively extend the term of the permit for subsequent ten (10) year terms upon verification of continued compliance with the findings and conditions of approval under which the application was originally approved, as well as any other provisions provided for in this code which are in effect at the time of permit renewal.

F. If an applicant proposes to replace a pole in order to accommodate their telecommunications facility, the pole shall match or improve the appearance of the original pole to the extent feasible and shall be approved by the director. (Ord. 16-1012)

6-4A-12: MAINTENANCE STANDARDS:

The following standards are applicable to all telecommunications facilities subject to this chapter:

A. The applicant shall provide ongoing maintenance of its telecommunications facilities, including ensuring the facilities are reasonably free of:

1. General dirt and grease;

2. Chipped, faded, peeling, or cracked paint on all visible painted areas;

3. Rust and corrosion on all visible unpainted metal areas;

4. Cracks, dents, blemishes, and discoloration;

5. Graffiti, bills, stickers, advertisements, etc.; and

6. Broken and misshapen structural parts.

B. If an applicant discontinues use or abandons any telecommunications facilities, the applicant shall: 1) immediately notify the director; 2) remove the equipment and restore the site to the previous condition within ninety (90) days of notification to the director and in a manner approved by the director.

C. The telecommunications facilities shall be maintained such that they comply at all times with title 9, chapter 1, article I, "Regulation Of Excessive Noise", of this code.

D. All ground mounted, at grade, and aboveground telecommunications facilities shall be properly maintained in accordance with the following procedures:

1. All necessary repairs, including graffiti removal, shall be completed by the applicant within forty eight (48) hours after discovery of the need for such repairs or in receiving notification from a resident or the director.

2. The applicant shall provide routine maintenance within ten (10) working days after receiving notification from a resident or the director.

3. The applicant shall replace ground mounted, at grade, and aboveground telecommunications facilities, in kind, if routine or emergency maintenance is not sufficient to return the equipment to the condition at the time of installation. (Ord. 16-1012)

6-4A-13: HOLD HARMLESS AGREEMENT:

A condition of issuance of a permit is that every permittee, and person on a shared permit, agrees to defend, indemnify, and hold harmless the city of Temple City, its city council, officers, and employees to the maximum extent permitted by law, from any loss or liability or damage, including expenses and costs, for bodily or personal injury, and for property damage sustained by any person as a result of the installation, use, or maintenance of the applicant's facilities subject to this article. (Ord. 16-1012)

6-4A-14: INSURANCE REQUIRED:

A condition of issuance of a permit is that every permittee agrees to maintain a policy of public liability insurance, naming the city as an additional insured, in an amount that meets or exceeds the minimum levels and standards of liability insurance and claims reserve, established by the director. (Ord. 16-1012)

6-4A-15: SUMMARY REMOVAL:

In the event the director determines that the condition or placement of a telecommunications facility constitutes a dangerous condition or obstruction, as defined in section 6-4A-3 of this article, or that a telecommunications facility has been placed in the public right of way without a permit, the director may cause the facility to be removed summarily and without a hearing. An administrative citation shall be served upon the person who owns the facility within two (2) business days of removal

in the manner set forth in title 1, chapter 4 of this code, and if the owner cannot be identified, the telecommunications facility shall be treated as abandoned property. (Ord. 16-1012)

6-4A-16: REMOVAL OF FACILITY FOR PUBLIC PURPOSE:

When the director determines that it is necessary to remove a telecommunications facility for the construction or installation of public improvements, an order to comply pursuant to title 1, chapter 4 of this code may be issued for the purpose of suspending or terminating the permit. The person who holds the permit for the telecommunications facility shall be entitled, on permittee's election, to either a pro rata refund of fees or to a new permit, without additional fee, in the original location or as close to the original location as the standards set forth in this chapter allow. (Ord. 16-1012)

6-4A-17: BUSINESS LICENSE:

A permit issued under this article shall not substitute for any business license otherwise required under this code. (Ord. 16-1012)

6-4A-18: REMEDIES NOT EXCLUSIVE:

Remedies under this article are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. (Ord. 16-1012)

6-4A-19: EFFECT ON OTHER ORDINANCES:

A. Compliance with the provisions of this article shall not relieve a person from complying with any other applicable provision of this code.

B. In the event of a conflict between any provision in this article and any regulations of this jurisdiction related to excavations, this article shall control.

C. Nothing contained in this chapter shall be deemed to supersede or modify the standards and size limitations (and exemptions thereon) for sign displays in title 9, chapter 1, article L, "Signs", of this code.

D. Nothing contained in this chapter shall be deemed to supersede or modify section 9-1T-8 of this code, which regulates wireless communications facilities located outside of the public right of way. (Ord. 16-1012)

Title 7
BUILDING REGULATIONS

Chapter 1
BUILDING CODE

7-1-0: BUILDING CODE ADMINISTRATION:

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 1 of the city of Temple City municipal code shall be known as the Building Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code."

101.2 Purpose And Intent. The purpose of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to firefighters and emergency responders during emergency operations. Consistent with this purpose, the provisions of this code are intended and always have been intended to confer a benefit on the community as a whole and are not intended to establish a duty of care

toward any particular person.

This code shall not be construed to hold the city or any officer, employee or agent thereof responsible for any damage to persons or property by reason of any inspection authorized herein or by reason of the issuance or nonissuance of any permit authorized herein, and/or for any action or omission in connection with the application and/or enforcement of this code. By adopting the provisions of this code, the city does not intend to impose on itself, its employees or agents, any mandatory duties of care toward persons and property within its jurisdiction so as to provide a basis of civil liability for damages.

This section is declaratory of existing law and is not to be construed as suggesting that such was not the purpose and intent of previous code adoptions.

101.3 Scope And Applicability. The provisions of this code shall apply to the erection, construction, enlargement, alteration, installation, reconstruction, repair, movement, improvement, connection, conversion, demolition, use and occupancy of any building, structure or premises, or portion thereof, and grading within the city.

The provisions of this code shall not apply to work located primarily in a public way other than pedestrian protection structures required by chapter 33; public utility towers and poles; equipment not specifically regulated in this code; hydraulic flood control structures; work exempted by section 107.2; or minor work of negligible hazard to life specifically exempted by the building official.

Additions, alterations, repairs and changes of use or occupancy in all buildings and structures shall comply with the provisions for new buildings and structures except as otherwise provided in section 109 and existing building code of the city of Temple City.

Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the residential code as amended and adopted by the city of Temple City.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

In the event any differences in requirements exist between the accessibility requirements of this code and the accessibility requirements of the California code of regulations, title 24 (also referred to as the California building standards code), then the California code of regulations shall govern.

102 Unsafe Buildings

102.1 Definition. All buildings or structures which are structurally unsound or not provided with adequate egress, or which constitute a fire hazard, or are otherwise dangerous to human life, or which in relation to existing use constitute a hazard to safety or health, or public welfare, by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster damage, lacking an approved water supply, hazardous electrical, unsafe gas piping or appliances or abandonment as specified in this code or any other effective ordinance, are, for the purpose of this chapter, unsafe buildings. Whenever the building official determines by inspection that a building or structure, whether structurally damaged or not, is dangerous to human life by reason of being located in an area which is unsafe due to hazard from landslide, settlement, or slippage or any other cause, such building shall, for the purpose of this chapter, be considered an unsafe building.

No person shall own, use, occupy or maintain any unsafe building.

All unsafe buildings are hereby declared to be public nuisances. In addition to instituting any appropriate action to prevent, restrain or correct a violation of this section, the building official may abate an unsafe condition or order that the unsafe condition be secured, repaired, rehabilitated, demolished or removed as deemed necessary by the building official in accordance with the procedure specified in this code.

As used in this chapter "party concerned" means the person, if any, in real or apparent charge and control of the premises involved, the record owner, the holder of any mortgage, trust deed or other lien or encumbrance of record, the owner or holder of any lease of record, the record holder of any other estate or interest in or to the building or structure or the land upon which it is located.

102.2 Notice Of Unsafe Building. The building official shall examine or cause to be examined every building or structure or portion thereof reported as dangerous or damaged and, if, in the building official's opinion, such is found to be an unsafe building as defined in this chapter, the building official shall give to the party concerned written notice stating the defects thereof. This notice may require the owner or person in charge of the building or premises to;

1. Immediately remove, backfill, shore up or secure such unsafe condition, and/or

2. Within 48 hours, apply for required permit(s) and commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof.

All such work shall be completed within 90 days from date of notice, unless otherwise stipulated by the building official. If necessary, such notice shall also require the building, structure, or portion thereof to be vacated forthwith and not reoccupied until the required repairs and improvements are completed, inspected and approved by the building official.

Proper service of such notice shall be by personal service or by registered or certified mail upon every party concerned. In the event the building official, after reasonable effort, is unable to serve the notice as specified above, proper service shall be by posting on the structure a copy of the notice.

The designated period within which the owner or person in charge is required to comply with such notice shall begin as of the date the owner or person in charge receives such notice by personal service or registered or certified mail. If such notice is by posting, the designated period shall begin ten days following the date of posting.

The failure of any owner or other person to receive such notice shall not affect in any manner the validity of any proceedings taken hereunder.

A person notified to vacate an unsafe building by the building official shall vacate within the time specified in the order.

The building official may record a notice of violation with the county recorder's office that the building or structure described has been inspected and found to be an unsafe building, as defined in this chapter, and that the owner thereof has been so notified. After all, required work has been completed, upon request and payment of required fee(s) the building official shall record a notice rescinding the prior notice of violation with the county recorder's office.

102.3 Posting Of Signs. The building official shall cause to be posted on buildings required to be vacated or remain unoccupied a notice to read substantially as follows: "Restricted Use" or "Unsafe - Do Not Enter or Occupy" as described in section 102.6. All placards shall read "Building and Safety Division, City of Temple City".

Such notice shall be posted at the main entrance and shall be visible to persons approaching the building or structure from a street. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall enter the building except for the purpose of making the required repairs or of demolishing the building.

102.4 Unsafe Buildings: Hearing.

102.4.1 Right Of Hearing. The party concerned or the building official may request a hearing regarding the unsafe condition of the building or structure. The request by the interested party shall be made in writing to the building official within 30 days of the date of the notice of the unsafe condition. A hearing shall be requested by the building official prior to demolition or repair of an unsafe building by the city except when such demolition or repair is done under the emergency procedure set forth in this chapter.

All interested parties who desire to be heard may appear before the building board of

appeals to show cause why the building or structure should not be ordered repaired, vacated and repaired, or demolished.

102.4.2 Notice Of Hearing. Not less than ten days prior to the hearing, the building official shall serve or cause to be served either in the manner required by law for the service of summons or by first class mail, postage prepaid, a copy of the notice of hearing upon every party concerned.

102.4.3 Form And Contents Of Notice. The notice of hearing shall state:

1. The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.

2. The conditions because of which the building official believed that the building or structure is an unsafe building.

3. The date, hour and place of the hearing.

102.4.4 Posting Of Notice. The building official shall post one copy of the notice of hearing in a conspicuous place on the unsafe building involved, not less than ten days prior to the hearing.

102.4.5 Hearing By Building Board Of Appeals. The building board of appeals shall hold a hearing and consider all competent evidence offered by any person pertaining to the matters set forth in the report of the building official.

The building board of appeals shall make written findings of fact as to whether or not the building or structure is an unsafe building as defined in this chapter.

When determined by the building official, the building rehabilitation appeals board shall hold the hearing in lieu of the building board of appeals.

102.4.6 Order. If the building board of appeals finds that the building or structure is an unsafe building, it shall make an order based on its finding that:

1. The building or structure is an unsafe building and directing that repairs be made and specifying such repairs, or

2. The building or structure is an unsafe building and directing that it be vacated and that specified repairs be made, or

3. The building or structure is an unsafe building and directing that it shall be vacated and demolished.

The order shall state the time within which the work required must be commenced, which shall not be less than 10 nor later than 30 days after the service of the order. The order shall state a reasonable time within which the work shall be completed. The building board of appeals for good cause may extend the time for completion in writing.

The order shall be served upon the same parties and in the same manner as required by section 102.4.2 for the notice of hearing. It shall also be conspicuously posted on or about the building or structure.

102.5 Unsafe Buildings: Demolition Or Repair.

102.5.1 Work By City. If the repairs or demolition necessary to remove the unsafe condition as set forth in the notice of unsafe building is not made within the designated period and a hearing has not been requested by any party concerned, the building official shall request that a hearing be held regarding the unsafe condition. If the finding by the building board of appeals is not complied with within the period designated by the board, the building official may then secure or demolish such portions of the structure, or may cause such work to be done, to the extent necessary to eliminate the hazard determined to exist by the building board of appeals.

102.5.2 Emergency Procedure. Whenever any portion of a structure constitutes an immediate hazard to life or property, and in the opinion of the building official, the conditions are such that repairs, or demolition must be undertaken within less than the designated period, the building official may take necessary action, such as performing alterations, repairs, and/or demolition of the structures, to protect life or property, or both, after giving such notice to the parties concerned as the circumstances will permit or without any notice whatever when, in the building

official's opinion, immediate action is necessary.

102.5.3 Costs. The costs incurred by actions taken pursuant to sections 102.5.1 and 102.5.2 including the entire cost of the services rendered by the county, shall be a special assessment against the property upon which the structure stood. The building official shall notify, in writing, all parties concerned of the amount of such assessment resulting from such work. Within five days of the receipt of such notice, any such party concerned may file with the building official a written request for a hearing on the correctness or reasonableness, or both, of such assessment. Any party concerned who did not receive a notice pursuant to section 102.2 and who has not had a hearing on the necessity of the demolition or repairs in such request for hearing also may ask that such necessity be reviewed. The building board of appeals thereupon shall set the matter for hearing; give such party concerned notice thereof as provided in section 102.4.2; hold such hearing and determine the reasonableness or correctness of the assessment, or both; and if requested, determine the necessity of the demolition or repairs. The building board of appeals, in writing, shall notify such party concerned of its decision. If the total assessment determined as provided for in this section is not paid in full within 10 days after receipt of such notice from the building official or the building board of appeals, as the case may be, the building official shall record in the office of the department of registrar-recorder a statement of the total balance still due and a legal description of the property. From the date of such recording, such balance due shall be a special assessment against the parcel.

The assessment shall be collected at the same time and in the same manner as ordinary city 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 city taxes. All the laws applicable to the levy, collection and enforcement of city taxes shall be applicable to such special assessment.

102.5.4 Interference Prohibited. A person shall not obstruct, impede, or interfere with the building official or any representative of the building official, or with any person who owns or holds any estate or interest in any unsafe building which has been ordered by the building board of appeals to be repaired, vacated and repaired, or vacated and demolished or removed, whenever the building official or such owner is engaged in repairing, vacating and repairing, or demolishing any such unsafe building pursuant to this chapter, or is performing any necessary act preliminary to or incidental to such work, or authorized or directed pursuant hereto.

102.5.5 Prosecution. In case the owner shall fail, neglect or refuse to comply with the notice to repair, rehabilitate, or to demolish and remove said building or structure or portion thereof, the building official shall cause the owner of the building to be prosecuted as a violator of this code.

102.6 Posting Of Signs For Damage Assessment. The building official shall cause placard(s) to be posted on buildings upon completion of a safety assessment.

All placards shall read "Building and Safety Division, City of Temple City".

The placards shall also indicate the condition of the structure for continued occupancy, and shall read substantially as follows:

1. "INSPECTED - Lawful Occupancy Permitted" (green placard) shall be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.

2. "RESTRICTED USE" (yellow placard) shall be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. This placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.

3. "UNSAFE - Do Not Enter or Occupy" (red placard) shall be posted on each building or structure that has been damaged such that the continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. This placard is not to be used or considered as a demolition order. This placard will note in general terms the type of damage encountered.

Such notice shall be posted at the main entrance(s) and shall be visible to persons approaching the building or structure from a street. Such notice shall remain posted until the required repairs, demolition or removal are completed. Such notice shall not be removed without written permission of the building official and no person shall

enter the building except for the purpose of making the required repairs or of demolishing the building.

103 Violations And Penalties

103.1 Compliance With Code. It shall be unlawful for a person to erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, equip, or perform any other work on any building or structure or portion thereof, or perform any grading in the city, or cause the same to be done, contrary to, or in violation of, any of the provisions of this code.

103.2 Violation. It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, in the city, or cause the same to be done, contrary to, or in violation of, any of the provisions of this code.

103.3 Penalty. Any person, firm or corporation violating any of the provisions of this code shall be guilty of a misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than $1,000 (one thousand dollars), or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this code.

103.4 Recordation Of Violation.

103.4.1 General. The building official may record a notice with the county recorder's office that a property, building, or structure, or any part thereof, is in violation of any provision of this code provided that the provisions of this section are complied with. The remedy provided by this section is cumulative to any other enforcement actions permitted by this code.

103.4.2 Recordation. If (1) the building official determines that any property, building, or structure, or any part thereof is in violation of any provision of this code; and if (2) the building official gives written notice as specified below of said violation; then the building official may have sole discretion to, at any time thereafter, record with the county recorder's office a notice that the property and/or any building or structure located thereon is in violation of this code.

Following the recordation of the notice of violation the building official is not required to conduct an inspection or review of the premises to determine the continued existence of the cited violation. It is the responsibility of the property owner, occupant or other similarly interested private party to comply with the above provisions.

103.4.3 Notice. The written notice given pursuant to this section shall indicate:

1. The nature of the violation(s); and

2. That if the violation is not remedied to the satisfaction of the building official, the building official may, at any time thereafter, record with the county recorder's office a notice that the property and/or any building or structure located thereon is in violation of this code. The notice shall be posted on the property and shall be mailed to the owner of the property as indicated on the last equalized county assessment roll. The mailed notice may be by registered, certified, or first-class mail.

103.4.4 Rescission. Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the building official determines that the work covered by such permit(s) has been satisfactorily completed, the building official may record a notice rescinding the prior notice of violation.

103.5 Costs. Any person who violates any provision of this code shall be responsible for the costs of any and all code enforcement actions taken by the building official in response to such violations. These costs shall be based on the amounts specified in section 115.

103.6 Work Without Permit. Whenever any work has been commenced without a permit as required by the provisions of this code, a special investigation shall be made prior to the issuance of the permit. An investigation fee specified as per section 115 shall be collected for each permit so investigated.

Exception: When the building official has determined that the owner-builder of a

one- or two-family dwelling, accessory building or accessory structure had no knowledge that a permit was necessary and had not previously applied for a permit from the building division of the city of Temple City the investigation fee shall be specified as per the section 115.

The payment of the investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

For additional provisions, applicable to grading, see appendix J.

103.7 Noncompliance Fee. If the building official, in the course of enforcing the provisions of this code or any state law, issues an order to a person and that person fails to comply with the order within 15 days following the due date for compliance stated in the order, including any extensions thereof, the building official shall have the authority to collect a noncompliance fee.

The noncompliance fee shall not be imposed unless the order states that a failure to comply within 15 days after the compliance date specified in the order will result in the fee being imposed. No more than one such fee shall be collected for failure to comply with an order.

For additional provisions, applicable to grading, see appendix J.

104 Organization And Enforcement

104.1 Building Division. There is hereby established a division in the city community development department to be known and designated as the building and safety division.

104.2.1 General. The building official is hereby authorized and directed to enforce all the provisions of this code, including the electrical code, the plumbing code, mechanical code, residential code, energy code, existing building code and green building standards, relevant laws, ordinances, rules and regulations; and to make all inspections pursuant to the provisions of this code, relevant laws, ordinances, rules and regulations. For such purposes, the building official shall have the powers of a law enforcement officer.

The building official shall have the power to render interpretations of this code, relevant laws, ordinances, rules and regulations; and to adopt and enforce rules and supplemental regulations in order to clarify the application of the provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of this code.

The building official shall classify every building or portion thereof into one of the occupancies set forth in chapter 3 of the building code according to its use or the character of its occupancy.

The building official shall also classify every building into one of the types of construction set forth in chapter 6 of the building code.

104.2.1.1. The building official is authorized to make and enforce such guidelines and policies for the safeguarding of life, limb, health or property as may be necessary from time to time to carry out the purpose of this code.

104.2.2 Deputies. With the approval of the city council, the building official may appoint such number of officers, inspectors and assistants, and other employees as shall be authorized from time to time. The building official may deputize such employees as may be necessary to carry out the functions of the building division.

104.2.3 Right Of Entry.

104.2.3.1. Whenever it is necessary to make an inspection to enforce any of the provisions of or perform any duty imposed by this code or other applicable law, or whenever the building official or an authorized representative has reasonable cause to believe that there exists in any building, structure, or grading, or upon any premises any condition which makes such building, structure, or grading, or premises hazardous, unsafe, or dangerous for any reason specified in this code or other similar law, the building official or an authorized representative hereby is authorized to enter such property at any reasonable time and to inspect the same and perform any duty imposed upon the building official by this code or other applicable law; provided that (i) if such property is occupied, then the building official shall first present proper credentials to the occupant and request entry explaining the reasons therefor; and (ii)

if such property is unoccupied, then the building official shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and request entry, explaining the reasons therefor.

If such entry cannot be obtained because the owner or other person having charge or control of the property cannot be found after due diligence or if entry is refused, then the building official or an authorized representative shall have recourse to every remedy provided by law to secure lawful entry and inspect the property.

104.2.3.2. Notwithstanding the foregoing, if the building official or an authorized representative has reasonable cause to believe that the building or grading or premises is so hazardous, unsafe, or dangerous as to require immediate inspection to safeguard the public health or safety, the building official shall have the right to immediately enter and inspect such property, and may use any reasonable means required to effect such entry and make such inspection, whether such property is occupied or unoccupied and whether or not permission to inspect has been obtained. If the property be occupied, the building official shall first present credentials to the occupant and demand entry, explaining the reasons therefor and the purpose of the inspection.

104.2.3.3. "Authorized representative" shall include the officers named in section 104.2.2 and their authorized inspection personnel.

104.2.3.4. No person shall fail or refuse, after proper demand has been made upon such person as provided in this subsection, to promptly permit the building official or an authorized representative to make any inspection provided for by subsection 104.2.3.2. Any person violating section 104.2.3 shall be guilty of a misdemeanor.

104.2.4 Stop Orders. Whenever any building or grading work is being done contrary to the provisions of this code, or other pertinent laws or ordinances implemented through the enforcement of this code, the building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed with the work.

104.2.5 Occupancy Violations. Whenever any structure or portion thereof is being used contrary to the provisions of this code, or other pertinent laws or ordinances, or whenever any structure or portion thereof which was built contrary to the provisions of this code or other pertinent laws or ordinances, is being used or occupied, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person causing such use to be continued. Such person shall discontinue the use within 10 days after receipt of such notice to make the structure, or portion thereof, comply with the requirements of this code, provided, however, that in the event of an unsafe building section 102 shall apply.

104.2.6 Liability. The liability and indemnification of the building official and any subordinates are governed by the provisions of division 3.6 of title 1 of the Government Code.

104.2.7 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the building official may grant modifications, on a case-by-case basis, provided the building official shall first find that a special individual reason makes the strict letter of this code, relevant laws, ordinances, rules and regulations impractical and that the modification is in conformity with the spirit and purpose of this code, relevant laws, ordinances, rules and regulations, and that such modification does not lessen any fire protection or other life safety-related requirements or any degree of structural integrity. The details of any action granting modifications shall be recorded and entered in the files of the city.

A written application for the granting of such modifications shall be submitted together with a filing fee established by separate fee resolution or ordinance.

For additional provisions, applicable to grading, see appendix J.

104.2.8 Alternate Materials, Design And Methods Of Construction. The provisions of this code, relevant laws, ordinances, rules and regulations are not intended to prevent the use of any material, appliances, installation, device, arrangement, method, design or method of construction not specifically prescribed by this code, provided any such alternate has been approved.

The building official may approve on a case-by-case basis any such alternate, provided that he or she finds that the proposed design is satisfactory and complies with the provisions of this code and finds that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code,

relevant laws, ordinances, rules and regulations in quality, strength, effectiveness, fire resistance and other life-safety factors, durability, planning and design, energy, material resource efficiency and conservation, environmental air quality, performance, water and sanitation.

The building official shall require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding its use.

A written application for use of an alternate material, design or method of construction shall be submitted together with a filing fee established by separate fee resolution or ordinance.

For additional provisions, applicable to grading, see appendix J.

104.2.9 Tests. Whenever there is insufficient evidence of compliance with the provisions of this code or evidence that any material or any construction does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods of construction, the building official may require tests as proof of compliance to be made at the expense of the owner or the owner's agent by an approved agency.

Test methods shall be as specified by this code for the material in question. If there are no appropriate test methods specified in this code, the building official shall determine the test procedure.

Reports of such test shall be retained by the building official in accordance with the city's guidelines for the retention of public records.

104.2.10 Cooperation Of Other Officials. The building official may request, and shall receive so far as may be necessary in the discharge of his or her duties, the assistance and cooperation of other officials of the city.

104.2.11 Demolition. Whenever the term "demolition" or "demolish" is used in this code it shall include the removal of the resulting debris from such demolition, the proper abandonment of any sewer or sewage disposal system when applicable, and the protection or filling of excavations exposed by such demolition as may be required by this code or other ordinances or laws.

104.2.12 Service. Whenever in this code a notice is required to be served by personal service or by registered or certified mail, it shall be deemed a reasonable effort has been made to serve such notice when registered or certified letters have been mailed to the address of the interested party as shown on the official record and on the record of the county assessor. When an address is not so listed or contact cannot be made at the listed address, the service shall be by posting on the structure a copy of the notice.

104.2.13 Amendments To Ordinances. Whenever any reference is made to any other ordinance such reference shall be deemed to include all future amendments thereto.

104.2.14 Validity. If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The city council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared invalid.

104.3 Definitions. In addition to the definitions specified in chapter 2 of this code, the following certain terms, phrases, words and their derivatives shall be construed as specified in this section. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine.

In the event of conflicts between these definitions and definitions that appear elsewhere in this code, these definitions shall govern and be applicable.

Board Of Supervisors shall mean the city of Temple City, city council.

Building Code shall mean the Los Angeles County code title 26 as adopted and amended by the city of Temple City.

Building Division Or Building Department shall mean the building division of the city of Temple City.

Building Official shall mean the building official of the building and safety division or other designated authority charged with the administration and enforcement of this

code, or his/her's duly authorized representative.

Building Rehabilitation Appeals Board shall mean the city of Temple City, city council.

CALGreen see Green Building Standards Code definition.

County may mean city of Temple City or Los Angeles County depending on the context.

Demolition Whenever the term *demolition* or *demolish* is used in this code, it shall include the removal of the resulting debris from such demolition and the protection or filling of excavations exposed by such demolition as may be required by this code, relevant laws, ordinances, rules and/or regulations.

Electrical Code shall mean the Los Angeles County code title 27 as adopted and amended by the city of Temple City.

Energy Code shall mean California code of regulations title 24, part 6.

Existing Building Code shall mean the Los Angeles County code title 33 as adopted and amended by the city of Temple City.

Factory-Built Structure shall mean buildings or structures that meet all of the following criteria:

(1) Fabrication on an off-site location under the inspection of the state, for which the state inspection agency has attested to compliance with the applicable state laws and regulations by the issuance of an insignia;

(2) The bearing of the state insignia and that have not been modified since fabrication in a manner that would void the state approval; and for which the city has been relieved by statute of the responsibility for the enforcement of laws and regulations of the state of California or the city.

Fire Code shall mean the California code of regulations title 24, part 9, as adopted and amended by the county of Los Angeles fire department.

Green Building Standards Code shall mean California code of regulations title 24, part 11.

Health Code Or Los Angeles County Health Code shall mean the county of Los Angeles health department.

Los Angeles County Flood Control District shall mean either the city of Temple City public works department or the Los Angeles County flood control district.

Mechanical Code shall mean the Los Angeles County code title 29 as adopted and amended by the city of Temple City.

National Pollution Discharge Elimination System (NPDES) Permit shall mean a permit issued as required by the federal clean water act in order to protect receiving waters. The NPDES permit requires controls to reduce the discharge of pollutants into storm drains, channels or natural watercourses.

Noninspected Work shall mean any erection, construction, enlargement, alteration, repair, movement, improvement, removal, connection, conversion, demolition or equipping for which a permit was first obtained, pursuant to section 107, but which has progressed beyond the point indicated in successive inspections, including but not limited to inspections set forth in section 117, without first obtaining inspection by and approval of the building official.

Plumbing Code shall mean the Los Angeles County code title 28 as adopted and amended by the city of Temple City.

Residential Building Code shall mean the Los Angeles County code title 30 as adopted and amended by the city of Temple City.

Road Commissioner shall mean the city engineer.

Unincorporated Portion Of The County Of Los Angeles shall mean the city of Temple City.

Unpermitted Structure shall be defined as any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished or equipped, at any point in time, without the required approval(s) and permit(s) having first been obtained from the building

official.

105 Appeals Boards

105.1 Technical Interpretations Appeals Board. When a request for an alternate material has been proposed by an applicant and denied by the building official, the applicant may appeal the building official's decision to the technical interpretations appeals board no later than 60 calendar days from the date of the action being appealed.

The board shall consist of five members who are qualified by experience and training to pass upon matters pertaining to building construction. One member shall be a practicing architect, one a competent builder, one a lawyer and two shall be civil or structural engineers, each of whom shall have had at least ten years experience as an architect, builder, lawyer or structural designer. The building official shall be an ex officio member and shall act as secretary to the board. The members of the board of appeals shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations. The board shall establish that the approval for alternate materials and the modifications granted for individual cases are in conformity with the intent and purpose of this code, relevant laws, ordinances, rules and regulations, and that such alternate material, modification or method of work offered is at least the equivalent of that prescribed in this code, relevant laws, ordinances, rules and regulations in quality, strength, effectiveness, fire resistance, durability, safety and sanitation and does not lessen any fire-protection requirements or any degree of structural integrity. The board shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the city council such new legislation as is consistent therewith.

105.2 Accessibility Appeals Board. In order to conduct the hearings on written appeals regarding action taken by the building official concerning accessibility and to ratify certain exempting actions of the building official in enforcing the accessibility requirements of the California code of regulations, title 24 (also known as the California building standards code), and to serve as an advisor to the building official on disabled access matters, there shall be an accessibility appeals board consisting of five members. Two members of the appeals board shall be physically disabled persons, two members shall be persons experienced in construction, and one member shall be a public member. The building official shall be an ex officio member and shall act as secretary to the board. The members of the accessibility appeals board shall be appointed by the city council and shall hold office at its pleasure. The board shall adopt reasonable rules and regulations for conducting its actions. The board shall establish that the access matter under review is in conformity with the intent and purpose of the California code of regulations, title 24, and this code. The board shall document all decisions and findings in writing to the building official with a duplicate copy to the applicant, and the board may recommend to the city council such new legislation as is consistent therewith.

The appeals board may approve or disapprove interpretations and enforcement actions taken by the building official. All such approvals or disapprovals for privately funded construction shall be final and conclusive as to the building official in the absence of fraud or prejudicial abuse of discretion.

105.3 Limitations Of Authority. Neither the technical interpretations appeals board nor the accessibility appeals board shall have authority relative to interpretation of the administrative portions of this code, other than section 102, nor shall the board be empowered to waive requirements of this code.

105.4 Appeals Board Fees. A filing fee established by separate fee resolution or ordinance shall be paid to the building official whenever a person requests a hearing or a rehearing before the appeals boards provided for in this section.

All requests to appeal determinations, orders or actions of the building official or to seek modifications of previous orders of the appeals boards shall be presented in writing.

106 Building Plan Requirements

106.1 General. When required by the building official to verify compliance with this code, relevant laws, ordinances, rules and regulations, plans, and when deemed necessary by the building official, calculations, geological or engineering reports and other required data shall be submitted for plan review. The building official may require plans and calculations to be prepared by an engineer or architect licensed or

registered by the state to practice as such. Only after the plans have been approved may the applicant apply for a building permit for such work. The building official may also require such plans be reviewed by other departments and/or divisions of the city to verify compliance with the laws and ordinances under their jurisdiction.

When authorized by the building official, complete plans and calculations need not be submitted for the following work when information sufficient to clearly define the nature and scope of the work are submitted for review:

1. One-story buildings of type V conventional wood-stud construction with an area not exceeding 600 square feet;

2. Work deemed by the building official as minor, small and/or unimportant work.

Where applicable, submittals shall include special inspection requirements and structural observation requirements as required by chapter 17.

Plans, calculations, reports or documents for work regulated by this code, relevant laws, ordinances, rules and regulations shall bear the seal, signature and number of a civil engineer, structural engineer, mechanical engineer, electrical engineer, soils engineer or architect registered or certified to practice in the state of California when required by the California Business And Professions Code. A seal and number shall not be required for work authorized by the said article to be performed by a person not registered or certified as an engineer or architect.

For buildings exceeding 160 feet (48.77 m) in height, the structural calculations and each sheet of structural plans shall be prepared under the supervision of and shall bear the signature or approved stamp of a person authorized by the state of California to use the title structural engineer. In addition, all architectural sheets shall bear the signature or approved stamp of an architect licensed by the state of California.

All structures and devices installed for the protection of pedestrians, regardless of location, are subject to the plan review requirements of this section.

For additional provisions, applicable to grading, see appendix J.

106.2 Architect Or Engineer Of Record. When it is required that documents be prepared by an architect or engineer, the building official may require the owner to designate on the permit application an architect or engineer who shall act as the architect or engineer of record. If the circumstances require, the owner may designate a substitute architect or engineer of record who shall perform all of the duties required of the original architect or engineer of record. The building official shall be notified in writing by the owner if the architect or engineer of record is changed or is unable to continue to perform the duties.

The architect or engineer of record shall be responsible for reviewing and coordinating all submittal documents prepared by others, including deferred submittal items, for compatibility with the design of the building.

106.3 Information Required On Building Plans. Plans shall be drawn to scale upon substantial paper or other material suitable to the building official, shall be of sufficient clarity to indicate the nature and scope of the work proposed, and shall show in detail that the proposed construction will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

The first sheet of each set of plans shall give the street address of the proposed work and the name, address and telephone number of the owner(s) and all persons who were involved in the design and preparation of the plans.

Plans shall include a plot plan showing the location of the proposed building and of every existing building on the premises. In lieu of specific details, the building official may approve references on the plans to a specific section or part of this code, relevant laws, ordinances, rules and/or regulations.

Computations, stress diagrams and other data sufficient to show the correctness of the plans shall be submitted when required by the building official.

When deemed necessary by the building official, the first sheet of each set of plans shall indicate the following information:

1. The building type of construction;

2. Whether fire sprinklers are installed in all or any portion of the building;

3. Existing building areas and areas of all additions;

4. The number of stories of the building;

5. The use of all new and existing rooms and/or areas;

6. The occupancy classifications of each occupancy;

7. The code in effect on the date of plan check submittal.

The plans shall show all mitigation measures required under the national pollution discharge elimination system (NPDES) permit issued to the city. For the application of NPDES permit requirements as they apply to grading plans and permits, see appendix J of this code.

For additional provisions, applicable to grading, see appendix J.

106.4 Drainage Review Requirement. Where proposed construction will affect site drainage, existing and proposed drainage patterns shall be shown on the plot plan.

A site inspection may be required prior to plan check of building plans for lots or parcels in areas having slopes of five horizontal to one vertical (5:1) or steeper when the building official finds that a visual inspection of the site is necessary to establish drainage requirements for the protection of property, existing buildings or the proposed construction. The fee for such inspection shall be as set forth by ordinance or resolution. Such a preinspection shall not be required for a building pad graded under the provisions of appendix J.

For additional provisions, applicable to grading, see appendix J.

106.5 Deferred Submittals. For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have prior approval of the building official. The architect or engineer of record shall list the deferred submittals on the plans and shall submit the deferred submittal documents for review by the building official.

Submittal documents for deferred submittal items shall be submitted to the architect or engineer of record who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and that they have been found to be in general conformance with the design of the building. The deferred submittal items shall not be installed until their design and submittal documents have been approved by the building official.

106.6 Standard Plans. The building official may approve a set of plans for a building or structure as a "standard plan," provided that the applicant has made proper application and submitted complete sets of plans as required by this section.

Plans shall reflect laws and ordinances in effect at the time a permit is issued except as provided in this section. Nothing in this section shall prohibit modifying the permit set of plans to reflect changes in laws and ordinances that have become effective since the approval of the standard plan. The standard plans shall become null and void where the work required by such changes exceeds five percent of the value of the building or structure.

Standard plans shall be valid for a period of one year from the date of approval. This period may be extended by the building official when there is evidence that the plans may be used again and the plans show compliance with this code, relevant laws, ordinances, rules and regulations.

106.7 Expiration Of Plan Check Applications. Plan check applications for which no permit is issued within one year following the date of application shall expire by limitation and become null and void. Plans and calculations previously submitted may thereafter be returned to the applicant or destroyed by the building official.

When requested in writing by the applicant and prior to the effective date of a more current code, the building official within their discretion may grant extension(s) not exceeding 1 year provided:

1. Circumstances beyond the control of the applicant have prevented action from being taken;

2. An extension fee is paid as determined by the building official, not to exceed 25 percent of the plan check fee.

Once an application and any extension thereof has expired, the applicant shall resubmit plans and calculations and pay a new application fee.

106.8 Retention Of Plans. One set of approved plans, calculations and reports shall be retained by the building official. Except as required by section 19850 of the Health And Safety Code, the building official shall retain such set of the approved plans, calculations and reports for a period of not less than 90 days from date of completion of the work covered therein.

107 Building Permit Requirements

107.1 Building Permit Required. No person shall erect, construct, enlarge, alter, repair, move, improve, remove, connect, convert, demolish, or equip any building, structure, or portion thereof, perform any grading, or cause the same to be done, without first obtaining a separate permit for each such building, structure or grading from the building official.

The issuance of a permit without first requiring a plan review shall not prevent the building official from requesting plans deemed necessary to verify that the work performed under said permit complies with this code and all relevant laws, ordinances, rules and regulations.

No person shall install, alter, repair, move, improve, remove, connect any automatic fire-protection system regulated by this code, or cause the same to be done, without first obtaining a separate permit for each such building or structure from the building official.

All structures and devices installed for the protection of pedestrians, regardless of location, are subject to the permit requirements of this section.

For additional provisions, applicable to grading, see appendix J.

107.2 Work Exempted. A building permit shall not be required for the following:

Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances.

Unless otherwise exempted by the city plumbing, electrical or mechanical codes, separate plumbing, electrical and mechanical permits will be required for the below-exempted items.

A building permit shall not be required for the following:

1. Work not regulated by the building code, except where deemed necessary by the building official to enforce other federal and/or state laws, state disabled access requirements, or to enforce city ordinances or policies.

2. Painting; wallpapering; installing carpet, vinyl, tile, and similar floor coverings, cabinets, counter tops and similar finish work where disabled access requirements do not apply.

3. Repairing broken window glass not required by the building code to be safety or security glazing.

4. One-story detached accessory buildings used as tool and storage sheds, playhouses, shade structures, and similar uses, provided the gross floor area does not exceed 120 square feet, the height does not exceed 12 feet and the maximum roof projection does not exceed 24 inches.

5. Chain-link, wrought-iron and similar fences not more than 12 feet in height.

6. Masonry, concrete, wood and similar fences not more than 6 feet in height.

Exception: Wood fences not more than 8 feet in height with 60 percent or more of the fence open and incapable of being loaded by wind.

7. Retaining walls that retain not more than 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding a class I, II, or III-A liquids.

8. Ground-mounted radio and television antenna towers that do not exceed 45 feet in

height and ground-supported dish antennas not exceeding 15 feet in height above finished grade in any position.

9. Light standards that do not exceed 30 feet in height.

10. Flagpoles not erected upon a building and not more than 15 feet high.

11. A tree house provided that:

1. The tree house does not exceed 64 square feet in area or 8 feet in height from floor to roof.

2. The ceiling height as established by door height or plate line does not exceed 6 feet.

12. Canopies or awnings, completely supported by the exterior wall, attached to a group R-3 or U occupancy and extending not more than 54 inches from the exterior wall of the building.

13. Sheds, office or storage buildings, and other structures that are less than 1,500 square feet and incidental to work authorized by a valid grading or building permit. Such structures must be removed upon expiration of the permit or completion of the work covered by the permit.

14. Decks, walks and driveways not more than 30 inches above grade and not over any basement or story below and that are not part of an accessible route.

15. Prefabricated swimming pools and other bodies of water accessory to a group R-3 occupancy that are less than 18 inches deep, or do not exceed 5,000 gallons (18 927 l), and are installed entirely above adjacent grade.

16. Playground equipment.

17. Membrane structures not regulated by California title 19, not exceeding 250 square feet in area, used exclusively for residential recreational purposes or as a cover for vehicles, and located in accordance with other city ordinances.

18. Steel tanks supported on a foundation not more than 2 feet (610 mm) above grade when the height does not exceed $1^1/_2$ times the diameter.

19. Gantry cranes and similar equipment.

20. Bridges not involving buildings.

21. Motion picture, television and theater stage sets and scenery, except when used as a building.

22. Oil derricks.

23. Non fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

For additional provisions, applicable to grading, see appendix J.

107.3 Application For Permit. To obtain a permit, the applicant shall first file an application in writing on a form furnished by the city for that purpose. Each such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.

2. Describe the land on which the proposed work is to be done by lot, block, tract, street address, or similar description that will readily identify and locate the proposed building or work.

3. Show the use and occupancy of all parts of the building.

4. Be accompanied by plans and calculations as required in section 106.

5. State the valuation of the proposed work or, for grading, the volume of earth to be handled.

6. Give such other information as reasonably may be required by the building official.

107.4 Issuance. The building official shall issue a permit to the applicant for the work described in the application and plans filed therewith when the building official is satisfied that all of the following items comply:

1. The work described conforms to the requirements of this code, relevant laws, ordinances, rules and regulations.

2. The fees specified by resolution or ordinance have been paid.

3. The applicant has obtained a permit pursuant to Public Resources Code section 30600 et seq., if such a permit is required.

When the building official issues the permit, the building official shall endorse in writing or stamp on both sets of plans "Reviewed for Substantial Compliance Only." Such stamped plans shall not be changed, modified or altered without authorization from the building official, and all work shall be done in accordance with the currently adopted codes in effect at the time of permit issuance regardless of the information presented on the plans. The approval of the plans shall not be held to permit or to be an approval of any violation of any federal, state, county or city laws or ordinances. The issuance of a permit shall not be deemed to certify that the site of the described work is safe.

One set of approved plans and reports shall be returned to the applicant to be kept on such building or work site at all times while the authorized work is in progress.

The building official may issue a permit for the construction of part of a building or structure before the entire plans and calculations for the whole building or structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire building or structure will be granted.

For additional provisions, applicable to grading, see appendix J.

107.5 Permit Validity. The issuance or granting of a permit or approval of plans and calculations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code, relevant laws, ordinances, rules and regulations. No permit presuming to give authority to violate or cancel the provisions of this code, relevant laws, ordinances, rules and regulations shall be valid, except insofar as the work or use which it authorizes is lawful.

The issuance of a permit based on plans and calculations shall not prevent the building official from thereafter requiring the correction of errors in said plans and calculations or from preventing building operations being carried on thereunder when in violation of this code, relevant laws, ordinances, rules and regulations.

For additional provisions, applicable to grading, see appendix J.

107.6 Expiration Of Permit. Every permit issued by the building official under the provisions of this code shall expire automatically by limitation and become null and void one year after the date of the last required building inspection approval by the building official or if work authorized by such permit is not commenced within one year from the issuance date of such permit. Before such work can be commenced or recommenced, a new permit shall be first obtained.

For the purposes of this paragraph, "required building inspection" shall mean those inspections listed in section 117.4.2, and those inspections specifically identified on the job record issued with the building permit. No partial inspection shall meet the definition of "required building inspection."

Supplementary permits for electrical, grading, mechanical, plumbing, and reroof shall not expire so long as the associated building permit remains active. No electrical, grading, mechanical, plumbing or reroof inspection shall satisfy the requirement to have a required building inspection as defined in this section.

Where a new building permit is issued to complete work previously started under an expired permit, a permit fee and or plan review fee shall be collected in an amount determined by the building official, not to exceed 25 percent of the permit fee provided:

1. Applicant request in writing prior the effective date of a more current code;

2. That the duration of time from the date of expiration has not exceeded one year;

3. That no changes have been made or will be made in the original plans and calculations for such work;

Applicable plan review fees and permit fees, in addition to issuance fees, for the remaining work based on the remaining work valuation shall be collected for all permits which do not meet the preceding criteria.

All work to be performed under the new permit must be done in accordance with the building code in effect on the date of issuance of the new permit.

107.7 Permit Suspension Or Revocation. The building official may, in writing, suspend or revoke a permit issued under the provisions of this code, relevant laws, ordinances, rules and regulations whenever the permit was issued in error or on the basis of incorrect information supplied, or in violation of any other laws, ordinances or regulations or any of the provisions of this code.

The building official may also, in writing, withhold inspections, suspend or revoke a permit where work is being done in violation of this code, where work is being done in violation of the approved plans, where work is being concealed without approval from the building official, or where work is not in accordance with the direction of the building official.

For additional provisions, applicable to grading, see appendix J.

107.8 Cancellation Of Permit By Applicant. If no portion of the work or construction covered by a permit issued by the building official under the provisions of this code, relevant laws, ordinances, rules and regulations has been commenced, the person to whom such permit has been issued may deliver such permit to the building official with a request that such permit be cancelled. Only the person to whom such permit was issued may request cancellation of the permit. The building official shall thereupon stamp or write on the face of such permit the words, "Cancelled at the request of the applicant." Thereupon such permit shall be null and void and of no effect. All fees except for issuance fees shall be returned to the applicant.

For additional provisions, applicable to grading, see appendix J.

107.9 Transfer Of Permit By Applicant.

107.9.1 No Inspection Performed. When requested in writing by the person to whom the permit was issued, a permit may be transferred from the person to whom the permit was issued to a new individual. Fee credit shall be given where deemed appropriate by the building official and new fees shall be paid as required by ordinance or resolution.

107.9.2 One Or More Inspection Performed. Permits may be transferred to any individual upon completion of a new application. Fee credit shall be given where deemed appropriate by the building official and new fees shall be paid as required by ordinance or resolution.

107.9.3 Permit Duration Remains Unchanged. Transfer of a permit shall be considered a continuation of the previous permit when determining the permit's duration, and shall in no way extend the duration of the preceding permit.

108 Reserved

109 Use And Occupancy

109.1 General. No building, structure or premises, or portion thereof, shall be used or occupied, and no change in the existing occupancy classification of a building, structure or premises, or portion thereof, shall be made until the building official has approved the building, structure or premises or portion thereof for such use or occupancy and until all permits have been approved or a temporary certificate of completed construction has been issued.

Upon final approval of a building permit and at the request of the applicant, a certificate of completed construction shall be issued by the building official for any structure that is ready to occupy.

Approval of a building, structure or premises, or portion thereof, for use or occupancy (including, but not limited to, final inspection approval and/or issuance of a certificate of completed construction or issuance of a temporary certificate of completed construction) shall not be construed as approval of a violation of the provisions of this code, relevant laws, ordinances, rules and/or regulations. Approvals presuming to give authority to violate or cancel the provisions of this code, relevant laws, ordinances, rules and/or regulations are not valid.

The building official may, in writing, suspend or revoke any such approvals or certificates whenever the building official determines that the approval or certificate was issued in error, or on the basis of incorrect information supplied, or when it is determined that the building, structure or premises, or portion thereof, is in violation of any provision of this code, relevant laws, ordinances, rules and/or regulations. Any certificate of completed construction or temporary certificate of completed construction so issued shall be surrendered upon request of the building official.

109.2 Unpermitted Structures. No person shall own, use, occupy or maintain any unpermitted structure.

109.3 Change In Use. Changes in the character or use of a building shall not be made except as specified in existing building code.

109.4 Issuance Of A Certificate Of Completed Construction. When the building, structure or premises, or portion thereof, has passed final inspection, and when the building, structure or premises complies with this code, relevant laws, ordinances, rules and regulations, and the required fees have been paid, the building official, upon request of the applicant, shall issue a certificate of completed construction, which shall contain the following:

1. The building permit number.

2. The address of the building or structure.

3. A description of that portion of the building for which the certificate is issued.

4. A statement that the described portion of the building was inspected and found to comply with the requirements of this code, relevant laws, ordinances, rules and regulations for the group and division of occupancy and the use for which the proposed occupancy is classified.

5. The date the permit was approved.

6. Any other information deemed necessary by the building official.

For additional provisions, applicable to grading, see appendix J.

109.5 Issuance Of A Temporary Certificate Of Completed Construction. If the building official finds that no substantial hazard will result from occupancy of any building or portion thereof before the same is completed, the building official may issue a temporary certificate of completed construction for the use of a portion or portions of a building, structure or premises, prior to the completion of the entire building, structure or premises, or portion thereof.

Such temporary certificate of completed construction shall be valid for a period of time to be specified by the building official. Upon request of the owner or permittee, the building official may, in writing, extend the temporary certificate of completed construction when it is determined that the circumstances so warrant. After the expiration of a temporary certificate of completed construction and any extension(s) thereof, the building, structure or premises, or portion thereof, shall not be used or occupied until the building official has approved the building for such use or occupancy.

109.6 Live Load Posted. In new construction, a durable sign that indicates the "live load" shall be required in commercial or industrial buildings where the floor or roof or portion thereof is or has been designed with a live load that exceeds 50 psf. The live load sign shall be posted on that part of each story or roof to which it applies, in a conspicuous place. The live load sign shall be posted as a condition precedent to the issuance of a certificate of completed construction certificate. It shall be unlawful to remove or deface any such sign.

109.7 Continued Use Of Unpermitted And/Or Noncomplying Conditions. When deemed appropriate by the building official, a certificate of continued use of unpermitted and/or noncomplying condition(s) may be issued. The certificate shall not be issued until documentation, satisfactory to the building official, has been provided indicating that 1) the unpermitted and/or noncomplying condition(s) were not created by the current owner, and 2) that the current owner had no knowledge that the conditions were unpermitted and/or noncomplying at the time of purchase.

An application shall be completed that states 1) that the continued use of the existing unpermitted construction and/or noncomplying conditions is permitted by the city only with the owner's understanding that the city in no way assumes responsibility for the method of construction or the materials used; and 2) that it is further understood that this application for continued use is not to be construed as being equivalent in any way to a building permit.

An inspection shall then be made by the building official. Where necessary, permits shall be issued to correct any conditions deemed to pose a potential threat to life, limb or property. Once the inspection(s) have been made; all necessary permits have been obtained, inspected and approved; and all obvious potential threats to life, limb or property have been corrected, the building official may approve the application for unpermitted construction and or noncomplying condition(s). When approved by the building official, conditions deemed not to pose a potential threat to life, limb or

property may be permitted to remain.

110 Prohibited Uses Of Building Sites

110.1 Flood Hazard. Buildings are not permitted in an area determined by the building official to be subject to flood hazard by reason of inundation, overflow or erosion.

The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mud flow will not be a hazard to the building or adjacent property. This prohibition shall not apply when provision is made to eliminate such hazard to the satisfaction of the building official by providing adequate drainage facilities by protective walls, suitable fill, raising the floor level of the building, a combination of these methods, or by other means. The building official, in the application of this section for buildings, structures, and grading located in whole or in part in flood hazard areas, shall enforce, as a minimum, the current federal flood plain management regulations defined in title 44, code of federal regulations, section 60.3, and may require the applicant or property owner to provide the following information and/or comply with the following provisions:

1. Delineation of flood hazard areas, floodway boundaries and flood zones, and the design flood elevation, as appropriate;

2. The elevation of the proposed lowest floor, including basement, in flood hazard areas (A zones), and the height of the proposed lowest floor, including basement, above the highest adjacent grade;

3. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V zone);

4. If the design flood elevations are not included on the community's flood insurance rate map (FIRM), then the applicant shall obtain and reasonably utilize any design flood elevation and floodway data available from other sources, as approved by the building official; and

5. During construction, upon placement of the lowest floor, including basement, and prior to further vertical construction, the permittee shall provide to the building official documentation, prepared and sealed by a registered design professional, certifying the elevation of the lowest floor, including basement.

110.2 Geotechnical Hazards.

110.2.1. No building or grading permit shall be issued under the provisions of this section when the building official finds that property outside the site of the proposed work could be damaged by activation or acceleration of a geotechnically hazardous condition and such activation or acceleration could be attributed to the proposed work on, or change in use of, the site for which the permit is requested. For the purpose of this section, a geotechnically hazardous condition does not include surface displacement due to earthquake faults.

110.2.2. Except as provided in section 110.2.3, work requiring a building or grading permit by this code is not permitted in an area determined by the building official to be subject to hazard from landslide, settlement, or slippage. For the purpose of this section, landslide, settlement, or slippage does not include surface displacement due to the earthquake faults.

110.2.3. Subject to the conditions of subsection 110.2.1, permits may be issued in the following cases.

110.2.3.1. When the applicant has submitted an engineering geology and/or soils engineering report or reports complying with the provisions of section 111 such that said reports show to the satisfaction of the building official that the hazard will be eliminated prior to the use or occupancy of the land or structures.

110.2.3.2. When the applicant has submitted an engineering geology and/or soils engineering report or reports that comply with the provisions of section 111, and that demonstrate, to the satisfaction of the building official, that the site is safe for the intended use.

110.2.3.3. When the proposed work involves the alteration or minor repair of existing structures and the cost of such alteration or repair does not exceed 25 percent of the current valuation of the existing structure, such value to be based on assumed continuation of the established legal use. Before a permit may be issued pursuant to this section, the owner shall do all of the following:

1. If required by the building official, submit an engineering geology and/or soils

engineering report or reports that contain(s), at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of section 110.2.1 of this code.

2. Record in the office of the department of registrar-recorder, a statement that the owner is aware that the records of the building official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.

3. Record in the office of the department of registrar-recorder, an agreement relieving the city and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the building official records in the office of the department of registrar-recorder a statement that the building official has determined that such hazard from landslide, settlement or slippage no longer exists. The repair work shall consist of restoring the original construction. The building official may require that provisions be made in anticipation of future settlement. For the purposes of this section 110.2.3.3, "alteration" does not include an addition or additions.

110.2.3.4. When the proposed work involves an addition or additions to an existing structure but is not a change in use or occupancy and such work does not increase the gross floor area of the structure by more than 25 percent of the area of the structure as it existed on July 6, 1968, and the building official determines that the proposed work will not impact a historically active landslide. Before a permit may be issued pursuant to this section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or a conditional finding that the proposed work complies with the provisions of section 110.2.1.

2. Record in the office of the department of registrar-recorder the finding of such report or reports.

3. Record in the office of the department of registrar-recorder an agreement relieving the city and all officers and employees thereof of any liability for any damage or loss which may result from the issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the building official records in the office of the department of registrar-recorder a statement that the building official has determined that a hazard from landslide, settlement, or slippage no longer exists.

110.2.3.5. When the proposed work involves the repair of a single-family residence or accessory structures where the cost of such repair exceeds 25 percent of the current valuation of the existing building.

The scope of the repair work shall be subject to the approval of the building official. Before a permit may be issued pursuant to this section, the owner shall do all of the following:

1. Submit an engineering geology and/or soils engineering report or reports that contain(s), at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of section 110.2.1 of this code.

2. Record in the office of the department of registrar-recorder a statement by the owner acknowledging that the records of the building official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.

3. Record in the office of the department of registrar-recorder an agreement relieving the county and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the building official records in the office of the department of registrar-recorder a statement that the building official has determined that such hazard from landslide, settlement, or slippage no longer exists.

110.2.3.6. When the proposed work involves the replacement of structures destroyed by causes other than landslide, settlement, or slippage, and the permit applicant was the owner of the property at the time of the loss, their immediate heir(s), or their authorized representative, and the application for a permit under this section is filed no later than ten (10) years following the date of the loss.

The replacement structure(s) shall not exceed the area, number of stories, load, or number of fixtures and bedrooms of the structure that was destroyed. No change in occupancy type shall be permitted. Before a permit may be issued pursuant to this section, the owner shall do all of the following:

1. Demonstrate, to the satisfaction of the building official, that the replacement structure and/or the associated private sewage disposal system (if any) and/or the

replacement landscaping (if any) will not result in a greater amount of groundwater infiltration than occurred under the original condition.

2. Submit an engineering geology and/or soils engineering report or reports that contain, at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of section 110.2.1 of this code and that contain recommendations for enhancing the stability of the site.

3. Record in the office of the department of registrar-recorder a statement by the owner acknowledging that the owner is aware that the records of the building official indicate that the property is potentially subject to a hazard from landslide, settlement, or slippage.

4. Record in the office of the department of registrar-recorder an agreement relieving the city and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the building official records in the office of the department of registrar-recorder a statement that the building official has determined that such hazard from landslide, settlement, or slippage no longer exists.

110.2.3.7. When the proposed work involves a one-story, detached, light-frame accessory structure not intended or used for human occupancy and not exceeding 400 square feet in gross floor area nor 12 feet in height. Before a permit may be issued pursuant to this section, the owner shall do all of the following:

1. When required by the building official, submit an engineering geology and/or soils engineering report or reports that contain, at a minimum, a qualitative and/or conditional finding that the proposed work complies with the provisions of section 110.2.1.

2. Record in the office of the department of registrar-recorder a statement by the owner acknowledging that the owner is aware that the records of the building official indicate that the property is potentially subject to hazard from landslide, settlement, or slippage.

3. Record in the office of the department of registrar-recorder an agreement relieving the city and all officers and employees thereof of any liability for any damage or loss which may result from issuance of such a permit. This agreement shall provide that it is binding on all successors in interest of the owner and shall continue in effect until the building official records in the office of the department of registrar-recorder a statement that the building official has determined that such hazard from landslide, settlement, or slippage no longer exists.

110.2.3.8. When the building official determines that the hazard from landslide, settlement, or slippage is based solely on the fact that the area has been identified as a potentially liquefiable area in a seismic hazard zone (pursuant to Public Resources Code section 2690 et seq.) and a foundation investigation is performed in connection with the work in accordance with section 1803 of this code.

110.2.3.9. Notwithstanding any other provisions of this section, the building official may, at his or her discretion, deny a permit for any building, structure, or grading subject to hazard from landslide, settlement, or slippage, which cannot be mitigated and may endanger the health or safety of the occupants, adjoining property, or the public.

110.2.3.10. When the proposed work involves the repair and restoration of a slope. Before a permit may be issued pursuant to this section, the owner shall submit an engineering geology and/or soils engineering report or reports that contain(s) the following:

1. A description and analysis of the existing conditions, including the cause or causes of the failed slope.

2. Recommendations for the repair of the failed slope.

3. A qualitative and/or conditional finding that the proposed work complies with the provisions of section 110.2.1 of this code.

4. An analysis demonstrating that future failures originating from the repaired portion of the slope will not impact previously permitted structures.

5. An analysis demonstrating that the proposed work will improve existing slope stability.

111 Engineering Geology And Soils Engineering Reports

The building official may require an engineering geology or soils engineering report, or both, where in the building official's opinion, such reports are essential for the

evaluation of the safety of the site. The engineering geology or soils engineering report or both shall contain a finding regarding the safety of the site of the proposed work against hazard from landslide, settlement or slippage and a finding regarding the effect that the proposed work will have on the geotechnical stability of the area outside of the proposed work. Any engineering geology report shall be prepared by a certified engineering geologist licensed in the state of California. Any soils engineering report shall be prepared by a civil engineer licensed in the state of California, experienced in the field of soil mechanics, or a geotechnical engineer licensed in the state of California. When both an engineering geology and soils engineering report are required for the evaluation of the safety of a building site, the two reports shall be coordinated before submission to the building official.

112 Earthquake Fault Maps

Earthquake fault zone maps within the city prepared under sections 2622 and 2623 of the California Public Resources Code which show traces of earthquake faults are hereby declared to be, on the date of official issue, a part of this code, and may be referred to elsewhere in this code. Earthquake fault zone maps revised under the above sections of the California Public Resources Code shall, on the date of their official issue, supersede previously issued maps which they replace.

113 Earthquake Faults

113.1 General. The construction of a building or structure near a known active earthquake fault and regulated by this code shall be permitted as set forth in this section.

113.2 Scope. The provisions of this section shall apply only to permits for buildings or structures on individual lots or parcels and are not intended to be supplementary to geologic investigations required to qualify divisions of land as set forth in title 9 chapter 2 (Subdivision Regulations) the city of Temple City municipal code.

113.3 Definition. For the purpose of this section, a geologist shall be a professional geologist, licensed by the California state board for geologists and geophysicists to practice geology in California.

113.4 Known Active Earthquake Faults. For the purpose of this section, known active earthquake faults are those faults which have had displacement within Holocene time (approximately the last 11,000 years) as defined in the most current issue of Special Publication 42 of the California geological survey.

113.5 Construction Limitations. No building or structure shall be constructed over or upon the trace of a known active earthquake fault which is shown on maps maintained by the building official. These maps include, but are not limited to, earthquake fault zone maps prepared under sections 2622 and 2623 of the California Public Resources Code.

The absence of a known active earthquake fault trace at the proposed building location shall be determined by a professional geologist licensed in the state of California in the following cases:

1. When the proposed building is within (50) feet (15.24 m) of that line designated by the building official as the assumed location of a known active earthquake fault on the aforementioned maps.

2. When the proposed building is within 50 feet (15.24 m) of the most probable ground location of the trace of a known active earthquake fault shown on the aforementioned maps.

In these cases, the building official may require the excavation of a trench, for the purpose of determining the existence of an active earthquake fault. Such a trench will be required if a lack of distinguishable fault features in the vicinity prevents the building official from determining by a site examination, review of available aerial photographs, or by other means that the fault trace does not underlie the proposed building. The trench shall be approximately perpendicular to the most probable direction of the fault trace, at least 1-$^{1}/_{2}$ feet (0.45 m) wide, and at least five feet in depth measured from natural grade, or to a depth satisfactory to the building official.

The trench must be accessible for mapping and inspection by the building official, when requested, and meet the requirements of title 8 of the California code of regulations, construction safety orders. The trench need not extend further than the full width of the proposed structure plus 5 feet (1.52 m) beyond the traversed exterior walls. A known active earthquake fault shall be presumed nonexistent if an exposure is not found by the professional geologist in the walls or floor of the trench.

The building official may require a more extensive investigation by a professional geologist as evidence to the absence of a known active earthquake fault prior to the issuance of a permit for groups A, E, I, H and R, division 1 occupancies and B, F, M and S occupancies over one story in height.

The results of the investigation, conclusions and recommendations shall be presented in a geology report prepared by a professional geologist as defined by section 113.3. The report shall comply with the guidelines presented in note 49 prepared by the California department of conservation, geological survey.

Exception: The provisions of this section do not apply to:

1. One-story, detached light-frame buildings not intended or used for human occupancy and not exceeding 1,000 square feet (92.9 m^2) in gross floor area or 12 feet (3.66 m) in building height.

2. Alterations or repairs to an existing building provided that the aggregate value of such work within any 12-month period does not exceed 50 percent of the current market value of the existing building. For the purposes of this section 113.5, "alteration" does not include an addition or additions.

3. Swimming pools, retaining walls, fences and minor work of a similar nature.

114 Factory-Built Housing

114.1. Plans shall be submitted for plan review for all field-built portions of factory-built structures that clearly describe all work to be done at the site, including connection and/or anchorage of the factory-built structure to the field-built foundation and connection of utilities. Plans shall indicate compliance with this code, relevant laws, ordinances, rules and regulations for all work that is to be done at the site.

115 Fees

115.1. Plan review fees shall be as adopted by a separate resolution and/or ordinance.

Plan checking fees shall be paid at the time of plan review submittal. In addition to the aforementioned fees, the building official may require additional charges for review required by changes, additions or revisions of approved plans or reports, and for services beyond the first and second check due to changes, omissions or errors on the part of the applicant.

115.2. Permit fees shall be as adopted by separate resolution and/or ordinance. Permit fees shall be paid at the time of permit issuance.

115.3. The determination of value or valuation under any of the provisions of this code shall be made by the building official. The valuation to be used in computing the permit and plan check fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire protection systems and any other permanent work or permanent equipment.

116 Refunds

116.1 Permit Refunds. In the event that any person shall have obtained a permit and no portion of the work or construction covered by such permit shall have been commenced, and such permit shall have been cancelled as provided for in section 107.8, the permittee may submit a written request to the building official requesting a refund of permit fees. Permit fees in an amount equal to 80 percent may be refunded to the permit applicant, but permit issuance fees shall not. The building official shall satisfy himself or herself as to the right of such applicant to such refund, and each such refund shall be paid to the permit applicant, provided the request has been submitted within one year from the date of cancellation or expiration of the permit.

116.2 Plan Check Refunds. No portion of the plan checking fee shall be refunded, unless no review has been performed, in which case 80 percent of the plan checking fee shall be refunded. The building official shall satisfy himself or herself as to the right of such applicant to such refund, and each such refund shall be paid to the plan check applicant, provided the request has been submitted within one year from the date of cancellation or expiration of the permit.

117 Inspections

117.1 General. All construction or work for which a permit is required shall be subject to inspection by the building official, and all such construction or work shall remain accessible and exposed for inspection purposes until approved by the building official.

In addition to the inspections required to be made by the building official, certain types of construction shall have continuous inspection as specified in chapter 17. Special inspections made in accordance with chapter 17 shall not relieve the permit applicant of the responsibility to have the work inspected and approved by the building official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of any provision of this code, relevant laws, ordinances, rules or regulations. Inspections presuming to give authority to violate or cancel the provisions of this code, relevant laws, ordinances, rules and regulations shall not be valid.

It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

It shall be the duty of the permit applicant to provide access for the inspector to the area of work. Access may include, but shall not be limited to, ladders, scaffolding, catwalks and lifts. It shall be the duty of the permit applicant to maintain a safe access path for the inspector to the area of work. Safety precautions may include, but shall not be limited to, handrails, guardrails and safety harnesses. All components of the access path shall be securely anchored in place. The building inspector shall have the right to refuse to make any inspection in an area that does not have an access path deemed safe for use by said building inspector. It shall be the duty of the permit applicant to make any necessary improvements to the access path to allow inspection by the building inspector.

It shall be the duty of the permit applicant to protect all existing construction from damage caused during inspection. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material damaged during the course of inspection.

For additional provisions, applicable to grading, see appendix J.

117.2 Inspection Requests. It shall be the duty of the permit holder to notify the building official that work authorized by a permit is ready for inspection. The building official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the building official.

It shall be the duty of the person requesting any inspection required by this code, relevant laws, ordinances, rules and regulations to provide access to and means for inspection of such work.

For additional provisions, applicable to grading, see appendix J.

117.3 Inspection Record Card. When deemed necessary by the building official, work requiring a permit shall not be commenced until the applicant has posted or otherwise made available an inspection record card so as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall continue to be posted or otherwise made available by the permit holder until final approval of the permit has been granted by the building official.

For additional provisions, applicable to grading, see appendix J.

117.4 Work Ready For Inspection.

117.4.1 General. Upon notification from the applicant that the work for which there is a valid permit is ready for inspection, the building official shall be allowed to make all applicable inspections specified in this code, on the inspection record card and any additional inspections required by the building official.

No work shall be approved by the building official that was not completely verified. Partial or spot inspections shall not be performed by the building official, nor shall partial or spot inspection be used as a justification for approving any required

inspection.

Inspection by a special inspector shall not be made in-lieu of any inspections required to be made by the building official.

For additional provisions, applicable to grading, see appendix J.

117.4.2 Minimum Inspection Requirements. The following inspections shall not be requested until the associated requirements have been satisfied.

1. Foundation Inspection: Shall not be requested until all trenches are excavated and forms erected, any required reinforcing steel is in place, and when all materials for the foundation are delivered to the job. All holdown hardware shall be securely installed in place. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.

Where any fill more than 8 inches in depth is placed, and/or where required by the building official or the soils engineer, compaction tests shall be submitted to the building official prior to requesting inspection.

Where required by the soils engineer, foundation trenching shall be reviewed and approved by the soils engineer prior to requesting inspection.

2. Concrete Slab Or Under-Floor Inspection: Shall not be requested until all in-slab or under-floor building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is poured and/or floor sheathing installed, including the subfloor.

3. Floor Sheathing Inspection: Floor sheathing inspection shall not be requested until all sheathing is in place; all diaphragm nailing is complete; and all diaphragm ties, chords and/or drag struts have been installed. No walls shall be erected above the floor sheathing.

4. Roof Sheathing Inspection: Roof sheathing inspection shall not be requested until all sheathing is in place; all diaphragm nailing is complete; and all diaphragm ties, chords and/or drag struts have been installed. No portion of the roof sheathing shall be covered by crickets or similar construction.

5. Frame Inspection: Shall not be requested until after the roof, all framing, fire blocking and bracing are in place and all pipes, chimneys, vents and all rough electrical, plumbing and mechanical work are complete. Roof coverings shall not be installed.

6. Lath Inspection And/Or Wallboard: Shall not be requested until after all lathing and/or wallboard, interior and exterior, is in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

7. Final Inspection: Shall not be requested until after finish grading and the building is completed and is ready for occupancy.

8. Other Inspections: In addition to the inspections specified above, the building official shall be allowed to make all applicable inspections specified on the inspection record card. The building official may also make or require any other inspections of any construction work to ascertain compliance with the provisions of this code, relevant laws, ordinances, rules and regulations that are enforced by the building official.

For additional provisions, applicable to grading, see appendix J.

117.4.3 Reinspections. An inspection fee may be assessed for reinspection, as determined by the building official, for any of the following reasons:

1. The portion of work for which inspection is requested is not complete;

2. Corrections given are not completed;

3. There is inadequate work site access preventing inspection;

4. The inspection record card is not posted or otherwise available on the work site;

5. The approved plans are not available for the inspector;

6. Work has deviated from the approved plans and has not been approved by the building official.

This section is not to be interpreted as requiring additional inspection fees the first time a job is rejected for failure to comply with the requirements of this code.

To obtain re-inspection, the applicant shall pay the re-inspection fee in advance, as determined per the fee resolution.

117.5 Provisions For Special Inspection.

117.5.1 When Required. In addition to the inspections required elsewhere in this section, the owner shall employ one or more special inspectors who shall provide inspections during construction on the types of work listed under chapter 17. The special inspector may be employed either directly or through the architect or engineering firm in charge of the design of the structure, or through an independent inspection test firm approved by the building official.

Exception: The building official may waive the requirement for the employment of a special inspector if the construction is of a minor nature.

117.5.2 Identification Of Work. When special inspection is required by section 117.5.1, the architect or engineer of record shall identify on the plans all work that is required to have special inspection.

Where the special inspection method(s) to be employed are not specified elsewhere in this code, relevant laws, ordinances, rules and/or regulations, the architect or engineer of record shall prepare an inspection program that shall be submitted to and approved by the building official prior to building permit issuance.

The special inspector(s) may be employed by the owner, the engineer or architect of record, or an agent of the owner, but shall not be employed by the contractor, the contractor's employees, representatives or agents of the contractor, or any other person performing the work.

The architect or engineer of record shall identify, on forms provided by the city, the individual(s) and/or firm(s) who are to perform any required special inspection, and where an inspection program is required by this section, shall specify the special inspection duties of the special inspector(s).

117.5.3 Qualifications, Requirements And Duties Of The Special Inspector. The special inspector shall be approved by the building official prior to performing any inspection duties. The special inspector shall complete an application form provided by the city and shall submit documentation satisfactory to the building official that the special inspector is qualified to make the special inspection(s) for which application is made. The building official shall have the right to administer a written or verbal examination as deemed appropriate by the building official to verify that the special inspector is qualified to perform the inspection duties for which application is made. A special inspector who fails to pass the examination administered by the building official shall be required to wait a minimum of seven (7) days before submitting a new application to provide special inspection within the city.

The building official shall not be required to accept any documentation provided by a special inspector who was not approved by the building official prior to performing inspection duties. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material(s) or work installed, constructed or placed under the review of a special inspector who was not approved by the building official.

Failure to be approved by the building official prior to performing any special inspection duties may be considered by the building official as a failure to perform properly and shall allow the building official to refuse to allow the special inspector to perform inspection within the city.

The special inspector shall observe the work assigned for conformance with the approved design drawings.

The special inspector shall furnish inspection reports to the building official. All observed discrepancies shall be brought to the immediate attention of the contractor for correction, then if uncorrected, to the proper design authority and to the building official.

The special inspector shall submit a final signed report stating that the work requiring special inspection was, to the best of the inspector's knowledge, in conformance with the approved plans and the applicable workmanship provisions of this code.

The building official shall have the right to reject any work performed under the review of a special inspector where the work performed fails to meet the minimum requirements of this code, relevant laws, ordinances, rules and regulations. Regardless of the information communicated between the permit applicant and the special inspector, all work shall comply with the approved plans and this code,

relevant laws, ordinances, rules and regulations.

Upon evidence, satisfactory to the building official, of the failure of a special inspector to perform properly and effectively the duties of said office, the building official may revoke, suspend or refuse to allow the special inspector to perform inspection on sites within the city. Prior to such action, the holder shall be given an opportunity to appear before the building official and be heard.

117.6 Provisions For Structural Observation. When structural observation is required in accordance with the requirements of chapter 17, the engineer or architect of record shall indicate on the plans what work is required to be observed by the engineer or architect responsible for the structural design, or the engineer or architect responsible for the structural design shall prepare an inspection program and shall name the individuals or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur. The inspection program shall include samples of inspection reports and provide time limits for the submission of observation reports. The program shall be submitted to and approved by the building official prior to building permit issuance.

When required by the engineer or architect responsible for the structural design or the building official, the owner shall employ the engineer or architect responsible for the structural design, or another engineer or architect designated by the engineer or architect responsible for the structural design, to perform structural observation as defined in section 202.

When deemed appropriate by the engineer or architect responsible for the structural design, the owner or owner's representative shall coordinate and call a preconstruction meeting between the engineer or architect responsible for the structural design, the structural observer, the contractor, the affected subcontractors and the special inspector(s). The structural observer shall preside over the meeting. The purpose of the meeting shall be to identify the major structural elements and connections that affect the vertical and lateral load systems of the structure and to review scheduling of the required observations. A record of the meeting shall be submitted to the building official.

All observed discrepancies shall be brought to the immediate attention of the engineer or architect responsible for the structural design and the contractor for correction; then if unresolved, to the building official. The structural observer shall submit to the building official a written statement at each significant construction stage stating that the required site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved.

The structural observer shall submit a final signed report stating that the work requiring structural observation was, to the best of the observer's knowledge, in conformance with the approved plans and the applicable workmanship provisions of this code.

117.7 Required Approvals. No work shall be done on any part of the building structure or premises beyond the point indicated in each successive inspection without first obtaining the written approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate in writing that the work appears to comply as completed, or shall notify the applicant in writing which portion of the work fails to comply with this code, relevant laws, ordinances, rules and/or regulations. Any work that does not comply shall be corrected and such work shall not be covered or concealed until authorized by the building official.

There shall be a final inspection and approval of all work when completed and ready for occupancy.

For additional provisions, applicable to grading, see appendix J.

117.8 Site Requirements. A survey of the lot may be required by the building official to verify compliance of the structure with the approved plans.

117.9 Noninspected Work. No person shall own, use, occupy or maintain any structure on which noninspected work has been performed.

117.10 Utility Release. When deemed appropriate by the building official, gas and electric utilities may be released. Release of either utility may be done prior to building final for testing and inspection purposes. The building official shall retain the right to revoke the release of either utility for just cause, and may have either utility disconnected at the earliest availability of the utility purveyor.

Attempting to occupy prior to issuance of a certificate of completed construction, whether temporary or final, may be considered as just cause by the building official, and may result in disconnection of the utilities.

117.11 Authority To Disconnect Electric Utility. The building official is hereby empowered to disconnect or to order in writing the discontinuance of electric utility service to buildings, structures or premises, or portions thereof, or wiring, devices or materials installed without permit or found to be a hazard to life, health and/or property.

The building official shall have the power to disconnect or to order in writing the discontinuance of electric utility service as a means of preventing, restraining, correcting or abating any violation of this code, relevant laws, ordinances, rules or regulations.

The electrical service shall remain disconnected or electrical utility service shall remain discontinued until the code violation has been abated to the satisfaction of the building official, or until the installation of such wiring, devices or materials have been made safe as directed by the building official; or until a permit has been issued and the work has been inspected and approved by the building official.

117.12 Authority To Disconnect Gas Utility. The building official is hereby empowered to disconnect or to order in writing the discontinuance of gas utility service to buildings, structures, premises, appliances, devices or materials installed without permit or found to be a hazard to life, health and/or property.

The building official shall have the power to disconnect or to order in writing the discontinuance of gas utility service as a means of preventing, restraining, correcting or abating any violation of this code, relevant laws, ordinances, rules or regulations.

The gas service shall remain disconnected or gas utility service shall remain discontinued until the code violation has been abated to the satisfaction of the building official, or until the installation of such appliances, devices or materials has been made safe as directed by the building official; or until a permit has been issued and the work has been inspected and approved by the building official.
(Ord. 16-1020)

7-1-1: LOS ANGELES COUNTY CODE, TITLE 26, BUILDING CODE, ADOPTED:

Chapters 2 through 35, 66, 67, 96, 98, 99 and appendices I and J of title 26, Los Angeles County building code, as amended and in effect on or before January 1, 2017, adopting the 2016 California building code, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein except as revised by section 7-1-2 of this chapter.

In accordance with section 50022.6 of the California Government Code, not less than one copy of said title 26 of the Los Angeles County code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division, shall be and remain on file with the building official, shall collectively be known as the city of Temple City building code and may be cited as title 7, chapter 1 of the city of Temple City municipal code. (Ord. 16-1020)

7-1-2: BUILDING CODE MODIFIED:

Chapters 33, 99 and appendix J of title 26 of the Los Angeles County code, adopted by reference as the building code of the city of Temple City, are hereby amended, deleted or added as follows:

A. A new section 3301.3 is added to read:

3301.3 On-Site Fencing During Construction.

3301.3.1 General. A fence shall be provided any time grading, demolition, or

construction work requiring a grading or building permit is performed. The fence shall totally enclose the perimeter of all property. Locking gates may be provided at any location.

Exceptions:

1) When approved by the building official, a fence need not enclose residential property when at least one dwelling is continuously occupied. Approval not to fence the property may be revoked in writing by the building official if the property is found to be unoccupied for any length of time. For the purposes of this exception, continuously occupied is not intended to imply that the occupants must be continuously present.

2) When approved by the building official, the fence may enclose areas other than the perimeter of the property.

3301.3.2 Fence Construction. The fence shall be 6 feet in height measured from adjacent grade on the exterior side of the fence, and constructed from chain link, lumber, masonry or other approved materials. The fence shall be self-supporting and shall not incorporate structures or fencing on adjacent property without written approval of the adjacent property owner.

3301.3.3 Duration Of Fencing. The fence shall be erected prior to the start of any grading, demolition, or construction work and shall remain in place until the work for which a grading or building permit is required has been completed.

Exceptions:

1) All or portions of the fence may be removed daily during construction so long as the property is continuously occupied, and all portions of the removed fence are replaced prior to the property being unoccupied.

2) When approved by the building official, the fence may be removed prior to completion of the grading, demolition, or construction work, if the property is determined by the building official to no longer provide an unsafe or hazardous condition.

3301.3.4 Failure To Comply. If the property is found unfenced and the building official determines that an unsafe or hazardous condition exists, the city may take action to correct the noncomplying condition by providing the required fence. The building official may then issue a notice to stop work until all fees incurred by the city to properly fence the property have been recovered. If such fees have not been recovered by the city within 30 days, the city may take action to recover the costs in accordance with the requirements of this code.

B. Section J103.5 is amended in its entirety to read:

J103.5 Grading Fees. Fees shall be assessed in accordance with the provisions of this section. The amount of the fees shall be as specified in section 115 of this code.

J103.5.1 Plan Review Fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the total volume of excavation and fill.

J103.5.2 Permit Fees. A fee for each grading permit shall be paid to the building official at the time of issuance of the permit. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code.

C. Section J103.6 is amended in its entirety to read:

J103.6 Compliance With Zoning Code. The building official may refuse to issue a grading permit for work on a site if either the proposed grading or the proposed land use for the site shown on the grading plan application does not comply with the provisions of "Zoning Regulations" of the city of Temple City municipal code.

D. Section J105.12 is amended in its entirety to read:

J105.12 Completion Of Work. Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is otherwise required by the building official:

1. A certification by the field engineer that to the best of his or her knowledge, the work within the field engineer's area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with section J105.4, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. The report shall include a certification by the soils engineer that to the best of his or her knowledge, the work within the soils engineer's area of responsibility is in accordance with the approved soils engineering report and applicable provisions of this chapter. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage.

3. A report prepared by the engineering geologist retained to provide such services in accordance with section J105.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of such new information, if any, on the recommendations incorporated in the approved grading plan. The report shall contain a certification by the engineering geologist that, to the best of his or her knowledge, the work within the engineering geologist's area of responsibility is in accordance with the approved engineering geology report and applicable provisions of this chapter. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement or slippage. The report shall contain a final as-built geologic map and cross-sections depicting all the information collected prior to and during grading.

4. The grading contractor shall certify, on a form prescribed by the building official that the grading conforms to the approved plans and specifications.
(Ord. 16-1020)

7-1-3: EFFECT OF ADOPTION:

The adoption of the city building code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-1-4: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent, as to whether a violation is a misdemeanor or infraction, the city attorney may

prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 2
MECHANICAL CODE

7-2-0: MECHANICAL CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the mechanical code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 2 of the city of Temple City municipal code shall be known as the Mechanical Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code".

101.3 Scope. The provisions of this code shall apply to the erection, alteration, installation, repair, relocation, movement, improvement, removal, connection or conversion, use or maintenance of any heating, ventilating, cooling, refrigeration systems, incinerators or other miscellaneous heat-producing appliances mechanical equipment and/or appliances or any other mechanical work regulated by this code within the city.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In the event any differences in requirements exist between the accessibility requirements of this code and the accessibility requirements of the California code of regulations, title 24 (also referred to as the California building standards code), then the California code of regulations shall govern.

106.1 Plan Check Requirements. When required by the building official to verify compliance with this code, relevant laws, ordinances, rules and regulations; plans and, when deemed necessary by the building official, calculations, and other required data shall be submitted for plan review. The building official may require plans and calculations to be prepared by an engineer registered by the state to practice as such. Only after the plans have been approved may the applicant apply for a mechanical permit for such work. The building official may also require such plans be reviewed by other departments and/or divisions of the city to verify compliance with the laws and ordinances under their jurisdiction.

Separate mechanical code plan review is required for any of the following:

(a) To verify compliance with state energy requirements when such information is not shown completely on the building plans;

(b) Installations where the aggregate btu input capacity for either comfort heating or comfort cooling is more than 500,000 btu;

(c) Type I or type II commercial hoods;

(d) Parking garage exhaust ventilation systems;

(e) Product conveying duct system;

(f) Spray booths;

(g) Stair pressurization systems;

(h) Installation of fire dampers, smoke dampers and/or combination smoke/fire

dampers;

(i) Air moving systems supplying air in excess of 2000 cfm and where smoke detectors are required in the duct work;

(j) Any installation in a building of type I-A, type II-A, type III-A, type IV or type V-A fire-resistive construction where penetrations are required of fire-resistive walls, floors or ceilings.

Plans, calculations, reports or documents for work regulated by this code, relevant laws, ordinances, rules and regulations shall bear the seal, signature and number of a mechanical engineer when required by the California Business And Professions Code. A seal and number shall not be required for work authorized by the said article to be performed by a person not registered or certified as an engineer or architect.

106.3 Information Required On Mechanical Plans. Plans shall be drawn to scale upon substantial paper or other material suitable to the building official, shall be of sufficient clarity to indicate the nature and scope of the work proposed, and shall show in detail that the proposed construction will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

The first sheet of each set of plans shall give the street address of the proposed work and the name, address and telephone number of the owner and all persons who were involved in the design and preparation of the plans.

Where the scope of the proposed work involves the following, unless otherwise approved by the building official, the mechanical plans shall indicate the following:

(a) A complete floor plan showing the location of all proposed mechanical equipment, duct work, vents, etc.;

(b) A complete plan showing the layout, diameter and material of all proposed piping;

(c) A legend of all symbols used and a list of all abbreviations used;

(d) The location of all proposed inlets, outlets, diffusers, etc.;

(e) The btu/hr and/or cfm rating of all equipment;

(f) Any other information requested by the building official.

Plans for buildings more than two stories in height of other than group R-3 and group U occupancies shall indicate how required fire-resistive integrity will be maintained where a penetration will be made for mechanical piping and similar systems.

When deemed necessary by the building official, the first sheet of each set of plans shall indicate the building type of construction as defined in the building code and the mechanical code in effect on the date of plan check submittal.

107.1 Mechanical Permit Required. No person shall erect, alter, install, repair, move, improve, remove, connect or convert, or cause the same to be done, any mechanical equipment without first obtaining a mechanical permit from the building official.

The issuance of a permit without first requiring a plan review shall not prevent the building official from requesting plans deemed necessary to verify that the work performed under said permit complies with this code and all relevant laws, ordinances, rules and regulations.

107.2 Work Exempted From Mechanical Permit. A mechanical permit shall not be required for the following:

(a) Installation of portable appliances or equipment used for heating ventilating, or cooling (refrigeration or evaporative) which does not require either a building permit or an electrical permit to install;

(b) Repair or replacement of steam, hot, or chilled water piping, and refrigeration piping which were previously permitted and inspected under a valid mechanical permit;

(c) Repair or replacement of components to a refrigeration system which were previously permitted and inspected under a valid mechanical permit.

(d) Repair or replacement of any component, part or assembly of an appliance which does not alter its original approval and complies with the other applicable requirements of this code;

(e) Any unit refrigerating system.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.
(Ord. 16-1020)

7-2-1: LOS ANGELES COUNTY CODE, TITLE 29, MECHANICAL CODE, ADOPTED:

Los Angeles County mechanical code chapter 2 through chapter 17 and appendices B, C and D, title 29, the 2017 Los Angeles County mechanical code, as amended and in effect on or before January 1, 2017, adopting the 2016 California mechanical code, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

Not less than one copy of said title 29 of the Los Angeles County mechanical code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division and shall be and remain on file with the building official, and shall collectively be known as the city of Temple City mechanical code and may be cited as title 7, chapter 2 of the city of Temple City municipal code. (Ord. 16-1020)

7-2-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-2-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this

code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 3
ELECTRICAL CODE

7-3-0: ELECTRICAL CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the electrical code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 3 of the city of Temple City municipal code shall be known as the Electrical Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code".

101.3 Scope And Applicability. The provisions of this code shall apply to the erection, alteration, installation, repair, movement, improvement, removal connection or conversion of any electrical equipment and/or appliances or any other electrical work regulated by this code within the city.

Exception: The provisions of this code shall not apply to public utilities; or to electrical wiring for street lighting or traffic signals located primarily in a public way; or to mechanical equipment not specifically regulated in this code. The provisions of this code shall not apply to any electrical work performed by or for any electrical corporation, telephone corporation, telegraph corporation, railroad corporation or street railroad corporation on or with any electrical equipment owned or controlled and operated, or used by and for the exclusive benefit of, such corporation in the conduct of its business as a public utility, or to any other work which any such corporation may be entitled by law to perform without payment of any local tax; but all provisions of this code shall apply insofar as they may consistently with the above be applicable to all other electrical work performed by or for any such corporation.

The terms "electrical corporation", "telephone corporation", railroad corporation", and "street railroad corporation" are herein used as said terms are respectively defined in the Public Utilities Code of the state of California; and such terms shall also be deemed to include similar utilities which are municipally or governmentally owned and operated.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In the event any differences in requirements exist between the accessibility requirements of this code and the accessibility requirements of the California code of regulations, title 24 (also referred to as the California building standards code), then the California code of regulations shall govern.

106.1 Plan Check Requirements. When required by the building official to verify compliance with this code, relevant laws, ordinances, rules and regulations; plans and, when deemed necessary by the building official, calculations, and other required data shall be submitted for plan review. The building official may require plans and calculations to be prepared by an engineer registered by the state to practice as such. Only after the plans have been approved may the applicant apply for an electrical permit for such work. The building official may also require such plans be reviewed by other departments and/or divisions of the city to verify compliance with the laws and ordinances under their jurisdiction.

Separate electrical code plan review is required for any of the following:

1 - To verify compliance with state energy requirements when such information is not shown completely on the building plans;

2 - Any installation of any equipment rated at 400 amperes or larger;

3 - Any installation of a subpanel, switchboard or motor control center having a rating of 400 amperes or larger;

4 - Any installation of a motor rated more than 10 hp;

5 - Any installation of a transformer, generator, uninteruptable power supply (UPS), phase converter, capacitor, rectifier or other separately derived system;

6 - Any installation of a storage batteries;

7 - Any installation of equipment rated above 600V;

8 - All motion picture theaters;

9 - Assembly rooms having an occupant load exceeding 500 occupants;

10 - All gas stations, repair garages and similar locations classified as hazardous in chapter 5 of this code;

11 - Spray booths;

12 - Installation of lighting fixtures weighing more than 300 pounds;

13 - Installation of any illuminated sign.

14 - Any installation in a building of type I-A, type II-A, type III-A, type IV or type V-A fire-resistive construction where penetrations are required of fire-resistive walls, floors or ceilings.

Plans, calculations, reports or documents for work regulated by this code, relevant laws, ordinances, rules and regulations shall bear the seal, signature and number of an electrical engineer when required by the California Business And Professions Code. A seal and number shall not be required for work authorized by the said article to be performed by a person not registered or certified as an engineer or architect.

106.3 Information Required On Electrical Plans. Plans shall be drawn to scale upon substantial paper or other material suitable to the building official, shall be of sufficient clarity to indicate the nature and scope of the work proposed, and shall show in detail that the proposed construction will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

The first sheet of each set of plans shall give the street address of the proposed work and the name, address and telephone number of the owner and all persons who were involved in the design and preparation of the plans.

Where the scope of the proposed work involves the following, unless otherwise approved by the building official, the electrical plans shall indicate the following:

(1) A complete floor plan showing the location of the proposed service and all proposed subpanels, switchboards, panelboards and/or motor control centers. All required working space dimensions shall also be indicated where required by the building official;

(2) A complete plan showing the layout, conductor size and insulation type for all proposed electric wiring in all parts of the building or structure;

(3) A legend of all symbols used and a list of all abbreviations used;

(4) A complete single line diagram with complete system grounding, water pipe bonding and other metal pipe bonding as required by the building official;

(5) The location of all proposed outlet boxes for switches, lights, receptacles and similar devices in all parts of the building or structure;

(6) The location, voltage and wattage or ampere rating for each noninductive piece of equipment;

(7) The location, voltage and wattage or ampere rating for each transformer, capacitor, ballast, converter, frequency changer and/or similar equipment;

(8) The location, voltage and horsepower rating for all motors, generators and similar equipment;

(9) The horsepower rating for all disconnects protecting more than one motor or protecting any piece of HVAC equipment containing more than one motor;

(10) Panel schedules for all proposed subpanels and similar equipment;

(11) Lighting fixture schedule;

(12) Any other information requested by the building official.

Plans for buildings more than two stories in height of other than group R-3 and group U occupancies shall indicate how required fire-resistive integrity will be maintained where a penetration will be made for electrical and communication conduits, pipes and similar systems.

When deemed necessary by the building official, the first sheet of each set of plans shall indicate the building type of construction as defined in the city building code and the electrical code in effect on the date of plan check submittal.

107.1 Electrical Permit Required. No person shall erect, alter, install, repair, move, improve, remove, connect or convert, or cause the same to be done, any electrical equipment without first obtaining an electrical permit from the building official.

The issuance of a permit without first requiring a plan review shall not prevent the building official from requesting plans deemed necessary to verify that the work performed under said permit complies with this code and all relevant laws, ordinances, rules and regulations.

107.2 Work Exempted From Electrical Permit. An electrical permit shall not be required for the following:

(1) Minor repair work such as the replacement of lamps, switches, receptacle devices and sockets which were previously permitted and inspected under a valid electrical permit;

(2) Connection of portable generators, portable motors, appliances, tools, power outlets and other portable equipment connected by means of a cord or cable having an attachment plug to a permanently installed receptacle which was previously permitted and inspected under a valid electrical permit;

(3) Repair or replacement of overcurrent devices;

(4) The wiring for temporary theater, motion picture or television stage sets;

(5) The repair or replacement of ground, slab, floor or roof mounted fixed motors or appliances of the same type and rating in the same location and which were previously permitted and inspected under a valid electrical permit. Note: Suspended or wall mounted equipment may be exempted from electrical permit requirements only after documentation has been submitted to and reviewed by the building official for adequate seismic anchorage. Separate building permit(s) may be required;

(6) That portion of electrical wiring, devices, appliances, apparatus, or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy;

(7) That portion of telephone, intercom, sound, alarm, control, communication and/or signal wiring that is not an integral part of an appliance, and which operates at 30 volts or less. Note: Separate permit may be required from the fire department;

(8) Temporary decorative lighting which is not installed for more than 90 days;

(9) The installation of temporary wiring for testing or experimental purposes within suitable facilities specifically approved by the building official for such use.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.
(Ord. 16-1020)

7-3-1: LOS ANGELES COUNTY CODE, TITLE 27, ELECTRICAL CODE, ADOPTED:

Los Angeles County electrical code article 90, chapter 1 through 9, and appendices A, B, C, D, E, F, G, H, I and J, title 27, the 2016 Los Angeles County electrical code, as amended and in effect on or before January 1, 2017, adopting the 2016 California electrical code, except as otherwise provided in said title 27, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the

Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

Not less than one copy of said title 27 of the Los Angeles County electrical code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division and shall be and remain on file with the building official, and shall collectively be known as the city of Temple City electrical code and may be cited as title 7, chapter 3 of the city of Temple City municipal code. (Ord. 16-1020)

7-3-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-3-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent, as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 4
PLUMBING CODE

7-4-0: PLUMBING CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the plumbing code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 4 of the city of Temple City municipal code shall be known as the Plumbing Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these

building standards" or "this code."

101.3 Scope. The provisions of this code shall apply to the erection, alteration, installation, repair, movement, improvement, removal, connection or conversion of any plumbing equipment and/or appliances or any other plumbing work regulated by this code within the city.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In the event any differences in requirements exist between the accessibility requirements of this code and the accessibility requirements of the California code of regulations, title 24 (also referred to as the California building standards code), then the California code of regulations shall govern.

Where the requirements of this code conflict with the requirements of mechanical code, this code shall prevail.

106.1 Plan Check Requirements. When required by the building official to verify compliance with this code, relevant laws, ordinances, rules and regulations; plans and, when deemed necessary by the building official, calculations, and other required data shall be submitted for plan review. The building official may require plans and calculations to be prepared by an engineer registered by the state to practice as such. Only after the plans have been approved may the applicant apply for a plumbing permit for such work. The building official may also require such plans be reviewed by other departments and/or divisions of the city to verify compliance with the laws and ordinances under their jurisdiction.

Separate plumbing code plan review is required for any of the following:

(a) For any restaurant which requires a grease trap or a grease interceptor;

(b) Any facility which requires a sand/grease clarifier;

(c) Plumbing systems with more than 216 waste fixture units;

(d) Potable water supply piping required to be 2" or larger;

(e) Fuel gas piping required to be 2" or larger;

(f) Fuel gas piping containing medium- or high-pressure gas;

(g) Combination waste and vent systems;

(h) Plumbing fixtures located below the next upstream manhole or below the sewer main;

(i) Chemical waste systems;

(j) Rainwater system employing a sump pump;

(k) Grey water systems;

(l) Any type of sewer ejection system or lift station;

(m) Any installation in a building of type I-A, type II-A, type III-A, type IV or type V-A fire-resistive construction where penetrations are required of fire-resistive walls, floors or ceilings.

Plans, calculations, reports or documents for work regulated by this code, relevant laws, ordinances, rules and regulations shall bear the seal, signature and number of a plumbing engineer when required by the California Business And Professions Code. A seal and number shall not be required for work authorized by the said article to be performed by a person not registered or certified as an engineer or architect.

106.3 Information Required On Plumbing Plans. Plans shall be drawn to scale upon substantial paper or other material suitable to the building official, shall be of sufficient clarity to indicate the nature and scope of the work proposed, and shall show in detail that the proposed construction will conform to the provisions of this code and all relevant laws, ordinances, rules and regulations.

The first sheet of each set of plans shall give the street address of the proposed work and the name, address and telephone number of the owner and all persons who were involved in the design and preparation of the plans.

Where the scope of the proposed work involves the following, unless otherwise approved by the building official, the plumbing plans shall indicate the following:

(a) A complete floor plan showing the location of all proposed plumbing fixtures;

(b) A complete plan showing the layout, diameter and material of all proposed piping;

(c) A legend of all symbols used and a list of all abbreviations used;

(d) Any other information requested by the building official.

Plans for buildings more than two stories in height of other than group R-3 and group U occupancies shall indicate how required fire-resistive integrity will be maintained where a penetration will be made for plumbing piping and similar systems.

When deemed necessary by the building official, the first sheet of each set of plans shall indicate the building type of construction as defined in the building code and the plumbing code in effect on the date of plan check submittal.

107.1 Plumbing Permit Required. No person shall erect, alter, install, repair, move, improve, remove, connect or convert, or cause the same to be done, to any plumbing equipment or fixtures without first obtaining a plumbing permit from the building official. A plumbing permit is required for any installation, alteration, reconstruction or repair of any plumbing (including fixtures, traps, tailpieces and valves), drainage piping, vent piping, waste piping, soil piping, water piping (potable or nonpotable but which is connected to a potable water source) or gas piping located within or on any building, structure or premises.

107.2 Work Exempted From Plumbing Permit. A plumbing permit shall not be required for the following:

(a) Clearing of stoppages and stopping of leaks which do not involve the replacement of any plumbing (including fixtures, traps, tailpieces and valves), drainage piping, vent piping, waste piping, soil piping, water piping or gas piping.

(b) Change of residential plumbing fixtures which do not involve the replacement of the existing waste and vent piping excluding the trap, to include, residential toilets, residential bathroom hand sinks, bathtub and residential kitchen sinks.

(c) Connection of any appliance approved for and intended to be connected by flexible gas piping to a gas shutoff valve which was previously permitted and inspected under a valid plumbing permit.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of other laws or ordinances.

The issuance of a permit without first requiring a plan review shall not prevent the building official from requesting plans deemed necessary to verify that the work performed under said permit complies with this code and all relevant laws, ordinances, rules and regulations.
(Ord. 16-1020)

7-4-1: LOS ANGELES COUNTY CODE, TITLE 28, PLUMBING CODE, ADOPTED:

Los Angeles County plumbing code chapter 2 through chapter 17, and appendices A, B, D, H, I and J, title 28, the 2017 Los Angeles County plumbing code, as amended and in effect on or before January 1, 2017, adopting the 2016 California plumbing code, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

Not less than one copy of said title 28 of the Los Angeles County plumbing code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division and shall be and remain on file with the building official, and shall collectively be known as the

city of Temple City plumbing code and may be cited as title 7, chapter 4 of the city of Temple City municipal code. (Ord. 16-1020)

7-4-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-4-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 5
RESIDENTIAL CODE

7-5-0: RESIDENTIAL CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the residential code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 5 of the city of Temple City municipal code shall be known as the Residential Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code."
(Ord. 16-1020)

7-5-1: LOS ANGELES COUNTY CODE, TITLES 26 AND 30,

RESIDENTIAL CODE, ADOPTED:

Section 1207 of chapter 12, chapters 67, 68, 69, 96, 98, 99, and appendix J of title 26 of the Los Angeles County code are adopted by reference as amended by city of Temple City building code and incorporated in to this section as if fully set forth below and shall be known as section 1207 of chapter 12, chapters 67, 68, 69, 96, 98, 99, and appendix J of the city of Temple City residential code.

Chapters 2 through 10, 44 and appendix H of title 30, Los Angeles County residential code, as amended and in effect on or before January 1, 2017, adopting the 2016 California residential code, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

Not less than one copy of said titles 26 and 30 of the Los Angeles County residential code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division and shall be and remain on file with the building official, and shall collectively be known as the city of Temple City residential code and may be cited as title 7, chapter 5 of the city of Temple City municipal code. (Ord. 16-1020)

7-5-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-5-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 6
GREEN BUILDING STANDARDS CODE

7-6-0: GREEN BUILDING STANDARDS CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the green building standards code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101.1 Title. Title 7 Building Regulations, chapter 6 of the city of Temple City municipal code shall be known as the Green Building Standards Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code."
(Ord. 16-1020)

7-6-1: CALIFORNIA GREEN BUILDING STANDARDS CODE ADOPTED:

Chapters 2 through 8, appendix A4, and appendix A5 of 2016 California green building standards code, California code of regulations title 24 part 11, as published by the California building standards commission, is hereby adopted by reference pursuant to the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

In accordance with section 50022.6 of the California Government Code, not less than one copy of said 2016 California green building standards code, California code of regulations title 24 part 11 together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division, shall be and remain on file with the building official, shall collectively be known as the city of Temple City green building standards code and may be cited as title 7, chapter 6 of the city of Temple City municipal code. (Ord. 16-1020)

7-6-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-6-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Chapter 7
SWIMMING POOL AND SPA CODE

7-7-0: CODE ADOPTION:

Chapters 2, 3, 7, 8, 9, 10, and 11 of the 2012 international swimming pool and spa code is hereby adopted by reference and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein except as revised in this chapter. These provisions shall collectively be known as the city of Temple City swimming pool and spa code and may be cited as title 7, chapter 7 of the Temple City municipal code. (Ord. 13-985)

7-7-1: COPIES ON FILE:

In accordance with section 50022.6 of the California Government Code, not less than one copy of the city of Temple City swimming pool and spa code, duly certified by the city clerk, shall be kept on file in the office of the city clerk for examination and use by the public. Amendments to this code shall be noted by ordinance number on the appropriate pages of such code of this code and one complete file of amendatory ordinances, indexed for ready reference, shall be maintained in the office of the city clerk for use and examination by the public. Distribution or sale of additional copies of this code shall be made as directed by the city council. In addition, one copy of said city of Temple City swimming pool and spa code may likewise be maintained by the building official for examination and use by the public. (Ord. 13-985)

7-7-2: DEFINITIONS:

In addition to the definitions specified in chapter 2 of this code, the following certain terms, phrases, words and their derivatives shall be construed as specified in this section. Terms, phrases and words used in the masculine gender include the feminine and the feminine the masculine.

In the event of conflicts between these definitions and definitions that appear elsewhere in this code, these definitions shall govern and be applicable.

BOARD OF SUPERVISORS: The city of Temple City council.

BUILDING CODE, LOS ANGELES COUNTY BUILDING CODE OR INTERNATIONAL BUILDING CODE: Title 7, chapter 1 of the Temple City municipal code.

BUILDING DIVISION OR BUILDING DEPARTMENT: The building division of the city community development department.

BUILDING OFFICIAL: The director of community development department, or duly authorized representative, or other designated authority charged with the administration and enforcement of this code.

CALGREEN: See definition of Green Building Standards Code Or Los Angeles County Green Building Standards Code.

CITY OR COUNTY: City of Temple City or Los Angeles County depending on the context.

DEMOLITION: Whenever the term demolition or demolish is used in this code, it shall pertain to removal of the entire structure and it shall include the removal of the resulting debris from such demolition and the protection or filling of excavations exposed by such demolition as may be required by this code, relevant laws, ordinances, rules and/or regulations.

ELECTRICAL CODE, LOS ANGELES COUNTY ELECTRICAL CODE, NFPA 70, OR INTERNATIONAL ELECTRICAL CODE: Title 7, chapter 3 of the Temple City municipal code.

ENERGY CODE OR INTERNATIONAL ENERGY CONSERVATION CODE: California code of regulations title 24, part 6.

FACTORY BUILT STRUCTURE: Buildings or structures which meet all of the following criteria:

A. Fabrication on an off site location under the inspection of the state, for which the state inspection agency has attested to compliance with the applicable state laws and regulations by the issuance of an insignia;

B. The bearing of the state insignia and which have not been modified since fabrication in a manner that would void the state approval; and for which the city has been relieved by statute of the responsibility for the enforcement of laws and regulations of the state of California or the city.

FIRE CODE, LOS ANGELES COUNTY FIRE CODE, OR INTERNATIONAL FIRE CODE: Title 3, chapter 1 of the Temple City municipal code.

FUEL GAS CODE OR INTERNATIONAL FUEL GAS CODE: Title 7, chapter 4 of the Temple City municipal code.

GREEN BUILDING STANDARDS CODE OR LOS ANGELES COUNTY GREEN BUILDING STANDARDS CODE: Title 7, chapter 6 of the Temple City municipal code.

HEALTH CODE OR LOS ANGELES COUNTY HEALTH CODE: Title 3, chapter 2 of the Temple City municipal code.

LOS ANGELES COUNTY FLOOD CONTROL DISTRICT: Either the city of Temple City public works department or the Los Angeles County flood control district depending on the context.

MECHANICAL CODE, LOS ANGELES COUNTY MECHANICAL CODE, OR INTERNATIONAL MECHANICAL CODE: Title 7, chapter 2 of the Temple City municipal code.

NATIONAL POLLUTION DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: A permit issued as required by the federal clean water act in order to protect receiving waters. The NPDES permit requires controls to reduce the discharge of pollutants into storm drains, channels or natural watercourses.

NONINSPECTED WORK: Any erection, construction, enlargement, alteration, repair, movement, improvement, removal, connection, conversion, demolition or equipping, for which a permit was first obtained, but which has progressed beyond the point indicated in successive inspections without first obtaining inspection by and approval of the building official.

PLUMBING CODE, LOS ANGELES COUNTY PLUMBING CODE, OR INTERNATIONAL PLUMBING CODE: Title 7, chapter 4 of the Temple City municipal code.

RESIDENTIAL BUILDING CODE, LOS ANGELES COUNTY RESIDENTIAL CODE, OR INTERNATIONAL RESIDENTIAL CODE: Title 7, chapter 5 of the Temple City municipal code.

ROAD COMMISSIONER: The city engineer.

SWIMMING POOL CODE: Title 7, chapter 7 of the Temple City municipal code.

UNINCORPORATED PORTION OF THE COUNTY OF LOS ANGELES: The city of Temple City.

UNPERMITTED STRUCTURE: Any structure, or portion thereof, that was erected, constructed, enlarged, altered, repaired, moved, improved, removed, connected, converted, demolished or equipped, at any point in time, without the required approval(s) and permit(s) having first been obtained from the building official. (Ord. 13-985; amd. Ord. 14-990)

7-7-3: CODE SECTION SPECIFICS:

2012 international swimming pool and spa code (ISPSC) is adopted by reference as the swimming pool and spa code of the city of Temple City, and is hereby amended, deleted or added as follows:

Chapter 1 is added in its entirety:

Chapter 1 Scope And Administration:

100 Reference To Building Code. Sections 102 through 119 of chapter 1, chapters 33, 99 and appendix J of title 7, chapter 1 of the city of Temple City code adopted by reference, amended and incorporated into chapter 7 of the Temple City municipal code shall be known as sections 102 through 119 of chapter 1, chapters 33, 99 and appendix J of the swimming pool and spa code of the city of Temple City, may be cited as such, and will be referred to herein as this code.

101.1 Title. Title 7 Building And Regulations, chapter 7 of the city of Temple City municipal code shall be known as the swimming pool and spa code of the city of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code."

101.2 Scope. The provisions of this code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of private aquatic vessels.

101.3 Intent. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of private aquatic vessels.

Section 305 Barrier Requirements is amended as follows:

305.1 General. The provisions of this section shall apply to the design of barriers for aquatic vessels. These design controls are intended to provide protection against the potential drowning and near drowning by restricting access to such vessels. These requirements provide an integrated level of protection against potential drowning through the use of physical barriers and warning devices.

Exceptions:

1. Spas and hot tubs with a lockable safety cover that complies with ASTM F 1346.

2. Swimming pools with a powered safety cover that complies with ASTM F 1346.

Whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning prevention safety features:

A. The pool shall be isolated from access to a home by an enclosure that meets the requirements of section 305.8.1. [CBC 3109.4.4.2 #1]

B. The pool shall incorporate removable mesh pool fencing that meets ASTM F 2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device. [CBC 3109.4.4.2 #2]

C. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM F 1346. [CBC 3109.4.4.2 #3]

D. The residence shall be equipped with exit alarms on those doors providing direct access to the pool. [CBC 3109.4.4.2 #4]

E. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor. [CBC 3109.4.4.2 #5]

F. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM F 2208 which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this section, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water. [CBC 3109.4.4.2 #6]

G. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or ASME. [CBC 3109.4.4.2 #7]

Exceptions:

a. This section does not apply to any facility regulated by the state department of

social services even if the facility is also used as a private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the state department of social services. [CBC 3109.4.4.6]

b. Hot tubs or spas with locking safety covers that comply with the ASTM ES 13-89. [CBC 3109.4.4.5 #2]

305.2 Outdoor Swimming Pools And Spas. Other than those facilities regulated in section 305.8, all outdoor aquatic vessels and indoor swimming pools shall be surrounded by a barrier that complies with sections 305.2.1 through 305.7. [CBC 3109.4.4.2]

305.2.1 Barrier Height And Clearances. Barrier heights and clearances shall be in accordance with all of the following:

A. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground. [CBC 3109.4.4.3 #1]

B. A minimum height of 60 inches (1524 mm). [CBC 3109.4.4.3 #2]

C. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm). [CBC 3109.4.4.3 #3]

D. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter. [CBC 3109.4.4.3 #4]

E. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over. [CBC 3109.4.4.3 #5]

Add section 310.2 as follows:

310.2 Private Aquatic Vessels. Whenever a building permit is issued for the construction of a new private swimming pool or spa, the pool or spa shall meet all of the following requirements:

A. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in paragraph B.

B. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains. Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI standard A 112.19.8, that cannot be removed except with the use of tools. Slots of openings in the grates or similar protective devices shall be of a shape, area and arrangement that would prevent physical entrapment and would pose any suction hazard to bathers.

C. Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions A and B shall meet the standards as published in the document, "Guidelines For Entrapment Hazards: Making Pools And Spas Safer," publication number 363, March 2005, United States consumer products safety commission.

D. Whenever a building permit is for the remodel or modification of any existing swimming pool, toddler pool or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool or spa be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the American Society For Testing And Materials (ASTM) or the American Society Of Mechanical Engineers (ASME).

Authority: Health And Safety Code section 18942(b)

Reference: Health And Safety Code section 115928 AB 3305 (statutes 1996, c.925); AB 2977 (statutes 2006, c.926); AB 382 (statutes 2007, c.XXX)

Add section 316.2.1 (a) and (b) as follows:

316.2.1 (a) Certification By Manufacturers. Heating systems and equipment shall be certified by the manufacturer that the heating system and equipment complies with the following:

A. Efficiency. A thermal efficiency that complies with the appliance efficiency regulations in title 20, division 2, chapter 4, article 4 of the California code of regulations; and [CEnC 114(a)1]

B. Instructions. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and [CEnC 114(a)3]

C. Electric Resistance Heating. No electric resistance heating; and exception 1 to section 114(a)4: Listed package units with fully insulated enclosures, and with tight-fitting covers that are insulated to at least R-6. Exception 2 to section 114(a)4: Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy. [CEnC 114(a)4]

316.2.1 (b) Installation. Any pool or spa system or equipment shall be installed with all of the following;

A. Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment. [CEnC 114(b)1]

B. Directional Inlets. The swimming pool shall have directional inlets that adequately mix the pool water. [CEnC 114(b)3i]

Section 504.1 is amended to read as follows:

504.1 Emergency Shutoff Switch. One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be clearly labeled, accessible, located within sight of the spa and shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa. [CElecC 686.14]
(Ord. 13-985)

7-7-4: FINDINGS OF LOCAL CONDITIONS:

The Temple City council hereby finds, determines and declares that those certain amendments to the state building code made by the county of Los Angeles are appropriate and necessary to meet local conditions existing in the city of Temple City, and this council hereby further finds, determines and declares that each such change is required for the protection of the public safety and is reasonably necessary because of local climatic, geological, or topographic conditions. (Ord. 13-985)

7-7-5: CONTINUATION OF EXISTING LAW:

Where they are substantially the same as existing law, the provisions of the city of Temple City swimming pool and spa code shall be considered continuations of existing law and shall not be considered new enactments. (Ord. 13-985)

7-7-6: CATCHLINES OF SECTIONS:

The catchlines of the several sections of this code printed in boldface type are intended as mere catchwords to indicate the contents of the section and shall not be deemed or taken to be titles of such sections; nor as any part of the section, nor, unless expressly so provided, shall they be so deemed when any of such sections, including the catchlines, are amended or reenacted. (Ord. 13-985)

7-7-7: SEVERABILITY OF PROVISIONS:

If any section, subsection, sentence, clause, phrase or portion of this chapter and/or the code adopted thereby 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 this chapter. The Temple City council hereby declares that it would have adopted this chapter and the code adopted thereby and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions thereof may be declared invalid or unconstitutional. (Ord. 13-985)

7-7-8: CERTIFICATION AND PUBLICATION:

The city clerk shall certify to the adoption of this chapter and shall cause a summary of same to be published once in a newspaper of general circulation within the city of Temple City. The building official shall file a copy of the same with the California building standards commission. (Ord. 13-985)

Chapter 8
SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEMS

7-8-0: INTENT AND PURPOSE:

The purpose of this chapter is to establish an expedited, streamlined solar permitting process that complies with Civil Code section 714 and Government Code section 65850.5 to achieve timely and cost effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar energy systems by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 15-1005)

7-8-1: APPLICABILITY:

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

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of the small residential rooftop solar energy system in such a way as to require new permitting. Routine operation and maintenance shall not require a permit. (Ord. 15-1005)

7-8-2: DEFINITIONS:

The words and phrases used in this chapter are defined as follows:

FEASIBLE METHOD TO SATISFACTORILY MITIGATE OR AVOID THE ADVERSE IMPACT: Includes, but is not limited to, any cost effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of Civil Code section 714(d)(1)(A)-(B).

SMALL RESIDENTIAL ROOFTOP SOLAR ENERGY SYSTEM: A solar energy system that is all of the following:

A. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal;

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

C. A solar energy system that is installed on a single or duplex family dwelling; and

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

SOLAR ENERGY SYSTEM: Has the same meaning set forth in Civil Code sections 801.5(a)(1) and 801.5(a)(2).

SPECIFIC, ADVERSE IMPACT: A significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 15-1005)

7-8-3: DUTIES OF BUILDING DIVISION AND BUILDING OFFICIAL:

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

B. Applications for small residential rooftop solar energy system permits, and any supporting documents, may be submitted in person, mailed, or submitted electronically by e-mail, facsimile, or the internet.

C. An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.

D. The building division shall prepare a checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

E. The small residential rooftop solar energy system permit process, and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the "California Solar Permitting Guidebook" adopted by the governor's office of planning and research.

F. All plan review and permit fees shall be as adopted by city council resolution or ordinance. Any such fees must comply with Government Code sections 65850.55 and 66015, and any other applicable state laws. (Ord. 15-1005)

7-8-4: PERMIT REVIEW AND INSPECTION REQUIREMENTS:

A. Prior to submitting an application for a small residential rooftop solar energy system, the applicant shall:

1. Verify to the applicant's reasonable satisfaction through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify to the applicant's reasonable satisfaction using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

B. An application that satisfies the requirements of the application checklist prepared by the building division pursuant to subsection 7-8-3D of this chapter, as determined by the building official, shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

C. Upon the determination by the building official that the application is complete, the building official shall approve the application and issue all required permits or authorizations.

1. The city shall not condition approval of an application on the approval of an association, as defined in Civil Code section 4080.

2. Such approval does not authorize an applicant to connect the small residential rooftop solar energy system to the local utility provider's electricity grid. The applicant is responsible for obtaining such approval or permission from the local utility provider.

D. If the building official finds, based on substantial evidence, that the small residential rooftop solar energy system could have a specific, adverse impact upon the public health and safety, the building official shall require the applicant to apply

for a use permit.

1. If a use permit is required, the building official may not deny the application for the use permit unless the building official makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.

2. Any condition imposed on a use permit shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

3. The applicant may appeal to the planning commission a decision by the building official to require a use permit, or a decision to deny a use permit.

E. Only one inspection shall be required for a small residential rooftop solar energy system eligible for expedited review, which shall be performed in a timely manner. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this section.
(Ord. 15-1005)

Chapter 9
EXISTING BUILDING CODE

7-9-0: EXISTING BUILDING CODE ADMINISTRATION:

Except as hereinafter changed or modified, the administration of the existing building code shall be as set forth in section 7-1-0, "Building Code Administration", of this title.

101 Title, Purpose, Intent And Scope

101.1 Title. Title 7 Building Regulations, chapter 9 of the city of Temple City municipal code shall be known as the Existing Building Code Of The City Of Temple City, may be cited as such, and will be referred to herein as "these regulations" or "these building standards" or "this code."

101.3 Scope. The provisions of this code shall apply to the repair, alteration, change of occupancy, addition to and relocation of any existing building or structure or any other work regulated by this code within the city, subject to the criteria of sections 101.3.1 and 101.3.2.

Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

In the event any differences in requirements exist between the accessibility requirements of this code and the accessibility requirements of the California code of regulations, title 24 (also referred to as the California building standards code), then the California code of regulations shall govern.

101.3.1 Buildings Not Previously Occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall be permitted to comply with the provisions of the laws in existence at the time of its original permit unless such permit has expired. Subsequent permits shall comply with the building code or residential code, as applicable, for new construction.

101.3.2 Buildings Previously Occupied. The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the fire code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.
(Ord. 16-1020)

7-9-1: LOS ANGELES COUNTY CODE, TITLE 33, EXISTING BUILDING CODE, ADOPTED:

Los Angeles County existing building code chapter 2 through 4, 15, 16 and appendix chapter A1, A3, A4 and A6 of the title 33, the 2017 Los Angeles County existing building code, as amended and in effect on or before January 1, 2017, adopting the 2016 California existing building code, is hereby adopted by reference pursuant to

the provisions of sections 50022.1 through 50022.10 of the Government Code of the state of California as though fully set forth herein, and made a part of the Temple City municipal code with the same force and effect as though set out herein in full, including all of the regulations, revisions, conditions and terms contained therein.

Not less than one copy of said title 33 of the Los Angeles County existing building code together with any and all amendments thereto proposed by the city of Temple City, has been and is now filed in the office of the building and safety division and shall be and remain on file with the building official, and shall collectively be known as the city of Temple City existing building code and may be cited as title 7, chapter 9 of the city of Temple City municipal code. (Ord. 16-1020)

7-9-2: EFFECT OF ADOPTION:

The adoption of this code and the repeal, addition or amendment of ordinances by this code shall not affect the following matters:

A. Actions and proceedings which began before the effective date of this code.

B. Prosecution for ordinance violations committed before the effective date of this code.

C. Licenses and penalties due and unpaid at the effective date of this code, and the collection of these licenses and penalties.

D. Bonds and cash deposits required to be posted, filed or deposited pursuant to any ordinance.

E. Matters of record which refer to or are connected with ordinances the substances of which are included in this code; these references shall be construed to apply to the corresponding provisions of the code. (Ord. 16-1020)

7-9-3: PENALTY; VIOLATIONS:

A. General Penalty; Continuing Violations: Every act prohibited or declared unlawful and every failure to perform an act required by this code is a misdemeanor or an infraction as set forth in the said respective pertinent sections of this code and any person causing or permitting a violation of any such section of said code shall be subject to the penalties ascribed to each such section as set forth herein. Where silent as to whether a violation is a misdemeanor or infraction, the city attorney may prosecute such violation as either a misdemeanor or infraction in his/her discretion.

B. Violations Including Aiding, Abetting, And Concealing: Every person who causes, aids, abets or conceals the fact of a violation of this code is guilty of violating this code.

C. Enforcement By Civil Action: In addition to the penalties provided herein, the said code may be enforced by civil action. Any condition existing in violation of this code is a public nuisance and may be summarily abated by the city. (Ord. 16-1020)

Title 8
STORMWATER POLLUTANT ELIMINATION

Chapter 1
GENERAL PROVISIONS

8-1-0: PURPOSE:

The purpose of this chapter is to protect the public health, welfare and safety and to reduce the quantity of pollutants being discharged to the waters of the United States.

A. Objectives:

1. Elimination of nonstormwater discharges to the municipal storm sewer system.

2. Elimination of spillage, dumping and disposal of pollutants into the municipal storm sewer system.

3. Reduction of pollutants in stormwater discharges to the maximum extent practicable.

4. To protect and enhance the quality of the waters of the United States in a manner consistent with the provisions of the federal clean water act. (Ord. 96-799)

8-1-1: DEFINITIONS:

BEST MANAGEMENT PRACTICE: Activities, practices, facilities, and procedures that when implemented prevent or reduce the pollution of waters of the state.

CFR: The current issue of the code of federal regulations.

CITY: The city of Temple City.

EXEMPTED DISCHARGE: Any discharge to the municipal stormwater system that is not subject to the provisions of this chapter. Exempted discharges are listed in subsection 8-2-1B of this title.

ILLICIT CONNECTION: Any manmade conveyance that is connected to the storm drain system without a permit.

ILLICIT DISCHARGE: Any material discharged to the municipal stormwater system which has not been generated by and consist primarily of rainfall, or which the discharge occurs seventy two (72) hours or more after the most recent storm, or that is not either permitted by a valid NPDES permit or, considered an exempted discharge under subsection 8-2-1B of this title.

MANAGER: The current city manager of the city of Temple City or authorized deputy, agent, representative or inspector.

MUNICIPAL STORMWATER SYSTEM: Any facility within the city by which stormwater runoff is conveyed to the waters of the United States. This system includes, but is not limited to, flood control channels, roads with drainage systems, streets, catch basins, inlets, curbs, ditches, gutters, storm drains, canals, pipes, and fabricated and natural channels.

NPDES: National pollutant discharge elimination system.

NEW DEVELOPMENT PROJECT: For the purposes of this title, a new development project and shall include, but not be limited to, the following:

A. Development of a residential subdivision consisting of ten (10) or more individual homes.

B. Development of an industrial or commercial building or property of one hundred thousand (100,000) square feet or greater.

C. A restaurant or other food service establishment.

D. A gasoline station or other similar establishment providing automotive or truck maintenance and repair services.

E. Any development in hillside areas.

F. Any development required by the city manager to submit an urban runoff mitigation plan consistent with the goals of this title.

NONSTORMWATER DISCHARGE: Any discharge to a municipal storm drain system that is not directly generated by and composed primarily of rainfall and discharges within twenty four (24) hours of the end of the most recent storm.

OWNER: When applied to a building or land, shall mean any part owners, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

PERSON: Any natural person, firm, association, club, organization, corporation,

partnership, business trust, company or other entity which is recognized by law as the subject of rights or duties.

POLLUTANT: Any substance introduced into the environment that may directly or indirectly result in adverse effects on the beneficial uses of a resource. Pollutants may include, but are not limited to:

A. Artificial materials, chips or pieces of natural or manmade materials.

B. Household waste.

C. Commercial and industrial waste.

D. Metals such as cadmium, lead, zinc, copper, solver, nickel, chromium and nonmetals such as phosphorus and arsenic.

E. Petroleum hydrocarbons.

F. Excessive eroded soils, sediment and particulate materials.

G. Substances having characteristics such as a pH level of less than 6 or greater than 9, unusual coloration or turbidity, excessive levels of fecal coliform, fecal streptococcus, or enterococcus.

H. Waste materials and wastewater generated by construction activities.

I. Materials causing an increase in biochemical oxygen demand, chemical oxygen demand or total organic carbon.

J. Materials which contain base/neutral or acid extractable organic compounds.

K. Those pollutants defined in section 1362(6) of the federal clean water act.

L. Any other constituent or material that may interfere with or adversely affect the beneficial uses of the receiving waters, flora, or fauna of the state.

PREMISES: Any building, lot, parcel of land, land, or portion of land whether improved or unimproved.

SIGNIFICANT MATERIAL: Materials that include, but not limited to:

A. Raw materials.

B. Fuels.

C. Materials such as solvents, detergents, and plastic pellets.

D. Finished materials such as metallic products.

E. Raw materials used in food processing or production.

F. Hazardous substances designated under section 101(14) of the comprehensive environmental response, compensation, and liability act (CERCLA).

G. Any chemical a facility is required to report pursuant to section 313 of title III of superfund amendments and reauthorization act (SARA).

H. Fertilizers.

I. Pesticides.

J. Waste products such as ashes, slag, and sludge that have the potential to be released with stormwater discharges.

STORMWATER RUNOFF: That part of precipitation which travels via flow across a surface to the storm drain system or receiving waters.

STORMWATER TREATMENT SYSTEM: Any physical system designed and/or used to reduce the concentrations of pollutants in stormwater runoff. (Ord. 96-799)

8-1-2: RESPONSIBILITY FOR ADMINISTRATION:

Responsibility for the administration and implementation of this title shall be the responsibility of the city manager for the city of Temple City.

A. Delegation Of Powers:

1. Whenever a power is granted to or a duty is imposed upon the city manager by this title, that power may be exercised or the duty may be performed by a deputy of the city manager or a person authorized pursuant to law by the manager, unless this title expressly provides otherwise. (Ord. 96-799)

8-1-3: REGULATORY CONSISTENCY:

The provisions of this title shall take precedence over any inconsistent or conflicting provisions of this code. (Ord. 96-799)

8-1-4: TIME LIMITS:

Any time limit provided for in the provisions of this title may be extended by mutual written consent of the city manager and the permittee, applicant, or other affected person. (Ord. 96-799)

8-1-5: SEVERABILITY:

If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this title or any part thereof, is held invalid, or unconstitutional, such decision shall not affect the validity of the remaining section or portions of this title or part thereof. The city council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this chapter irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases may be declared invalid or unconstitutional. (Ord. 96-799)

8-1-6: FEES:

Fees to be charged for plan checking, inspection and enforcement and any other activities carried out by the city under this section shall be specified by resolution of the city council. (Ord. 96-799)

Chapter 2
ILLICIT CONNECTIONS AND DISCHARGES

8-2-0: ILLICIT CONNECTIONS:

A. Prohibition Of Illicit Connections:

1. It is a violation of this chapter to establish any illicit connection to the municipal storm sewer system.

2. This prohibition is retroactive and applies to connections made in the past, regardless of whether permissible under the law or practices applicable or prevailing at the time of the connection.

B. Removal Of Existing Illicit Connections:

1. It is a violation of this chapter to maintain any illicit connection to the municipal storm sewer system after discovery.

2. All illicit connections are required to be removed or otherwise sealed in a manner approved by the city manager. (Ord. 96-799)

8-2-1: ILLICIT DISCHARGES:

A. Illicit Discharges Prohibited:

1. It is a violation of this chapter for a person to cause any illicit discharge to enter the municipal storm sewer system unless that discharge is:

a. A nonstormwater discharge authorized by and consistent with the provision of a valid NPDES permit.

b. An exempted discharge.

c. Is deemed by the city manager or authorized representative to be necessary to the public health, safety or welfare. (Ord. 96-799)

B. Exempted Discharges: Section III, A of order no. R4-2012-0175 (MS4 discharges within the coastal watersheds of Los Angeles) of the California regional water quality control board Los Angeles region, and any subsequent amendments thereto, are hereby adopted and incorporated herein by reference. (Ord. 13-984)

C. Cleanup Of Illicit Discharges Required: If a person responsible for an illicit discharge is identified, it is the responsibility of that person to clean up the illicit discharge to the satisfaction of the city manager and in a timely manner. (Ord. 96-799)

8-2-2: ACCIDENTAL DISCHARGES:

A. Immediate Notification Required: In the event of an uncontrolled discharge of a pollutant or pollutants or a mixture containing a pollutant or pollutants, the discharger shall immediately notify the city of the incident by telephone. The notification shall include the location of the discharge, the type, concentration and volume of material being discharged and any corrective actions taken.

B. Written Notification Required: Within ten (10) days after the uncontrolled discharge, the discharger shall submit to the city a detailed written report describing the cause of the discharge, corrective action taken and measures to be taken to prevent future occurrences. Such notification shall not relieve the discharger of liability or fines incurred as a result of the uncontrolled discharge. (Ord. 96-799)

8-2-3: LITTERING:

It is a violation of this chapter for any person to throw, deposit, discard, place, leave, maintain, keep or permit to be thrown, deposited, discarded, placed, left, maintained or kept any refuse, rubbish, garbage, trash or other waste material in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, drainage structure, business place, or upon any public or private plot of land in the city, except in containers, recycling bags, or other lawfully established waste disposal facilities. (Ord. 96-799)

8-2-4: DISCHARGE OF DISCONTINUED OR BANNED CHEMICALS:

It is a violation of this chapter for any person to discharge any material to the municipal stormwater system, containing any pesticide, herbicide or fungicide, the manufacture of which has been banned by the environmental protection agency or the California department of pesticide regulation. (Ord. 96-799)

Chapter 3
POLLUTANT SOURCE REDUCTION

8-3-0: GENERAL PROVISIONS:

A. Leaking Vehicles And Machinery: No vehicle, machinery or device shall be allowed to leak, spill or discharge in any manner oil, grease, antifreeze, or other

pollutant onto any street, alley, road, parking lot or surface in the city whereon such pollutants can or may be conveyed to the municipal storm sewer system by stormwater or nonstormwater runoff.

B. Equipment Repair: The repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluids or antifreeze in areas exposed to stormwater runoff is prohibited.

C. Storage: Objects such as motor vehicle parts containing grease, oil or other hazardous substances, and unsealed receptacles containing hazardous materials shall not be stored in areas susceptible to stormwater runoff.

D. Potentially Harmful Materials: Fuel and chemical residue and wastes, animal waste, food and food processing wastes; garbage, batteries or other types of materials that are located in areas susceptible to or exposed to stormwater, and which in the opinion of the city manager could have potential adverse impacts on water quality shall be managed by appropriate and effective BMPs or shall be removed immediately and disposed of properly.

E. Hazardous Materials: Household hazardous waste may be disposed of through the Los Angeles County's household hazardous waste program or other appropriate disposal site, not in trash containers. Other hazardous materials shall be disposed of at a licensed hazardous waste facility and not in municipal trash receptacles.

F. Landscape Debris: No person shall intentionally dispose of leaves, dirt or other landscape debris into a storm drain or other appurtenance of the municipal storm sewer system.

G. Blowing Debris: It is a violation of this chapter for any person to use or operate any mechanical device to blow leaves, dirt, or other debris in or upon any street, alley, sidewalk, parkway, or other public right of way, unless such materials are picked up immediately. (Ord. 96-799; amd. Ord. 03-881)

8-3-1: INDUSTRIAL AND COMMERCIAL SOURCES:

A. Regulatory Compliance: No person shall conduct any industrial activity in the city without first obtaining all permits required by state or federal law, including an NPDES general industrial activity stormwater permit when required. Persons conducting industrial activities within the city should refer to the most recent edition of the "Industrial/Commercial Best Management Practices Handbook", produced and published by the California Stormwater Quality Association (CASQA), for specific guidance on selecting best management practices for reducing pollutants in stormwater discharges from industrial activities. (Ord. 13-984)

B. Discharge Of Wash Water: The discharge of untreated wash waters to the municipal storm sewer system from the cleaning of gasoline stations, auto repair garages, restaurants or similar use facilities is prohibited.

C. Discharge From Mobile Operations: The discharge of untreated wastewater from mobile automobile washing, steam cleaning, mobile carpet cleaning and other such mobile commercial and industrial operations to the municipal storm sewer system is prohibited.

D. Parking Lot Sweeping: The discharge of water from parking lot cleaning operations is prohibited. All commercial and industrial parking lots containing over twenty five (25) parking spaces shall be required to be regularly swept or cleaned by other equally effective methods to remove debris.

E. Storage Area Runoff: The discharge of untreated runoff to the municipal storm drain system from storage areas where materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials are located is prohibited.

F. Swimming Pools: The discharge of wastewater including chlorinated/debrominated swimming pool water and filter backwash from swimming pools is prohibited.

G. Pollutants: The discharge of untreated runoff from the washing of pollutants from paved or unpaved storage or equipment areas to the municipal storm drain system is prohibited.

H. Impervious Surfaces: The washing of impervious surfaces in industrial and commercial areas which, results in a discharge of runoff to the municipal storm drain system, unless specifically required by state or local health and safety codes, is prohibited if not controlled to the maximum extent practicable.

I. Concrete Trucks: The discharge of concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment to the municipal storm drain system is prohibited.

J. Equipment Repair And Maintenance: All equipment and machinery is to be repaired or maintained to prevent leaks, spills and other maintenance related pollutants from being discharged to the municipal storm drain system.

K. Treatment Systems: Stormwater clarifiers, separators, sediment ponds and other stormwater treatment systems shall be kept in proper operating condition at all times to reduce pollutants in stormwater runoff and to prevent the breeding of vectors. All facilities shall be constructed and installed to permit easy and safe access for maintenance and inspection at all times. Documentation of maintenance activities should be retained on site at all times and made readily available for an authorized inspector.

Treatment systems shall be approved by the city manager prior to installation and operation. The manager shall require plans and supporting information as necessary for the evaluation of the treatment systems.

L. Cleaning Requirements For Private Drains And Catch Basins: Persons owning or operating drainage facilities that are directly connected to the public storm drain system shall clean those facilities between May 1 and September 30 of each year, and reclean those facilities, as needed, before their sumps are forty percent (40%) full of material. This requirement includes, but is not limited to, catch basins, culverts, and parkways drains. (Ord. 96-799; amd. Ord. 00-849; Ord. 03-881; Ord. 13-984)

8-3-2: NEW DEVELOPMENT AND CONSTRUCTION:

A. Regulatory Compliance: All persons engaged in construction activity within the city shall operate in compliance with all state, federal, and city laws regulating or pertaining to stormwater management and runoff.

B. Copies Of Documents: All persons engaged in construction activity within the city requiring a state construction activity stormwater permit shall have at the construction site available for review the following:

1. A copy of the notice of intent for the state construction activities stormwater permit.

2. The waste discharge identification number issued by the state water resources control board.

3. Copies of the stormwater pollution prevention plan and stormwater monitoring plan as required by the permit. (Ord. 96-799)

C. Urban Runoff Mitigation Plan: (Rep. by Ord. 13-984)

D. City Review And Requirements: Prior to the issuance of a building permit for a new development project, the city shall evaluate the proposed project using the guidelines and BMP list approved by the California regional water quality control

board, Los Angeles region and erosion and grading requirements of the city manager to determine the following:

1. Its potential to generate the flow of pollutants into the municipal storm sewer system both during and after construction.

2. How well the urban runoff mitigation plan for the proposed project meets the goals of this chapter. Each plan will be evaluated on its own merits according to the particular characteristics of the project and the site to be developed.

Based upon the review, the city may impose conditions upon the issuance of the building permit, in addition to any required by the state construction activities stormwater permit for the project, in order to minimize the flow of pollutants into the municipal storm sewer system.

No grading permit for developments with a disturbed area of five (5) acres or greater shall be issued unless the applicant can show that a notice of intent to comply with state construction activities stormwater permit has been filed and that a stormwater prevention plan has been prepared for the project. (Ord. 96-799)

E. Plan Approval: (Rep. by Ord. 13-984)

F. Expiration Of Urban Runoff Mitigation Plan: (Rep. by Ord. 13-984)

G. Standard Best Management Practices: Stormwater runoff containing sediment, construction waste or other pollutants from the construction site and parking areas shall be reduced to the maximum extent practicable. The following best management practices shall apply to all construction projects within the city, and shall be required from the time of demolition of existing structure or commencement of construction until receipt of a certificate of occupancy.

1. Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable.

2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter berms, etc., shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site.

3. All excavated soil shall be located on the site in a manner that minimizes the amount of sediments running onto the street, drainage facilities or adjacent properties. Between October 1 and April 30, soil piles shall be covered with waterproof material until the soil is either used or removed from the site.

4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction or other vehicles is permitted to run off the construction site, or to otherwise enter the municipal storm sewer system.

H. Vegetation Clearing Limits: As a condition of granting a construction permit, the city may set reasonable limits on the clearing of natural vegetation from construction sites, in order to reduce the potential for soil erosion. These limits may include, but not be limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

I. Additional Plans: The manager may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control, stormwater pollution prevention or other plans consistent with the countywide development construction guidance document and the goals of this chapter.

J. Compliance Waivers: Full or partial waivers of compliance with the requirements of this section may be obtained by persons who apply in writing and show that incorporation of design elements that address the objectives set forth above is an economic or physical impossibility due to the particular configuration of the site or due to irreconcilable conflicts with other city requirements. All such requests for waivers must be approved, in writing, by the city manager. (Ord. 96-799)

Chapter 4
INSPECTION AND ENFORCEMENT

8-4-0: AUTHORITY:

The city manager, and duly authorized representatives thereof, are hereby authorized and directed to enforce all provisions of this title. (Ord. 96-799)

8-4-1: RIGHT OF ENTRY:

Whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provision of this title, the officer may enter such building or premises at all reasonable times to inspect the same or sample, review and copy records, or require regular reports from industrial facilities (including construction sites) and perform any other duty imposed upon the officer by this title, provided that:

A. If such building or premises be occupied, such officer shall first present proper credentials and request entry.

B. If such building or premises be unoccupied, such officer shall first make a reasonable effort to locate the owner or occupant of the building or premises and request entry. If the event that a request for entry is refused, the officer is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry. (Ord. 96-799; amd. Ord. 03-881)

8-4-2: ENFORCEMENT:

A. Notice To Correct Violations:

1. The city manager or duly authorized representatives may serve notice of violation upon a person owning or occupying a premises, describing the violations and requiring prompt correction thereof, when:

a. Pollutants or potential pollutants are being maintained, discharged or deposited in such a manner as to create, or if allowed to continue will create, any one or more of the following conditions:

(1) A public nuisance.

(2) A threat to public safety.

(3) Pollution of underground or surface waters.

(4) Damage to any public sewer, municipal storm sewer system, or public or private property.

b. The person has failed to respond or conform with a previous notice of violation within the time period specified in the notice.

c. Failure to comply with a duly served notice of violation shall constitute a wilful violation of this title.

B. Cease And Desist Order: The city manager or duly authorized representatives may serve a cease and desist order upon a person owning or occupying a premises, requiring such person to:

1. Immediately discontinue any process water, waste water or pollutant discharge to the municipal storm sewer system.

2. Immediately block or divert any flow of water from the property, where the flow is occurring in violation of any provision of this title.

3. Immediately discontinue any other violation of this title. The cease and desist order may contain terms and conditions or other provisions to ensure compliance with this title.

C. Violation Of Public Nuisance: A violation of any provision of this title is declared to be a public nuisance. The city may abate such violation(s) by means of a civil action with all costs for such abatement and restoration to be borne by the party responsible for the nuisance.

D. Criminal Penalties: Any person violating any provision of this title is guilty of a misdemeanor, and upon conviction is punishable by fine not exceeding one thousand dollars ($1,000.00) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment.

E. Continued Violations: Each day during which any violation described in this title as wilful continues shall constitute a separate offense punishable as provided by this section.

F. Other Penalties: Any person who violates any provision of this title, any provision of any permit issued pursuant to this title, or who discharges waste or waste water which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal clean water act and/or Porter-Cologne act and may be subject to the sanctions of those acts including, civil and criminal penalties.

G. Cumulative Penalty: The penalties and remedies established by this title shall be cumulative.

H. Reimbursement: Any penalty collected hereunder shall be used as reimbursement for the department of public works' costs and expenses of administration, inspection and enforcement of this title.

I. Emergency Remedial Measures: The city shall have full power and authority to take any necessary precautions including, but not limited to, decontamination, storm drain closure, packaging, diking, and transportation of materials, in order to protect life, protect property, or prevent an imminent hazard to the public's health, safety, or welfare. (Ord. 96-799)

Title 9
ZONING REGULATIONS

Chapter 1
ZONING CODE

ARTICLE A. INTRODUCTION

9-1A-0: SHORT TITLE:

The provisions of this chapter shall be referred to as the *TEMPLE CITY ZONING CODE*. (1960 Code)

9-1A-1: REPLACEMENT OF PREVIOUS REGULATIONS:

Insofar as the provisions of this chapter are substantially similar to the former zoning regulations in effect as of the adoption hereof, the provisions hereof shall be construed as restatements and continuations of such regulations and not as new enactments. (1960 Code)

9-1A-2: PURPOSE:

The purpose of this chapter is to encourage, classify, designate, regulate, and restrict, in order to permit the highest and best use of buildings, structures and land, to serve the needs of residential, commercial and industrial developments within the city; and to regulate and limit the height, number of stories, size, and location of buildings and other structures, hereafter designed, erected, or altered; to regulate and determine the size of yards and open spaces; to regulate and limit the density of population; to facilitate adequate provisions for community utilities, such as transportation, water, sewage, schools, parks and other public requirements; to lessen congestion on streets; to promote the public health, safety, welfare and general prosperity with the aim of preserving a wholesome, serviceable and attractive community. (1960 Code)

9-1A-3: MINIMUM REQUIREMENTS:

In applying the provisions of this chapter to properties and uses, the provisions hereof shall be deemed and construed to be the minimum requirements necessary for the promotion of the public health, safety, interest and welfare, unless the context of the regulation clearly otherwise provides. (1960 Code)

9-1A-4: REFERENCE TO OTHER LAWS:

Whenever reference is made herein, to other provisions of this code, or other laws, said reference shall be deemed to apply to all amendments now, or hereafter, adopted, with reference to such laws. (1960 Code)

9-1A-5: SEVERABILITY:

If any provision of this chapter or the application thereof to any person or property is held invalid for any reason, the remaining provisions hereof, shall not be affected by such invalidity. (1960 Code)

9-1A-6: CONTINUATIONS OF ZONE VARIANCES AND CONDITIONAL USE PERMITS:

All zone variances and conditional use permits heretofore issued by the city, or the county of Los Angeles, prior to incorporation of the city, shall be deemed to remain in full force and effect, subject to the provisions of sections 9-1F-40 and 9-1F-42 of this chapter. Notwithstanding any other provision of this chapter, no use permitted by a variance or conditional use permit heretofore issued, which is being lawfully exercised in compliance with the conditions imposed upon the issuance thereof, shall be deemed to be nonconforming for any purpose, except as herein specifically set forth. (1960 Code)

9-1A-7: EXISTING VIOLATIVE USES:

No use established or conducted, nor any building or improvement existing in violation of the former zoning regulations of this city, shall be deemed to have acquired a legal nonconforming status by reason of the adoption of these regulations. (1960 Code)

9-1A-8: PROCEDURE REGARDING PENDING PROCEEDINGS:

If, prior to the effective date of this chapter, pursuant to the provisions of ordinance 67-238, as amended, legislative or administrative action is being processed, such action shall be deemed to have been processed pursuant to the provisions of this chapter, and shall be processed, insofar as possible, in accordance with the provisions hereof. (1960 Code)

This section has been affected by a recently passed ordinance, 17-1026 - COLLECTION BOXES. Go to new ordinance.

9-1A-9: DEFINITIONS:

For the purpose of carrying out the purpose of this Code the words, phrases and terms included herein shall be deemed to have the meanings ascribed to them as follows:

ABUT, ADJOINING OR CONTIGUOUS: In reference to real property, two (2) or more lots or parcels of land sharing a common boundary line; with reference to two (2) or more objects the same shall mean in immediate contact with each other.

ACCESS: The place, or way, by which pedestrians and/or vehicles shall have safe, adequate and usable ingress and egress to a property.

ACCESSORY DWELLING UNIT: A residential dwelling unit that may be attached to the main dwelling, located within the living area of the main dwelling, or detached from the main dwelling, which provides complete independent living facilities for one (1) or more persons. It must include permanent provisions for living, sleeping, eating, cooking and sanitation, and be located on the same parcel as a single-family dwelling.

ACCESSORY USE: A use customarily incidental, related and clearly subordinate, to a permitted principal use.

ADJACENT: Two (2) or more objects which are located in close proximity to each

other.

AFFORDABLE HOUSING DEFINITIONS: The following indented terms and phrases are defined for the purposes of article V of this chapter (sections 9-1V-0 to 9-1V-9 of this chapter relating to density bonuses):

Concessions Or Other Incentives: Concessions or other incentives include a reduction in a site development standard or modification of another Zoning Code requirement or design standard, but not including Building Code requirements or other health and safety standards, that results in an identifiable, financially sufficient, and actual cost reduction; or, approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located; or other concession or regulatory incentive that results in an identifiable, financially sufficient, and actual cost reduction, as determined by the City in its sole discretion. A concession or other incentive does not include additional density beyond that allowed in sections 9-1V-0 to 9-1V-9 of this chapter relating to density bonuses.

Density Bonus: An increase in density above the otherwise maximum allowable residential density under this title and the land use element of the general plan as of the date the development application for the project is deemed complete. The amount of the density bonus to which the applicant is entitled shall vary according to the amount by which the percentage of affordable dwelling units meets the percentage established in sections 9-1V-0 to 9-1V-9 of this chapter. When calculating the number of density bonus units allowed, any fraction of a residential unit shall be counted as a whole unit. An applicant may elect to accept a lesser percentage of density bonus units. An applicant may not seek a density bonus greater than that provided in sections 9-1V-0 to 9-1V-9 of this chapter relating to density bonuses, or by State law.

Developer: Any association, corporation, firm, joint venture, partnership, person, or any entity or combination of entities, which seeks City approval for all or part of a residential development project.

Development Standard: For sections 9-1V-0 to 9-1V-9 of this chapter relating to density bonuses, a development standard includes a site or construction condition that applies to a residential development pursuant to any ordinance, General Plan element, specific plan, charter amendment, or other local condition, law, policy, resolution, or regulation. A development standard subject to waiver does not include additional density beyond that allowed in sections 9-1V-0 to 9-1V-9 of this chapter relating to density bonuses.

Low Income Households: Households whose gross income does not exceed eighty percent (80%) of the median income for Los Angeles County as determined annually by the U.S. department of housing and urban development.

Moderate Income Households: Households whose gross income does not exceed one hundred twenty percent (120%) of the median income for Los Angeles County as determined annually by the U.S. department of housing and urban development.

Very Low Income Households: Households whose gross income is equal to fifty percent (50%) or less of the median income for Los Angeles County as determined annually by the U.S. department of housing and urban development.

ALLEY: A public or private way, other than a street or highway, permanently reserved as a means of vehicular access to adjoining properties.

APARTMENT: The same as the definition of Dwelling, Multiple.

ARTERIAL STREET: A major thoroughfare or primary roadway, used primarily for through traffic rather than for access to abutting land, that is characterized by high vehicular capacity and continuity of movement. The street is either divided or undivided and its main function is to carry nonlocal traffic at medium speeds.

ASSESSOR: The assessor of the county of Los Angeles.

BAR OR TAVERN: An establishment used primarily for the on premises sale and consumption of alcoholic beverages including establishments where food is sold and/or entertainment provided as incidental thereto.

BASEMENT: That portion of a building which is totally or partly below finished grade of the lot upon which it is located.

BORROW PIT: The same as the definition of Quarry.

BUILDING: Any structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of persons, animals, chattels of property of any kind.

BUILDING, ACCESSORY: A single-story detached building not to exceed fifteen feet (15') in height, housing a permitted accessory use, located on the same lot as the main building or principal use. Provided, that if the same is attached to a main building by a common wall or roof, it shall be deemed to be a part of such main building.

BUILDING, MAIN: A building in which is conducted a principal use permitted upon the lot upon which it is situated. In a residential zone a dwelling shall be deemed to be a main building.

BUILDING OR STRUCTURE HEIGHT: The vertical distance from the average finished grade of the lot to the highest point of the building or structure.

CARPORT: A permanently roofed structure with not more than two (2) enclosed sides, used or intended to be used for automobile shelter and storage.

CELLAR: The same as the definition of Basement.

CENTERLINE: The centerline of any street, highway or alley.

CHILDREN'S DAY CENTER (Emotionally Disturbed): A facility intended solely for the admission of minors with mental illness or neurological or emotional disorders, who are provided with an organized program of services. Patients are not permitted to remain overnight.

CITY: The city of Temple City.

CLUB, PRIVATE: Any building or premises used by an association of persons, whether incorporated or unincorporated, organized for some common purpose, but not including a group organized solely or primarily to render a service customarily carried on as a commercial enterprise.

COMMISSION: The planning commission of the city of Temple City.

COMMUNICATIONS EQUIPMENT BUILDINGS: Buildings housing operating electrical and mechanical equipment utilized in conducting a public utility communications operation.

COMMUNITY CARE FACILITY/LARGE: Any facility as defined in the Health And Safety Code section 1502(a), which provides nonmedical care on a twenty four (24) hour a day basis to seven (7) or more persons including, but not limited to, persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Large community care facility shall be considered a conditionally permitted use in the R-2, R-3, C-1, C-1-R, C-2, and C-3 zones.

COMMUNITY CARE FACILITY/SMALL: Any facility as defined in the Health And Safety Code section 1502(a), which provides nonmedical care on a twenty four (24) hour a day basis to six (6) or less persons including, but not limited to, persons with substance abuse illnesses, physically handicapped, mentally impaired, incompetent persons, and abused or neglected children. Small community care facility shall be considered a permitted use within all residential zoned districts.

CONVALESCENT HOME: The same as the definition of Nursing And Convalescent Hospital.

COUNCIL: The city council of the city of Temple City.

COURT: An open, unoccupied space, bounded on three (3) or more sides by the walls of a building. An inner court is a court entirely enclosed within the exterior walls of a building. All other courts are outer courts.

DAIRY: Any premises where one or more cows or goats, or any combination thereof, are kept or maintained for the purpose of producing milk.

DAY CAMP OR CHILDCARE CENTER: A facility with an organized daytime program for the supervision and care of children.

DAY CENTER (Mentally Retarded): A facility intended solely for the admission of patients with mental retardation, who are provided with a program of education or training, handicraft, vocational, and recreational activities. Patients are not permitted to remain overnight.

DAY TREATMENT HOSPITAL: A place intended solely for the admission and

treatment of patients with mental illness or mental disorder, who are provided with a program of organized treatment, activities, and supervision under medical direction. Patients are not permitted to remain overnight.

DAYCARE CENTER: Any childcare facility other than a family daycare home, and includes infant centers, preschools, and extended daycare facilities.

DEMOLITION: The destruction or removal of a building or portion of a building. For purposes of determining whether a structure has been demolished, roof framing (not including sheathing) shall constitute twenty percent (20%) of the structure's square footage; wall framing (not including interior or exterior finishes such as drywall, lath, plaster, and siding) shall constitute sixty percent (60%) of the structure's square footage; floor framing (not including sheathing or slab) shall constitute ten percent (10%) of the structure's square footage; and the foundation or footings shall constitute ten percent (10%) of the structure's square footage. In cases where a structure is built as a "slab on grade" as opposed to a raised foundation, the slab and the footings together shall be equivalent to twenty percent (20%) of the structure's square footage, the wall framing shall constitute sixty percent (60%), and the roof shall constitute twenty percent (20%). Wall demolition shall be calculated as the horizontal distance for the full height of the wall; vertical distances or portions of walls are not considered.

A. When an existing window or door is being replaced with a new window or door of the same size and the surrounding framing members are not being replaced the area shall not be counted as a demolition.

B. When an existing window or door is being replaced with a new window or door that is smaller than the existing opening, one new stud is being installed, and the existing header and sill are being cut down to size, the portion of the wall between the new window or door and the old stud shall be counted as demolition.

C. When an existing window or door is being replaced with a new window or door that is smaller than the existing opening and new studs, headers, and a sill are being installed the entire opening shall be counted as demolition.

D. When an existing window or door is being replaced with a new window or door that is larger than the existing opening the entire opening shall be counted as demolition.

E. When a new door or window is installed or any new opening is created or enlarged within an existing wall the entire opening shall be counted as demolition.

F. When an existing window or door is removed or filled in within an existing wall and the existing studs, header, and sill will remain in place the area shall not be counted as demolition.

G. When the area between a door's header and the top plate is removed, creating an opening from the floor to the top plate, the area shall be counted as demolition.

H. When the area of a wall between the top plate and the floor plate is removed, the area shall be counted as demolition.

I. When a ceiling is raised by increasing the height of the header and sistering (the act of providing additional structural support to a stud, joist, or other framing member by attaching a similarly sized framing member) the existing studs with newer studs, that area shall be calculated as demolition.

J. When a floor joist, ceiling joist, rafter, stud, or similar framing member is involuntarily damaged, it may be sistered with a new framing member without being calculated as a demolition.

DETACHED LIVING QUARTERS: The same as the definition of Guesthouse.

DIRECTOR: The director of planning for the city of Temple City.

DISABLED VEHICLE: A vehicle which is not operable, by reason of the removal of or damage to, integral component parts.

DISASSEMBLE: The same as the definition of Dismantle.

DISMANTLE: The removal or stripping of one or more integral component parts.

DUMP, INERT SOLID: An area devoted to the disposal of nonwater soluble, nondecomposable inert solids such as natural earth, rock, sand and gravel, paving fragments, concrete, brick, plaster and plaster products, steel mill slag, glass, asbestos fiber and products therefrom.

DUMP, RUBBISH AND REFUSE: An area devoted to the disposal of inert solids and/or decomposable organic refuse and scrap metals, such as:

Cloth and clothing.

Cold ashes received in mixed loads of rubbish.

Dry mud cake from oil filled sumps.

Hog manure and hog pen refuse containing substantial quantities of garbage and refuse from hog feeding operations.

Lawn clippings, sod and shrubbery.

Liquids:

Acetylene sludge.

Ceramic, pottery and glaze wastes.

Cleanings from the production tanks. "Cleaning from production tanks" are defined as the residues removed in the cleaning of tanks used solely for the production and storage of unrefined petroleum. Tank cleanings do not include any substance derived from the cleaning of tanks used in connection with oil refinery wastes or other refined petroleum products.

Liquid latex waste.

Mud and water from laundries.

Paint sludge recovered from water circulated in paint spray booths.

Rotary drilling mud from oil field drilling operations.

Sludge derived from the softening of water by the lime soda process.

Sludge from automobile wash racks and steam cleaning products.

Water containing lampblack and incidental amounts of mud resulting from floor washing.

Water containing not more than 0.5 percent molasses.

Manufactured rubber products.

Metals and metal products except magnesium and its alloys and salts.

Oil soaked excelsior or straw used to absorb hydrocarbon oils from wastewater.

Paint in drums from which the major portion of liquids has been removed.

Paint sludge received from water circulated paint spray booths not transported in vacuum tanks.

Paper and paper products including roofing and tarpaper.

Small quantities of noxious materials in mixed loads of rubbish.

Solid plastic products.

Street sweepings.

Wood and wood products.

All materials listed hereinabove for inert solid dump.

DUPLEX: The same as the definition of Dwelling, Two-Family.

DWELLING, MULTIPLE: The same as building designed or used for occupancy, as

living quarters, by two (2) or more families on the same lot and containing one dwelling unit for each such family.

DWELLING, NEW: Any residential structure which is to be newly constructed or voluntarily demolished and reconstructed. A remodel or house addition shall be considered a new dwelling if either of the two (2) following conditions exist:

A. The proposed project involves voluntary demolition of fifty percent (50%) or more of the existing square footage of the structure including any attached garage; and/or

B. The proposed new construction would more than double the existing square footage of the dwelling. (For purposes of administering this definition, multiple construction projects within any 24 month period of time shall be considered a single construction project.)

Any reconstruction or rebuilding or repair of any nonconforming building or structure which was damaged or partially destroyed by fire, explosion, act of God or any other casualty shall not be considered a new dwelling as defined herein and shall be governed by the provisions of section 9-1H-4 of this chapter.

DWELLING, SINGLE OR ONE-FAMILY: A building designed or used for occupancy, as living quarters, by one family.

DWELLING, THREE-FAMILY: A building designed or used for occupancy, as living quarters, by three (3) families and containing three (3) dwelling units.

DWELLING, TWO-FAMILY: A building designed or used for occupancy, as living quarters, by two (2) families and containing two (2) dwelling units.

DWELLING UNIT: One or more rooms in a building or portion thereof, designed for, and intended to be used, for occupancy by one family, for living quarters. A single dwelling unit shall contain a maximum of one kitchen or cooking facilities therefor, and all habitable rooms shall be internally accessible from within the dwelling unit. A bedroom or private space shall not be used as an accessway to one or more other rooms.

EDUCATIONAL INSTITUTIONAL: Any public, private or parochial elementary, junior high, high school, university, or other school giving general academic instruction in the several branches of learning, having five (5) or more students.

EMERGENCY SHELTER: A managed housing facility with minimal supportive services for homeless persons and in which occupancy by a homeless person is limited to a term of six (6) months or less. No individual or household may be denied emergency shelter because of an inability to pay[1]. Supportive services may include, but are not limited to, meal preparation, an activities center, daycare for children of homeless persons, vocational rehabilitation and other similar activities.

EXPLOSIVES: Any explosive substance as defined in section 12000 of the Health And Safety Code of the state of California.

FAMILY: Two (2) or more individuals living together as a single housekeeping unit in an apartment or a dwelling unit.

FAMILY DAYCARE HOME: A home which regularly provides care, protection, and supervision of twelve (12) or fewer children, in the provider's home, for periods of less than twenty four (24) hours per day, while the parents or guardians are away, and includes the following:

A. Large Family Daycare Home: A home which provides family daycare for seven (7) to twelve (12) children, inclusive, including children under the age of ten (10) years who reside at home, as defined in regulations issued by the state of California.

B. Small Family Daycare Home: A home which provides family daycare for six (6) or fewer children, including children under the age of ten (10) years who reside at home, as defined in regulations issued by the state of California.

FLOOR AREA, GROSS: The total horizontal area of all the floors of a building included within the surrounding walls, exclusive of vents, shafts, courts and off street parking facilities.

FLOOR AREA RATIO: The total gross floor area included within the surrounding exterior walls of a building(s) or portion thereof divided by the gross area of the lot, prior to any required dedications. In calculating floor area ratio (FAR), the exterior walls shall be counted as gross square footage. For residential uses (not mixed use

or commercial), the floor area shall be counted twice for any portion of the dwelling where the distance between the floor and the ceiling directly above exceeds twelve feet (12') and in instances where the height of a single-story structure or single-story portion of a two-story structure exceeds eighteen feet (18'). For single-family structures and in the R-1 zone, the floor area ratio limitations shall apply to:

A. The living area of any two-story dwelling or single-story dwelling in excess of eighteen feet (18') in height.

B. Accessory structures not including required parking, but including garages in excess of code requirements, guesthouses, pool houses, playrooms, second unit housing, and the like.

C. Patios, porches, entryways, or the like (recessed or projecting) on the side or rear of structures that are more than fifty percent (50%) covered or greater than twenty percent (20%) enclosed.

1. In instances where a portion of a patio, porch, entryway, or the like is open to the sky and an adjoining area is covered, the two (2) areas shall be calculated independently, not averaged.

2. The area underneath a second floor overhang shall be counted toward floor area, when the overhang is greater than four feet (4') in depth or twenty five (25) square feet.

3. Materials such as glass, window screen, wood, stucco, brick, or any other material that is installed in a permanent manner that provides a visual or physical separation shall be considered as providing an enclosure. Exterior grade fabric curtains and mosquito netting tied back so that it does not provide a visual or physical separation shall not be considered as providing an enclosure.

In the R-2 and R-3 zones, floor area ratio limitations shall apply to all structures on a lot including enclosed garages and accessory buildings.

FRONTAGE, STREET: The width of the front boundary line of a lot which abuts upon a street or highway.

GAME ARCADE: Any business enterprise or establishment having games of skill or arcade games as a principal use or more than four (4) games of skill or arcade games as an incidental use.

GARAGE: Any building, with three (3) enclosed sides, having not less than two hundred (200) square feet of floor area, provided with a closable access door or doors, which is used or intended to be used for automobile shelter or storage.

GENDER: When consistent with context, words in the masculine gender include the feminine and neuter genders.

GRADE, GROUND LEVEL: The average level of the finished ground surface of a lot, immediately surrounding a building, measured at the center of all walls of the building.

GRADIENT: The rate of vertical change of a ground surface expressed as a percentage figure and determined by dividing the vertical distance by the horizontal distance.

GYMNASIUM: A school, place or building used for gymnastics and athletic exercise.

HEDGE: Vegetation, shrubs and/or trees planted to create a physical and/or visual barrier.

HEIGHT: See definition of building or structure height.

HIGHWAY, MAJOR: A major highway shown as such on the highway plan of the circulation element of the General Plan of the City.

HIGHWAY, SECONDARY: A secondary highway shown as such on the highway plan for the circulation element of the General Plan of the City.

HOG RANCH: Any premises where one (1) or more weaned hogs are kept or maintained.

HOME FOR THE AGED: Any building or portion thereof, other than a hospital or a

rest home, used and maintained to provide living accommodations, including board, room, or care, for ambulatory aged persons.

HOME OCCUPATION: An occupation, calling or profession carried on by an occupant of a dwelling unit, located in an R Zone, as an accessory use, in connection with which:

A. There is no display or storage of goods, wares, merchandise, or stock in trade maintained on the premises; and

B. There is not more than one (1) person regularly employed in such occupation; and

C. There is no equipment used in conjunction with such occupation, which emits dust, fumes, noise, odor, etc., which would or could interfere with the peaceful use and enjoyment of adjacent properties; and

D. There is not more than two hundred (200) square feet of the floor space of the dwelling devoted to such use; and

E. There is no appreciable increase of traffic, pedestrian and vehicular, by reason of such occupation, calling or profession; and

F. There is no alteration of the structure; and

G. There is no use of any sign not otherwise permitted in the zone in which the occupation is located; no signage whatsoever shall be permitted in conjunction with the home occupation. Evidence of a violation of this prohibition against home occupation related signage shall be grounds for revocation or suspension of all applicable permits.

H. Any Code violation or any failure to comply with the above regulations shall be grounds for revocation of the home occupation license in accordance with section 5-1B-16 of this Code.

HOSPITAL: An institution staffed and equipped to provide the various types of intensified hospital care, including, but not limited to, short term care in acute medical, surgical and obstetrical services, but shall not include the treatment, other than on an emergency temporary basis, of alcoholic or mental patients.

HOTEL: Any building or portion of any building with access provided through a common entrance, lobby or hallway to six (6) or more guestrooms, having no cooking facilities, and which rooms are designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests.

KENNEL: A place where four (4) or more adult dogs or cats or any combination thereof are kept, whether by owners of the animals or persons providing facilities and care therefor, whether or not for compensation. An adult dog or cat is one of either sex, altered or unaltered, that has reached the age of four (4) months.

KITCHEN: Any room or space within a building designed, intended to be used or used for the cooking or the preparation of food.

LANDSCAPED AREA: An area upon which landscaping is required to be continuously maintained.

LANDSCAPING: The planting and maintenance of some combination of trees, shrubs, vines, ground covers, flowers or lawns. In addition, the combination or design may include natural features such as rock and stone; and structural features, including, but not limited to, fountains, reflecting pools, art works, screens, walls, fences and benches.

LONG TERM FACILITY: An institution of one patient capacity or more intended primarily for the admission of chronic mentally ill, or mentally disordered or other incompetent persons who are provided medical care, nursing services and intensive supervision.

LOT, AREA: The total area, measured in a horizontal plan, included within the lot lines of a lot. Any portion of a lot area which is within a designated flood control easement shall not be considered as usable lot area for purposes of determining or calculating permitted density, lot coverage, floor area ratio, etc.

LOT, CORNER: A lot situated at the intersection of two (2) or more streets and

highways.

LOT, DEPTH: The horizontal distance measured between the midpoints of the front and rear lot lines.

LOT, INTERIOR: A lot other than a corner or reversed corner lot.

LOT LINE, FRONT: A line separating an interior lot from a street; in the case of a corner lot, the lot line separating the narrowest street frontage of the lot from the street; in the case of a lot having no street frontage, the same shall mean the narrowest lot line parallel and closest to the nearest street or highway, as determined by the director.

LOT LINE, REAR: A lot line which is most distant from the front lot line.

LOT LINE, SIDE: Any lot boundary line which is not a front or rear lot line.

LOT OR PARCEL OF LAND: A. A parcel of real property which is shown as a lot in a subdivision recorded pursuant to the provisions of the subdivision map act; or

B. A parcel of real property, the dimensions and boundaries of which are defined by a recorded record or survey map; or

C. A parcel of real property shown on a parcel map, recorded pursuant to the provisions of the subdivision map act; or

D. A parcel of real property lawfully created and dimensioned in accordance with city ordinances prior to January 1, 1967.

The minimum frontage upon a public street or highway for R-1 zoned lots shall be sixty feet (60') except for cul-de-sacs and knuckles, in which cases the minimum frontage may be reduced to thirty five feet (35') provided the average lot width is sixty feet (60').

Exception: R-1 zoned lots in existence on the effective date of this chapter (May 5, 1988) may be subdivided subject to the following restrictions:

1. No existing lot shall be subdivided into more than two (2) lots.

2. Each subdivision shall be subject to the approval of a parcel map.

3. The original existing lot to be subdivided shall have a street frontage of at least seventy feet (70') but less than one hundred feet (100'), and

4. Each such subdivision shall be limited to the creation of no more than one flag lot, with a minimum street frontage of fifteen feet (15'), and

5. A minimum of seven thousand two hundred (7,200) square feet of lot area shall be provided per newly created lot, exclusive of any "pole" portion of a flag lot.

6. No such "flag lot" subdivision shall be created on Halifax Road between Daines Drive and Live Oak Avenue, legally described as lots #1-12, block A, lots #1-8, block B and portion of lots #9-11, block B of tract no. 11695, Los Angeles County recorder map book 215-23-24 and a portion of lot 32 of E.J. Baldwin's Addition #1 to Santa Anita Colony, Los Angeles County recorder's miscellaneous records 52-60, as shown on exhibit A.

7. No "flag lot" created after September 15, 1989, under the provisions of this section shall be improved with any structure which exceeds twenty feet (20') in height.

LOT, REVERSED CORNER: A corner lot, the side lot line of which is substantially a continuation of the front line of a lot which adjoins the rear lot line of said corner lot.

LOT, THROUGH: A lot, having frontage on two (2) approximately parallel streets or highways.

LOT, WIDTH: The horizontal distance between the side lot lines measured between two (2) points each located on the side lot lines at a distance midway between the front and rear lot lines.

MAY: Is permissive.

MEDICAL AND/OR DENTAL CLINIC: Any facility providing physical health service, or medical, surgical or dental care of the sick or injured, but shall not include inpatient

or overnight accommodations. Medical clinic includes health center, health clinic, doctors' and dentists' office.

MINI-MALL: A commercial center consisting of two (2) or more commercial units or businesses on a freestanding (self-contained) development site of less than sixty five thousand (65,000) square feet of land area with parking situated between the building or a portion of the building and the street. (See section 9-1T-4 of this chapter for special development standards.)

For purposes of defining a mini-mall, a freestanding (self-contained) development shall consist of any commercial center which does not have reciprocal parking and/or reciprocal vehicular access with any other abutting or adjoining site.

MOBILEHOME: See definitions of Modular Home and Trailer Coach.

MODULAR HOME: Factory constructed, single-family, one story detached dwellings, certified under the national mobilehome construction and safety standards act of 1974, with approved sticker attached, and placed on full, county engineer approved foundation and permanently anchored thereto.

MOTEL: One or more buildings containing guestrooms or dwelling units, without kitchen facilities, with one or more such guestrooms or units each having a separate entrance leading directly from the outside of the buildings or from an inner court; which facilities are designed, used or intended to be used, rented or hired out for temporary or overnight accommodations for guests, and are offered primarily to automobile tourists, or transients by signs or other advertising media; one unit, for use by a manager, may have kitchen facilities. "Motel" includes auto courts, motor lodges and tourist courts.

NATURAL GRADE: The grade at the time of an application being filed or the grade before being altered by artificial means such as cut, fill, landscaping, or berming.

NONCONFORMING USE, BUILDING OR STRUCTURE: The utilization of any lot, structure, building or improvement lawfully established and in use prior to the time this chapter, becomes effective, or having had a nonconforming status under the prior zoning regulations of city, but which utilization, due to the application of this chapter, or any amendment thereto, does not comply with all of the regulations currently applicable to the zone in which the use, lot, building or structure is located.

NURSERY (Mentally Retarded): A facility intended primarily for the admission of nonambulatory mentally retarded patients, who are provided nursing services primarily in crib accommodations.

NURSERY SCHOOL: The same as the definition of Day Camp Or Childcare Center.

NURSING AND CONVALESCENT HOSPITAL: Any place or institution which provides bed accommodations for one or more chronic or convalescent patients, who, by reason of illness or physical infirmity, are unable to properly care for themselves. Alcoholics, drug addicts, persons with mental or communicable diseases, including contagious tuberculosis, shall not be admitted or cared for in nursing and convalescent hospitals.

OATH: Includes affirmation.

OPEN SPACE: Ground floor area other than a required yard area, driveway, swimming pool, or off street parking facility, which has an average gradient of not to exceed five percent (5%), with no building or structure located therein, except for nonhabitable structures used exclusively for recreational purposes, and which has a minimum area of two hundred fifty (250) contiguous square feet with a minimum dimension of ten feet (10'). Notwithstanding any other provision of this section, "open space" shall include the required side yard area of any interior lot provided said area complies with each of the other provisions hereof.

OUTDOOR ADVERTISING STRUCTURES: Signs or other advertising structure, which solicit public support or directs public attention to the sale, lease, hire, promotion or use of any objects, products, services or functions, which are not produced, sold or otherwise available on the premises where such sign or structure is located.

PARALLEL PARKING SPACE: A parking space which is situated parallel to the direction of traffic in a driveway, off street parking facility or street.

PARK: The standing of a motor vehicle, other than for the purpose of loading or unloading merchandise or passengers.

PARKING SPACE: A readily accessible area, not including driveways, ramps, loading or work areas, maintained exclusively for the parking of one automobile.

PERSON: Any individual, firm, copartnership, joint venture, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, district, political subdivision, public utility, or any other group or combination acting as a unit, except the City of Temple City.

PLURAL: When consistent with the context, words in the plural include the singular.

PROCESSING: When used in reference to a commercial or industrial use, one (1) or more acts or operations which have the effect of changing the form of a product or material, so as to render the same more salable or usable.

PSYCHIATRIC HOSPITAL: An institution intended primarily for the admission, diagnosis and intensive short term treatment of patients with mental illness or behavior or emotional disorders.

QUARRY: Any place on a lot or parcel of land where dirt, soil, sand, gravel, rock or other similar material is removed by excavation or otherwise, for any purpose. Quarry shall not include the excavation and removal of earth from a lot preparatory to construction of a building or structure, for which a valid building or grading permit has been issued by City; provided that such excavation shall be confined to that necessary for such construction or otherwise authorized by such permit.

RECORDER: The Recorder of the County of Los Angeles.

REPAIR: The work necessary to restore to a usable condition.

RESIDENCE, SINGLE-FAMILY: A structure containing one (1) dwelling unit. "Residence, single-family" shall also include a modular home manufactured and certified under the National Mobilehome Construction and Safety Standard Act of 1974 on a permanent foundation system approved by the County engineer.

REST HOME: The same as the definition of nursing and convalescent hospital.

RESTAURANT: An establishment used primarily for the preparation and sale of food and beverages to be consumed on the premises including the sale of alcoholic beverages where incidental to the sale of food.

RESTAURANT, DRIVE-IN: A restaurant where, in whole or in part, food and beverages are served to customers, and consumed, in vehicles on the premises.

RESTAURANT, FAST FOOD OR TAKEOUT: An establishment used for the preparation and sale of food or beverages ready for consumption and to be consumed primarily away from the premises where sold.

SERVICE STATION: A retail place of business engaged primarily in the sale of motor fuels but also in supplying goods and services generally required in the operation and maintenance of motor vehicles. These include sale of petroleum products; sale and servicing of tires, batteries, automotive accessories and replacement items; washing and lubrication services; the performance of minor automotive maintenance and repair; and the supplying of other incidental customer services and products. Major automotive repairs, painting and body and fender work are excluded unless otherwise expressly permitted in the particular zone.

SHALL: Is mandatory.

SHOPPING CENTER: A group of two (2) or more contiguous or adjacent retail commercial business establishments planned, developed, owned or managed as a single unit. See definition of "mini-mall" for any freestanding (self-contained) development site of less than sixty five thousand (65,000) square feet of land area.

SIGN: Any device for visual communication, including any announcement, declaration, demonstration, display, illustration or insignia, which is used to advertise or promote the products or services of any person, business group or enterprise available on the lot where located.

SINGLE HOUSEKEEPING UNIT: The functional equivalent of a traditional family whose members are a nontransient interactive group of persons jointly occupying a single dwelling unit, including the joint use of common areas and sharing household activities and responsibilities (e.g., meals, chores and expenses). This does not include a boarding house.

SINGLE ROOM OCCUPANCY (SRO) BUILDING: Any building containing five (5) or more guestrooms or units which are used, rented, or hired out to be occupied for sleeping purposes by residents, and which is also the primary residence of those residents. The individual units may lack either cooking facilities or a full bathroom, or both. However, for purposes of this definition, an SRO does not include residential care homes, senior housing projects, rooming and boarding houses, hotels and motels, bed and breakfast lodging, extended care facilities or hospitals.

SINGULAR: When consistent with the context, words in the singular number shall include the plural.

SLOPING TERRAIN: Any ground surface having a rate of incline or decline of greater than ten percent (10%) gradient.

SOLID FILL: Any noncombustible materials, insoluble in water, such as soil, rock, sand or gravel, that can be used for grading land or filling depressions.

SOLID FILL PROJECT: Any operation on a parcel of land where more than one thousand (1,000) cubic yards of solid fill materials are deposited for any purpose including the grading or reclaiming of land.

STATE: The state of California.

STORE: To keep or locate for future use.

STORY: That portion of a building including between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. "Story" includes a basement.

STREET: A public or private way, other than a major highway, secondary highway or alley, permanently reserved as a means of vehicular access to adjoining property.

STRUCTURE: Anything constructed or erected, which requires a fixed location on the ground, or is attached to something having a fixed location on the ground.

SUPPORTIVE HOUSING: Housing with no limit on the length of stay and that is occupied by persons from the target population as defined by Health And Safety Code section 53260(d) as the same may be amended from time to time, and that provides a significant level of on site and off site services that assist the supportive housing residents in retaining the housing, improving their health status and maximizing their ability to live, and when possible, to work in the community. Supportive housing may be provided under all residential housing types. In all cases, supportive housing shall be treated as a residential use under this chapter and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

TENSES: When consistent with the context, words used in the present tense include the past and future tenses; and words in the future tense include the present tense.

TRAILER COACH: Any vehicle, with or without motive power, designed or used for human habitation and constructed to travel on the public thoroughfares in accordance with the provisions of the California state Vehicle Code.

TRAILER PARK: Any lot or parcel of land where trailer sites are rented or leased, or offered for rent or lease for two (2) or more trailer coaches.

TRAILER SITE: That portion of a trailer park designated for use or occupancy of one trailer coach and including all appurtenant facilities thereon.

TRANSFER STATION: An area, including any necessary building or structures, for the temporary storage and the salvage of rubbish, garbage or industrial waste.

TRANSITIONAL HOUSING: Housing operated under program requirements that call for: a) the termination of assistance to an existing program recipient occupying a transitional housing unit and b) the subsequent reassignment of the assisting residential unit to another eligible program recipient at some predetermined future point in time that shall be no less than six (6) months into the future[2]. Transitional housing services may include, but not be limited to, meals, counseling, and other services as well as common areas for residents. Transitional housing may be provided under all residential housing types. In all cases, transitional housing shall be treated as a residential use under this chapter and shall be subject only to those restrictions that apply to other residential uses of the same residential housing type located in the same zoning district.

TRIPLEX: The same as the definition of Dwelling, Three-Family.

UNIT, COMMERCIAL AND MANUFACTURING: A space occupied by a business enterprise(s) located within a building or portion of a building with direct access from the accessway intended for use by the general public. A commercial or manufacturing unit shall have the following features: a completely enclosed room or interconnecting rooms with lockable doors to common accessways or the exterior, full walls from the floor to the ceiling, independent cooling and ventilation controls, independent lighting which is controlled within the unit itself.

UNIT DEVELOPMENT: The construction, maintenance and operation of any combination of two (2) or more permitted uses, buildings and structures, based on a comprehensive and complete design or plan treating the entire complex of land, buildings, structures and uses as a single project.

USE: The utilization of a lot, building, structure, or any other improvement upon a lot, or any combination thereof.

VEHICLE: Means and includes motorcycles, motor driven cycle, motor truck, passenger vehicle, station wagon, truck tractor, trailer, and vehicle, as these phrases are defined in the Vehicle Code of the state of California, and all similar types of vehicles.

WRITING: Includes any form of message recorded in English and capable of visual comprehension.

YARD: An area upon a lot or parcel of land, other than a court or open space, required as a front, side or rear yard, which shall be maintained unoccupied and unobstructed from the ground upward; provided that encroachment shall be permitted in yards only as expressly authorized by this chapter.

YARD, FRONT: A yard extending across the full width of the front of a lot. The depth of a required front yard shall be a specified horizontal distance measured between the front lot line and a line parallel thereto, on the lot.

YARD, REAR: A yard extending across the full width of the rear of a lot. The depth of a required rear yard shall be a specified horizontal distance measured between the rear lot line and a line parallel thereto on the lot.

YARD, SIDE: A yard extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the front line of the required rear yard, or the rear lot line where no rear yard is required. The width of a required side yard shall be a specified horizontal measured distance between each side lot line and a line parallel thereto on the lot. (1960 Code; amd. Ord. 76-429; Ord. 80-491; Ord. 81-505; Ord. 87-621; Ord. 88-629; Ord. 88-630; Ord. 88-631; Ord. 89-645; Ord. 89-654; Ord. 91-687; Ord. 91-688; Ord. 91-689; Ord. 91-708; Ord. 92-717; Ord. 93-739; Ord. 94-760; Ord. 94-762; Ord. 00-854; Ord. 03-888; Ord. 05-896; Ord. 10-936; Ord. 13-972; Ord. 16-1014; Ord. 17-1022)

ARTICLE B. PLANNING COMMISSION

9-1B-0: PLANNING COMMISSION CREATED:

Pursuant to article XI of the charter of the city of Temple City, a planning commission for the city of Temple City is hereby created. (1960 Code)

9-1B-1: MEMBERS:

The planning commission of this city shall consist of five (5) members appointed for two (2) year terms who shall be residents and qualified electors of the city at the time of their appointment to office and members shall be required to remain residents and qualified electors of the city during their entire period of service on the commission. Members shall be appointed as set forth in section 1103 of the charter of the city of Temple City. (Ord. 90-677)

9-1B-2: ORGANIZATION:

The rules and regulations adopted by the commission and "Robert's Rules Of Order", where not inconsistent with said rules and regulations, shall govern all meetings of the commission.

The commission shall elect its chairman from among its appointed members for a term of one year. The commission shall hold at least one regular meeting in each month. (1960 Code)

9-1B-3: MEETINGS:

Regular meetings shall be as provided for by resolution of the planning commission and approved by the city council. Special meetings shall be called in the manner specified in the Government Code of the state of California for the calling of special meetings of commissions and boards. A majority of the regular members shall

constitute a quorum. Less than a quorum may adjourn any meeting. (1960 Code)

9-1B-4: ABSENCE FROM MEETINGS:

If a member of the commission shall be absent from three (3) successive regular meetings of said commission, without cause, the office of such member shall be deemed to be vacant and the term of such member ipso facto terminated and the commission shall immediately inform the city council of such vacancy. (1960 Code)

9-1B-5: ABSENCE FOR CAUSE:

Where a member of the commission is absent due to illness or unavoidable absence from the city, and gives notice thereof to the secretary of the commission on or before the day of any regular meeting by said commission the same shall be deemed an absence for cause. (1960 Code)

9-1B-6: RECORDS:

The commission shall keep a record of all business, minutes, transactions, findings, determinations, correspondence, and other matters coming before it. Such records shall be maintained as are public records of other bodies and agencies. Minutes of the commission shall be filed with the city clerk. (1960 Code)

9-1B-7: DUTIES:

Said planning commission shall perform the duties and shall have all the rights, powers and privileges specified and provided for in this code or by state law.

Said planning commission shall have the duties of the former parking commission as outlined in sections 9-1B-8 to 9-1B-18 of this article. (Ord. 94-759)

9-1B-8: ADDITIONAL DUTIES:

Said planning commission shall have duties, responsibilities, powers and authority for all municipal parking facilities as follows:

A. Any parking facility acquired, constructed, and paid for, or to be paid for, by taxes upon land or real property or assessments upon land in the districts created and any other district hereafter created, pursuant to the vehicle parking law of 1943;

B. Any parking facility acquired or constructed for the use or benefit of such districts and paid for in any other manner;

C. Any other parking facility so designated by the city council. (Ord. 94-759)

9-1B-9: REGULATIONS:

As directed by the city council, the commission shall operate, manage and control such parking places and make and enforce all necessary regulations for their use. (Ord. 94-759)

9-1B-10: CHARGES:

The commission may fix, regulate and collect rentals, fees or charges for the parking of vehicles in parking places under its control, and may provide different rates for different classes of customers or users. (Ord. 94-759)

9-1B-11: PREFERENTIAL RATES:

The providing of adequate public parking places in cities largely depends upon the

formation of local vehicle parking districts. Such districts will be created and will be successful only if so operated as to serve adequately the property within such districts. It is the intent of this article that the owners of real property in a vehicle parking district to provide parking places to solve the parking problems of the district, may receive preferential rates, charges or rentals for themselves, their tenants and the classes of persons who call upon or do business with them, all to the end that the property which bears the burden and provides a solution for the parking problem shall receive a special benefit. (Ord. 94-759)

9-1B-12: RESTRICTIONS:

All parking places acquired and constructed pursuant to the vehicle parking district act of 1943 are public parking places, but the commission may restrict or partially restrict their use to owners and tenants of real property in the district, and classes of persons designated by such owners or other tenants, and may establish rates, charges or rentals for the owners and tenants of such properties and classes of persons designated by the owners or tenants of such properties and classes of persons designated by the owners or tenants which differ from and are less than the rates, charges or rentals charged other persons. (Ord. 94-759)

9-1B-13: HEARINGS:

Rentals, fees and charges shall be fixed after a public hearing following such notice as the commission prescribes. (Ord. 94-759)

9-1B-14: FREE SPACES:

The commission may, if it so desires, operate the parking place, or any other of, as free public parking places without fee or charge. (Ord. 94-759)

9-1B-15: LEASES:

In the exercise of its power to operate, manage and control parking places, the commission may, subject to prior council approval, lease any or all parking places to any person for the sole purpose of the operation of public parking facilities on them by such person, or may grant a franchise or make a contract with any person for such purposes, subject to the following conditions and provisions:

A. The consideration to be paid by the operator for any lease or franchise or under any contract may be a fixed sum of a percentage of gross rentals, fees or charges collected by the operator, or any other considerations;

B. The maximum rentals, fees and charges to be collected by the operator shall be fixed by the commission after a public hearing following such notice as the commission prescribes, and shall be recited in the lease or franchise. No higher rentals, fees or charges shall be collected by the operator without amendment of the lease or franchise agreed to by the commission after like public hearing;

C. An operator shall not conduct any business other than that of the operation of public parking facilities on any parking place of the district;

D. Any lease or franchise may provide that the use of the parking places shall be restricted, or partially restricted, to owners and tenants of real property in the district, and classes persons designated by them, and may provide for maximum rates, charges or rentals for such persons which differ from and are less than the maximum rates, charges or rentals. (Ord. 94-759)

9-1B-16: RESERVATIONS:

To provide revenues for the district, the commission may enter into a contract or lease with any owner or tenant of property in the district under which the owner or tenant, for a specified rental or other consideration and for a specified period not exceeding two (2) years, reserves a reasonable proportion or number of parking spaces in a parking place of the district for the use of the owner or tenant of such

property, the employees of the owner or tenant performing services on the property and the customers of, or other classes of persons designated by the owner or tenant and entering the property as invitees or otherwise. (Ord. 94-759)

9-1B-17: FURTHER IMPROVEMENTS:

After the improvements to be made under the initial proceeding inaugurated by petition have been completed, any further improvement of any parking place shall be reviewed by the commission. (Ord. 94-759)

9-1B-18: TIME LIMIT:

When authorized signs have been placed upon the property giving notice thereof, no one shall park or store any motor vehicle upon parking district no. 1 lot or parking district no. 2 lot, or upon parking district no. 3 lot or upon parking district no. 4 lot in excess of the posted time, unless a permit therefor is obtained. (Ord. 94-759)

ARTICLE C. FAST TRACK MODIFICATION COMMITTEE

(Rep. by Ord. 16-1016)

ARTICLE D. ZONING MAP

9-1D-0: DESIGNATION OF ZONES:

The following zones are hereby established within the city, in order to carry out the purposes of this chapter:

R-1	Single-family residential
R-2	Light multiple residential
R-3	Heavy multiple residential
C-1	Retail commercial
C-1-R	Retail commercial (restrictive)
C-2	General commercial
C-3	Commercial manufacturing
M-1	Light manufacturing
M-2	Heavy manufacturing
O-S	Open space
SCH	Senior housing overlay
RPD	Residential planned development

The most restrictive zone under this code shall be deemed to be zone R-1, the other zones shall be deemed to be less restrictive in the order hereinabove set forth. (1960 Code, as amended)

9-1D-1: ZONING MAP:

There is hereby adopted the "official zoning map of the city of Temple City", a true copy of which is attached hereto, marked exhibit A, and incorporated herein by this reference. All properties within the city are hereby placed in such zones as indicated on said map. Said map is on file in the office of the city clerk of said city, and all changes to said map shall be noted thereon as soon as the same becomes effective. The said official zoning map for the city may be amended by references to this section. (1960 Code)

9-1D-2: UNCERTAINTY OF BOUNDARIES:

Where uncertainty exists as to boundaries of any zone shown upon the "official zoning map", or any part thereof or amendment thereto, the following provisions shall apply:

A. Where boundaries are indicated as approximately following the centerline of streets or alleys or the lot lines, such lines shall be deemed to be such boundaries.

B. Where a street or alley, or any portion of the same, is officially vacated or abandoned, the area comprising such vacant street or alley shall acquire the zone classification of the property to which it reverts.

C. Areas of dedicated streets or alleys and railroad rights of way, other than as are designated on the official zoning map as being classified in one of the zones provided in this chapter, shall be deemed to be in zone R-1.

D. Where an uncertainty or ambiguity exists with reference to a zone boundary, the same shall be resolved pursuant to section 9-1D-5 of this article. (1960 Code)

9-1D-3: ANNEXATIONS:

Areas annexed to the city shall be classified in the same, or nearest comparable zone classification in which such property was classified by the county of Los Angeles at the time of such annexation. The determination as to the proper zoning for such areas, shall be made by ordinance of the city council, and shall be subject to the provisions of section 9-1G-0 of this chapter, unless the said council elects to utilize the prezoning procedure, as set forth in section 65859 of the Government Code of the state of California. (1960 Code)

9-1D-4: FAILURE TO DESIGNATE ON ZONING MAP:

Any property which, for any reason, is not designated on the zoning map as being classified in any of the zones established by this chapter, shall be deemed to be classified in zone R-1. (1960 Code)

9-1D-5: CLARIFICATION OF AMBIGUITY:

If an ambiguity shall be found with reference to regulations contained herein, the director shall make a determination or interpretation. The property owner or the applicant may appeal the director's decision within ten (10) days by submitting a written letter of appeal to the secretary of the commission. The commission shall then consider the matter and adopt a resolution. The decision of the commission shall be final and conclusive, in the absence of an appeal to the council. If dissatisfied with the decision of the commission, the appellant may appeal the same to the council within ten (10) days; said appeal shall be in writing and shall be filed with the city clerk. The city council action shall govern the interpretation of the affected provisions of the code, to which the same relates, until such time as an appropriate amendment thereto has been duly adopted. (1960 Code; amd. Ord. 94-760)

9-1D-6: ADDITION OF PERMITTED OR CONDITIONAL USES:

Upon application or on its own initiative, the planning commission may add or delete a use to the list of permitted or conditional uses if the commission makes all of the following findings:

A. That the addition to or deletion from the list of permitted or conditional uses will further the purposes of the district in which the use is proposed to be added or deleted.

B. That the use can or cannot be reasonably expected to conform with the required conditions prescribed for the district.

C. That the addition of a use will not be detrimental to the public health, safety or welfare.

D. That the addition of a use will not adversely affect the character of any district in which it is proposed to be allowed.

When a use has been added to a list of permitted or conditional uses in accordance with the procedure prescribed in this section, the use shall be deemed to be listed as a permitted or conditional use in the appropriate section and shall be added to the text of that section when it is next published, with a notation of the date when the use was added to the list and the number of the approving planning commission resolution.

Any interested party may appeal the decision of the planning commission to the council. The appeal shall be in writing within ten (10) days of the planning commission decision and shall be accompanied by a fee as set by city council. Council may sustain or disapprove the action of the planning commission. (1960 Code; amd. Ord. 87-600)

9-1D-7: CERTIFICATES OF OCCUPANCY:

No person shall hereafter commence to use any new building or structure or change the use of any existing building or structure, nor shall the owner of any property allow such use, unless and until the director issues, for such building or structure, a certificate of occupancy, indicating the same complies with all applicable laws, including, but not limited to, the provisions of this chapter. Where the director refuses the issuance of such a certificate, he shall give the applicant notice thereof, as provided in section 9-1E-3 of this chapter; his decision shall be subject to an appeal in the time and manner provided in section 9-1E-4 of this chapter. (1960 Code)

9-1D-8: BUILDING PERMITS:

No building permit or certificate of occupancy shall be issued for any building, structure or use which has been erected, constructed, maintained or utilized in violation of any provision of this chapter, any other applicable laws, or in violation of any administrative action taken hereunder or contrary to any deed restriction running in favor of the city. (1960 Code)

ARTICLE E. SITE PLAN REVIEW; CONGESTION MANAGEMENT PROGRAM; AND LID STANDARDS

Part 1. Site Plan Review

9-1E-0: PURPOSE:

A. Purpose Of Site Plan Review Process: A site plan review is a discretionary land use permit that is required for all proposed land uses that involve construction. The purpose of the site plan review process is to:

1. Ensure that construction occurs in a manner consistent with the overall goals and objectives of the general plan and the zoning code;

2. Ensure that all construction is consistent with the development standards contained in the zoning code;

3. Ensure that the proposed architectural design and treatment of construction is consistent with the design guidelines contained in the zoning code;

4. Ensure that the proposed architectural design and treatment of construction is designed to minimize adverse aesthetic and environmental impacts on the site and its surroundings, and are compatible with its surroundings;

5. Ensure that the site design and layout is consistent with all parking standards as well as requirements for vehicular and pedestrian safety, ingress, and egress;

6. Allow all city departments the opportunity to review new development proposals and place reasonable conditions to ensure that the public health, safety and welfare are maintained.

B. Construction Defined: For the purpose of this part, the term "construction" shall

mean any and all of the following:

1. Construction, expansion or renovation of any new or existing residential, commercial, industrial or institutional uses or structures.

2. Construction, expansion or renovation of any new or existing additions, buildings, other accessory structures, landscaping, grading, open space, signs or similar constructions.

3. Site design and layout. (Ord. 13-980)

9-1E-1: APPLICABILITY:

All construction requires approval of a site plan or zoning clearance prior to the issuance of a building permit, or prior to commencement of construction if a building permit is not required. There are two (2) types of site plan review: minor and major.

A. Major Site Plan Review: The following construction types are subject to a major site plan review:

1. All commercial, industrial, mixed use, multi-family residential, and institutional construction where new square footage is proposed;

2. All commercial, industrial, mixed use, multi-family residential, and institutional construction where more than fifty percent (50%) of the existing square footage is being renovated;

3. All subdivisions, if any construction is proposed;

4. Any affordable housing project involving a concession under the State's Density Bonus Law. The City Council is the approval body for this project type based on a recommendation of the Planning Commission.

5. Any other construction not identified as requiring a minor site plan review or zoning clearance, as determined by the Director.

B. Minor Site Plan Review: The following construction is subject to a minor site plan review: (Ord. 13-980)

1. New two-story single-family residences or additions above the first story to a single-family residence that are not part of an accessory dwelling unit; (Ord. 17-1022)

2. Facade improvements on commercial, industrial, mixed use, and institutional uses, provided there is no square footage being added;

3. Accessory structures for multi-family, commercial, industrial, mixed use, and institutional uses, including trash enclosures and other nonhabitable structures that are one hundred twenty (120) square feet or larger; provided there is no habitable square footage being added;

4. The addition of outdoor seating areas to existing restaurants provided there is no interior square footage being added. (Ord. 13-980)

9-1E-2: APPLICATION PROCEDURE:

A. Application And Fees: An application for a site plan review shall be filed with the Planning Division on the prescribed application form and shall be accompanied by the following:

1. A completed environmental information form describing existing environmental conditions, the proposed project and identifying potential environmental impacts of the project (not required for counter site plan reviews);

2. Maps, drawings, site plans, building elevations, proposed colors and building materials, summary tabulations and other documents and information required on the standard City application form to describe the project adequately; and

3. Required fee(s).

B. Scope Of Review: Where a site plan review is required for construction under the provisions of this article, the following aspects of the project are to be reviewed by the approval body:

1. The location of the construction in relation to location of buildings on adjoining sites, with particular attention to privacy, views, any physical constraint identified on the site and the characteristics of the area in which the site is located;

2. The degree to which the construction will complement and/or improve upon the quality of existing development in the vicinity of the proposed construction and the extent to which adverse impacts to surrounding properties can be minimized;

3. The effect of the proposed construction on surrounding uses, including ensuring minimum disruption to such uses;

4. Whether the development standards set forth in this chapter applicable to the construction have been satisfied;

5. Whether the design guidelines applicable to the construction set forth in this chapter have been substantially met.

C. Development Review Committee (DRC) Review: All minor and major site plan reviews require review by the Development Review Committee.

1. Membership: The DRC shall consist of the Director, or designee, and representatives of all City departments and contract agencies (e.g., public works, fire, police) involved in approval of new development.

2. Duties And Authority: The duties and responsibilities of the DRC shall be to review the proposed construction, provide applicants with appropriate design comments, provide project conditions, and make recommendations to the Director, or the commission, as provided by this chapter.

D. Public Hearing Required: All major site plan reviews shall require a public hearing in accordance with section 9-1E-3 of this part. Minor site plan reviews do not require a public hearing. However, the Director may, due to the nature of a proposed project, require that a public hearing be held for a minor site plan review.

E. Noticing For Single-Family Residences: New two-story single-family residences or additions above the first story to a single-family residence requires that the owners of properties within one hundred feet (100') of a proposed project be notified ten (10) days prior to the Community Development Director approving the project.

F. Approval Body: The Director, or designee, shall be responsible for the approval of site plan reviews, except, under the following conditions:

1. When a site plan review is sought in conjunction with another application that requires Planning Commission review, the Planning Commission shall become the approval body.

2. When a site plan review also involves concessions under the State's Density Bonus Law. The City Council is the approval body upon recommendation of the Planning Commission.

G. Findings Of Fact: All minor and major site plan reviews require the approval body make findings of fact in order to approve a site plan review application. The approval body shall issue the decision and the findings upon which the decision is based in writing. The approval body may approve a site plan review application with or without conditions, if all of the following findings are made:

1. The construction complies with all applicable provisions of this chapter;

2. The construction is consistent with the General Plan, any applicable specific plan, and any special design theme adopted by the City for the site and vicinity;

3. The approval of the site plan review is in compliance with the California Environmental Quality Act (CEQA);

4. The proposed structures, signs, site development, grading and/or landscaping are compatible in design, appearance and scale, with existing uses, development, signs, structures and landscaping for the surrounding area;

5. The site is adequate in size and shape to accommodate the proposed structures, yards, walls, fences, parking, landscaping, and other development features. (Ord. 13-980)

9-1E-3: PUBLIC HEARINGS:

A. Required Hearings: Public hearings before the Director shall be held for all major site plan reviews and for minor site plan reviews as determined by the Director in accordance with subsection 9-1E-2D of this part.

B. Required Hearings For Projects Involving Density Bonus Concessions: A public hearing shall be held before the Planning Commission for all site plan reviews that also involve concessions under the State's Density Bonus Law. The Planning Commission shall make a recommendation to the City Council. The City Council will hold a public hearing and make a final determination on the project.

C. Notices: The public shall be provided notice of Director hearings in the same manner as is contained in section 9-1F-23 of this chapter.

D. Decisions: The decision of the Director is final unless appealed. The appeal period shall end at twelve o'clock (12:00) noon of the fifteenth day following the date of decision by the Director. Appeals must be filed in writing in accordance with section 9-1E-4 of this part. Upon filing of an appeal in the manner herein set forth, the decision of the Director shall be suspended. Decisions of the City Council are final.

E. Director Hearing Schedule: Public hearings before the Director shall be scheduled for the second Tuesday of the month at five o'clock (5:00) P.M. Additional meetings may be scheduled by the Director as needed. (Ord. 13-980)

9-1E-4: APPEALS:

A. Appeal Authority: Decisions of the Director on site plan review applications may be appealed to the Planning Commission. Decisions by the commission may be appealed to the City Council.

B. Appeal Initiation, Filing, Content: Appeals may be initiated by an applicant, any resident of the City, or any person owning real property in the City aggrieved by a decision of the Director. A notice of appeal shall be in writing and shall be filed in the Office of the City Clerk upon forms provided by the City. An appeal from decision, determination, or interpretation of the Director in the administration of the provisions of this article must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this article.

C. Appeal Hearing And Notice: Once filed, the appeal shall be held before the Planning Commission at their next meeting where the noticing requirements can be met. Appeal hearings shall be noticed in accordance with section 9-1F-23 of this chapter.

D. Commission Decision: On an appeal from a decision of the Director, the Planning Commission shall consider the matter at a public hearing and may affirm, reverse or modify the decision of the Director. If the applicant or any other party as defined in subsection B of this section is dissatisfied with the decision of the commission, they may within a fifteen (15) day time period, appeal the same to the Council, in the same manner as an appeal is taken from the decision of the Director. An appeal to the Council shall be filed with the City Clerk. (Ord. 13-980)

9-1E-5: EXPIRATION OF SITE PLAN REVIEWS:

Approval of a site plan by the approval body shall lapse and become null and void two (2) years following the effective date of the site plan review approval, unless, prior to the expiration date: a) a building permit is issued and construction is being diligently pursued toward completion; or b) a certificate of occupancy is issued for the construction which was the subject of the application. A one (1) year extension may be granted by the Director upon written request by the applicant received at least thirty (30) days prior to site plan approval expiration date, providing that there is no changes to the project. An application for extension involving any substantial change from the original plan or the conditions of approval, as determined by the Director, shall be subject to all of the provisions of this article and shall require a new

application. As a condition of granting an extension of time, the approval body may review or impose additional conditions to ensure that the development plan will be in compliance with City standards in effect at such time such extension is granted. (Ord. 13-980)

9-1E-6: SITE PLAN REVIEW, EFFECT UPON BUILDING PERMITS:

Where the provisions of this article require that a site plan review be submitted for approval, no building permit shall be issued or, if one is issued in error, the same shall be suspended until a site plan has been approved in the manner set forth in this article. (Ord. 13-980)

9-1E-7: ZONING CLEARANCE:

A. Purpose: A zoning clearance is the procedure used by the City to verify that a proposed structure or land use complies with: 1) the permitted list of activities allowed in the applicable zoning district, and 2) the development standards applicable to the type of use. Where the Code requires zoning clearance as a prerequisite to establishing a land use, the Director shall evaluate the proposed use to determine whether the clearance may be granted in compliance with this section.

B. Application And Fees: An application for a zoning clearance shall be filed with the Planning Division on the prescribed application form and shall be accompanied by the following:

1. Maps, drawings, site plans, building elevations, proposed colors and building materials, summary tabulations and other documents and information required on the standard City application form to describe the project adequately; and

2. Required fee(s). (Ord. 13-980)

C. Applicability: Zoning clearances are not considered discretionary for purposes of the California Environmental Quality Act (CEQA). A zoning clearance shall be required at the time of department review of any building, grading or other construction permit, or other authorization required by this chapter for the proposed use. The following construction is subject to a zoning clearance:

1. All single-story, new, single-family residences;

2. Single-story additions to single-family residences;

3. Single-story accessory structures;

4. Accessory dwelling units including second story units;

5. All fences and walls;

6. All pools, spas, and their related equipment;

7. All residential patio covers;

8. Any proposed demolition, where new construction is not proposed;

9. All commercial, industrial, mixed use, and institutional tenant improvements, provided no exterior changes are proposed;

10. Any other construction that requires a building permit but does not require a major or minor site plan review. (Ord. 17-1022)

D. Criteria For Clearance: The Director shall issue the zoning clearance after determining that the request complies with all Zoning Code provisions applicable to the proposed project.

E. Exception: A zoning clearance is not required for projects that have been approved under another permit process identified in this chapter. (Ord. 13-980)

Part 2. Congestion Management Program

9-1E-20: DEFINITIONS:

The following words or phrases shall have the following meanings when used in this

part:

ALTERNATIVE TRANSPORTATION: The use of modes of transportation other than a single passenger motor vehicle, including, but not limited to, car pools, vanpools, bus pools, public transit, walking and bicycling.

APPLICABLE DEVELOPMENT: Any development project that is determined to meet or exceed the project size threshold criteria contained in section 9-1E-23 of this part.

BUS POOL: A vehicle carrying sixteen (16) or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA): A statute that requires all jurisdictions in the State of California to evaluate the extent of environmental degradation posed by proposed development.

CAR POOL: A vehicle carrying two (2) to six (6) persons commuting together to and from work on a regular basis.

DEVELOPER: The builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

DEVELOPMENT: The construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this chapter and which exceed the thresholds defined in section 9-1E-23 of this part shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

EMPLOYEE PARKING AREA: The portion of total required parking at a development used by on site employees. Unless specified in the City/County/Zoning/Building Code, employee parking shall be calculated as follows:

Type Of Use	Percent Of Total Required Parking Devoted To Employees
Commercial	30 percent
Office/professional	85 percent
Industrial/manufacturing	90 percent

PREFERENTIAL PARKING: Parking spaces designated or assigned, through use of a sign or painted space markings for car pool or vanpool vehicles carrying commuter passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single occupant vehicles.

PROPERTY OWNER: The legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

SOUTH COAST AIR QUALITY MANAGEMENT DISTRICT (SCAQMD): The regional authority appointed by the California state legislature to meet federal standards and otherwise improve air quality in the south coast air basin (the nondesert portions of Los Angeles, Orange, Riverside and San Bernardino Counties).

TENANT: The lessee of facility space at an applicable development project.

TRANSPORTATION DEMAND MANAGEMENT (TDM): The alternation of travel behavior through programs of incentives, services and policies. TDM addresses alternatives to single occupant vehicles such as car pooling and vanpooling and changes in work schedules that move trips out of the peak period or eliminate them altogether (as is the case in telecommuting or compressed work weeks).

TRIP REDUCTION: Reduction in the number of work related trips made by single occupant vehicles.

VANPOOL: A vehicle(s) carrying seven (7) or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven (7) to fifteen (15) adult passengers and on a prepaid subscription basis.

VEHICLE: Any motorized form of transportation, including, but not limited to,

automobiles, vans, buses and motorcycles. (1960 Code)

9-1E-21: LAND USE ANALYSIS PROGRAM:

All development projects for which an environmental impact report (EIR) is required to be prepared shall be subject to the land use analysis program contained in the Los Angeles County congestion management program (CMP), and shall incorporate into the EIR an analysis of the projects impacts on the regional transportation system. Said analysis shall be conducted consistent with the transportation impact analysis (TIA) guidelines contained in the most recent congestion management program adopted by the Los Angeles County metropolitan transportation authority. (1960 Code)

9-1E-22: REVIEW OF TRANSIT IMPACTS:

Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California environmental quality act (CEQA) or based on a local determination, regional and municipal fixed route transit operators providing service to the project shall be identified and consulted. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this chapter shall be exempt from its provisions. The "transit impact review worksheet", contained in the "Los Angeles County Congestion Management Program Manual", or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent an NOP for all contemplated EIRs and shall as part of the NOP process, be given an opportunity to comments on the impacts of the project, to identify recommended transit services or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. (1960 Code)

9-1E-23: TRANSPORTATION DEMAND AND TRIP REDUCTION

MEASURES:

A. Applicability Of Requirements: Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

This chapter shall not apply to projects for which a development application has been deemed "complete" by the city pursuant to Government Code section 65943, or for which a notice of preparation for an EIR has been circulated or for which an application for a building permit has been received, prior to the effective date of this chapter.

All residential projects and all nonresidential developments of less than twenty five thousand (25,000) square feet are exempt from this section of the ordinance.

All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards:

1. Nonresidential development of twenty five thousand (25,000) square feet or more shall provide the following to the satisfaction of the city:

a. A bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

(1) Current maps, routes and schedules for public transit routes serving the site;

(2) Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

(3) Ridesharing promotional material supplied by commuter oriented organizations;

(4) Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

(5) A listing of facilities available for car poolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection B1 of this section and shall provide all of the following measures to the satisfaction of the city:

a. Not less than ten percent (10%) of employee parking area, shall be located as close as is practical to the employee entrance(s), and shall be served for use by potential car pool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential car pool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of city. A statement that preferential car pool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet and two (2) spaces for projects over one hundred thousand (100,000) square feet will be signed/striped for car pool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches (7'2") shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four (4) bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the city.

3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections B1 and B2 of this section, and shall provide all of the following measures to the satisfaction of the city:

a. A safe and convenient zone in which vanpool and car pool vehicles may deliver or board their passengers.

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development.

c. If determined necessary by the city to mitigate the project impact, bus stop improvements must be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops.

d. Safe and convenient access from the external circulation system to bicycle parking facilities on site. (1960 Code)

9-1E-24: MONITORING:

A. All proposed projects shall be subject to the provisions of the above sections, as part of the site plan review process. All projects shall be reviewed by city staff for compliance with TDM and CMP regulation.

B. Prior to issuance of a certificate of occupancy, each project shall be reviewed by city staff to verify that all requirements of the TDM and CMP have been complied with. (1960 Code)

9-1E-25: ENFORCEMENT:

Provisions of this section shall be as provided in article U, "Enforcement, Violations And Penalties", of this chapter. (Ord. 93-740)

Part 3. Low Impact Development (LID) Standards And Green Streets Policy

9-1E-30: DEFINITIONS:

If the definition of any term contained in this chapter conflicts with the definition of the same term in order no. R4-2012-0175, then the definition contained in order no. R4-2012-0175 shall govern.

AUTOMOTIVE SERVICE FACILITY: A facility that is categorized in any one of the following standard industrial classification (SIC) and North American industry classification system (NAICS) codes. For inspection purposes, permittees need not inspect facilities with SIC codes 5013, 5014, 5511, 5541, 7532-7534, and 7536-7539 provided that these facilities have no outside activities or materials that may be exposed to stormwater (order no. R4-2012-0175).

BASIN PLAN: The water quality control plan, Los Angeles region, "Basin Plan For The Coastal Watersheds Of Los Angeles And Ventura Counties", adopted by the regional water board on June 13, 1994, and subsequent amendments (order no. R4-2012-0175).

BEST MANAGEMENT PRACTICE (BMP): Practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or nonstormwater discharges to receiving waters, or designed to reduce the volume of stormwater or nonstormwater discharged to the receiving water (order no. R4-2012-0175).

BIOFILTRATION: An LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this part is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction as biofiltration BMPs with an underdrain (subject to approval by the regional board's executive officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales (order no. R4-2012-0175).

BIORETENTION: An LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum two foot (2') top layer of a specified soil and compost mixture underlain by a gravel filled temporary storage pit dug into the in situ soil. As defined in this part, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by order no. R4-2012-0175 as biofiltration (order no. R4-2012-0175).

BIOSWALE: An LID BMP consisting of a shallow channel lined with grass or other dense, low growing vegetation. Bioswales are designed to collect stormwater runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes (order no. R4-2012-0175).

CLEAN WATER ACT (CWA): The federal water pollution control act enacted in 1972, by public law 92-500, and amended by the water quality act of 1987. The clean water act prohibits the discharge of pollutants to waters of the United States unless the discharge is in accordance with an NPDES permit.

COMMERCIAL DEVELOPMENT: Any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, car wash facilities; mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes (order no. R4-2012-0175).

COMMERCIAL MALLS: Any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers (order no. R4-2012-0175).

CONSTRUCTION ACTIVITY: Any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "routine maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, state general construction permit coverage by the state of California general permit for storm water discharges associated with industrial activities or for stormwater discharges associated with construction activities is required if more than one acre is disturbed or the activities are part of a larger plan (order no. R4-2012-0175).

CONTROL: To minimize, reduce or eliminate by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities (order no. R4-2012-0175).

DEVELOPMENT: Construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (order no. R4-2012-0175).

DIRECTLY ADJACENT: Situated within two hundred feet (200') of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area (order no. R4-2012-0175).

DISCHARGE: Any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semisolid, or solid substance.

DISTURBED AREA: An area that is altered as a result of clearing, grading, and/or excavation (order no. R4-2012-0175).

FLOW THROUGH TREATMENT BMPs: A modular, vault type "high flow biotreatment" devices contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain (order no. R4-2012-0175).

FULL CAPTURE SYSTEM: Any single device or series of devices, certified by the executive officer, that traps all particles retained by a five millimeter (5 mm) mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a 1-year, 1-hour storm in the subdrainage area (order no. R4-2012-0175).

GENERAL CONSTRUCTION ACTIVITIES STORM WATER PERMIT (GCASP): The general NPDES permit adopted by the state board which authorizes the discharge of stormwater from construction activities under certain conditions (order no. R4-2012-0175).

GENERAL INDUSTRIAL ACTIVITIES STORM WATER PERMIT (GIASP): The general NPDES permit adopted by the state board which authorizes the discharge of stormwater from certain industrial activities under certain conditions (order no. R4-2012-0175).

GREEN ROOF: An LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain (order no. R4-2012-0175).

HILLSIDE: A property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty five percent (25%) or greater and where grading contemplates cut or fill slopes (order no. R4-2012-0175).

INDUSTRIAL/COMMERCIAL FACILITY: Any facility involved and/or used in the production, manufacture, storage, transportation, distribution, exchange or sale of

goods and/or commodities, and any facility involved and/or used in providing professional and nonprofessional services. This category of facilities includes, but is not limited to, any facility defined by either the standard industrial classifications (SIC) or the North American industry classification system (NAICS). Facility ownership (federal, state, municipal, private) and profit motive of the facility are not factors in this definition (order no. R4-2012-0175).

INDUSTRIAL PARK: Land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry (order no. R4-2012-0175).

INFILTRATION BMP: An LID BMP that reduces stormwater runoff by capturing and infiltrating the runoff into in situ soils or amended on site soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement (order no. R4-2012-0175).

LOW IMPACT DEVELOPMENT (LID): Consists of building and landscape features designed to retain or filter stormwater runoff (order no. R4-2012-0175).

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

A. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under section 208 of the CWA that discharges to waters of the United States;

B. Designed or used for collecting or conveying stormwater;

C. Which is not a combined sewer; and

D. Which is not part of a publicly owned treatment works (POTW) as defined at 40 CFR section 122.2 (40 CFR section 122.26(b)(8)) (order no. R4-2012-0175).

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES): The national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA section 307, 402, 318, and 405. The term includes an "approved program" (order no. R4-2012-0175).

NATURAL DRAINAGE SYSTEM: A drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system (order no. R4-2012-0175).

NEW DEVELOPMENT: Land disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision (order no. R4-2012-0175).

NONSTORMWATER DISCHARGE: Any discharge to a municipal storm drain system that is not composed entirely of stormwater (order no. R4-2012-0175).

OUTFALL: A point source as defined by 40 CFR 122.2 at the point where a municipal separate storm sewer discharges to waters of the United States and does not include open conveyances connecting two (2) municipal separate storm sewers, or pipes, tunnels or other conveyances with connect segments of the same stream or other waters of the United States and are used to convey waters of the United States (40 CFR section 122.26(b)(9)) (order no. R4-2012-0175).

PARKING LOT: Land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of five thousand (5,000) square feet or more of surface area, or with twenty five (25) or more parking spaces (order no. R4-2012-0175).

POLLUTANT: Any "pollutant" defined in section 502(6) of the federal clean water act or incorporated into the California Water Code section 13373 (order no. R4-2012-0175).

PROJECT: All development, redevelopment, and land disturbing activities. The term

is not limited to "project" as defined under CEQA[3] (order no. R4-2012-0175).

RAINFALL HARVEST AND USE: An LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or nonpotable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department (order no. R4-2012-0175).

RECEIVING WATER: "Water of the United States" into which waste and/or pollutants are or may be discharged (order no. R4-2012-0175).

REDEVELOPMENT: Land disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety (order no. R4-2012-0175).

REGIONAL BOARD: The California regional water quality control board, Los Angeles region.

RESTAURANT: A facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC code 5812) (order no. R4-2012-0175).

RETAIL GASOLINE OUTLET: Any facility engaged in selling gasoline and lubricating oils (order no. R4-2012-0175).

ROUTINE MAINTENANCE: Includes, but is not limited to, projects conducted to:

A. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

B. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities.

C. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts.

D. Update existing lines and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity. Updating existing lines includes replacing existing lines with new materials or pipes.

E. Repair leaks.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines (order no. R4-2012-0175).

SIGNIFICANT ECOLOGICAL AREAS (SEAs): An area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County general plan. Areas are designated as SEAs, if they possess one or more of the following criteria:

A. The habitat of rare, endangered, and threatened plant and animal species.

B. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind, or are restricted in distribution on a regional basis.

C. Biotic communities, vegetative associations, and habitat of plant and animal species that are either one of a kind or are restricted in distribution in Los Angeles County.

D. Habitat that at some point in the life cycle of a species or group of species, serves

as a concentrated breeding, feeding, resting, migrating grounds and is limited in availability either regionally or within Los Angeles County.

E. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community.

F. Areas important as game species habitat or as fisheries.

G. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.

H. Special areas (order no. R4-2012-0175).

SITE: Land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity (order no. R4-2012-0175).

STORM DRAIN SYSTEM: Any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourses that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the city.

STORM WATER OR STORMWATER: Runoff and drainage related to precipitation events (pursuant to 40 CFR section 122.26(b)(13); 55 fed. reg. 47990, 47995 (November 16, 1990)).

URBAN RUNOFF: Surface water flow produced by storm and nonstorm events. Nonstorm events include flow from residential, commercial or industrial activities involving the use of potable and nonpotable water. (Ord. 13-979)

9-1E-31: LOW IMPACT DEVELOPMENT AND GREEN STREETS

POLICY:

A. Objective: The provisions of this section establish requirements for construction activities and facility operations of development and redevelopment projects to comply with the current "order no. R4-2012-0175", lessen the water quality impacts of development by using smart growth practices, and integrate LID practices and standards for stormwater pollution mitigation through means of infiltration, evapotranspiration, biofiltration, and rainfall harvest and use. LID shall be inclusive of new development and/or redevelopment requirements.

B. Scope: This section contains requirements for stormwater pollution control measures in development and redevelopment projects and authorizes the city to further define and adopt stormwater pollution control measures, and to develop LID principles and requirements, including, but not limited to, the objectives and specifications for integration of LID strategies, grant waivers from the LID requirements, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the city shall administer, implement and enforce the provisions of this section.

C. Applicability: Development projects subject to permittee conditioning and approval for the design and implementation of postconstruction controls to mitigate stormwater pollution, prior to completion of the project(s), are:

1. All development projects equal to one acre or greater of disturbed area that adds more than ten thousand (10,000) square feet of impervious surface area.

2. Industrial parks ten thousand (10,000) square feet or more of surface area.

3. Commercial malls ten thousand (10,000) square feet or more of surface area.

4. Retail gasoline outlets with five thousand (5,000) square feet or more of surface area.

5. Restaurants (standard industrial classification (SIC) of 5812) with five thousand (5,000) square feet or more of surface area.

6. Parking lots with five thousand (5,000) square feet or more of impervious surface area, or with twenty five (25) or more parking spaces.

7. Streets and roads construction of ten thousand (10,000) square feet or more of

impervious surface area. Street and road construction applies to stand alone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

8. Automotive service facilities (standard industrial classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) five thousand (5,000) square feet or more of surface area.

9. Projects located in or directly adjacent to, or discharging directly to an environmentally sensitive area (ESA), where the development will:

a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and

b. Create two thousand five hundred (2,500) square feet or more of impervious surface area.

10. Single-family hillside homes.

11. Redevelopment projects.

a. Land disturbing activity that results in the creation or addition or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site on planning priority project categories.

b. Where redevelopment results in an alteration to more than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to postconstruction stormwater quality control requirements, the entire project must be mitigated.

c. Where redevelopment results in an alteration of less than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to postconstruction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

d. Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

e. Existing single-family dwelling and accessory structures are exempt from the redevelopment requirements unless such projects create, add, or replace ten thousand (10,000) square feet of impervious surface area.

D. Specific Requirements: The site for every planning priority project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

1. A new single-family hillside home development shall include mitigation measures to:

a. Conserve natural areas;

b. Protect slopes and channels;

c. Provide storm drain system stenciling and signage;

d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and

e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

2. Street and road construction of ten thousand (10,000) square feet or more of impervious surface shall follow USEPA guidance regarding managing wet weather with green infrastructure: green streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

3. The remainder of planning priority projects shall prepare an LID plan to comply with the following:

a. Retain stormwater runoff on site for the stormwater quality design volume (SWQDv) defined as the runoff from:

(1) The eighty fifth percentile 24-hour runoff event as determined from the Los Angeles County eighty fifth percentile precipitation isohyetal map; or

(2) The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

b. Minimize hydromodification impacts to natural drainage systems as defined in order no. R4-2012-0175.

c. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain one hundred percent (100%) of the SWQDv on site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable postconstruction requirements would be technically infeasible by submitting a site specific hydrologic and/or design analysis conducted and endorsed by a registered professional engineer, geologist, architect, and/or landscape architect. Technical infeasibility may result from conditions including the following:

(1) The infiltration rate of saturated in situ soils is less than 0.3 inch per hour and it is not technically feasible to amend the in situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on site.

(2) Locations where seasonal high groundwater is within five (5) to ten feet (10') of surface grade;

(3) Locations within one hundred feet (100') of a groundwater well used for drinking water;

(4) Brownfield development sites or other locations where pollutant mobilization is a documented concern;

(5) Locations with potential geotechnical hazards;

(6) Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on site volume retention requirement.

d. If partial or complete on site retention is technically infeasible, the project site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained on site. Biofiltration BMPs must adhere to the design specifications provided in order no. R4-2012-0175.

(1) Additional alternative compliance options such as off site infiltration and groundwater replenishment projects may be available to the project site. The project site should contact the city of Temple City to determine eligibility.

e. The remaining SWQDv that cannot be retained or biofiltered on site must be treated on site to reduce pollutant loading. BMPs must be selected and designed to meet pollutant specific benchmarks as required per order no. R4-2012-0175. Flow through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

(1) 0.2 inch per hour, or

(2) The 1-year, 1-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

E. Additional Requirements: The site for projects not classified with general applicability listed in subsection C of this section, but resulting in the creation or addition or replacement of five hundred (500) square feet or more of impervious surface area shall be designed to control pollutants, pollutant loads, and runoff volume per the Temple City "Low Impact Development Manual". (Ord. 13-979)

9-1E-32: VALIDITY:

If any provision of this part is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, such invalidity shall not affect remaining provisions of this part which are declared to be severable. (Ord. 13-979)

ARTICLE F. ZONE VARIANCES AND CONDITIONAL USE PERMITS

Part 1. Zone Variances

9-1F-0: VARIANCES:

When practical difficulties, unnecessary hardships, or results inconsistent with the general intent and purpose of this chapter, occur by reason of the strict and literal interpretation of any of its provisions, a zone variance may be granted in the manner hereinafter set forth in this article.

Minor building alterations and/or small expansions to existing facilities, which are proposed for the sole purpose of meeting the requirements of the Americans with disabilities act (ADA), shall be waived from a zone variance requirement. Specific instances may require a public hearing if it is determined by the community development director that the proposed building modifications involve more substantial work than mere compliance with ADA requirements. (1960 Code; amd. Ord. 93-751)

9-1F-1: BURDEN OF PROOF:

Before any zone variance shall be granted, the applicant must show, to the satisfaction of the commission or the council, all of the following facts:

A. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of such property, which do not generally apply to other properties in the same zone; and

B. That such variance is necessary for the preservation and enjoyment of a substantial property right possessed by other property similarly situated, but which is denied to the property in question; and

C. That the granting of the variance will not be materially detrimental to the public welfare or injurious to the adjacent or neighboring properties; and

D. That there are special circumstances as provided in section 65906 of the California Government Code. (1960 Code; amd. Ord. 92-723)

Part 2. Conditional Use Permits

9-1F-10: CONDITIONAL USE PERMITS, WHEN REQUIRED:

The purpose of any conditional use permit shall be to ensure that the proposed use will be rendered compatible with other existing, and permitted uses, located in the general area of the proposed use.

Minor building alterations and/or small expansions to existing facilities, which are proposed for the sole purpose of meeting the requirements of the Americans With Disabilities Act (ADA), shall be waived from a conditional use permit requirement. Specific instances may require a public hearing if it is determined by the Community Development Director that the proposed building modifications involve more substantial work than mere compliance with ADA requirements.

The following uses shall be permitted in all zones (except in the residential zones unless otherwise herein provided) provided that a conditional use permit is first obtained pursuant to the provisions of part 3 of this article. Uses designated by a ** in the following list of uses shall be approved through an administrative review procedure:

Accessory building(s) in any R Zone.

A. Any detached accessory building, except for an accessory dwelling unit, over five hundred (500) square feet in size.

B. Any detached accessory building, except for required garage parking, having a gas hookup or plumbing other than for water supply purposes.

C. Any detached accessory building as described above shall be set back at least five feet (5') from any property line.

Airports, heliports and landing fields.

Alcohol, on premises serving and consumption.

Animal hospitals, veterinarian offices and clinics, and commercial kennels.

Automatic car washes.

Automobile trailer parks.

Bail and surety bond businesses (C-3 Zone only).

Bowling alley, billiard parlor, and similar recreational uses.

Cemeteries.

Churches, temples and other places of worship, including location in any residential zones.

Columbariums, crematories and mausoleums.

Commercial storage of recreational vehicles and boats in the C-3 Zone only.

Commercial unit or manufacturing unit which is shared by more than one (1) independently owned business enterprise.

Commercial unit or manufacturing unit which is subdivided or split into two (2) or more units.

Community care facility/large, including the R-2 and R-3 Zones, and the C-1, C-1-R, C-2, and C-3 Zones only.

Condominiums, commercial/office.

Condominiums, industrial/manufacturing.

Dairy.

Day treatment hospitals.

Daycare center, including all R Zones.

Draying, freighting or trucking terminals.

Drive-in business.**

Dumps.

E-cigarette/vaporizer store.

Educational institutions (including any R Zones).

Entertainment, including karaoke, live bands or performances and public dancing or singing.

Equestrian establishments, including academies, and riding stables.

Establishments or enterprises involving large assemblages of people or automobiles, including the following and similar uses:

Amusement parks.

Circuses, carnivals or fairgrounds.

Labor camps.

Open air theaters.

Racetracks and rodeos.

Stadiums.

Game arcades, including any business establishment with more than four (4) arcade games as an incidental or accessory use.

Games - skill game business, including video and skill game arcades.

Government facilities or uses, including Federal, State and County offices (including any R zoned property designated as institutional on the land use map of the adopted General Plan).

Gymnasiums and health clubs (C-2 Zone only).

Hog ranch.

Homes for the aged (including any R zoned property designated as institutional on the land use map of the adopted General Plan).

Hospitals.

Hotels.

Industrial or manufacturing condominiums.

Living quarters for caretakers at mortuary.

Lodges, meeting halls, and social clubs, including any R zoned property designated as institutional on the land use map of the adopted General Plan.

Massage business or establishment, subject to section 9-1T-9 of this chapter.

"Mini-malls" as defined in section 9-1A-9 of this chapter and as regulated by special development standards contained in section 9-1T-4 of this chapter.

Motorcycle sales, service or repairs (excluding the C-1 Zone).

Move-on houses. (See section 9-1F-43 of this article.)

Movie theaters.

Natural resources.

Noncommercial kennels, including location in the residential zones.

Nursery schools, unless otherwise specifically permitted (including R-3).

Nursing and convalescent hospitals (including any R zoned property designated as institutional on the land use map of the adopted General Plan).

Off street parking for commercial, manufacturing or institutional uses on any R zoned property.

Parks, playgrounds and other commercial recreational facilities open to the public.

Plating of metals and finishing of metals.

Private recreational sports courts or facilities, including tennis courts, full basketball courts, skateboard ramps, golf putting enclosures and batting cages. These uses shall not be permitted in the front yard. (Portable or roof mounted basketball hoops or similar small, unlighted features are exempt from the CUP requirement.)

Psychiatric hospitals.

Public utility facilities and utilities operated by mutual companies or agencies in any zone wherein such facilities are not otherwise permitted other than residential zones; or water wells and related facilities operated by public or mutual water companies or agencies for the exploration, extraction, productions, and processing of water in any zone of the City, except that no conditional use permit shall be required for:

Any public utility facility for which a building permit is not required pursuant to the City's building regulations; and

Any public utility facility which is designated as a permitted use in a specified zone.

Radio or television towers and transmitters.

Restaurants.**

Senior citizen housing as defined in section 9-1Q-2 of this chapter, and regulated by special development standards contained in section 9-1Q-3 of this chapter.

Service stations.**

Sewage disposal plants.

Shopping centers having two (2) or more units or more than thirty thousand (30,000) square feet of lot area.

Signs with changeable copy.

Single-family dwelling, new which presents a period or historical architectural style but does not strictly comply with R-1 standards, if there are favorable findings with regard to the following conditions:

A. The proposed dwelling offers a unique and unusual architectural style which is not likely to be achieved within the parameters of the adopted development standards.

B. The proposed dwelling has a positive aesthetic impact upon the surrounding neighborhood.

C. The site for the new single-family dwelling is adequate in size, shape, topography and circumstances.

D. The site has sufficient access to streets and highways, which are adequate in width and pavement type to carry the quantity and quality of traffic generated by the new single-family dwelling.

E. The new single-family dwelling will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare.

Single room occupancy (SRO) building (C-3 Zone only).

Solid fill project.

Storage or shipping container over one hundred twenty (120) square feet in size or six feet (6') in height.

Subdivisions, including tract maps and parcel maps for flag lots, lot splits and condominium projects.

Theaters.

Tobacco shop.

Towing service as an ancillary or secondary use to a permitted auto repair or service station business conducted as a principal use provided the towing service is operated under the same business name as the principal use and that there be no more than two (2) towing service related vehicles (C-2 and C-3 Zones only).

Transfer stations.

Wireless communications facilities, refer to section 9-1T-8 of this chapter. (1960 Code; amd. Ord. 82-521; Ord. 83-540; Ord. 85-579; Ord. 86-596; Ord. 88-631; Ord. 88-640; Ord. 89-654; Ord. 90-683; Ord. 90-688; Ord. 91-688; Ord. 91-710; Ord. 92-721; Ord. 92-723; Ord. 92-728; Ord. 92-729; Ord. 92-732; Ord. 93-738; Ord. 93-739; Ord. 93-751; Ord. 94-762; Ord. 95-772; Ord. 98-823; Ord. 02-874; Ord. 02-878; Ord. 05-896; Ord. 08-922; Ord. 10-931; Ord. 13-972; Ord. 13-974; Ord. 13-975; Ord. 14-992; Ord. 16-1010; Ord. 16-1012; Ord. 17-1022)

9-1F-11: BURDEN OF PROOF:

Before any conditional use permit is granted, the applicant shall show, to the satisfaction of the commission or the Council, the existence of the following facts:

A. That the site for the proposed use is adequate in size, shape, topography and circumstances; and

B. That the site has sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed use; and

C. That the proposed use will not have an adverse effect upon the use, enjoyment or valuation of adjacent or neighboring properties or upon the public welfare. (Ord. 92-724)

Part 3. Procedure

9-1F-20: APPLICATION FOR VARIANCE OR CONDITIONAL USE PERMIT; WITHDRAWAL:

Applications for a variance or conditional use permit shall be filed with the planning department, on forms furnished by the director, setting forth fully the nature of the proposed use, and the facts deemed sufficient to justify the granting of the variance, or conditional use permit, in accordance with the provisions of this article.

The applicant shall furnish to the director a certified copy of the names and addresses of all property owners to whom notice must be mailed as hereinafter provided.

Any applicant may withdraw his application prior to a decision thereon, by filing a written request to do so; no refund of the filing fee shall be permitted in case of withdrawal.

No application may be resubmitted for the same or substantially the same variance or conditional use permit which had previously been denied by the planning commission or the city council within the previous eighteen (18) months. (1960 Code; amd. Ord. 98-830)

9-1F-21: FILING FEES:

Each such application shall be accompanied by a filing and processing fee, the fees for planning services shall be prescribed by resolution adopted from time to time. (1960 Code)

9-1F-22: HEARINGS:

Every application for a zone variance or conditional use permit shall be set for a public hearing before the planning commission by the director. If an appeal is taken from a planning commission decision, in the manner hereinafter specified, the said matter shall be set for consideration by the city council by the city clerk, as soon as possible. Hearings may be continued from time to time, by the commission or council, as may be deemed necessary. (1960 Code)

9-1F-23: NOTICES:

Notices of the time and place of public hearings before the commission and the council, on zone variance and conditional use permit applications, shall be given by United States mail, postage prepaid, addressed to the owners of property located within a radius of three hundred feet (300') for residential zones (500 feet for all other zones) from the external boundaries of the property to which the application relates, addressed to said owners as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records of the assessor or county tax collector which contain more recent and accurate addresses.

Notices shall contain a description of the subject property, a brief description of the proposed use, and the date, time and place of the hearing. (1960 Code; amd. Ord. 91-688; Ord. 01-857)

9-1F-24: PLANNING COMMISSION ACTION:

Within a reasonable time after the public hearing upon a variance or conditional use permit application, the commission shall, by resolution adopted by not less than three (3) affirmative votes, approve, conditionally approve or deny the same. Said resolution shall contain a statement of facts upon which the decision is based. Within two (2) days following the adoption of the resolution by the commission, the director shall forward a copy thereof by United States mail, postage prepaid, addressed to the applicant and any other person requesting the same, at his last known address. The decision of the planning commission shall be final and conclusive at twelve o'clock (12:00) noon of the fifteenth day following the date of adoption of the resolution by the commission, or at twelve o'clock (12:00) noon of the day following the next regularly scheduled council meeting, whichever date is the latest, in the absence of the filing of a written appeal, in the manner hereinafter specified. Upon filing of an appeal in the manner herein set forth, the decision of the planning commission shall be suspended and of no force and effect. (1960 Code; amd. Ord. 01-857)

9-1F-25: PLANNING COMMISSION TIE VOTE, EFFECTIVE OF:

Where, by reason of disqualification, abstention or absence of any members of the planning commission, said planning commission is unable to reach a determination as to a zone variance or a conditional use permit application, within forty (40) days after the close of the public hearing relating thereto, said matter shall be deemed automatically appealed to the city council, without decision by the planning commission. In such event, the said matter shall be placed upon the city council's agenda and a de novo public hearing held thereon, and the matter shall be finally determined by the city council. (1960 Code)

9-1F-26: APPEALS:

The applicant, or any other person, who owns real property or resides within the public hearing noticing boundary (300 feet for residential zones and 500 feet for other zones) of the property lines to which the variance or conditional use permit application relates, and who is aggrieved by the decision of the planning commission in conjunction with action taken on a variance or conditional use permit, may file a written letter of appeal with the city clerk together with a filing and processing fee, prior to the commission's action becoming final, appealing the decision of the planning commission to the city council. Upon receipt of such written letter of appeal, together with said fee, the city clerk shall set the matter for a public hearing before the city council. Notices of such hearing shall be given by the clerk in the manner described in section 9-1F-23 of this article and shall include all members of the city council, the planning commission, applicant, and all who appeared at the planning commission meetings with regard thereto.

The city council, by motion, carried by at least three (3) votes, made at any time prior to effective date of the planning commission's resolution, may appeal to itself, any planning commission decision on a variance or conditional use permit. A motion of the council to this effect shall be deemed an appeal from the decision of the commission for all purposes. No appeal may be withdrawn except by the appealing party, with the consent of the applicant and the city council.

The council shall have the authority, at any time prior to its final determination upon an appeal from a planning commission decision, to refer said matter back to the planning commission for reconsideration. The council may instruct the planning commission to conduct an additional public hearing in order to accept new evidence relating to such matter. (1960 Code; amd. Ord. 00-854; Ord. 01-857)

9-1F-27: REQUESTS FOR REVIEW:

The following city officials may file with the city clerk a "request for review" (RFR) of any decision made by the planning commission:

Any council person: Based on his/her responsibility to the electorate.

The city manager: Based upon administrative management.

The city attorney: Based on legal ramifications.

A. Such RFR shall be filed within fifteen (15) days of the decision by the planning commission, as a no fee filing, together with a statement that such RFR is not indicating support for or opposition to such decision, but is filed because the filer believes that such decision involves a matter of such interest, import, precedent or significance that such decision should as a matter of policy and planning be made by elected officials.

B. Upon the timely filing of an RFR, the decision of the planning commission shall be suspended until the RFR is determined by the city council; and the city clerk shall immediately: 1) notify the council, planning commission, applicant and all who appeared at the planning commission meetings with regard thereto; and 2) set the matter for hearing before the city council for final determination.

C. Except as set forth in this section, the procedures of an RFR shall be the same as those for an appeal under section 9-1F-26 of this article. (1960 Code; amd. Ord. 95-786)

9-1F-28: DETERMINATION BY CITY COUNCIL:

The council shall render its decision approving, conditionally approving, or denying the variance or conditional use permit, within a reasonable time after conducting its deliberation. Its decision shall be by resolution, which shall contain the facts supporting the action. The decision of the council shall be final and conclusive. (1960 Code)

9-1F-29: NOTICE OF CITY COUNCIL'S DECISION:

Within five (5) days following the adoption of the resolution by the council, the city clerk shall mail a copy thereof to the applicant and any other person requesting the same, at his last known address. (1960 Code)

9-1F-30: FAILURE TO GIVE NOTICE:

Failure to give notice in the manner hereinabove prescribed shall have no effect upon any proceeding before the planning commission or council. (1960 Code)

Part 4. Revocation, Modification And Expiration

9-1F-40: REVOCATION OF VARIANCES AND CONDITIONAL USE PERMITS:

Upon recommendation by the director, the body which originally granted the variance or conditional use permit, shall conduct a noticed public hearing to determine whether a variance or conditional use permit, should be revoked. If the revocation relates to a special use permit or zone exception granted by the county, the commission shall conduct a hearing. If the commission or council finds any one of the following facts to be present, it shall revoke the variance or conditional use permit:

A. That the variance or permit was obtained by fraud; or

B. That the use for which such approval was granted has ceased to exist, or has been suspended, for a period of six (6) months or more; or

C. That the permit or variance granted is being, or has been, exercised contrary to the terms and conditions of such approval or in violation of any law; or

D. That the use for which the approval was granted is being exercised so as to be detrimental to the public health or safety, or as to constitute a nuisance.

If the commission conducts the hearing, the action taken by the commission shall be subject to an appeal in the manner prescribed in section 9-1F-26 of this article.

The action of the council shall be final and conclusive. (1960 Code)

9-1F-41: EXPIRATION:

Any variance or conditional use permit shall be null and void if the use permitted thereunder is not exercised within the time specified in the resolution approving such variance or conditional use permit, or if no time is so specified, if the same is not exercised within one year from the date said variance or permit is granted; provided that the granting body upon good cause shown by the applicant, may extend the time limitations imposed by this section, once, for a period not to exceed one year. (1960 Code)

9-1F-42: MODIFICATION:

Any condition imposed upon the granting of a variance or conditional use permit including special use permits and zone exceptions granted prior to the incorporation of the city, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct public hearings thereon, in the same manner as required for the granting of the same. No such modification shall be made unless the commission or council finds that such modification is necessary to protect the public interest. (In case of deletion of such a condition, that such action is necessary

to permit reasonable operation under the variance or conditional use permit.) Modification proceedings relating to permits or exceptions granted by the county prior to incorporation of or annexation to the city, shall be processed by the commission.

All commission determinations regarding modification proceedings shall be subject to an appeal as set forth in section 9-1F-26 of this article, except the filing and processing fee shall be specified by the most recent fee resolution adopted by city council. (Ord. 16-1014)

9-1F-43: MOVE-ON HOUSES:

No residential building or structure shall be moved from one lot to another lot in the city or from a lot outside the city to a lot in the city without an approved conditional use permit to do so.

A. Application: The following information shall be filed with the planning department at the time application is made:

1. Present location of building, address, map of proposed route of travel.

2. Plot plan of proposed site to include location of structures on adjacent lots.

3. Floor plans, elevations, and landscaping plans of proposed site including front, side and rear yard areas.

4. Five inch by seven inch (5" x 7") photographs of each facade of the main building and accessory buildings.

5. Five inch by seven inch (5" x 7") photographs of proposed site.

6. Five inch by seven inch (5" x 7") photographs of main buildings on immediately adjacent lots.

B. Approval: The planning commission, before approving a conditional use permit for a "move-on", shall make the following findings: "Moving this building onto the subject property will have no detrimental effect on the living environment or property values of the area".

C. Basis For Findings: In approving an application for a conditional use permit to move a building into an area, the planning commission shall observe the following criteria:

1. That the building is in conformity with the type and quality of buildings existing in the area into which it is proposed to be moved.

2. That said building is not more than two (2) stories in height.

3. That its location on the lot does not in any way adversely affect buildings or uses on abutting properties.

4. That the percentage of lot coverage by all buildings and structures be not greater than that permitted by the district into which the house is proposed to be moved.

5. That all yard and setback provisions be observed.

6. Prior to occupancy the building shall be brought up to standards of a new building, and shall be painted and refurbished.

7. That all dedications and improvements required for streets and alleys necessary for access to the property upon which the house is to be located be provided in conformity with the standards of the city.

D. Time Limit: All approved "move-ons" shall be allowed not more than one hundred eighty (180) days to be readied for occupancy.

E. Appeal: The decision of the planning commission may be appealed to the city council as set forth in section 9-1F-26 of this article. (1960 Code; amd. Ord. 81-505)

ARTICLE G. AMENDMENTS

9-1G-0: AUTHORITY:

The provisions of this chapter, including, but not limited to, the classification of property, shall be amended whenever the public interest and necessity so require. (1960 Code)

9-1G-1: INITIATION OF AMENDMENTS:

Amendments to this chapter may be initiated in any of the following ways:

A. By motion of the city council; or

B. By motion of the planning commission; or

C. By the owner, or person in legal possession of any real property located within the city, or by any public agency having the power of eminent domain; or

D. By council action taken pursuant to section 65858 of the Government Code. (1960 Code)

9-1G-2: AMENDMENTS INITIATED BY PROPERTY OWNERS:

The director shall prepare a suitable application form, entitled "request for zone change", and shall assist any applicant in preparing the request form. Any such application shall be accepted for filing by the director only upon the payment by the applicant of a filing and processing fee. Such fee shall be prescribed by resolution adopted from time to time. Any applicant may, in writing, withdraw his request at any time during the processing of such request; provided, however, that there shall be no refund of any fees paid in connection therewith. (1960 Code; amd. Ord. 78-472)

9-1G-3: COMMISSION ACTION:

The commission shall conduct a public hearing on proposed amendments in the manner set forth in the Government Code of the state of California. In addition to the notice requirements contained in said Government Code, the requirements of section 9-1F-23 of this chapter, relating to variances and conditional use permits, shall be met, if the request for amendment relates to specific properties.

The applicant, where mailings are required, shall supply the director with a list of the names of the property owners who own property within three hundred feet (300') of the external boundaries of the subject property, as set forth in section 9-1F-23 of this chapter. (1960 Code)

9-1G-4: DECISION:

After conducting a hearing on any proposed amendment, the commission shall take one of the following courses of action:

A. Recommend to the city council that the requested amendment or change be granted in whole, or in part; or

B. Deny the requested amendment.

The commission's action shall be by resolution, adopted by not less than three (3) affirmative votes, which shall contain the facts upon which the determination was based. Where the planning commission denies such a request, its decision shall be final and conclusive in the absence of an appeal, as hereinafter provided. Where the commission recommends approval of such an amendment the secretary of the commission shall forward to the city clerk the commission's records and files relating to such matter. (1960 Code)

9-1G-5: APPEAL:

The decision of the commission in the case of a denial of a request, shall be final and conclusive, in the absence of an appeal, as hereinafter provided, at twelve o'clock (12:00) noon on the twentieth day after the adoption of its resolution, or at twelve o'clock (12:00) noon of the day, following the next regularly scheduled meeting of the city council, whichever occurs first. Any person aggrieved by the decision of the commission in such cases, may appeal the same to the city council by filing a written letter of appeal with the city clerk together with a filing and processing fee in the sum of one hundred four dollars ($104.00); or the council, by motion, adopted by not less than three (3) affirmative votes, may set such matter for a hearing de novo before it; in such cases, the matter shall be deemed appealed to the council for all purposes.

Upon the filing of an appeal the city clerk shall immediately advise the director thereof, who shall thereupon transmit to the city clerk the commission files in connection with said matter. (1960 Code)

9-1G-6: CITY COUNCIL ACTION:

In the case of an appeal from a decision of the commission, or upon receipt by the city clerk of a commission recommendation in favor of a change in zone or in regulations, the clerk shall give the same type of notice of hearing before the council, as is required for hearings before the planning commission. If the decision of the council, after conducting a de novo hearing, is in any way contrary to the commission's action, the said matter shall be referred to the commission for a report before any final action is taken by the council. If the commission does not prepare and submit a report to the city council within forty (40) days after such matter has been referred to it, the commission shall have been deemed to approve the proposed action by the council. (1960 Code)

ARTICLE H. REGULATIONS APPLICABLE TO NONCONFORMING USES, BUILDINGS AND STRUCTURES

9-1H-0: APPLICATION OF REGULATIONS:

The following regulations shall apply to all nonconforming uses, buildings and structures located within any zone in the city. (1960 Code)

9-1H-1: CONTINUATION OF NONCONFORMING USES, BUILDINGS AND STRUCTURES:

Except as otherwise provided in this article, each and every nonconforming use, building or structure may be continually utilized and maintained, provided that there is no alteration, addition or enlargement to any such use, building or structure. (1960 Code)

9-1H-2: NONCONFORMITY; LIMITATION ON OTHER USES:

Except as hereinafter expressly provided, so long as a nonconforming use, building or structure exists upon any lot, no new use, building or structure may be established or constructed thereon. (1960 Code)

9-1H-3: NONCONFORMITY; ABATEMENT AND TERMINATION:

Nonconforming uses, buildings and structures shall be subject to abatement and termination of usage, in the manner hereafter described in this section.

A. Termination For Violation Of Or Change Of Use: Except as herein expressly provided, whenever any of the following facts are found to exist with reference to a nonconforming use, the same shall be abated and usage thereof shall be terminated:

1. Violation of any applicable law; or

2. With reference to a nonconforming use:

a. A change from such nonconforming use to another nonconforming use; or

b. An increase or enlargement of the area, space or volume of the building, structure or land occupied by or devoted to such nonconforming use; or

c. A change from a nonconforming use to a conforming use; or

3. Discontinue of the utilization of a nonconforming use for a period of six (6) months or more.

B. Termination By Operation Of Law: Nonconforming buildings, uses and structures shall be abated and usage thereof shall be terminated upon the expiration of the period of time indicated hereinafter in this subsection. Said periods of time shall be deemed to commence to run as of the date that such use, building or structure first became nonconforming by reason of the application thereto of the zoning regulations of the city:

1. Where the use is nonstructural, including, but not limited to, areas used for animals or vehicular off street parking facilities, one year; and

2. Where the property is unimproved except for structures of a type for which the building regulations do not require a building permit, three (3) years; and

3. Where the property is unimproved except for structures which contain less than one hundred (100) square feet of gross floor area, three (3) years; and

4. Outdoor advertising signs and structures:

a. Signs located in the C-2 zone at 9044, 9135, 9165 and 9475 East Las Tunas Drive, in said city - on or before December 31, 1971; and

b. All other signs in the C-2 zone - three (3) years from the date of adoption of this chapter;

5. A nonconforming use housed in a nonconforming building or structure, five (5) years; and

6. A nonconforming use of a conforming building or structure, ten (10) years; and

7. Nonconforming buildings and structures shall be abated, and the usage thereof terminated, within the periods of time as herein set forth, dating from date of construction, based on the type of construction thereof as defined in the building regulations of the city, as follows:

a. Type IV and type V buildings (light incombustible frame and wood frame), thirty five (35) years; and

b. Type III buildings (heavy timber construction and ordinary masonry), forty (40) years; and

c. Type I and type II buildings (fire resistive), fifty (50) years. In no event shall any such building be required pursuant to this subsection B7 to be abated prior to July 1, 1972.

C. Order Of Abatement: Where any one of the facts set forth in subsection A of this section are found to exist by the director of planning, or where he finds that the abatement period, as to a building or structure, as set forth in subsection B of this section, has expired, he shall give a written order of abatement to the owner and person in possession of the property, if any. Said order shall be deemed final and shall be complied with, within thirty (30) days after the mailing thereof, in the absence of an appeal, as hereinafter provided.

D. Appeals: An appeal may be filed with the secretary of the planning commission within thirty (30) days after the mailing of such order by the planning director. Any person who is the owner, or has any ownership interest in property to which such order relates, may file an appeal. Upon receipt of an appeal, the planning commission shall give notice of hearing, and shall conduct the same in the manner prescribed herein, with reference to zone variances and conditional use permits. At the time and place set for the hearing the commission shall give the appealing party a reasonable opportunity to be heard; said commissioner may consider any applicable staff reports in order to determine the question of whether the said use, building or structure has lost its nonconforming status pursuant to the provisions hereof. The commission's decision shall be final and conclusive in the absence of an appeal to the city council in the time and manner set forth herein with reference to zone variances and conditional use permits. (1960 Code)

9-1H-4: REPAIR AND MAINTENANCE:

A. Ordinary Repair And Maintenance: Except as set forth in subsection C of this section, the ordinary repair and maintenance of a nonconforming building or structure shall be permitted, provided that such improvements shall not result in the expansion of the footprint of such a building or result in the addition of floor area to any such

nonconforming structure.

B. Eminent Domain: The repair, reconstruction, or remodeling of any building or structure shall be permitted where a part of such building or structure is taken for any public use by condemnation, dedication or purchase by any agency having the power of eminent domain. Such reconstruction, alteration or repair shall be limited to that necessary to render the said building or structure reasonably safe for continued use.

C. Limitations On Nonconforming Uses: Where a building(s) or structure(s) on a given lot is deemed to be a nonconforming use because it is situated on an R-1 zoned lot improved with more than one dwelling unit, then said nonconforming buildings and structures may not be expanded or enlarged with any additional square footage or building bulk, but may be repaired, maintained and upgraded in conformance with all applicable provisions of the building code. The principal dwelling unit, as defined by subsection 9-1H-5C1a of this article, shall be exempt from this provision and shall be allowed to expand to the extent permitted by the zoning code.

D. Partial And Total Destruction: Where any nonconforming building or structure is damaged or partially destroyed by fire, explosion, act of God, or any other casualty, the same may be restored to the condition in which it existed immediately prior to the occurrence of such casualty, provided that all such construction and/or repair work shall be completed within a period of two (2) years from and after the date of the occurrence of the casualty; and further provided that all reconstructive work shall be done in accordance with the then current city building code. (1960 Code; amd. Ord. 87-620; Ord. 06-909)

9-1H-5: PERMITTED ALTERATIONS AND/OR ADDITIONS TO NONCONFORMING BUILDINGS AND STRUCTURES:

Nothing in this article shall be deemed to prevent the extension, expansion, construction, reconstruction or enlargement (hereinafter "work") of a nonconforming building or structure in the following respects:

A. Elimination Of Nonconformity: Such work shall be permitted in order to render the use, building or structure in conformity with the provisions of this chapter; or

B. Compliance With Laws: Such work shall be permitted in order to comply with any law enacted subsequent to the adoption of the provisions of this article, other than zoning regulations; or

C. Residential Units: Such work shall be permitted as to any nonconforming dwelling unit, which is nonconforming solely by reason of a lack of off street parking facilities, provided that such work does not increase the number of dwelling units located on the lot and provided further, that such construction or reconstruction does not result in any portion of a building or structure being located on the only portion of the lot physically available for required off street parking facilities, or access thereto, nor occupy any required yard or open space area. (1960 Code)

1. R-1 And R-2 Structural Changes:

a. Whenever two (2) or more dwelling units exist on an R-1 lot, and a request is made to expand the square footage of one of the units, the community development director or his/her designee shall determine that one of the dwelling units is the principal residential dwelling and such dwelling unit shall not thereafter be deemed nonconforming to the extent it was constructed in conformity with zoning regulations in effect at the time of construction. The remaining dwelling units shall be considered secondary uses and shall be deemed nonconforming and may not be expanded or enlarged. The principal dwelling unit shall be the dwelling that most accurately fulfills at least two (2) of the following three (3) criteria:

(1) That unit which was built first.

(2) That unit which is located closest to the street. On a corner lot, it shall be the unit which is closest to the narrowest street frontage of the lot (the front lot line as determined by the director or his/her designee).

(3) That unit which is the largest by means of having the most floor area. (Ord. 06-

909)

Any person dissatisfied with the decision of the community development director or his/her designee may appeal the decision of the community development director to the planning commission. The decision of the planning commission may be appealed to the city council whose decision shall be final. (Ord. 16-1014)

b. A nonconforming residential structure on an R-1 or R-2 lot shall be permitted to construct accessory off street parking structures (garages), provided that the proposed addition otherwise complies with existing zoning regulations applicable to R-1 and R-2 zones, and further provided that no previous conversion was constructed with a permit or subsequently brought up to code. (Ord. 06-909)

2. R-3 Additional Units: Single-family dwellings in zone R-3 shall be permitted to construct additional dwelling units, attached or detached, provided that the proposed additions otherwise comply with all the existing zoning regulations applicable to the zone in which it is located.

D. Nonconformity; Parking Facilities:

1. Such work shall be permitted in connection with any use, building or structure which is nonconforming solely by reason of an insufficient number of off street parking facilities, and such work would not otherwise require, by reason of such construction, additional parking facilities.

2. If the existing off street parking facilities are not sufficient to comply with the requirements hereof after such expansion, increase or modification, additional parking facilities shall be added. The capacity of said additional facilities shall equal the difference between the off street parking facilities this chapter would require for such use as expanded, increased or modified, and the off street parking facilities as required for such use before said expansion, increase or modification. Any additional off street parking facilities required hereunder shall be developed pursuant to the provisions of this chapter.

E. Effect Of Work: Accomplishment of any work permitted pursuant to this section shall not be construed to extend the termination date of the nonconforming use, building or structure to which the same relates. (1960 Code)

9-1H-6: EXEMPTIONS AND EXCEPTIONS:

A. Mixed Uses: Where a building or buildings, and/or structures, located on a lot or combination of lots forming a single complex, are conforming, but all or a portion of the usage thereof is nonconforming, solely by reason of the fact that such use is not a permitted use in the zone, no new conforming use shall be permitted in such building, buildings or structures unless the off street parking requirements of this code are met as to all such uses.

B. Change Of Use: A use which is nonconforming only because it does not meet the requirements of the standards of development for that zone or the applicable off street parking requirements may be changed to a use permitted in the zone. No such change of use shall extend the termination date established for the original nonconforming use.

C. Buildings Or Structures Under Consideration: Any building or structure for which a valid lawful building permit has been issued, and is in force prior to the operative date of any amendment to the provisions of this chapter which has the effect of rendering said building or structure nonconforming, may be completed and utilized provided that the same is completed in accordance with the plans and specifications upon which such building permit was issued.

D. Existing Variances And Conditional Use Permits: No use, building or structure shall be deemed to be nonconforming for the purpose of this article, where the same was previously authorized by a zone variance or conditional use permit, so long as the usage thereunder conforms with the terms and conditions of the variance or permit as granted.

E. Public Utilities Exempted: The foregoing provision of this article concerning the required removal of nonconforming buildings and uses, and the reconstruction of nonconforming buildings partially destroyed, shall not apply to public utility buildings

and structures when such buildings and structures pertain directly to the rendering of the service or distribution of a utility, such as steam, electric generating stations, electric distribution and transmission substations, water wells and pumps, gas storage, metering and valve control stations; nor shall any provision of this article be construed or applied so as to prevent the expansion, modernization or replacement of such public utility buildings, structures, equipment and features, as are used directly for the delivery of or distribution of the service, provided that this section shall not exempt such uses from the provision of this code covering nonconformity of such buildings, structures or uses, as to not immediately relate to the direct service to consumers, such as warehouses, storage yards and the like.

F. Public Acquisition: Whenever any lot, any building or any structure is rendered nonconforming within the meaning of this code by reason of a reduction in a required yard area, lot area or reduction of off street parking facilities, occurring solely by reason of:

1. Dedication to, or purchase by, the city for any public purpose; or

2. Eminent domain proceedings, which result in the acquisition by the city of a portion of such property, the same shall not be deemed nonconforming within the meaning of this article, provided that if the buildings and/or structures located upon such lot subsequent to such acquisition, are wholly destroyed no reconstruction shall take place unless compliance is had with all applicable provisions of this chapter. (1960 Code)

9-1H-7: EXCEPTION; CONDITIONAL USE PERMITS:

Notwithstanding the provisions of section 9-1H-3 of this article, none of the uses set forth in this zoning code as "conditional uses" which were lawfully in existence as of the effective date of this section, shall be deemed nonconforming solely by reason of the application of such preexisting use: a) has not applied for and been granted such conditional use permit, and b) has been discontinued in usage for any reason whatsoever for a period of one hundred eighty (180) days or more, then there shall arise a rebuttable presumption that there has been an intent by the owner or user to abandon such use; and proceedings shall be commenced by the planning commission, based upon such implied abandonment, to immediately abate such use as contrary to the zoning ordinance; provided, however, if the planning commission determines that there is sufficient evidence to indicate a lack of intent upon the part of the owner to abandon, and finds that good and reasonable cause exists therefor, it may extend such abatement, upon written application setting forth the reasons for such extension. (1960 Code)

9-1H-8: ADDITIONS TO NONCONFORMING STRUCTURES:

Notwithstanding any other provisions of this zoning code, any residential unit, or units, including accessory uses, located on any residential (R) zoned lot, may be altered, expanded, extended or remodeled with said alteration, expansion, extension, or remodeling encroaching into any required side yard area, if:

A. Any outside wall of the proposed addition shall encroach no farther into any required side yard area than any existing wall and at least one wall of the addition shall be substantially a straight line continuation of an existing wall; and

B. Said encroachment, other than an encroachment by an accessory structure having setback requirements established by subsection 9-1M-13D, E; 9-1M-23D, E; 9-1M-35D or E of this chapter, maintains a minimum distance of at least three feet (3') from any side lot line, provided the second story of the dwelling complies with the setback regulations, and further providing that all additions to accessory structures under this section shall be of a single-story nature only.

No addition to a nonconforming structure shall extend into any required front yard or required rear yard setback area. (1960 Code; amd. Ord. 91-705; Ord. 06-909)

9-1H-9: VACATED BUILDINGS:

Whenever any commercial building, or unit thereof, has been vacant for a period of time hereinafter set forth, then upon ten (10) days' notice from the city manager, the owner or person in possession of such property shall comply with the following requirements, as provided in said notice, and failure to do so shall constitute a

violation of this code and the maintenance of a public nuisance:

A. All signs upon the property indicating a prior business activity shall be removed as follows:

1. Conforming signs for conforming businesses: All copy and/or business identification shall be removed after fifteen (15) days' vacancy.

2. Nonconforming signs or conforming signs for nonconforming businesses: All signs and supporting structures shall be removed after thirty (30) days' vacancy.

B. All driveways and curb cuts, not remaining in active use, shall be closed off by such temporary measures as may be approved by the city manager, including the installation of standpipes or pipes and chains, so as to prevent access onto parking areas.

C. All buildings shall be secured immediately upon vacation so as to prevent ingress.

Any decision by the city manager under this section may be appealed by the owner or person in possession, as provided in section 9-1H-3 of this article. (1960 Code; amd. Ord. 77-455)

ARTICLE I. REGULATION OF EXCESSIVE NOISE

9-1I-0: INTENT:

At certain levels, sound becomes noise and may jeopardize the health, safety or general welfare of Temple City residents and degrade their quality of life. Pursuant to its police power, the city council hereby declares that noise shall be regulated in the manner described herein. This article is intended to establish citywide standards regulating noise. This article is not intended to establish thresholds of significance for the purpose of any analysis required by the California environmental quality act and no such thresholds are hereby established. (Ord. 08-920)

9-1I-1: EXEMPTIONS:

Sound emanating from the following sources is exempt from the provisions of this article:

A. Facilities owned or operated by or for a governmental agency.

B. Capital improvement projects of a governmental agency.

C. The maintenance or repair of public properties.

D. Construction operation, maintenance, and repairs of equipment, apparatus, or facilities of the parks and recreation department, public works projects, or essential public services and facilities, including those of public utilities subject to the regulatory jurisdiction of the California public utilities commission.

E. Public safety personnel in the course of executing their official duties, including, but not limited to, sworn peace officers, emergency personnel and public utility personnel. This exemption includes, without limitation, sound emanating from all equipment used by such personnel, whether stationary or mobile.

F. Public or private schools and school sponsored activities.

G. Private construction projects located one-fourth ($^1/_4$) of a mile or more from an inhabited dwelling.

H. Private construction projects located within one-fourth ($^1/_4$) of a mile from an inhabited dwelling, provided that construction does not occur between the hours of seven o'clock (7:00) P.M. and seven o'clock (7:00) A.M.

I. Property maintenance, including, but not limited to, the operation of lawn mowers, leaf blowers, etc., provided such maintenance occurs between the hours of seven o'clock (7:00) A.M. and seven o'clock (7:00) P.M.

J. Motor vehicles, other than off highway vehicles. This exemption does not include sound emanating from motor vehicle sound systems.

K. Heating and air conditioning equipment.

L. Safety, warning and alarm devices, including, but not limited to, house and car alarms, and other warning devices that are designed to protect the public health, safety, and welfare.

M. The discharge of firearms consistent with all state and federal laws.

N. Any activity as to which the city council or planning commission has issued an exception based on hardship, or to execute phase-in requirements.

O. Involuntary noise.

P. Isolated singular noises (not exceeding 2 seconds) not repeated within sixty (60) minutes.

Q. Matters preempted by state or federal law.

R. Matters involving the reasonable exercise of constitutional guarantees unless outweighed by compelling governmental interests or appropriate exercise of the police power.

S. "Emergency work" as defined under section 9-1I-2 of this article.

T. Noise as to which there is specific consent from all affected persons. (Ord. 08-920)

9-1I-2: DEFINITIONS:

As used in this article, the following terms shall have the following meanings:

AUDIO EQUIPMENT: A television, stereo, radio, tape player, compact disc player, MP3 player, iPod or other similar device.

DECIBEL (dB): A unit for measuring the relative amplitude of a sound equal approximately to the smallest difference normally detectable by the human ear, the range of which includes approximately one hundred thirty (130) decibels on a scale beginning with zero decibels for the faintest detectable sound. Decibels are measured with a sound level meter using different methodologies as defined below:

A-Weighting (dBA): The standard A-weighted frequency response of a sound level meter, which de-emphasizes low and high frequencies of sound in a manner similar to the human ear for moderate sounds.

Maximum Sound Level (Lmax): The maximum sound level measured on a sound level meter.

EMERGENCY WORK: Work made necessary to restore property to a safe condition following a public calamity, or work required to protect persons or property from an

imminent exposure to danger or work by public or private utility to restore utility service.

GOVERNMENTAL AGENCY: The United States, the state of California, the county of Los Angeles, the city of Temple City or any combination of these agencies.

MOTOR VEHICLE: A vehicle that is self-propelled.

MOTOR VEHICLE SOUND SYSTEM: A stereo, radio, tape player, compact disc player, MP3 player, iPod or other similar device.

NOISE: Any loud, discordant or disagreeable sound.

OCCUPIED PROPERTY: Property upon which is located a residence, business or industrial or manufacturing use.

OFF HIGHWAY VEHICLE: A motor vehicle designed to travel over any terrain.

PUBLIC OR PRIVATE SCHOOL: An institution conducting academic instruction at the preschool, elementary school, junior high school, high school, or college level.

PUBLIC PROPERTY: Property owned by a governmental agency or held open to the public, including, but not limited to, parks, streets, sidewalks, and alleys.

SENSITIVE RECEPTOR: A land use that is identified as sensitive to noise, including, but not limited to, residences, schools, hospitals, churches, rest homes, cemeteries or public libraries.

SOUND AMPLIFYING EQUIPMENT: A loudspeaker, microphone, megaphone or other similar device.

SOUND LEVEL METER: An instrument meeting the standards of the American National Standards Institute for type 1 or type 2 sound level meters or an instrument that provides equivalent data. (Ord. 08-920)

9-1I-3: GENERAL SOUND LEVEL STANDARDS:

No person shall create any sound, or allow the creation of any sound, on any property that causes the exterior sound level on any other occupied property to exceed the sound level standards set forth by the following standards:

Zone	7:00 A.M. To 10:00 P.M.	10:00 P.M. To 7:00 A.M.
Residential	55 dBA	45 dBA
Commercial	65 dBA	55 dBA
Industrial	75 dBA	75 dBA

At the boundary line between two (2) of the above zones, the noise level of the quieter zone shall be used. (Ord. 08-920)

9-1I-4: SOUND LEVEL MEASUREMENT METHODOLOGY:

Sound level measurements may be made anywhere within the boundaries of an occupied property. The actual location of a sound level measurement shall be at the discretion of the enforcement officials identified in section 9-1I-6 of this article. Sound level measurements shall be made with a sound level meter. Immediately before a measurement is made, the sound level meter shall be calibrated utilizing an acoustical calibrator meeting the standards of the American National Standards Institute. Following a sound level measurement, the calibration of the sound level meter shall be reverified. Sound level meters and calibration equipment shall be certified annually. (Ord. 08-920)

9-1I-5: SPECIAL SOUND SOURCES STANDARDS:

The general sound level standards set forth in section 9-1I-3 of this article apply to sound emanating from all sources, including the following special sound sources, and the person creating, or allowing the creation of, the sound is subject to the requirements of that section. The following special sound sources are also subject to the following additional standards, the failure to comply with which constitute

separate violations of this article.

A. Motor Vehicles:

1. Off Highway Vehicles:

a. No person shall operate an off highway vehicle unless it is equipped with a USDA qualified spark arrester and a constantly operating and properly maintained muffler. A muffler is not considered constantly operating and properly maintained if it is equipped with a cutout, bypass or similar device.

b. No person shall operate an off highway vehicle unless the noise emitted by the vehicle is not more than ninety six (96) dBA if the vehicle was manufactured on or after January 1, 1986, or is not more than one hundred one (101) dBA if the vehicle was manufactured before January 1, 1986. For purposes of this subsection, emitted noise shall be measured a distance of twenty inches (20") from the vehicle tailpipe using test procedures established by the Society Of Automotive Engineers under standard J-1287.

2. Sound Systems: No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M., such that the sound system is audible to the human ear inside any inhabited dwelling. No person shall operate a motor vehicle sound system, whether affixed to the vehicle or not, at any other time such that the sound system is audible to the human ear at a distance greater than one hundred feet (100') from the vehicle.

B. Power Tools And Equipment: No person shall operate any power tools or equipment between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. such that the power tools or equipment are audible to the human ear inside an inhabited dwelling other than a dwelling in which the power tools or equipment may be located. No person shall operate any power tools or equipment at any other time such that the power tools or equipment are audible to the human ear at a distance greater than one hundred feet (100') from the power tools or equipment.

C. Audio Equipment: No person shall operate any audio equipment, whether portable or not, between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. such that the equipment is audible to the human ear inside an inhabited dwelling other than a dwelling in which the equipment may be located. No person shall operate any audio equipment, whether portable or not, at any other time such that the equipment is audible to the human ear at a distance greater than one hundred feet (100') from the equipment.

D. Sound Amplifying Equipment And Live Music: No person shall install, use or operate sound amplifying equipment, or perform, or allow to be performed, live music unless such activities comply with the following requirements. To the extent that these requirements conflict with any conditions of approval attached to an underlying land use permit, these requirements shall control.

1. Sound amplifying equipment or live music is prohibited between the hours of ten o'clock (10:00) P.M. and seven o'clock (7:00) A.M. and sound emanating from sound amplifying equipment or live music at any other time shall not be audible to the human ear at a distance greater than two hundred feet (200') from the equipment or music.

2. The use of sound amplifying equipment or live music in a condominium complex which exceeds the noise limits as set forth in section 9-1I-3 of this article, measured at any property line, or, measured in another condominium unit within the complex, shall be in violation of this article. (Ord. 08-920)

9-1I-6: ENFORCEMENT:

City of Temple City code enforcement personnel and the Los Angeles County sheriff shall have the primary responsibility for enforcing this article; provided, however, code enforcement personnel and the sheriff may be assisted by the public health department. Violations shall be prosecuted as described in section 9-1I-8 of this article, but nothing in this article shall prevent the sheriff, code enforcement or the department of public health from engaging in efforts to obtain voluntary compliance by means of warnings, notices, or educational programs. (Ord. 08-920)

9-1I-7: DUTY TO COOPERATE:

No person shall refuse to cooperate with, or obstruct, the enforcement officials identified in section 9-1I-6 of this article when they are engaged in the process of enforcing the provisions of this article. This duty to cooperate may require a person to extinguish a sound source so that it can be determined whether sound emanating from the source violates the provisions of this article. (Ord. 08-920)

9-1I-8: VIOLATIONS AND PENALTIES:

Any person who violates any provision of this article once or twice within a one hundred eighty (180) day period shall be guilty of an infraction. Any person who violates any provision of this article more than twice within a one hundred eighty (180) day period shall be guilty of a misdemeanor. Each day a violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. Penalties shall not exceed the following amounts:

A. For the first violation within a one hundred eighty (180) day period the minimum mandatory fine shall be five hundred dollars ($500.00).

B. For the second violation within a one hundred eighty (180) day period the minimum mandatory fine shall be seven hundred fifty dollars ($750.00).

C. For any further violations within a one hundred eighty (180) day period the minimum mandatory fine shall be one thousand dollars ($1,000.00) or imprisonment in the county jail for a period not exceeding six (6) months, or both. (Ord. 08-920)

ARTICLE J. OFF STREET PARKING REQUIREMENTS

9-1J-0: OFF STREET PARKING FACILITIES:

The uses permitted in each zone, as established by this chapter, shall be deemed to include the off street parking facilities for automobiles, accessory or incidental to any principal permitted use in such zones. Every use permitted in any zone by this chapter shall be provided with permanently maintained off street parking facilities in the manner provided in this article; such required parking facilities shall be used only for off street parking, and any use inconsistent therewith shall be unlawful. (1960 Code)

9-1J-1: PARKING CONCESSION AGREEMENTS:

A. General: Pursuant to authority granted by section 400 of the Temple City charter, and the other parking standards and requirements of this article notwithstanding, the city may enter into an agreement with an owner or developer of a facility that would require off street parking ("parking concession agreement"). Through the parking concession agreement the city may grant to the owner or developer of the project, as provided in this section, either: 1) a decrease in the off street parking requirements that would otherwise be required for the project under the provisions of this article; or 2) certain concessions related to site design standards or other zoning standards under the provisions of this title that would otherwise be imposed upon the project ("site development standards").

B. Review And Approval: The community development director, or his/her designee shall develop an application form for a parking concession agreement. The city council shall determine a permit fee, to be established by resolution, equal to the reasonable cost of reviewing and considering the application. Any owner or developer of a project seeking a parking concession agreement shall complete and submit an application, together with such other information the community development director may reasonably request. An application shall be submitted to the planning commission for review and recommendation at a public hearing noticed pursuant to Government Code section 65090. The recommendation of the planning commission shall then be forwarded to the city council for consideration at a public hearing noticed pursuant to Government Code section 65090. Approval of a parking concession agreement shall exempt the project from compliance with those standards and requirements of this title as are provided for in the agreement conditioned upon compliance with the terms and conditions of such agreement.

C. On Site Parking Reduction: An owner or developer seeking a parking concession agreement that will reduce the off street parking requirement for a proposed project shall meet the following criteria:

1. The off street parking reduction is not greater than twenty five percent (25%), unless a greater reduction is determined by the city to be warranted under the circumstance; and

2. The off street parking reduction does not create a reasonably foreseeable adverse impact on traffic circulation, public safety or the environment; and

3. The owner/developer has obtained a written agreement appropriate for recordation entitling the proposed project to share off street parking with one or more adjacent or proximately located sites which provide sufficient excess off street parking to absorb the proposed reduction in off street parking on the applicant's site; or alternatively, the owner/developer will pay an off street parking impact mitigation fee as determined to be warranted by the city under the circumstances; or some combination of the above; and

4. The owner/developer agrees to construct improvements (whether on site or off site) that encourage and facilitate alternative modes of transportation and that promote transportation demand management and trip reduction measures including, but not limited to, provision of bicycle racks and/or lockers, electric vehicle charging stations, bus turnouts, bus shelters and shuttle services from public parking facilities or off site private parking facilities.

D. Site Development Standards Reduction: An owner or developer seeking a parking concession agreement that will partially or entirely exempt a proposed project from complying with certain specified site development standards shall meet the following criteria:

1. The proposed project will supply a surplus of off street parking of at least ten percent (10%) in excess of the project's peak parking requirement unless a lower surplus is determined by the city to be warranted under the circumstance; and

2. A covenant must be recorded against the proposed project site ensuring availability of any surplus off street parking provided through a parking concession agreement for general public use or for dedicated use on a site adjacent or proximate to the proposed project as approved by the city; and

3. The amount and location of any such surplus off street parking provides reasonably convenient pedestrian access from the surplus parking location to other commercial uses in the vicinity; and

4. The amount and location of any off street surplus parking to be provided is consistent with any city adopted plans concerning the supply of off street parking in the community, if applicable; and

5. The site development standards reduction requested does not create a reasonably foreseeable adverse impact on public safety or the environment.

E. Building Regulations: Concessions regarding off street parking requirements or site development standards shall not include building regulations adopted pursuant to title 7 of this code or that are otherwise imposed by state or federal law.

F. Authority: The city retains exclusive authority to enter into a parking concession agreement. The city may choose to enter or reject a parking concession agreement based on an individualized analysis of the particular off site parking facility at issue. (Ord. 12-959)

9-1J-2: PARKING SPACES REQUIRED:

The off street parking spaces required for each use permitted by this chapter, shall be not less than the following, provided that in no case shall there be less than three (3) spaces per commercial or manufacturing unit and further provided that any fractional parking space shall be computed as a whole:

Use	Number Of Off Street Parking Spaces Required
Assembly buildings - including churches, stadiums, sports arenas, school auditoriums,	1 for each 5 fixed seats. If there be no fixed seats, 1 for 50 square feet of gross floor area used for assembly purposes. Where fixed seats consist of pews or benches, the seating capacity shall be computed upon 22 linear inches per seat.

theaters, dance halls, clubs and lodges having no sleeping quarters and other places of assembly	
Automotive sales or rental, boat sales or rental, trailer sales or rental, retail nurseries and other permitted uses not conducted in a building	1 parking space for each 1,000 square feet of gross land area devoted to open display or sales, provided that where such area exceeds 10,000 square feet, only 1 parking space need be provided for each 5,000 square feet of such gross land area in excess of 10,000 square feet, or 1 space for each 2 employees whichever is greater.
Banks, business or professional offices	1 parking space for each 250 square feet of gross floor area.
Billiard hall	7 parking spaces per 1,000 square feet of gross floor area.
Bowling alleys	3 parking spaces for each alley.
Communications equipment building	1 parking space for each 2 employees on the largest working shift and 1 parking space for each company vehicle operated or kept in connection with the use.
Community care facility/large	$^1/_2$ space per bed or per adult under care, whichever is greater, plus 1 additional space for each agency vehicle, employee, and visiting doctor.
Dwelling units:	
Single-family	2 parking spaces per dwelling unit, each of which must be located in a garage. 3 garage parking spaces per dwelling unit for dwellings with more than 4 bedrooms. A den, library, study or similar habitable room which functionally could be used as a bedroom shall be considered a bedroom for purposes of determining required parking.
Multiple	2 parking spaces per dwelling unit, each of which must be located in a garage or carport, plus 1 space, which shall be open and unenclosed, for each 2 units or any fraction thereof.
Accessory dwelling unit	See section 9-1T-10 of this chapter.
Condominiums	2 parking spaces (enclosed in a garage with door) per dwelling unit, plus 1 additional open and unenclosed space for each 2 dwelling units. Units with 3 or more bedrooms shall require an additional $^1/_2$ parking space.
Educational institutions:	
Elementary and junior high	1 parking space for each employee and each faculty member.
High school and trade schools	1 parking space for each 5 students and 1 parking space for each faculty member and employee.
Colleges	1 parking space for each 3 students and 1 parking space for each faculty member and employee.
Emergency shelter	1 space for every 10 beds plus 1 space per each employee and agency vehicle.
Fast food establishments with queued drive-through service	1 parking space for each 150 square feet of gross floor area, but there shall be no less than 5 parking spaces provided.
General commercial; retail stores, service shops, and general offices	1 parking space for each 250 square feet of gross floor area.
Grocery stores, supermarkets, convenience stores, and minimarts	1 parking space for each 200 square feet of gross floor area.
Gymnasium, health studios, and martial	1 parking space for each 400 square feet of gross floor area, plus 1 parking space for each employee.

arts studios	
Hospitals	2 parking spaces for each bed.
Hotels	1 parking space for each room.
Libraries and library stations when located on publicly owned sites	1 parking space for each 500 square feet of gross floor area.
Liquor stores	1 parking space for each 250 square feet of gross floor area.
Manufacturing and industrial uses of all types, except a building or portions of buildings for warehouse purposes	1 parking space for each 2 employees on the largest shift or for each 400 square feet of gross floor area whichever is greater, and 1 parking space for each vehicle operated or kept in connection with the use.
Medical or dental clinics and medical professional offices	1 parking space for each 200 square feet of gross floor area.
Mini-malls as defined in section 9-1A-9 of this chapter	Parking shall be required based upon use, occupancy, gross floor area and number of individual units; provided, however, that no less than 7 parking spaces shall be provided per commercial unit or business on the street (ground) level. Parking requirements for a second story and subsequent stories shall be regulated by provisions of this section based upon the proposed use, occupancy, gross floor area and number of individual units.
Mortuaries	1 parking space for each 40 square feet of floor area devoted to assembly purposes.
Motels	1 parking space for each sleeping unit or dwelling unit.
Nursing, convalescent homes, rest homes and sanatoriums	1 parking space for each bed, plus 1 parking space for each employee with residence facilities provided on the premises.
Public utility facilities not having business offices on the premises	1 parking space for each 2 employees on the largest shift and 1 parking space for each vehicle operated or kept in connection with the use.
Restaurants, bars, coffee shops, doughnut shops, and coffee and/or tea establishments, which provide customer seating	1 parking space for each 100 square feet of gross floor area, but there shall be no less than 10 parking spaces provided.
Rooming houses, lodging houses, clubs and fraternity houses having sleeping rooms	1 parking space for each sleeping room.
Shopping centers with more than 75,000 square feet of gross floor area	1 parking space for each 250 square feet of gross floor area.
Single room occupancy (SRO) building	1 space shall be provided per 4 SRO units plus an additional 1 space if an on site manager is provided.
Supportive housing	Parking as required per applicable zoning district but may be reduced based upon a submitted parking study subject to approval by the Director.
Swimming pools, commercial	1 parking space for each 1,000 square feet of gross land area of the lot or parcel where the use is established and 1 parking space for each 2 employees, but in no case shall less than 10 spaces be provided.
Takeout restaurants without a drive-through and without	1 parking space for each 200 square feet of gross floor area, but there shall be no less than 5 parking spaces provided.

customer tables (e.g., delicatessens, takeout pizza establishments, bakeries, etc.)	
Terminals, freight	1 parking space for each 400 square feet of gross floor area.
Terminals, passenger	1 parking space for each 100 square feet of gross floor area in the waiting room. Where both freight and passenger facilities exist, the parking facilities shall be computed for each separately.
Trailer parks	1 parking space for each trailer space, plus 1 for each 4 spaces in the trailer park.
Transitional housing	Parking as required per applicable zoning district but may be reduced based upon a submitted parking study subject to approval by the Director.
Warehouses and storage facilities	1 parking space for each 1,000 square feet of gross floor area or 1 space for each 2 employees, whichever is greater and 1 parking space for each vehicle operated or kept in connection with the use. Whenever all or any portion of a warehouse area, facility or building is proposed to be converted, remodeled or changed to a nonwarehouse use, the number of parking spaces required by this section for the intended use shall be secured and provided prior to conversion of use or remodeling of the warehouse facility or building.

(1960 Code; amd. Ord. 78-467; Ord. 88-631; Ord. 89-654; Ord. 90-663; Ord. 91-688; Ord. 93-754; Ord. 06-907; Ord. 12-962; Ord. 13-972; Ord. 16-1014; Ord. 17-1022)

9-1J-3: PARKING REQUIREMENTS FOR USES NOT SPECIFIED:

Where the parking requirements for a use are not specifically set forth herein, the same shall be determined as a clarification of ambiguity. (1960 Code)

9-1J-4: GENERAL REQUIREMENTS; MIXED OCCUPANCIES IN A BUILDING:

In the case of mixed uses in a building or on a lot, the total requirements for off street parking facilities shall be the sum of the requirements for the various uses computed separately. Off street parking facilities for one use shall not be considered as providing required parking facilities for any other use except as hereinafter specified for joint use. (1960 Code)

9-1J-5: GENERAL REQUIREMENTS; JOINT USE:

The commission, upon application by the owner or lessees of any property, shall authorize the joint use of parking facilities by the following uses or activities under the conditions specified herein:

A. The parking facilities required by this article for a use which is primarily a daytime use may be provided by the parking facilities of a use which is primarily a nighttime and/or Sunday use. The parking facilities required by this article for a use which is primarily a nighttime and/or Sunday use may be provided by the parking facilities of a use which is primarily a daytime use, provided such reciprocal parking area shall be subject to conditions set forth in subsection C of this section.

B. The following uses shall be deemed to be daytime uses:

Banks.

Business offices.

Clothing or shoe repair or service shops.

Manufacturing.

Personal service shops.

Retail stores.

Wholesale and similar uses.

The following uses shall be deemed to be nighttime and/or Sunday uses:

Auditoriums incidental to a public or parochial school.

Churches.

Dance halls.

Theaters and cocktail lounges.

C. Conditions required for joint use:

1. The outer boundaries of the property upon which the use is proposed, to which the application relates, shall be located within one hundred fifty feet (150') of such parking facilities.

2. The applicant shall show that there is no substantial conflict in the principal operating hours of the uses for which the joint use of off street parking facilities is proposed.

3. Parties concerned in the joint use of off street parking facilities shall evidence agreement for such joint use by a proper legal instrument approved by the city attorney as to form and content. Such instrument, when approved shall be recorded in the office of the county recorder and copies thereof filed with the building and planning departments. (1960 Code)

9-1J-6: PLANS:

Plans for a proposed parking area shall be submitted to the building department at the time of the application for the building permit for the building to which the parking area is necessary. The plans shall clearly indicate the proposed development, including location, size, shape, design, curb cuts, lighting, landscaping and other features and appurtenances of the proposed parking lot. (1960 Code)

9-1J-7: GENERAL REQUIREMENTS FOR THE IMPROVEMENT AND MAINTENANCE OF PARKING AREAS:

A. Size:

1. Residential Parking Spaces:

a. Residential garage parking spaces shall be a minimum interior dimension of ten feet (10') in width and twenty feet (20') in length.

b. Required guest parking spaces for multi-family developments shall be a minimum of fourteen feet (14') in width by eighteen feet (18') in length when abutted by walls or structures on both sides. Guest parking spaces that abut one wall or structure shall provide at least twelve feet (12') in width by eighteen feet (18') in length. Guest parking spaces shall be improved with grasscrete or turf block material so as to be permeable.

c. Residential garage parking for second unit housing may be provided in tandem parking spaces with minimum interior dimensions of ten feet (10') in width by forty feet (40') in length.

d. Each off street parallel parking space shall be at least twelve feet (12') in width and at least twenty feet (20') in length.

2. Nonresidential Parking Spaces:

a. Standard parking spaces shall be a minimum of eight feet six inches (8'6") in width by eighteen feet (18') in length.

b. Compact spaces shall be a minimum of eight feet (8') in width by fifteen feet (15') in length. Not more than twenty five percent (25%) of the required number of parking spaces, and any parking spaces in excess of the required number may be compact

spaces. Compact spaces shall be distributed evenly throughout the parking area.

c. When abutted by one wall or structure, parking spaces shall provide a one foot six inch (1'6") buffer on each side and a two feet six inch (2'6") buffer when abutted by walls on both sides.

d. Each off street parallel parking space shall be at least eight feet six inches (8'6") in width and at least twenty feet (20') in length.

3. Bicycle Parking Standards:

a. Each bicycle parking space shall be at least two feet (2') in width, six feet (6') in length and a five foot (5') aisle or buffer for maneuvering.

b. New nonresidential developments shall provide short term bicycle parking of at least five percent (5%) of the required off street parking, with a minimum of one 2-bike capacity rack.

c. New nonresidential developments with ten (10) or more units shall also provide long term bicycle parking of at least five percent (5%) of the required off street parking. Long term bicycle parking shall be covered, lockable enclosures with permanently anchored racks or lockable rooms with permanently anchored racks.

d. One required vehicle parking space can be utilized or substituted to provide up to eight (8) bicycle spaces or two (2) motorcycle spaces, not to exceed ten percent (10%) of the required off street parking.

4. Motorcycle Parking Standards:

a. Each motorcycle parking space shall be at least four feet (4') in width and eight feet (8') in length.

b. One required vehicle parking space can be utilized or substituted to provide up to eight (8) bicycle spaces or two (2) motorcycle spaces, not to exceed ten percent (10%) of the required off street parking.

B. Access Driveways: Driveways serving parking areas for less than six (6) vehicles shall be a minimum of ten feet (10') wide.

1. All driveways serving parking areas for six (6) or more vehicles shall be a minimum twelve feet (12') wide. Where both egress and ingress are provided on a single driveway, the minimum width shall be sixteen feet (16'). Parking areas for thirty (30) or more vehicles shall be provided with separate driveways for egress and ingress, each of which shall be not less than twelve feet (12') in width.

2. Any driveway which is over one hundred twenty five feet (125') in length shall be not less than fifteen feet (15') in width.

3. Joint use driveways used in combination with abutting properties shall be allowed when proper easements or agreements, approved as to form by the city attorney, have been executed and filed with the city.

4. All parking areas for six (6) or more vehicles shall be designed to allow forward motion only, of all vehicles entering a street, unless the access drive is a minimum of eighteen feet (18') in width.

5. Notwithstanding any other provision hereof, no driveway shall exceed a total distance of three hundred feet (300') from a street to the parking area served.

6. All driveways shall be maintained with a vertical clearance of not less than thirteen feet (13') provided that an encroachment by eaves of not exceeding thirty inches (30") shall be permitted.

7. Utility meters, trash receptacles, power poles, exterior plumbing and other similar facilities are expressly prohibited within driveway areas.

8. R-1 zoned properties or properties with single-family uses along Temple City Boulevard, Rosemead Boulevard, Baldwin Avenue, Santa Anita Avenue, streets where the posted maximum speed limit is thirty five (35) miles per hour or greater, or other locations as determined by the community development director, where the existing garage and driveway location makes it infeasible for a vehicle to enter the street in a forward facing direction may provide a turnaround area nine feet (9') in width, twelve feet (12') in depth, and with four foot (4') right triangles adjacent to the turnaround area and the driveway (see diagram below).

a. The paving in the turnaround area shall be decorative concrete pavers, turfblock, or similarly high quality options approved by the community development director.

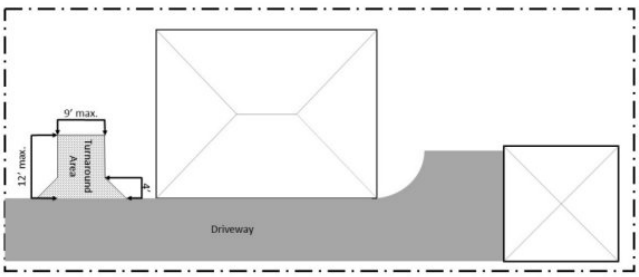
b. This turnaround area shall not be used for vehicular parking.

c. The turnaround area shall not be combined with walkways in such a manner as to allow for the creation of a parking space sized area in the front yard.

d. Properties where new development is proposing a garage in the rear shall provide

a turnaround area in the rear portion of the lot to limit the amount of paving in the front yard.

Turnaround Area Diagram



C. Surfacing: All off street parking areas including driveways, aisles and access shall be paved with macadam or asphaltic pavement to a minimum depth of three inches (3") of concrete to a minimum depth of three and one-half inches ($3^1/_2$"). Such surfacing shall be designed, constructed and maintained as to dispose of all surface water. In no case shall such drainage be allowed across public sidewalks.

D. Location: All off street parking facilities shall be located on the same lot or complex of lots as the use which the same are to serve, except as provided in section 9-1J-5 of this article.

E. Setbacks: All parking areas shall be subject to the same setback restrictions governing accessory buildings as defined in the zone in which said parking area is located, provided that no off street parking area shall be located closer than twenty feet (20') from the street right of way line of an R zoned lot.

F. Border Barricades: Every parking area which is not separated by a fence from any street or alley property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier not less than six inches (6") in height, located not less than three feet (3') distant from such street, alley or property lines. Such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area.

G. Screening: Every parking area for five (5) or more vehicles which is located upon property abutting other property located in one of the R zones shall be separated from such property by a solid view obscuring fence or wall, six feet (6') in height, measured from the grade of the finished surface of such parking lot closest to the contiguous R zone property, provided that along the required front yard the fence or wall shall not exceed thirty inches (30") in height. No such wall, fence or hedge need be provided where the elevation of that portion of the parking area immediately adjacent to an R zoned property is six feet (6') or more below the elevation of such R zoned property along the common property line.

H. Lights: Suitable lights shall be provided so as to properly illuminate any parking area having spaces for five (5) or more vehicles or new or used car sales areas, permitted by this chapter; such lighting shall be arranged so as to reflect the light away from adjacent premises.

I. Entrances And Exits: The location and design of all entrances and exits to a street or alley shall be subject to the approval of the city.

J. Striping: All parking spaces shall be striped in a manner clearly showing the layout of the intended parking stalls. Such striping, not less than three inches (3") in width, shall be maintained in a clear, visible and orderly manner.

K. Signs: Where required by the city, for public safety, for entering or leaving parking lots from streets, appropriate exit, entrance and directional signs shall be posted and maintained.

L. Maintenance And Irrigation: All parking areas shall be kept clean and free of dust, mud or trash. Parking areas shall be used only for the purpose of parking vehicles. Where landscaping is provided within or along parking areas, adequate irrigation and maintenance thereof shall be provided.

M. Driveway Design: All driveways shall comply with the following design requirements:

1. Except as otherwise provided herein, all driveways shall provide unobstructed access directly to a legal parking area or garage.

2. No driveway shall be wider than the parking area or structure it serves, provided, however, that no driveway located within any front or side yard area shall exceed twenty feet (20') in width except for that portion thereof located within twenty five feet (25') of the entrance to the parking structure it serves. In the R-1 zone, a driveway shall not be located at any point nearer any side property line than the parking area or garage it serves.

This section shall not apply to any driveway serving a parking structure or garage the entrance of which is substantially perpendicular to the front property line.

3. No vehicle or any component thereof, shall be parked in any front yard area for any purpose on any R zoned lot, except in driveway areas which lead directly to a legal parking area or garage.

4. A circular type driveway may be constructed provided:

a. Said driveway has, or connects with a driveway, which has direct access to a legal parking area or structure as defined in section 9-1J-0 of this article; and

b. The entire width of said driveway, at some point thereon, is located entirely behind the required setback area for such zone; and

c. Said driveway shall be a minimum of ten feet (10') in width; and

d. Notwithstanding subsection M4b of this section, no circular driveway shall exceed twelve feet (12') in width; and

e. Each driveway approach shall be a minimum of twelve feet (12') at street level; and

f. There shall be a minimum of thirty feet (30') of full height curb between the two (2) driveway approaches, including slopes, measured at their nearest points; and

g. No circular driveway shall be permitted on a lot less than seventy feet (70') in width.

5. A curb cut for a secondary driveway approach may be constructed on any lot provided:

a. Said approach provides access to any driveway or parking area which complies with the provisions of this article; and

b. Said approach shall be a minimum of twelve feet (12') in width at street level; and

c. There shall be a minimum of thirty feet (30') of full height curb between the two (2) driveway approaches measured at their nearest points.

6. For the purposes of this section, the following definitions shall apply:

DRIVEWAY: The improved area which is clear of all structures or portions of structures and provides access connecting any vehicle parking structure, lot or area with any street, alley, thoroughfares, or other right of way, whether public or private.

DRIVEWAY WIDTH: The net width of an individual driveway, exclusive of side slopes and returns, measured along the curb line of the highway.

N. Design Of Parking Areas: Off street parking facilities utilizing angled parking spaces shall comply with the dimensions specified in the following chart and diagram. Dimensions for angles not listed shall be determined by interpolation.

Angle Of Parking	Length	Curb Length	Depth	Aisle	Overall Width

Standard parking spaces:					
30°	18'	17'	16'	12'	44'
45°	18'	12'	19'	14'	52'
60°	18'	9'10"	20'	20'	60'
90° [1]	18'	8'6"	18'	26'	62'
Parallel	20'	20'	8'6"	10'	27'
Compact parking spaces (maximum 25 percent of required parking spaces):					
30°	15'	16'	14'	12'	40'
45°	15'	11'4"	15'6"	13'	44'
60°	15'	9'3"	16'6"	16'	49'
90° [1]	15'	8'	15'	23'	53'

Note:
1. 90 degree stalls use two-way aisle, one-way aisle prohibited.

(1960 Code; amd. Ord. 76-443; Ord. 89-654; Ord. 90-664; Ord. 95-784; Ord. 99-834; Ord. 05-896; Ord. 12-962; Ord. 16-1014)

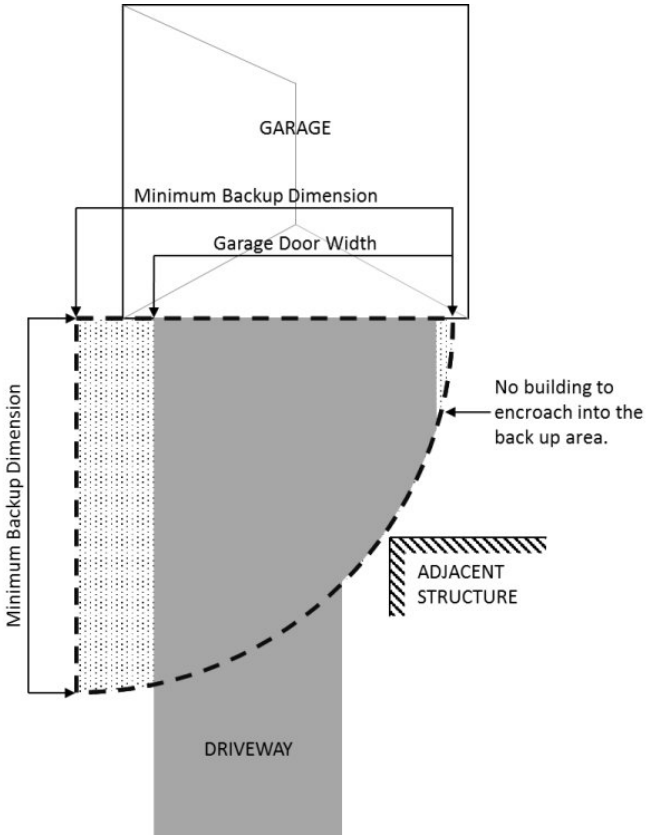
O. Residential Backup Space: The backup space for single-family uses shall be a function of the width of the garage door opening. The backup dimension shall comply with the requirements in the table, "Minimum Backup Dimension And Garage Door Width", of this section. For the purposes of this section, "garage door width" shall be defined as the clear opening between structural elements. The measurement for backup space shall follow the "Minimum Backup Dimension And Garage Door Diagram", of this section. The backup space for a single-family use may protrude into the sidewalk and parkway portions of the public right of way, but not the street.

Minimum Backup Dimension And Garage Door Width

Minimum Garage Door Width	

Minimum Garage Door Width		Minimum Backup Dimension
2 Spaces	1 Space	
20'	12'	20'
19'	10'	22'
18'	9'	24'
16'	8'	28'

Minimum Backup Dimension And Garage Door Diagram



(Ord. 16-1014)

9-1J-8: ABANDONED DRIVEWAYS AND CURB CUTS:

Whenever the use of any curb cut, curb removal, driveway or driveway approach from a public street or across any public parkway, as set forth in section 9-1J-7 of this article, shall have been discontinued for a period of one hundred eighty (180) consecutive days or more, then there shall arise a rebuttable presumption that there has been an intent by the owner or user to abandon such use. The issue of abandonment shall be heard and determined as part of the public hearings required by section 9-1J-9 of this article relating to a determination of the existence of a public nuisance. (1960 Code)

9-1J-9: REPAIR OF ABANDONED DRIVEWAYS AND CURB CUTS:

Whenever any curb cut, curb removal, driveway, or driveway approach from any public street or across any public parkway shall be declared abandoned as set forth in section 9-1J-8 of this article, then the city may declare the same to be a public nuisance pursuant to the procedures set forth in section 4-2C-0 of this code and may order the same removed and/or improved and repaired in accordance with the regulations providing for the improvement and repair of streets and other public places in this city, and the cost of such repairs may be made a lien against the land in the manner provided in section 38771 et seq., of the California Government Code. (1960 Code)

9-1J-10: NONCONFORMING CURB CUTS AND DRIVEWAYS; PUBLIC

NUISANCE:

Notwithstanding any other provision of this code to the contrary, all curb cuts, curb removals, driveways, and driveway approaches within the city of Temple City shall comply with the provisions of subsection 9-1J-7M of this article within ninety (90) days from the effective date of this article. Thereafter, any curb cuts, curb removals, driveways, or driveway approaches not conforming thereto may, upon the recommendations of the superintendent of streets, be declared to be a public nuisance pursuant to the procedure set forth in section 4-2C-3 of this code. The city council may order the curbing replaced at such locations in accordance with the provisions and regulations providing for the improvement and repair of streets and other public places in this city, and the cost of such replacements may be made a lien against the land in the manner provided by section 38771 et seq., of the California Government Code. (1960 Code)

9-1J-11: LANDSCAPING INTERIOR OF PARKING AREA:

A. Where more than twenty (20) automobile parking spaces exist on a lot or parcel of land, not less than two percent (2%) of the gross area utilized to such parking shall be devoted to interior landscaping.

B. Where a parking area of five (5) or more vehicles is across a street from property in any R zone, a decorative masonry wall not less than two feet (2') nor more than three feet (3') in height, measured from the finished surface of the parking area, shall be erected and maintained in accordance with the applicable front yard setback provisions of this chapter, provided that a minimum of a five foot (5') setback from the front property line shall be observed. The setback area, between the property line and the fence, shall be landscaped and continuously maintained. A site plan shall be required for all property to which this subsection applies. (1960 Code)

9-1J-12: LOCATION OF COMMERCIAL OR INDUSTRIAL PARKING FACILITIES:

Off street parking facilities, not located on the same lot as the principal use, for the uses permitted in C-2 zone and C-3 through M-2 zones shall be allowed as follows:

A. C-2 zone: Upon a lot located within five hundred feet (500') of the outer boundaries of the lot upon which the principal use so served is located;

B. C-3 through M-2: Upon a lot located within one thousand feet (1,000') of the outer boundaries of the lot upon which the principal use so served is located. (1960 Code)

9-1J-13: COMPREHENSIVE PLANNED FACILITIES:

Areas may be exempted, in whole, in part, or conditionally, from the parking requirements established in this title, provided:

A. Such area shall be accurately described as a "district" by the planning commission and shall be processed as an amendment to section 9-1J-14 of this article;

B. No such district may be established and exempt from the provisions of section 9-1J-2 of this article unless at least sixty percent (60%) of all recorded lots within such proposed district are then zoned for uses first permitted in a C or M zone;

C. Such exemption when so established shall apply only to uses first permitted in a C or M zone; and

D. Before such defined district may be so exempted, proceedings under applicable legislative authority shall have been completed to the extent necessary to assure

provision to the exempted area of comprehensive public parking facilities. (1960 Code)

9-1J-14: DISTRICTS:

A. Pursuant to section 9-1J-13 of this article, the following areas are to the extent set forth herein, exempted from the parking requirements of this title:

1. That certain real property included within the district as set forth in ordinance 64-134 relating to vehicle parking district no. 1.

2. That certain real property included within the district as set forth in ordinance 64-127 relating to vehicle parking district no. 2.

3. That certain real property included within the district as set forth in ordinance 65-144 relating to vehicle parking district no. 3.

4. That certain real property included within the district as set forth in ordinance 65-149 relating to vehicle parking district no. 4.

B. Such exemptions shall not apply to other than structures located within one hundred ten feet (110') of front property line.

C. Such exemptions shall apply only with respect to floor area located at ground level.

D. Such exemptions shall not apply to the specific parking facilities required by section 9-1J-12 of this article. (1960 Code)

ARTICLE K. ENCROACHMENTS IN YARD AREAS AND HEIGHT EXCEPTIONS

9-1K-0: HEIGHT OF PENTHOUSES AND ROOF STRUCTURES:

Penthouses or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building; provided that the same are screened from view; fire or parapet walls, skylights, microwave, towers, roof signs, flagpoles, chimneys, smokestacks, wireless masts and similar structures may be erected notwithstanding the height limits prescribed by this chapter. (1960 Code)

9-1K-1: YARD REGULATIONS:

Except as provided in this article every required yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around one building for the purpose of complying with the provisions of this chapter shall be considered as providing a yard or open space for any other building, and no yard or open space on any adjoining property shall be considered as providing a yard or open space on a building site whereon a building is to be erected. (1960 Code)

9-1K-2: MODIFICATION OF SIDE YARD REQUIREMENT ON COMBINED LOTS:

When the common boundary line separating two (2) contiguous lots is covered by a building or permitted group of buildings, such lot shall be deemed to be a single lot and the yard area requirements of this chapter shall apply accordingly. (1960 Code)

9-1K-3: YARD REQUIREMENTS FOR PROPERTY ABUTTING HALF STREETS:

A building, structure or use shall not be erected or maintained on a lot which abuts a street having only a portion of its required width dedicated, as shown on the general, or a specific plan, and where no part of the existing dedication would normally revert to said lot if the street were vacated, unless the yard areas in connection with such building, structure or use have a width and/or depth determined as if the full

dedication existed. (1960 Code)

9-1K-4: VISION CLEARANCE; CORNER AND REVERSED CORNER LOTS:

All corner lots shall maintain, for safety vision purposes, a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen feet (15') in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two (2) mentioned points which are distant fifteen feet (15') from the intersection of the front and side lot lines. Within the area comprising said triangle no tree, fence, shrub, or other physical obstruction higher than forty two inches (42") above the established grade of the lot shall be permitted or maintained. (1960 Code)

9-1K-5: PERMITTED INTRUSIONS INTO REQUIRED YARDS:

The following intrusions may project into any required yards, but in no case shall such intrusions extend more than thirty inches (30") into such required yards, except as hereinafter provided:

A. Cornices, eaves, belt courses, sills, buttresses or other similar architectural features.

B. Fireplace structures not wider than eight feet (8') measured in the general direction of the wall of which it is a part.

C. Stairways, balconies and fire escapes.

D. Uncovered porches and platforms which do not extend above the floor level of the first floor, provided that they may extend five feet (5') into the front yard; covered or open patios may be located in not to exceed seventy five percent (75%) of the total required area of any rear yard.

E. Planting boxes or masonry planters.

F. Guardrailings for safety protection around ramps.

G. Accessory buildings and uses may be located in a required rear yard area on any R zoned lot, provided that:

1. No building or structure, other than a fence shall be located within five feet (5') of any alley right of way line; and

2. That a passageway not less than five feet (5') in width, with twelve feet (12') overhead clearance shall be required and maintained so as to give access to the rear lot line of any lot.

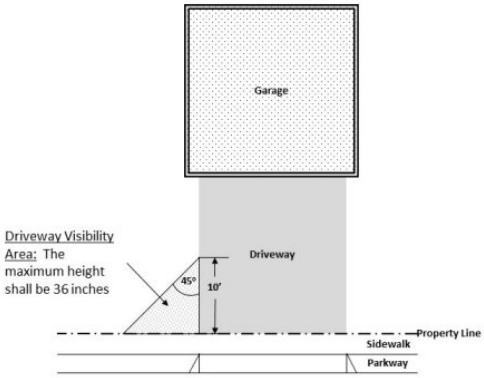
H. Utility poles and other facilities required to serve the property where located. (1960 Code)

9-1K-6: WALL, FENCE OR HEDGES:

A wall, fence, or security gate not more than six feet (6') in height may be located and maintained on any part of an R zoned lot except those areas comprising the front yard and, along a corner side yard, the driveway visibility area. In front yards (the area between the front of the house and the front lot line), the maximum height of a wall, fence or hedge shall be limited to a maximum of thirty six inches (36") when view obscuring or a maximum of forty two inches (42") when nonview obscuring. No security gate, regardless of height, shall be permitted when said security gate blocks vehicular access to a multiple-family residential project which has or will have required guest parking. In the driveway visibility area, which only applies to

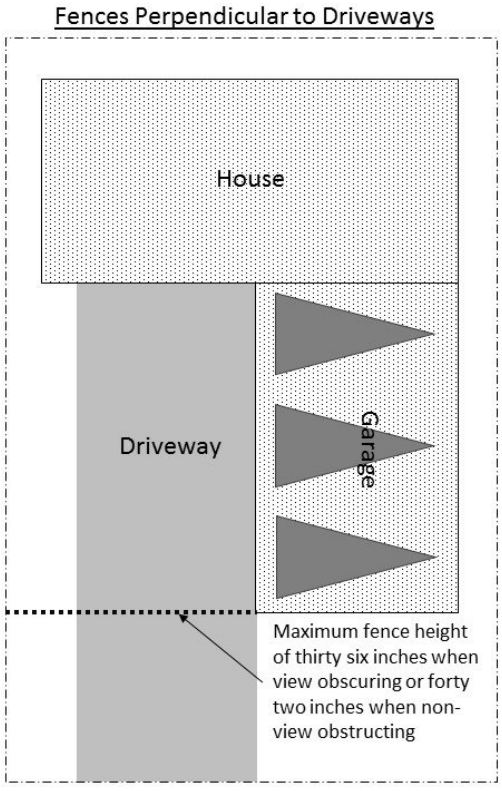
driveways in a corner side yard, the maximum height of a wall, fence or hedge shall be thirty six inches (36"). The driveway visibility area is the triangular area extending at an angle of forty five degrees (45°) from the street property line to a point on the edge of the driveway ten feet (10') from the street property line (see the "Driveway Visibility Area Diagram", of this section). The driveway visibility area shall not apply to garages taking access from an alley.

Driveway Visibility Area Diagram



In cases where a garage is located in the front of the property and the garage door is perpendicular to the street any fence crossing the driveway shall be limited to a maximum of thirty six inches (36") when view obscuring or a maximum of forty two inches (42") when nonview obscuring (see the "Fences Perpendicular To Driveways Diagram", of this section).

Fences Perpendicular To Driveways Diagram



(Ord. 16-1014)

9-1K-7: MODIFIED FRONT YARD ON CUL-DE-SAC:

The depth of the required front yard on lots facing directly upon the arc of a cul-de-sac shall be measured on an arc parallel to the front property line comprising the arc of the cul-de-sac and being a distance therefrom of the required front yard depth as prescribed for each zone. (1960 Code)

9-1K-8: THROUGH LOTS:

The planning commission shall determine in cases involving through lots, the orientation of the house or houses thereon as to their respective street frontage, by designating which line of the lot shall be the front lot line. (1960 Code)

9-1K-9: EXEMPTION:

The provisions of this article shall not apply to a fence or wall as required by any law or regulation of the state of California or any agency thereof. (1960 Code)

ARTICLE L. SIGNS

9-1L-0: PURPOSE:

The purpose of the zoning regulations set forth in this article is to allow the orderly and compatible display of signs identifying locations and businesses and to provide minimum standards in order to safeguard life, health, property and public welfare by regulating and controlling the design, quality of materials, construction, illumination, location and maintenance of all signs and sign structures. (1960 Code)

9-1L-1: DEFINITIONS:

The following words and phrases, whenever used in this article, shall be construed as defined as follows, except where the content clearly requires a contrary construction:

ANIMATED SIGN: A sign or part thereof, which is designed or utilized to attract attention through the movement or appearance of movement, of the whole or any part of the sign.

AREA, SIGN FACE: The surface space within a single continuous perimeter containing words, letters, figures or symbols together with any frame, material or color forming an integral part of the display, but excluding support structures and incidental parts not drawing attention to the subject matter.

CANOPY: Means and includes a structural, ornamental roof like appendage freestanding or attached to a building, including roof overhangs, but excluding awnings or metallic hooks.

DIRECTOR: The director of planning of the city.

DOUBLED FACED SIGN: A single sign structure having two (2) sign face areas, with each face oriented up to one hundred eighty degrees (180°) from the other. A sphere or other irregular shape shall be measured by its projection or sign area.

FACE, SIGN: That portion of a sign containing sign face area.

FLASHING SIGN: An illuminated sign in which the illumination is not intended to be maintained in a constant intensity and shall include flashing and strobe lights located inside buildings which are visible from the public right of way. For the purposes of this article, time and temperature displays and Christmas lights are not considered flashing signs.

FREESTANDING SIGNS: Permanent monument and pole signs and shall include any sign permanently erected on the ground and not attached to any building or other structure, having either a single or double face. Temporary A-frame sandwich board and information signs are not considered freestanding signs, and are not permitted.

HEIGHT: The vertical distance of a sign and sign structure measured from the average finished grade of the lot upon which it is located.

ILLUMINATED SIGN: A lighted sign which has a source of light on the surface of the sign or in the interior of the sign itself. A sign which is illuminated from a remote location shall be deemed a "lighted sign".

MARQUEE: A permanent structure attached to and supported by a building and projecting outward from such building.

MARQUEE/UNDER CANOPY SIGN: A sign mounted on the underside of any awning or canopy.

MOVING SIGN: A sign which has an actual or apparent moving, revolving, or rotating part, activated by electrical, mechanical or other devices or by wind movement. For the purposes of this article, time and temperature displays, and traditional barber poles are not considered moving signs.

PEDESTRIAN ORIENTED SIGN: A sign mounted on the face of a building or door which is oriented for pedestrian viewing.

PROJECTING SIGN: Any sign, other than a wall sign, which is suspended from or supported by a building or structure, and which projects outward therefrom.

ROOF SIGN: Any sign erected upon or over the roof or parapet of any building, and supported, in whole or in part, by the building, having either a single or double sign face.

SIGN: Any device for visual communication, including any announcement, declaration, demonstration, display, illustration or insignia, which is used to advertise or promote the products or services of any person, business group or enterprise available on the lot where located. Architectural features constituting an integral structural part of a building shall not be considered a sign.

SIGN, ON PREMISES: A sign which directs attention to a business, profession or use located upon the premises upon which the sign is displayed, which relates to the type of product sold, manufactured or assembled, and/or services or entertainment offered on said premises.

TEMPORARY SIGNS: Includes any permitted sign, banner, pennant, valance, balloon (not more than 30 feet above rooftop) or advertising display constructed of cloth, canvas, light fabric, cardboard, wallboard, or other light materials, with or without frames. All other signs shall be deemed nontemporary.

WALL SIGN: Means and includes any sign painted or otherwise affixed to the wall of any building or structure, in essentially a flat position on the wall, and canopies and marquees having sign face areas thereon. (1960 Code; amd. Ord. 83-543; Ord. 84-546; Ord. 85-571; Ord. 86-594)

9-1L-2: PERMITS; FEES:

No person shall erect, construct, alter or maintain any sign, including temporary signs, upon any location in the city, without first obtaining a sign permit therefor from the director, except as hereinafter expressly provided. Permits required hereunder shall be in addition to those required pursuant to any other law, including, but not limited to, the city's building regulations. (1960 Code; amd. Ord. 86-594)

9-1L-3: GENERAL REGULATIONS:

A. Exceptions: Nothing in this article shall be construed to prohibit the erection of any property of any:

1. Sign prescribed or required by law;

2. Sign owned by any governmental agency;

3. Temporary political sign;

4. Temporary real estate sign, relating only to the lot on which it is located;

5. Signs customarily used by public utilities in the performance of their lawful functions;

6. One unlighted double faced, or two (2) unlighted single faced, freestanding signs, not to exceed a total of sixty (60) square feet of sign area each, utilized in connection with the sale of lots or dwelling units in a subdivision. Such signs shall be removed thirty (30) days after the last lot is sold or within one year from and after the recording of the final tract map, whichever period is the lesser;

7. Temporary signs customarily used in conjunction with construction projects, provided that no such sign shall be in excess of thirty two (32) square feet in area and no freestanding sign shall exceed twelve feet (12') in height. All such signs shall be removed within thirty (30) days after completion of the project and issuance of an occupancy permit. No permits shall be required for signs referred to herein.

B. Nature Of Copy: No sign shall be permitted advertising or displaying any immoral or unlawful act, business or purpose, nor any product or service other than that permitted as an on premises sign.

C. Public Property: No sign of any kind, shall be erected upon or over any public street, sidewalk, parking lot or other public place or way without the consent of the city council, except as otherwise provided by law.

D. Location: Permitted freestanding signs may be located on any part of the lot. No sign shall be erected in such a manner that any portion of the sign, or its support, is attached to, or will interfere with, the free use of any fire escape or standpipe, or obstruct any stairway, door, ventilator, or window.

E. Interference With Traffic: No sign shall be erected in such a manner that it will, or may reasonably be expected to, interfere with, obstruct, confuse or mislead traffic.

F. Animated Signs: Animated signs shall be permitted provided, if the sign is to revolve, that the revolution thereof shall not exceed six (6) rpm. Time and/or temperature signs and barbers' poles shall be excepted.

G. Wall Signs: All wall signs shall be flat against a building, except signs located on a canopy or marquee, and shall not extend more than six feet (6') above the parapet eaves or building facade of the building on which the sign is located. Such signs shall not exceed a maximum thickness of eighteen inches (18").

H. Roof And Wall Signs: Roof and wall signs shall be constructed so as to appear to be an integral part of the building where the same are located, and shall be constructed and maintained so that supporting members, other than main columns supporting a roof sign, are not visible from any public street or public parking area.

I. Traffic Signs, Private Property: Vehicular directional signs visible from public thoroughfares, may be erected to facilitate or control pedestrians onto private property to which they pertain. Such signs shall not exceed a sign face area of six (6) square feet per face, nor a height of eight feet (8').

J. Lighting: Exposed incandescent lights on signs shall be permitted provided such lighting does not exceed eleven (11) watts per bulb in a scintillating action; provided that not more than twenty percent (20%) of the bulbs in any sign shall be off at any time. (1960 Code)

K. Changeable Copy: Any sign proposed with changeable copy, including electronic reader boards or other electronic displays of any kind, require a conditional use permit in accordance with article F of this chapter. In addition to the finding required for a conditional use permit, the following findings shall also be made:

1. The proposed changeable copy sign will not be detrimental to the public health, safety, or welfare or materially injurious to uses, properties or improvements in the vicinity; and

2. The proposed changeable copy sign will not create a distraction for drivers or create any other traffic hazard; and

3. The proposed changeable copy sign is designed to be compatible with, and enhance the existing property and surrounding neighborhood through the size, shape, color, and/or materials of the sign. (Ord. 13-974)

9-1L-4: PERMITTED SIGNS, ZONES R-1 AND R-2:

The following signs shall be permitted on property zoned R-1 or R-2:

A. A nameplate not exceeding one square foot in area containing the name and address of the occupant of the premises; no sign permit shall be required therefor.

B. Signs permitted pursuant to subsection 9-1L-3A of this article. (1960 Code)

9-1L-5: PERMITTED SIGNS, ZONE R-3:

A. The following signs shall be permitted on property zoned R-3:

1. One sign with name and address of building not to exceed two and one-half ($2^1/_2$) square feet in area; no sign permit shall be required therefor.

2. One nameplate per unit not exceeding one square foot in area containing the name and address of occupant of the premises; no sign permit shall be required therefor.

3. One interior lighted sign attached to the main building not to exceed sixteen (16) square feet in area pertaining only to the lease or rental of units in the particular buildings, property or premises upon which displayed. (1960 Code)

9-1L-6: COMMERCIAL AND INDUSTRIAL SIGNS:

A. Property Zoned C-1: The following signs shall be permitted on property zoned C-1 within the limitations established herein:

1. Signs shall be subject to the following limitations:

a. The maximum total sign area for any property is one hundred fifty (150) square feet.

b. Moving and/or flashing signs are not permitted.

c. Roof signs are not permitted.

2. A wall sign and/or projecting sign (canopy or marquee with sign face area) located on the front of a building, if the same does not exceed two (2) square feet per one foot (1') of building frontage up to twenty feet (20') of building frontage plus one square foot of sign for each additional foot of building frontage. Projecting signs shall not exceed twelve (12) square feet in area, shall not project beyond three feet (3') from the face of the building, and if located on an interior lot, shall be mounted at the center one-third ($^1/_3$) of the building.

3. One additional wall sign shall be permitted on the side of a building for a corner lot, and on the side or rear of a building for an interior or corner lot when there are pedestrian entrances on those elevations leading directly into the business, if the sign does not exceed one square foot of sign per one foot (1') of side or rear building frontage, with the total of such signs not to exceed the sign size permitted on the front of the building.

4. One under canopy/marquee sign and/or one pedestrian oriented wall sign shall be permitted in the commercial zones subject to the following limitations:

a. The total sign area does not exceed six (6) square feet.

b. Under canopy/marquee signs shall maintain a vertical clearance of seven feet six inches (7'6") above the sidewalk and shall not project beyond the edge of the canopy or marquee.

c. Signs shall be limited to the identification of the business or service and not be used for the purpose of advertisement.

B. Property Zoned C-2, C-3, M-1 Or M-2: The following signs shall be permitted on property zoned C-2, C-3, M-1 or M-2:

1. Nameplate: One nameplate not to exceed two (2) square feet in area containing the name and occupation of each occupant shall be permitted at every exterior entrance to a building; no sign permit shall be required therefor.

2. Wall Sign: A wall sign and/or projecting sign (canopy or marquee with sign face area) located on the front of a building, if the same does not exceed three (3) square feet of sign face area for each linear foot of the front building facade, nor a maximum of three hundred (300) square feet of total sign face area for all such signs.

3. Additional Wall Sign: One additional wall sign may be permitted on the side of a building, if it does not exceed two (2) square feet of sign face area for each linear foot of the side building facade, nor a maximum sign face area of one hundred fifty (150) square feet of total sign face area.

4. Under Canopy/Marquee Sign: One under canopy/marquee sign and/or on pedestrian oriented wall sign shall be permitted in the commercial zones subject to the following limitations:

a. The total sign area does not exceed six (6) square feet.

b. Under canopy/marquee signs shall maintain a vertical clearance of seven feet six inches (7'6") above the sidewalk and shall not project beyond the edge of the canopy or marquee.

c. Signs shall be limited to the identification of the business or service and not be used for the purpose of advertisement.

5. Temporary Signage: No person shall erect, construct, alter, or maintain any temporary sign, upon any location in the city, without first obtaining a sign permit therefor from the community development director, except as hereinafter expressly provided. Permits required hereunder shall be in addition to those required pursuant to any other law, including, but not limited to, the city's building regulations.

a. Businesses Intending To Locate Or Relocate Within The City: Temporary signs used in conjunction with the promotion of a business intending to locate or relocate within the city of Temple City may place one sign announcing their impending arrival. Such sign shall be permitted on the outside of the building on site for a period not to exceed sixty (60) days prior to the commencement of operations, and may not be posted for more than sixty (60) days in total.

b. Businesses That Have Recently Located Or Relocated Within The City: Temporary signs used in conjunction with the promotion of a business that has recently located or relocated within the city of Temple City may place one temporary sign and one A-frame sign announcing the commencement of business operations. Such signs shall be permitted on the outside of the building on site for a period not to exceed thirty (30) days from the commencement of business activities.

c. All Other Temporary Signs: All other temporary signs shall be permitted outside of the building on site, for a period not to exceed thirty (30) days in any six (6) month period which thirty (30) days may be segmented into several lesser periods not less than five (5) days each; but in no event shall any such sign exceed thirty (30) days without at least a thirty (30) day break.

d. Temporary Sign Limitations: No temporary sign shall be permitted on or extend over any public property or public easement of any other domain owned or controlled by the city of Temple City without first having received consent of the city council, except as otherwise provided by law.

e. Obstructing Signs: No person shall post temporary signs in a manner so as to obscure traffic or street signs or devices, or to present any hazard to the public.

f. Maintenance Of Signs And Support Structures: All temporary signs and sign support structures, together with all of their supports, braces, guys, and anchors, shall be kept in repair and in proper state of preservation.

g. Placement On Public Property: No temporary sign shall be placed upon a telephone or other utility pole, or upon a permanent freestanding or monument sign.

h. Placement On Vegetative Landscaping: No temporary sign shall be affixed to trees, shrubs, or other vegetation. Methods of sign installation shall be at the discretion and direction of the city's community development department.

i. Scale: If a temporary sign is attached to a building, the sign shall be in scale with the building. Temporary signs and banners shall not exceed one foot (1') in length for each linear foot of building frontage, per street side.

j. Temporary Sign Removed: The city's code enforcement officer(s) may cause a temporary sign that is erected, placed, or maintained in violation of this section to be removed in conformance with section 3-4A-12 of this code.

k. Banner And A-Frame Signs: There shall be a limit of one temporary "banner" style sign and one A-frame style sign per business location.

C. Freestanding Signs: The following freestanding signs shall be permitted:

1. One freestanding sign shall be permitted, on any lot, having a sign face area not in excess of two (2) square feet for each linear foot of the front lot line per face.

2. One additional freestanding sign shall be permitted for a shopping center for which a conditional use permit is not required. The sign face area of such sign shall not exceed one square foot for each linear foot of the front lot line of the lot upon which

the shopping center is located.

3. Shopping centers for which a conditional use permit is required may have such signs, roof, freestanding, or wall, as may be approved as a part of such conditional use proceeding.

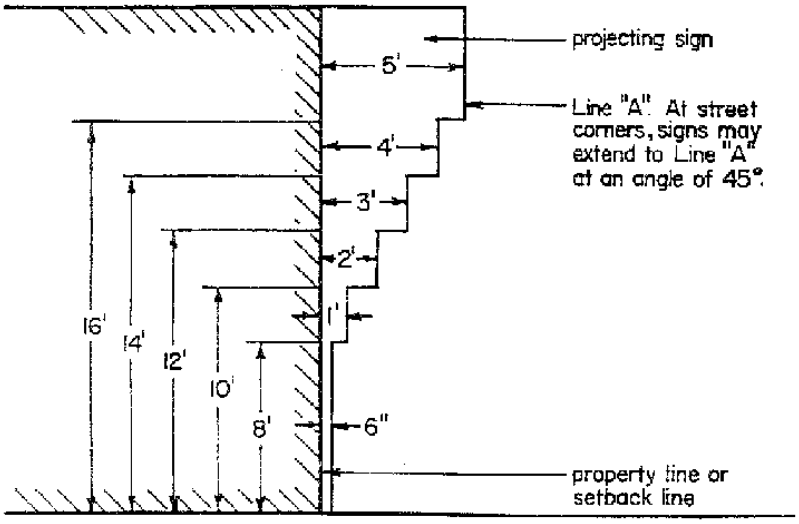
4. A freestanding sign shall not exceed a maximum height of twenty feet (20') where said sign advertises a single business, nor a maximum height of twenty six feet (26') where said sign advertises two (2) or more businesses.

D. Roof Signs: Roof signs are not permitted in any zone.

E. Freestanding Or Projecting Sign: Every freestanding sign or projecting sign, projected or suspended over any public property or right of way, shall comply with the height and overhead clearance limitations, as shown on diagram A of this section:

DIAGRAM "A"

Allowable clearance & projection over property line or setback line



F. Window Signs: Window signs painted on or attached to or otherwise utilizing windows as a means of display shall be permitted on ground floor windows only, and shall not exceed a total of twenty five percent (25%) of the combined window area of all ground floor windows.

G. Sign Content:

1. Each business in commercial or manufacturing zones having an on premises advertising sign visible from a public right of way or parking area open to the general public shall identify the name of the business or the nature of the business conducted on the property in the English language with appropriate block style letters or other print style as may be approved by the planning commission, at least nine inches (9") in height and in a color(s) compatible with the background color(s).

a. Any building without a sign, housing one or more businesses, in any commercial or manufacturing zone shall have one identification sign in conformance with the above requirement by December 31, 1991.

2. Each business in commercial and manufacturing zones shall have the address of such property in arabic numerals at least five inches (5") high, in a color contrasting to the background of the numerals.

3. The address shall be located at the front of the business and, if public access is available, at the rear of the business. (1960 Code; amd. Ord. 76-441; Ord. 85-571; Ord. 86-594; Ord. 87-577; Ord. 90-675; Ord. 91-706; Ord. 03-885; Ord. 06-913; Ord. 16-1010)

9-1L-7: CONSTRUCTION AND MAINTENANCE:

A. All signs shall be constructed in accordance with all applicable provisions of law.

B. All signs and sign structures shall be maintained in a state of safe condition and good repair.

C. In the event a use on any lot is vacated, terminated or abandoned, for any reason, for a period of one hundred twenty (120) consecutive days, the owner or person in possession of the property shall be responsible for removal of all signs on the property or for having the copy thereon painted out, immediately upon notice from the city.

D. Signs and associated appurtenant structures which are abandoned or not in use shall be removed within ninety (90) days of their abandonment or lack of use. (1960 Code; amd. Ord. 83-543)

9-1L-8: NONCONFORMING SIGNS:

A. Amortization:

1. Signs which are rendered nonconforming by reason of the application thereto of the provisions of this article, shall be abated, or made to comply with the provisions hereof, within the following periods of time:

a. Temporary signs: Ninety (90) days.

b. Signs painted on buildings, walls and fences: One year.

c. All other signs: Ten (10) years.

Such periods of time above set forth, shall commence to run as of the time such signs became nonconforming by reason of the application thereto of the provisions of this article.

2. The provisions of section 9-1H-0 of this chapter, shall apply to all signs rendered nonconforming pursuant to the provisions hereof, except as expressly provided to the contrary in this article.

3. Signs which are rendered nonconforming by reason of the application thereto of the provisions of section 9-1L-6 of this article shall be abated, or made to comply with the provisions hereof within the following periods of time:

a. Temporary signs: Ninety (90) days.

b. Flashing and moving signs, relocated signs, and signs painted on buildings or walls with a useful life of less than fifteen (15) years: Five (5) years.

c. All other signs: Fifteen (15) years.

B. Exception: Notwithstanding the foregoing, an outdoor advertising structure that was legally permitted, but rendered nonconforming by section 9-1L-9 of this article shall not be subject to amortization under this section if the outdoor advertising structure is modernized and upgraded pursuant to subsection 9-1L-9B of this article. Any outdoor advertising structure that is modernized and upgraded pursuant to subsection 9-1L-9B of this article shall be subject to the amortization period that is agreed to by the city and the owner of the outdoor advertising structure and memorialized in the agreement required by subsection 9-1L-9B4 of this article. (Ord. 11-941)

9-1L-9: OUTDOOR ADVERTISING STRUCTURES:

A. Outdoor advertising structures are specifically prohibited in all zones of the city except where explicitly authorized, and in particular, such outdoor advertising structures are prohibited in the residential and commercial zones except where specifically permitted by explicit language.

B. Notwithstanding the provisions of article H of this chapter, the owner of a legal nonconforming outdoor advertising structure may seek approval to be modernized and upgraded by applying for a conditional use permit pursuant to article F of this chapter and meeting all of the following requirements:

1. The outdoor advertising structure must be modernized and upgraded to meet the criteria listed in section 9-1O-2 of this chapter, except that:

a. The maximum height of the outdoor advertising structure measured from grade level of the lot upon which such structure is located to the highest point of the structure may be up to, but shall not exceed, forty five feet (45').

b. The outdoor advertising structure may be located within two hundred feet (200') of a residential zone, but only if the existing outdoor advertising structure is being dismantled and a new structure is being constructed on the same site, and the city determines that the benefit of the new structure outweighs the impact of its proximity on the residential zone.

2. The outdoor advertizing structure must be modernized and upgraded to meet the following requirements in addition to those in section 9-1O-2 of this chapter:

a. The outdoor advertising structure must remain in the same location or be dismantled and a new structure constructed at another location on the same lot, provided the city determines the new structure provides public benefits not provided by the old structure. The outdoor advertising structure shall not be moved to a different lot.

b. The message surface area of the outdoor advertising structure shall not exceed seven hundred (700) square feet.

c. The outdoor advertising structure shall be compatible with uses and structures on the site and in the surrounding area.

d. The outdoor advertising structure must display content digitally on an LED screen or by equivalent technology. Any digital outdoor advertising structure shall display content for at least six (6) seconds before changing screen displays. No flashing digital content is permitted.

e. The outdoor advertising structure shall not create a traffic or safety problem with regard to on site access, circulation or visibility.

f. The outdoor advertising structure shall not interfere with on site parking or landscaping required by city ordinance or permit.

g. The existing outdoor advertising structure must be capable of being safely modernized and upgraded or the existing structure must be completely removed before construction of the new outdoor advertising structure may commence. If more than six (6) months passes between the removal of the existing structure and the commencement of the construction of the new structure, such lapse shall not be deemed a discontinuance of the utilization of a nonconforming use for the purposes of subsection 9-1H-3A3 of this chapter.

3. If the applicant for a CUP to modernize an existing outdoor advertising structure does not own the property on which the outdoor advertising structure is located, the applicant must submit proof of the landowner's consent to the proposed modernized outdoor advertising structure.

4. Any person who obtains a CUP to modernize an existing outdoor advertising structure pursuant to this section shall be required to enter into a written agreement with the city providing for the amortization of the outdoor advertising structure and the provision of advertising space to the city. (Ord. 11-941)

ARTICLE M. RESIDENTIAL DISTRICTS

Part 1. Zone R-1

9-1M-0: PURPOSE:

In order to provide for the development of residential areas within the City, or varying population density, the following regulations shall be applicable to all properties zoned R-1, R-2 and R-3 as hereinafter indicated. (1960 Code)

9-1M-10: PERMITTED USES:

No person shall use, nor shall any property owner permit the use of any property or lot located in any R-1 Zone for any use, other than the following:

A. Principal uses:

Community care facility/small.

One (1) single-family dwelling unit; dwelling unit shall include site built and modular homes.

Supportive housing.

Transitional housing. (1960 Code; amd. Ord. 81-505; Ord. 13-972)

B. Accessory uses:

Accessory buildings or structures.

Accessory dwelling units subject to the requirements of section 9-1T-10 of this chapter.

Animals:

1. The maximum number of household pets over four (4) months of age shall not exceed the limitations set forth below; "household pet" shall mean any domesticated animal commonly maintained in residence with man, but not including any animal which is capable of and inclined to inflict harm or discomfort to or upon any persons; and

a. If there is only one (1) residential dwelling unit on said lot, then the limitation shall be three (3) such household pets, and if there are two (2) units on said lot, then the limitation shall be two (2) household pets per unit, and if there are three (3) or more such units on said lot, then the limitation shall be one (1) household pet per unit.

2. If there is more than one (1) residential dwelling unit on an R-1 lot, then the limitation of household pets shall not exceed two (2) per residential dwelling unit for two (2) such units, and one (1) per residential unit for three (3) or more such units.

3. Not more than two (2) rabbits or chickens (excluding roosters) or ducks over three (3) months of age; and

4. Aviaries for pigeons, song or decorative birds, provided the following conditions are met:

a. Not more than twelve (12) adult birds are so maintained; and

b. The purpose of the maintenance of such aviary is primarily for hobby purposes and not for commercial exploitation; and

c. The structures housing such aviaries shall not be located within ten feet (10') of any side or rear lot line upon the lot where located, unless separated from adjoining property by a solid wall or fence at least one inch (1") thick; nor shall the same be located in front of any residential structure; nor within thirty five feet (35') of any main building; nor shall the same be higher than any yard wall located within ten feet (10') thereof; and

d. Any person may apply to the City Council for a special permit for aviaries containing more than twelve (12) birds, provided that such applicant pays a fee for inspections in the amount set by the City Council by separate motion, and provided further that the applicant may show to the satisfaction of the City Council that such aviary will be maintained without damage or nuisance to neighboring properties; and

e. All existing nonconforming structures erected for the housing of birds shall comply with new regulations and standards on or before January 1, 1971.

5. Except as otherwise provided, compliance shall be had with the provisions of this use within a period of sixty (60) days from and after the effective date hereof; and

6. Nothing contained in this use shall prevent the keeping of animals or fowl by a tax supported eleemosynary or public educational institution, which are utilized as a part of such institution's curriculum; and

7. All the regulations herein shall be subject to the general nuisance ordinances of the City and it shall be unlawful for any person to maintain any animal which constitutes a public nuisance.

Daycare home, large family, subject to guidelines contained in section 9-1T-6 of this chapter.

Daycare home, small family.

Home occupation, subject to limitations contained in section 9-1A-9, "Definitions", of this chapter.

Off street parking spaces accessory to a principal R-1 use.

Open spaces.

Renting of not more than two (2) rooms to not more than four (4) roomers, or the providing of table board to not more than four (4) such persons or any combination thereof in any residence; provided that there shall be required an additional off street parking space for each such roomer.

Storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. (1960 Code; amd. Ord. 78-466; Ord. 90-679; Ord. 92-717; Ord. 94-762; Ord. 17-1022)

9-1M-11: LIMITATIONS OF USES:

The following regulations shall be limitations on, and be applicable to all uses in Zone R-1:

A. Vehicles:

1. Parking Of Vehicles: No person shall park any vehicle or any component thereof, for any purpose, in any front or side yard area or any R zoned lot, except in driveway areas.

2. Repair, Dismantling Or Storage Of Vehicles, Prohibited: No person shall assemble, repair, dismantle or store any vehicle, other than as herein provided, on any part of an R zoned lot, unless such work is done:

a. Within an enclosed building; or

b. In an open area which is completely enclosed by view obscuring walls, not less than six feet (6') in height, or by the exterior walls of a building or buildings.

3. Exception: Provided, that the prohibition imposed by subsection A2b of this section shall not be deemed to apply to the occasional and incidental assembly or repair of vehicles owned by the person in possession of the premises on which such takes place; provided that a disabled vehicle which is being repaired or assembled, shall not be stored except as provided in subsection A2b of this section for a period longer than seven (7) consecutive days within any thirty (30) day period.

4. Commercial Vehicle: No vehicle which is registered for commercial purposes pursuant to the applicable provisions of the Vehicle Code of the State of California and which exceeds three (3) tons in unladen weight shall be parked or left standing on any part of any R zoned property, in excess of thirty (30) consecutive minutes unless actual loading or unloading of said vehicle is in progress on said property.

B. Accessory Structures: Accessory structures must be limited to one (1) per lot, including accessory dwelling units, pool houses, workshops, shed, and the like, but not including required garages. On lots improved with a main dwelling that is greater than or equal to one thousand two hundred eighty (1,280) square feet, the maximum area for accessory structures on a lot - excluding required parking - must not exceed one thousand eight hundred (1,800) square feet or fifty percent (50%) of the living area of the main dwelling, whichever is smaller. On lots improved with a main dwelling that is less than one thousand two hundred eighty (1,280) square feet, the maximum area for all accessory structures on a lot - excluding required parking - must not exceed six hundred forty (640) square feet. (1960 Code; amd. Ord. 77-452; Ord. 87-603; Ord. 03-888; Ord. 17-1022)

9-1M-12: STANDARDS OF DEVELOPMENT:

All premises in the R-1 Zone shall comply with the following standards of development:

A. Required Lot Area: Each lot in the R-1 Zone shall have a minimum lot area of not

less than:

1. The number following the zoning symbol. If such number is less than one hundred (100), it shall mean acres, and if such number is more than one hundred (100), it shall mean square feet, or

2. Five thousand (5,000) square feet when no number follows the zoning symbol.

3. Provided that no lot shall be created after the effective date of these regulations having less than seven thousand two hundred (7,200) square feet of lot area, excluding areas used for easement driveways serving other properties and the "pole" portion of any flag lot created as a result of a subdivision of an R-1 zoned lot in existence on the effective date of this article; such subdivision shall be limited to the splitting of an existing lot into no more than two (2) lots.

B. Lot Width: Each lot or parcel of land in Zone R-1 shall have a minimum lot width of not less than fifty feet (50'), provided that no lot shall be created after the effective date of these regulations having a lot width of less than sixty feet (60').

Exception: R-1 zoned lots in existence on the effective date of this article (October 31, 2002) may be subdivided as described below:

1. Flag Lot Subdivision: With the approval of a conditional use permit, an existing lot may be subdivided in a flag lot configuration subject to the following limitations:

a. No existing lot shall be subdivided into more than two (2) lots.

b. Each subdivision shall be subject to the approval of a parcel map as well as a conditional use permit.

c. The original existing lot to be subdivided shall have a street frontage of at least eighty feet (80').

d. Each such subdivision shall be limited to the creation of no more than one (1) flag lot, with a minimum street frontage of twenty feet (20'); within the required twenty foot (20') wide minimum accessway to any newly created flag lot, no more than twelve feet (12') may consist of hardscape, the remaining four feet (4') on either side shall consist of landscaping. The abutting landscape strips shall be fully irrigated and shall be improved with shrubbery and tall, fast growing plants as opposed to ground cover and low lying plants. The driveway shall contain decorative brickwork, stamped concrete and/or landscaped pavers, subject to review and approval of the granting body. No parking or storage shall be permitted in the twenty foot (20') wide accessway.

e. A minimum of seven thousand two hundred (7,200) square feet of lot area shall be provided per newly created lot, exclusive of any "pole" portion of a flag lot, which provides access from the street.

f. No such "flag lot" subdivision shall be created on Halifax Road between Daines Drive and Live Oak Avenue, legally described as lots #1-12, block A, lots #1-8, block B and portion of lots #9-11, block B of tract no. 11695, Los Angeles County recorder map book 215-23-24 and a portion of lot 32 of E.J. Baldwin's Addition #1 to Santa Anita Colony, Los Angeles County recorder's miscellaneous records 52-60, as shown on exhibit A.

g. No "flag lot" created under the provisions of this section shall be improved with any structure which exceeds one story or twenty feet (20') in height.

2. Lot Split: With the approval of a conditional use permit, an existing lot may be split into no more than two (2) lots, subject to the following limitations:

a. Each subdivision shall be subject to the approval of a parcel map as well as a conditional use permit.

b. The original existing lot to be subdivided shall have a street frontage of at least one hundred feet (100') and each of the newly created lots shall have a street frontage of at least fifty feet (50').

c. A minimum of seven thousand two hundred (7,200) square feet of lot area shall be provided per newly created lot.

C. Yards:

1. Front Yards: Each lot in the R-1 zone shall maintain a front yard of not less than twenty feet (20') in depth.

a. Setbacks: Where fifty percent (50%) or more of the lots on any block face are uniformly developed with a front yard setback greater than twenty feet (20'), the front yard setback of a lot shall not be less than the average setback of the adjoining or nearest developed lots on both sides of the subject lot along the same block face; if the lot is a corner lot or abuts a reversed corner lot, the front yard setback shall not be

less than the setback of the adjoining lot on the applicable side. In no event shall such front yard setback requirement exceed thirty feet (30') in depth.

(1) In the 5500 and 5600 block of Hallowell Avenue, excluding the two (2) northerly most eighty foot (80') deep parcels addressed as 5640 and 5643, the front yard setback shall not be less than the average setback of the adjoining or nearest developed lots on both sides of the subject lot along the same block face or, if the lot is a corner lot or abuts a reverse corner lot, the front yard setback shall not be less than the setback of the adjoining lot on the applicable side. In no event shall such a front yard setback requirement exceed thirty five feet (35') in depth.

b. Front Yard Determination: In any of the following situations at the time of any new construction or development or at the request of any property owner seeking clarification the front yard and front yard setback shall be determined by the community development director. Any decision of the director may be appealed to the planning commission and any decision of the planning commission may be appealed to the city council in accordance with the procedures established by sections 9-1F-24 through 9-1F-29 of this chapter.

(1) Any lot which abuts two (2) separate streets, such as a corner lot or a double frontage lot.

(2) Any lot which is noncontiguous to any public street but has access thereto by private easement.

(3) Any lot which has less than thirty five feet (35') of frontage on a public street.

2. Side Yards: Each lot in the R-1 zone shall maintain the following side yards:

a. Interior Lots: Interior lots shall maintain a side yard adjacent to each side lot line not less than five feet (5') for the first story portion of a building or ten percent (10%) of the lot width, whichever is greater. The second story setback on both sides shall not equal less than fifteen feet (15') when combined, but shall never be less than five feet (5'). At no time and at no point shall the second story setback be less than the first floor setback on any lot.

b. Corner Lots: Each corner lot shall maintain the following side yard requirements:

(1) On the side lot line which abuts another lot the side yard shall be five feet (5') for the first story portion of a building or ten percent (10%) of the lot width, whichever is greater. The second story setback on both sides shall not equal less than twenty feet (20') when combined, but shall never be less than five feet (5'). At no time and at no point shall the second story setback be less than the first floor setback on any lot.

(2) On the street side, the required side yard shall be ten feet (10') in width, for the first story portion of the building. The second story setback on both sides shall not equal less than twenty feet (20') when combined, but shall never be less than ten feet (10'). At no time and at no point shall the second story setback be less than the first floor setback on any lot.

c. All Lots: No linear wall of a second story shall extend more than twenty four feet (24') without architectural articulation or an offset of at least two feet (2') for a distance of not less than eight feet (8').

3. Rear Yards: Each lot in zone R-1 shall maintain a rear yard of not less than fifteen feet (15') in depth.

D. Open Space: The requirements of this subsection shall apply only to R-1 lots upon which new residential structures are erected after the effective date of these regulations.

1. There shall be a minimum of five hundred (500) square feet of open space per dwelling unit.

2. All dwelling units, for which open space is required, shall have and maintain suitable access thereto.

3. Development details of open space.

a. A maximum of fifty percent (50%) of the required open space may be covered by a cabana or other roof, second story or structure overhang.

b. A minimum of twenty five percent (25%) of the required open space must be improved with landscaping or lawn or otherwise surfaced so as to be traversable on foot.

E. Height Limits: No lot or parcel of land in zone R-1 shall have a building or structure in excess of twenty six feet (26') in height; such height shall be measured from the natural grade to the highest point of construction. In the front thirty feet (30') of the lot, no portion of the building or structure shall encroach through a plane projected from an angle of forty degrees (40°) as measured at the ground level along the front

property line toward the rear property line. Covered porches and patio covers on the side or rear of structures, including those with a roof or semiopen roof, shall not be more than twelve feet (12') in height, measured from natural grade to the top of the structure.

1. Exception for tiered and flag lots: Notwithstanding the above, on interior, tiered or flag lots where access is provided via a private driveway or easement and/or where there is less than thirty five feet (35') of frontage on a public street, the maximum height of a dwelling shall be one story, not to exceed twenty feet (20') in height.

F. Width Limits: No single-family structure shall have a width of less than twenty five feet (25'). (Attached garages shall not be counted in this measure.)

G. Off Street Parking: Each lot or parcel of land in zone R-1 shall have on the same lot or parcel of land two (2) off street parking spaces per dwelling unit, each of which shall be located in a garage. Such parking facilities shall be conveniently accessible and located only at a place where the erection of structures is permitted. Each parking space in a garage shall be no less than ten feet (10') wide and twenty feet (20') in length. Exception: On lots with fifty one feet (51') of width or less, where the garage parking space(s) are situated parallel to the street and where the garage door is situated perpendicular to the street such that a ninety degree (90°) turn movement is necessary for vehicular access, the length of the required garage parking space may be measured from the exterior building wall. Tandem parking is not permitted.

H. Minimum Gross Floor Area For New Dwelling Units:

1. One bedroom units shall contain not less than eight hundred (800) square feet.

2. Two (2) bedroom units shall contain not less than one thousand (1,000) square feet.

3. Three (3) bedroom units shall contain not less than one thousand two hundred (1,200) square feet.

4. Each additional bedroom over three (3) shall require that one hundred fifty (150) additional square feet of floor area be added to the dwelling unit.

I. Maximum Floor Area Requirements:

1. Any two-story single-family dwelling or single-story dwelling with a height of more than eighteen feet (18') shall not exceed a floor area ratio (FAR) of 0.35 to a maximum allowable floor area of three thousand five hundred (3,500) square feet, plus up to four hundred (400) net square feet for an attached two (2) car garage or up to six hundred (600) net square feet for an attached three (3) car garage; provided, however, the maximum permitted floor area ratio may be increased by incentive bonuses as referenced in section 9-1M-15 of this article.

2. No two-story dwelling or single-story dwelling with a height of more than eighteen feet (18') shall exceed a maximum permitted size of three thousand five hundred (3,500) square feet of living area, excluding up to four hundred (400) net square feet for an attached two (2) car garage or up to six hundred (600) net square feet for an attached three (3) car garage; provided, however, the maximum permitted dwelling size may be increased by incentive bonuses as referenced in section 9-1M-15 of this article.

3. The second story of any two-story single-family dwelling shall not exceed seventy five percent (75%) of the total floor area of the first floor, including attached garages.

J. Dish Antennas:

1. Definition: For the purpose of this section, the term "dish antenna" means any system of receiving or transmission disks with a diameter greater than two feet (2').

2. Development Standards: Every "dish antenna" shall be located, constructed, treated and maintained in accordance with the standards outlined herein.

a. Location: Ground mounted dish antennas shall be considered accessory buildings and shall conform to the setback requirements for such buildings for the respective zone in which said dish is located. No ground mounted dish antennas shall be located in the area between the building and the front property line on the street side of a corner lot.

Roof or building mounted dish antennas shall be located or screened so as not to be visible from public rights of way.

b. Height: Dish antennas shall not exceed a height limit of thirty five feet (35').

c. Screening And Appearance: The materials used in constructing dish antennas shall not be unnecessarily bright, shining or reflective. All ground mounted dish antennas shall be screened by walls, fences or landscaping at least five feet (5') in height, obscuring visibility of the dish antenna from grade and from the adjoining public rights of way. Wires shall be undergrounded from the antenna to the receiving structure for all ground mounted dish antennas. (1960 Code; amd. Ord. 78-464; Ord. 85-562; Ord. 87-621; Ord. 88-629; Ord. 88-641; Ord. 89-645; Ord. 93-741; Ord. 94-761; Ord. 94-767; Ord. 98-820; Ord. 98-823; Ord. 02-874; Ord. 05-896; Ord. 16-1014)

K. Special Development Criteria:

1. New dwellings constructed within five hundred feet (500') of an arterial street or a railway shall be provided with a mechanical ventilation system designed to attain enhanced air filtration with the use of air filters that have a filtration efficiency equivalent to a minimum efficiency reporting value (MERV) of 14 or higher as determined by testing methods established by the American Society Of Heating, Refrigerating And Air-Conditioning Engineers (ASHRAE) standard 52.2, as periodically amended. All such ventilation system equipment and air filters shall be installed, operated, maintained and replaced in a manner consistent with applicable building code requirements and with the manufacturer's specifications and recommendations. Alternative air pollution mitigation measures (e.g., setbacks, landscaped buffers, etc.) may be utilized where feasible if they can be shown to have a mitigating effect that is equal to or greater than the enhanced air filtration measures specified herein. (Ord. 13-972)

L. Laundry Facilities And Water Heaters: All washing machines and dryers shall be located within the main structure or accessory structure (in cases where a conditional use permit is approved). New structures shall locate the water heater within the structure; this regulation shall not apply to tankless water heaters. (Ord. 16-1014)

9-1M-13: PLACEMENT OF BUILDINGS:

Placement of buildings on each R-1 lot shall conform to the following:

A. No building shall occupy any portion of a required yard, or open space, except as otherwise provided in this chapter.

B. The distance between buildings used for human habitation and other buildings used for human habitation, and accessory buildings shall not be less than ten feet (10'), provided that the distance between buildings used for human habitation and accessory building may be reduced to five feet (5') when all facing walls are of one hour fire resistive construction throughout. When buildings are less than ten feet (10') apart, as herein provided, a minimum five foot (5') wide yard area, open and unobstructed from the ground to the sky, shall be provided and maintained between such buildings.

C. No portion of any main building shall be located in any required yard area. For the purpose of this section buildings shall be considered to be connected, when the roof is extended from one building to the other for not less than fifty percent (50%) of the length of the opposing wall of the smaller of such buildings, and in such cases the required yard areas for the main building shall then apply to the entire structure.

D. On a reversed corner lot an accessory building may be built to the interior side lot line when located to the rear of the required side yard, provided that no portion of such building shall be erected closer than five feet (5') to the property line of any abutting lot to the rear of such reversed corner lot.

E. On the rear third of an interior lot accessory buildings and structures not containing accessory living quarters may be built to the lot side lines and the lot rear line, provided if the rear of the lot abuts upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet (15') from the centerline of the alley; if either an alley or a utility easement exists along the rear of the lot, not less than ten feet (10') of the lot rear line shall be maintained free and clear of buildings or structures, except for a fence with a gate to provide access to the alley or utility easement as the case may be. If a utility pole is located on the easement, then the required opening in the fence or wall shall be so located as to

provide immediate access to the pole.

Exceptions to these regulations shall include the front lot or lots of lot splits developed as tiered or flag lots, interior lots of unequal depths, and lots perpendicular to reverse corner lots, in which cases the rear and side yard area required for placement of accessory structures shall be not less than five feet (5'). (1960 Code)

9-1M-14: PERMISSIBLE LOT COVERAGE:

Not more than fifty percent (50%) of any R-1 zoned lot shall be covered with buildings and structures. Furthermore, at least twenty five percent (25%) of the lot area shall be permeable on lots under seven thousand two hundred (7,200) square feet, at least thirty five percent (35%) of the lot area shall be permeable on lots between seven thousand two hundred (7,200) and nine thousand nine hundred ninety nine (9,999) square feet, and at least forty percent (40%) of the lot area shall be permeable on lots ten thousand (10,000) square feet and above; these areas may be maintained with landscaping, appropriate ground cover, permeable pavers with a sand base, turf block, grasscrete or other acceptable pervious materials, but may not be covered with structures, concrete or asphalt. (Ord. 07-916)

9-1M-15: SINGLE-FAMILY RESIDENCE CONSTRUCTION

REQUIREMENTS:

A. Single-family residences in zone R-1 shall be subject to the following standards:

1. Eave Projection: Every single-family dwelling shall have an eave projection of at least one and one-half feet ($1\frac{1}{2}$') on at least two (2) opposite sides, and

2. Roof Requirements: Every single-family dwelling shall have a full roof which meets Temple City building code requirements. The following types of roof material shall not be allowed:

a. Glossy or polished surfacing.

b. Roll formed, stamped, extruded or otherwise shaped metal roofing.

c. Plastic, PVC or other types of formed or molded material roofing (does not include clay or cement tile or fiberglass or composition shingles).

3. Exterior Walls: Every single-family dwelling shall have exterior walls of brick, wood, stucco, metal concrete or other similar material. Polished or unfinished metal siding is prohibited.

4. Landscaping: All open areas visible from a street shall be appropriately landscaped. Such landscaping may include grass, flowers, shrubs, trees and ground cover. All landscaped areas and materials shall be regularly and properly maintained.

5. Site Plan Review: Site plan review shall be required for every new single-family residence or any second story addition to an existing residence or any substantial remodel or alteration to an existing dwelling in the R-1 zone district. In addition to the development standards contained herein, the site plan review shall be subject to the following provisions:

a. Entryways Or Covered Porches: Covered front entryways or covered porches shall not be included within the building envelope for purposes of calculating the maximum permitted square footage. However, the maximum permitted height of any such entryway or porch shall be fourteen feet (14'), measured from natural grade to the top of the entryway's or porch's ridge or parapet wall. Further, the distance between the ceiling of the porch roof or entryway cover and the floor below shall not exceed twelve feet (12').

b. First Floor Framing: The "top plate" of the first floor framing detail shall not be more than twelve feet (12').

c. Balconies: Balconies shall be allowed along the front elevation of a dwelling facing a public street. Balconies, like covered entryways and porches, shall not be counted toward "floor area" for purposes of determining FAR.

d. Second Floor Front Setback: At least fifty percent (50%) of the second floor front elevation of any dwelling shall be recessed or set back no less than ten feet (10') from the front wall of the first story.

e. Chainlink Fencing: Chainlink fencing shall not be allowed in the front yard setback or any yard area between a dwelling and a public right of way.

f. Portable Shade Structures: Portable shade structures shall be prohibited in the

front yard and in the street side yard.

6. Incentives: By meeting or exceeding development incentives as described in table A of this section, it may be possible to obtain architectural/design bonus credits to exceed the maximum permitted floor area ratio. Incentive bonuses shall be considered and awarded as a part of the site plan review process as described in sections 9-1E-0 to 9-1E-7 of this chapter.

7. Design Guidelines: The following design guidelines shall apply to new and remodeled construction of single-family dwellings. These guidelines are intended to be advisory rather than mandatory, and are to be applied by the community development department to the extent possible and reasonable. It is the intent that all new construction and reconstruction shall comply with as many such guidelines as may be amiably negotiated by the city staff with a property owner, builder or developer. If a person complies with the goals and intent of such guidelines, even though a minor portion of them cannot or will not be accommodated by the property owner, builder or developer, then the guidelines shall be deemed satisfied and the requisite permits shall be issued. If, on the other hand, a property owner, builder or developer cannot or will not comply with a substantial portion of the goals established by said guidelines, then permits may be denied by the community development department. Any such denial may be appealed to the planning commission via the procedures set forth in the site plan review process. Any action of the planning commission may also be appealed to the city council via the procedure set forth in the site plan review process.

In evaluating an appeal, in accordance with the procedures set forth in section 9-1E-4 of this chapter, the planning commission or the city council shall make a determination based upon the following considerations: a) does the proposed project substantially meet the overall intent, purpose and goals of the design guidelines, b) would the proposed project adversely impact property values within the neighborhood, c) could the proposed project adversely impact the peace, quiet and enjoyment of the area and d) would the proposed project be so incompatible with the surrounding area that noncompliance would result in anticipated adverse impacts, including possible adverse aesthetic impacts.

8. Guideline Checklist:

Overall intent: The following design guidelines apply to all new and remodeled construction of single-family detached structures on individual lots. Building placement and orientation should be carefully designed to enhance its visual impact on the streetscape, minimize the visibility of garage doors, retain natural site features and complement the existing character of the neighborhood. Site grading should address existing drainage patterns and landforms while providing subtle transitions of architectural elements to grade. Landscaping should be used to provide a buffer to incompatible land uses and to provide screening when necessary. The scale and massing of additions and new homes should be compatible with the general scale and shapes of neighboring homes. Building designers should incorporate three hundred sixty degree (360°) architecture in all buildings and remodels within Temple City. Three hundred sixty degree (360°) architecture is the full articulation of all building facades, including variation in massing, roof forms and wall planes, as well as surface articulation. Building massing should include variation in wall planes (projections and recesses) and wall height (vertical relief) as well as roof forms and heights (silhouettes) to reduce the perceived scale of the building. High quality materials should be used to create a look of permanence within the project and materials and colors should be varied to create visual interest in building facades and reduce monotony.

Site planning:

* Development should incorporate existing natural features into the overall site design, including significant trees and vegetation and drainage areas.
* Slopes should be rounded and contoured to blend with the existing terrain and to minimize grade differentials with adjacent streets and properties.
* Grading should coordinate with the drainage methods of adjacent properties.
* Grading should minimize differentiation in pad heights between the subject property and adjacent properties.

Landscaping:

* A combination of trees, shrubs and ground cover should be incorporated into landscaping plans. Minimum sizes are as follows:

* Trees: Twenty four inch (24") box.
* Shrubs: Five (5) gallon.

* Larger/older trees should be strategically planted to assist new development in

looking "established" as quickly as possible.
* Trees and shrubs should be located and spaced to allow for mature and long term growth.
* Trees and shrubs should be selected to minimize root problems.
* Preserve existing mature, older trees where feasible.

Building design:

* Massing design may include:

* Variation in the wall plane (projection and recess).
* Variation in wall height.
* Roofs located at different levels.

* Architectural elements that add visual interest, scale and character to the neighborhood, such as bay windows, recessed or projecting balconies (on front facades), verandas, porches, etc., are encouraged.
* Surface detailing should not serve as a substitute for well integrated and distinctive massing.
* Building elements and details should be consistent with the chosen architectural style.
* Materials and installation which are authentic to the intended architectural style are encouraged.
* It is expected that the highest level of articulation will occur on the front facade and facades visible from public streets; however, similar and complementary massing, materials and details should be incorporated into every other building elevation.
* The use of materials and color shall convey a sense of quality architecture and permanence.
* Contrasting but compatible colors should be used for trim, windows, doors and key architectural elements.
* Buildings should be designed with the integration of varied texture, relief and design accents on all walls to soften the architecture.
* Material changes should occur at intersecting planes to appear substantial and integral to the facade. Material or color changes at the outside corners of structures give an impression of thinness and artificiality and should be avoided. (At a minimum, materials should wrap to the fence line of side facades.)
* Where horizontal and vertical siding is used as the major surface treatment on the front facade, it should be used on all sides of the building.
* If the space between two (2) houses or structures is greater than twenty feet (20'), then the sides of the structures should be fully articulated. Fully articulated includes variation in massing, wall planes and roof forms, as well as surface articulation such as window and door treatments and materials.
* Large expanses of blank wall surfaces should be avoided.
* The second story of a house should be designed in such a way to reduce the appearance of the overall scale of the building. The desired appearance can be accomplished in a number of ways, including:

* Set back the second story from the front and sides of the first story.
* Provide significantly larger front and/or side setbacks for the entire structure.
* Place at least sixty (60) to seventy percent (70%) of the second story floor area over the back half of the first story.

* The main entrance to a home should be clearly identifiable and should be articulated with a roof or porch form.
* Building entry elements should be limited to a single-story.
* Internal access to individual rooms should be taken from public or common areas. There should be no more than three (3) entry/exit doors serving any dwelling unit, unless required by the building code.
* Chimneys should be exposed as architectural features, rather than hidden within a wall surface.
* Chimney caps should be decorative and conceal spark arrestors.
* Garage doors should be articulated with panels and/or windows to define these large planes.
* Consider locating roof forms, trellises and balconies directly above the garage door to help minimize the visual impact of garage doors on the street scene.
* Garage doors should be recessed a minimum of six inches (6") from the face of the garage.
* When garage doors face the street, the doors should be set back a minimum of four feet (4') from the face of the main house to help reduce the visual dominance of the garage doors.
* Minimize the concrete area of driveways to the extent possible.
* The use of pervious surfaces, such as pervious concrete or grass crete, is encouraged on driveways.
* Decorative paving and/or brickwork, as well as abutting shrubs or vines, are encouraged on all driveways to soften the visual impact.

Windows:

* Window type, material, shape and proportion should complement the architectural style of the building.
* The addition of window articulation, such as sills, trim, kickers, shutters or awnings, is encouraged.
* Primary upper and lower windows should stack vertically whenever possible for organization of facade.
* Where appropriate to the architectural style, windows shall be generously inset from building walls to create shade and shadow detail. The minimum inset should be three inches (3").
* To enhance privacy, windows on side elevations should be staggered whenever possible so as not to be positioned directly opposite of the windows in the adjacent structure.
* Windows should have truly divided lights (separate panes of glass) appropriate to the architectural style of the building.
* Maximize day lighting and views through window placement and design.
* Any faux shutters should be proportionate to the adjacent windows so as to create the appearance of a real and functional shutter.
* EPA "Energy Star" labeled windows with low-e coatings and vinyl or metal frames are encouraged in housing design.

Roof materials and forms:

* Roof materials and colors are important aspects of the overall home design and should be consistent with the desired architecture.
* Roofs covering the entire home, such as hips and gables, are preferred over mansard roofs and segmented pitched roofs applied at the building edge.
* Multiform roofs, gabled and shed roof combinations are encouraged to create varying roof forms and break up the massing of the building.
* Flat roofs and A-frame type roofs are discouraged.
* Rooflines should be varied in height.
* When mission and Spanish style roof tiles are used, terra cotta, two (2) piece barrel tiles with a blend of colors are preferred to ("S") type tiles.
* Roof overhangs should be sized appropriately to the desired architectural style.
* Roof eaves should extend a minimum of twenty four inches (24") from the primary wall surface to enhance shadow lines and articulation of surfaces.

Walls and fences:

* Walls and fences should be designed in a style, material and color that complement the architecture of the dwelling units to which they are attached.
* For walls and fences, materials such as wood, wrought iron, brick and stone are encouraged.
* Concrete masonry unit (CMU) walls should be constructed with slump block, split face, or other decorative block style.
* Both sides of all perimeter walls or fences should be architecturally treated.
* Fences and walls should be minimized along public streets.
* Fences and walls should not exceed the following:

* Maximum height in rear and side yards: Six feet (6').
* Maximum height in front setback: Three feet (3') for view obscuring and three feet six inches (3'6") for nonview obscuring.
* Height of five feet (5') required around swimming pools.

Utilitarian aspects:

* The design of ancillary structures (guesthouses, cabanas, storage sheds, etc.) should be architecturally compatible with the main structure through the use of materials, building and roof forms, etc.
* All vents, gutters, downspouts, flashing and electrical panels should be painted to match the surface to which the elements are attached, unless concealed or used as a major design element, in which case the color is to be consistent with the overall color scheme of the building.
* Electrical meters, cable boxes, junction boxes and irrigation controllers should be designed as an integral part of the building on a rear or side elevation or otherwise screened from public view.
* Building forms, fences, trellises and landscaping should be used to screen aboveground utility transformers, pull boxes and termination cabinets where allowed by utility providers.

TABLE A
INCENTIVES

Elements	Definition	Minimum/Maximum Size Requirements	Bonus Incentive[1]
Front porch	A front, single-story, roofed, recessed portion of a building that shelters an entrance or serves as a semienclosed space; generally open on at least 2 sides and located behind the front setback. The porch shall be enclosed with railings and open spindles which are visible from the street, such as with a "farmhouse porch".	6 feet minimum depth 15 feet minimum length 14 feet maximum height	0.03 FAR
Human scale elements	"Human scale" is defined as an architectural feature and fenestration that conforms to the reach and extent of human proportions. Therefore, windows, doors and columns are limited to standard single-story dimension in height.	No element higher than 14 feet from grade of first floor. A maximum portion of "open to solid" surfaces shall be 45 percent on both floors of the front elevation.	0.01 FAR
Landscape (mature trees)	"Landscape" shall mean a "landscape plan" that has been prepared by a licensed landscape architect and that includes the installation of 3 "mature" tree specimens growing in no less than 36 inch boxes when planted.	Adherence to full landscape definition to receive FAR reward.	0.03 FAR
All garage parking situated behind the house and not readily visible from a street	An attached or detached garage shall mean any accessory building that is used as automobile shelter or storage, with a closable access door or doors, on the same lot as the main building and located behind the main building, situated as to not be visible from the street.	400 square foot FAR exemption for attached 2 car garage and 600 square foot FAR exemption for attached 3 car garage; all garage parking is to be located behind the home and not readily visible from a street to receive FAR reward.	0.03 FAR

Note:
1.In no case shall the cumulative bonus exceed 500 square feet.

Runoff reduction:

* Use permeable materials in lieu of or to replace hardscape to increase the amount of runoff seepage into the ground.
* Maximize permeable areas to allow more percolation of runoff into the ground through such means as:

* Biofilters;
* Green strips;
* Swales.

* Maximize the amount of runoff directed to permeable areas and/or maximize stormwater storage for reuse or infiltration by such means as:

* Orienting roof runoff toward permeable surfaces, dry wells, French drains, or other structural BMPs rather than directly to driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site.
* Grading the site to divert flow to permeable areas. Using cisterns, retention structures or green rooftops to store precipitation or runoff for reuse.
* Removing or designing curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

* Any construction project adding downspouts, gutters and subsurface pipes directing stormwater to the curb face shall have a French drain system of perforated pipe and

gravel unless site specific circumstances endanger public safety:

* Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off site flows;
* Divert and catch runoff through the use of drainage swales, berms, green strip filters, gravel beds and French drains; and
* Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground.

* Minimize the amount of runoff directed to impermeable areas and/or maximize stormwater storage for reuse:

* Install rain gutters and orient them toward permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site;
* Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property;
* Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
* Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse; and

* Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas. (Ord. 81-505; amd. Ord. 98-823; Ord. 00-854; Ord. 05-896; Ord. 07-916; Ord. 16-1014)

Part 2. Zone R-2

9-1M-20: PERMITTED USES:

No person shall use, nor shall any property owner permit the use of any property located in any R-2 zone for any use, other than the following:

A. Principal uses:

Community care facility/small.

Modular homes shall not be permitted in the R-2 zone district.

Multiple-family dwelling units shall be permitted as long as a minimum of three thousand six hundred (3,600) square feet of lot area is available per dwelling unit.

Single-family detached dwelling units or two-family (duplex type) structures at a ratio not to exceed one dwelling unit for each three thousand six hundred (3,600) square feet of lot area provided that any multiple-family residential project with more than four (4) dwelling units shall consist solely of detached, as opposed to attached, dwelling units, except for R-2 zoned parcels with street frontage on Rosemead Boulevard.

Single-family dwellings shall be permitted, provided:

1. That for such use the regulations contained in part 1, "Zone R-1", of this article shall apply to the exclusion of the regulations hereinafter set forth; and

2. That when an R-2 zoned lot is improved with an R-1 use, after September 15, 1989, no other uses shall be permitted thereon. Prior to issuance of a building permit for a single-family (R-1) use to be built to applicable R-1 development standards, a deed restriction, covenant or comparable legal instrument, approved as to form by the City Attorney, shall be recorded with the County Recorder's Office indicating all pertinent restrictions and limitations so as to assure the continued use of the property for R-1 purposes.

3. Accessory dwelling units are permitted as set forth in section 9-1T-10 of this chapter.

Supportive housing.

Transitional housing. (1960 Code; amd. Ord. 89-654; Ord. 92-722; Ord. 98-818; Ord.

03-888; Ord. 13-972; Ord. 17-1022)

B. Accessory uses:

Accessory buildings or structures.

Animals:

1. The maximum number of household pets over four (4) months of age shall not exceed the limitations set forth below; "household pet" shall mean any domesticated animal commonly maintained in residence with man, but not including any animal which is capable of and inclined to, inflict harm or discomfort to or upon any persons; and

a. If there is only one residential dwelling unit on said lot, then the limitation shall be three (3) such household pets, and if there are two (2) such units on said lot, then the limitation shall be two (2) household pets per unit, and if there are three (3) or more such units on said lot, then the limitation shall be one household pet per unit.

2. Not more than two (2) rabbits or chickens (excluding roosters) or ducks over three (3) months of age; and

3. Except as otherwise provided, compliance shall be had with the provisions of this use within a period of sixty (60) days from and after the effective date hereof; and

4. Nothing contained in this use shall prevent the keeping of animals or fowl by a tax supported eleemosynary or public educational institution, which are utilized as a part of such institution's curriculum; and

Daycare home, large family, subject to guidelines as contained in section 9-1T-6 of this chapter.

Daycare home, small family.

Home occupation, subject to limitations contained in section 9-1A-9, "Definitions", of this chapter.

Off street parking spaces, accessory for principal R-2 uses.

Open spaces.

Renting of not more than two (2) rooms to not more than four (4) roomers, or the providing of table board to not more than four (4) such persons or any combination thereof in any residence; provided that there shall be required an additional off street parking space for each such roomer.

Storage of building materials during the construction of any building or part thereof, and for a period of thirty (30) days after construction is completed. (1960 Code; amd. Ord. 90-679; Ord. 92-717; Ord. 94-762)

9-1M-21: LIMITATIONS OF USES:

The following regulations shall be limitations on, and be applicable to all uses in zone R-2:

A. Vehicles:

1. Parking Of Vehicles: No person shall park any vehicle or any component thereof, for any purpose, in any front or side yard area on any R zoned lot, except in driveway areas.

2. Repair, Dismantling Or Storage Of Vehicles, Prohibited: No person shall assemble, repair, dismantle or store any vehicle, other than as here provided, on any part of an R zoned lot, unless such work is done:

a. Within an enclosed building; or

b. In an open area which is completely enclosed by view obscuring walls, not less than six feet (6') in height, or by the exterior walls of a building or buildings.

3. Exception: Provided, that the prohibition imposed by subsection A2b of this section shall not be deemed to apply to the occasional and incidental assembly or repair of vehicles owned by the persons in possession of the premises on which such takes place; provided that a disabled vehicle which is being repaired or assembled, shall not be stored except as provided in subsection A2b of this section for a period longer than seven (7) consecutive days within any thirty (30) day period.

4. Commercial Vehicle: No vehicle which is registered for commercial purposes pursuant to the applicable provisions of the Vehicle Code of the state of California and which exceeds three (3) tons in unladen weight shall be parked or left standing on any part of any R zoned property, in excess of thirty (30) consecutive minutes unless actual loading or unloading of said vehicle is in progress on said property. (1960 Code; amd. Ord. 77-452)

9-1M-22: STANDARDS OF DEVELOPMENT:

All premises in the R-2 zone shall comply with the following standards of development:

A. Required Lot Area: Each lot in the R-2 zone shall have a minimum lot area of not less than:

1. The number following the zoning symbol. If such number is less than one hundred (100), it shall mean acres, and if such number is more than one hundred (100), it shall mean square feet; or

2. Five thousand (5,000) square feet when no number follows the zoning symbol;

3. Provided that no lot shall be created after the effective date of these regulations having less than seven thousand two hundred (7,200) square feet of lot area.

B. Lot Width: Each lot or parcel of land in zone R-2 shall have a minimum lot width of not less than fifty feet (50'), providing that no lot shall be created on or after August 18, 1967, having a lot width less than sixty feet (60'), except as follows:

1. Where more than two (2) single-family dwellings or more than one two-family dwelling are proposed for any recorded R-2 zoned lot, there shall be a minimum required lot width of fifty feet (50'), or, if such lot is located on a cul-de-sac street, there shall be a minimum required lot width of thirty five feet (35').

C. Yards:

1. Front Yards: Each lot in the R-2 zone shall maintain a front yard of not less than twenty feet (20') in depth.

a. Front Yard Determination: In any of the following situations at the time of any new construction or development or at the request of any property owner seeking clarification the front yard and front yard setback shall be determined by the community development director. Any decision of the director may be appealed to the planning commission and any decision of the planning commission may be appealed to the city council in accordance with the procedures established by sections 9-1F-24 through 9-1F-29 of this chapter:

(1) Any lot which abuts two (2) separate streets, such as a corner lot or a double frontage lot.

(2) Any lot which is noncontiguous to any public street but has access thereto by private easement.

(3) Any lot which has less than thirty five feet (35') of frontage on a public street.

2. Side Yards: Each lot in the R-2 zone shall maintain the following side yards:

a. Interior Lots: Interior lots shall maintain side yards as follows:

Single-story structures	5 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than the first floor setback.

b. Corner Lots: Each corner lot shall maintain the following side yard requirements:

(1) On the side lot line which abuts another lot the side yard shall be as follows:

Single-story structures	5 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than the first floor setback.

(2) On the street side, the required side yard shall be as follows:

Single-story structures	10 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than the first floor setback.

3. Rear Yard: Each lot in zone R-2 shall maintain a rear yard of not less than fifteen feet (15') in depth.

D. Open Space: Each lot in the R-2 zone shall be maintained with usable, landscaped open space and developed open space areas, provided that the requirements of this subsection which apply only to R-2 lots upon which new residential structure(s) are erected after the effective date of these regulations.

1. Required usable, landscaped open space: There shall be a minimum of five hundred (500) square feet of landscaped open space per dwelling unit.

2. All dwelling units for which open space is required shall have and maintain suitable access thereto.

3. Development details for open space:

a. A maximum of fifty percent (50%) of the required landscaped open space may be covered by a cabana or patio cover.

b. A maximum of fifty percent (50%) of the required landscaped open space may be provided in the form of common recreational areas.

c. All open areas except driveways, parking areas, walkways, swimming pools, utility areas, improved decks, patios, porches or play areas, between the front lot line and the rear line of the main building, or buildings if there is more than one, shall be maintained with appropriate landscaping.

d. Whenever a driveway is located within a required side yard, and when dwelling units face said yard, a landscaped area at least five feet (5') wide shall be maintained

between such a driveway and any dwelling on the same lot. Walkways may encroach not more than thirty inches (30") into this landscaped area.

E. Height Limits: No lot or parcel of land in zone R-2 shall have a building or structure in excess of two (2) stories or thirty feet (30') in height. Subterranean or semisubterranean parking shall be considered a story and shall be prohibited. (For purposes of this section, subterranean or semisubterranean parking shall mean any construction project which proposes excavation, grading and/or mounding of earth so as to change the existing grade of the lot by more than 18 inches for the specific purpose of accommodating parking beneath living area.)

1. In the front thirty feet (30') of a lot, no portion of the building or structure shall encroach through a plane projected from an angle of forty degrees (40°) as measured at the ground level along the front property line toward the rear property line.

F. Off Street Parking: Each lot or parcel of land in zone R-2 shall have on the same lot or parcel of land two (2) off street parking spaces per dwelling unit, each of which shall be located in a garage. Such parking facilities shall be conveniently accessible and located only at a place where the erection of structures is permitted.

G. Floor Area Ratio Requirement: No multiple-family residential project consisting of more than one dwelling unit shall exceed a total floor area ratio (FAR) of 0.50, including enclosed garage.

1. The second story floor area of any dwelling unit shall not exceed seventy five percent (75%) of the first story floor area, including the garage area of an attached garage.

H. Site Plan Review: Construction of any new dwelling or any substantial remodel or alteration of an existing dwelling in the R-2 zone shall require a site plan review.

I. Special Development Criteria:

1. For an attached multi-unit structure, no linear wall along the side of a second story building shall extend longer than twenty feet (20') without an offset of four feet (4') or, alternatively, twenty four feet (24') without an offset of five feet (5') for a distance of not less than eight feet (8').

2. For a detached single unit, no linear wall along the side of a second story building shall extend longer than twenty four feet (24') without an offset of two feet (2') for a distance of not less than eight feet (8').

3. Balconies may be placed along a front elevation or along a central driveway, where dwelling units on the same parcel are situated on both sides of a so called double loaded driveway. Balconies shall be prohibited on the side and rear elevations where a unit faces a structure on an adjacent property.

4. Any guest parking space which is abutted by a single wall shall be twelve feet (12') in width; any guest parking space which is abutted on both sides by a wall shall be fourteen feet (14') in width.

5. Guest parking spaces shall be improved with grasscrete, turf block or similar material to allow better permeability and less runoff.

6. At least forty percent (40%) of the lot area shall be permeable. Furthermore, at least twenty five percent (25%) of the lot area shall be landscaped. The required landscaped area shall not include permeable pavers, turf block, or grasscrete, but shall include lawn area, shrubs, or flowerbeds.

7. At the terminus of an access driveway that serves two (2) or more dwelling units, there shall be extensive tall growing shrubbery, such as American arborvitae (Thuja occidentalis). Alternatively, an architectural enhancement, such as a decorative trellis combined with appropriate vines or comparable landscaping could be provided to enhance the view of multiple-family development projects from the street.

8. Chainlink fencing shall not be allowed in the front yard setback or any yard area between a dwelling and a public right of way.

9. Portable shade structures shall be prohibited in the front yard and in the street side yard.

10. "Open space", as defined in section 9-1A-9 of this chapter, shall be required as follows: Five hundred (500) square feet for each dwelling unit.

11. Compliance with the requirements of the fire department regarding matters such as fire flow, hydrant location and driveway width.

12. The following parking requirements shall be made:

a. For each unit: Two and one-half ($2^1/_2$) spaces of which two (2) shall be enclosed, one-half ($^1/_2$) open.

b. Tandem parking shall be prohibited. Exception: Guest parking shall be permitted in tandem for individual dwelling units in instances where the proposed dwelling unit is a detached dwelling unit with a private two (2) car garage, equipped with roll up type garage door(s) and automatic garage door opener and where vehicular access is provided directly from a public street.

c. Underground parking may be required to have special safety provisions as required by the fire department and building and safety department.

d. No use shall be made of any parking area or access thereto, other than for the parking of vehicles; such spaces shall be used for no other purpose at any time.

13. All utilities shall be placed underground.

14. The following minimum gross floor area shall be required:

Bachelor units	600 square feet
1 bedroom units	750 square feet
2 bedroom units	900 square feet
3 bedroom units	1,100 square feet

Each additional bedroom over three (3) shall require that one hundred fifty (150) additional square feet of floor area be added to the dwelling unit.

15. Adequate trash and garbage collection and pick up areas shall be provided for use within one hundred fifty feet (150') of each unit in a location or locations accessible to a public street or alley, and enclosed on three (3) sides by a five foot (5') high masonry, brick or concrete wall. Such areas may be for individual dwelling units independent of others, or for groups of dwelling units or for all such dwelling units. Areas for group use shall be set back or otherwise protected from adjacent properties and streets.

16. Plumbing (gas and water) shutoff valves. Separate fullway shutoff valves shall be provided to each dwelling unit.

17. Common wall and floor-ceiling assemblies shall be required to conform to the sound insulation performance criteria.

18. All permanent mechanical equipment, which is determined to be a source of potential vibration or noise, shall be shock mounted as determined by the building officials.

19. Landscaping and exterior lighting plans must be submitted to the planning director for review and approval with the site plan.

20. A single area having a minimum of one hundred sixty (160) cubic feet of private and secure storage space shall be provided for each unit exclusive of closets and cupboards, within the dwelling unit. Said storage may be located within the garage,

provided it does not interfere with automobile parking.

21. A dwelling unit(s) nearest the front property line shall have a "front elevation" as viewed from the street as opposed to a "side elevation" and shall have the front door situated along the building wall nearest the street.

22. New dwellings constructed within five hundred feet (500') of an arterial street or a railway shall be provided with a mechanical ventilation system designed to attain enhanced air filtration with the use of air filters that have a filtration efficiency equivalent to a minimum efficiency reporting value (MERV) of 14 or higher as determined by testing methods established by the American Society Of Heating, Refrigerating And Air-Conditioning Engineers (ASHRAE) standard 52.2, as periodically amended. All such ventilation system equipment and air filters shall be installed, operated, maintained and replaced in a manner consistent with applicable building code requirements and with the manufacturer's specifications and recommendations. Alternative air pollution mitigation measures (e.g., setbacks, landscaped buffers, etc.) may be utilized where feasible if they can be shown to have a mitigating effect that is equal to or greater than the enhanced air filtration measures specified herein.

J. Dish Antennas: The standards of development for dish antennas shall be subject to the limitations as set forth in subsection 9-1M-12J of this article.

K. Conditional Use Permit Required: Repealed.

L. Automatic Fire Sprinkler System: An automatic fire sprinkler system shall be installed throughout all new attached residential dwellings, including attached garages, in the R-2 zone. Said sprinkler system shall comply with the requirements of NFPA 13 or NFPA 13D as determined by the fire department. (1960 Code; amd. Ord. 80-496; Ord. 85-562; Ord. 85-569; Ord. 87-621; Ord. 88-630; Ord. 90-663; Ord. 90-668; Ord. 90-680; Ord. 90-681; Ord. 91-704; Ord. 05-896; Ord. 07-916; Ord. 13-972)

9-1M-23: PLACEMENT OF BUILDINGS:

Placement of buildings on each R-2 lot shall conform to the following:

A. No building shall occupy any portion of a required yard, or open space, except as otherwise provided in this chapter.

B. The distance between buildings used for human habitation, and accessory buildings shall not be less than ten feet (10'), provided that the distance between buildings used for human habitation and accessory buildings may be reduced to five feet (5') when all facing walls are of one hour fire resistive construction throughout. When buildings are less than ten feet (10') apart, as herein provided, a minimum five foot (5') wide yard area, open and unobstructed from the ground to the sky, shall be provided and maintained between such buildings.

C. No portion of any main building shall be located in any required yard area. For the purpose of this section, buildings shall be considered to be connected, when the roof is extended from one building to the other for not less than fifty percent (50%) of the length of the opposing wall of the smaller of such buildings, and in such cases the required yard areas for the main building shall then apply to the entire structure.

D. On a reversed corner lot an accessory building may build to the interior side lot line when located to the rear of the required side yard, provided that no portion of such building shall be erected closer than five feet (5') to the property line of any abutting lot to the rear of such reversed corner lot.

E. On the rear third of an interior lot accessory buildings and structures not containing accessory living quarters may be built to the lot side lines and the lot rear line, provided if the rear of the lot abuts upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet (15') from the centerline of the alley; if either an alley or a utility easement exists along the rear of the lot, not less than ten feet (10') of the lot rear line shall be maintained free and clear of buildings or structures, except for a fence with a gate to provide access to the alley or utility easement as the case may be. If a utility pole is located on the easement, then the required opening in the fence or wall shall be so located as to provide immediate access to the pole.

Exceptions to these regulations shall include the front lot or lots of lot splits developed as tiered or flag lots, interior lots of unequal depths, and lots perpendicular to reverse corner lots, in which cases the rear and side yard area required for placement of accessory structures shall be no less than five feet (5'). (1960 Code)

9-1M-24: PERMISSIBLE LOT COVERAGE:

Not more than fifty percent (50%) of any R-2 zoned lot shall be covered with buildings and structures. Furthermore, at least forty percent (40%) of the lot area shall be permeable; these areas may be maintained with landscaping, appropriate ground cover, permeable pavers with a sand base, turf block, grasscrete, or other acceptable pervious materials, but may not be covered with structures, concrete or asphalt. (Ord. 07-916)

9-1M-25: DESIGN GUIDELINES:

The following design guidelines shall apply to remodels, alterations and new construction. These guidelines are intended to be advisory rather than mandatory, and are to be applied by the community development department to the extent possible and reasonable. It is the intent that all new construction and reconstruction shall comply with as many such guidelines as may be amiably negotiated by the city staff with a property owner, builder or developer. If a person complies with the goals and intent of such guidelines, even though a minor portion of them cannot or will not be accommodated by the property owner, builder or developer, then the guidelines shall be deemed satisfied and the requisite permits shall be issued. If, on the other hand, a property owner, builder or developer cannot or will not comply with a substantial portion of the goals established by said guidelines, then permits may be denied by the community development department. Any such denial may be appealed to the planning commission via the procedures set forth in the site plan review process. Any action of the planning commission may also be appealed to the city council via the procedure set forth in the site plan review process.

In evaluating an appeal, in accordance with the procedures set forth in section 9-1E-4 of this chapter, the planning commission or the city council shall make a determination based upon the following considerations: a) does the proposed project substantially meet the overall intent, purpose and goals of the design guidelines, b) would the proposed project adversely impact property values within the neighborhood, c) could the proposed project adversely impact the peace, quiet and enjoyment of the area and d) would the proposed project be so incompatible with the surrounding area that noncompliance would result in anticipated adverse impacts, including possible adverse aesthetic impacts.

A. Guideline Checklist:

Overall intent and purpose: Multi-family developments are higher density residential buildings such as apartments, condominiums and townhomes. These developments are typically comprised of attached and detached units with common facilities such as guest parking, open space and recreation areas. The provisions of this section should apply to any addition, remodeling, relocation or construction of a multi-family development requiring a building permit within the city.

Building placement and orientation should be carefully designed to enhance its visual impact on the streetscape, minimize the visibility of garage doors, retain natural site features and complement the existing character of the neighborhood. Site grading should address existing drainage patterns and landforms while providing subtle transitions of architectural elements to grade. Grading and drainage should be coordinated in the initial design phase of the project to ensure the most natural and least evasive approach. Landscaping should be used to define building entrances, parking lots and the edge of various land uses and should be used to buffer and screen neighboring properties from storage areas. Landscaping should create a functional and attractive parking environment.

Parking areas should be well landscaped and screened while avoiding large expanses of paved areas and long rows of parking spaces. Pedestrian and vehicular circulation should be well defined and easily identifiable. Building designers should incorporate three hundred sixty degree (360°) architecture in all buildings and remodels. Three hundred sixty degree (360°) architecture is the full articulation of all building facades and includes variation in massing, roof forms and wall planes, as well as surface articulation. Roofs should reflect a residential appearance through pitch and use of materials. The main building entrance should be clearly identifiable and distinguishable from the rest of the building. All entrances should be emphasized using lighting, landscaping and architecture.

High quality materials should be used to create a look of permanence within the project and materials and colors should be varied to create visual interest in building facades and reduce the monotonous appearance. In addition, the use of durable materials requiring low maintenance is strongly encouraged.

Site planning:

* Buildings should be oriented toward the street.
* Dwellings should incorporate porches, trellises, landscaping and other features in the front yard to help extend the living area toward the street and to help soften the transition between the street and the dwelling.
* Buildings, parking areas and open space shall be arranged to minimize the use of sound walls.
* Courtyards, plazas, pedestrian malls or other methods should be used to break up the building mass; long "barrack like" or continuous rows of structures should be avoided.
* Development should incorporate existing natural features into the overall site design, including significant trees and vegetation and drainage areas.
* Stormwater retention ponds should be designed as a landscape feature.
* Project design should provide for controlled drainage of stormwater away from buildings.
* The number of site access points should be minimized; unnecessary driveway entrances should be avoided.
* The use of colored, textured and permeable paving treatment at entry drives is encouraged to accentuate these areas.
* Drive aisles should link to or provide future access opportunities for adjacent sites.
* Parking areas should be treated as well defined spaces with landscaping, lighting, building massing and pedestrian/vehicular circulation areas.
* The site area adjacent to the street should not be dominated with parking. Parking should be concentrated in areas behind buildings and away from the street when possible.
* Long rows of parking spaces should be avoided.
* Parking areas should be landscaped with shade trees.
* Screening should be provided at the periphery of all parking lots.
* The use of interlocking pavers is encouraged in place of stamped concrete in parking areas.
* Residents of housing projects should have safe and efficient access to usable open space, whether public or private, for recreation and social activities.
* Pedestrian linkages to nearby neighborhoods and other commercial projects should be provided.
* Easily identifiable pedestrian connections should be provided from the street/sidewalk to key areas within or adjacent to the site. Meandering paths provide a pleasant experience and are generally preferred over long, straight alignments.
* Pedestrian walkways should be safe, visually attractive and well defined by landscaping and lighting.
* Use of specialty paving for walkways, such as loose aggregate, paving stones or wooden decks, is encouraged. Paths made from permeable materials, such as decomposed granite, can create a more park like setting and allow for stormwater percolation.
* Patterns and colors should be installed in paving treatments using tile, brick or textured concrete in order to provide clear identification of pedestrian access points into buildings, parking features (i.e., handicapped spaces, pedestrian loading, bus stops/pull outs, etc.), entry drives and at pedestrian crossings within the site.
* Walkways shall not abut driveways in a parallel fashion, such as to effectively widen the driveway. Walkways should be separated from driveways by appropriate landscaping.
* The width of walkways should be in scale with the development. Generally, walkways having a width of approximately four feet (4') are encouraged.

Landscaping:

* Landscaping should be used to:

* Define areas such as building entrances, key activity hubs, focal points and the street edge.
* Provide screening for unattractive and unsightly service areas.
* Serve as buffers between neighboring uses.
* Provide landscaping between the driveway and building.

* A variety of height, textures and colors should be used in the planting pallet.
* A combination of trees, shrubs and ground cover should be incorporated into landscaping plans. Suggested sizes are as follows:

* Trees: Twenty four inch (24") box, thirty six inch (36") box and forty eight inch (48") box.
* Shrubs: Five (5) gallon and fifteen (15) gallon.

* Trees should be used to create more intimate spaces and frame views.
* Trees and shrubs should be located and spaced to allow for mature and long term growth.
* Larger, older trees should be planted to assist new development in looking "established" as quickly as possible.
* Accent planting, such as flowering trees, should be used around entries and key activity hubs.
* Planting should be used to screen less desirable areas from public view, such as trash enclosures, parking areas, storage areas, loading areas, public utilities and mechanical equipment.
* Evergreen trees should be used to soften the appearance of blank walls and provide visual screening but should not be a replacement for enhanced architecture.
* Where more than ten (10) automobile parking spaces exist on a lot or parcel of land, areas not used for vehicle parking or maneuvering, or for the movement of pedestrians to and from vehicles, should be used for landscaping. Trees should be distributed throughout the parking area so as to maximize the aesthetic effect and compatibility with adjoining uses.
* When parking areas of more than twenty (20) cars are provided, parking lot trees with canopies of thirty (30) to forty feet (40') should be planted to shade parked cars and create a more attractive environment.
* Walkways should be provided through landscaped areas along paths of likely travel to protect landscaping from foot traffic.
* The use of creative inert materials, such as fieldstone, stone and wood, are encouraged for paving and wall treatments.

Building design:

* Multi-family development adjacent to single-family neighborhoods should provide a buffer of single-story and/or detached units along the adjoining property line.
* Building designs should include a combination of the following techniques:

* Variation in the wall plane (projection and recess).
* Variation in wall height.
* Roofs located at different levels.

* Combinations of one-, one and one-half- and two-story units are encouraged to create variation in mass and building height.
* Architectural details should be used to enhance the buildings and adjacent pedestrian spaces by adding color, shadows and interesting forms.
* It is expected that the highest level of articulation will occur on the front facade and facades visible from public streets; however, similar and complementary massing, materials and details should be incorporated into every other building elevation.
* Surface detailing should not substitute for distinctive massing.
* Architectural elements that add visual interest, scale and character are encouraged. Examples of such elements include, bay windows, recessed or projecting balconies, trellises, recessed windows, verandas, porches, awnings, overhangs, insets and varieties of materials and textures.
* Long, unbroken facades and box like forms should be avoided.
* There should be a change in wall plane on all facades visible from a public street. Elements such as balconies, porches, arcades, dormers and cross gables should be used to add visual interest.
* Exterior wall planes should be varied in depth and/or direction; bland walls should be avoided. Windows, trellises, wall articulations, arcades or changes in materials or other features should be utilized.
* Where appropriate to the architectural style, materials and textures should vary between the base and the body of a building, in order to break up large wall planes and add visual appeal to the base of the building. Heavier materials should be used to form the building base and as accents on upper stories and walls.
* On lower walls, architectural details that relate to human scale, such as arches, trellises or awnings, should be utilized.
* The height of the building should be varied so that it appears to be divided into distinct massing elements.
* The upper story of a two-story building should be stepped back to reduce the scale of facades facing the street, courtyards or open space areas.
* Structures with greater height should include additional setbacks and steps within the massing so as to transition heights from adjacent properties and to avoid dominating the character of the neighborhood.
* Tall or large structures should emphasize horizontal planes through the use of trim, awnings, eaves, other ornamentation or a combination of complementary colors.
* Textures, colors and materials should be unifying elements in the buildings.
* The use of materials and color should convey a sense of quality architecture and permanence. Contrasting but compatible colors should be used for windows, doors, trim and key architectural elements.
* Material changes not occurring at a change in plane appear "tacked on" and should be avoided.

* To the extent possible, each of the units should be individually recognizable. The following methods could be used to break up building massing:

* Vary front setbacks within the same structure.
* Stagger and jog unit planes.
* Design a maximum of two (2) adjacent units with identical wall and rooflines.
* Vary building orientations to avoid the monotony of long garage door corridors.

* The entrances to individual units should be visible from nearby parking areas or the street where possible.
* Each unit's entry should be easily identifiable and distinguishable.
* Internal access to individual rooms shall be taken from public or common areas. There should be no more than three (3) entry/exit doors serving any dwelling unit, unless required by the building code.
* The different parts of a building's facade should be articulated by the use of color, arrangement of facade elements or a change in materials.
* The selection and placement of building materials should provide visual interest at the pedestrian level.
* Stairways should be designed as an integral part of the overall architecture of the building and should complement the building's mass and form.
* Stairwells should be solid and constructed of smooth stucco, plaster or wood, with accent trim of complementary colors. Thin looking, open metal and prefabricated stairs are strongly discouraged.
* Minimize the concrete area of driveways to the extent possible.
* Pervious surfaces, such as pervious concrete or grass crete, should be used in driveways and paved areas. Encourage all driveways to have decorative paving and/or brickwork, as well as abutting shrubs or vines to soften the visual impact.
* Garages should be sited with the least amount of visual impact from the street.
* Garages should be subordinate to the main living area when viewed from the street. Where possible, the garage should be recessed behind the dwelling unit and not located between the main living area and the street.
* Detached garages should be designed as an integral part of the architecture of the project and should be similar in materials, color and detail to the principal structures of a development. A pitched or hip roof design is desired, if possible.
* Garage doors should appear to be set into the walls rather than flush with the exterior wall.
* Carports are generally discouraged but if provided in addition to the required garage parking, the design should be compatible with the primary structures on the parcel, such as roof slope, materials and details.

Windows:

* Window type, material, shape and proportion should complement the architectural style of the building.
* Windows should be articulated with sills, trim, kickers, shutters or awnings authentic to the architectural style of the building.
* Faux shutters shall be proportionate to window openings.
* Where appropriate to the architectural style, windows should be generously inset a minimum of three inches (3") from the building walls to create shade and shadow detail.

Roof materials and forms:

* Multiform roof combinations are encouraged to create varying roof forms and break up the massing of the building.
* Full roof forms that cover the entire building, such as gabled, hip or shed roof combinations are strongly encouraged and are preferred to mansard roofs and segments of pitched roofs applied at the building edge. If parapet roofs are used, these should include detailing typical of residential character and design.
* Rooflines should be broken at intervals no greater than fifty feet (50') long by changes in height or step backs.
* Rooflines should be designed to screen roof mounted mechanical equipment. All screening should be constructed consistent with the materials of the building and should be designed as a continuous component installed the length of the elevation.
* When mission and Spanish style roof tiles are used, terra cotta, two (2) piece barrel tiles with a blend of colors are preferred to ("S") type tiles.

Walls and fences:

* Fences and walls should be minimized along public streets.
* Fences and walls should be designed to complement project architecture.
* For walls and fences, materials such as wood, wrought iron, brick and stone are encouraged.
* Concrete masonry unit (CMU) walls should be constructed with slump block, split face or other decorative block style.
* Fences and walls should be constructed as low as possible while still performing

their screening, noise attenuation and security functions.
* Long expanses of fences and walls should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.
* Both sides of all perimeter walls or fences should be finished and designed to complement the surrounding development. Landscaping should be used in combination with such walls whenever possible.
* Walls on sloping terrain should be stepped to follow the terrain.

Utilitarian aspects:

* Utilitarian aspects of the project should be aesthetically screened from view.
* Mechanical equipment, including gas and electrical meters, cable boxes, junction boxes, and irrigation controllers, should be located within a utility room, along with the fire riser and roof access ladder. Where this cannot be achieved, these elements should be designed as an integral part of the building on a rear or side elevation and screened from public view.
* All vents, gutters, downspouts, flashing and electrical panels should be painted to match the surface to which attached, unless used as a major design element, in which case the color is to be consistent with the overall color scheme of the building.
* Gutters and downspouts should be decorative, designed to integrate with the building facade, and should not appear as a "tacked on" afterthought.
* Discharge from gutters and downspouts should not flow directly across pedestrian walkways.
* Accessory structures should be designed as an integral part of the architecture of the project. These structures should be similar in materials, color and detail to the principal structures of a development and designed with pitched or hip roofs if possible.
* Common mailbox enclosures should be designed to be similar or complementary in form, material and color to the surrounding residential buildings and should be located in alcoves away from the streetscape.
* Trash and recycling containers should be designed to be consistent with the development and should be screened with landscaping. Architecturally designed roof structures should be used to create a finished looking structure.
* Trash enclosures should be unobtrusive and conveniently located for disposal by tenants and for collection by service vehicles.
* Multi-family housing should generally have centrally located trash bins in appropriate enclosures. Individual trash cans should be discouraged, unless the individual dwelling units have direct street frontage. (Ord. 05-896)

Runoff reduction:

* Use permeable materials in lieu of or to replace hardscape to increase the amount of runoff seepage into the ground.
* Maximize permeable areas to allow more percolation of runoff into the ground through such means as:

* Biofilters;
* Green strips;
* Swales.

* Maximize the amount of runoff directed to permeable areas and/or maximize stormwater storage for reuse or infiltration by such means as:

* Orienting roof runoff toward permeable surfaces, dry wells, French drains, or other structural BMPs rather than directly to driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site.
* Grading the site to divert flow to permeable areas. Using cisterns, retention structures or green rooftops to store precipitation or runoff for reuse.
* Removing or designing curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

* Any construction project adding downspouts, gutters and subsurface pipes directing stormwater to the curb face shall have a French drain system of perforated pipe and gravel unless site specific circumstances endanger public safety:

* Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off site flows;
* Divert and catch runoff through the use of drainage swales, berms, green strip filters, gravel beds and French drains; and
* Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground.

* Minimize the amount of runoff directed to impermeable areas and/or maximize

stormwater storage for reuse:

* Install rain gutters and orient them toward permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site;
* Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property;
* Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
* Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse; and

* Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

* Reduce parking lot pollution:

* All parking lots should use oil and water separators or clarifiers to remove petroleum based contaminants and other pollutants which are likely to accumulate;
* Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots; and
* Construct portions of parking lots from porous materials. (Ord. 07-916)

Part 3. Zone R-3

9-1M-30: PERMITTED USES:

No person shall use, nor shall any property owner permit the use of an R-3 zoned lot for any use, other than the following:

A. Principal uses:

1. One (1) preexisting single-family residential dwelling unit, if the following conditions exist:

a. That such single-family residential structure, together with all accessory uses, was constructed in conformity with the zoning regulations in effect at the time of such construction; and

b. That no other uses exist upon the premises than those permitted by the regulations applicable to R-1 zoned property as set forth herein; provided that subsection A1a of this section shall not be construed to prohibit the construction of any accessory building or structure, or the reconstruction of any existing building or structure if the same complies with the existing zoning regulations applicable to Zone R-1 as set forth herein.

2. Single-family dwellings shall be permitted, provided:

a. That for such use the regulations contained in part 1, "Zone R-1", of this article shall apply to the exclusion of the regulations hereinafter set forth; and

b. That when an R-3 zoned lot is improved with an R-1 use after September 15, 1989, no other uses shall be permitted thereon. Prior to the issuance of a building permit for a single-family (R-1) use to be built to applicable R-1 development standards, a deed restriction, covenant or comparable legal instrument, approved as to form by the City Attorney, shall be recorded with the County Recorder's Office including all pertinent restrictions and limitations so as to assure the continued use of the property for R-1 purposes.

c. Accessory dwelling units are permitted as set forth in section 9-1T-10 of this chapter.

3. Preexisting multiple units.

4. New or reconstructed multiple dwelling units, if the following conditions exist:

a. Such lot or parcel has a lot width of at least fifty feet (50').

b. The abutting public street has been dedicated to a width of at least thirty feet (30') from centerline abutting such lot or parcel; and

c. Such public street has been improved by standard street construction to a width of at least twenty feet (20') from centerline abutting such lot or parcel-street improvements to include pavement, curb, gutter, sidewalk, utilities, drainage and

lighting.

5. Community care facility/small.

6. Supportive housing.

7. Transitional housing. (1960 Code; amd. Ord. 89-654; Ord. 03-888; Ord. 13-972; Ord. 17-1022)

B. Accessory uses:

Accessory buildings or structures.

Animals:

1. The maximum number of household pets over four (4) months of age shall not exceed the limitations set forth below; "household pet" shall mean any domesticated animal commonly maintained in residence with man, but not including any animal which is capable of and inclined to, inflict harm or discomfort to or upon any persons; and

a. If there is only one (1) residential dwelling unit on said lot, then the limitation shall be three (3) such household pets, and if there are two (2) such units on said lot, then the limitation shall be two (2) household pets per unit, and if there are three (3) or more such units on said lot, then the limitation shall be one household pet per unit.

2. Not more than two (2) rabbits or chickens (excluding roosters) or ducks over three (3) months of age; and

3. Except as otherwise provided, compliance shall be had with the provisions of this use within a period of sixty (60) days from and after the effective date hereof; and

4. Nothing contained in this use shall prevent the keeping of animals or fowl by a tax supported eleemosynary or public educational institution, which are utilized as a part of such institution's curriculum; and

5. All the regulations herein shall be subject to the general nuisance ordinances of the city and it shall be unlawful for any person to maintain any animal which constitutes a public nuisance.

Daycare home, large family, subject to guidelines as contained in section 9-1T-6 of this chapter.

Daycare home, small family.

Home occupation, subject to the limitations contained in section 9-1A-9, "Definitions", of this chapter.

Off street parking spaces, accessory to principal R-3 uses.

Open spaces.

Storage of building materials during the construction of any building or part thereof, and for a period thirty (30) days after construction is completed. (1960 Code; amd. Ord. 92-717; Ord. 94-762; Ord. 90-679)

9-1M-31: LIMITATIONS OF USES:

The following regulations shall be limitations on, and be applicable to, all uses in zone R-3:

A. Vehicles:

1. Parking Of Vehicles: No person shall park any vehicle or any component thereof, for any purpose, in front or side yard areas on any R zoned lot, except in driveway areas.

2. Repair, Dismantling Or Storage Of Vehicles, Prohibited: No person shall assemble, repair, dismantle or store any vehicle, other than as herein provided, on

any part of R zoned lot, unless such work is done:

a. Within an enclosed building; or

b. In an open area which is completely enclosed by view obscuring walls, not less than six feet (6') in height, or by the exterior walls of a building or buildings.

3. Exception: Provided, that the prohibition imposed by subsection A2b of this section shall not be deemed to apply to the occasional and incidental assembly or repair of vehicles owned by the person in possession of the premises on which such takes place; provided that a disabled vehicle which is being repaired or assembled, shall not be stored except as provided in subsection A2b of this section for a period longer than seven (7) consecutive days with any thirty (30) day period.

4. Commercial Vehicle: No vehicle which is registered for commercial purposes pursuant to the applicable provisions of the Vehicle Code of the state of California and which exceeds three (3) tons in unladen weight shall be parked or left standing on any part of any R zoned property, in excess of thirty (30) consecutive minutes unless actual loading or unloading of said vehicle is in progress on said property.

B. Exterior Lighting: All exterior lighting operated or maintained in conjunction with any activity or purpose on the premises, shall be so arranged as to reflect the light away from any premises upon which a dwelling unit is located. The lighting elements thereof shall be directed or shielded so as to not be directly visible from any dwelling unit on the same or adjacent premises.

C. Parking Within Driveways:

1. "No Parking" signs with lettering not less than two inches (2") in height shall be placed conspicuously at the entrance to, and at intervals of not less than fifty feet (50') along every required driveway.

2. Where a driveway serves parking facilities of five (5) or more vehicles, no person shall park, stand or leave any vehicle in any portion of said driveway, except for the purpose, and during the process, of loading and unloading passengers or goods and only while such vehicle is attended by the operator thereof. (1960 Code; amd. Ord. 77-452)

9-1M-32: STANDARDS OF DEVELOPMENT:

All premises in the R-3 zone shall comply with the standards prescribed herein:

A. Lots:

1. Area: The minimum required area of each lot hereinafter created in the R-3 zone shall be ten thousand (10,000) square feet.

2. Width: The minimum lot width of R-3 zoned lots shall be fifty feet (50'); provided that no new lot shall be created after the effective date of this regulation having less than the following number of minimum widths:

a. Interior lots shall have a width of not less than eighty feet (80').

b. Corner lots shall have a width of not less than one hundred feet (100').

3. Permissible Lot Coverage: Buildings, including accessory buildings and structures, shall not cover more than fifty percent (50%) of the area of any lot. Furthermore, at least twenty percent (20%) of the lot area shall be permeable; these areas may be maintained with landscaping, appropriate ground cover, permeable pavers or other acceptable pervious materials, but may not be covered with structures, concrete or asphalt.

B. Buildings:

1. Length: No building or structure shall exceed a length of one hundred fifty feet

(150').

2. Height Limits:

a. R-3 zoned lots except those adjoining R-1 zoned lots: Buildings shall not exceed a maximum height of three (3) stories or forty feet (40'), whichever is less.

b. R-3 zoned lots adjoining R-1 zoned lots: Buildings shall not exceed a maximum height of two (2) stories or thirty feet (30'), whichever is less.

3. Lot Area Per Dwelling Unit:

a. R-3 zoned lots except those adjoining R-1 zoned lots: Lot area per dwelling unit shall not exceed two thousand one hundred seventy eight (2,178) square feet nor be less than one thousand four hundred fifty two (1,452) square feet.

b. R-3 zoned lots adjoining R-1 zoned lots: Minimum lot area per dwelling unit shall be two thousand four hundred (2,400) square feet.

4. Minimum Gross Floor Area For Dwelling Units:

a. Bachelor units shall contain not less than six hundred (600) square feet.

b. One bedroom units shall contain not less than seven hundred fifty (750) square feet.

c. Two (2) bedroom or one bedroom and den units shall contain not less than nine hundred (900) square feet.

d. Three (3) bedroom or two (2) bedroom and den units shall contain not less than one thousand one hundred (1,100) square feet.

e. Each additional bedroom over three (3) shall require that one hundred fifty (150) additional square feet of floor area be added to the dwelling unit.

5. Stairways: No exterior stairway shall be placed in front of, and within ten feet (10'), of any door or window.

6. Elevators: All buildings containing dwelling units above the third floor shall be served with elevators in addition to the stairways otherwise required by law. For purposes of this section the number of floors in a building shall be counted from the lowermost floor to the uppermost floor and shall include subterranean off street parking areas.

7. Off Street Parking Standard: Each lot in the R-3 zone shall have, on the same lot or parcel of land, parking spaces as provided in section 9-1J-2 of this chapter, as amended. At least two (2) parking spaces shall be provided per dwelling unit and shall be located in a garage, and one additional space, which shall be open and unenclosed, shall be provided for each two (2) units or any fraction thereof. Such parking facilities shall be conveniently accessible and located only on such portions of the lot or parcel of land upon which structures may be erected. The off street parking spaces which are required to be located in a garage shall be located upon the lot so that the vehicular access thereto is not directly visible from a public street.

8. Off Street Parking Reduction: For R-3 zoned lots that do not adjoin R-1 zoned lots the off street parking standard may be reduced subject to approval by the director of a study adequately demonstrating reduced parking demand resulting from transit accessibility or other factors.

9. Subterranean And Semisubterranean Parking: Subterranean and semisubterranean parking shall be allowed only on R-3 zoned lots not adjoining R-1 zoned lots and shall not be considered as a story of the building. For purposes of this section, "subterranean and semisubterranean parking" shall mean any construction project which entails excavation, grading and/or mounding of earth so as to change the existing grade of the lot by more than eighteen inches (18") for the specific purpose of providing off street parking beneath living area.

C. Yards And Courts: Except as provided in this part no building or structure shall occupy any part of any required yard.

1. Front Yards: Each lot in the R-3 zone shall maintain a front yard of not less than twenty feet (20') in depth.

a. Front Yard Determination: In any of the following situations at the time of any new construction or development or at the request of any property owner seeking clarification the front yard and front yard setback shall be determined by the community development director. Any decision of the director may be appealed to the planning commission and any decision of the planning commission may be appealed to the city council in accordance with the procedures established by sections 9-1F-24 through 9-1F-29 of this chapter:

(1) Any lot which abuts two (2) separate streets, such as a corner lot or a double frontage lot.

(2) Any lot which is noncontiguous to any public street but has access thereto by private easement.

(3) Any lot which has less than thirty five feet (35') of frontage on a public street.

b. Off Street Parking Or Garages: No off street parking spaces or garages shall be located within the required front or side yard areas or in front of the main building, unless completely subterranean.

2. Side Yards: In the R-3 zone every lot shall have and maintain side yards as follows:

a. Interior lots shall have a side yard on each side of the lot of not less than the following:

Single-story structures	5 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than the first floor setback.

b. Corner lots and reversed corner lots shall have and maintain the following side yards:

(1) On the side lot line which adjoins another lot, the side yard requirement shall be as follows:

Single-story structures	5 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than the first floor setback.

(2) On the side street side, the width of the required side yard shall be as follows:

Single-story structures	10 feet
Two-story structures	10 feet for the first story. An average second story side yard setback of 15 feet shall be provided; however, at no time and no point shall the second story setback on any side be less than 10 feet or less than

	the first floor setback.

3. Rear Yards: Every lot in the R-3 zone shall have a rear yard as follows:

a. Interior And Corner Lots: Interior lots and corner lots shall have a rear yard of not less than fifteen feet (15'), except where such lots rear upon an alley, the rear yard shall be not less than five feet (5').

b. Reverse Corner Lots: Reverse corner lots shall have a rear yard of not less than fifteen feet (15').

c. Accessory Buildings And Uses:

(1) Accessory buildings and uses shall be permitted in rear yard areas.

(2) Exceptions:

(A) Where the rear of a lot abuts an alley, no building or structure, excepting a fence, shall be located in the rear five feet (5') of such lot.

(B) Where accessory buildings are permitted and located in a rear yard area, a passageway not less than five feet (5') in width, with twelve feet (12') of overhead clearance shall be maintained.

(C) On reversed corner lots, no building or structure, except permitted fences, shall be located in that portion of a required rear yard directly to the rear of the required side yard area abutting the street.

4. Courts: All courts required hereunder, shall be open and unobstructed from the ground to the sky, except as herein provided:

a. Each court upon which dwelling units face, which have door or window access on only one side thereof, shall be not less than fifteen feet (15') in width from the front building line to the rearmost of any such doors or windows.

D. Open Space: Each lot in the R-3 zone shall be maintained with usable, landscaped open space and developed open space areas, provided that the requirements of this subsection shall apply only to R-3 lots upon which new residential structure(s) are erected after the effective date of these regulations.

1. Required Usable Landscaped Open Space: There shall be a minimum of five hundred (500) square feet of landscaped open space per dwelling unit.

2. Access: All dwelling units for which open space is required shall have and maintain suitable access thereto.

3. Development Details For Open Space:

a. A maximum of fifty percent (50%) of the required landscaped open space may be covered by a cabana or patio cover.

b. A maximum of fifty percent (50%) of the required landscaped open space may be provided in the form of common recreational areas.

c. All open areas except driveways, parking areas, walkways, swimming pools, utility areas, improved decks, patios, porches or play areas, between the front lot line and the rear line of the main building, or buildings if there is more than one, shall be maintained with appropriate landscaping.

d. Whenever a driveway is located within a required side yard, and when dwelling units face said yard, a landscaped area at least five feet (5') wide shall be maintained between such a driveway and any dwelling on the same lot. Walkways may encroach not more than thirty inches (30") into this landscaped area.

E. Storage, Trash And Utility Areas:

1. Accessory Storage Space: Not less than sixty (60) cubic feet of enclosed accessory storage space shall be provided for each dwelling unit.

2. Trash Areas:

a. All outside trash and garbage collection areas shall be enclosed or screened.

b. Trash containers shall provide the equivalent of not less than fifty (50) gallons' capacity per dwelling unit and shall be located within one hundred fifty feet (150') thereof. Where "bulk type" trash containers (3 cubic yard capacity or more) are used, there shall be not less than one such container for each dwelling units.

c. All trash, rubbish and garbage receptacles shall be regularly cleaned, inspected and maintained in a clean, safe, and sanitary condition. All containers shall be provided with tightfitting lids.

d. All trash storage areas shall be located for convenient vehicular access for pick up and disposal.

F. Special Development Criteria:

1. For an attached multi-unit structure, no linear wall along the side of a second story building shall extend longer than twenty feet (20') without an offset of four feet (4') or, alternatively, twenty four feet (24') without an offset of five feet (5') for a distance of not less than eight feet (8').

2. For a detached single unit, no linear wall along the side of a second story building shall extend longer than twenty four feet (24') without an offset of two feet (2') for a distance of not less than eight feet (8').

3. Balconies may be placed along a front elevation or along a central driveway, where dwelling units on the same parcel are situated on both sides of a so called double loaded driveway. Balconies shall be prohibited on the side and rear elevations where a unit faces a structure on an adjacent property.

4. Any guest parking space which is abutted by a single wall shall be twelve feet (12') in width; any guest parking space which is abutted on both sides by a wall shall be fourteen feet (14') in width.

5. Guest parking spaces shall be improved with grasscrete, turf block or similar material to allow better permeability and less runoff.

6. At least forty percent (40%) of the lot area shall be permeable. Furthermore, at least twenty five percent (25%) of the lot area shall be landscaped. The required landscaped area shall not include permeable pavers, turf block, or grasscrete, but shall include lawn area, shrubs, or flowerbeds.

7. At the terminus of an access driveway that serves two (2) or more dwelling units, there shall be extensive tall growing shrubbery, such as American arborvitae (Thuja occidentalis). Alternatively, an architectural enhancement, such as a decorative trellis combined with appropriate vines or comparable landscaping could be provided to enhance the view of multiple-family development projects from the street.

8. Chainlink fencing shall not be allowed in the front yard setback or any yard area between a dwelling and a public right of way.

9. Portable shade structures shall be prohibited in the front yard and in the street side yard.

10. (Rep. by Ord. 07-916)

11. Compliance with the requirements of the fire department regarding matters such as fire flow, hydrant location and driveway width.

12. The following parking requirements shall be made:

a. For each unit: Two and one-half ($2^1/_2$) spaces of which two (2) shall be enclosed and one-half ($^1/_2$) open.

b. Tandem parking shall be prohibited, exception: Guest parking shall be permitted in tandem for individual dwelling units in instances where the proposed dwelling unit is a detached dwelling unit with a private two (2) car garage, equipped with roll up type garage door(s) and automatic garage door opener and where vehicular access is provided directly from a public street.

c. Underground parking may be required to have special safety provisions as required by the fire department and building and safety department.

d. No use shall be made of any parking area or access thereto, other than for the parking of vehicles; such spaces shall be used for no other purpose at any time.

13. All utilities shall be placed underground.

14. The following minimum gross floor area shall be required:

Bachelor units	600 square feet
1 bedroom units	750 square feet
2 bedroom units	900 square feet
3 bedroom units	1,100 square feet
For each additional bedroom	500 square feet

15. Adequate trash and garbage collection and pick up areas shall be provided for use within one hundred fifty feet (150') of each unit in a location or locations accessible to a public street or alley, and enclosed on three (3) sides by a five foot (5') high masonry, brick or concrete wall. Such areas may be for individual dwelling units. Areas for group use shall be set back or otherwise protected from adjacent properties and streets.

16. Plumbing (gas and water) shutoff valves. Separate fullway shutoff valves shall be provided to each dwelling unit.

17. Common wall and floor-ceiling assemblies shall be required to conform to the sound insulation performance criteria.

18. All permanent mechanical equipment, which is determined to be a source of potential vibration or noise, shall be shock mounted as determined by the building officials.

19. Landscaping and exterior lighting plans must be submitted to the planning director for review and approval with the site plan.

20. A single area having a minimum of one hundred sixty (160) cubic feet of private and secure storage space shall be provided for each unit exclusive of closets and cupboards, within the dwelling unit. Said storage may be located within the garage, provided it does not interfere with automobile parking.

21. A dwelling unit(s) nearest the front property line shall have a "front elevation" as viewed from the street as opposed to a "side elevation" and shall have the front door situated along the building wall nearest the street.

22. New dwellings constructed within five hundred feet (500') of an arterial street or a railway shall be provided with a mechanical ventilation system designed to attain enhanced air filtration with the use of air filters that have a filtration efficiency equivalent to a minimum efficiency reporting value (MERV) of 14 or higher as determined by testing methods established by the American Society Of Heating, Refrigerating And Air-Conditioning Engineers (ASHRAE) standard 52.2, as periodically amended. All such ventilation system equipment and air filters shall be installed, operated, maintained and replaced in a manner consistent with applicable

building code requirements and with the manufacturer's specifications and recommendations. Alternative air pollution mitigation measures (e.g., setbacks, landscaped buffers, etc.) may be utilized where feasible if they can be shown to have a mitigating effect that is equal to or greater than the enhanced air filtration measures specified herein.

G. Floor Area Ratio Requirements: No multiple-family residential project consisting of more than one dwelling unit shall exceed a total floor area ratio (FAR) of 0.70, including enclosed garages.

1. The second story floor area of any dwelling unit shall not exceed seventy five percent (75%) of the first story floor area, including the garage area of an attached garage.

H. Dish Antennas: The standards of development for dish antennas shall be subject to the limitations set forth in subsection 9-1M-12J of this article.

I. Conditional Use Permit Required: Repealed.

J. Automatic Fire Sprinkler System: An automatic fire sprinkler system shall be installed throughout all new attached residential dwellings, including attached garages, in the R-3 zone. Said sprinkler system shall comply with the requirements of NFPA 13 or NFPA 13D as determined by the fire department. (1960 Code; amd. Ord. 76-431; Ord. 80-496; Ord. 85-562; Ord. 85-579; Ord. 87-621; Ord. 88-630; Ord. 89-654; Ord. 90-663; Ord. 90-680; Ord. 90-681; Ord. 91-704; Ord. 93-741; Ord. 05-896; Ord. 07-916; Ord. 13-972)

9-1M-33: R-3 ZONE LOT CONSOLIDATION INCENTIVES:

A. Incentives: The following incentives are intended to encourage the consolidation of smaller R-3 zoned lots into larger development sites in order to achieve the scale and quality of development envisioned for the area.

4 to 6 lots	15% increase in number of allowable units
	10% reduction in guest parking
7 or more lots	20% increase in number of allowable units
	10% reduction in guest parking

Through the development agreement process, the city may consider other lot consolidation incentive bonuses such as increased building height, vacation of alleys, reductions in processing fees, in-lieu fees, or utility connection fees. The extent of such bonuses may vary on a case by case basis subject to agreement between a project applicant and the city. (Ord. 13-972)

9-1M-34: FENCING:

A six foot (6') view obscuring fence or wall shall be erected and maintained in and along each lot line of an R-3 zoned lot which separates the same from an R-1 zoned lot, subject to the provisions of section 9-1K-6 of this chapter. (1960 Code)

9-1M-35: PLACEMENT OF BUILDINGS:

Placement of buildings on each R-3 lot shall conform to the following:

A. No building shall occupy any portion of a required yard, or open space, except as otherwise provided in this chapter.

B. The distance between buildings used for human habitation and other buildings used for human habitation, and accessory buildings shall not be less than ten feet (10'), provided that the distance between buildings used for human habitation and accessory buildings may be reduced to five feet (5') when all facing walls are of one hour fire resistive construction throughout. When buildings are less than ten feet (10')

apart, as herein provided, a minimum five foot (5') wide yard area, open and unobstructed from the ground to the sky, shall be provided and maintained between such buildings.

C. No portion of any main building shall be located in any required yard area. For the purpose of this section, buildings shall be considered to be connected, when the roof is extended from one building to the other for not less than fifty percent (50%) of the length of the opposing wall of the smaller of such buildings, and in such cases the required yard areas for the main building shall then apply to the entire structure.

D. On a reversed corner lot an accessory building may be built to the interior side lot line when located to the rear of the required side yard, provided that no portion of such building shall be erected closer than five feet (5') to the property line of any abutting lot to the rear of such reversed corner lot.

E. On the rear third of an interior lot accessory buildings and structures not containing accessory living quarters may be built to the lot side lines and the lot rear line, provided if the rear of the lot abuts upon an alley a garage with a vehicular entrance from the alley shall maintain a distance of not less than fifteen feet (15') from the centerline of the alley; if either an alley or a utility easement exists along the rear of the lot, not less than ten feet (10') of the lot rear line shall be maintained free and clear of buildings or structures, except for a fence with a gate to provide access to the alley or utility easement as the case may be. If a utility pole is located on the easement, then the required opening in the fence or wall shall be so located as to provide immediate access to the pole.

Exceptions to these regulations shall include the front lot or lots of lot splits developed as tiered or flag lots, interior lots of unequal depths, and lots perpendicular to reverse corner lots, in which cases the rear and side yard area required for placement of accessory structures shall be no less than five feet (5'). (1960 Code)

9-1M-36: SITE PLAN, WHEN REQUIRED:

Construction of any new dwelling or any substantial remodel or alteration of an existing dwelling in the R-3 zone shall require a site plan review. (Ord. 05-896)

9-1M-37: DESIGN GUIDELINES:

The following design guidelines shall apply to remodels, alterations and new construction. These guidelines are intended to be advisory rather than mandatory, and are to be applied by the community development department to the extent possible and reasonable. It is the intent that all new construction and reconstruction shall comply with as many such guidelines as may be amiably negotiated by the city staff with a property owner, builder or developer. If a person complies with the goals and intent of such guidelines, even though a minor portion of them cannot or will not be accommodated by the property owner, builder or developer, then the guidelines shall be deemed satisfied and the requisite permits shall be issued. If, on the other hand, a property owner, builder or developer cannot or will not comply with a substantial portion of the goals established by said guidelines, then permits may be denied by the community development department. Any such denial may be appealed to the planning commission via the procedures set forth in the site plan review process. Any action of the planning commission may also be appealed to the city council via the procedure set forth in the site plan review process.

In evaluating an appeal, in accordance with the procedures set forth in section 9-1E-4 of this chapter, the planning commission or the city council shall make a determination based upon the following considerations: a) does the proposed project substantially meet the overall intent, purpose and goals of the design guidelines, b) would the proposed project adversely impact property values within the neighborhood, c) could the proposed project adversely impact the peace, quiet and enjoyment of the area and d) would the proposed project be so incompatible with the surrounding area that noncompliance would result in anticipated adverse impacts, including possible adverse aesthetic impacts.

A. Guideline Checklist:

Overall intent and purpose: Multi-family developments are higher density residential buildings such as apartments, condominiums and townhomes. These developments are typically comprised of attached and detached units with common facilities such as guest parking, open space and recreation areas. The provisions of this section should apply to any addition, remodeling, relocation or construction of a multi-family

development requiring a building permit within the city.

Building placement and orientation should be carefully designed to enhance its visual impact on the streetscape, minimize the visibility of garage doors, retain natural site features and complement the existing character of the neighborhood. Site grading should address existing drainage patterns and landforms while providing subtle transitions of architectural elements to grade. Grading and drainage should be coordinated in the initial design phase of the project to ensure the most natural and least evasive approach. Landscaping should be used to define building entrances, parking lots and the edge of various land uses and should be used to buffer and screen neighboring properties from storage areas. Landscaping should create a functional and attractive parking environment.

Parking areas should be well landscaped and screened while avoiding large expanses of paved areas and long rows of parking spaces. Pedestrian and vehicular circulation should be well defined and easily identifiable. Building designers should incorporate three hundred sixty degree (360°) architecture in all buildings and remodels. Three hundred sixty degree (360°) architecture is the full articulation of all building facades and includes variation in massing, roof forms and wall planes, as well as surface articulation. Roofs should reflect a residential appearance through pitch and use of materials. The main building entrance should be clearly identifiable and distinguishable from the rest of the building. All entrances should be emphasized using lighting, landscaping and architecture.

High quality materials should be used to create a look of permanence within the project and materials and colors should be varied to create visual interest in building facades and reduce the monotonous appearance. In addition, the use of durable materials requiring low maintenance is strongly encouraged.

Site planning:

* Buildings should be oriented toward the street.
* Dwellings should incorporate porches, trellises, landscaping and other features in the front yard to help extend the living area toward the street and to help soften the transition between the street and the dwelling.
* Buildings, parking areas and open space shall be arranged to minimize the use of sound walls.
* Courtyards, plazas, pedestrian malls or other methods should be used to break up the building mass; long "barrack like" or continuous rows of structures should be avoided.
* Development should incorporate existing natural features into the overall site design, including significant trees and vegetation and drainage areas.
* Stormwater retention ponds should be designed as a landscape feature.
* Project design should provide for controlled drainage of stormwater away from buildings.
* The number of site access points should be minimized; unnecessary driveway entrances should be avoided.
* The use of colored, textured and permeable paving treatment at entry drives is encouraged to accentuate these areas.
* Drive aisles should link to or provide future access opportunities for adjacent sites.
* Parking areas should be treated as well defined spaces with landscaping, lighting, building massing and pedestrian/vehicular circulation areas.
* The site area adjacent to the street should not be dominated with parking. Parking should be concentrated in areas behind buildings and away from the street when possible.
* Long rows of parking spaces should be avoided.
* Parking areas should be landscaped with shade trees.
* Screening should be provided at the periphery of all parking lots.
* The use of interlocking pavers is encouraged in place of stamped concrete in parking areas.
* Residents of housing projects should have safe and efficient access to usable open space, whether public or private, for recreation and social activities.
* Pedestrian linkages to nearby neighborhoods and other commercial projects should be provided.
* Easily identifiable pedestrian connections should be provided from the street/sidewalk to key areas within or adjacent to the site. Meandering paths provide a pleasant experience and are generally preferred over long, straight alignments.
* Pedestrian walkways should be safe, visually attractive and well defined by landscaping and lighting.
* Use of specialty paving for walkways, such as loose aggregate, paving stones or wooden decks, is encouraged. Paths made from permeable materials, such as decomposed granite, can create a more park like setting and allow for stormwater percolation.
* Patterns and colors should be installed in paving treatments using tile, brick or textured concrete in order to provide clear identification of pedestrian access points into buildings, parking features (i.e., handicapped spaces, pedestrian loading, bus stops/pull outs, etc.), entry drives and at pedestrian crossings within the site.
* Walkways shall not abut driveways in a parallel fashion, such as to effectively

widen the driveway. Walkways should be separated from driveways by appropriate landscaping.
* The width of walkways should be in scale with the development. Generally, walkways having a width of approximately four feet (4') are encouraged.

Landscaping:

* Landscaping should be used to:

* Define areas such as building entrances, key activity hubs, focal points and the street edge.
* Provide screening for unattractive and unsightly service areas.
* Serve as buffers between neighboring uses.
* Provide landscaping between the driveway and building.

* A variety of height, textures and colors should be used in the planting pallet.
* A combination of trees, shrubs and ground cover should be incorporated into landscaping plans. Suggested sizes are as follows:

* Trees: Twenty four inch (24") box, thirty six inch (36") box and forty eight inch (48") box.
* Shrubs: Five (5) gallon and fifteen (15) gallon.

* Trees should be used to create more intimate spaces and frame views.
* Trees and shrubs should be located and spaced to allow for mature and long term growth.
* Larger, older trees should be planted to assist new development in looking "established" as quickly as possible.
* Accent planting, such as flowering trees, should be used around entries and key activity hubs.
* Planting should be used to screen less desirable areas from public view, such as trash enclosures, parking areas, storage areas, loading areas, public utilities and mechanical equipment.
* Evergreen trees should be used to soften the appearance of blank walls and provide visual screening but should not be a replacement for enhanced architecture.
* Where more than ten (10) automobile parking spaces exist on a lot or parcel of land, areas not used for vehicle parking or maneuvering, or for the movement of pedestrians to and from vehicles, should be used for landscaping. Trees should be distributed throughout the parking area so as to maximize the aesthetic effect and compatibility with adjoining uses.
* When parking areas of more than twenty (20) cars are provided, parking lot trees with canopies of thirty (30) to forty feet (40') should be planted to shade parked cars and create a more attractive environment.
* Walkways should be provided through landscaped areas along paths of likely travel to protect landscaping from foot traffic.
* The use of creative inert materials, such as fieldstone, stone and wood, are encouraged for paving and wall treatments.

Building design:

* Multi-family development adjacent to single-family neighborhoods should provide a buffer of single-story and/or detached units along the adjoining property line.
* Building designs should include a combination of the following techniques:

* Variation in the wall plane (projection and recess).
* Variation in wall height.
* Roofs located at different levels.

* Combinations of one-, one and one-half- and two-story units are encouraged to create variation in mass and building height.
* Architectural details should be used to enhance the buildings and adjacent pedestrian spaces by adding color, shadows and interesting forms.
* It is expected that the highest level of articulation will occur on the front facade and facades visible from public streets; however, similar and complementary massing, materials and details should be incorporated into every other building elevation.
* Surface detailing should not substitute for distinctive massing.
* Architectural elements that add visual interest, scale and character are encouraged. Examples of such elements include, bay windows, recessed or projecting balconies, trellises, recessed windows, verandas, porches, awnings, overhangs, insets and varieties of materials and textures.
* Long, unbroken facades and box like forms should be avoided.
* There should be a change in wall plane on all facades visible from a public street. Elements such as balconies, porches, arcades, dormers and cross gables should be

used to add visual interest.
* Exterior wall planes should be varied in depth and/or direction; bland walls should be avoided. Windows, trellises, wall articulations, arcades or changes in materials or other features should be utilized.
* Where appropriate to the architectural style, materials and textures should vary between the base and the body of a building, in order to break up large wall planes and add visual appeal to the base of the building. Heavier materials should be used to form the building base and as accents on upper stories and walls.
* On lower walls, architectural details that relate to human scale, such as arches, trellises or awnings, should be utilized.
* The height of the building should be varied so that it appears to be divided into distinct massing elements.
* The upper story of a two-story building should be stepped back to reduce the scale of facades facing the street, courtyards or open space areas.
* Structures with greater height should include additional setbacks and steps within the massing so as to transition heights from adjacent properties and to avoid dominating the character of the neighborhood.
* Tall or large structures should emphasize horizontal planes through the use of trim, awnings, eaves, other ornamentation or a combination of complementary colors.
* Textures, colors and materials should be unifying elements in the buildings.
* The use of materials and color should convey a sense of quality architecture and permanence. Contrasting but compatible colors should be used for windows, doors, trim and key architectural elements.
* Material changes not occurring at a change in plane appear "tacked on" and should be avoided.
* To the extent possible, each of the units should be individually recognizable. The following methods could be used to break up building massing:

* Vary front setbacks within the same structure.
* Stagger and jog unit planes.
* Design a maximum of two (2) adjacent units with identical wall and rooflines.
* Vary building orientations to avoid the monotony of long garage door corridors.

* The entrances to individual units should be visible from nearby parking areas or the street where possible.
* Each unit's entry should be easily identifiable and distinguishable.
* Internal access to individual rooms shall be taken from public or common areas. There should be no more than three (3) entry/exit doors serving any dwelling unit, unless required by the building code.
* The different parts of a building's facade should be articulated by the use of color, arrangement of facade elements or a change in materials.
* The selection and placement of building materials should provide visual interest at the pedestrian level.
* Stairways should be designed as an integral part of the overall architecture of the building and should complement the building's mass and form.
* Stairwells should be solid and constructed of smooth stucco, plaster or wood, with accent trim of complementary colors. Thin looking, open metal and prefabricated stairs are strongly discouraged.
* Minimize the concrete area of driveways to the extent possible.
* Pervious surfaces, such as pervious concrete or grass crete, should be used in driveways and paved areas. Encourage all driveways to have decorative paving and/or brickwork, as well as abutting shrubs or vines to soften the visual impact.
* Garages should be sited with the least amount of visual impact from the street.
* Garages should be subordinate to the main living area when viewed from the street. Where possible, the garage should be recessed behind the dwelling unit and not located between the main living area and the street.
* Detached garages should be designed as an integral part of the architecture of the project and should be similar in materials, color and detail to the principal structures of a development. A pitched or hip roof design is desired, if possible.
* Garage doors should appear to be set into the walls rather than flush with the exterior wall.
* Carports are generally discouraged but if provided in addition to the required garage parking, the design should be compatible with the primary structures on the parcel, such as roof slope, materials and details.

Windows:

* Window type, material, shape and proportion should complement the architectural style of the building.
* Windows should be articulated with sills, trim, kickers, shutters or awnings authentic to the architectural style of the building.
* Faux shutters shall be proportionate to window openings.
* Where appropriate to the architectural style, windows should be generously inset a minimum of three inches (3") from the building walls to create shade and shadow detail.

Roof materials and forms:

* Multiform roof combinations are encouraged to create varying roof forms and break up the massing of the building.
* Full roof forms that cover the entire building, such as gabled, hip or shed roof combinations are strongly encouraged and are preferred to mansard roofs and segments of pitched roofs applied at the building edge. If parapet roofs are used, these should include detailing typical of residential character and design.
* Rooflines should be broken at intervals no greater than fifty feet (50') long by changes in height or step backs.
* Rooflines should be designed to screen roof mounted mechanical equipment. All screening should be constructed consistent with the materials of the building and should be designed as a continuous component installed the length of the elevation.
* When mission and Spanish style roof tiles are used, terra cotta, two (2) piece barrel tiles with a blend of colors are preferred to ("S") type tiles.

Walls and fences:

* Fences and walls should be minimized along public streets.
* Fences and walls should be designed to complement project architecture.
* For walls and fences, materials such as wood, wrought iron, brick and stone are encouraged.
* Concrete masonry unit (CMU) walls should be constructed with slump block, split face or other decorative block style.
* Fences and walls should be constructed as low as possible while still performing their screening, noise attenuation and security functions.
* Long expanses of fences and walls should be offset and architecturally designed to prevent monotony. Landscape pockets should be provided.
* Both sides of all perimeter walls or fences should be finished and designed to complement the surrounding development. Landscaping should be used in combination with such walls whenever possible.
* Walls on sloping terrain should be stepped to follow the terrain.

Utilitarian aspects:

* Utilitarian aspects of the project should be aesthetically screened from view.
* Mechanical equipment, including gas and electrical meters, cable boxes, junction boxes, and irrigation controllers, should be located within a utility room, along with the fire riser and roof access ladder. Where this cannot be achieved, these elements should be designed as an integral part of the building on a rear or side elevation and screened from public view.
* All vents, gutters, downspouts, flashing and electrical panels should be painted to match the surface to which attached, unless used as a major design element, in which case the color is to be consistent with the overall color scheme of the building.
* Gutters and downspouts should be decorative, designed to integrate with the building facade, and should not appear as a "tacked on" afterthought.
* Discharge from gutters and downspouts should not flow directly across pedestrian walkways.
* Accessory structures should be designed as an integral part of the architecture of the project. These structures should be similar in materials, color and detail to the principal structures of a development and designed with pitched or hip roofs if possible.
* Common mailbox enclosures should be designed to be similar or complementary in form, material and color to the surrounding residential buildings and should be located in alcoves away from the streetscape.
* Trash and recycling containers should be designed to be consistent with the development and should be screened with landscaping. Architecturally designed roof structures should be used to create a finished looking structure.
* Trash enclosures should be unobtrusive and conveniently located for disposal by tenants and for collection by service vehicles.
* Multi-family housing should generally have centrally located trash bins in appropriate enclosures. Individual trash cans should be discouraged, unless the individual dwelling units have direct street frontage. (Ord. 05-896)

Runoff reduction:

* Use permeable materials in lieu of or to replace hardscape to increase the amount of runoff seepage into the ground.
* Maximize permeable areas to allow more percolation of runoff into the ground through such means as:

* Biofilters;
* Green strips;
* Swales.

* Maximize the amount of runoff directed to permeable areas and/or maximize

stormwater storage for reuse or infiltration by such means as:

* Orienting roof runoff toward permeable surfaces, dry wells, French drains, or other structural BMPs rather than directly to driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site.
* Grading the site to divert flow to permeable areas. Using cisterns, retention structures or green rooftops to store precipitation or runoff for reuse.
* Removing or designing curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

* Any construction project adding downspouts, gutters and subsurface pipes directing stormwater to the curb face shall have a French drain system of perforated pipe and gravel unless site specific circumstances endanger public safety:

* Use natural drainage, detention ponds or infiltration pits so that runoff may collect and seep into the ground and reduce or prevent off site flows;
* Divert and catch runoff through the use of drainage swales, berms, green strip filters, gravel beds and French drains; and
* Construct driveways and walkways from porous materials to allow increased percolation of runoff into the ground.

* Minimize the amount of runoff directed to impermeable areas and/or maximize stormwater storage for reuse:

* Install rain gutters and orient them toward permeable surfaces rather than driveways or nonpermeable surfaces so that runoff will penetrate into the ground instead of flowing off site;
* Modify grades of property to divert flow to permeable areas and to minimize the amount of stormwater leaving the property;
* Use sediment traps to intercept runoff from drainage areas and hold or slowly release the runoff, with sediments held in the trap for later removal;
* Use retention structures or design rooftops to store runoff. Utilize subsurface areas for storm runoff either for reuse or to enable release of runoff at predetermined times or rates to minimize the peak discharge into storm drains. Cisterns are also a possible storage mechanism for reuse; and

* Design curbs, berms or the like so as to avoid isolation of permeable or landscaped areas.

* Reduce parking lot pollution:

* All parking lots should use oil and water separators or clarifiers to remove petroleum based contaminants and other pollutants which are likely to accumulate;
* Direct runoff toward permeable areas and away from pollutant laden areas such as parking lots; and
* Construct portions of parking lots from porous materials. (Ord. 07-916)

ARTICLE N. COMMERCIAL DISTRICTS

Part 1. Retail Commercial Zone, C-1

9-1N-0: RETAIL COMMERCIAL ZONE:

The following regulations shall apply in the C-1 retail commercial zone unless otherwise provided in this chapter. This zone is established in order to guide and promote proper land use and development of commercial property for intensive retail establishments in order to realize the full potential of public parking districts and pedestrian mall type shopping centers. (1960 Code)

9-1N-1: USES PERMITTED:

A. The following uses may be conducted provided they are conducted within an enclosed building:

Aerobic, gymnasiums, health clubs, reducing and tanning salons.

Antique shop (collectibles and items intended for decorating only).

Appliances, household.

Art stores/galleries.

Automobile supply stores (retail sales of new and rebuilt parts only).

Awning shops, canvas goods, sales and service (within an enclosed building).

Bakery and confectionery shops.

Banks, savings and loans, financial institutions (new uses in excess of 1,250 square feet must provide sufficient off street parking).

Barbershops.

Beauty shops.

Bicycle stores.

Books (new and used).

Business and professional offices (new uses in excess of 1,250 square feet must provide the required off street parking and subject to a CUP).

Business machines.

Cameras and photographic equipment.

Carpet and floor coverings.

Catalog stores.

China and glassware stores.

Classes, nonprofessional, recreational (i.e., music, cooking, dance, knitting, sewing).

Clothing and apparel stores.

Coin and stamp dealers.

Computers and video equipment (not including arcades).

Delicatessens.

Department stores.

Dispensing opticians.

Drapery stores.

Drugstores and prescription pharmacies.

Dry cleaning and laundry.

Educational tutoring. Where the ratio does not exceed two (2) students per tutor (CUP when there is more than 10 students at any given time).

Electrical equipment and supplies (within an enclosed building).

Electrolysis.

Fabric stores.

Florist shops.

Food stores and markets.

Formal wear.

Furniture and home furnishings stores.

Furniture repair and upholstery, fabrics and supplies.

Gift shops.

Gun shops.

Hardware stores.

Hearing aids.

Hobby shops.

Home improvement centers.

Ice cream and yogurt parlors.

Instant printing and photo copying services (xerographic).

Interior decorator shops.

Janitorial supplies.

Jewelry stores.

Knit shops.

Lapidary shops.

Laundromats (coin operated).

Liquor stores.

Locksmith stores.

Luggage and leather goods.

Mail services.

Martial arts and karate studios.

Medical laboratories.

Mini-mall, subject to special development standards contained in section 9-1T-4 of this chapter and a conditional use permit.

Music stores.

Nail shops.

Newspaper offices.

Nurseries and garden supplies.

Paint stores.

Parking lots, commercial (CUP required).

Pet shops.

Photo developing stores.

Photographic studios.

Plumbing equipment supplies (within an enclosed building).

Radio and TV stores.

Rentals (within an enclosed building).

Repair shops - pertaining to allowed uses in the C-1 zone (within an enclosed building).

Restaurants - any type (CUP required).

Shoe stores.

Shopping centers (CUP required).

Sickroom supplies.

Signs (not requiring an installation permit).

Spa sales.

Sporting goods stores.

Stationery stores.

Swimming pool supply stores.

Tailor shops.

Taxidermists.

Telephone and communications stores.

Theaters (CUP required).

Ticket agency/entertainment.

Tobacco shops.

Toy stores.

Travel agencies.

Trophies and awards.

Video sales and rentals.

Wholesaling (permitted in conjunction with a permitted retail store).

Other uses as the planning commission and city council may deemed to be similar and not more obnoxious or detrimental to the public health, safety and welfare.

B. The following uses are permitted provided, however, that they shall not be located on the ground or main floor of the building:

Any use permitted in the C-2 zone of the city as approved in section 9-1N-30 of this article.

C. If approval is granted by the planning commission or city council:

1. Sales of other than new products or at other than retail may be permitted when conducted in a manner secondary and necessarily incident to a new product retail trade.

2. Services, lessons or demonstrations conducted incident to a permitted use may be permitted.

3. Products may be made and services rendered if entirely incidental to a permitted retail sale of new products. (1960 Code; amd. Ord. 86-589; Ord. 87-605; Ord. 91-688; Ord. 95-772)

9-1N-2: PROHIBITED USES:

The permitted C-1 uses shall not include, and there shall be excluded therefrom the following uses:

Any enterprise or use which produces, causes or emits any dust, gas, smoke, glare, noise, fumes, odors or vibrations or which is or may be detrimental to the safety, welfare, health, peace and morals of the city and its residents.

Any use not specifically authorized in section 9-1N-1 of this article.

Billboards and off premises advertising structures.

Wholesale business establishments. (1960 Code)

9-1N-3: STANDARDS OF DEVELOPMENT:

All uses in the C-1 zone shall comply with the following standards of development:

A. Lot Width, Yards, And Building Bulk: The standards of development for lot width, yards and building bulk shall be the same as those standards in the C-2 zone as specified in subsections 9-1N-31B, C and D of this article except the maximum front

or side yard setback shall be ten feet (10') and no parking shall be permitted within the setback areas.

B. Enclosed Uses: All uses in the C-1 zone shall be conducted wholly within an enclosed building, except for bona fide sidewalk cafes based upon criteria set forth in the downtown specific plan.

C. Screening Of Equipment, Refuse Storage And Loading Areas: Exterior storage areas, loading docks, loading areas, refuse storage, electrical cage enclosures, and storage tanks shall be screened from view by a solid fence, wall or mature landscaped materials whenever possible. When screening of loading docks and loading areas is not possible, the facilities shall be integrated into the overall design of the building.

1. Mechanical Equipment And Duct Work:

a. All ground and rooftop mechanical equipment, including dish antennas, shall be placed behind a permanent parapet wall and shall be completely screened from all ground level view.

b. No mechanical equipment shall be exposed on the wall surface of a building.

c. Gutters and downspouts are not to project from the vertical surface of the building.

d. Vents, louvres, exposed flashing, tanks, stacks, overhead doors, rolling and "man" service doors are to be treated in a manner consistent with the color scheme of the building.

e. Screening shall be as high as the highest portion of the equipment or ducting and shall be permanently maintained.

2. Refuse Storage:

a. Within parking district areas, businesses shall utilize the common trash enclosure areas unless specifically permitted to do otherwise by the planning commission.

b. All outdoor trash, garbage and refuse containers shall be screened on all sides from public view by a minimum six foot (6') high concrete, or masonry decorative block wall, and the opening provided with a gate of a durable wood or comparable material.

c. Refuse storage areas shall be so located as to be easily accessible for trash pick up.

3. Loading Facilities: Loading and unloading facilities shall be visually screened from access streets and adjacent properties and constructed in a manner to reasonably contain and restrict emission of noises typically attributed to such function. When screening of loading and unloading facilities is physically not possible, the facilities shall be integrated into the overall design of the building.

D. Landscaping And Pedestrian Areas: All areas not utilized for building area and/or parking/circulation shall be improved with landscaping and improved pedestrian surfaces.

1. Landscaping:

a. Landscaping shall consist of a combination of trees, shrubs, and ground cover with careful consideration given to the eventual size and spread, susceptibility to disease and pests, durability, and adaptability to existing soil and climatic conditions.

b. All planted areas shall be surrounded by a concrete curb six inches (6") above final grade or above asphalt level of the parking lot. However, when such planted areas are adjacent to a concrete sidewalk, masonry wall or a building, a raised concrete curb need not be provided in the adjacent area.

c. All landscaping shall be maintained in a neat, orderly fashion and free of debris.

d. A landscaping and irrigation plan shall be submitted for the review and approval of the planning director.

E. Lighting:

1. All lighting of the building, landscaping, parking lot, or similar facilities, shall be so shielded and directed as to reflect away from adjoining properties, particularly adjacent R zoned properties.

2. Security lighting fixtures are not to be substituted for parking lot or walkway lighting fixtures and are restricted to lighting loading, storage areas, and similar service locations.

F. Vehicular Access: Vehicular access shall not be allowed onto Las Tunas Drive.

G. Exterior Design Review For New Building, Additions Or Expansions: Buildings, additions, or expansions which result in the addition of one hundred (100) square feet or more of floor area shall be subject to review and approval by the planning commission. The planning commission shall review plans to ensure they are in accordance with the guidelines as adopted by the planning commission and city council.

H. Commercial Unit: No commercial unit shall contain less than seven hundred fifty (750) square feet of floor area. (1960 Code; amd. Ord. 83-543; Ord. 85-562; Ord. 88-631; Ord. 02-870)

9-1N-4: COMPLIANCE:

From and after the date of the adoption of this article, no new use shall be permitted nor shall any permit or approval be issued to any lot or parcel of ground located within the C-1 zone, except in compliance with the provisions of section 9-1N-0 of this article. (1960 Code)

Part 2. Retail Commercial Zone (Restrictive), C-1-R

9-1N-20: C-1-R ZONE USES PERMITTED:

A. The following retail uses may be conducted provided the same involve the sale of new products at retail and are conducted entirely within an enclosed building:

Appliances.

Art stores.

Bakery and confectionery shops.

Bicycle stores, unmotorized cycles only.

Book or stationery stores.

Camera shops.

Clothing and millinery stores.

Computers and video equipment.

Department stores.

Drugstores and prescription pharmacies.

Fabric stores.

Florist shops.

Furniture and home furnishings stores.

Hardware stores.

Hobby and gift shops.

Jewelry stores.

Luggage and leather goods stores.

Music stores.

Paint stores.

Pet supplies.

Radio and TV stores.

Restaurants (CUP required).

Shoe stores.

Sporting goods stores.

Tobacco stores.

Toy stores.

Trophies and awards.

Video rentals.

Other retail sales uses as the planning commission and city council may deem to be similar and not more obnoxious or detrimental to the public health, safety and welfare.

B. The following uses are permitted provided, however, that they shall not be located on the ground or main floor of the building:

Any use permitted in the C-1 and also the C-2 zone of the city as provided in section 9-1N-30 of this article.

C. If approval is granted by the planning commission or city council:

1. Sales of other than new products or other than retail may be permitted when conducted in a manner secondary and necessarily incident to a new product retail trade.

2. Services, lessons or demonstrations conducted incident to a permitted use may be permitted.

3. Products may be made and services rendered if entirely incidental to a permitted retail sale of new products. (1960 Code; amd. Ord. 83-533; Ord. 83-543; Ord. 86-589)

9-1N-21: PROHIBITED USES:

The permitted C-1-R uses shall not include, and there shall be excluded therefrom the following uses:

Any enterprise or use which produces, causes or emits any dust, gas, smoke, glare, noise, fumes, odors or vibrations or which is or may be detrimental to the safety, welfare, health, peace and morals of the city and its residents.

Any use not specifically authorized in section 9-1N-20 of this article.

Billboards and off premises advertising structures.

Wholesale business establishments. (1960 Code)

9-1N-22: STANDARDS OF DEVELOPMENT:

The standards of development shall be the same as those standards in the C-1 zone as specified in section 9-1N-3 of this article. (1960 Code; amd. Ord. 83-543)

9-1N-23: COMPLIANCE:

From and after the date of adoption of this ordinance, no new use shall be permitted nor shall any permit or approval be issued to any lot or parcel of ground located within the C-1-R zone, except in compliance with the provisions of section 9-1N-20 of this article. (1960 Code)

Part 3. General Commercial Zone, C-2

9-1N-30: PERMITTED USES:

No person shall use, nor shall any property owner permit the use of any property in a C-2 zone for any use, except for the following uses when conducted solely as retail, professional or service establishments:

A. Principal uses:

Any use permitted in the C-1 zone.

Addressograph services.

Ambulance service.

Appliances, household (repairs permitted).

Auditoriums.

Automobile rental.

Automobile repair garages (all operations to be conducted within an enclosed building) subject to CUP requirements.

Automobile sales provided the minimum lot size shall be two-thirds ($^{2}/_{3}$) of an acre, subject to an administrative CUP.

Automobile supply stores (retail sales of new and rebuilt parts only).

Awning shops, canvas goods, sales and service (within an enclosed building).

Barbershops, beauty parlors, beauty salons, hair salons.

Blueprint and photography.

Boat and recreational vehicle sales:

Sales may be conducted in the open, except in required yard areas; and

Repairs, which must be conducted entirely within an enclosed building.

Bowling alley, billiard parlor and similar recreational uses (CUP required).

Burial caskets.

Business and professional offices.

Business colleges, dance academies, music instructions and other commercial schools.

Day spas (facials, waxing, skin treatments, and similar services not including massage).

Dress and millinery shops.

Dry cleaners, retail.

Dry cleaning establishments, including coin operated machine (household service).

Electrical distribution and communication equipment, enclosed within a building.

Electrical supply.

Food markets.

Frozen food lockers.

Furniture repair and upholstery.

Glass studios, staining, edging, beveling and silvering in connection with the sale of mirrors and glass for decorating purposes.

Gymnasiums and health clubs (CUP required).

Hearing aides retail sales.

Heating and air conditioning sales and offices.

Household appliance stores (repairs incidental to primary use permitted).

Ice cream parlors (processing permitted for sale on premises only).

Instant printing.

Insurance agents and/or brokers.

Investment securities and stock brokerage firms.

Janitorial supplies.

Job printers not to exceed two thousand five hundred (2,500) square feet of gross leasable area.

Lapidary shops (within an enclosed building).

Laundromats.

Massage businesses or establishments (CUP required and subject to section 9-1T-9 of this chapter).

Medical and dental laboratories.

Medical and dental offices, clinics, and similar uses.

Mini-mall, subject to special development standards contained in section 9-1T-4 of this chapter and a conditional use permit.

Mopeds and go-carts.

Mortuaries and funeral homes.

Movie theaters (CUP required).

Music stores (music instructions permitted).

Nail salons.

Newspaper distributors or business offices.

Nurseries and garden supplies.

Optical establishments, including the sale of lenses and frames and the grinding and mounting of lenses.

Parking lots, commercial, provided that where such parking lots are not enclosed within a building, and where such facilities abut properties zoned for residential purposes, there shall be erected a six foot (6') high view obscuring masonry wall adjacent to the property line between the parking lot and residential property.

Pest control and exterminators, retail sales and office, but no storage of pest control or exterminating contractor vehicles, equipment, or storage of bulk chemicals or pesticides.

Pet shops.

Photograph studios.

Plumbing supplies (within an enclosed building).

Public utility, business office.

Radio and TV stores (retail sales and repairs).

Reducing salons, baths, and physiotherapy facilities.

Restaurants (subject to CUP requirements, if any).

Shoe repair shop.

Shoe stores.

Shopping centers requiring a CUP under any other provision of this code.

Sickroom supplies, retail sales.

Signs, show cards, and posters, retail sales (including the on premises painting or preparation of such signs, provided that such operations do not involve electrical components nor comprise greater than 50 percent of the gross floor area of the business, or 500 square feet, whichever is less).

Sporting goods stores.

Swimming pool supply stores.

Tailor shops.

Taxi service.

Taxidermists.

Telephone exchanges.

Tobacco stores.

Toy stores.

Trading stamp redemption centers and catalog stores.

Travel bureaus.

Upholstery fabrics and supplies, retail sales.

Other uses involving retail sales as the planning commission and city council may deem to be similar and not more obnoxious or detrimental to the public health, safety and welfare.

B. Accessory uses: The following uses shall be permitted as an incidental use:

Accessory buildings and structures.

Massage therapy as defined in section 5-2E-1 of this code, subject to complying with all provisions of title 5, chapter 2, article E of this code and the following requirements:

1. The massage therapy is incidental to a medical office, state licensed hospital, nursing home, or state licensed physical or mental health facility where the massage therapy is provided exclusively by physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses or vocational nurses duly licensed to practice their respective profession in the state.

or

2. The massage therapy is incidental to a barbershop, beauty parlor, beauty salon, hair salon, day spa, or nail salon where the massage therapy is provided exclusively by barbers, cosmetologists, estheticians, or manicurists licensed to practice their respective profession under the laws of the state while performing activities within the scope of their license, provided that such massage is limited solely to the neck, face, scalp, feet, hands, arms, and lower limbs up to the knees of their patrons.

Permanent makeup services, subject to the following requirements:

1. The permanent makeup service shall be incidental to one or more of the following permitted uses: barbershops, beauty parlors, beauty salons, hair salons; day spas; nail salons.

2. Permanent makeup shall be limited to the application of eyeliner, eyebrows, eye shadow, lip liner, and lip color.

3. The application of permanent makeup shall not be performed on persons under the age of eighteen (18) without the consent of said minor's parent or guardian. (1960 Code; amd. Ord. 76-439; Ord. 79-489; Ord. 81-509; Ord. 82-523; Ord. 83-533; Ord. 86-596; Ord. 91-688; Ord. 95-776; Ord. 06-911; Ord. 06-912; Ord. 16-1010)

9-1N-31: STANDARDS OF DEVELOPMENT:

All uses in the C-2 zone shall comply with the following standards of development:

A. Lot Area: Each lot in the C-2 zone shall have a minimum lot area of not less than:

1. Five thousand (5,000) square feet if designated C-2 or C-2 (5,000); or

2. Ten thousand (10,000) square feet if designated C-2 (10,000); or

3. One acre, if designated C-2 (A).

B. Lot Width: Each lot in the C-2 zone created after the effective date hereof shall have a minimum width of not less than fifty feet (50'); provided, however, that such minimum lot width shall not apply to any lot created as part of a subdivision for a commercial shopping center where reciprocal access easements are held over all or a portion of said lot by all other lots in such subdivision.

C. Yards:

1. Front Yards: A front yard area of not less than fifteen feet (15') in depth shall be required of each lot in the C-2 zone which has a common side lot line boundary with any lot zoned R-1.

2. Side Yards: No side yard shall be required.

3. Required Rear Yard Areas: No rear yard shall be required.

4. Vision Clearance: Each lot in the C-2 zone which has a common boundary line with any lot zoned R-1, which lot line, as to the R-1 lot, is a side lot line, shall observe at the intersection of such lot line with the street lot line, a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen feet (15') in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two (2) mentioned points which are distant fifteen feet (15') from the intersection of the front and side lot lines. Within the area comprising said triangle, no building, structure, tree, fence, shrub, or other physical obstruction higher than forty two inches (42") above the established grade of the lot shall be permitted or maintained.

D. Building Bulk:

1. Height Limitation: There shall be no height limitation in the C-2 zone, provided that when any building or portion thereof is erected in excess of forty five feet (45') in height, a site development plan shall be processed in accordance with article E of this chapter.

E. Dish Antennas:

1. Definition: For the purpose of this section, the term "dish antenna" means any system of receiving or transmission disk with a diameter greater than two feet (2').

2. Development Standards: Every dish antenna shall be located, constructed, treated and maintained in accordance with the standards outlined herein.

a. Location: Any dish antenna with bases of attachment on a building in a commercial or industrial zone shall be located within the middle one-third ($^1/_3$) of the

roof of said building, unless said dish antenna is otherwise completely screened from view from grade of the adjoining properties and adjoining public rights of way.

b. Height: In commercial and industrial areas dish antennas shall not exceed the height limit as specified for the zone.

c. Screening And Appearance: The materials used on constructing dish antennas shall not be unnecessarily bright, shiny, or reflective. If screening is used, it shall be architecturally compatible and be integrated into the overall design of the building. (1960 Code; amd. Ord. 85-562; Ord. 06-906)

9-1N-32: LIMITATIONS ON PERMITTED USES:

A. Enclosed Uses: All uses in the C-2 zone shall be conducted wholly within an enclosed building, except for those permitted and accessory uses which the planning commission finds are customarily conducted other than in enclosed buildings. Exception: Bona fide sidewalk cafes shall be permitted based upon criteria set forth in the downtown specific plan.

B. Special Development Standards: When any lot in the C-2 zone fronts on a street, the opposite side of which is zoned for R purposes, or abuts any R zoned property, all of the following standards shall be observed in the construction and maintenance of buildings, structures and uses to be located thereon:

1. Lighting: All outdoor lighting shall be constructed, operated and maintained so as to eliminate any interference with, or nuisance to such adjacent R zoned properties; and

2. Vacant Land: All vacant land on the lot or parcel of land and the parkway area of land used in conjunction with permitted uses on such properties, shall be surfaced, landscaped or otherwise maintained in a clean, dust free and orderly manner. For the purpose of this provision, surfacing of concrete, asphalt, clean sand or gravel, placed on soil treated for weed control or appropriate landscaping shall be deemed to comply with the provision.

3. Loading Docks, Storage, Etc.: Loading docks, loading areas, surface areas, outdoor storage or sales area, when permitted, and all trash, rubbish, or garbage receptacles or containers, which are located in a direct line of vision from any portion of adjacent R zoned properties, shall be enclosed or screened or be separated from such R zoned properties by a view obscuring fence or wall, not less than six feet (6') in height, measured from the finished grade of the C-2 lot. No outdoor storage shall be permitted to extend above the height of such fence or wall.

4. Signs: All signs, advertising structures and the like, located upon such properties, and all driveways to and from such properties, shall, as far as is consistent with the public safety, be located remote from such R zoned properties, when such R zoned properties are located on the same side of the street as said C-2 zoned properties.

5. Mechanical Devices: All mechanical heating, air conditioning, refrigeration or similar devices, maintained and operated on the exterior of buildings located in the C-2 zone, shall be enclosed, and shall be designed, installed, operated and maintained in such a manner as to eliminate unsightliness, noise, smoke, dust, etc., which would otherwise cause an interference with adjacent R zoned properties.

6. Change In Grade: Where it is contemplated to change the grade or elevation of such C-2 zoned properties, in excess of three feet (3') vertically, those portions of the property abutting R zoned properties, a grading plan therefor shall be submitted to the city engineer, in order to obtain a grading permit, and shall show fencing, landscaping, barricades, retaining walls, and other protective devices, designed to protect abutting R zoned properties.

7. Commercial Or Manufacturing Unit: No commercial or manufacturing unit shall contain less than seven hundred fifty (750) square feet of floor area. (1960 Code; amd. Ord. 88-631; Ord. 02-870)

9-1N-33: SITE PLAN REVIEW:

A site plan shall be required prior to the issuance of a building permit, or a certificate of occupancy, if no building permit is required, for the development of any C-2 zone property which is required to comply with the special development standards as hereinabove set forth. (1960 Code)

9-1N-34: LOADING FACILITIES:

Each use permitted in zone C-2 shall be provided with off street, off alley leading spaces as herein provided. One such leading area, or fraction thereof, within the building or buildings located on the lot. Such leading spaces shall be permanently maintained not less than thirty feet (30') in length by twenty feet (20') in width, with an unobstructed vertical clearance of not less than fourteen feet (14'). Such facilities shall be surfaced in the manner required by subsection 9-1J-7C of this chapter. (1960 Code)

Part 4. Heavy Commercial Zone, C-3

9-1N-40: PERMITTED USES:

No person shall use nor shall any property owner permit the use of any portion of any property zoned C-3 within the city, except for the following uses:

A. Principal uses:

Any uses permitted in C-2 zone.

Assaying.

Automobile repair garages (all operations to be conducted within an enclosed building), subject to conditional use permit requirements.

Bail and surety bond businesses (CUP required).

Bakeries, processing.

Boat and recreational vehicle sales:

Sales may be conducted in the open, except in required yard areas; and

Repairs, which must be conducted entirely within an enclosed building.

Bookbinding.

Building material.

Cleaning and dyeing establishments, wholesale or industrial.

Commercial storage of recreational vehicles and boats subject to the approval of a conditional use permit pursuant to section 9-1F-10 of this chapter provided the following standards are met:

1. That the total land area of the subject site shall be a minimum of twenty thousand (20,000) square feet and a maximum of fifty thousand (50,000) square feet. The commercial storage of recreational vehicles and boats shall only be permitted as an ancillary use to an already existing permitted or conditionally permitted commercial use.

2. That if the subject site which is contemplated for the commercial storage of recreational vehicles and boats is located within the Rosemead Boulevard project area of the community redevelopment agency, then said use shall only be conditionally permitted in "block E" of the Rosemead Boulevard project area, and shall be prohibited in all other blocks of the Rosemead Boulevard project area.

3. The area of the subject site designated for storage shall be screened from view of the public right of way by a six foot (6') high view obscuring fence or wall.

4. Access to the storage area on the site shall be controlled through a locking gate and access to the storage area shall only be permitted between the hours of seven o'clock (7:00) A.M. and ten o'clock (10:00) P.M. and shall not occur during peak traffic hours.

5. The area of the subject site designated for storage shall be paved with asphalt, concrete, or equivalent nonpermeable surface.

6. No on site washing or repairs of the recreational vehicles and/or boats stored on a subject site shall occur.

7. The vehicles and/or trailers stored at an approved storage site shall be limited to the following: recreational vehicles (as defined in section 3-3A-50-2 of this code), boats, or jet skis.

Commercial swimming pools (if enclosed by view obscuring walls).

Emergency shelter (per section 9-1T-2-2 of this chapter).

Food commissaries.

"Fortune telling" as defined in section 4-8-10-1 of this code, provided every fortune telling business be separated from every other fortune teller and every adult business, as defined in ordinance 85-534, by at least one thousand feet (1,000').

Job printers.

Markets, wholesale or jobbers.

Mini-mall, subject to special development standards contained in section 9-1T-4 of this chapter and a conditional use permit.

Plumbing supply, outdoor storage permitted.

Secondhand goods (all goods displayed, sold and stored within an enclosed building).

Single room occupancy (SRO) building (subject to CUP approval and the provisions of section 9-1T-2-1 of this chapter).

Welding equipment and supplies; the distribution and storage of oxygen and acetylene in tanks of oxygen is stored in a room separate from acetylene, separated by not less than one hour fire resistant wall.

Wholesale businesses.

Any similar enterprises or businesses or other enterprises or businesses which the planning commission finds are not more obnoxious or detrimental to the public welfare than the enterprises enumerated in this section.

B. Accessory uses:

Accessory buildings and structures. (1960 Code; amd. Ord. 75-408; Ord. 85-578; Ord. 91-688; Ord. 08-922; Ord. 10-931; Ord. 13-972)

9-1N-41: STANDARDS OF DEVELOPMENT:

All uses in C-3 zone shall comply with the following standards of development:

A. Lot Area: Each lot in the C-3 zone created after the effective date hereof, shall have a minimum lot area of not less than:

1. Five thousand (5,000) square feet if designated C-3 or C-3 (5,000); or

2. Ten thousand (10,000) square feet if designated C-3 (10,000); or

3. Twenty thousand (20,000) square feet if designated C-3 (20,000); or

4. One acre, if designated C-3 (A).

B. Lot Width: Each lot in the C-3 zone created after the effective date hereof shall have a minimum lot width of not less than fifty feet (50'); provided, however, that such minimum lot width shall not apply to any lot created as part of a subdivision for a

commercial shopping center where reciprocal access easements are held over all or a portion of said lot by all other lots in such subdivision.

C. Yards:

1. Front Yards: A front yard area of not less than fifteen feet (15') in depth shall be required of each lot in the C-3 zone which has a common side lot line boundary with any lot zoned R-1.

2. Side Yards: No side yard shall be required.

3. Required Rear Yard Areas: No rear yard shall be required.

4. Vision Clearance: Each lot in the C-3 zone which has a common boundary line with any lot zoned R-1, which lot line, as to the R-1 lot, is a side lot line, shall observe at the intersection of such lot line with the street line, a triangular area, one angle of which shall be formed by the front and side lot lines separating the lot from the streets, and the sides of such triangle forming the corner angle shall each be fifteen feet (15') in length, measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two (2) mentioned points which are distant fifteen feet (15') from the intersection of the front and side lot lines. Within the area comprising said triangle, no building, structure, tree, fence, shrub, or other physical obstruction higher than forty two inches (42") above the established grade of the lot shall be permitted or maintained.

D. Building Bulk:

1. Height Limitation: There shall be no height limitation in the C-3 zone, provided that when any building or portion thereof is erected in excess of forty five feet (45') in height, a site development plan shall be processed in accordance with article E of this chapter.

E. Signs:

1. Signs shall be permitted pursuant to the provisions of article L of this chapter.

F. Dish Antennas: The standards of development for dish antennas shall be subject to the limitations as set forth in subsection 9-1N-31E of this article. (1960 Code; amd. Ord. 75-420; Ord. 85-562; Ord. 06-906)

9-1N-42: LIMITATIONS ON PERMITTED USES:

A. Enclosed Uses: All uses in the C-3 zone shall be conducted wholly within an enclosed building, except for those permitted and accessory uses which the planning commission finds are customarily conducted other than in enclosed buildings. Exception: Bona fide sidewalk cafes shall be permitted based upon criteria set forth in the downtown specific plan.

B. Special Development Standards: When any lot in the C-3 zone fronts on a street, the opposite side of which is zoned for R purposes, or abuts any R zoned property, all of the following standards shall be observed in the construction and maintenance of buildings, structures and uses to be located thereon:

1. Lighting: All outdoor lighting shall be constructed, operated and maintained so as to eliminate any interference with, or nuisance to such adjacent R zoned properties; and

2. Vacant Land: All vacant land on the lot or parcel of land and the parkway area of land used in conjunction with permitted uses on such properties, shall be surfaced, landscaped or otherwise maintained in a clean, dust free and orderly manner. For the purpose of this provision, surfacing of concrete, asphalt, clean sand or gravel, placed on soil treated for weed control or appropriate landscaping shall be deemed to comply with this provision.

3. Loading Docks, Storage, Etc.: Loading docks, loading areas, surface areas, outdoor storage or sales area, when permitted, and all trash, rubbish, or garbage

receptacles or containers, which are located in a direct line of vision from any portion of adjacent R zoned properties, shall be enclosed or screened or be separated from such R zoned properties by a view obscuring fence or wall, not less than six feet (6') in height, measured from the finished grade of the C-3 lot. No outdoor storage shall be permitted to extend above the height of such fence or wall.

4. Signs: All signs, advertising structures and the like, located upon such properties, and all driveways to and from such properties, shall, as far as is consistent with the public safety, be located remote from such R zoned properties, when such R zoned properties are located on the same side of the street as said C-3 zoned properties.

5. Mechanical Devices: All mechanical heating, air conditioning, refrigeration or similar devices, maintained and operated on the exterior of buildings located in the C-3 zone, shall be enclosed, and shall be designed, installed, operated and maintained in such a manner as to eliminate unsightliness, noise, smoke, dust, etc., which would otherwise cause an interference with adjacent R zoned properties.

6. Change In Grade: Where it is contemplated to change the grade or elevation of such C-3 zoned properties, in excess of three feet (3') vertically, those portions of the property abutting R zoned properties, a grading plan therefor shall be submitted to the city engineer, in order to obtain a grading permit, and shall show fencing, landscaping, barricades, retaining walls, and other protective devices, designed to protect abutting R zoned properties.

7. Commercial Or Manufacturing Unit: No commercial or manufacturing unit shall contain less than seven hundred fifty (750) square feet of floor area. (1960 Code; amd. Ord. 88-631; Ord. 02-870)

9-1N-43: SITE PLAN REVIEW:

A site plan shall be required prior to the issuance of a building permit, or a certificate of occupancy, if no building permit is required, for the development of any C-3 zoned properties which are required to comply with the special development standards as hereinabove set forth. (1960 Code)

9-1N-44: LOADING FACILITIES:

Each use permitted in zone C-3, shall be provided with off street, off alley loading spaces as herein provided. One such loading space shall be provided for each twelve thousand (12,000) square feet of gross floor area, or fraction thereof, within the building or buildings located on the lot. Such loading spaces shall be permanently maintained not less than thirty feet (30') in length by twenty feet (20') in width, with an unobstructed vertical clearance of not less than fourteen feet (14'). Such facilities shall be surfaced in the manner required by subsection 9-1J-7C of this chapter. (1960 Code)

Part 5. Downtown Specific Plan, DSP

9-1N-50: DOWNTOWN SPECIFIC PLAN:

Ordinance 93-736 enacts a specific plan for the downtown area. Said specific plan identifies land use districts, with a matrix of permitted uses and conditionally permitted uses. Said specific plan establishes development standards, development incentives/bonuses, design guidelines, sign regulations and other requirements and criteria to ensure the orderly development of the area.

Reference is made to said ordinance and specific plan document for the detail of said plan, which shall override all other zoning regulations with regard thereto, except as specifically contained therein.

Said specific plan includes amendments outlined in ordinances 95-772 (deleted by ordinance 00-844), 95-780, 96-797, 97-800, 97-806, 97-809, 02-880, 09-927, 13-976, 16-1010. (Ord. 93-736; amd. Ord. 00-844; Ord. 02-880; Ord. 09-927; Ord. 13-976; Ord. 16-1010)

ARTICLE O. MANUFACTURING DISTRICTS

Part 1. Light Manufacturing Zone, M-1

9-1O-0: PERMITTED USES:

No person shall use nor shall any property owner permit the use of any portion of any property zoned M-1 within the city, except for the following uses:

Any use permitted in the C-3 zone.

Agricultural contractor equipment, sale, or rental or both.

Automobile assembly, body and fender works, dismantling and used parts storage when operated and maintained wholly within an entirely enclosed building.

Automobile forwarding.

Automobile painting, providing all painting, sanding and baking shall be conducted wholly within an enclosed building.

Automobile steam cleaning conducted as a primary use, within an enclosed building.

Batteries, the manufacture and rebuilding of batteries.

Beds, the manufacture of beds and bedsprings.

Boat building.

Bottling plants.

Box factory.

Brushes, the manufacture of.

Building material storage yards.

Cabinet shops.

Canvas, the manufacture of canvas and products of canvas.

Carpet cleaning plants.

Catering establishments.

Cellophane, the manufacture of cellophane products.

Cigars, the manufacturing of.

Clocks, the manufacture of.

Coffee roasting.

Coffins, the manufacturing of.

Confectionery manufacturing.

Contractors' storage yards.

Cork, the manufacture of cork products.

Corrugated cardboard products, sales, storage and manufacture.

Cosmetics, the manufacture of.

Creameries and dairy products manufacturing.

Cutlery manufacturing.

Drugs, the manufacture of and sale at wholesale of drugs.

Dry goods. The manufacture of and sale at wholesale of, and storage of dry goods.

Electric or neon sign manufacturing.

Electrical transmission and distribution substations, including microwave facilities.

Engines, the manufacture of internal combustion or steam engines.

Engraving. Machine metal engraving.

Feathers, the manufacture or renovation of feather products, or both.

Feed and fuel yards.

Fiber products, including fiberglass, the manufacture of.

Fixtures, the manufacture of gas or electrical fixtures, or both.

Flour mills.

Food products manufacturing, storage and processing of except lard, pickles, sauerkraut, sausages or vinegar.

Fruit and vegetable canning, preserving and freezing.

Fur products, the manufacture of.

Furniture, the manufacture of.

Garment manufacture.

Glass, the production by hand of crystal glass art novelties within an enclosed building of fire resistant construction.

Glass, the storage of.

Gloves, the manufacture of.

Heating equipment, the manufacture of.

Horn products, the manufacture of.

Ice and cold storage plants.

Ice cream manufacturing.

Iron. Ornamental iron works but not including a foundry.

Knitting mills.

Laboratory, experimental film, motion picture research or testing.

Laundries.

Lumberyards.

Machine shops.

Machinery storage yards.

Manufacture and assembly of electrical appliances including electronic instruments and devices and small parts and components therefor.

Manufacture or prefabricated buildings.

Manufacturing, assembly, compounding or treating of articles or merchandise from previously prepared materials.

Mattresses, the manufacture and renovation of.

Medicines, the manufacture of.

Mills, planting.

Motors, the manufacture of electric motors.

Musical instruments, the manufacture of.

Novelties, the manufacture of.

Outdoor advertising structures pursuant to section 9-1O-2 of this article.

Packaging businesses.

Painting mixing, provided a boiling process is not employed, no tank farm is permitted and above surface thinner storage is limited to two hundred (200) gallons.

Paper products, the manufacture of, but not including the manufacture of paper itself.

Parcel delivery terminals.

Perfume manufacturing, blending and bottling.

Phonograph records, the manufacture of, including the grinding and processing of the basic materials used in connection therewith.

Pie factories.

Plastics, fabrication from.

Plastics, the molding of plastics including the light manufacture of products thereof, provided all grinding operations are conducted within an enclosed building.

Pottery, the manufacture of.

Public scales.

Public utility service center.

Rope, the manufacture and storage of.

Rubber, fabrication of products made from finished rubber.

Rugs, the manufacture of.

Sand, gravel, fill dirt, topsoil, sales and storage.

Sash and door manufacturing.

Scientific instrument and equipment manufacturing of precision materials.

Sheet metal shop.

Shoes, the manufacture of.

Soap manufacture, cold mix only.

Soft drinks, the manufacture and bottling of.

Springs, the manufacture of.

Statuary, the manufacture of clay, papier-mache and stone statuary and monuments.

Stone monuments and tombstone works.

Stones, precision or semiprecious, manufacturing products of.

Storage, commercial. Commercial storage (including more than 72 hours parking) of recreational vehicles, transit and transportation vehicles and equipment including terminals, but subject first as to any and all of such uses to a conditional use permit issued pursuant to section 9-1F-10 of this chapter.

Store fixtures, manufacture and sales.

Testing laboratories.

Textile, manufacture.

Tile, manufacture of wall and floor tile and related small products.

Tinsmiths.

Tire rebuilding, recapping and retreading.

Toiletries manufacturing.

Tools, the manufacture of.

Towing service, provided all storage, including any overnight storage of vehicles, shall be behind a six foot (6') high solid wall or within a completely enclosed building.

Toys, the manufacture of.

Transfer, moving and storage of furniture and household goods.

Truck and trailer rental concerns.

Truck repairing, overhauling and service.

Truck transportation yard (except truck terminals).

Truck washing and cleaning.

Type, the manufacture of printer's type.

Venetian blinds, the manufacture of.

Vitamin tablets, the manufacture of.

Warehouse, wholesale and storage.

Welding shops.

Wine storage and manufacture.

Wiping rag storage (laundered only).

Wire fabrication.

Wood products, the manufacture of.

Yarn, the dyeing of yarn and the manufacture of yarn products.

Any similar enterprise or business or other enterprises or business which the planning commission finds are not more obnoxious or detrimental to the public welfare than the enterprises enumerated in this section. (1960 Code; amd. Ord. 80-493; Ord. 90-665; Ord. 93-752)

9-1O-1: STANDARDS OF DEVELOPMENT:

All uses in the M-1 zone shall comply with the following standards of development:

A. Lot Area: Each lot in the M-1 zone shall have a minimum lot area of not less than:

1. Five thousand (5,000) square feet if designated M-1, or M-1 (5,000); or

2. Ten thousand (10,000) square feet if designated M-1, or (10,000); or

3. One acre, if designated M-1 (A).

B. Lot Width: Each lot in the M-1 zone, created after the effective date of this chapter, shall have a minimum lot width of not less than fifty feet (50').

C. Yards:

1. Front Yards: Each lot in the M-1 zone shall have and maintain a landscaped front yard not less than five feet (5') in depth;

2. Side Yards And Rear Yards: No side or rear yard shall be required.

3. Limitation: No building or structure shall be erected or maintained in any required yard area, except as provided in this chapter.

D. Building Bulk:

1. Height Limitation: No building or structure in the M-1 zone shall be erected or maintained more than thirty five feet (35') in height.

2. Maximum Lot Coverage: No lot or parcel of land in the M-1 zone shall have the lot coverage, by buildings or structures, in excess of fifty percent (50%) of the total lot area.

E. Dish Antennas: The standards of development for dish antennas shall be subject to the limitations as set forth in subsection 9-1N-31E of this chapter. (1960 Code; amd. Ord. 85-562; Ord. 88-632)

9-1O-2: OUTDOOR ADVERTISING STRUCTURES:

Requests for the installation or alteration of outdoor advertising structures shall be subject to the review and approval of the planning director prior to issuance of building permits per the following standards which shall be applicable to the construction, installation and maintenance of outdoor advertising structures:

A. There shall be a minimum distance of five hundred feet (500') between outdoor advertising structures.

B. No outdoor advertising structure shall project over a public right of way.

C. All outdoor advertising structures shall observe the yard requirements of the zone in which located.

D. All outdoor advertising structures on corner lots shall maintain a distance no less than twenty five feet (25') from either intersection street right of way.

E. No outdoor advertising structure shall exceed a height of twenty six feet (26') measured from grade level of the lot upon which such structure is located to the highest part of the sign structures.

F. Illumination of outdoor advertising structures shall not interfere with traffic signals or shine directly onto residential zones.

G. No rotating, revolving or flashing lighting devices shall be made a part of any outdoor advertising structure.

H. All outdoor advertising structures shall be mounted on steel supports.

I. No outdoor advertising structure shall be so oriented that it can be read by motorists on any federal, state or county freeway.

J. Backs of single faced outdoor advertising structures shall be covered with a material approved by the city.

K. All outdoor advertising structures shall be maintained in a neat and orderly condition, with no chipped, peeling or cracked paint, no broken supporting members or broken frames, and no torn or peeling paper.

L. All utility services shall be provided underground.

M. There shall be a minimum distance of two hundred feet (200') from a residential zone to any outdoor advertising structure. (1960 Code; amd. Ord. 81-510)

9-1O-3: LIMITATIONS ON PERMITTED USES:

A. Enclosed Uses: All uses in the M-1 zone shall be conducted wholly within an enclosed building, except for those permitted and accessory uses customarily conducted in the open.

B. Special Development Standards: When any lot in the M-1 zone fronts on a street, the opposite side of which is zoned for R purposes, or abuts any R zoned property, call of the following standards shall be observed in the construction and maintenance of buildings, structures and uses to be located thereon:

1. Lighting: All outdoor lighting shall be constructed, operated and maintained so as to eliminate any interference with, or nuisance to such adjacent R zoned properties; and

2. Vacant Land: All vacant land on the lot or parcel of land and the parkway area or land used in conjunction with permitted uses on such properties, shall be surfaced, landscaped or otherwise maintained in a clean, dust free and orderly manner. For the

purpose of this provision, surfacing of concrete, asphalt, clean sand or gravel, placed on soil treated for weed control or appropriate landscaping shall be deemed to comply with this provision.

3. Loading Docks, Storage, Etc.: Loading docks, loading areas, surface yards, outdoor storage or sales area, when permitted, and all trash, rubbish, or garbage receptacles or containers, which are located in a direct line of vision from any portion of adjacent R zoned properties, shall be enclosed or screened or be separated from such R zoned properties by a view obscuring fence or wall, not less than six feet (6') in height, measured from the finished grade of M-1 lot. No outdoor storage shall be permitted to extend above the height of such fence or wall.

4. Signs: All signs, advertising structures and the like, located upon such properties, and all driveways to and from such properties, shall, as far as is consistent with the public safety, be located remote from such R zoned properties, when such R zoned properties are located on the same side of the street as said M-1 zoned properties.

5. Mechanical Devices: All mechanical heating, air conditioning, refrigeration or similar devices, maintained and operated on the exterior of buildings located in the M-1 zone, shall be enclosed and shall be designed, installed, operated and maintained in such a manner as to eliminate unsightliness, noise, smoke, dust, etc., which would otherwise cause an interference with adjacent R zoned properties.

6. Change In Grade: Where it is contemplated to change the grade or elevation of such M-1 zoned properties, in excess of three feet (3') vertically, those portions of the property abutting R zoned properties, a grading plan therefor shall be submitted to the city engineer, in order to obtain a grading permit, and shall show fencing, landscaping, barricades, retaining walls, and other protective devices, designed to protect abutting R zoned properties.

7. Commercial Or Manufacturing Unit: No commercial or manufacturing unit shall contain less than seven hundred fifty (750) square feet of floor area. (1960 Code; amd. Ord. 88-631)

9-1O-4: SITE PLAN REVIEW:

A site plan shall be required prior to the issuance of a building permit, or a certificate of occupancy, if no building permit is required, for the development of any M-1 zone property which is required to comply with the special development standards as hereinabove set forth. (1960 Code)

9-1O-5: LOADING FACILITIES:

Each use permitted in zone M-1 shall be provided with off street, off alley loading spaces as herein provided. One such loading space shall be provided for each twelve thousand (12,000) square feet of gross floor area, or fraction thereof, within the building or buildings located on the lot. Such loading spaces shall be permanently maintained not less than thirty feet (30') in length by twenty feet (20') in width, with an unobstructed vertical clearance of not less than fourteen feet (14'). Such facilities shall be surfaced in the manner required by subsection 9-1J-7C of this chapter. (1960 Code)

Part 2. Heavy Manufacturing Zone, M-2

9-1O-20: PERMITTED USES:

No person shall use, nor shall any property owner permit the use of any property in an M-2 zone except for the following uses:

A. Principal uses:

Any use permitted in the M-1 zone.

Alcohol manufacture.

Ammonia, bleaching powder or chlorine manufacture.

Boiler works.

Breweries.

Brick, tile, cement block or terra cotta manufacture.

Concrete and concrete products manufacture.

Electric generating station and attendant microwave equipment.

Gas manufacture or storage.

Iron, steel, brass or copper fabrication plants.

Lamp black manufacture.

Oil cloth or linoleum manufacture.

Paint, oil, shellac, turpentine or varnish manufacture.

Petroleum, or its fluid products, wholesale storage of.

Roofing material manufacture.

Soda and compound manufacture.

Stove or shoe polish manufacture.

Wool pulling or scouring.

B. Accessory uses:

Accessory buildings and structures. (1960 Code)

9-1O-21: LIMITATIONS ON PERMITTED USES:

A. Enclosed Uses: All uses in the M-2 zone shall be conducted wholly within an enclosed building, except for those permitted and accessory uses customarily conducted in the open.

B. Special Development Standards: When any lot in the M-2 zone fronts on a street, the opposite side of which is zoned for R purposes, or abuts any R zoned property, all of the following standards shall be observed in the construction and maintenance of buildings, structures and uses to be located thereon:

1. Lighting: All outdoor lighting shall be constructed, operated and maintained so as to eliminate any interference with, or nuisance to such adjacent R zoned properties; and

2. Vacant Land: All vacant land on the lot or parcel of land and the parkway area or land uses in conjunction with permitted uses on such properties, shall be surfaced, landscaped or otherwise maintained in a clean, dust free and orderly manner. For the purpose of this provision, surfacing of concrete, asphalt, clean sand or gravel, placed on soil treated for weed control or appropriate landscaping shall be deemed to comply with this provision.

3. Loading Docks, Storage, Etc.: Loading docks, loading areas, surface yards, outdoor storage or sales area, when permitted, and all trash, rubbish, or garbage receptacles or containers, which are located in a direct line of vision from any portion of adjacent R zoned properties, shall be enclosed or screened or be separated from such R zoned properties by a view obscuring fence or wall, not less than six feet (6') in height, measured from the finished grade of the M-2 lot. No outdoor storage shall be permitted to extend above the height of such fence or wall.

4. Signs: All signs, advertising structures and the like, located upon such properties, and all driveways to and from such properties, shall, as far as is consistent with the public safety, be located remote from such R zoned properties, when such R zoned properties are located on the same side of the street as said M-2 zoned properties.

5. Mechanical Devices: All mechanical heating, air conditioning, refrigeration or similar devices, maintained and operated on the exterior of buildings located in the M-2 zone, shall be enclosed, and shall be designed, installed, operated and maintained in such a manner as to eliminate unsightliness, noise, smoke, dust, etc.,

which would otherwise cause an interference with adjacent R zoned properties.

6. Change In Grade: Where it is contemplated to change the grade or elevation of such M-2 zoned properties, in excess of three feet (3') vertically, those portions of the property abutting R zoned properties, a grading plan therefor shall be submitted to the city engineer, in order to obtain a grading permit and shall show fencing, landscaping, barricades, retaining walls, and other protective devices, designed to protect abutting R zoned properties.

7. Dish Antennas: The standards of development for dish antennas shall be subject to the limitations as set forth in subsection 9-1N-31E of this chapter.

8. Commercial Or Manufacturing Unit: No commercial or manufacturing unit shall contain less than seven hundred fifty (750) square feet of floor area. (1960 Code; amd. Ord. 85-562; Ord. 88-631)

9-1O-22: SITE PLAN REVIEW:

A site plan shall be required prior to the issuance of a building permit, or a certificate of occupancy, if no building permit is required, for the development of any M-2 zone property which is required to comply with the special development standards as hereinabove set forth. (1960 Code)

9-1O-23: LOADING FACILITIES:

Each use permitted in zone M-2 shall be provided with off street, off alley loading spaces as herein provided. One such loading space shall be provided for each twelve thousand (12,000) square feet of gross floor area, or fraction thereof, within the building or buildings located on the lot. Such loading spaces shall be permanently maintained not less than thirty feet (30') in length by twenty feet (20') in width, with an unobstructed vertical clearance of not less than fourteen feet (14'). Such facilities shall be surfaced in the manner required by subsection 9-1J-7C of this chapter. (1960 Code)

ARTICLE P. OPEN SPACE ZONE, O-S

9-1P-0: O-S, OPEN SPACE ZONING ORDINANCE:

This article may be referred to as the *OPEN SPACE ZONING ORDINANCE*. This article has been prepared and adopted pursuant to the provisions of section 65910 of the Government Code of the state of California and is intended to be consistent with, and supplemental to the local open space plan of the general plan of the city of Temple City heretofore adopted by the city council. (1960 Code)

9-1P-1: USES PERMITTED:

The following uses shall be permitted uses within the O-S zone:

Land that is essentially unimproved and devoted, used, or utilized for preservation of natural resources, plant and animal life, ecological and scientific study and purposes, rivers, streams, lakes and watershed land.

Propagation nurseries and horticultural uses, provided that no dwellings, either temporary or permanent, be permitted in relation thereto, nor any on premises sales or advertising.

Public parks and playgrounds, wild life preserves, public golf courses, public recreation areas, and such buildings and structures as are accessory thereto. (1960 Code)

9-1P-2: CONDITIONAL USE PERMITS:

The following public and private uses may be permitted only if the location and development are approved by the city as a conditional use pursuant to the requirements of section 9-1F-11 of this chapter:

Electric transmission substations, electric distribution stations, communications equipment building, microwave radio and telephone transmissions facilities used in

the operation of public utility functions.

Flood control channels, spreading grounds, settling basins, freeways, and parkways.

Water wells, reservoirs, tanks, dams, treatment plants, gauging stations, pumping stations and any use normal and appurtenant to the obtainment, storage and distribution of water. (1960 Code)

9-1P-3: USES EXPRESSLY PROHIBITED:

The following uses expressly prohibited within the O-S zone:

A. Residential uses.

B. Commercial uses other than those regulated and under the regulation of the parks and/or other city, county or state recreational agency.

C. Industrial uses.

D. Any use not expressly permitted in section 9-1P-1 or 9-1P-2 of this article. (1960 Code)

9-1P-4: PROPERTY DEVELOPMENT STANDARDS:

All property in this zone shall be developed in accordance with the requirements specified in any conditional use permit granted therefor and according to the following standards:

A. Lot Area: No limitation.

B. Lot Dimension: No requirements.

C. Yards: No requirements.

D. Population Density: No dwellings permitted in this zone.

E. Lot Coverage: No structure permitted except for accessory buildings or structures related to public park and recreational facilities. In no case shall building coverage exceed ten percent (10%) of the total lot area. (1960 Code)

ARTICLE Q. SENIOR CITIZEN HOUSING, SCH

9-1Q-0: PURPOSE:

The purpose of the senior housing overlay zone is to provide optional standards and incentives for the development of senior housing which is restricted to residents sixty two (62) years of age or older and for married couples of which one spouse is sixty two (62) years of age or older. Whenever the senior citizen housing has been added to an underlying zone in accordance with the procedures for a zone change, the property may be developed in accordance with the senior housing overlay zone or the underlying zone. (1960 Code)

9-1Q-1: CONDITIONAL USE PERMIT:

Senior citizen housing shall be permitted with a conditional use permit in all zones, with the exception of the R-1 zone; senior citizen housing within the downtown specific plan area shall be governed by any special provisions of that specific plan, where applicable. (1960 Code)

9-1Q-2: DEFINITIONS:

SENIOR CITIZEN: Sixty two (62) years of age or older.

SENIOR CITIZEN HOUSING; CONGREGATE CARE: A senior citizen housing development having a common dining facility and not kitchen facilities in an individual unit.

SENIOR CITIZEN HOUSING; INDEPENDENT LIVING: A senior citizen housing development comprised of independent self-contained dwelling units having one or more rooms with private bath and kitchen facilities. (1960 Code)

9-1Q-3: STANDARDS OF DEVELOPMENT:

All premises in the senior citizen housing overlay zone shall comply with the following standards of development:

A. Density: The maximum permitted density in the senior citizen overlay zone shall be determined at the time of public hearing for the zone change and conditional use permit.

B. Density Bonus: Any senior citizen housing project which sets aside a portion of the units for low income households shall be considered for a bonus density; said bonus density shall reflect the number and percentage of units devoted to affordable housing and shall be consistent with state standards for bonus densities. Any units built as a density bonus shall be continuously maintained for low and moderate income occupants for not less than thirty (30) years.

C. Gross Floor Area: Minimum gross floor area for new dwelling units:

1. Congregate care senior housing:

a. One bedroom units shall contain not less than four hundred (400) square feet.

b. Two (2) bedroom units shall contain not less than five hundred fifty (550) square feet.

2. Independent living senior housing:

a. One bedroom units shall contain not less than six hundred fifty (650) square feet.

b. Two (2) bedroom units shall contain not less than eight hundred (800) square feet.

D. Yards: Setbacks on the front, side and rear yards of the property shall be the same as the underlying zone.

E. Height Limits: Building and structure height limits shall not exceed the maximums established by the underlying zone.

Subterranean or semisubterranean parking may be permitted if the driveway slope within the first twenty feet (20') from a public right of way is at a slope of no greater than two percent (2%). Any proposal which includes subterranean or semisubterranean parking shall be subject to the review and approval of the traffic engineer. Elevators shall be provided in all buildings containing living units above the first floor.

F. Off Street Parking: The minimum amount of parking required for any senior citizen housing development proposal shall be determined in conjunction with the necessary zone change and conditional use permit. In determining the adequacy of parking, consideration may be given to the location of the proposed project, the age of the intended occupants and any other variables deemed pertinent by the granting body.

G. Open Space:

1. Required Usable Landscaped Open Space: There shall be a minimum of three hundred (300) square feet of landscaped open space per unit.

2. Private Open Space: All ground level units shall have a minimum of one hundred (100) square feet of private open space consisting of a patio or deck. All aboveground units shall have a minimum of seventy five (75) square feet of balcony or deck space.

3. Common Open Space: A minimum of forty percent (40%) of the required usable open space shall be devoted to common open space when the development consists of four (4) or more units. Common open space shall be a minimum of fifteen feet (15') in one direction and be physically separated from private open space by a wall or hedge. A swimming pool or covered patio may be counted toward meeting the common open space requirement. (1960 Code)

ARTICLE R. RESIDENTIAL OVERLAY DISTRICTS

9-1R-0: RESIDENTIAL PLANNED DEVELOPMENT DISTRICTS:

Residential planned development districts shall be created in the same manner as property is reclassified from one zone to another within the city, as set forth in section 9-1G-0 of this chapter. When an RPD district has been so created, the zone of the property shall be designated upon the zoning map of the city by the zoning symbol "RPD". (1960 Code)

9-1R-1: PERMITTED USES IN RPD DISTRICTS:

Any use permitted in any R zone may be permitted in RPD districts subject to regulations set forth in this article. (1960 Code)

9-1R-2: PURPOSE:

Where a proposal for a residential development makes it desirable to apply regulations more flexible than those applicable to other zones in this title, a residential planned development district may be established to provide diversification in the location of structures and other site qualities while ensuring compliance with the general plan and compatibility with existing and future developments in surrounding areas. (1960 Code)

9-1R-3: AREA:

The minimum area for an RPD district shall be one acre. (1960 Code)

9-1R-4: PROVISIONAL PLAN:

An application for a change of classification to an RPD district shall be accompanied by a provisional plan showing the site proposed for the development, the character and use of adjoining property, the general size, location and use of all proposed buildings and structures to be placed on the site, the location and dimensions of streets, parking area, open areas and other public and private facilities and uses. (1960 Code)

9-1R-5: PROCEDURE:

The change of classification shall be determined pursuant to the procedure set forth in section 9-1G-0 of this chapter and the provisional plan shall be merged with and become a part of the RPD district for the particular property so classified. Any substantial change in the provisional plan merged into an RPD district shall constitute a reclassification of property, and such change shall be determined pursuant to section 9-1G-0 of this chapter.

No development of the subject site shall begin and no building permit shall be issued in any case until a precise plan of planned development shall have been approved by the planning commission and/or the city council as set forth hereafter. The precise plan shall substantially conform to the provisional plan; and if so shall be approved subject to such conditions as may be warranted under section 9-1R-6 of this article. (1960 Code)

9-1R-6: PRECISE PLAN:

The purpose of the precise plan is to assure that the final plans conform to the provisional plan and to attach such additional conditions as may be appropriate to such development.

A. Application: The application for approval of a precise plan shall be filed with the planning department, on a form furnished by the city, and shall be accompanied by a fee in the amount set by resolution of the council. The application shall contain the following:

1. The total development plan showing all the dimensions and locations of proposed structures, buildings, streets, parking, yards, playgrounds, school sites, open spaces and other public or private facilities. The plan shall include a statement of all uses proposed to be established and the location of each use.

2. Engineering site plans and landscaping plans.

3. Architectural drawings of sketches showing the design and character of the proposed structures, uses and facilities and the physical relationship of all elements.

4. Other pertinent information as may be necessary to determine that the contemplated arrangement or use makes it desirable to apply regulations and requirements differing from those ordinarily applicable under this code.

B. Hearing: The planning commission shall conduct a public hearing on the proposed precise plan pursuant to the procedure set forth in sections 9-1F-22, 9-1F-23, 9-1F-24 and 9-1F-25 of this chapter.

C. Appeals: The procedure for appeals shall be the same as set forth in sections 9-1F-26, 9-1F-28, 9-1F-29 and 9-1F-30 of this chapter.

D. Revocation: Upon recommendation by the city planning director, the body which granted final approval of a precise plan, shall conduct a noticed public hearing to determine whether such precise plan approval should be revoked. If the granting body finds any one of the following facts to be present, it shall revoke the approval:

1. That the approval was obtained by fraud; or

2. That the precise plan is being implemented contrary to any conditions imposed upon approval of the plan, or in violation of any law.

If the revocation hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in subsection C of this section.

E. Expiration: Any precise plan approval permit shall be null and void if it is not exercised within the time specified in the resolution approving such precise plan, or, if no time is so specified, if the same is not exercised within one year from the date said approval becomes final, provided that if litigation is filed prior to the exercise of such rights, attacking the validity of such approval, the time for exercising such rights shall be automatically extended pending a final determination of such litigation. The granting body, upon good cause shown by the applicant, may extend the time limitations imposed by this section, once, for a period of not to exceed one year without a public hearing.

F. Modification: Any condition imposed upon the approval of a precise plan, may be modified or eliminated, or new conditions may be added, provided that the granting body shall first conduct a public hearing thereon, in the same manner as is required for the granting of the same.

No such modification shall be made unless the granting body finds that such modification is necessary to protect the public peace, health and safety, or, in case of deletion of such a condition, that such action is necessary to permit reasonable development under the precise plan as approved. If the modification hearing is conducted by the commission, its decision shall be subject to review on appeal, taken in the time and manner set forth in subsection C of this section. (1960 Code)

ARTICLE R.1. MIXED-USE ZONE (MUZ)

9-1R.1-0: INTENT AND PURPOSE:

A mixed use development is a development project that consists of residential uses in conjunction with commercial and office uses on a single integrated development site. The mixed-use zone (MUZ) is intended to provide opportunities for mixed use development projects at appropriate locations in the city where such a development approach is deemed to be consistent with general plan policy. The mixed-use zone is also intended to allow for creative and complementary combinations of residential and nonresidential uses including office, retail, personal services, public spaces and other community amenities. Development within this zone is intended to revitalize deteriorating commercial areas by integrating residential uses into the commercial fabric to create an active, pedestrian oriented street life and enhance the vitality of businesses.

The mixed-use zone (MUZ) provides for a combined mix of medium and high density residential development with retail, office and service uses, with the nonretail uses located primarily at the street level to create a pedestrian oriented environment. Development approaches are intended to encourage new housing opportunities, such as residential over retail which are proximate to commercial services and promote pedestrian activity. Plazas, courtyards, outdoor dining and other public gathering spaces and community amenities may be incorporated into such developments. Development and design focuses on assuring that mixed use projects are functionally integrated through the relationships between location and types of uses and structures, the efficient use of land, optimal site planning and design elements. Mixed use projects shall also assure that infill development is distributed and designed in a manner sensitive to scale and design to the street environment and that such development incorporates appropriate landscaping and buffering techniques. (Ord. 05-903)

9-1R.1-1: RECLASSIFICATION PROCEDURE AND DEVELOPMENT

REVIEW:

The mixed-use zone as set forth in this article shall be designated as an overlay zone where the general plan designation of the property is "commercial" and where the minimum site size is one acre. Any development in the mixed-use zone (MUZ) shall require the preapproval of a development agreement between the applicant/owner and the city in accordance with California Government Code sections 65864, 65865 and 65866. An application for a change to the mixed-use zone overlay category shall be accompanied by a proposed development agreement and a precise plan of development which sets forth principal permitted uses, accessory uses and precise development parameters to include, but not limited to, fully dimensioned plans that show the proposed amount of building square footage by use, detailed architectural drawings showing building elevations and fully dimensioned building scales, detailed descriptions of points of ingress and egress for both pedestrians and vehicles and other associated development details deemed necessary in order to fully evaluate, assess, apply and enforce mitigation measures or conditions of approval. (Ord. 05-903)

9-1R.1-2: IMPLEMENTATION AND ADMINISTRATION:

In order to designate a property to the mixed-use zone (MUZ), the parcel shall be designated as commercial on the city's general plan land use map and the minimum size of the parcel shall be one acre. The reclassification or rezoning process shall be the same as that used for rezoning property in general as set forth in the zoning code. Additionally, no property shall be designated or classified as a mixed-use zone unless the rezoning request is accompanied by a development agreement and a precise plan of development. The development agreement shall specify the duration of the agreement, permitted uses, allowed density and intensity of the uses, the maximum height and size of the proposed buildings and structures and any provisions for reservation or dedication of land for public purposes. The benefits of the agreement to the city, if any, shall also be stated. The agreement may contain other provisions as permitted in the Government Code. Once signed by all parties to the agreement, the agreement shall be recorded with the county recorder as a covenant or deed restriction upon the property.

The development agreement and precise plan shall contain all pertinent information relative to the proposed development project including fully dimensioned plans that illustrate the total square footage, the building configuration, building height, the amount of parking, floor area ratio, as well as the intensity and density of both commercial and residential land uses. In addition to high density residential uses, which would be allowed in conjunction with any mixed use development, special consideration and/or a density bonus shall be awarded when housing is specifically designated and reserved for low or moderate income households. If the development agreement specifies a low income or moderate income housing component, specific rent and/or sale price parameters shall be incorporated into the development

agreement to assure that affordable housing is continuously maintained as such. (Ord. 05-903)

ARTICLE R.2. INFILL COMMUNITY OVERLAY DISTRICT (IC)

9-1R.2-1: PURPOSE:

The infill community overlay district is introduced to establish standards of development for medium and high density residential development at sites that are underutilized, vacant, or unimproved with essential physical infrastructure and are not part of an existing neighborhood. The site may be surrounded by nonresidential uses, physical barriers or impediments that obstruct access, public services, or utility services. The infill community overlay district is established to ensure that the residential development proposed on these infill sites are compatible with existing surrounding land uses, have sufficient access to public streets, infrastructure, and services, and that the residential development has taken into account all environmental, physical, and all site constraints. (Ord. 14-981)

9-1R.2-2: APPLICABILITY:

A. Infill sites must meet the following conditions in order to be rezoned with the infill community overlay district designation:

1. Property must be within the R-2 or R-3 zoning districts;

2. The property must not be a part of an existing established neighborhood;

3. Project site shall have no less than five (5) acres of contiguous developable area.

4. Project site shall have physical or environmental constraints such as shape, topography, site access, noise, etc., which prevent the property from meeting the normal requirements of the R-2 or R-3 zoning districts. (Ord. 14-981)

9-1R.2-3: RECLASSIFICATION PROCEDURE AND DEVELOPMENT REVIEW:

A. Reclassification of the infill community overlay district shall require the application of a general plan amendment and zone change.

B. All development within the infill community overlay district shall be subject to site plan review and applicable discretionary permits, application submittal requirements, and approval procedures through the community development department, planning commission and/or city council. (Ord. 14-981)

9-1R.2-4: STANDARDS OF DEVELOPMENT:

Multi-family residential development shall comply with the density and provisions of the underlying zoning district except as follows:

A. Minimum Lot Size: One thousand four hundred (1,400) square feet.

B. Attached Units: No more than thirty three percent (33%) of the total units shall be comprised of attached units.

C. Lot Coverage: Maximum lot coverage is seventy percent (70%) of the individual lot area.

D. Floor Area Ratio: Floor area ratio shall be calculated on the net developable lot area:

1. R-2 zone: 0.60.

2. R-3 zone: 0.70.

E. Second Story Floor Area: The second story floor area of any detached dwelling unit shall not exceed ninety five percent (95%) of the first story floor area, including attached garages. The second story ratio for the attached units (zero lot line), shall be calculated using the living area and attached garage for all attached units.

F. Required Setbacks:

1. Minimum Setback: A minimum three foot (3') setback is required for all habitable space on the first and second floor inclusive of architectural elements, such as bay windows, fireplaces, planter boxes or similar items; cornices, eaves, and elements that do not restrict emergency service access may encroach up to eighteen inches (18").

2. Second Floor Projections: Second floor projections over the first floor are permitted in all yards and shall comply with the three foot (3') setback requirement; second floor projections on the access driveway side may have zero setback but in no case shall the second floor projection extend over the property line.

3. Decorative Architectural Features: Decorative architectural features not used for living purposes may encroach up to eighteen inches (18") into the three foot (3') setback provided a minimum three foot (3') access is provided to the satisfaction of the fire department.

4. Zero Lot Line: Residential units may also be attached to other units, therefore forming a zero lot line.

G. Required Parking:

1. Two (2) private garage spaces shall be provided for each unit.

2. Three-fourths ($^{3}/_{4}$) guest parking space shall be provided for each unit. The surface of guest parking spaces may include impervious materials.

H. Development: Development within the infill community overlay district shall comply with the architectural design guidelines and articulation requirements in the underlying zone to the intent of achieving a high quality project and shall be subject to the approval of the appropriate approval body.

I. Common Open Space: A minimum of one recreational area or common open space shall be provided for every twenty five (25) units. The minimum size of each recreational area shall be five thousand (5,000) square feet and have a minimum width of forty feet (40').

J. Gated Developments: Developments may be gated, provided any operable gate(s) and stacking area meet the requirements of the Los Angeles County fire department and city engineer to ensure emergency access and prevent impacts to adjacent public streets, and subject to approval of applicable approval body.

K. Walls And Hedges: Walls or hedges may exceed six feet (6') in height, provided the higher wall or hedge is required mitigation as part of an approved mitigated negative declaration or environmental impact report, and subject to approval of applicable approval body.

L. Screening Of Mechanical Equipment: All permanent mechanical equipment located on the ground shall be screened from common areas and shall not restrict emergency access.

M. Storage: Private and secure storage shall not be required. (Ord. 14-981)

ARTICLE S. DEDICATION OF MAPPED STREETS

9-1S-0: PURPOSE:

As a result of studies conducted by the city council, planning commission and city staff, it is apparent and so found, that certain streets within the city are of insufficient width to properly accommodate the flow of vehicular traffic generated thereon by the use of properties abutting the same. It is essential, to remedy such deficiencies, that a

requirement of dedication for public street purposes be imposed upon the use of property or issuance of building permits thereon, as hereinafter required. (1960 Code)

9-1S-1: APPLICATION:

No person shall hereafter commence to use any vacant property in zones R-3, C-2, C-M, M-1 and M-2, nor shall any building permit be issued for the construction or reconstruction of any building or structure, the estimated cost of which is in excess of one thousand dollars ($1,000.00), relating to any lot zoned R-3, C-2, C-M, M-1, and M-2, if such lot abuts upon any street declared in this chapter as being deficient in width, unless the owner of such lot shall have made a formal offer of dedication to the city, for public street purposes, and all uses appurtenant thereto, of any area along all street frontage of such lots, which area shall be adequate in size so that one-half ($^1/_2$) of the total required ultimate street right of way, as prescribed by this chapter shall have been provided. (1960 Code)

ARTICLE T. SPECIAL USES

9-1T-0: TOBACCO/E-CIGARETTE STORE:

A. Definitions:

E-CIGARETTE/VAPORIZER RETAILER: An establishment for which more than fifty percent (50%) of the floor area is dedicated to the display and retail sale of nicotine enriched solutions and/or vaporizers.

PARAPHERNALIA: Any apparatus, equipment, or instruments used for smoking tobacco or controlled substances, and/or inhaling mist of nicotine enriched solutions, for the purpose of personal or recreational satisfactions.

TOBACCO RETAILER: An establishment for which more than fifty percent (50%) of the floor area is dedicated for the display and retail sale of tobacco, cigarettes, and related products. This provision does not include the sales of tobacco and tobacco products from a permitted grocery store and similar permitted retail stores, the primary purpose of which are not the sale of tobacco and tobacco products.

B. Locational Criteria And Minimum Proximity Requirements: A tobacco or e-cigarette/vaporizer retailer shall be permitted under the business class of "tobacco shop" in the Downtown Specific Plan Area, General Commercial Zone (C-2), Heavy Commercial Zone (C-3), Light Manufacturing zone (M-1), and heavy commercial zone (M-2), subject to the locational criteria as set forth in the following:

1. No such business shall be permitted within one thousand feet (1,000') of a public or private school established for academic education of children or minors under the age of eighteen (18) years old.

2. No such business shall be permitted within one thousand feet (1,000') of a public park.

3. No such business shall be permitted within one thousand feet (1,000') of an existing tobacco or e-cigarette/vaporizer business.

4. No such business shall be permitted within one thousand feet (1,000') of a large childcare center located within the city's limits.

C. Conditional Use Permit Requirement: No such businesses shall be permitted without first obtaining a conditional use permit.

D. Visibility Requirements:

1. As a retail store, a tobacco or e-cigarette/vaporizer retailer is required to provide necessary visibility for the in-store business activities. A common way of providing such visibility includes, but is not limited to, creating larger window area for the storefront facing pedestrian and vehicular traffic; maintaining the storefront windows unobstructed at all times during business hours, and using clear glass instead of tinted glass for the storefront windows.

2. Window signs for such businesses shall be limited to identifying the name of the business and shall not exceed ten percent (10%) of each window area.

E. Limitation On Sales Of Paraphernalia: Any commercial retail establishment including a tobacco or e-cigarette/vaporizer retailer selling paraphernalia as accessory products shall limit the sale, storage, and display of paraphernalia to no more than twenty percent (20%) of the total floor area. Further, all sale, storage, and display of paraphernalia shall be conducted within a separate enclosed room. (Ord. 13-975; amd. Ord. 13-982)

9-1T-1: HOOKAH/SMOKE LOUNGE:

A. Definition:

HOOKAH/SMOKE LOUNGE: An establishment for which the configuration of the floor area is to facilitate on site consumption of tobacco, cigarette, and nicotine enriched solutions. For clarification purpose, a hookah/smoke lounge, and/or any other similar uses shall be considered an individual business class separated from a tobacco/e-cigarette store.

B. Hookah/Smoke Lounge Prohibited: No hookah/smoke lounge business or similar operations shall be allowed within the city's limits. (Ord. 13-975; amd. Ord. 13-982)

9-1T-2: HOUSING FOR PERSONS WITH SPECIAL NEEDS:

This section 9-1T-2 accommodates development of housing for individuals with special needs. (Ord. 13-972)

9-1T-2-1: SINGLE ROOM OCCUPANCY (SRO) BUILDING:

The provisions of this section are intended to accommodate the development of permanent, affordable housing for small households or persons with special needs.

A. Location: An SRO building shall be permitted to locate in the C-3 zone subject to the approval of a conditional use permit pursuant to section 9-1F-10 of this chapter.

B. Standards Of Development:

1. C-3 Zone Standards: An SRO building shall be subject to the standards of development that apply to the C-3 zone. There is no density standard applicable in the C-3 zone.

2. Unit Size: An SRO unit shall contain a floor area of not less than one hundred fifty (150) square feet and not more than four hundred (400) square feet.

3. Occupancy: An SRO unit shall accommodate a maximum of two (2) persons.

4. Kitchen: An SRO unit may have no kitchen, a partial kitchen or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one full kitchen per floor.

5. Bathroom: An SRO unit is required to have a partial bathroom or may contain full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink, bathtub, shower or bathtub/shower combination. If a full bathroom is not provided, common bathroom facilities shall be provided in accordance with the California building code for congregate residences with at least one full bathroom per floor that is accessible from a common area or hallway.

6. Closet: Each SRO unit shall have a separate closet.

7. Common Area: An SRO building shall provide a minimum of two hundred (200) square feet of interior common space plus four (4) additional square feet per SRO unit.

8. Maintenance Facilities: An SRO building shall provide a common cleaning supply room or utility closet with a wash sink having hot and cold running water on every floor.

9. Trash Enclosure: An SRO building shall provide a trash enclosure to the minimum requirements of subsection 9-1M-32E of this chapter.

10. Existing Structures: An existing structure may be converted to an SRO building

subject to compliance with the provisions of this section.

C. Parking:

1. Vehicular Parking: One off street parking space shall be provided per four (4) SRO units plus an additional one space for the on site manager, all in a manner consistent with section 9-1J-2 of this chapter.

2. Bicycle Parking: A minimum of one bicycle parking space shall be provided for every four (4) SRO units, or an alternate number may be approved by the director.

D. Management:

1. Facility Management: An SRO building with nine (9) units or less shall provide a management office on the premises. An SRO building with ten (10) units or more shall provide for a resident manager on the premises.

2. Management Plan: A management plan shall be submitted with the application to develop or operate an SRO building. The management plan must address planned management and operation of the facility, rental procedures, safety and security of residents and building maintenance. The management plan must be approved by the director prior to occupancy or operation of the SRO building.

E. Business License: The agency or organization operating the SRO building shall obtain a city business license before commencing operation. The application submittal requirements shall include, but not be limited to, a completed city business license application subject to the provisions of title 5 of this code, a written management plan, and eight and one-half inch by eleven inch ($8^1/_2$" x 11") copies of the site plan and floor plan. (Ord. 13-972)

9-1T-2-2: EMERGENCY SHELTERS:

The provisions of this section are intended to provide opportunities for the development of temporary shelters for the homeless and specific populations of the homeless.

A. Location: An emergency shelter shall be permitted to locate in the C-3 zone only along Rosemead Boulevard between Las Tunas Drive and Broadway, subject to approval of a site plan review pursuant to sections 9-1E-0 through 9-1E-7 of this chapter before commencing operation.

B. Concentration Of Emergency Shelters: No more than one emergency shelter shall be permitted to locate within a radius of three hundred feet (300') from another emergency shelter.

C. Standards Of Development:

1. C-3 Zone Standards: An emergency shelter shall be subject to the standards of development that apply to the C-3 zone. There is no density standard applicable in the C-3 zone.

2. Maximum Capacity: An emergency shelter shall contain a maximum of thirty (30) beds and shall serve no more than thirty (30) homeless persons at the same time.

3. Interior Intake Space: An emergency shelter shall provide an interior waiting and intake area which contains a minimum of two hundred (200) square feet. No exterior waiting area shall be allowed on or off the premises.

4. Common Facilities: An emergency shelter shall provide common areas with common facilities including, but not limited to, a central kitchen, dining room, laundry room, and a common gathering area.

5. Open Space: An emergency shelter shall provide adequate outdoor open space area with landscaping. All open spaces shall be fenced and not visible from Rosemead Boulevard.

6. Lighting: An emergency shelter shall provide adequate external lighting for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and with brightness or glare controlled so as to be compatible with the neighborhood.

7. Maintenance Facilities: An emergency shelter shall provide a utility closet for

storage of cleaning supplies and equipment, and with a wash sink having hot and cold running water.

8. Trash Enclosure: An emergency shelter shall provide a trash enclosure to the minimum requirements of subsection 9-1M-32E of this chapter.

D. Parking: An emergency shelter shall provide one (1) off street parking space for every ten (10) beds plus one (1) off street parking space per each employee and agency vehicle, all in a manner consistent with section 9-1J-2 of this chapter.

E. Management: The agency or organization operating the shelter shall comply with the following requirements:

1. Duration of stay by residents shall be limited to a maximum of six (6) months.

2. Supportive services shall be provided to assist residents to obtain permanent shelter and income. Such services shall be provided at no cost to tenants.

3. The agency or organization operating the emergency shelter shall have a written management plan including, as applicable, provisions for staff training, neighborhood outreach, admittance hours, security, screening of residents to ensure compatibility with services provided at the facility, and for training, counseling, and treatment programs for tenants.

4. Emergency shelters shall provide for an on site resident manager, an on site management office and security during all hours of operation.

F. Business License: The agency or organization operating the emergency shelter shall obtain a City business license before commencing operation. The application submittal requirements shall include, but not be limited to, a completed City business license application subject to the provisions of title 5 of this Code, a written management plan, and eight and one-half inch by eleven inch ($8^1/_2$" x 11") copies of the site plan and floor plan. (Ord. 13-972)

9-1T-3: ADULT ORIENTED BUSINESSES:

A. Findings: The City Council of the City of Temple City hereby finds that:

1. The City Council, in adopting this ordinance, takes legislative notice of the existence and content of the following studies concerning the adverse secondary side effects of adult oriented businesses in other cities: Garden Grove, California (1991); Tucson, Arizona (1990); Seattle, Washington (1989); Austin, Texas (1986); Oklahoma City, Oklahoma (1986); Indianapolis, Indiana (1984); Houston, Texas (1983); Beaumont, Texas (1982); Minneapolis, Minnesota (1980); Phoenix, Arizona (1979); Whittier, California (1978); Amarillo, Texas (1977); Cleveland, Ohio (1977); Los Angeles, California (1977). The City Council finds that these studies are relevant to the problems addressed by the City in enacting this ordinance to regulate the adverse secondary side effects of adult oriented businesses, and more specifically finds that these studies provide convincing evidence that:

a. Adult oriented businesses are linked to increases in the crime rates in those areas in which they are located and in surrounding areas.

b. Both the proximity of adult oriented businesses to sensitive land uses and the concentration of adult oriented businesses tend to result in the blighting and deterioration of the areas in which they are located.

c. The proximity and concentration of adult oriented businesses adjacent to residential, recreational, religious, educational and other adult oriented business uses can cause other businesses and residences to move elsewhere.

d. There is substantial evidence that an increase in crime tends to accompany, concentrate around, and be aggravated by adult oriented businesses, including, but not limited to, an increase in the crimes of narcotics distribution and use, prostitution, pandering, and violence against persons and property. The studies from other cities establish convincing evidence that adult oriented businesses which are not regulated as to permissible locations often have a deleterious effect on nearby businesses in residential areas, causing, among other adverse secondary effects, an increase in crime and a decrease in property values.

2. Based on the foregoing, the City Council of the City of Temple City finds and determines that special regulation of adult oriented businesses is necessary to ensure that their adverse secondary side effects will not contribute to an increase in crime rates or to the blighting or deterioration of the areas in which they are located or surrounding areas. The need for such special regulations is based upon the

recognition that adult oriented businesses have serious objectionable operational characteristics, particularly when several of them are concentrated under certain circumstances or located in direct proximity to sensitive uses such as parks, schools, churches, thereby having a deleterious effect upon the adjacent areas. It is the purpose and intent of these special regulations to prevent the concentration of adult oriented businesses and thereby prevent such adverse secondary side effects.

3. The locational requirements established by this ordinance do not unreasonably restrict the establishment or operation of constitutionally protected adult oriented businesses in the City of Temple City and a sufficient reasonable number of appropriate locations for adult oriented businesses within the City are provided by this ordinance. In addition, the Council has considered the availability of sites adjacent to this City.

4. In developing this ordinance, the City Council has been mindful of legal principles relating to regulation of adult oriented businesses and does not intend to suppress or infringe upon any expressive activities protected by the First Amendment of the United States and California Constitutions, but instead desires to enact reasonable time, place, and manner regulations that address the adverse secondary effects of adult oriented businesses. The City Council has considered decisions of the United States Supreme Court regarding local regulation of adult oriented businesses, including, but not limited to: Young v. American Mini Theaters, Inc., 427 U.S. 50 (1976) (Reh. denied 429 U.S. 873); Renton v. Playtime Theaters, 475 U.S. 41 (1986) (Reh. denied 475 U.S. 1132); FW/PBS, Inc. v. Dallas, 493 U.S. 215 (1990); Barnes v. Glenn Theater, 501 U.S. 560 (1991); United States Court of Appeals 9th Circuit decisions, including, but not limited to: Topanga Press, et al. v. City of Los Angeles, 989 F.2d 1524 (1993); several California cases including, but not limited to: City of National City v. Wiener, 3 Cal.4th 832 (1993); People v. Superior Court (Lucero) 49 Cal.3d 14 (1989); and City of Vallejo v. Adult Books, et al., 167 Cal.App.3d 1169 (1985); and other Federal cases including Lakeland Lounge v. City of Jacksonville (5th Cir. 1992) 973 F.2d 1255, Hang On, Inc. v. Arlington (5th Cir. 1995) 65 F.3d 1248, Mitchell v. Commission on Adult Entertainment (3rd Cir. 1993) 10 F.3d 123, International Eateries v. Broward County (11th Cir.1991) 941 F.2d 1157, and Star Satellite v. City of Biloxi (5th Cir. 1986) 779 F.2d 1074.

5. The City Council of the City of Temple City also finds that locational criteria alone do not adequately protect the health, safety, and general welfare of the citizens of the City of Temple City and thus certain requirements with respect to the ownership and operation of adult oriented businesses are in the public interest. In addition to the findings and studies conducted in other cities regarding increases in crime rates, decreases in property values and the blighting of areas in which such businesses are located, the City Council also takes legislative notice of the facts recited in the case of Key, Inc. v. Kitsap County, 793 F.2d 1053 (1986), regarding how live adult entertainment results in secondary effects such as prostitution, drug dealing, and other law enforcement problems.

6. The City Council finds the following, in part based upon its understanding of the documents and judicial decisions in the public record:

a. Evidence indicates that some dancers, models and entertainers, and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in adult oriented businesses (collectively referred to as "performers") have been found to engage in sexual activities with patrons of adult oriented businesses on the site of the adult oriented business;

b. Evidence has demonstrated that performers employed by adult oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at adult oriented businesses have been found to engage in acts of prostitution with patrons of the establishment;

d. Evidence indicates that fully enclosed booths, individual viewing areas, and other small rooms whose interiors cannot be seen from public areas of the establishment regularly have been found to be used as a location for engaging in unlawful sexual activity;

e. As a result of the above, and the increase in incidents of AIDS and Hepatitis B, which are both sexually transmitted diseases, the City has a substantial interest in adopting regulations which will reduce, to the greatest extent possible, the possibility for the occurrence of prostitution and casual sex acts at adult oriented businesses.

7. Zoning, licensing and other police power regulations are legitimate, reasonable means of accountability to help protect the quality of life in the community of Temple City and to help assure that all operators of adult oriented businesses comply with reasonable regulations and are located in places that minimize the adverse secondary effects which naturally accompany the operation of such businesses.

8. The City Council of the City of Temple City recognizes the possible harmful effects on children and minors exposed to the effects of such adult oriented businesses and the deterioration of respect for family values, and the need and desire of children and minors to stay away from and avoid such businesses, which causes children to be

fearful and cautious when walking through or visiting the immediate neighborhood of such businesses; and the City Council desires to minimize and control the adverse secondary side effects associated with the operation of adult oriented businesses and thereby protect the health, safety, and welfare of the citizens of Temple City; protect the citizens from increased crime; preserve the quality of life; preserve property values and the character of surrounding neighborhoods and businesses; deter the spread of urban blight and protect against the threat to health from the spread of communicable and sexually transmitted diseases.

9. It is not the intent of the City Council of the City of Temple City in enacting this ordinance, or any provision thereof, to condone or legitimize the distribution of obscene material, and the City of Temple City recognizes that State law prohibits the distribution of the obscene materials and expects and encourages law enforcement officials to enforce State obscenity statutes against such illegal activities in the City of Temple City.

10. Nothing in this ordinance is intended to authorize, legalize, or permit the establishment, operation, or maintenance of any business, building, or use which violates any City ordinance or any statute of the State of California regarding public nuisances, unlawful or indecent exposure, sexual conduct, lewdness, obscene or harmful matter or the exhibition or public display thereof.

11. The City of Temple City finds the following in part, based upon its understanding of the documents and judicial decisions in the public record:

a. Evidence indicates that some dancers, models, entertainers, and other persons who publicly perform specified sexual activities or publicly display specified anatomical parts in adult oriented businesses (as those terms are defined herein) (collectively referred to as "performers") have been found to engage in sexual activities with patrons of adult oriented businesses on the site of the adult oriented business;

b. Evidence has demonstrated that performers employed by adult oriented businesses have been found to offer and provide private shows to patrons who, for a price, are permitted to observe and participate with the performers in live sex shows;

c. Evidence indicates that performers at adult oriented businesses have been found to engage in acts of prostitution with patrons of the establishment; and

12. In prohibiting public nudity in adult oriented businesses, the City Council does not intend to proscribe the communication of erotic messages or any other communicative element or activity, but rather only to prohibit public nudity due to the secondary impacts associated with such public nudity; and

13. The City Council also finds, as a wholly independent basis, that it has a substantial public interest in preserving societal order and morality, and that such interest is furthered by a prohibition on public nudity; and

14. While the City Council desires to protect the rights conferred by the United States Constitution to adult oriented businesses, it does so in a manner that ensures the continued and orderly development of property within the City and diminishes, to the greatest extent feasible, those undesirable secondary effects which the aforementioned studies have shown to be associated with the development and operation of adult oriented businesses; and

15. In enacting a nudity limitation, the City declares that the limitation is a regulatory licensing provision and not a criminal offense. The City has not provided a criminal penalty for a violation of the nudity limitation. The City adopts such a limitation only as a condition of issuance and maintenance of an adult oriented business permit issued pursuant to this Code; and

16. The City Council finds that preventing the exchange of money between entertainers and patrons also reduces the likelihood of drug and sex transactions occurring in adult oriented businesses; and

17. Requiring separations between entertainers and patrons reduces the likelihood that such persons will negotiate narcotics sales and/or transact sexual favors within the adult oriented business.

18. Enclosed or concealed booths and dimly lit areas within adult oriented businesses greatly increase the potential for misuse of the premises, including unlawful conduct of a type which facilitates transmission of disease. Requirements that all indoor areas be open to view by management at all times, and that adequate lighting be provided are necessary in order to reduce the opportunity for, and therefore the incidence of illegal conduct within adult oriented businesses, and to facilitate the inspection of the interior of the premises thereof by law enforcement personnel.

B. Purpose: It is the intent of this section to prevent community wide adverse economic impacts, increased crime, decreased property values, and the deterioration of neighborhoods which can be brought about by the concentration of adult oriented

businesses in close proximity to each other or proximity to other incompatible uses such as schools for minors, churches, and residentially zoned districts or uses. The City Council finds that it has been demonstrated in various communities that the concentration of adult oriented businesses causes an increase in the number of transients in the area, and an increase in crime, and in addition to the effects described above can cause other businesses and residents to move elsewhere. It is, therefore, the purpose of this section to establish reasonable and uniform regulations to prevent the concentration of adult oriented businesses or their close proximity to incompatible uses, while permitting the location of adult oriented businesses in certain areas.

C. Definitions: As used in this section, the following words or terms shall have such meanings herein ascribed to them:

ADULT ORIENTED BUSINESSES: Any one (1) of the following:

Adult Arcade: An establishment where, for any form of consideration, one (1) or more still or motion picture projectors, or similar machines, for viewing by five (5) or fewer persons each, are used to show films, computer generated images, motion pictures, videocassettes, slides or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Bookstore: An establishment that has thirty percent (30%) or more of its stock in books, magazines, periodicals or other printed matter, or of photographs, films, motion pictures, videocassettes, slides, tapes, records or other form of visual or audio representations which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities and/or specified anatomical areas.

Adult Cabaret: A nightclub, restaurant, or similar business establishment which: 1) regularly features live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities; and/or 2) which regularly features persons who appear seminude; and/or 3) shows films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Hotel/Motel: A hotel or motel or similar business establishment offering public accommodations for any form of consideration which: 1) provides patrons with closed circuit television transmissions, films, computer generated images, motion pictures, videocassettes, slides, or other photographic reproductions thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas; and 2) rents, leases, or lets any room for less than a six (6) hour period, or rents, leases, or lets any single room more than twice in a twenty four (24) hour period.

Adult Motion Picture Theater: A business establishment where, for any form of consideration, films, computer generated images, motion pictures, videocassettes, slides or similar photographic reproductions are shown, and thirty percent (30%) or more of the number of which are distinguished or characterized by an emphasis upon the depiction or description of specified sexual activities or specified anatomical areas.

Adult Theater: A theater, concert hall, auditorium, or similar establishment which, for any form of consideration regularly features live performances which are distinguished or characterized by an emphasis on the display of specified anatomical areas or specified sexual activities.

Modeling Studio: A business which provides, for pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display "specified anatomical areas" to be observed, sketched, photographed, painted, sculpted or otherwise depicted by persons paying such consideration. "Modeling studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Modeling studio" further does not include a studio or similar facility owned, operated, or maintained by an individual artist or group of artists, and which does not provide, permit, or make available "specified sexual activities".

CHURCH: A structure which is used primarily for religious worship and related religious activities.

DISTINGUISHED OR CHARACTERIZED BY AN EMPHASIS UPON: The dominant or essential theme of the object described by such phrase. For instance, when the phrase refers to films "which are distinguished or characterized by an emphasis upon" the depiction or description of specified sexual activities or specified anatomical areas, the films so described are those whose dominant or predominant character and theme are the depiction of the enumerated sexual activities or anatomical areas. See Pringle v. City of Covina, 115 Cal.App.3 151 (1981).

ESTABLISHMENT OF AN ADULT ORIENTED BUSINESS: Any of the following:

1. The opening or commencement of any adult oriented business as a new business;

2. The conversion of an existing business, whether or not an adult oriented business, to any adult oriented business defined herein;

3. The addition of any of the adult oriented businesses defined herein to any other existing adult oriented business; or

4. The relocation of any such adult oriented business.

JUICE BAR (And Other Places Dispensing Food Or Drink): Any food or beverage establishment where the persons owning or employed in the preparation or dispensation of such food or beverage appears before (or is discernable by) the patrons of such establishment as being nude, seminude or exhibiting the specified anatomical features, as described herein.

REGULARLY FEATURES: With respect to an adult theater or adult cabaret means a regular and substantial course of conduct. The fact that live performances which are distinguished or characterized by an emphasis upon the display of specified anatomical areas or specified sexual activities occurs on two (2) or more occasions within a thirty (30) day period; three (3) or more occasions within a sixty (60) day period; or four (4) or more occasions within a one hundred eighty (180) day period, shall to the extent permitted by law be deemed to be a regular and substantial course of conduct.

SCHOOL: Any child or day care facility, or an institution of learning for minors, whether public or private, offering instruction in those courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college, or university.

SEMINUDE: A state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola of the female breast, as well as portions of the body covered by supporting straps or devices.

SPECIAL HEARING OFFICER: The City Manager of this City or his designee.

SPECIFIED ANATOMICAL AREAS: Any of the following:

1. Less than completely and opaquely covered human: a) genitals or pubic region; b) buttocks; and c) female breast below a point immediately above the top of the areola;

2. Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

3. Any device, costume or covering that simulates any of the body parts included in subsection 1 or 2 of this definition.

SPECIFIED SEXUAL ACTIVITIES: Any of the following, whether performed directly or indirectly through clothing or other covering:

1. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;

2. Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;

3. Masturbation, actual or simulated;

4. Excretory functions as part of or in connection with any of the other activities described in subsections 1 through 3 of this definition.

D. Locational Criteria And Minimum Proximity Requirements: An adult oriented business may be established or located in the General Commercial Zone (C-2), Heavy Commercial Zone (C-3), Light Manufacturing Zone (M-1) or Heavy Manufacturing Zone (M-2), subject to certain distances of certain specified land uses or zones as set forth below:

1. No such business shall be permitted within six hundred feet (600') of a public or private school for the academic education of children or minors under the age of eighteen (18) or a church.

2. No such business shall be permitted within three hundred feet (300') of residentially zoned property or property used for residential purposes.

3. No such business shall be permitted within three hundred feet (300') of premises selling alcoholic beverages.

4. No such business shall be permitted within one thousand feet (1,000') of another such adult oriented business.

5. The distances set forth above shall be measured from the external property boundaries of the property upon which the adult oriented business is located to the nearest property line(s) of the property so zoned or used without regard to intervening structures or parcels or rights-of-way.

6. The above locational criteria shall apply in all applicable zones, except property zoned as M-1, south of Lower Azusa Road and east of Miller Drive.

7. The City Council recognizes the constitutional limitation of completely barring such businesses from the entire City. In the event, a court of final resort finds that these regulations improperly limit the siting of such activities, then the Council declares that if a court orders more siting locations, properties abutting the streets known as Las Tunas Drive and Temple City Boulevard shall be the last areas to be opened for such activities.

E. Amortization Of Nonconforming Adult Oriented Business Uses: Any use of real property existing on the date of the acceptance of this section, which does not conform to the provisions of subsection D of this section, but which was constructed, operated, and maintained in compliance with all previous regulations, shall be regarded as a nonconforming use which may be continued for three (3) years after the effective date hereof. On or before such date, all such nonconforming uses shall be terminated unless an extension of time has been approved by the Special Hearing Officer in accordance with the provisions of subsection F of this section.

1. Abandonment: Notwithstanding the above, any discontinuance or abandonment of the use of any lot or structure as an adult oriented business shall result in a loss of legal nonconforming status of such use.

2. Amortization; Annexed Property: Any adult oriented business which was a legal use at the time of annexation of the property and which is located in the City, but which does not conform to the provisions of subsection D of this section shall be terminated within one (1) year of the date of annexation unless an extension of time has been approved by the Special Hearing Officer in accordance with the provisions of subsection F of this section.

F. Extension Of Time For Termination Of Nonconforming Use: The owner or operator of a nonconforming use as described in subsection E of this section may apply under the provisions of this subsection F to the Special Hearing Officer for an extension of time within which to terminate the nonconforming use.

1. Time And Manner Of Application: An application for an extension of time within which to terminate a use made nonconforming by the provisions of subsection E of this section, may be filed by the owner of the real property upon which such use is operated, or by the operator of the use. Such an application must be filed with the Special Hearing Officer at least ninety (90) days but no more than one hundred eighty (180) days prior to the time established in subsection E of this section for termination of such use.

2. Content Of Application; Fees: The application shall state the grounds for requesting an extension of time. The filing fee for such application shall be the same as that for a variance as is set forth in the schedule of fees established by resolution from time to time by the City Council.

3. Special Hearing Procedure: The City Manager shall appoint a Special Hearing Officer to hear such applications. The Hearing Officer shall set the matter for hearing within fifteen (15) days of receipt of the application. All parties involved shall have the right to offer testimonial, documentary and tangible evidence bearing on the issues; may be represented by counsel; and shall have the right to confront and cross examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of

serious affairs. Any hearing under this subsection F may be continued for a reasonable time for the convenience of a party or a witness. The decision of the Hearing Officer shall be final and subject to judicial review pursuant to Code of Civil Procedure section 1094.5 or 1094.6.

4. Approval Of Extension; Findings: An extension under the provisions of this subsection F shall be for a reasonable period of time commensurate with the investment involved, and shall be approved only if the Special Hearing Officer makes all of the following findings or such other findings as are required by law.

a. The applicant has made a substantial investment (including, but not limited to, lease obligations) in the property or structure on or in which the nonconforming use is conducted; such property or structure cannot be readily converted to another use; and such investment was made prior to adoption of this chapter.

b. The applicant will be unable to recoup said investment as of the date established for termination of the use; and

c. The applicant has made good faith efforts to recoup the investment and to relocate the use to a location in conformance with subsection D of this section. (Ord. 99-835; amd. Ord. 17-1022)

9-1T-4: MINI-MALLS:

A. Definition: A "mini-mall" shall mean a commercial center consisting of two (2) or more commercial units or business on a freestanding (self-contained) development site of less than sixty five thousand (65,000) square feet of land area with parking situated between the building or a portion of the building and the street.

Note: For purposes of defining a mini-mall, a freestanding (self-contained) development shall consist of any commercial center which does not have reciprocal parking and/or reciprocal vehicular access with any other abutting or adjoining site.

B. Development Standards For Mini-Malls:

1. Any development site with eighteen thousand (18,000) square feet of land area or less shall be limited to no more than two (2) commercial units or businesses.

2. The minimum size of a commercial unit in any mini-mall development project shall be one thousand (1,000) square feet of gross floor area.

3. Parking shall be required based upon use, occupancy, gross floor area and number of individual units; provided, however, that no less than seven (7) parking spaces shall be provided per commercial unit or business on the street (ground) level. Parking requirements for a second story and subsequent stories shall be regulated by provisions of this section of the zoning code based upon the proposed use, occupancy, gross floor area and number of individual units.

4. Any mini-mall development project shall be subject to a conditional use permit.

5. A traffic report by a registered traffic engineer shall be conducted and shall be submitted in conjunction with any proposed mini-mall use.

6. Any proposed mini-mall development shall be consistent with and complementary to the surrounding neighborhood so as to assure preservation of neighborhood character and ambiance.

a. Landscaping:

(1) Ten percent (10%) of all parking areas shall be devoted to landscaped open space. Landscape plans shall be prepared by a licensed architect or landscape contractor.

(2) To buffer surface parking areas from adjacent sidewalks and/or parkways, a five foot (5') wide landscaped area shall be provided. Said landscaping may consist of a landscaped berm, hedge or similar planting material. Hardscape or decorative block materials shall not constitute landscaping.

(3) All landscaped areas shall be improved with an irrigation system. Said irrigation system shall consist of an automatic drip system or similar water conservation apparatus.

(4) Shade producing trees shall be planted in all parking areas at a ratio of one 24-inch box size tree for every four (4) parking spaces.

b. Maintenance:

(1) The exterior condition of all properties, including, but limited to, parking areas, exterior walls or landscaped areas shall be maintained at all times in the state of good repair.

(2) Maintenance of landscaped areas shall include the continuous operations of watering, removal of weeds, mowing, trimming, edging, cultivation, reseeding, plant replacement, fertilization, spraying, control of pests, insects and rodents, or other operations necessary to ensure normal plant growth.

(3) When a new commercial development is approved, a covenant and agreement shall be signed by the owner ensuring the continuous maintenance of the premises regardless of future ownership.

c. Signage: No roof signs shall be permitted. All other signage shall be governed by the zoning code.

d. Security: Adequate security measures shall be incorporated into the design for a commercial center so as to ensure a reasonable level of safety.

e. Public Notices: Public notices for any public hearing shall be mailed to all property owners within five hundred feet (500') of the subject site. (Ord. 91-688)

9-1T-5: FIREWORKS STANDS:

A. Fireworks stands shall be permitted on any C or M zoned site or any public school site with frontage on a primary street as designated on the adopted general plan.

B. Fireworks stand staging areas/distribution points shall be prohibited in any zone. (Ord. 92-716)

9-1T-6: LARGE FAMILY DAYCARE HOMES:

A. A large family daycare home shall mean a home which provides family daycare to seven (7) to twelve (12) children, inclusive, including children under the age of ten (10) years who reside at the home, as defined in regulations issued by the state of California.

B. At least ten (10) days prior to the date on which the community development director will make a decision on an application to operate a large family daycare home, a notice of the proposed use shall be mailed to all owners shown on the last equalized assessment roll as owning real property within a one hundred foot (100') radius of the exterior boundaries of the proposed large family daycare home.

C. No hearing shall be held before a decision is made on the application unless a hearing is requested by the applicant or other affected person.

D. The community development director shall grant a permit for a large family daycare home as an accessory residential use if the provider of the family daycare home complies with the following standards:

1. The facility shall be the principal residence of the provider and the use is clearly incidental and secondary to the use of the property for single-family residential purposes.

2. No structural changes or alterations are proposed which will alter the character or appearance of the single-family residence.

3. No more than one large family daycare home shall be permitted within three hundred feet (300') of an existing large family daycare home.

4. One off street parking space for each employee shall be provided, excluding the code required parking for the dwelling. The residential driveway is acceptable, if the parking space will not conflict with any required child drop off/pick up area and does not block the public sidewalk or right of way.

5. Large family daycare homes located on a major arterial street shall provide drop off/pick up area designed to prevent vehicles from backing onto the major arterial roadway.

6. The use shall comply with the noise ordinance requirements as contained in this chapter. In order to mitigate noise impacts on adjoining residential properties, no play area shall be permitted in the front yard area or within fifteen feet (15') of an adjoining or adjacent residence.

7. A license shall be obtained for such use from the state of California.

8. The use shall comply with all state fire marshal requirements for building and safety which apply to large family daycare homes and with all local building and fire codes which apply to single-family residences.

E. The applicant or other affected person may appeal the decision rendered by the community development director on the proposed use to the planning commission by submitting an application or letter of appeal within ten (10) days of the decision. The decision of the planning commission shall be final and conclusive if not appealed to the city council within ten (10) days of the commission's decision. The appellant shall pay all applicable costs of an appeal.

F. Upon appeal the planning commission or the city council may approve, approve with conditions, or deny a permit for a large family daycare home based upon reasonable considerations and findings relative to spacing and concentration, traffic control, parking, noise or failure to comply with applicable state fire marshal standards as referenced in the state of California Health And Safety Code. (Ord. 94-762)

This section has been affected by a recently passed ordinance, 17-1025 - REGULATION OF MARIJUANA. Go to new ordinance.

9-1T-7: MEDICAL MARIJUANA FACILITIES AND ACTIVITIES:

A. Purpose: The purpose and intent of this section is to prohibit medical marijuana dispensaries, marijuana cultivation facilities, commercial cannabis activities, and medical marijuana deliveries, as defined below, within the city limits. It is recognized that it is a federal violation under the controlled substances act to possess or distribute marijuana even if for medical purposes. Additionally, there is evidence of an increased incidence of crime related secondary impacts in locations associated with marijuana cultivation facilities and medical marijuana dispensaries and in connection with medical marijuana deliveries. Such negative impacts are contrary to and undermine policies that are intended to promote and maintain the public's health, safety, and welfare.

B. Definitions:

COMMERCIAL CANNABIS ACTIVITY: Shall have the meaning set forth in Business And Professions Code section 19300.5(k).

CULTIVATION: Any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana.

ESTABLISH OR OPERATE A MEDICAL MARIJUANA DISPENSARY: Means and includes any of the following:

1. The opening or commencement of the operation of a medical marijuana dispensary;

2. The conversion of an existing business, facility, use, establishment, or location to a medical marijuana dispensary;

3. The addition of a medical marijuana dispensary to any other existing business, facility, use, establishment or location.

MARIJUANA: All parts of the plant cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds or resin. It includes marijuana infused in foodstuff. It does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks (except resin extracted therefrom), fiber, oil, or cake, or the sterilized seeds of the plant that are incapable of germination.

MARIJUANA CULTIVATION FACILITY: Any business, facility, use, establishment or location where the cultivation of marijuana occurs.

MEDICAL MARIJUANA: Marijuana used for medical purposes where that medical use is deemed appropriate and has been recommended by a physician who has determined that the person's health would benefit from the use of marijuana in the

treatment of acquired immune deficiency syndrome ("AIDS"), anorexia, arthritis, cancer, chronic pain, glaucoma, migraine, spasticity, or any other serious medical condition for which marijuana is deemed to provide relief as defined in subsection (h) of Health And Safety Code section 11362.7.

MEDICAL MARIJUANA DISPENSARY: Any business, facility, use, establishment or location, whether fixed or mobile, where medical marijuana is made available to, delivered to and/or distributed by or to three (3) or more of the following: a "primary caregiver", "a qualified patient", or a person with an "identification card", as these terms are defined in California Health And Safety Code section 11362.5 and following. A "medical marijuana dispensary" does not include the following uses, as long as the location of such uses are otherwise regulated by this code or applicable law: a clinic licensed pursuant to chapter 1 of division 2 of the Health And Safety Code, a healthcare facility licensed pursuant to chapter 2 of division 2 of the Health And Safety Code, a residential care facility for persons with chronic life threatening illness licensed pursuant to chapter 3.01 of division 2 of the Health And Safety Code, a residential care facility for the elderly licensed pursuant to chapter 3.2 of division 2 of the Health And Safety Code, a residential hospice, or a home health agency licensed pursuant to chapter 8 of division 2 of the Health And Safety Code, as long as any such use complies strictly with applicable law including, but not limited to, Health And Safety Code section 11362.5 and following.

C. Medical Marijuana Dispensaries, Marijuana Cultivation Facilities, And Medical Marijuana Deliveries Prohibited:

1. Medical marijuana dispensaries are prohibited in all zones in the city and shall not be established or operated anywhere in the city.

2. Marijuana cultivation facilities are prohibited in all zones in the city and shall not be established or operated anywhere in the city.

3. Commercial cannabis activities are prohibited in all zones in the city and shall not be established or operated anywhere in the city.

4. No person may own, establish, open, operate, conduct, or manage a medical marijuana dispensary or marijuana cultivation facility in the city, or be the lessor of property where a medical marijuana dispensary or marijuana cultivation facility is located. No person may participate as an employee, contractor, agent, volunteer, or in any manner or capacity in any medical marijuana dispensary or marijuana cultivation facility in the city.

5. No use permit, site development permit, tentative map, parcel map, variance, grading permit, building permit, building plans, zone change, business license, certificate of occupancy or other applicable approval will be accepted, approved or issued for the establishment or operation of a medical marijuana dispensary or marijuana cultivation facility.

6. No person and/or entity may deliver or transport medical marijuana from any fixed or mobile location, either inside or outside the city, to any person in the city, except that a person may deliver or transport medical marijuana to a qualified patient or person with an identification card, as those terms are defined in Health And Safety Code section 11362.7, for whom he or she is the primary caregiver within the meaning of Health And Safety Code sections 11362.5 and 11362.7(d).

7. Nothing contained in this section shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any state or federal law.

D. Enforcement: The city may enforce this section in any manner permitted by law. The violation of this section shall be and is hereby declared to be a public nuisance and contrary to the public interest and shall, at the discretion of the city, create a cause of action for injunctive relief. (Ord. 16-1008)

9-1T-8: WIRELESS COMMUNICATION FACILITIES:

A. Applicability: The design and installation provision set forth herein are applicable to all new wireless communication facilities (WCF) within the city of Temple City, not located within or over a public right of way.

1. Overview: Over the past several years, three (3) major factors have impacted the wireless landscape:

a. More people use cellular phones as their primary means of communication.

b. Cellphone usage is increasing as the price declines.

c. New services and capabilities, requiring greater bandwidths, are exhausting current cell site (wireless network infrastructure) capacities.

Cities have the opportunity, right, and obligation to be a part of the solution to this growing dilemma.

2. Objectives: The objectives for the city's wireless communication facilities (WCF) ordinance are:

a. Facilitate future network development through a proactive approach by implementing the WCF ordinance;

b. Mitigate the visual impact of towers and antennas by employing "stealth" technology via design standards;

c. Reduce the number of cell sites through a coordinated collocation process.

B. Definitions:

ANTENNA: One or more rods, poles, panels, disks, or similar devices used for the transmission or reception of radio frequency signals. This definition includes omnidirectional antennas (whips), directional antennas (panels), and parabolic antennas (disks).

ANTENNA, BUILDING FACADE MOUNTED: A flat panel installed by flush mounting the antenna to the building's facade and painting it to match the wall's color and texture. In some cases, the antenna is incorporated into or hidden by one of the structure's design elements.

ANTENNA, FLAGPOLE: A slim line monopole with a flag attached. It has a thicker diameter than a typical flagpole.

ANTENNA, LATTICE POWER LINE TOWER: This design takes advantage of the existing lattice power transmission towers used by utility companies.

ANTENNA, LIGHT STANDARD FLUSH MOUNTED: Usually found at sports fields with ballpark lighting. The antenna panels are mounted near the pole and under the lights. However, antennas can also be placed within a stealth cylinder on top of a light standard.

ANTENNA, LOLLYPOP: Consists of a thin pole that holds a panel antenna. Employed in open space or below the ridgeline in canyons or areas of hilly terrain. Sometimes the antenna is blended with faux or natural vegetation.

ANTENNA, MONOBROADLEAF: Mimics a broadleaf tree to hide antennas, using the same monopole structure.

ANTENNA, MONOPALM: Covers a monopole design with palm fronds and a growth pod as a means to hide the cell site's antennas.

ANTENNA, MONOPINE: Similar to a monopole design pole with simulated bark covering, in addition to simulated branches and pine needles.

ANTENNA, MONOPOLE: A tall pole topped with a triangular structure to mount the antenna array. This is one of the earlier design types used for wireless communications facilities.

ANTENNA, SATELLITE EARTH STATION: A parabolic or dish shaped antenna or other apparatus or device that is designed for the purpose of receiving or transmitting signals for voice, video, or data.

ANTENNA, SLIM LINE MONOPOLE: A slender pole mounted with a four (4) to six foot (6') high radome that has an eighteen (18) to twenty four inch (24") diameter to conceal the antennas.

ANTENNA, STEALTH INSTALLATION: In addition to monopine, monopalm, and monobroadleaf, can include faux chimneys, rooftop screen walls, steeples, clock towers, and faux water tanks.

ANTENNA, WATER TANK: Uses a preexisting, aboveground structure to attach facade mounted antennas.

ANTENNA, WHIP: A thin metal/fiberglass pole that serves as a receiving and transmitting device. Typically measures eighteen inches (18") to ten feet (10') in length and 0.5 inch to four inches (4") in diameter. Typically installed on fire department buildings, police department buildings, and city maintenance facilities.

COLLOCATION: The sharing of a wireless communication facility by two (2) or more wireless communication service providers.

INSTITUTIONAL: Includes churches, temples and other places of religious worship; educational institutions; government facilities; lodges, meeting halls and social clubs; and parks and playgrounds. This does not include residential uses, community care facilities (large and small), modular homes, supportive housing, transitional housing, commercial off street parking spaces, homes for the aged, hospitals, nursery schools, daycare centers, and psychiatric hospitals.

RADOME: An enclosure made of radio frequency-transparent materials used to screen and/or protect wireless communication antennas.

WIRELESS COMMUNICATION FACILITY: For purposes of this article, a wireless communications facility is any unstaffed facility for the transmission and/or reception of wireless telecommunication services, usually consisting of an antenna array, connection cables, an equipment enclosure or facility, and a tower structure or other building or structure used to achieve the necessary elevation.

C. Types Of Wireless Communication Facilities Permitted In Designated Zone Districts: No person may place, affix, attach, mount, construct, erect, install, develop, use, operate and maintain, or modify a wireless facility, wireless transmission device, support structure and/or accessory equipment within the city without meeting the permitting requirements in the table below. Notwithstanding the foregoing, administrative collocation may be allowed as approved in subsection J of this section.

Conditional use permit = C	Permitted, no review = P	Prohibited = Blank
Site plan review, minor = S	Zoning clearance = ZC	

Type Of Wireless Facility	Zoning Districts												
	R-1	R-2	R-3	RPD	C-1	C-1-R	C-2	C-3	M-1	M-2	O-S	SCH	DSP
Building facade mounted	C[1]	C[1]	C[1]		S	S	S	S	S	S			S
Flagpole					C	C	C	C	C	C	C		C
Lattice power line tower									C	C	C		
Light standard flush mounted	C[1]	C[1]	C[1]						C	C	C		
Lollypop													
Monopole													
Monotree	C[1]	C[1]	C[1]		C	C	C	C	C	C			
Satellite earth station:													
1 meter or less in diameter	P	P	P	P	P	P	P	P	P	P	P	P	P
Between 1 and 2 meters in diameter					C	C	C	C	C	C			C
2 meters or more in diameter					C	C	C	C	C	C			C
Slim line monopole					S	S	S	S	S	S			
Stealth installation antenna	C[1]	C[1]	C[1]		S	S	S	S	S	S	C		S
Water tank													
Whip:													
18 inches or less in	P	P	P	P	P	P	P	P	P	P	P	P	P

	length													
	Between 18 inches and 60 inches in length	C	C	C	C	P	P	P	P	P	P	C	C	P
	60 inches in length or more					C	C	C	C	C	C			C

Note:
1. The applicable type of wireless communication facility is allowed, with the appropriate entitlement, only on sites where the primary use is institutional.

D. Design Standards: The city shall apply the following design standards to all proposed wireless communications facilities:

1. Building Facade Mounted Antenna:

a. An antenna less than 1.5 square feet in surface area that is mounted to a building facade shall be treated to match or complement the existing facade's color and texture. Such antenna shall be mounted flush to the building or with low profile brackets, as well as skirted. The antenna's profile shall not extend more than twelve inches (12") outward from the building facade, and shall not extend above the height of the facade.

b. An antenna with a surface area greater than 1.5 square feet that is mounted on any commercial building's facade shall be fully screened using materials that match the existing facade's color and texture.

c. Antenna screening systems shall be architecturally integrated with the building to the greatest possible extent.

d. Antenna screens shall be fully enclosed to prevent birds from nesting in the screen structures.

e. The facade mounted antennas and screening shall not extend above the parapet and must be designed to the minimum feasible depth.

f. The structure's walls, conduits, chases, or concealment type devices that are integrated into the building's architecture shall hide all coaxial cables to the greatest possible extent. All exposed cable shall be painted to match the underlying surface.

g. Antennas shall not extend above the height of the parapet. Installations proposing antennas greater than the height of the parapet shall be designed as a stealth installation.

2. Flagpole Antenna:

a. Flagpoles, not exceeding fifty five feet (55') in height with the antenna concealed inside the pole, are allowable in conjunction with commercial or industrial uses.

b. The radome must not exceed an eighteen inch (18") diameter.

c. The poles must be able to fly flags. U.S. flags that are not removed every day at sunset must be appropriately lit.

d. The pole diameters shall be the minimum necessary to meet engineering requirements to accompany and conceal the inner coaxial cabling.

e. Different carriers' antennas should be distributed on multiple flagpoles to minimize the poles' overall diameter.

3. Lattice Power Line Tower Antenna:

a. No new lattice towers shall be allowed.

b. Collocation on existing power line towers may be allowed subject to city approval.

c. Antennas should be mounted to the vertical portion of the structure, using low profile mounting brackets.

d. All pipe mounts must be concealed behind the antenna. The accompanying coaxial cables shall be run inside the tower structure.

e. Accompanying communications equipment shall be located under or close to the tower structure. The equipment shall be enclosed by an appropriate screening wall.

4. Light Standard Flush Mounted Antenna:

a. An allowable light standard antenna shall be a low profile/flush mounted antenna with a maximum height of thirty five feet (35') measured from the existing grade to the

top of the antenna.

b. The antenna shall be painted to match the light standard, and all cables shall be concealed within the light standard.

c. The radome shall not exceed eighteen inches (18") in diameter and 6.5 feet in height above the light pole.

5. Lollypop Antenna:

a. A lollypop antenna shall be approved only when other stealth installation types are more intrusive, such as on steep slopes or hillsides. Lollypop antennas are not permitted on buildings.

b. Such antennas shall be installed below ridgelines wherever possible to avoid the antennas' profile appearing above a slope top.

c. Cross braces between individual antenna poles add additional bulk to the installation and shall be discouraged.

d. Antennas and their support poles must be painted the appropriate colors that blend with the surrounding environment.

e. In cases where irrigation is available, natural shrubs shall be planted behind lollypop antennas.

f. In cases where irrigation is unavailable or impractical, faux shrubs (subject to planning department review) may be installed to conceal antenna arrays.

g. All coaxial cables that connect the antennas to their accompanying communications equipment cabinet shall be underground.

h. The height from the base of the antenna shall not exceed fifteen feet (15').

6. Monotree Antenna:

a. Monobroadleaf Antenna:

(1) A monobroadleaf antenna shall be designed for a minimum of two (2) carriers if feasible.

(2) The monobroadleaf structure shall exhibit a sufficient branch count to conceal all antennas.

(3) Branch dispersal shall be random, with intermingled long and short branches, to appear natural.

(4) The height of branches shall exceed all antennas by at least twelve inches (12").

(5) Branches shall begin a minimum of fifteen feet (15') above the ground.

(6) The top of the faux tree shall be a minimum of five feet (5') above the highest antenna.

(7) Branch foliage shall reflect varying colored "leaves" to mimic a real broadleaf tree. The foliage shall be extruded in these colors instead of painted. A sample branch with foliage must be submitted for city approval prior to fabrication.

(8) A custom colored sample of bark cladding must be submitted for city approval prior to fabrication.

(9) Leafed antenna socks that match the approved foliage color must cover all antennas.

(10) Antennas shall be mounted using stand off mounts (frame type mounts are unacceptable). Antenna support pipe mounts must be painted a darker shade of green or black with a flat paint finish that reduces reflection and mounting visibility.

(11) The tower (trunk) shall conceal all coaxial cables, with access to the antenna through the structure base.

(12) The maximum monobroadleaf structure height is forty feet (40').

b. Monopalm Antenna:

(1) The structure shall be designed for a minimum of two (2) carriers if feasible.

(2) The monopalm structure shall exhibit sufficient palm fronds to simulate a natural palm tree.

(3) The antenna shall be concealed within the growth pod and/or the monopalm trunk. The top of the faux tree's palm fronds shall extend a minimum of five feet (5') above the top of the antenna.

(4) Frond foliage color shall vary in olive green shades to simulate palm tree colors. A sample palm frond shall be submitted for city approval prior to fabrication.

(5) A custom colored sample of bark cladding shall be submitted for city approval

prior to fabrication.

(6) The tower (trunk) shall conceal all coaxial cables, with access to the antenna through the base of the structure.

(7) The maximum monopalm structure height (tower portion) shall be forty feet (40').

c. Monopine Antenna:

(1) Monopine antennas shall be designed for a minimum of two (2) carriers.

(2) Monopine antennas shall have a minimum of 3.1 branches per foot for full density coverage, limiting spacing between the branches. Seventy percent (70%) of the branches shall be eight feet (8') or longer.

(3) Branch dispersal shall be random, with intermingled long and short branches, to appear natural.

(4) Branches shall extend beyond all antennas by at least twelve inches (12").

(5) Branches shall begin a minimum of fifteen feet (15') above the ground.

(6) The top of the faux tree shall be a minimum of five feet (5') above the highest antenna.

(7) Branch foliage must be multicolored with greens and browns, matching those of a natural pine tree. The foliage must be extruded (made from plastic) in these colors instead of painted. A sample shall be submitted for city approval prior to fabrication.

(8) A bark cladding sample with custom color shall be submitted for city approval prior to fabrication.

(9) Pine needle antenna socks that match the approved foliage colors shall cover all antennas.

(10) Antennas shall be mounted using stand off mounts (frame type mounts are unacceptable). Antenna support pipe mounts shall be painted a darker shade of green or black with a flat paint finish that reduces reflection and mounting visibility.

(11) Coaxial cables shall access the structure through the base.

(12) The maximum monopine height is forty feet (40').

7. Monopole Antenna:

a. Not allowed, except as slim line monopoles.

b. New antenna collocation on existing monopoles requires the approval of a new conditional use permit.

8. Satellite Earth Station Antenna:

a. The following satellite earth station antennas of one meter (1 m) or less in diameter are permitted as an accessory use in all zone districts and may be installed without a zone clearance or building permit.

(1) An antenna that satisfies all of the following criteria:

(A) Is used to receive direct broadcast satellite service, including direct to home satellite service, or to receive or transmit fixed wireless signals via satellite.

(B) Is one meter (1 m) or less in diameter.

(C) Does not exceed twelve feet (12') in height as measured from the surface on which it is mounted and does not exceed twelve feet (12') above the height limit of the applicable zone district.

(2) An antenna that satisfies all of the following criteria:

(A) Is used to receive video programming services via multipoint distribution services, including multichannel multipoint distribution services, instructional television fixed services, and local multipoint distribution services, or to receive or transmit fixed wireless signals other than via satellite.

(B) Is one meter (1 m) or less in diameter or diagonal measurement.

(C) Does not exceed twelve feet (12') in height as measured from the surface on which it is mounted and does not exceed twelve feet (12') above the height limit of the applicable zone district.

(3) An antenna that satisfies all of the following criteria:

(A) Is used to receive television broadcast signals.

(B) Is one meter (1 m) or less in diameter.

(C) Does not exceed twelve feet (12') in height as measured from the surface on which it is mounted and does not exceed twelve feet (12') above the applicable height limit of the applicable zone district.

(4) For purposes of this section, the term "fixed wireless signals" means any commercial nonbroadcast communications signals transmitted via wireless technology to and/or from a fixed customer location. This term does not include, among other things, A.M. radio, F.M. radio, amateur (ham) radio, or citizens band (CB) radio.

b. A satellite earth station antenna between one and two meters (2 m) in diameter that satisfies the criteria set forth below is permitted as an accessory use, subject to approval of a conditional use permit, in any zone district where commercial or industrial uses are generally permitted.

(1) The diameter of the antenna is more than one meter (1 m) and less than or equal to two meters (2 m).

(2) The antenna does not exceed twelve feet (12') in height as measured from the surface on which it is mounted and does not exceed twelve feet (12') above the applicable height limit of the zone district.

c. The following safety standards shall apply to all satellite earth station antennas that are greater than one meter (1 m) in diameter in all zone districts.

(1) No antenna shall be installed in a manner that impedes normal vehicular or pedestrian circulation.

(2) Any mast used to elevate an antenna shall be constructed of noncombustible and corrosive resistant materials.

(3) Antennas must be installed with adequate ground wire to protect against a direct lightning strike.

(4) Antennas shall be separated from adjacent power lines in accordance with electrical code requirements and other applicable laws.

(5) Any mast used to elevate an antenna shall be secured by a separate safety wire in a direction away from adjacent power lines and other potential hazards.

(6) To the extent feasible, all cables, wires, and similar electrical transmission devices associated with the antenna shall be placed underground.

(7) No antenna or any supporting parts shall encroach into the public right of way.

(8) Antennas shall be maintained in good repair and condition and in compliance with the building code, electrical code, fire code, and other applicable laws.

9. Slim Line Monopole Antenna:

a. Antennas and cables shall be mounted inside the structures. Radomes exceeding an eighteen inch (18") diameter shall not be allowed. Overall monopole height shall not exceed fifty five feet (55').

b. The structure's coloring shall be light gray, olive green, light blue, or another appropriate color to blend with the antenna's predominant background, as determined through the conditional use permit process.

10. Stealth Installation Antenna:

a. Faux Chimney Antenna:

(1) Faux chimney antennas may be allowed, depending on the extent of the site application's integration with the existing building's architecture.

(2) The number, height, width, and depth of the antennas must balance with the existing structure's bulk and scale.

(3) The antenna must not exceed ten feet (10') above the maximum roof height for all level roofed buildings and must not exceed the maximum roof height of a peak roofed building.

b. Rooftop Screen Wall Antenna:

(1) Antennas must not exceed ten feet (10') above the maximum roof height for level roofed buildings.

(2) Walls must be set back at least three feet (3') from the roof's edge.

(3) Walls are required to match or complement the building facade's color and texture.

c. Steeple Antenna:

(1) Antennas mounted inside existing steeples can utilize the full space.

(2) Antennas must match the existing structure's color and texture and be fully

screened.

(3) Any modification to the steeple's outward appearance must be integrated with the overall structural design.

(4) New steeple construction on an existing structure must be consistent with the current architectural design and be no more than forty five feet (45') in height as measured from the existing grade to the top of the steeple.

d. Clock Tower:

(1) A clock tower installation must be appropriate for the location and must be designed for a minimum of two (2) carriers.

(2) The installation is allowed, up to forty five feet (45') in height, depending on the surrounding environment.

(3) The design must be consistent with the environmental and built setting in which it is located.

(4) In most cases, use of a clock tower stealth antenna shall be limited to institutional sites and commercial projects greater than two (2) acres in size where the clock tower is architecturally consistent with the design of the development and the location on site appears to have been considered with the original development's site plan.

11. Water Tank Antenna:

a. Facade mounted antennas on a water tank structure shall not extend above the top of the tank.

b. Antennas and coaxial cables shall be painted to match the color of the structure.

12. Whip Antenna:

a. Whip antennas eighteen inches (18") or less in length are allowable on any structure in any zone.

b. Antennas greater than eighteen inches (18") but less than sixty inches (60") in length are allowable on any commercial or industrial building provided that the antenna does not exceed the roofline by more than ten feet (10').

c. A whip antenna's base must be set back from the roof's edge by a distance equal to its height.

E. Equipment Location And Screening Systems: All equipment installation types require all coaxial, telephone, and electric cables/wires to be concealed.

1. Equipment Vault: Belowground equipment vaults are encouraged for all wireless installations at park facilities, parking lots, and wireless facilities in the public right of way.

2. Tenant Improvement: Tenant improvement is encouraged for all wireless installations on existing buildings, where sufficient space is available within the building's interior. If sufficient space is not available within the existing building structure, equipment room additions are allowed subject to standard building/zoning codes. Equipment room addition design is required to be consistent with the existing building's architecture and must be effectively mitigated with the required landscape setbacks.

3. Prefabricated Equipment Shelter:

a. These shelters are discouraged for most wireless installation applications.

b. Prefabricated equipment shelters can be utilized in commercial areas where the shelter is not visible to any public view.

4. Site Constructed Equipment Shelter: These shelters are encouraged, provided they are architecturally integrated into the surrounding environment. The height of the equipment shelter must not exceed that which is consistent with the adjacent building. Air conditioning condensing units (A/C units) must be located on the ground adjacent to the structure or mounted on the roof. A/C units must be fully screened and must not exceed any applicable noise ordinances. Landscape standards also apply.

5. Outdoor Communications Equipment Cabinet: These cabinets must be located within equipment enclosures (except communications equipment in the public right of way), with sufficiently high walls that completely conceal the equipment cabinets from public view. Equipment enclosures must have lattice type covering to prevent unauthorized access. All city screening and mitigation requirements also apply.

6. Rooftop Equipment Platform:

a. These platforms must be fully screened and, if possible, integrated with a rooftop antenna installation. Equipment screening height must not exceed ten feet (10')

above the maximum roof height of level roofed buildings; others are subject to staff review.

b. In evaluating the appropriate design for a particular property, existing uses of the property, landscaping and optimal location of the facility must be considered.

F. Regulation Of Facilities:

1. Wireless communication facilities allowable without review and approval of the planning division or issuance of a zoning clearance include the following:

a. In residential zones, a whip antenna of eighteen inches (18") or less in height.

b. In nonresidential zones, a whip antenna of sixty inches (60") or less in height.

c. In all zones, a satellite earth station antenna of one meter (1 m) or less in diameter.

2. Wireless communication facilities requiring planning division approval of a minor site plan review include the following:

a. Building facade antennas in the C-1, C-1-R, C-2, C-3, M-1, M-2 zones and in the downtown specific plan.

b. Slim line monopoles in the C-1, C-1-R, C-2, C-3, M-1, and M-2 zones.

c. Stealth installations in the C-1, C-1-R, C-2, C-3, M-1, M-2 zones and in the downtown specific plan.

3. Except where prohibited, all other wireless communication antennas require city planning commission approval of a conditional use permit prior to installation.

4. All permitted antennas must comply with the city building code, electrical code, fire code, and other applicable laws.

G. City Use Of Consultants: The director may require the applicant to provide an authorization to permit the city to hire an independent, qualified consultant to evaluate any technical aspect of the proposed use, including issues involving radio frequency emissions, alternative designs, and alternative sites. Any authorization for this purpose shall include an agreement by the applicant to reimburse the city for all reasonable costs associated with the consultation. Any proprietary information disclosed to the city or the consultant is deemed not to be a public record and shall remain confidential and not to be disclosed to any third party without the express consent of the applicant, unless otherwise required by law.

H. Enforcement: The city may withhold the issuance of business licenses, building permits, grading permits, certificates of occupancy, and other land use entitlements and may issue stop work orders for a WCF project failing to comply with the provisions of this article. If any improvements authorized by this article are either rendered unusable or discontinued, the property owner and tenant may be subject to enforcement procedures in compliance with title 4, "Law Enforcement", of this code.

I. Radio Frequency Emissions Compliance: Upon installation of the facility, the applicant shall demonstrate that the project will not result in levels of radio frequency emissions that exceed federal communications commission standards, including FCC office of engineering technology (OET) bulletin 65, "Evaluating Compliance With FCC Guidelines For Human Exposure To Radiofrequency Electromagnetic Fields", as amended. Additionally, if the director determines the wireless telecommunications facility, as constructed, may emit radio frequency emissions that are likely to exceed federal communications commission uncontrolled/general population standards in the FCC office of engineering technology (OET) bulletin 65, "Evaluating Compliance With FCC Guidelines For Human Exposure To Radiofrequency Electromagnetic Fields", as amended, in areas accessible by the general population, the director may require postinstallation testing to determine whether to require further mitigation of radio frequency emissions. The cost of any such testing and mitigation shall be borne by the applicant. Applications for amateur radio antennas or antennas installed for home entertainment purposes are exempt from this requirement.

J. Collocation: The collocation of antennas on a single support structure is encouraged. This includes collocation with other wireless telecommunications antenna facilities including those of public and quasi-public agencies using similar technology unless specific technical constraints preclude collocation.

1. Wireless Facilities And Wireless Transmission Devices: No person may place, affix, attach, mount, construct, erect, install, develop, use, operate and maintain, or

modify a wireless facility, wireless transmission device, support structure and/or accessory equipment within the city without a conditional use permit approved by the planning commission, or the city council in the course of an appeal, following a noticed public hearing on the matter. Notwithstanding the foregoing, administrative collocation may be allowed as approved in subsection J3 of this section.

2. Collocation - General: No person may collocate a wireless facility or wireless transmission device, including related accessory equipment, without meeting the requirements of subsection C of this section. Notwithstanding the foregoing, administrative collocation is allowed as approved in the following manner.

3. Administrative Collocation: If, following the submission of a completed application form and all required materials, the community development director determines that a proposed collocation qualifies as an "administrative collocation" as defined herein, such proposal shall not require a conditional use permit but shall be approved by the community development director through the issuance of a zoning clearance permit. The foregoing notwithstanding, an administrative collocation approval shall be subordinate and subject to the conditions of approval associated with the wireless telecommunications collocation facility to which it relates and administrative collocation shall not defeat the existing concealment elements of the facility to which it relates or otherwise violate or be inconsistent with the conditions associated with the prior approval of the facility to which it relates (unless the inconsistency does not exceed the "substantial change" thresholds identified in federal communications commission regulations or orders). Also, the life of a zoning clearance approval may not exceed the life of the underlying conditional use permit or other underlying discretionary authorization corresponding to the wireless telecommunications collocation facility upon which the proposed wireless transmission device and corresponding accessory equipment will be placed or installed.

K. Justification Study: The applicant shall submit a justification study indicating the rationale for selecting the proposed use, a detailed explanation of the coverage gap that the proposed use would serve, and how the proposed use is the least intrusive means for the applicant to provide wireless service.

L. Public Rights Of Way And Publicly Owned Property: See title 6, chapter 4, article A of this code for regulations on telecommunications facilities and wireless telecommunications facilities in public rights of way.

M. Update Of Wireless Communications Facility Regulations: As the wireless industry and its services evolve, its equipment will change as well. The WCF regulations will need periodic updates to incorporate the wireless industry's changing environment and the progress made toward "stealthing" antennas and equipment. (Ord. 16-1012)

9-1T-9: MASSAGE ESTABLISHMENTS:

A. Applicability: This section applies to massage establishments as defined in section 5-2E-1 of this code. This section does not apply to massage therapy provided as an incidental use pursuant to subsection 9-1N-30B of this chapter.

B. Location: Massage establishments are permitted in the following zones, subject to approval of a conditional use permit: C-2, C-3, downtown specific plan Las Tunas East commercial, and downtown specific plan Las Tunas West commercial. While massage establishments are conditionally permitted in the C-2 zone pursuant to sections 9-1F-10 and 9-1N-30 of this chapter, pyramid zoning principles are not applicable to massage establishments. As such, massage establishments are prohibited in the M-1 and M-2 Zones.

C. Separation: No massage establishment may be located within five hundred feet (500') of another massage establishment, as measured from the property lines of the properties on which the massage establishments are located.

D. Buffering From R-1 Zone: No massage establishment may be located within one hundred feet (100') of a property that is zoned R-1, as measured from the property line of the property on which the massage business is located to the property line of the nearest R-1 property. This requirement does not apply to massage establishments located in the Downtown Specific Plan Las Tunas East Commercial Zone. (Ord. 16-1010)

9-1T-10: ACCESSORY DWELLING UNITS:

A. Applicability: Accessory dwelling units will be permitted in all residential zones subject to the requirements of this section.

B. Development Standards:

1. Any accessory dwelling unit, whether attached, detached, or located within an existing dwelling is calculated toward the maximum permitted floor area ratio and lot coverage. Construction must be in full compliance with all applicable zoning criteria found in article M, "Residential Districts", of this chapter, except as modified by this section.

2. The lot on which the accessory dwelling unit is located must be improved with one (1) single-family dwelling. An accessory dwelling unit is not allowed on lots with more than one (1) single-family dwelling, multifamily dwellings, an existing accessory dwelling unit, or other nonconforming uses.

3. The single-family dwelling will be owner occupied.

4. The accessory dwelling unit may not be sold separately from the single-family dwelling, but may be rented for periods of not less than thirty (30) days.

5. An accessory dwelling unit may be detached, attached, or located within the living area of the main dwelling or another accessory structure.

a. If the accessory dwelling unit is detached, it must comply with the size limitations for accessory structures in section 9-1M-11 of this chapter and must not exceed one thousand two hundred (1,200) square feet and must be single-story. The maximum height of the structure must not exceed eighteen feet (18'), measured from the natural grade to the highest roof ridge or parapet. The height of the top plate must not exceed nine feet (9').

b. If the accessory dwelling unit is attached or located within the main dwelling, it must not exceed a size equal to fifty percent (50%) of the main dwelling, with a maximum floor area of one thousand two hundred (1,200) square feet.

6. All accessory dwelling units must be located on the rear fifty percent (50%) of the lot.

7. The minimum side yard setback for a newly constructed detached accessory dwelling unit is five feet (5').

8. The minimum rear yard setback for a newly constructed detached accessory dwelling unit is ten feet (10').

9. The existing side and rear yard setback may be maintained for an existing garage or other permitted existing accessory structure that is converted to an accessory dwelling unit.

10. An addition to a legally non-conforming accessory structure for the purpose of creating an accessory dwelling unit shall comply with the provisions found in section 9-1H-8, "Additions To Nonconforming Structures", of this chapter.

11. The accessory dwelling unit may share utility connections and meters with the main dwelling, or may be separately connected and metered. Utilities must be upgraded as deemed necessary by the building official to comply with the applicable codes, including but not limited to sewer laterals, electrical service panels, and water service.

12. Accessory dwelling units are subject to park construction fees per section 9-5-2 of this title.

C. Parking Requirements:

1. Detached accessory dwelling units will provide one (1) parking space per bedroom. The following standards will apply:

a. Parking may be in tandem in a structure or on a driveway.

b. It may be located in the side and rear setback areas when a five foot (5') landscaped buffer is provided between the nearest property line and the parking area.

c. The required parking for a detached accessory dwelling unit must be independent from required parking for the existing main dwelling and must not block access to the required parking for the main dwelling.

2. Accessory dwelling units attached to, or located within the main dwelling, or an

accessory structure legally constructed prior to the adoption of this section do not require parking.

3. When a garage or carport is converted or demolished in conjunction with the construction of an accessory dwelling unit, the replacement spaces may be located in any configuration on the same lot, including, but not limited to, as covered spaces, uncovered spaces, or tandem spaces, or by the use of mechanical automobile parking lifts.

4. No parking is required for a detached or attached accessory dwelling unit in any of the following circumstances:

a. The accessory dwelling unit is located within one-half ($^1/_2$) mile of a park and ride facility or a bus stop, which operates regularly with headways of fifteen (15) minutes or less.

b. The accessory dwelling unit is located within a designated historic district.

c. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.

d. When there is a car share vehicle hub or pick-up location located within one (1) block of the accessory dwelling unit.

D. Design Standards: The following design standards will apply to all accessory dwelling units:

1. The doors to all accessory dwelling units must not be visible from the public right-of-way. If the accessory dwelling unit is located on the second floor of the main dwelling, the stairs leading to the unit must be located on the interior of the structure.

2. All attached and detached accessory dwelling units must have 15-gallon hedges planted five feet (5') on center along the side and rear property lines nearest the structure. This is not required for the conversion of an existing structure to an ADU if the setbacks are less than five feet (5').

3. All attached and detached accessory dwelling units must have a view obscuring six foot (6') high wall or fence in good repair along the side and rear property lines nearest the accessory dwelling units.

4. There must be a minimum of four hundred (400) square feet of open space for the accessory dwelling unit with dimensions of no less than ten feet (10'). The open space will be accessible to the accessory dwelling unit. Features such as landscape and hardscape materials, swales, mounds, and garden walls will be used to create open space that is distinct from other areas and uses on the lot.

5. There must be a minimum building separation of ten feet (10') (measured eave to eave) from any other buildings on the lot and a five foot (5') distance from pools, spas, or the like.

6. All accessory dwelling units must be consistent with the architectural style of the main dwelling including but not limited to the roof pitch, articulation, window size, proportion of window units to wall size, direction of opening, muntin pattern, exterior building materials, lighting fixtures, garage door design, and paint colors. (Ord. 17-1022)

ARTICLE U. ENFORCEMENT, VIOLATIONS AND PENALTIES

9-1U-0: VIOLATIONS, A MISDEMEANOR:

No person shall violate any provisions, or fail to comply with any of the requirements of this code. Any person violating the provisions or failing to comply with any of the mandatory requirements of this code, shall be guilty of a misdemeanor. Any person convicted of a misdemeanor under the provisions of this code, shall be punishable by a fine of not more than five hundred dollars ($500.00), or by imprisonment in the city or county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. 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 is committed, continued, or permitted by such person and shall be punishable accordingly.

In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be abated in the manner provided by law as such. Every day such condition continues shall be regarded as a new and separate offense. (1960 Code; amd. Ord. 98-826)

9-1U-1: VIOLATIONS DECLARED NUISANCE; ABATEMENT:

Any building or structure hereafter erected, built, moved, maintained or used, including the use of any property, contrary to the provisions of this chapter is hereby declared to be unlawful and a public nuisance. The city attorney shall, upon order of the city council, commence proceedings for the abatement and/or removal thereof, in the manner provided by law; he shall take such steps as may be necessary to abate and remove such building, structure or use and restrain and enjoin any person from erecting, building, moving, or maintaining any such building or structure, or using any property contrary to any of the provisions of this chapter. (1960 Code)

9-1U-2: REMEDIES CUMULATIVE AND NOT EXCLUSIVE:

All remedies provided for in this chapter shall be cumulative and not exclusive. (1960 Code; amd. Ord. 81-499)

9-1U-3: INFRACTIONS:

Pursuant to the provisions of section 36900 of the California Government Code, the city manager or other designated city official may enforce the first and second violations of this code as "infractions", while any subsequent violations shall be deemed and enforced as "misdemeanors". (1960 Code; amd. Ord. 98-826)

9-1U-4: PENALTY ASSESSMENTS; INFRACTIONS:

A violation of any provisions of this code expressly enforced as an infraction shall be punishable by a fine not to exceed that allowable by California state law, as set forth by city council resolution.

Failure to pay any penalty assessment imposed pursuant to the provisions of this code shall constitute a separate misdemeanor violation. (1960 Code; amd. Ord. 98-826)

ARTICLE V. DENSITY BONUS

9-1V-0: PURPOSE:

This article establishes procedures to implement state density bonus law as set forth in Government Code sections 65915 to 65918. The incentives in this article are used by the city as a means of meeting its commitment to encourage the provision of affordable housing to all economic groups living within the community.

A. Applicability: The provisions of this section apply only to multi-family residential and mixed use development projects consisting of five (5) or more dwelling units not including units granted as a density bonus.

B. Definitions: Certain key terms used in this article are defined under the term "affordable housing definitions" in section 9-1A-9, "Definitions", of this chapter. (Ord. 13-972)

9-1V-1: DENSITY BONUS ALLOWANCE:

A. Density Bonus Allowance: A request for a density bonus shall not require any discretionary approval by the city. A request for a density bonus pursuant to this article shall only be granted if an applicant seeks and agrees to construct a residential development with one of the following attributes:

1. At least five percent (5%) of the dwelling units are dedicated to occupancy by very low income households;

2. At least ten percent (10%) of the dwelling units are dedicated to occupancy by low income and very low income households;

3. At least ten percent (10%) of the dwelling units are dedicated for sale to and occupancy by moderate income households, and are located in a development in which all of the dwelling units are available for sale to the general public; or

4. At least thirty five (35) dwelling units are provided in a senior housing development

in which all dwelling units are dedicated for occupancy exclusively by persons aged fifty five (55) and older and by those residing with them.

B. Density Bonus Calculation: In calculating the number of affordable dwelling units required for a density bonus, the density bonus units shall not be included.

1. The density bonus for providing dwelling units affordable to very low income households shall be calculated as follows:

TABLE 1
INCREASE IN ALLOWABLE DENSITY
FOR VERY LOW INCOME UNITS

Percentage Of Very Low Income Units	Percentage Density Bonus
5	20
6	22 .5
7	25
8	27 .5
9	30
10	32 .5
11	35

2. The density bonus for providing dwelling units affordable to low income households shall be calculated as follows:

TABLE 2
INCREASE IN ALLOWABLE DENSITY
FOR LOW INCOME UNITS

Percentage Of Low Income Units	Percentage Density Bonus
10	20
11	21 .5
12	23
13	24 .5
14	26
15	27 .5
16	29
17	30 .5
18	32
19	33 .5
20	35

3. The density bonus for providing ownership dwelling units affordable to moderate income households shall be calculated as follows:

TABLE 3
INCREASE IN ALLOWABLE DENSITY
FOR MODERATE INCOME OWNERSHIP UNITS

Percentage Of Moderate Income Units	Percentage Density Bonus
10	5
11	6
12	7
13	8
14	9
15	10

16	11
17	12
18	13
19	14
20	15
21	16
22	17
23	18
24	19
25	20
26	21
27	22
28	23
29	24
30	25
31	26
32	27
33	28
34	29
35	30
36	31
37	32
38	33
39	34
40	35

C. Senior Development: The density bonus for a senior housing development with thirty five (35) or more dwelling units dedicated for occupancy by persons aged fifty five (55) and older and those residing with them shall be twenty percent (20%).

D. Bonuses Not Combined: The density bonuses that are available to a development under this section shall not be combined. (Ord. 13-972)

9-1V-2: CONCESSIONS AND OTHER INCENTIVES:

A. Concessions And Other Incentives: An applicant who utilizes the density bonus provisions of this article may request one or more concessions or other incentives as follows:

1. One concession or other incentive for developments that dedicate at least five percent (5%) of the dwelling units for affordable occupancy by very low income households, ten percent (10%) of the dwelling units for affordable occupancy by low income households, or ten percent (10%) of the dwelling units for affordable occupancy by moderate income households when all of the units in the development are available for sale to the public, including the affordable units.

2. Two (2) concessions or other incentives for developments that dedicate at least ten percent (10%) of the dwelling units for affordable occupancy by very low income households, twenty percent (20%) of the dwelling units for affordable occupancy by low income households, or twenty percent (20%) of the dwelling units for affordable occupancy by moderate income households when all of the units in the development are available for sale to the public, including the affordable units.

3. Three (3) concessions or other incentives for developments that dedicate at least fifteen percent (15%) of the dwelling units for affordable occupancy by very low income households, thirty percent (30%) of the dwelling units for affordable occupancy by low income households, or thirty percent (30%) of the dwelling units for affordable occupancy by moderate income households when all of the units in the development are available for sale to the public, including the affordable units.

B. Affordable Housing Concession Permit: An application for an affordable housing concession permit shall be filed in compliance with the application process in section 9-1E-2 of this chapter, site plan review application procedure. The application shall be accompanied by any supplemental information requested by the director.

C. Procedure: The procedure for review of an application for an affordable housing concession permit shall be the same as that for a site plan review pursuant to section 9-1E-2 of this chapter, site plan review application procedure. An affordable housing concession permit may be granted with approval by the site plan review approval body. The approval body may:

1. Approve the concession and/or other incentive described in the application for the affordable housing concession permit.

2. Deny the concession and/or other incentive described in the application for the affordable housing concession permit.

3. Approve one or more concessions and/or other incentives and deny one or more other concessions and/or incentives, if more than one concession or other incentive is described in the application for the affordable housing concession permit.

D. Findings: A concession or other incentive shall be approved upon making the following findings:

1. The concession or incentive is required in order for the designated units to be affordable.

2. The concession or incentive would not have a specific adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California register of historical resources. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. (Ord. 13-972)

9-1V-3: WAIVER OF DEVELOPMENT STANDARDS:

A. Waiver Of Development Standards: If compliance with a development standard would physically preclude construction of a residential or mixed use project utilizing a density bonus, and any concession or incentive approved in compliance with this article, the applicant may submit a proposal for waiver or reduction of the development standard.

B. Waiver Of Development Standards Permit: An application for a waiver of development standards permit shall be filed in compliance with the application process in section 9-1E-2 of this chapter, site plan review application procedure. The application shall be accompanied by any supplemental information requested by the director.

C. Procedure: The procedure for review of a waiver of development standards permit shall be the same as for a site plan review pursuant to sections 9-1E-0 through 9-1E-7 of this chapter. A waiver of development standards permit may be granted with approval by the site plan review approval body. The approval body may:

1. Approve the waiver and/or reduction of development standard; or

2. Deny the waiver and/or reduction in development standard; or

3. Approve one or more waivers and/or reductions and deny one or more other waivers and/or reductions, if more than one waiver or reduction is described in the application.

D. Findings: A waiver of development standards permit shall be approved upon making the following findings:

1. The waiver or reduction in a development standard is required for construction of the development project at the density to which the project is entitled and with all concessions or other incentives approved for the project.

2. The waiver or reduction in a development standard will not have a specific

adverse impact on public health, public safety, or the physical environment, and will not have an adverse impact on a property that is listed in the California register of historical resources. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

3. The waiver or reduction in a development standard is necessary because application of the development standards would physically preclude construction of a project utilizing a density bonus, concession or incentive. (Ord. 13-972)

9-1V-4: CHILD DAYCARE CENTER BONUS OR CONCESSION:

A. Floor Area Bonus Or Concession For Inclusion Of Child Daycare Facility: An application for a development project that complies with the density bonus requirement of this article and also includes a child daycare center that will be located on the premises as part of the project, or at a location adjacent to the project, may request one additional bonus or concession as follows:

1. Additional net floor area for housing units that is equal to or greater than the net floor area in the child daycare center.

2. A concession that contributes significantly to the economic feasibility of the construction of the child daycare center.

B. Child Daycare Bonus Or Concession Permit: An application for a child daycare bonus or concession permit shall be filed in compliance with the application process in section 9-1E-2 of this chapter, site plan review application procedure. The application shall be accompanied by any supplemental information requested by the director.

C. Procedure: The procedure for review of a child daycare bonus or concession permit shall be the same as for a site plan review pursuant to section 9-1E-0 of this chapter, site plan review. Child daycare bonus or concession permits may be granted with approval by the site plan review approval body. The approval body may:

1. Approve the bonus or concession described in the application for the child daycare bonus or concession permit, if the findings below are made.

2. Deny the bonus or incentive described in the application for the child daycare bonus or concession permit, if the necessary findings cannot be made.

D. Findings: A child daycare bonus or concession shall be approved upon making the following findings:

1. The bonus or concession would contribute significantly to the economic feasibility of the construction of the child daycare center.

2. The bonus or concession would not have a specific adverse impact on public health, public safety, or the physical environment, and would not have an adverse impact on a property that is listed in the California register of historical resources. A specific adverse impact is a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

E. Conditions Of Approval: The child daycare center shall comply with conditions of approval as follows:

1. The child daycare center shall remain in operation for a period of time that is equal to or longer than the period during which the dwelling units in the development that are dedicated for affordable occupancy are required to remain affordable.

2. Of the children who attend the child daycare center, the children from households of very low income, low income, or moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units in the development that are dedicated for affordable occupancy by households of very low, low or moderate income. (Ord. 13-972)

9-1V-5: BONUS FOR DONATION OF LAND:

A. Bonus For Donation Of Land: An applicant for a tentative subdivision map, parcel

map, or other residential development approval who donates land to the city which is suitable for the development of dwelling units affordable to very low income households shall be entitled to a bonus in residential density for the entire development above the density allowable under this chapter and the land use element of the general plan.

B. Requirements For Bonus: The donation of land shall meet the following requirements in order to be eligible for a density bonus:

1. The applicant shall donate and transfer the land no later than the date of approval of the final tract or parcel map, or application for the construction of residential units.

2. The developable acreage and zoning classification of the land being transferred shall be sufficient to permit construction of units affordable to very low income households in an amount not less than ten percent (10%) of the number of residential units of the proposed development.

3. The transferred land shall be at least one acre in size or of sufficient size to permit development of at least forty (40) dwelling units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure.

4. The transferred land shall have appropriate zoning and be subject to development standards that would allow feasible development of the affordable units. No later than the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land shall have all of the permits and approvals, other than building permits, necessary for development of the very low income housing units on the transferred land.

5. The transferred land and the affordable units shall be subject to a deed restriction approved by the city attorney ensuring continued affordability of the units, consistent with section 9-1V-8, "Enforcement Of Affordability", of this article.

6. The land shall be transferred to the city of Temple City or to a housing developer approved by the city of Temple City.

7. The transferred land shall be located within the boundary of the proposed development or, with approval of the director, within one-fourth ($^1/_4$) mile of the boundary of the proposed development.

8. A bonus shall not be granted unless a source of funding for the very low income units has been identified not later than the date of approval of the final parcel or tract map or application for the construction of residential units.

C. Density Bonus: The density bonus for donation of land for development of dwelling units affordable to very low income households shall be based on the number of such affordable dwelling units that can be developed on the donated land as a percentage of the otherwise maximum residential density allowed for the development, calculated as follows:

TABLE 4
INCREASE IN ALLOWABLE DENSITY FOR
DONATION OF LAND FOR VERY LOW INCOME UNITS

Percentage Of Very Low Income Units	Percentage Density Bonus
10	15
11	16
12	17
13	18
14	19
15	20
16	21
17	22
18	23
19	24
20	25
21	26
22	27

23	28
24	29
25	30
26	31
27	32
28	33
29	34
30	35

D. Bonuses May Be Combined: A bonus for the donation of land may be combined with a bonus granted under section 9-1V-1, "Density Bonus Allowance", of this article up to a maximum combined density bonus of thirty five percent (35%). (Ord. 13-972)

9-1V-6: CONDOMINIUM CONVERSIONS:

A. When an applicant for approval to convert an apartment complex to a residential condominium complex agrees to make at least thirty three percent (33%) of the total dwelling units of the proposed condominium complex affordable to persons and families of low or moderate income for thirty (30) years, or make fifteen percent (15%) of the total dwelling units of the proposed condominium complex affordable to low or very low income households for thirty (30) years, and agrees to pay for the administrative costs incurred by the city to process the application and to monitor the future occupancy of the affordable dwelling units, the city shall either: 1) grant a density bonus with an increase in dwelling units of up to twenty five percent (25%) over the number of apartments to be provided within the existing structure or structures proposed for conversion, or 2) provide other incentives of equivalent financial value to be determined by the city.

B. The city may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of dwelling units to subsequent purchasers who are persons and families of moderate, low or very low income households.

C. For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements, other than those related to building code requirements or other health and safety standards, which the city might otherwise apply as conditions of conversion approval.

D. Nothing in this section shall be construed to require the city to approve a proposal to convert apartments to condominiums.

E. An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were previously provided. (Ord. 13-972)

9-1V-7: ALTERNATIVE PARKING STANDARDS:

A. An applicant that is entitled to a density bonus may request the following alternative parking standards for the development:

TABLE 5
ALTERNATIVE PARKING STANDARDS

Number Of Bedrooms	On Site Parking Spaces
0 - 1	1
2 - 3	2
4 or more	2 .5

1. If the total number of parking spaces required for the development is other than a whole number, the number shall be rounded up to the next whole number.

2. A development may provide on site parking through tandem parking or uncovered parking on the development site. (Ord. 13-972)

9-1V-8: ENFORCEMENT OF AFFORDABILITY:

A. Low And Very Low Income Affordable Units: Before issuance of a building permit for a development with a density bonus for provision of dwelling units affordable, as defined in the Health And Safety Code sections 50053 and 50052.5, to low and/or very low income households, a covenant or other document approved by the city attorney shall be recorded and shall ensure that the dwelling units affordable to low and/or very low income households are at all times rented or sold at a price affordable to such households with the applicable income level for at least thirty (30) years, all in a manner consistent with the applicable provisions of Government Code section 65915(c).

B. Moderate Income Affordable Units: Before issuance of a building permit for a development with a density bonus for provision of dwelling units designated for sale at a price affordable, as defined in the Health And Safety Code section 50052.5, to moderate income households, a covenant or other document approved by the city attorney shall be recorded and shall: 1) ensure that the moderate income affordable units are initially occupied by persons or families with a moderate income, 2) ensure that such units are sold at a price that is affordable to moderate income households, and 3) provide the terms governing any subsequent resale of the affordable dwelling unit. A dwelling unit affordable to moderate income households may be offered for subsequent sale to another moderate income purchaser at a price affordable to the moderate income household and subject to the terms of the recorded covenant or other document satisfactory to the city attorney with respect to subsequent resale, or to an above moderate income purchaser provided that the sale to an above moderate income purchaser shall result in a recapture by the city, or its designee, of a financial interest in the dwelling unit equal to: 1) the difference between the initial moderate income level sale price of the dwelling unit and its appraised value at the time of the initial sale, and 2) a proportionate share of any appreciation in value of the dwelling unit since its initial sale, all in a manner consistent with the applicable provisions of Government Code section 65915(c).

C. Forfeiture Of Funds: Any individual who rents out a dwelling unit in violation of this article shall be required to forfeit all rents above the applicable affordable rate; and any individual who sells a unit in violation of this article shall be required to forfeit all profits from the sale exceeding the difference between the sale price and the applicable affordable sales price. Recovered funds shall be deposited in a city fund that is intended to support development of affordable housing in the community. (Ord. 13-972)

9-1V-9: ADMINISTRATIVE PROCEDURES:

The city manager or the city manager's designee may adopt administrative procedures for implementation of this article. (Ord. 13-972)

ARTICLE W. REASONABLE ACCOMMODATIONS

9-1W-0: PURPOSE:

In accordance with federal and state fair housing laws, it is the purpose of this article to allow for reasonable accommodations in the zoning code and land use regulations, policies, and practices when needed to provide an individual with a disability an equal opportunity to use and enjoy a dwelling. (Ord. 13-972)

9-1W-1: REVIEW AUTHORITY:

The director is designated to approve, conditionally approve, or deny all applications for a reasonable accommodation, subject to appeal to the planning commission. If the project for which the request for reasonable accommodation is made also requires a discretionary permit or approval from the planning commission, then an applicant may request that the planning commission hear the request for a

reasonable accommodation at the same time as the other discretionary permit or approval. If the applicant does not request a simultaneous hearing, then the request for a reasonable accommodation shall not be heard until after a final decision has been made regarding the other discretionary permit or approval. (Ord. 13-972)

9-1W-2: APPLICATION FOR A REASONABLE ACCOMMODATION:

A. Applicant: A request for reasonable accommodation may be made by any person with a disability, their representative, or a developer or provider of housing for individuals with a disability. A reasonable accommodation may be approved only for the benefit of one or more individuals with a disability. A reasonable accommodation may be approved for a "community care facility/large", as defined in section 9-1A-9, "Definitions", of this chapter, that houses seven (7) or more disabled persons.

B. Application: An application for a reasonable accommodation from a zoning regulation, policy, or practice shall be made on a form specified by the director. No fee shall be required for a request for reasonable accommodation, but if the project requires another discretionary permit, then the prescribed fee shall be paid for all other discretionary permits.

C. Other Discretionary Permits: If the project for which the request for reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the other discretionary permit or approval. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.

D. Required Submittals: In addition to materials required under other applicable provisions of this code, an application for reasonable accommodation shall include the following:

1. Documentation that the applicant is: a) an individual with a disability; b) applying on behalf of one or more individuals with a disability; or c) a developer or provider of housing for one or more individuals with a disability;

2. The specific exception or modification to the zoning code provision, policy, or practices requested by the applicant;

3. Documentation that the specific exception or modification requested by the applicant is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy the residence;

4. Any other information that the director reasonably concludes is necessary to determine whether the findings required by subsection 9-1W-3B, "Required Findings", of this article, can be made, so long as any request for information regarding the disability of the individuals benefited complies with fair housing law protections and the privacy rights of the individuals affected. (Ord. 13-972)

9-1W-3: DECISION:

A. Administrative Review: The approval body shall issue a written determination to approve, conditionally approve, or deny a request for reasonable accommodation, and the modification or revocation thereof in compliance with subsection B of this section. The reasonable accommodation request shall be heard with, and subject to, the notice, review, approval, and appeal procedures prescribed for a site plan review in accordance with the applicable provisions of sections 9-1E-0 through 9-1E-7 of this chapter.

B. Required Findings: The written decision to approve, conditionally approve, or deny a request for reasonable accommodation shall be based on the following findings, all of which are required for approval:

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the city as "undue financial or administrative burden" is

defined in fair housing laws and interpretive case law.

4. The requested accommodation will not result in a fundamental alteration to the purpose of the zoning code, as "fundamental alteration" is defined in fair housing laws and interpretive case law.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

C. Alternative Reasonable Accommodations: In making these findings, the review authority may approve alternative reasonable accommodations which provide an equivalent level of benefit to the applicant.

D. Consideration Factors: The reviewing authority may consider, but is not limited to, the following factors in determining whether the requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling:

1. Whether the requested accommodation will affirmatively enhance the quality of life of one or more individuals with a disability;

2. Whether the individual or individuals with a disability will be denied an equal opportunity to enjoy the housing type of their choice absent the accommodation;

3. In the case of a large community care facility, whether the requested accommodation is necessary to make facilities of a similar nature or operation economically viable in light of the particularities of the relevant market and market participants; and

4. In the case of a large community care facility, whether the existing supply of facilities of a similar nature and operation in the community is sufficient to provide individuals with a disability an equal opportunity to live in a residential setting.

E. Consideration Factors; Fundamental Alteration In Purpose Of Zoning Code: The reviewing authority may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the purpose of the zoning code:

1. Whether the requested accommodation would fundamentally alter the character of the neighborhood;

2. Whether the requested accommodation would result in a substantial increase in traffic or insufficient parking;

3. Whether the requested accommodation would substantially undermine any express purpose of either the general plan or an applicable specific plan; and

4. In the case of a large community care facility, whether the requested accommodation would create an institutionalized environment due to the number of and distance between facilities that are similar in nature or operation.

F. Rules While Decision Is Pending: While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

G. Effective Date: No reasonable accommodation shall become effective until the decision to grant such accommodation shall have become final by reason of the expiration of time to make an appeal. In the event an appeal is filed, the reasonable accommodation shall not become effective unless and until a decision is made by the planning commission on such appeal, pursuant to the provisions of section 9-1E-4 of this chapter, site plan review appeal procedure. (Ord. 13-972)

9-1W-4: EXPIRATION, TIME EXTENSION, VIOLATION,

DISCONTINUANCE, AND REVOCATION:

A. Expiration: Any reasonable accommodation approved in accordance with the terms of this chapter shall expire within twenty four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;

2. A certificate of occupancy has been issued;

3. The use is established; or

4. A time extension has been granted.

B. Time Extension: The approval body may approve a single one year time extension for a reasonable accommodation for good cause. An application for a time extension shall be made in writing to the director no less than thirty (30) days or more than ninety (90) days prior to the expiration date.

C. Time Extension Notice: Notice of the review authority's decision on a time extension shall be provided as specified in section 9-1E-0 of this chapter, site plan review. All written decisions shall give notice of the right to appeal and to request reasonable accommodation in the appeals process as set forth in this section.

D. Appeal Of Determination: A time extension for a reasonable accommodation shall be final unless appealed within ten (10) calendar days of the date of the adoption of the written determination of the approving authority. An appeal shall be made in writing and shall be noticed and heard pursuant to the procedures established in section 9-1E-4 of this chapter, site plan review appeal.

E. Violation Of Terms: Any reasonable accommodation approved in accordance with the terms of the zoning code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.

F. Discontinuance: A reasonable accommodation shall lapse if the exercise of rights granted by it is discontinued for one hundred eighty (180) consecutive days. If the persons initially occupying a residence vacate, the reasonable accommodation shall remain in effect only if the director determines that: 1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the zoning code, and 2) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. The director may request the applicant or his or her successor in interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten (10) days of the date of a request by the city shall constitute grounds for discontinuance by the city of a previously approved reasonable accommodation.

G. Revocation: Any revocation shall be noticed and heard pursuant to the procedures established in section 9-1F-40, "Revocation Of Variances And Conditional Use Permits", of this chapter. (Ord. 13-972)

9-1W-5: AMENDMENTS:

A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application. The director may waive the requirement for a new application if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. (Ord. 13-972)

Footnote 1: HSC § 50801(e).
Footnote 2: HSC § 50675.2(h).
Footnote 3: PRC § 21065.

ARTICLE X. WATER EFFICIENT LANDSCAPE

9-1X-0: PURPOSE:

The purpose of this article is to establish an alternative model acceptable under Governor Brown's April 1, 2015, drought executive order (B-19-25) as being at least as effective as the state model water efficient landscape ordinance in the context of

conditions in the city in order to:

A. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

B. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

C. Establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in new construction and rehabilitated projects;

D. Establish provisions for water management practices and water waste prevention for existing landscapes;

E. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount; and

F. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a budget based tiered rate structure, providing rebate incentives and offering educational programs. (Ord. 16-1013)

[Note: Authority cited: Section 65593, Government Code. Reference: Sections 65591, 65593, 65596, Government Code.]

9-1X-1: APPLICABILITY:

A. New landscape projects with an aggregate landscape area equal to or greater than five hundred (500) square feet, requiring a building or landscape permit, plan check or design review;

B. Rehabilitated landscape projects with an aggregate landscaped area equal to or greater than two thousand five hundred (2,500) square feet, requiring a building or landscape permit, plan check or design review;

C. New or rehabilitated landscape projects with an aggregate landscape area of two thousand five hundred (2,500) square feet or less may comply with the performance requirements of this article or conform to the prescriptive measures contained in appendix A of the guidelines on file in the city;

D. New or rehabilitated projects using treated or untreated graywater or rainwater capture on site, any lot or parcels within the project that has less than two thousand five hundred (2,500) square feet of landscape area and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with the treated or untreated graywater or through stored rainwater capture on site is subject only to appendix A of the guidelines on file in the city.

E. This article does not apply to:

1. Registered local, state, or federal historical sites;

2. Ecological restoration projects that do not require a permanent irrigation system;

3. Mined land reclamation projects that do not require a permanent irrigation system; or

4. Plant collections, as part of botanical gardens and arboretums open to the public. (Ord. 16-1013)

[Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

9-1X-2: LANDSCAPE WATER USE STANDARDS:

A. For applicable landscape installation or rehabilitation projects subject to section 9-1X-1 of this article, the estimated total water use allowed for the landscaped area shall not exceed the MAWA calculated using an ET adjustment factor of 0.55 for residential areas and 0.45 for nonresidential areas, except for special landscaped areas where the MAWA is calculated using an ET adjustment factor of 1.0; or the design of the landscaped area shall otherwise be shown to be equivalently water efficient in a manner acceptable to the city; as provided in the guidelines.

B. Irrigation of all landscaped areas shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the local water purveyor or as mutually agreed by local water purveyor and the local agency. (Ord. 16-1013)

9-1X-3: IMPLEMENTATION:

A. Prior to installation, a landscape documentation package shall be submitted to the city for review and approval of all landscape projects subject to the provisions of this article. Any landscape documentation package submitted to the city shall comply with the specifications of the guidelines.

B. The landscape documentation package shall include a certification by a professional appropriately licensed in the state of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this article and the guidelines. The following shall be the minimum requirements:

1. Landscape and irrigation plans shall be submitted to the city for review and approval with appropriate water use calculations.

2. Verification of compliance of the landscape installation with the approved plans shall be obtained through a certification of completion in conjunction with a certificate of use and occupancy or permit final process, as provided in the guidelines. (Ord. 16-1013)

[Note: Authority cited: Section 65595, Government Code. Reference: Section 65596, Government Code.]

9-1X-4: GUIDELINES:

The city's water efficient landscape guidelines are created to guide the implementation of this article. It provides specific technical and procedural guidance for the applicant to comply with this article. It shall have the same power of this article and compliance with the guidelines is required for all applicable projects. The guidelines are also intended for use and reference by city staff in reviewing and approving the designs and verifying compliance. (Ord. 16-1013)

9-1X-5: DELEGATION:

The city may delegate to, or enter into a contract with, a local agency to implement, administer, and/or enforce any of the provisions of this article including the guidelines. (Ord. 16-1013)

9-1X-6: DEFINITIONS:

The following definitions are applicable to this article:

AGGREGATE LANDSCAPE AREAS: The areas undergoing development as one project or for production home neighborhoods or other situations where multiple parcels are undergoing development as one project, but will eventually be individually owned.

APPLIED WATER: The portion of water supplied by the irrigation system to the landscape.

BUDGET BASED TIERED RATE STRUCTURE: Tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

ET ADJUSTMENT FACTOR OR ETAF: A factor that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, the two (2) major influences upon the amount of water that needs to be applied to the landscape.

ECOLOGICAL RESTORATION PROJECT: A project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

ESTIMATED TOTAL WATER USE: The average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

GUIDELINES: Refers to the "Guidelines For Implementation Of The Water Efficient Landscape Ordinance", as adopted by the city, which describes procedures, calculations, and requirements for landscape projects subject to this article.

HARDSCAPES: Any durable material or feature (pervious and nonpervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this article.

IRRIGATION EFFICIENCY: The measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The irrigation efficiency for purposes of this article is 0.75 for overhead spray devices and 0.81 for drip systems.

LANDSCAPE CONTRACTOR: A person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

LANDSCAPE DOCUMENTATION PACKAGE: The documents required to be provided to the city for review and approval of landscape design projects, as described in the guidelines.

LANDSCAPE PROJECT: Total area of landscape in a project, as provided in the definition of "landscaped area", meeting the requirements under section 1.1 of the guidelines.

LANDSCAPED AREA: All the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance and estimated applied water use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, and other nonirrigated areas designated for nondevelopment (e.g., open spaces and existing native vegetation).

LOCAL AGENCY: A city or county, including a charter city or charter county, that is authorized to implement, administer, and/or enforce any of the provisions of this article. The local agency may be responsible for the enforcement or delegation of enforcement of this article including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

LOCAL WATER PURVEYOR: Any entity, including a public agency, city, county, or private water company that provides retail water service.

MAXIMUM APPLIED WATER ALLOWANCE OR MAWA: The upper limit of annual applied water for the established landscaped area as specified in section 2.2 of the guidelines. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscaped area. The estimated applied water use shall not exceed the maximum applied water allowance. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)]

MINED LAND RECLAMATION PROJECTS: Any surface mining operation with a reclamation plan approved in accordance with the surface mining and reclamation act of 1975.

NEW CONSTRUCTION: For the purposes of this article, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

NONPERVIOUS: Any surface or natural material that does not allow for the passage

of water through the material and into the underlying soil.

PERMIT: An authorizing document issued by local agencies for new construction or rehabilitated landscape.

PERVIOUS: Any surface or material that allows the passage of water through the material and into the underlying soil.

PLANT FACTOR OR PLANT WATER USE FACTOR: A factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this article, the plant factor range for very low water use plants is zero to 0.1; the plant factor range for low water use plants is 0.2 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this article are derived from the publication "Water Use Classification Of Landscape Species". Plant factors may also be obtained from horticultural researchers from academic institutions or professional associations as approved by the California department of water resources (DWR).

RECYCLED WATER OR RECLAIMED WATER: Treated or recycled wastewater of a quality suitable for nonpotable uses such as landscape irrigation and water features. This water is not intended for human consumption.

REFERENCE EVAPOTRANSPIRATION OR ETo: A standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in appendix A of the guidelines, and is an estimate of the evapotranspiration of a large field of four (4) to seven inch (7") tall, cool season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowances.

REHABILITATED LANDSCAPE: Any relandscaping project that meets the applicability criteria of this article, where the modified landscape area is greater than two thousand five hundred (2,500) square feet.

SMART IRRIGATION CONTROLLER: An automatic irrigation controller utilizing either evapotranspiration or soil moisture sensor data with nonvolatile memory shall be required for irrigation scheduling in all irrigation systems, recommending U.S. EPA WaterSense labeled devices as applicable.

SPECIAL LANDSCAPE AREA: An area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and recreational areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

TURF: A ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, perennial ryegrass, red fescue, and tall fescue are cool season grasses. Bermuda grass, kikuyu grass, seashore paspalum, St. Augustine grass, zoysia grass, and buffalo grass are warm season grasses.

VALVE: A device used to control the flow of water in an irrigation system.

WATER FEATURE: A design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on site wastewater treatment, habitat protection or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation. (Ord. 16-1013)

[Note: Authority cited: Section 65595, Government Code. Reference: Sections 65592, 65596, Government Code.]

Chapter 2
SUBDIVISION REGULATIONS

9-2-0: PURPOSE:

The provisions of this chapter are adopted pursuant to the subdivision map act (section 66411 et seq., of the Government Code; hereafter "act") for the purpose of regulating the design and improvement of subdivisions, and regulating other divisions of land within the city. (1960 Code; amd. Ord. 75-416)

9-2-1: NAME:

This chapter shall be referred to as the city's *SUBDIVISION REGULATIONS*. (1960 Code)

9-2-2: GENERAL:

A. Designations: Pursuant to the act, the following designations are made:

1. Advisory Agency: The planning commission shall act as the advisory agency within the meaning of said act and shall report its findings and recommendations on subdivisions and other matters within its jurisdiction as described in said act, and in this chapter, to the city council; and

2. Appeal Board: The city council shall act, where appropriate, as the appeal board for purposes of the act and this chapter.

B. Maps:

1. Tentative Maps: Whenever the act of this chapter requires that a parcel map be prepared and submitted for approval and recordation, a tentative map shall first be prepared and submitted in accordance with the provisions of the act and/or this chapter.

2. Filing Of Maps: Whenever a tentative, final or parcel map is required to be filed pursuant to the act or this chapter, such map shall be filed with the city engineer.

C. Adoption Of Standards: Whenever improvements are required to be constructed, pursuant to the act or this chapter, the construction of such improvement shall be accomplished in compliance with the city's standards therefor, which have heretofore been adopted by the city council of this city. Copies of said standards are on file in the office of the city clerk of this city and are available for public inspection.

D. Definitions: Except where the context otherwise clearly require, the definitions, set forth hereinafter, shall be applied to the words and phrases used in this chapter.

1. The definitions set forth in the act shall be deemed to be definitions applicable to the same words and phrases used in this chapter; and

CITY: The city of Temple City.

CITY CLERK: The city clerk of the city of Temple City.

CITY ENGINEER: The city engineer of the city of Temple City.

LOT SPLIT: Whenever the phrase "lot split" is used in this chapter, it shall be deemed to mean a division of land, which has the effect of creating four (4) or less lots, improved, or unimproved, shown on the "equalized Los Angeles County assessment roll" in effect as of January 1, 1968, as a unit or as contiguous units, for the purpose of sale, transfer of title, lease, or financing, whether immediate or future. Units shall be considered contiguous even if the same are separated by highways, alleys, streets, utility or public easements or railroad rights of way. "Lot split" shall also include condominium project as defined in the Civil Code and a community apartment project defined in the Business And Professions Code. Conveyance of land to a public entity or public utility shall not be considered a division of land for the purposes of computing the number of parcels or lots to be created by a lot split.

2. The definitions set forth in the Temple City zoning regulations shall be deemed to be definitions applicable to this chapter. (1960 Code)

9-2-3: IMPROVEMENTS:

No subdivision, lot split or other division of land contemplated by said act and/or this chapter, shall be approved unless the following improvements are constructed or required to be constructed in order to service the lots being created:

A. An adequate water distribution system designed and constructed to accommodate both domestic and fire flows, together with necessary fire hydrants to serve each lot proposed to be created;

B. An adequate sewage system designed and constructed to serve each lot being

created;

C. An adequate stormwater drainage system designed and constructed so as to serve each of the lots proposed to be created;

D. An adequate public and/or private street and/or alley system designed and constructed to serve each lot proposed to be created;

E. An adequate system designed and constructed so as to provide all necessary utilities to each lot proposed to be created, including, but not limited to, facilities for water, natural gas, electricity, telephone services; and

F. Any and all other public improvements, necessary to provide all services to each lot proposed to be created.

Each tentative map shall be reviewed by the staff, the advisory agency and/or the city council, and thereafter, steps shall be taken to ensure that all of the improvements reasonably required to service all of the lots proposed to be created are specifically required as conditions of approval on such tentative maps. (1960 Code)

9-2-4: DEDICATIONS:

No subdivisions, lot split or other division of land contemplated by the act or this chapter, shall be approved, unless the subdivider and/or owner dedicates to the city, or, at the option of the city, makes irrevocable offers of dedication to the city, of sufficient interests in real property, located within the boundaries of the subdivision, lot split, or other division of land, to accommodate all streets, alleys, drainage facilities, sewage facilities, public utility easements and such other easements, as may be deemed necessary to properly service the lots proposed to be created, including, but not limited to, dedication, or irrevocable offers of dedication, of access rights and/or abutter's rights of whatever kind or nature. Where appropriate on a particular subdivision, lot split or other division of land contemplated by the act or this chapter, the waiver of direct access rights, as contemplated by section 66476 of the act may be required, if the public interest necessitates such waiver, as determined by the city council.

The precise areas proposed for such dedication or offers of dedication, shall be established as conditions of approval on the tentative map proposed for such subdivision, lot split or other division of land. (1960 Code)

9-2-5: PARCEL MAPS:

Where dedication of property is required, with reference to a parcel map, such dedication shall be accomplished by a certificate placed upon the face of the parcel map, in the same manner as is required of a final map pursuant to the act. (1960 Code)

9-2-6: LIMITATION ON IMPROVEMENTS:

Improvements and/or dedications required pursuant to sections 9-2-3 and 9-2-4 of this chapter, with reference to a subdivision, lot split or other division of land contemplated by the act and/or this chapter, may be so required whether the same are included within the boundaries of the tentative map for such subdivision, lot split or other division of land contemplated by the act or this chapter, provided that such improvements and/or dedications are reasonable required to service the lots proposed to be created by such land division. (1960 Code)

9-2-7: RESERVATIONS OF CONDITIONS:

Where the city council finds that the public interest so required, it may, as a condition of approval, on a subdivision, lot split or other division of land contemplated by the act or this chapter, require that there be a reservation of land made for parks, recreational facilities, fire station, libraries or other public uses, as contemplated by section 66479 of the act. No such reservation shall be so imposed except in compliance with the provisions of the act. (1960 Code)

9-2-8: RECORD TITLE INTERESTS ON PARCEL MAPS:

The signatures of all parties having any record title interest in the real property being subdivided shall not be required on any final parcel map unless dedications or offers of dedication are made by certificate on the parcel map. (1960 Code)

9-2-9: EVIDENCE OF TITLE FOR PARCEL MAPS:

Evidence of title shall be submitted with all final parcel maps. This shall show all fee interest holders, all interest holders whose interest could ripen into a fee, all trust deeds together with the name of the trustee, and all easement holders. (1960 Code)

9-2-10: REIMBURSEMENT:

Pursuant to section 66485 of the act, where the city council finds that the public interest so requires, it shall be deemed a requirement of this chapter that any subdivision, lot split or other division of land contemplated by the act or this chapter, that the subdivider shall supplement the size, capacity or number of any improvements otherwise required for the benefit of the lots proposed to be created, which said supplemental size, capacity and/or number is for the benefit of property not included within such subdivision, lot split or other division of land contemplated by the act or this chapter. Where such supplemental improvements are so required, reimbursement agreements shall be executed, as is provided in section 66486 et seq., of said act. (1960 Code)

9-2-11: SOILS REPORT:

A soils report, as contemplated by section 66490 of the act, shall be required for each major subdivision. Notwithstanding the provisions of this section, the city council may waive the requirement of a preliminary soils report if it finds that due to the knowledge the staff has concerning quality of the soils included within the subdivision, no such preliminary analysis is necessary. (1960 Code)

9-2-12: IMPROVEMENT SECURITY:

With respect to any subdivision, lot split or other division of land contemplated by the act or this chapter, as to which certain improvements are required pursuant to said act or this chapter, and the said improvements are not constructed and installed in accordance with the city's standards therefor, as of the time of submission of a final map for approval, the city council, in its discretion, may act in the following manner:

A. The city council may execute an agreement with the subdivider or other qualified person, providing for the construction of such improvements; provided that any such agreement shall contain provisions concerning security for the construction of such improvements. Such security shall consist of the type described in subdivision (a), (b) or (c) of section 66499 of the act whichever may be authorized by the city council. The amount of such security shall be set in accordance with section 66499.3 et seq., of said act.

B. The city council may determine that an agreement with security attached is unnecessary given the extent of the public improvements required and may approve the final map with direction to city staff to withhold a certificate of occupancy and not send a release to the natural gas utility provider until the required public improvements are completed. (Ord. 16-1014)

9-2-13: SUBDIVISION FEES:

By resolution, the city council shall set appropriate filing and processing fees which shall apply to all subdivisions and other divisions of land contemplated by the act. (1960 Code)

9-2-14: LOT SPLIT PROCEDURE:

The provisions of this section shall apply to the processing of lot splits.

A. Filing: All applications for lot splits shall be filed, together with a tentative map therefor, with the city engineer, on forms provided by him for such purposes; and

B. Fees: Prior to processing any application for a lot split, the applicant shall pay to the city treasurer such fees as may be required by resolution of the city council pertaining to the same; and

C. Staff Review: The planning director shall circulate the application for a lot split, together with the tentative map relating thereto, to affected city departments for review and comment. The planning director shall be responsible for preparing an appropriate staff report for submission to the planning commission, which shall include all other relevant departmental comments relating to the proposed lot split. Such staff report shall be transmitted to the planning commission and to the applicant for review and consideration; and

D. Planning Commission Action: Where the planning commission finds that any of the lots proposed to be created would not comply with applicable provisions of this code, or if it finds that any facts exist which would, pursuant to the act, be a basis for denying a subdivision, it shall deny said application.

Where the commission finds that the lots proposed to be created will comply with the said code, but that certain improvements and/or dedications are required to properly service a lot proposed to be created, the planning commission shall approve the lot split application conditionally, so as to ensure that all such improvements and/or dedications will be constructed in accordance with the city's standards therefor.

The action of the planning commission upon a lot split application shall be final and conclusive, in the absence of an appeal taken in the time and manner hereinafter set forth; and

E. Appeal Of Planning Commission Decision: Any interested person may appeal the action of the planning commission with reference to a lot split application by filing a written letter of appeal with the city clerk, describing therein the basis for such appeal; the city clerk shall not accept such a letter of appeal unless a filing and processing fee, as set by city council resolution, has been paid, and such letter of appeal is filed with the clerk within not to exceed fifteen (15) calendar days following the planning commission's action. Upon receipt of a timely filed appeal, the city clerk shall place the matter on the city council's agenda at its next most convenient meeting.

At the time that such appeal is reviewed by the city council, it shall herein consider the application, the staff report and all other relevant evidence presented by the applicant or any other interested person concerning such lot split. Thereafter, the city council shall take one of the following courses of action:

1. If it finds that the lots proposed to be created will not comply with all applicable provisions of this code, including, but not limited to, the zoning regulations, or, if it finds that any facts exist which would, pursuant to the act, be a basis for disapproving a subdivision, it shall deny such application; or

2. If it shall find that the lots proposed to be created will meet the provisions of said code, but that improvements and/or dedications are required, it shall conditionally approve such application in such manner as is necessary to ensure construction of such improvement and/or dedications and to guarantee that prior to the filing of the final map the same will be constructed or guaranteed in an appropriate manner; or

3. If it finds that the lot proposed to be created will meet the requirements of said code, and that no dedication or improvements are required, it shall approve the tentative map. All actions of the city council shall be final and conclusive. (1960 Code)

9-2-15: FILING OF PARTIAL LOT SPLIT MAPS:

Where a division of real property, by sale or lease, has taken place, which division requires conformance to the provisions of section 9-2-14, "Lot Split Procedure", of this chapter, but approval has not been obtained, as provided in that section, and the purchaser of one or more of the parcels so divided, has been refused a building permit or a certificate of occupancy, or has attempted to file a lot split map on his property but the same has been refused, by reason of noncompliance with that

section, the city council may by motion direct the city engineer to accept a partial lot split map for filing relating to such purchaser's property only, provided that such purchaser agrees that he will construct improvements and dedicate areas as may be necessary to comply with the provisions of said section 9-2-14, "Lot Split Procedure", of this chapter if it finds the following facts to be present:

A. That the purchaser at the time of his purchase of the property was unaware of the application of the provisions of section 9-2-14, "Lot Split Procedure", of this chapter to his property; and

B. That the purchaser has unsuccessfully attempted to obtain the approval and concurrence of the other purchasers and/or his vendor in the filing of a lot split map covering all of the property divided without compliance with said section 9-2-14 of this chapter; and

C. That to refuse to accept a lot split map relating to the property of the injured purchaser only, will work an undue hardship upon such person; and

D. That the public interest will be furthered by permitting such filing.

Nothing in this section shall be deemed to relieve any owner, purchaser, or vendor of any real property from the filing of a lot split map, nor shall it be deemed to waive or modify the requirements for such filing on all remaining portions of property so divided. (1960 Code)

9-2-16: PARCEL MAP WAIVER:

Pursuant to the provisions of section 66428 of the subdivision map act, and subject to making the findings provided therein, the city council or planning commission may waive the requirements of a parcel map. (1960 Code)

9-2-17: LOT CONSOLIDATION:

The provisions of this section shall apply to the processing of lot consolidations.

A. Authority: The community development director shall have the authority to grant lot consolidations that conform to this code upon filing such consolidation of record.

B. Notice Of Application Submittal: Notice that the application has been submitted shall be mailed to the owners of properties within one hundred feet (100') as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records of the assessor or county tax collector which contain more recent and accurate addresses by United States mail, postage prepaid. Notices shall contain a description of the location, a brief description of the proposal, the deadline to submit comments, the date the director is scheduled to make a decision, and information about when and how an appeal may be filed.

C. Comment Period: Written comments received by the director during this period shall be considered as part of the staff review. The comment period shall be ten (10) days from the date notice is provided.

D. Appeal Authority: Decisions of the director may be appealed to the planning commission. Decisions by the commission may be appealed to the city council.

E. Appeal Initiation, Filing, Content: Appeals may be initiated by an applicant, any resident of the city, or any person owning real property in the city aggrieved by a decision of the director. A notice of appeal shall be in writing and shall be filed in the office of the city clerk upon forms provided by the city. An appeal from decision, determination, or interpretation of the director in the administration of the provisions of this chapter must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this chapter.

F. Appeal Hearing And Notice: Once filed, the appeal shall be held before the planning commission at their next meeting where the noticing requirements can be met. Appeal hearings shall be noticed in accordance with subsection B of this section.

G. Commission Decision: On an appeal from a decision of the director, the planning commission shall consider the matter at a public hearing and may affirm, reverse or modify the decision of the director. If the applicant or any other party as defined in subsection E of this section is dissatisfied with the decision of the commission, they may within a fifteen (15) day time period, appeal the same to the council, in the same manner as an appeal is taken from the decision of the director. An appeal to the council shall be filed with the city clerk. (Ord. 16-1014)

9-2-18: MINOR LOT LINE ADJUSTMENTS:

The provisions of this section shall apply to the processing of lot line adjustments.

A. Final Map Not Required: Notwithstanding any other provision of this chapter, the filing of a final parcel map shall not be required.

B. New Construction Park Fees: The provisions of sections 9-5-3 and 9-5-4 of this title shall be inapplicable.

C. Notice Of Application Submittal: Notice that the application has been submitted shall be mailed to the owners of properties within one hundred feet (100') as shown on the latest equalized assessment roll of the county of Los Angeles, or from other records of the assessor or county tax collector which contain more recent and accurate addresses by United States mail, postage prepaid. Notices shall contain a description of the location, a brief description of the proposal, the deadline to submit comments, the date the director is scheduled to make a decision, and information about when and how an appeal may be filed.

D. Comment Period: Written comments received by the director during this period shall be considered as part of the staff review. The comment period shall be ten (10) days from the date notice is provided.

E. Findings: A lot line adjustment shall be approved upon making the following findings:

1. That the proposed division of land will not result in the creation of any new lots or the reorientation of any existing lots;

2. That no public improvements or dedications are necessary to properly service the lots involved; and

3. That the lots involved will conform in all respects to the requirements of this code.

F. Appeal Authority: Decisions of the director may be appealed to the planning commission. Decisions by the commission may be appealed to the city council.

G. Appeal Initiation, Filing, Content: Appeals may be initiated by an applicant, any resident of the city, or any person owning real property in the city aggrieved by a decision of the director. A notice of appeal shall be in writing and shall be filed in the office of the city clerk upon forms provided by the city. An appeal from decision, determination, or interpretation of the director in the administration of the provisions of this chapter must set forth specifically the error or abuse of discretion claimed by the appellant or how an application did meet or fail to meet, as the case may be, the standards of this chapter.

H. Appeal Hearing And Notice: Once filed, the appeal shall be held before the planning commission at their next meeting where the noticing requirements can be met. Appeal hearings shall be noticed in accordance with subsection C of this section.

I. Commission Decision: On an appeal from a decision of the director, the planning commission shall consider the matter at a public hearing and may affirm, reverse or modify the decision of the director. If the applicant or any other party as defined in subsection G of this section is dissatisfied with the decision of the commission, they may within a fifteen (15) day time period, appeal the same to the council, in the same manner as an appeal is taken from the decision of the director. An appeal to the council shall be filed with the city clerk. (Ord. 16-1014)

9-2-19: PROCESSING BY COUNCIL:

Whenever the city council finds that the time limits provided by the subdivision map act or hardship to a particular developer will be involved in the processing of a parcel map, because of the schedule of meetings of the planning commission, or the failure of the planning commission to attain a quorum, then the city council may exercise original jurisdiction over such tentative or final parcel maps, and in every manner act and process such tentative and final parcel map in the place and stead of the planning commission, in which case the decision of the city council shall be final. (1960 Code)

Chapter 3
CONDOMINIUM CONVERSIONS

9-3-0: INTENT AND PURPOSE:

These condominium regulations are intended to provide criteria and guidelines for condominium conversion as defined herein. The standards include density, parking, open space, light and air, pedestrian and vehicular traffic circulation and are intended to create condominium projects that are well designed, aesthetically pleasing, compatible with the surrounding community, of a pleasing and desirable character, to harmonize with adjacent residential use, and so as to maintain a reasonable balance in the supply of rental and ownership dwelling units.

Although this is an amendment to the subdivision ordinance, it shall be deemed, where applicable, an amendment to the Temple City zoning code and building codes. The city has found that these regulations are consistent with, and necessary to carry out, the goals and objectives of the general plan. (1960 Code; amd. Ord. 79-486)

9-3-1: DEFINITIONS:

Condominium conversion is a process or effect of transferring ownership of a building from residential units to a condominium in accordance with appropriate law. Condominium conversion, as used in this chapter, shall mean the conversion of existing units to condominiums, community apartment projects, or stock cooperatives (condominiums and community apartment projects are required to comply with the subdivision map act while stock cooperatives are not, unless made so by the California department of real estate).

COMMUNITY APARTMENT PROJECT: Joint ownership of the land by the various owners with an exclusive right to occupy a given dwelling unit.

CONDOMINIUM: Joint ownership of the land by the purchasers with ownership of a defined area of air space where the dwelling unit is located as more fully defined in the California Civil Code.

STOCK COOPERATIVE: Ownership of the land and buildings by a corporation; tenants own shares of stock and thus are entitled to an exclusive right to occupy a dwelling unit, or they lease a dwelling unit. (1960 Code)

9-3-2: CONVERSION PROCEDURES:

Conversion of existing residential units to condominiums, stock cooperatives, or community apartment projects shall be subject to the following:

A. The approval of a conditional use permit, pursuant to section 9-1F-10 of this title, shall first be required.

B. Residential condominium conversions shall be permitted only in zones R-2 and R-3.

C. An application for a tentative and final tract map shall be submitted for approval in accordance with established requirements. A site plan, floor and elevation plans also shall be submitted for review and approval.

D. Covenants, conditions and restrictions (CC&Rs), incorporating the conditional use permit as nonamendable, shall be submitted to the planning department for city attorney review and approval by the planning commission and/or city council prior to submittal of the final tract.

E. The developer shall submit a property report describing the age and condition of each of the following elements of each structure situated within the project proposed for conversion: foundations, exterior walls, fire walls, roof, stairways and exits, interior insulation (sound and thermal), exterior insulation (sound and thermal), light and ventilation, plumbing, electrical, heating and air conditioning, fire and earthquake safety provisions, security provisions, interior common or public areas, landscaping, and trash control. Such report shall be prepared by a licensed civil engineer or an architect registered in California, and shall provide methods and costs for the correction or improvement of any deficiencies noted.

F. The developer shall submit a structural pest report. Such report shall be prepared by a licensed structural pest control operator pursuant to section 8516 of the Business And Professions Code, relating to written reports on the absence or presence of wood destroying pests or organisms, and shall provide methods and costs for corrective work for both accessible and nonaccessible areas.

G. Approval of a certificate of occupancy shall be required for any such conversion. Upon receipt of an application for a certificate of occupancy, the building official shall cause an inspection to be made of all buildings and structures in the proposed condominium, community apartment project or stock cooperative. The building official shall prepare an inspection report, identifying all items not in conformance with the current city building, electrical, wiring, mechanical and plumbing codes, and any additional equipment and facilities he determines to be deteriorated or hazardous. The developer shall repair, replace or add any equipment or facilities determined to be in violation of current city codes to the extent such violations are deteriorated, hazardous, or susceptible to feasible and economic correction. It is the intent hereof that all conversions shall be brought up to substantial compliance with building codes for new construction at the time of conversion.

H. The developer shall provide a schedule of proposed improvements which shall be made to the project prior to their sale.

I. All tenants then occupying the proposed conversion site shall be notified of the public hearing before the planning commission and city council. A list of tenants shall be supplied by the applicant. If permit for conversion is approved, the developer shall provide each tenant a preemptive right in writing (copy to city) to purchase a unit of exclusive occupancy on the same terms as offered for sale to anyone else. Such right shall be irrevocable for a period of ninety (90) days after the commencement of sales or the issuance of the final public report by the real estate commissioner. It is recognized that tenants who purchase may be temporarily displaced during construction.

J. In addition to the above requirements, no application for a condominium conversion project shall be accepted for any purpose unless the application includes the following:

1. Development Plan: A development plan of the project including:

a. The location, height, gross floor area, and proposed uses for each existing structure to remain and for each proposed new structure;

b. The location and type of surfacing for all driveway, pedestrian ways, vehicle parking areas, and curb cuts, and open storage area;

c. The location, height, and type of materials for walls, fences and trash enclosures;

d. The location of all landscaped areas, the type of landscaping;

e. The location and size of the parking facilities to be used in conjunction with each condominium unit;

f. The location, type and size of all drainage pipes and structures depicted or described to the nearest public drain or watercourse;

g. The location and type of the nearest fire hydrants;

h. The location, type and size of all on site and adjacent street overhead utility lines;

i. A lighting plan of the project;

j. Existing and proposed exterior elevations;

k. The location of and provisions for any unique natural and/or vegetative site features.

2. Copy To Buyers: The original owner shall provide each purchaser with a copy of all reports (in their final, acceptable form) along with the department of real estate white report, prior to said purchaser, completing an escrow agreement or other contract to purchase a unit in the project, and said developer shall give the purchaser sufficient time to review said reports. Copies of the reports shall be made available at all times at the sales office and shall be posted as approved by the city. (1960 Code)

9-3-3: DESIGN CRITERIA:

All such conversions shall be subject to the following, unless excused as a part of the conditional use permit, and the burden shall be on applicant to show the need for such excuse by applying the same standards as for a variance under section 9-1F-1 of this title.

Residential condominium conversions shall be permitted only in zones R-2 and R-3 provided, however, that no condominium conversion projects shall be considered or approved with less than three (3) dwelling units.

A. Minimum Lot Area: The minimum lot area for each condominium unit, regardless of the number of bedrooms, shall be three thousand six hundred (3,600) square feet for R-2 and two thousand four hundred (2,400) square feet for R-3 zones.

B. Minimum Floor Area: Each dwelling unit shall have a minimum floor area as follows:

1 bedroom unit	750 square feet
2 bedroom unit	900 square feet
3 bedroom unit	1,100 square feet
For each additional bedroom	150 square feet

C. Open Space: Open space shall be required as follows:

R-2	500 square feet for each dwelling unit
R-3	300 square feet for each 1 or 2 bedroom units
	400 square feet for each unit with 3 bedroom or more units

D. Fire Compliance: Compliance with the requirements of the fire department regarding matters such as fire flow, hydrant location and driveway width.

E. Parking: Each condominium unit shall be provided with:

1. Two (2) enclosed parking spaces plus one enclosed or open parking space for each two (2) units. Units with three (3) or more bedrooms shall require an additional one-half ($^1/_2$) parking space;

2. Tandem parking is prohibited.

3. No use shall be made of any parking area or access thereto, other than for the parking of vehicles; such spaces shall be used for no other purpose at any time. The

CC&Rs shall contain such restriction.

F. Storage: A single area having a minimum of two hundred (200) cubic feet of private and secure storage space shall be provided for each unit exclusive of closets and cupboards, within the dwelling unit. Said storage may be located within the garage, provided it does not interfere with automobile parking.

G. Trash And Garbage Area: Adequate trash and garbage collection and pick up area shall be provided for use within one hundred fifty feet (150') of each unit in a location or locations accessible to a public street or alley, and enclosed on three (3) sides by a five foot (5') high masonry, brick or concrete wall which shall be enclosed with solid decorative gates of the same height. Such areas may be for individual dwelling units independent of others, or for groups of dwelling units or for all such dwelling units. Areas for group use shall be set back or otherwise protected from adjacent properties and streets.

H. Plumbing (Gas And Water) Shutoff Valves: Separate full way shutoff valves shall be provided to each dwelling unit.

I. Utility Meters: Each utility that is controlled by and consumed within the dwelling unit shall be separately metered in such a way that the unit owner can be separately billed for its use. Each unit shall have access to its own meter(s) and heater(s) which shall not require entry through another unit. Each unit shall have its own panel, or access thereto, for all electrical circuits which serve the unit.

J. Sound Insulation: Common wall and floor-ceiling assemblies shall be required to conform to the sound insulation performance criteria as required for new buildings.

K. Mechanical Equipment Noise Prevention: All permanent mechanical equipment, which is determined to be a source of potential vibration or noise, shall be shock mounted as determined by the building officials.

L. Attic Sound Insulation: Attic separations shall be installed separating each individual unit with the same sound insulation and security as required for party walls.

M. Sewer: A separate connection to the public sewer shall be provided for each unit to the extent feasible.

N. Other Requirements: Such other requirements as are determined as a result of public hearings to be necessary to accomplish the intent and purpose hereof. (1960 Code; amd. Ord. 01-855)

Chapter 4
CONDOMINIUM CONSTRUCTION

9-4-0: INTENT AND PURPOSE:

These condominium regulations are intended to provide criteria and guidelines for "condominium construction" as defined herein. The standards include density, parking, open space, light and air, pedestrian and vehicular traffic circulation, and are intended to create condominium projects that are well designed, aesthetically pleasing, compatible with the surrounding community, of a pleasing and desirable character, and so as to harmonize with adjacent residential use.

Although this is an amendment to the subdivision ordinance, it shall be deemed, where applicable, an amendment to the Temple City zoning code and building codes. The city has found that these regulations are consistent with, and necessary to carry out, the goals and objectives of the general plan. (1960 Code; amd. Ord. 79-486)

9-4-1: DEFINITIONS:

As used in this chapter, the following words and terms shall have the meanings herein ascribed to them:

COMMUNITY APARTMENT PROJECT: Joint ownership of the land by the various owners with an exclusive right to occupy a given dwelling unit.

CONDOMINIUM: Joint ownership of land by the purchasers with ownership of a defined area of air space where the dwelling unit is located as more fully defined in the California Civil Code.

CONDOMINIUM CONSTRUCTION: The construction of a condominium, "community apartment project" or "stock cooperative", as defined herein. (Condominiums and community apartment projects are required to comply with the subdivision map act while stock cooperatives are not, unless made so by the California department of real estate.)

STOCK COOPERATIVE: Ownership of the land and buildings by a corporation; tenants own shares of stock and thus are entitled to an exclusive right to occupy a dwelling unit, or they lease a dwelling unit. (1960 Code)

9-4-2: CONSTRUCTION PROCEDURES:

Construction of condominium, stock cooperatives or community apartment projects shall be subject to the following:

A. The approval of a conditional use permit, pursuant to section 9-1F-10 of this title, shall first be required.

B. Condominium construction shall be permitted only in R-2 and R-3 zones provided, however, no condominium project shall contain less than three (3) dwelling units.

C. An application for a tentative and final tract map shall be submitted concurrently for approval in accordance with established requirements. A site plan, floor and elevation plans also shall be submitted for review and approval.

D. Covenants, conditions and restrictions (CC&Rs), incorporating the conditional use permit as nonamendable, shall be submitted to the planning department for city attorney review and approval by the planning commission and/or city council prior to submittal of the final tract. (1960 Code; amd. Ord. 01-855)

9-4-3: DESIGN CRITERIA:

A. Open Space Requirements: "Open space", as defined in section 9-1A-9 of this title, shall be required as follows:

R-2	500 square feet for each dwelling unit
R-3	500 square feet for each dwelling unit

(Ord. 07-916)

B. Fire Compliance: Compliance with the requirements of the fire department regarding matters such as fire flow, hydrant location and driveway width.

C. (Rep. by Ord. 88-630)

D. (Rep. by Ord. 88-630)

E. Parking: The following parking requirements shall be made:

1. For each one or two (2) bedroom unit: Two and one-half ($2^1/_2$) spaces of which two (2) may be enclosed and one-half ($^1/_2$) open;

2. For each three (3) bedroom or more unit: Three (3) spaces per unit, with two (2) enclosed and one open;

3. Tandem parking shall be prohibited;

4. Underground parking may be required to have special safety provisions as required by the fire department and building and safety department;

5. No use shall be made of any parking area or access thereto, other than for the parking of vehicles; such spaces shall be used for no other purpose at any time. The CC&Rs shall contain such restriction.

F. Laundry Facilities: Separate laundry facilities shall be provided for each unit.

G. Utilities: All utilities shall be placed underground.

H. Minimum Floor Area: The following minimum gross floor area shall be required:

1 bedroom units	800 square feet
2 bedroom units	1,000 square feet
3 bedroom units	1,200 square feet
For each additional bedroom	150 square feet

I. Storage: There shall be provided for each unit at least two hundred (200) cubic feet of storage facilities in one location, in addition to storage requirements in the building code.

J. Trash And Garbage Areas: Adequate trash and garbage collection and pick up areas shall be provided for use within one hundred fifty feet (150') of each unit in a location or locations accessible to a public street or alley, and enclosed on three (3) sides by a five foot (5') high masonry, brick or concrete wall which shall be enclosed with solid decorative gates of the same height. Such areas may be for individual dwelling units independent of others, or for groups of dwelling units or for all such dwelling units. Areas for group use shall be set back or otherwise protected from adjacent properties and streets.

K. Plumbing (Gas And Water) Shutoff Valves: Separate full way shutoff valves shall be provided to each dwelling unit.

L. Utility Meters: Each utility that is controlled by and consumed within the dwelling unit shall be separately metered in such a way that the unit owner can be separately billed for its use.

M. Sound Insulation: Common wall and floor-ceiling assemblies shall be required to conform to the sound insulation performance criteria.

N. Mechanical Equipment Noise Prevention: All permanent mechanical equipment, which is determined to be a source of potential vibration or noise, shall be shock mounted as determined by the building officials. (1960 Code)

Chapter 5
NEW CONSTRUCTION PARK FEES

9-5-0: PURPOSE:

The city council hereby declares that the fees required to be paid by this chapter are based upon the authority of Government Code section 66477 and the cases of Trent v. Oxnard 114 CA3d 317; Walnut Creek 11 CA3d 1129; Palos Verdes 141CR 36; and Newark 18 CA3d 107; and upon finding that the existing potential for the development of dwelling units, coupled with the attendant population increase make it necessary to finance the expansion, improvement and continued upkeep of existing

parks and recreational facilities, and that this chapter is consistent with the general plan. (1960 Code; amd. Ord. 81-506)

9-5-1: DEFINITION:

"Dwelling unit" means space within a building or structure designed or used for occupancy as living quarters by one family. (1960 Code)

9-5-2: NEW CONSTRUCTION FEES:

In addition to any other fee prescribed in this title, every person constructing any new dwelling unit in the city, shall pay the sum of five hundred dollars ($500.00) per unit. (1960 Code; amd. Ord. 90-670)

9-5-3: TIME FOR PAYMENT:

The fee imposed by this chapter shall be due and payable upon application to the city for a building permit for the construction of any such dwelling unit; provided, however, there shall be a refund of such fee in the event the building permit is not approved, or is not used for such construction. (1960 Code)

9-5-4: USE OF FUNDS:

A special park development fee fund is established and all fees collected pursuant to this chapter shall be deposited therein. The funds shall be expended solely for the acquisition or improvement of neighborhood and community parks in general conformance with the priorities established by the general plan. (1960 Code)

9-5-5: APPEALS:

Any person aggrieved by the computation of fees pursuant to this chapter shall have the right to appeal to the planning commission. The appeal shall be taken not later than thirty (30) days from the date the person is informed of the computation of fees under this chapter. Failure to so appeal within said thirty (30) day period shall be deemed a waiver of all rights of appeal under this chapter. (1960 Code)

Chapter 6
VESTING TENTATIVE MAPS

ARTICLE A. GENERAL PROVISIONS

9-6A-0: CITATION AND AUTHORITY:

This chapter is enacted pursuant to the authority granted by chapter 4.5 (commencing with section 66498.1) of division 2 of title 7 of the Government Code of the state of California (hereinafter referred to as the vesting tentative map statute), and may be cited as the vesting tentative map ordinance. (1960 Code; amd. Ord. 85-580)

9-6A-1: PURPOSE AND INTENT:

It is the purpose of this chapter to establish procedures necessary for the implementation of the vesting tentative map statute, and to supplement to provisions of the subdivision map act and the subdivision ordinance. Except as otherwise set forth in the provisions of this chapter, the provisions of the subdivision ordinance shall apply to the vesting tentative map ordinance.

To accomplish this purpose, the regulations outlined in this chapter are determined to be necessary for the preservation of the public health, safety and general welfare, and for the promotion of orderly growth and development. (1960 Code)

9-6A-2: CONSISTENCY:

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific

plan or not permitted by the zoning ordinance or other applicable provisions of the municipal code. (1960 Code)

9-6A-3: DEFINITIONS:

A. A "vesting tentative map" shall mean a tentative map for a residential subdivision, as defined in the city subdivision ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed in accordance with section 9-6B-0 of this chapter, and is thereafter processed in accordance with the provisions hereof.

B. All other definitions set forth in the city subdivision ordinance are applicable. (1960 Code)

9-6A-4: APPLICATION:

A. This chapter shall apply only to residential developments. Whenever a provision of the subdivision map act, as implemented and supplemented by the city subdivision ordinance, requires the filing of a tentative map or tentative parcel map for a residential development, a vesting tentative map may instead be filed, in accordance with the provisions hereof.

B. If a subdivider does not seek the rights conferred by the vesting tentative map statute, the filing of a vesting tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction. (1960 Code)

ARTICLE B. PROCEDURES

9-6B-0: 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 as set forth in the city subdivision ordinance for a tentative map except as hereinafter provided:

A. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words "Vesting Tentative Map".

B. At the time a vesting tentative map is filed a subdivider shall also supply the information as specified by resolution. (1960 Code; amd. Ord. 85-580)

9-6B-1: FEES:

Upon filing a vesting tentative map, the subdivider shall pay the fees required by the resolution of the city council for the filing and processing of a tentative map. (1960 Code)

9-6B-2: EXPIRATION:

The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period, and shall be subject to the same extensions, established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map. (1960 Code)

ARTICLE C. DEVELOPMENT RIGHTS

9-6C-0: VESTING ON APPROVAL OF VESTING TENTATIVE MAP:

A. 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 Government Code section 66474.2.

However, if section 66474.2 of the Government Code is repealed, the approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies, and standards in effect at the time the vesting tentative map is approved or conditional approved.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both.

2. The condition or denial is required, in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in section 9-6B-2 of this chapter. If the final map is approved, these rights shall last for the following periods of time:

1. An initial time period of one year. 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.

2. The initial time period set forth in subsection C1 of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds thirty (30) days, from the date a complete application is filed.

3. A subdivider may apply for a one year extension at any time before the initial time period set forth in subsection C1 of this section expires. If the extension is denied, the subdivider may appeal that denial to the legislative body within fifteen (15) days.

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections C1 through C3 of this section, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit. (1960 Code; amd. Ord. 85-580)

9-6C-1: DEVELOPMENT INCONSISTENT WITH ZONING;

CONDITIONAL APPROVAL:

A. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or his or her designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding section 9-6C-0 of this article, confer the vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and the map, as approved.

B. The rights conferred by this section shall be for the time periods set forth in subsection 9-6C-0C of this article. (1960 Code)

9-6C-2: APPLICATIONS INCONSISTENT WITH CURRENT POLICIES:

Notwithstanding any provision of this chapter, a property owner or his or her designee may seek approvals or permits for development which depart from the ordinances, policies, and standards described in subsection 9-6C-0A and section 9-6C-1 of this article, and local agencies may grant these approvals or issue these permits to the extent that the departures are authorized under applicable law. (1960 Code)

Chapter 7
COMMERCIAL/OFFICE CONDOMINIUMS OR INDUSTRIAL/MANUFACTURING CONDOMINIUMS

9-7-0: INTENT AND PURPOSE:

The intent and purpose of this chapter is to establish procedures and criteria for commercial/office and industrial/manufacturing condominiums. (1960 Code; amd. Ord. 92-728)

9-7-1: PROCEDURES:

A. Any proposed subdivision of a commercial/office or industrial/manufacturing use for condominium purposes (either new construction or conversion) shall require a parcel map and shall be consistent with the state subdivision map act as contained in the Government Code.

B. Commercial/office and industrial/manufacturing subdivision applications shall be processed in accordance with the procedures contained in chapter 2 of this title. (1960 Code)

9-7-2: REQUIREMENTS:

Any commercial/office or industrial/manufacturing subdivision (either new construction or conversion) shall meet the following minimum requirements:

A. Conditions, covenants and restrictions (CC&Rs) shall be provided to ensure the continuous maintenance of the premises. A copy of the proposed conditions, covenants and restrictions shall be reviewed and approved by the city attorney prior to submittal for the final map. The CC&Rs shall include the following provisions:

1. The governmental entity with primary jurisdiction over commercial/office or industrial/manufacturing condominium projects is the city of Temple City. The association shall abide by the codes and/or ordinances of the primary jurisdiction. No alterations to the interior or exterior of individual units or to the common area shall be commenced without appropriate approvals and permits from the city of Temple City.

2. The common drive shall be posted and maintained as a "Fire Lane/No Parking". The city of Temple City shall have the ability to cite violations of parking regulations.

3. Parking for the project shall be based upon the proposed uses of the individual units. The owner and occupant of each unit should be aware that the overall number of parking spaces available in the project may limit the utilization of individual units.

4. The city of Temple City shall have the right and power to enforce the common area use and maintenance covenant of the association, provided however, that no duty to enforce said use and maintenance covenants shall be deemed to arise by virtue of this provision of any other action of the city.

Any provisions of this chapter notwithstanding, the city may, by an action at law or in equity, enforce all provisions relating to the property maintenance, repair and use of common area.

5. Conversion of existing projects shall follow the procedures and notification requirements contained in section 9-3-2 of this title.

6. In addition to the above requirements, no application for a commercial/office or industrial/manufacturing condominium project shall be accepted for any purpose unless the application includes the following:

a. A development plan of the project including:

(1) The location, height, gross floor area, and proposed uses for each existing structure to remain and for each proposed new structure;

(2) The location and type of surfacing for all driveway, pedestrianways, vehicle parking areas, curb cuts and open storage area;

(3) The location, height, and type of materials for walls, fences and trash enclosures;

(4) The location of all landscaped areas, the type of landscaping;

(5) The location and size of the parking facilities to be used in conjunction with each condominium unit;

(6) The location, type and size of all drainage pipes and structures depicted or described to the nearest public drain or watercourse;

(7) The location and type of the nearest fire hydrants;

(8) The location, type and size of all on site and adjacent street overhead utility lines;

(9) A lighting plan of the project;

(10) Existing and proposed exterior elevations;

(11) The location of and provisions for any unique natural and/or vegetative site features. (1960 Code)

9-7-3: DEVELOPMENT STANDARDS AND DESIGN CRITERIA:

A. Commercial/Office Condominiums: Any commercial/office subdivision (either new construction or conversion) shall comply with the following development standards and criteria:

1. Condominium projects shall be permitted in all C and M zones.

2. Commercial/office condominium projects shall be restricted to buildings with at least ten thousand (10,000) square feet of floor area.

3. The minimum unit size for all units shall be one thousand (1,000) square feet.

4. Condominium projects shall be in compliance with all development criteria contained in the applicable zoning classification and shall be in compliance with the parking requirements based upon use.

5. All commercial/office subdivisions shall be subject to a conditional use permit in accordance with sections 9-1F-0 through 9-1F-43 of this title.

B. Industrial/Manufacturing Condominiums: Any industrial/manufacturing subdivision (either new construction or conversion) shall comply with the following development standards and criteria:

1. Condominium projects shall be permitted in all M zones.

2. Industrial and manufacturing condominium projects shall be restricted to manufacturing and industrial complexes with at least ten thousand (10,000) square feet of floor area.

3. The minimum unit size for all units within a manufacturing or industrial complex shall be two thousand (2,000) square feet.

4. Condominium projects shall be in compliance with all development criteria contained in applicable zoning classification and shall be in compliance with the parking requirements based upon use.

5. All industrial or manufacturing subdivisions shall be subject to a conditional use permit in accordance with sections 9-1F-0 through 9-1F-43 of this title.

C. Parking Structure Condominiums Or Common Ownership: Condominium or common ownership projects for parking garages and parking structures, including underground or subterranean structures, shall comply with all development criteria contained in the applicable zoning classification, or if the classification is silent, then such criteria as proscribed by the city building official and community development director. (Ord. 13-967)