Title 10
VEHICLES AND TRAFFIC

Chapters:

Chapter 10.04
DEFINITIONS

Sections:

10.04.010 Generally.

A. The words and phrases set forth in this chapter, when used in this title, shall have the meanings respectively ascribed to them in this chapter.

B. Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the State of California and amendments thereto, such definitions shall apply.

(Prior code §§ 11.04.010, 11.04.020 (Ord. 581 §§ 1, 1.1, 1965))

10.04.020 Chief of police.

"Chief of police" means the chief of police of the city of Signal Hill.

(Prior code § 11.04.030 (Ord. 581 § 1.2, 1965))

10.04.030 Coach.

"Coach" means any motor bus, motor coach, trackless trolley, or passenger stage used as a common carrier of passengers.

(Prior code § 11.04.040 (Ord. 581 § 1.3, 1965))

10.04.040 Curb.

"Curb" means the lateral boundary of the roadway whether such curb is marked by curbing construction, or is not so marked. "Curb" does not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies.

(Prior code § 11.04.060 (Ord. 581 § 1.5, 1965))

10.04.050 Department of Public Works.

"Department of Public Works" means the Department of Public Works of the state.

(Prior code § 11.04.070 (Ord. 581 § 1.6, 1965))

10.04.060 Divisional island.

"Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic.

(Prior code § 11.04.080 (Ord. 581 § 1.7, 1965))

10.04.070 Holidays.

"Holidays" means the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the first Monday in September, the ninth day of September, the twelfth day of October, the eleventh day of November, the twenty-fifth day of December, and Thanksgiving Day. If the first day of January, the twelfth day of February, the twenty-second day of February, the thirtieth day of May, the fourth day of July, the ninth day of September, the twelfth day of October, the eleventh day of November, or the twenty-fifth day of December falls upon a Sunday, the Monday following is a holiday.

(Prior code § 11.04.090 (Ord. 581 § 1.8, 1965))

10.04.080 Loading zone.

"Loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Prior code § 11.04.100 (Ord. 581 § 1.9, 1965))

10.04.090 Official time standard.

Whenever certain hours are named in this title, they shall mean standard time or daylight saving time as may be in current use in this city.

(Prior code § 11.04.110 (Ord. 581 § 1.10, 1965))

10.04.100 Parkway.

"Parkway" means that portion of a street other than a roadway or sidewalk.

(Prior code § 11.04.120 (Ord. 581 § 1.11, 1965))

10.04.110 Passenger loading zone.

"Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading and unloading of passengers.

(Prior code § 11.04.120 (Ord. 581 § 1.12, 1965))

10.04.120 Pedestrian.

"Pedestrian" means any person afoot or who is using a means of conveyance propelled by human power other than a bicycle.

(Ord. 80-6-848 § 4: prior code § 11.04.120 (Ord. 581 § 1.13, 1965))

10.04.130 Police officer.

"Police officer" means every officer of the police department of this city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations.

(Prior code § 11.04.150 (Ord. 581 § 1.14. 1965))

10.04.140 Public works director.

"Public works director" means the public works director of the city of Signal Hill.

(Prior code § 11.04.160 (Ord. 581 § 1.15, 1965))

10.04.150 Stop.

"Stop," when required, means complete cessation of movement.

(Prior code § 11.04.170 (Ord. 581 § 1.16, 1965))

10.04.160 Vehicle Code.

"Vehicle Code" means the Vehicle Code of the State of California.

(Prior code § 11.04.180 (Ord. 581 § 1.17, 1965))

Chapter 10.08
ADMINISTRATION AND ENFORCEMENT

Sections:

10.08.010 Traffic division--Created.

There is established in the city a traffic division to be under the control of the chief of police.

(Prior code § 11.08.010 (Ord. 581 § 2, 1965))

10.08.020 Traffic division--Duties.

It shall be the duty of the traffic division to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to cooperate with the public works director in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties especially imposed upon the division by this title and the traffic ordinances of this city.

(Prior code § 11.08.020 (Ord. 581 § 2.1, 1965))

10.08.030 Traffic division--Traffic accident studies.

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the public works director in conducting studies of such accidents and determining remedial measures.

(Prior code § 11.08.030 (Ord. 581 § 2.2, 1965))

10.08.040 Traffic division--Traffic accident reports.

The traffic division shall maintain a suitable system of filing traffic accident reports. Such reports shall be available for the use and information of the chief of police.

(Prior code § 11.08.040 (Ord. 581 § 2.3, 1965))

10.08.050 Traffic division--Annual traffic safety report.

The traffic division shall annually prepare a traffic report which shall be filed with the city council. Such a report shall contain information on traffic matters in this city as follows:

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

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

C. The plans and recommendations of the division for future traffic safety activities.

(Prior code § 11.08.050 (Ord. 581 § 2.4, 1965))

10.08.060 Public works director--Duties generally.

The public works director shall exercise the powers and duties as provided in this title and in the traffic ordinances of this city. Whenever the public works director is required or authorized to place or maintain official traffic-control devices or signals, he may cause such devices or signals to be placed or maintained.

(Prior code § 11.08.060 (Ord. 581 § 2.5, 1965))

10.08.070 Public works director--Conduct of duties.

A. It shall be the general duty of the public works director to determine the installation and proper timing and maintenance of traffic-control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct

engineering and traffic investigations of traffic conditions and to cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by ordinances of this city.

B. Whenever, by the provisions of this title, a power is granted to the public works director or a duty imposed upon him, the power may be exercised or the duty performed by his deputy or by a person authorized in writing by him.

(Prior code § 11.08.070 (Ord. 581 § 2.6, 1965))

10.08.080 Police and fire officials--Traffic direction authorities.

Officers of the police department and such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the police department or members of the fire department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this title.

(Ord. 80-6-848 § 5: prior code § 11.08.080 (Ord. 581 § 3, 1965))

10.08.090 Traffic direction by unauthorized persons prohibited.

No person other than an officer of the police department or members of the fire department or a person authorized by the chief of police or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as provided in this title, any mechanical push-button signal erected by order of the public works director.

(Prior code § 11.08.090 (Ord. 581 § 3.1, 1965))

10.08.110 Obstruction of or interference with parking regulation enforcement prohibited.

No person shall remove, obliterate or conceal any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this title, if done for the purpose of evading the provisions of this title.

(Ord. 80-6-848 § 7: prior code § 11.08.120 (Ord. 581 § 3.4, 1965))

10.08.120 Nonexemption of public employees.

The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States government, this state, and any county or city; and it is unlawful for any said operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code.

(Prior code § 11.08.130 (Ord. 581 § 3.5, 1965))

10.08.130 Exemption of certain vehicles.

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

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

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

(Prior code § 11.08.140 (Ord. 581 § 3.6, 1965))

10.08.140 Applicability of title to bicycles and animals.

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

(Prior code § 11.08.110 (Ord. 581 § 3.3, 1965))

10.08.145 Emergency response incidents caused by an individual driving under the influence of drugs or alcohol; or, emergency response incidents caused by intentionally wrongful conduct--Recovery by municipality of emergency response costs.

A. The chief of police has the authority to implement the appropriate polices and procedures necessary to recover the "expenses of any emergency response" as the result of any incident as provided for in Government Code Section 53150. Such expenses shall include those reasonable costs directly arising because of the response to the particular incident and may include the costs of providing police, firefighting, rescue, and emergency medical services at the scene of the incident, as well as the salaries of the personnel responding to the incident as provided for in Government Code Section 53156(a).

B. A person responsible for expenses under this section includes the following:

1. Any person who is under the influence of an alcoholic beverage or any drug, or the combined influence of an alcoholic beverage and any drug, whose negligent operation of a motor vehicle caused by that influence proximately caused any incident resulting in an appropriate emergency response, is liable for the expense of the emergency response; or

2. Any person whose intentionally wrongful conduct proximately causes any incident resulting in an emergency response, is liable for the expense of the emergency response. The city shall send this person an invoice for the expense of the emergency response.

C. The direct costs shall include a labor charge for the actual time spent on the incident by emergency personnel (police, fire, public works, rescue or emergency medical service personnel) including a charge for administrative overhead. The direct costs shall also include a vehicle and equipment use rate as determined by the finance department multiplied by the actual hours of use in response to the incident and charges for supplies and materials consumed in response to the incident. However, a person's liability for the expense of an emergency response shall not exceed that permitted by state law.

D. The city's finance department shall give the responsible person a written invoice itemizing all charges. The amount stated in the invoice shall be due within thirty days after the date of the invoice therefor, and shall be delinquent thereafter. Penalties for delinquencies shall be assessed as provided in Sections 5.04.290 and 5.04.300 of the Signal Hill Municipal Code. The city may take all practical and reasonable steps to recover these costs, including instituting appropriate legal action.

(Ord.90-09-1075 § 1)

10.08.150 Accidents--Reports of property damage required.

A. The operator of a vehicle or the person in charge of any animal involved in any accident resulting in damage to any property publicly owned or owned by a public utility, including but not limited to any fire hydrant, parking meter, lighting post, telephone pole, electric light or power pole, or resulting in damage to any tree, traffic-control device or other property of a like nature located in or along any street, shall within twenty-four hours after such accident make a written report of such accident to the police department of this city.

B. Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person operating or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damage in such accident.

C. The operator of any vehicle involved in an accident shall not be subject to the requirements or penalties of this section if and during the time he is physically incapable of making a report, but in such event he shall make a report as required in subsection A of this section within twenty-four hours after regaining ability to make such report.

(Prior code § 11.08.150 (Ord. 581 § 3.7, 1965))

10.08.160 Removal of vehicles from streets.

Any regularly employed and salaried officer of the police department of this city may remove or cause to be removed the following:

A. Any vehicle that has been parked or left standing upon a street or highway for seventy-two or more consecutive hours;

B. Any vehicle which is parked or left standing upon a street or highway between the hours of seven a.m. and seven p.m. when such parking or standing is prohibited by ordinance or resolution of this city and signs are posted giving notice of such removal;

C. Any vehicle which is parked or left standing upon a street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or for the installation of underground utilities, or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles, or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement, provided that signs giving notice that such vehicle may be removed are erected or placed at least twenty-four hours prior to the removal.

(Prior code § 11.08.160 (Ord. 581 § 3.8, 1965))

10.08.200 Street closure.

Any city street or part thereof may be closed upon adoption by the city council of a resolution describing the street or part thereof to be closed, and making a finding that such street or part thereof is no longer needed for vehicular traffic. The public works director shall thereafter post signs giving notice of such street closure at all entrances to such street or part thereof, and may further install barricades or other devices as he determines are necessary to effectuate such street closure. Any street or portion thereof closed pursuant to this section may be reopened at any time by the city council by adoption of a resolution rescinding the resolution which closed the street. The public works director shall thereafter remove any signs, or barricades or other devices which have been erected in connection with the street closure.

(Ord. 83-08-911 § 1)

10.08.400 Imposition of fees to recover administrative costs.

A. A fee shall be imposed by the city to recover the estimated reasonable costs of providing the following services:

1. The provision of crime, arrest and traffic reports;

2. The booking and processing of persons arrested by city officers or agents into the Signal Hill city jail, including the recovery of any fee imposed by the city of Long Beach for the booking and processing of persons arrested by city officers or agents into the Long Beach city jail; and

3. The release of vehicles impounded pursuant to the provisions of Vehicle Code Section 14607.6.

B. The city council may, from time to time, by resolution set such fees which are reasonable to recover the city's costs for providing such services.

C. The city shall also recover any fee imposed pursuant to Government Code Section 29550 by the county of Los Angeles for the booking and processing of persons arrested by city officers or agents into the county jail.

(Ord. 95-03-1192 § 1)

Chapter 10.12
TRAFFIC-CONTROL DEVICES

Sections:

10.12.010 Installation authority.

A. The public works director shall have the power and duty to place and maintain or cause to be placed and maintained official traffic-control devices when and as required to make effective the provisions of this title.

B. Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic-control devices be installed to give notice to the public of the application of such law, the public works director is authorized to install or cause to be installed the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

C. The public works director may also place and maintain or cause to be placed and maintained such traffic-control devices as he may deem necessary or proper to regulate traffic, or to guide or warn traffic; but he shall make the determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this title or as may be determined by ordinance or resolution of the council.

(Prior code § 11.12.010 (Ord. 581 § 4, 1965))

10.12.020 Signs required for enforcement.

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate legible signs are in place giving notice of such provisions of the traffic laws.

(Prior code § 11.12.020 (Ord. 581 § 4.1, 1965))

10.12.040 Traffic signals--Street name signs.

A. The public works director is directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

B. The public works director shall ascertain and determine the locations where such signals are required by field investigation, traffic counts, and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the California Maintenance Manual issued by the Division of Highways of the State Department of Public Works.

C. Whenever the public works director installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs clearly visible to traffic approaching from all directions unless such street name signs have previously been placed and are maintained at the intersection.

(Prior code § 11.12.040 (Ord. 581 § 4.3, 1965))

10.12.050 Lane markings.

The public works director is authorized to mark centerlines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction,

regardless of the centerline of the highway.

(Prior code § 11.12.050 (Ord. 581 § 4.4, 1965))

10.12.060 Roadway markings.

The public works director is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such markings or signs and markings. Such markings or signs and markings shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

(Prior code § 11.12.060 (Ord. 581 § 4.5, 1965))

10.12.070 Removal authority.

The public works director is authorized to remove, relocate, or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code or this title whenever he determines in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

(Prior code § 11.12.070 (Ord. 581 § 4.6, 1965))

10.12.080 Hours of operation.

The public works director shall determine the hours and days during which any traffic-control device shall be in operation or be in effect, except in those cases where such hours or days are specified in this title.

(Prior code § 11.12.080 (Ord. 581 § 4.7, 1965))

10.12.090 Unauthorized curb painting prohibited.

No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto.

(Prior code § 11.12.090 (Ord. 581 § 4.8, 1965))

10.12.100 Turning markers--Installation authority.

The director of public works is authorized to place official traffic-control devices within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the director of public works is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right-hand or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law or ordinance.

(Ord. 92-11-1139 § 1: prior code § 11.12.100 (Ord. 581 § 5, 1965))

10.12.110 Restricted turn signs--Installation authority.

The director of public works is authorized to determine those intersections at which drivers of vehicles shall not make a right, left, or U-turn, and shall place proper signs at such intersections. The making of such turns may be prohibited between certain hours of any day and permitted at other hours, in which event the same shall be plainly indicated on the signs or they may be removed when such turns are permitted.

(Ord. 92-11-1139 § 2: prior code § 11.12.110 (Ord. 581 § 5.1, 1965))

10.12.120 Prohibited right turns at signal-controlled intersections--Authority.

A. No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is signposted giving notice of such restriction as provided in this section.

B. The public works director shall post appropriate signs giving effect to this section where he determines that the making of right turns against traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic.

(Prior code § 11.12.120 (Ord. 581 § 5.2, 1965))

Chapter 10.16
ONE-WAY STREETS AND ALLEYS

Sections:

10.16.010 Signposting authority.

Whenever any ordinance or resolution of this city designates any one-way street or alley, the public works director shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited.

(Prior code § 11.16.010 (Ord. 581 § 6, 1965))

Chapter 10.20
THROUGH AND STOP STREETS

Sections:

10.20.010 Stop sign erection.

A. Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the public works director shall erect and maintain stop signs as set forth in subsection B of this section.

B. A stop sign shall be erected on each and every street intersecting such through street or portion thereof so designated and at those entrances to other intersections where a stop is required; provided, however, stop signs shall not be erected or maintained at any entrance to an intersection when such entrance is controlled by an official traffic-control signal. Every such sign shall conform with and shall be placed as provided in the Vehicle Code.

(Prior code § 11.20.010 (Ord. 581 § 7, 1965))

10.20.020 Applicability of provisions.

A. Those streets and parts of streets established by resolution of the council are declared to be through streets for the purposes of this chapter.

B. The provisions of this chapter shall also apply at one or more entrances to the intersections as such entrances and intersections

are established by resolution of the council.

C. The provisions of this chapter shall apply at those highway railway grade crossings as established by resolution of the council.

(Prior code § 11.20.020 (Ord. 581 § 7.1, 1965))

10.20.030 Emerging from alley, driveway, or building.

The driver of a vehicle emerging from an alley, driveway, or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alley way or driveway.

(Prior code § 11.20.030 (Ord. 581 § 7.2, 1965))

Chapter 10.24
GENERAL DRIVING RULES

Sections:

10.24.010 Parades and funeral processions.

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade, provided that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department.

(Prior code § 11.24.010 (Ord. 581 § 8, 1965))

10.24.030 Driveway use by commercial vehicles.

No person shall operate or drive a commercial vehicle in, on, or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property if a sign or markings are in place indicating that the use of such driveway is prohibited.

(Prior code § 11.24.030 (Ord. 581 § 8.2, 1965))

10.24.040 Riding or driving over sidewalks.

No person shall ride, drive, propel, or cause to be propelled any vehicle or animal across or upon any sidewalk except over permanently constructed driveways and except when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided, further, that the sidewalk area shall be substantially protected by wooden planks two inches thick, and written permission previously obtained from the public works director. Such wooden planks shall not be permitted to remain upon such sidewalk area during the hours from six p.m. to six a.m.

(Prior code § 11.24.040 (Ord. 581 8.3, 1965))

10.24.050 Riding or driving over new pavement and markings.

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker, or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed.

(Prior code § 11.24.050 (Ord. 581 § 8.4, 1965))

10.24.060 Obedience to barriers and signs.

No person, public utility, or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the public works director, or disobey the instructions, remove, tamper with, or destroy any barrier or sign lawfully placed on any street by any person, public utility, or by any department of this city.

(Prior code § 11.24.060 (Ord. 581 § 8.5, 1965))

10.24.070 Obstructions of traffic prohibited.

No operator of any vehicle shall enter any intersection or a marked crosswalk unless there is sufficient space on the other side of the intersection or crosswalk to accommodate the vehicle he is operating without obstructing the passage of other vehicles or pedestrians, notwithstanding any traffic-control signal indication to proceed.

(Prior code § 11.24.070 (Ord. 581 § 8.6, 1965))

10.24.080 Limited-access roadways.

No person shall drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are lawfully established.

(Prior code § 11.24.080 (Ord. 581 § 8.7, 1965))

10.24.090 Freeway restrictions.

No person shall drive or operate any bicycle, motor-driven cycle, or any vehicle which is not drawn by a motor vehicle upon any street established as a freeway, as defined by state law; nor shall any pedestrian walk across or along any such street so designated and described except in space set aside for the use of pedestrians, provided official signs are in place giving notice of such restrictions.

(Prior code § 11.24.090 (Ord. 581 § 8.8, 1965))

Chapter 10.28
STOPPING, STANDING, AND PARKING

Sections:

10.28.010 Application of provisions.

A. The provisions of this title prohibiting the stopping, standing, or parking of a vehicle shall apply at all times or at those times specified in this chapter, except when it is necessary to stop a vehicle to avoid conflict with other traffic or in compliance with the directions of a police officer or official traffic-control device.

B. The provisions of this chapter imposing a time limit on standing or parking shall not relieve any person from the duty to observe other and more restrictive provisions of the Vehicle Code or the ordinances of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified times.

(Prior code § 11.32.010 (Ord. 581 § 10, 1965))

10.28.020 Stopping or standing in parkways prohibited.

No person shall stop, stand, or park a vehicle within any parkway.

(Prior code § 11.32.020 (Ord. 581 § 10.1, 1965))

10.28.030 No-parking areas--Signposting--Obedience required.

A. The public works director is authorized to maintain, by appropriate signs or by paint upon the curb surface, all no-stopping zones, no-parking areas, and restricted parking areas, as defined and described in this chapter.

B. When said curb markings or signs are in place no operator of any vehicle shall stop, stand, or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this title.

(Prior code § 11.32.030 (Ord. 581 § 10.2, 1965))

10.28.040 No-parking areas--Designated.

No operator of any vehicle shall stop, stand, park, or leave standing such vehicle in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or other authorized officer, or traffic sign or signal:

A. Within any divisional island unless authorized and clearly indicated with appropriate signs or markings;

B. On either side of any street between the projected property lines of any public walk, public steps, street, or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;

C. In any area where the public works director determines that the parking or stopping of a vehicle would constitute a traffic hazard or would endanger life or property, when such area is indicated by appropriate signs or by red paint upon the curb surface;

D. In any area established by resolution of the council as a no-parking area, when such area is indicated by appropriate signs or by red paint upon the curb;

E. Upon, along, or across any railway track in such manner as to hinder, delay, or obstruct the movement of any car traveling upon such track;

F. In any way where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;

G. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair, or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided that signs giving notice of such no-parking area are erected or placed at least twenty-four hours prior to the effective time of such no parking;

H. At any place within twenty feet of a point on the curb immediately opposite the midblock end of a safety zone, when such place is indicated by appropriate signs or by red paint upon the curb surface;

I. At any place within twenty feet of a crosswalk at an intersection in any business district when such place is indicated by appropriate signs or by red paint upon the curb surface except that a bus may stop at a designated bus stop;

J. Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device.

(Prior code § 11.32.040 (Ord. 581 § 10.3, 1965))

10.28.050 Seventy-two-hour limit.

No person who owns or has possession, custody, or control of any vehicle shall park such vehicle upon any street or alley for more than a consecutive period of seventy-two hours.

(Prior code § 11.32.050 (Ord. 581 § 10.4, 1965))

10.28.060 Displaying for sale prohibited.

No operator of any vehicle shall park such vehicle upon any street in this city for the principle purpose of advertising or displaying it for sale, unless authorized by resolution of the council.

(Prior code § 11.32.060 (Ord. 581 § 10.5, 1965))

10.28.070 Repairs or dismantling prohibited.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street.

(Prior code § 11.32.070 (Ord. 581 § 10.6, 1965))

10.28.080 Washing or polishing prohibited.

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city, when a charge is made for such service.

(Prior code § 11.32.080 (Ord. 581 § 10.7, 1965))

10.28.090 Adjacent to schools.

A. The public works director is authorized to erect signs indicating no parking upon that side of any street adjacent to any school property when such parking would, in his opinion, interfere with traffic or create a hazardous situation.

B. When official signs are erected prohibiting parking upon that side of a street adjacent to any school property, no person shall park a vehicle in any such designated place.

(Prior code § 11.32.090 (Ord. 581 § 10.8, 1965))

10.28.100 Narrow streets.

A. The public works director is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking.

(Prior code § 11.32.100 (Ord. 581 § 10.9, 1965))

10.28.110 Grades--Blocking wheels required.

No person shall park or leave standing any vehicle unattended on a highway when upon any grade exceeding three percent within any business or residence district without blocking the wheels of the vehicle by turning them against the curb or by other means.

(Prior code § 11.32.110 (Ord. 581 § 10.10, 1965))

10.28.120 Peddlers and vendors.

A. Except as otherwise provided in this section, no person shall stand or park any vehicle, wagon, or pushcart from which goods, wares, merchandise, fruits, vegetables, or foodstuffs are sold, displayed, solicited, or offered for sale or bartered or exchanged, or any lunchwagon or eating car or vehicle, on any portion of any street within this city except that such vehicles, wagons, or pushcarts may stand or park only at the request of a bona fide purchaser for a period of time not to exceed ten minutes at any one place. The provisions of this subsection shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution.

B. No person shall park or stand on any street any lunch-wagon, eating cart or vehicle, or pushcart from which tamales, peanuts, popcorn, candy, ice cream or other articles of food are sold or offered for sale without first obtaining a license to do so from the director of finance.

C. No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a license to do so from the director of finance.

(Prior code § 11.32.120 (Ord. 581 § 10.11, 1965))

10.28.130 Temporary emergency signs.

A. Whenever the police chief determines that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings, or functions, or for other reasons, the police chief shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking, or standing of vehicles is prohibited on such streets and alleys as the police chief shall direct during the time such temporary signs are in place. Such signs shall remain in place only during the existence of such emergency and the police chief shall cause such signs to be removed promptly thereafter.

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park, or stand any vehicle contrary to the directions and provisions of such signs.

(Prior code § 11.32.130 (Ord. 581 § 10.12, 1965))

10.28.140 Warning signals for disabled commercial vehicles.

Every motor truck having an unladen weight of four thousand pounds or more, and every truck tractor irrespective of weight when operated upon any street or highway during darkness shall be equipped with and carry at least two flares or two red lanterns or two warning lights or reflectors, which reflectors shall be of a type approved by the Department of California Highway Patrol. When any vehicle above-mentioned or any trailer or semitrailer is disabled upon streets or highways outside of any business or residence district within this city and upon which street or highway there is insufficient street lighting to reveal a vehicle at a distance of two hundred feet during darkness, a warning signal of the character indicated above shall be immediately placed at a distance of approximately one hundred feet in advance of and one hundred feet to the rear of such disabled vehicle by the driver thereof. The continuous flashing of at least four approved class A type I turn signal lamps, at least two toward the front and at least two toward the rear of the vehicle, shall be considered to meet the requirements of this section until the devices mentioned above can be placed in the required locations. The warning signals mentioned in this section shall be displayed continuously during darkness while such vehicle remains disabled upon such street or highway.

(Prior code § 11.32.140 (Ord. 581 § 10.13, 1965))

10.28.150 Authority to prohibit or restrict parking.

A. The city council may by ordinance or resolution prohibit or restrict the parking or standing of vehicles on any street or highway within the city, or any portion thereof during all or certain hours of the day; provided, however, that such regulations, insofar as they apply to state highways, shall not be effective until they have been submitted to and approved in writing by the Department of Public Works.

B. With the exception of alleys, the prohibitions or restrictions contained in such ordinance or resolution shall not apply until signs or curb markings giving adequate notice thereof have been placed. The director of public works is authorized to determine the dimensions, design and location of, and shall place, such signs or markings.

C. When authorized signs or curb markings have been placed by the director of public works, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible sign, curb marking or parking meter in violation thereof.

D. The specification of particular time limits for parking in this chapter shall not prevent the council from adopting other time limits for certain streets or highways by resolution.

(Ord. 84-09-935 § 1 (part): prior code § 11.36.010 (Ord. 581 § 11, 1965))

10.28.160 Green curb marking.

Unless otherwise posted with authorized signs, green curb marking shall mean no stopping, standing or parking for a period of time

longer than twenty minutes at any time on any day except Sundays and holidays. If signs are posted, the green curb marking shall mean no stopping, standing or parking for the period of time specified by the signs.

(Ord. 84-09-935 § 1 (part): prior code § 11.36.020 (Ord. 581 § 11.1, 1965))

10.28.170 One-hour parking.

When authorized signs have been determined by the public works director to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle for a period of time longer than one hour between the hours of seven a.m. and five p.m. of any day except Sundays and holidays.

(Ord. 84-09-935 § 1 (part): prior code § 11.36.030 (Ord. 581 § 11.2, 1965))

10.28.180 Two-hour parking.

When authorized signs have been determined by the public works director to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park such vehicle for a period of time longer than two hours between the hours of seven a.m. and five p.m. of any day except Sundays and holidays.

(Ord. 84-09-935 § 1 (part): prior code § 11.36.040 (Ord. 581 § 11.3, 1965))

10.28.190 Parallel parking on one-way streets.

A. Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen inches of the left-hand curb facing in the direction of traffic movement upon any one-way street unless signs are in place prohibiting such stopping or standing.

B. In the event a highway includes two or more separate roadways and traffic is restricted to one direction upon any such roadway, no person shall stand or park a vehicle upon the left-hand side of such one-way roadway unless signs are in place permitting such standing or parking.

C. The public works director is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side on any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof.

D. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb, provided that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby.

(Prior code § 11.36.050 (Ord. 581 § 11.4, 1965))

10.28.200 Diagonal parking.

A. On any of the streets or portions of streets established by resolution of the council as diagonal parking zones, when signs or pavement markings are in place indicating such diagonal parking, it shall be unlawful for the operator of any vehicle to park such vehicle except as follows:

1. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of the allotted space;

2. With the front wheel nearest the curb within six inches of the curb.

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight, or goods, in which event the provisions applicable in Section 10.28.190 shall be complied with.

(Prior code § 11.36.060 (Ord. 581 § 11.5, 1965))

10.28.210 Space markings.

A. The public works director is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted.

B. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked, other than within a single space unless the size or shape of such vehicle makes compliance impossible.

(Prior code § 11.36.070 (Ord. 581 § 11.6, 1965))

10.28.220 No-stopping zones.

A. The public works director shall designate established no-stopping zones by placing and maintaining appropriate signs indicating that stopping of vehicles is prohibited and indicating the hours and day when stopping is prohibited.

B. During the hours and on the days designated on the signs, it shall be unlawful for the operator of any vehicle to stop such vehicle on any of the streets or parts of streets established by resolution of the council as no-stopping zones.

(Prior code § 11.36.080 (Ord. 581 § 11.7, 1965))

10.28.230 Trailers or semitrailers--Parking requirements.

A. A person shall not park any trailer or semitrailer upon any highway, street, alley, public right-of-way or public place unless the trailer or semitrailer is at all times while so parked attached to a vehicle capable of moving the trailer or semitrailer in a normal manner upon the highway, street, alley, public right-of-way or public place.

B. This section shall not apply to trailers or semi-trailers in the process of being loaded or unloaded, nor shall it apply to any trailer or semitrailer which is disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving the disabled trailer or semitrailer on that portion of the highway, street, alley, public right-of-way or public place ordinarily used for vehicle parking.

(Ord. 85-06-949 § 1)

10.28.240 Preferential parking.

A. Authority to Establish Preferential Parking Zones. The city council may designate, by resolution, certain residential streets or any portion thereof as preferential parking zones for the benefit of residents within such zone, in which zone vehicles displaying a permit may be exempt from parking prohibitions or restrictions otherwise posted, marked or noticed. Each preferential parking zone shall be designated only upon findings that such zone is required to enhance or protect the quality of life in the area of the proposed zone which is threatened by noise, traffic hazards, environmental pollution, or devaluation of real property resulting from nonresident vehicular parking or traffic, and that such zone is necessary to provide reasonably available and convenient parking for the benefit of the residents within such zone. No resolution designating a preferential parking zone shall be enforceable until signs or markings giving adequate notice thereof have been placed.

B. Criteria for Findings. The findings set forth in subsection A of this section shall be based upon the existence of one or more of the following conditions established to the satisfaction of the city council:

1. Nonresident vehicles regularly and substantially interfere with the use of available public street parking spaces by the residents in the area of the proposed zone;

2. A shortage of reasonably available and convenient residential-related parking spaces exists in the area of the proposed zone;

3. Extended parking during the day or night by a substantial number of nonresident vehicles in the area of the proposed zone;

4. Overnight parking by a substantial number of nonresident vehicles in the area of the proposed zone.

C. Establishment of Specific Zones.

1. Upon receipt and verification of a petition on a form supplied by the public works director, signed by residents of two-thirds of the dwelling units of the area and proposed for designation, the public works director and chief of police shall jointly review the petition and submit a report to the city council.

2. After receipt of the report, the city council shall conduct a public hearing thereon, for the purpose of determining whether such preferential parking zone should be established by resolution. Notice of such public hearing shall be given at least ten days prior to the hearing, by publication in a newspaper of general circulation and by mailing to the property owners as shown on the last equalized assessment roll, and to the occupants, of each parcel in the area proposed for designation as a preferential parking zone.

3. As an alternative to the petition described in subsection (C)(1) of this section, the city council, on its own motion, may initiate the public hearing process described in subsection (C)(2) of this section if the city council finds that a petition by two-thirds of the residents is unnecessary. Prior to the public hearing, the public works director shall notify the neighborhood residents of the city council's interest in establishing a preferential parking zone, and shall conduct neighborhood outreach, through a neighborhood meeting or other means, to ascertain the neighborhood residents' interest in the establishment of a preferential parking zone. After the neighborhood outreach effort, the public works director shall prepare the report as described in subsection (C)(1) of this section.

D. Issuance of Permits.

1. Bumper Sticker Permits. The chief of police shall issue permits, in the form of adhesive labels or decals, for preferential parking to qualified applicants who have completed an application form supplied by the chief of police. Applicants for such permits shall present such proof as may be required by the chief of police of residence within the area designated as a preferential parking zone. Not more than three permits shall be issued for each qualified dwelling unit to any qualified applicant. Applicants requesting more than three permits for any dwelling unit may be granted additional permits by the chief of police upon a showing that there are more than three vehicles registered at the address of such dwelling unit and that insufficient off-street parking is available to the applicants during the effective hours of the preferential parking zone. The finance department shall collect a fee for each permit issued.

2. Duration of Permit. Permits issued pursuant to this section, with the exception of visitor permits, shall remain effective so long as the applicant continues to reside at the address set forth on the application and continues to own the vehicle to which the permit is attached, and so long as the zone for which the permit was issued remains in effect.

3. Visitor Permit. Any resident eligible for a preferential parking permit may also apply to the chief of police for a visitor preferential parking permit for the use of visitors to the home of the applicant. The chief of police shall collect a refundable fee for each such permit issued. No more than two visitor preferential parking permits shall be issued for any one dwelling at any time. Visitor preferential parking permits shall be valid for a period of thirty days. Visitor preferential parking permits shall not be replaced if lost or stolen, except upon the payment of an additional fee as required herein.

4. Placement. Permits shall be placed upon the left rear bumper of each vehicle to be accorded preferential parking privileges, except that visitor permits shall be placed on the left front vehicle dashboard.

5. Conditions of Permit. Each permit shall be subject to all conditions and restrictions set forth in this section and of the preferential parking zone for which it is issued. The issuance of such a permit shall not be construed to be a permit for, or approval of, any violation of any provision of this code or any other laws or regulations.

6. Fees. Such fees as may be required herein shall be set from time to time by resolution of the city council. Fees shall be waived for those residents whose monthly income meets the current standards used for Southern California Edison's California Alternate Rates for Energy (C.A.R.E.) program.

E. Prohibitions.

1. No vehicle shall be parked or stopped adjacent to any curb in a preferential parking zone in violation of any posted or noticed prohibition or restriction unless such vehicle shall have prominently displayed upon the left rear bumper thereof a permit indicating the exemption from such restriction or prohibition, or a visitor preferential parking permit suspended from the rear view mirror therein indicating such exemption; except that the following vehicles shall be exempted from this prohibition:

a. A motor vehicle identified, in a manner prescribed by the public works director, as owned by or operated under contract to a utility, whether privately, municipally or publicly owned, when used in the construction, operation, removal, or repair of utility property or facilities or engaged in authorized work in the designated preferential parking zone;

b. A motor vehicle identified in a manner prescribed by the public works director, as owned by or operated under contract to a governmental agency, when used in the course of official government business;

c. A commercial vehicle or trailer engaged in loading or unloading property, or parked in connection with or in aid of the

performance of a service to or on a property located in the block in which such vehicle is parked.

2. It shall be unlawful for any person to sell, rent or lease, or cause to be sold, rented or leased, for any value or consideration, any preferential parking permit. Upon conviction of a violation of this paragraph, all preferential parking permits issued to, or for the benefit of, the dwelling unit to which the sold, rented or leased permit is authorized shall be void.

3. It shall be unlawful for any person to buy or otherwise acquire for value or use any preferential parking permit, except as provided for in this section.

F. Termination of Preferential Parking Zones.

1. Upon receipt and verification of a petition supplied by the public works director, signed by residents living in two-thirds of the dwelling units of an area established as a preferential parking zone, or upon a motion by one of its members, the public works director and chief of police may jointly recommend to the city council that any preferential parking zone be terminated.

2. Upon such a recommendation by the public works director and chief of police, the city council shall conduct a public hearing thereon, for the purpose of determining whether a proper basis exists for terminating such preferential parking zone. Notice of such public hearing shall be given in the same manner as required for establishment of the zone.

3. Such a determination shall be based upon a finding that the conditions set forth in subsection A of this section no longer exist or have diminished in degree to such an extent as to make unnecessary the continuation of the zone.

(Ord. 99-09-1262 §§ 1--4; Ord. 86-12-984 § 1)

10.28.250 Parking restricted for large commercial vehicles.

A. No person shall park or leave standing any large commercial vehicle on any street or highway or portion thereof between the hours of two a.m. and six a.m., or for more than three hours on any street or highway or portion thereof within a residential district, except as provided herein.

B. For the purposes of this section, the terms used herein shall have the meaning set forth below:

1. "Large commercial vehicle" means any truck tractor as defined by Section 655 of the California Vehicle Code with or without attached trailer; or any trailer as defined by Section 630 of the California Vehicle Code not attached to a motor vehicle, except recreational vehicles as defined in Section 18010.5 of the Health and Safety Code; or any house car, as defined in Section 362 of the Vehicle Code; or any commercial vehicle as defined by Section 260 of the California Vehicle Code having a manufacturer's gross weight rating of ten thousand pounds or more as determined by Section 26455 of the California Vehicle Code, or a width of ninety inches or more at any point (excluding mirrors).

2. "Street in a residential district" means any street or highway or portion thereof either within or bordering any district zoned for residential uses under the city's zoning ordinance.

C. Large commercial vehicles shall be exempt from the restrictions contained in this section under the following circumstances:

1. Where the large commercial vehicle is making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on the restricted streets or highways; or

2. Where the large commercial vehicle is being used to deliver materials in the actual and bona fide repair, alteration, remodeling, or construction of any building or structure upon the restricted streets or highways for which a building permit has been previously obtained; or

3. Where the large commercial vehicle, other than a trailer not attached to a motor vehicle, is mechanically disabled and incapable of moving under its own power, for a period of seventy-two hours or less.

D. Certain areas may be excepted from the provisions of this section by resolution of the city council, which resolution may be amended from time to time. Exceptions may be granted for industrial streets having an off-street parking deficiency under existing law or a de-facto deficiency. The smallest area that may be excepted is one city block, either one or both sides. An exception issued pursuant to this subsection shall be valid only for relief from this section and shall not be construed to allow the violation of other provisions of this chapter or of the California Vehicle Code.

(Ord. 88-12-1022 § 1)

Chapter 10.30
OVERSIZED VEHICLES, TRAILERS AND CAMPERS

Sections:

10.30.010 Definitions; Measurements.

A. Definitions. For the purposes of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

1. "Camper" means a structure designed to be mounted upon a motor vehicle and to provide facilities for human habitation or camping purposes.

2. "City Manager" means the City Manager of the City of Signal Hill or his designee.

3. "Oversized Vehicle" shall mean any vehicle, as defined by Section 670 of the California Vehicle Code which exceeds twenty feet in length, seven feet in width, or eight feet in height. Oversized Vehicle does not include pickup trucks or sport utility vehicles, as those terms are generally used, which are less than twenty-five feet in length and eighty-two inches in height.

4. "Recreational Vehicle" means a motor vehicle designed or permanently altered for human habitation, camping, or recreational purposes. A recreational vehicle that meets the definition of oversized vehicle shall fall within the regulations of this chapter.

5. "Trailer" shall mean a trailer, semitrailer, camp trailer (including tent trailers), or trailer coach as defined in Sections 242, 243, 550, 630, 635, and 636 of the California Vehicle Code, or fifth-wheel travel trailer, as defined in Section 324 of the Vehicle Code. (Note: any unattached trailer parked upon a public street or highway in the city is prohibited under Section 10.28.230.)

B. Measurements. To determine the width or length of the vehicles defined in this section, any extension to the vehicle caused by mirrors, air conditioners, or similar attachments shall not be included.

(Ord. 2008-10-1389 § 1, 2008)

10.30.020 Parking of Oversized Vehicles, Trailers and Campers.

Only oversized vehicles or trailers for which an oversized parking permit has been issued in accordance with this chapter may park upon a public street or highway in the city. The following prohibitions shall apply:

A. No person shall park or leave standing any oversized vehicle upon any public street or highway in the city, except by permit in accordance with this chapter.

B. No person shall park or leave standing any attached trailer, regardless of length or width, upon any public street or highway in the city, except by permit in accordance with this chapter. (Note: any unattached trailer parked upon a public street or highway in the city is prohibited under Section 10.28.230.)

C. No person shall park or leave standing any unmounted camper, regardless of length or width, upon any street or highway in the

city. There shall be no exceptions.

D. Upon adoption of this ordinance and until a different charge is established, there shall be a charge of sixty dollars for violation of Section 10.30.020.

(Ord. 2008-10-1389 § 1, 2008)

10.30.030 Exceptions.

The prohibitions contained in Section 10.30.020A. and B. shall not apply to any of the following conditions, however, the burden shall be on the person claiming this exemption to prove the bona fide conditions of the subparagraph apply:

A. Any oversized vehicle or trailer displaying a valid oversized vehicle handicap parking permit issued pursuant to section;

B. Oversized vehicles or trailer parked as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle provided: (i) the City Manager is notified at the time of the emergency of the need to park the oversized vehicle or trailer; and (ii) the period of time needed for repairs does not exceed seventy-two hours;

C. Commercial vehicles making pickups or delivery of goods, wares or merchandise or while providing services to a residence, including, but not limited to, yard maintenance, pool care and maintenance, repair and construction services;

D. Tow trucks in the course of providing services;

E. Public or utility vehicles and trailers in the course of providing services;

F. Any public emergency vehicle.

(Ord. 2008-10-1389 § 1, 2008)

10.30.040 Application for Permit to Park Oversized Vehicles and Trailers.

A. Each person requesting permit to park an oversized vehicle or trailer on any street or highway in the city must file with the city a completed application containing the following:

1. The name, address, and phone number of the registered owner of designated oversized vehicle or trailer;

2. The name, address, and phone number of the applicant for the permit;

3. The registration from the Department of Motor Vehicles of the state where registered for the oversized vehicle or trailer that shows the oversized vehicle or trailer is currently registered;

4. The license number, make, and model of designated oversized vehicle or trailer;

5. The date(s) and duration of any and all oversized vehicle parking permits issued to the applicant or any member of the applicant's household within the preceding year; and

6. Additional information the City Manager may require;

B. The applicant shall also state on each application for an oversized vehicle parking permit, the dates for which the permit is requested. If the application is approved, the oversized vehicle parking permit shall authorize the parking of the oversized vehicle or trailer only during the days approved, as stated on the application.

C. The applicant must sign the application under penalty of perjury.

D. The City Manager is authorized to establish an oversized vehicle parking permit call-in phone number or internet processing system.

E. The City Manager may charge a fee reasonably calculated to offset the costs of administering the provisions in this chapter to any person who applies for or obtains an oversized vehicle parking permit. The amount of any fee(s) shall be set by resolution or ordinance of the City Council.

(Ord. 2008-10-1389 § 1, 2008)

10.30.050 Use of Oversized Vehicle Parking Permits.

A. The purpose of authorizing the issuance of oversized vehicle parking permits is to give owners of oversized vehicles and trailers the opportunity, for a limited time, to park the oversized vehicle or trailer on a public street or highway directly in front of (or the side of the property if it is a corner lot) their residence, and to allow an out-of-town visitor who owns an oversized vehicle or trailer to park on a public street or highway directly in front of (or the side of the property if it is a corner lot) the residence which the out-of-town visitor is visiting for a limited time period.

B. A person with an oversized vehicle parking permit must park his or her oversized vehicle or trailer on a public street or highway directly in front of the address associated with the permit application (or the side of the property if it is a corner lot).

C. The oversized vehicle parking permit sticker issued must be displayed on the driver's side window of an oversized vehicle so it is clearly visible from the street and shall contain the local address associated with the permit application.

D. Nothing in this section shall be construed as requiring or permitting an oversized vehicle or trailer to be parked in any location that is not a lawful parking space or that is already legally occupied by another vehicle.

E. Any permitted oversized vehicle parked or left standing upon a public street in a position so as to obstruct the normal movement of traffic or in a condition so as to create a hazard to other traffic upon the street is subject to citation, towing, or both.

(Ord. 2008-10-1389 § 1, 2008)

10.30.060 Oversized Vehicle Parking Permits; Duration.

A. An Oversized Vehicle Parking Permit shall be valid for a period not to exceed seventy-two hours. Upon expiration of the permit, the applicant may apply for and be granted additional oversized vehicle parking permits if the applicant still qualifies under the conditions set forth in this chapter. An applicant may request no more than two oversized vehicle parking permits at one time.

B. If the applicant is a resident of the city and the oversized vehicle or trailer is registered in the city at the resident's address, the City Manager may issue no more than twelve oversized vehicle parking permits in any calendar year.

C. If the applicant is not a resident of the city and/or the oversized vehicle or trailer is not registered in the city at the resident's address, the City Manager may issue no more than six oversized vehicle parking permits in any calendar year.

(Ord. 2008-10-1389 § 1, 2008)

10.30.070 Cords and Hoses Prohibited.

A. No person shall run electrical cords, extension cords, hoses, cables, or other items across, above or on the parkway or sidewalk from a residential or commercial property to an oversized vehicle or trailer parked on a public street.

B. Upon the adoption of this chapter and until a different charge is established, there shall be a charge of sixty dollars for violation of Section 10.30.070.

(Ord. 2008-10-1389 § 1, 2008)

10.30.080 Handicap Parking Permits.

A. Purpose. The purpose of authorizing the issuance of oversized vehicle handicap parking permits is to allow a handicapped person to park a designated oversized vehicle on a street/highway directly in front of (or the side of the property if it is a corner lot) their residence.

B. Requirements. In order to be eligible to receive an oversized vehicle handicap parking permit, the following requirements must be met:

1. The applicant must be entitled to receive a handicapped placard or license plate pursuant to the provisions of the California Vehicle Code;

2. The oversized vehicle is the only vehicle owned by the resident and is required to meet the daily transportation needs of the

resident;

C. The City Manager is authorized to issue oversized vehicle handicap parking permits, pursuant to the following:

1. Each person desiring an oversized vehicle handicap parking permit shall file with the City Manager a completed city application form containing the following:

a. The information required by Section 10.30.040A.;

b. The years of any and all previous oversized vehicle handicap parking permits issued to the applicant;

c. Additional information the City Manager may require;

D. The applicant must sign the application under penalty of perjury.

E. Oversized vehicle handicap parking permits issued and approved by the City Manager shall include the license plate number of the designated oversized vehicle, the date of issuance and the day of its expiration.

F. Permits shall be displayed in the lower driver's side of the windshield or nearest window of the vehicle for which it has been issued so that it is clearly visible from the exterior of the vehicle.

G. Oversized vehicle handicap parking permits shall be valid for a period of one year, so long as the holder thereof meets the requirements of this section relating to such permits. Permits may be renewed on an annual basis.

H. Oversized vehicle handicap permits shall be issued without any fees.

I. A permit must be denied if the City Manager finds that:

1. The applicant or the person the applicant is visiting is not a bona fide city resident;

2. Information submitted by the applicant is materially false; or

3. The applicant is not entitled to receive a handicap placard or license plate under the California Vehicle Code.

(Ord. 2008-10-1389 § 1, 2008)

10.30.090 Violations.

A. Any person who violates any provision in this chapter is guilty of an infraction and will be subject to citation, towing, or both.

B. Every person who displays a fraudulent, forged, altered, or counterfeit oversized vehicle parking permit or permit number with the intent to avoid compliance with this chapter is guilty of a misdemeanor.

C. Every person who displays a fraudulent, forged, altered, or counterfeit oversized vehicle handicap parking permit or permit number with the intent to avoid compliance with this chapter is guilty of a misdemeanor.

D. Every person who displays a fraudulent, forged, altered, or counterfeit oversized vehicle parking permit sticker with the intent to avoid compliance with this chapter is guilty of a misdemeanor.

E. Every person who forges, alters, or counterfeits an oversized vehicle parking permit or an oversized vehicle handicap parking permit is guilty of a misdemeanor.

(Ord. 2008-10-1389 § 1, 2008)

Chapter 10.32
LOADING AND UNLOADING

Sections:

10.32.010 Authority to establish loading zones.

A. The public works director is authorized to determine and to mark loading zones and passenger loading zones as follows:

1. At any place in the central traffic district or any business district;

2. Elsewhere in front of the entrance to any place of business or in front of any hall or place. used for the purpose of public assembly.

B. In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.

C. Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

D. Passenger loading zones shall be indicated by white paint upon the top of all curbs in said zones.

(Prior code § 11.40.010 (Ord. 581 § 12, 1965))

10.32.020 Curb markings.

A. The public works director is authorized, subject to the provisions and limitations of this title, to place and when required in this chapter shall place the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings set forth as follows:

1. Red means no stopping, standing, or parking at any time except as permitted by the Vehicle Code, and except that a bus may stop in a red zone marked or signed as a bus zone.

2. Yellow means no stopping, standing, or parking at any time between six a.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes nor the loading or unloading or materials more than twenty minutes.

3. White means no stopping, standing, or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes and such restrictions shall apply at all times except Sundays and holidays.

B. When the public works director 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 in violation of any of the provisions of this section.

(Prior code § 11.40.020 (Ord. 581 § 12.1, 1965))

10.32.030 Restrictions.

A. Permission granted under this chapter to stop or stand a vehicle for purposes of loading or unloading of materials shall apply only to commercial vehicles and shall not extend beyond the time necessary therefor, and in no event for more than twenty minutes.

B. The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pickup of express and parcel post packages and United States mail.

C. Permission granted under this chapter to stop or park for purposes of loading or unloading passengers shall include the loading and unloading of personal baggage but shall not extend beyond the time necessary therefor and in no event for more than three minutes.

D. Within the total time limits specified in this section, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges granted under this section.

(Prior code § 11.40.030 (Ord. 581 § 12.2, 1965))

10.32.040 Yellow zones--Loading and unloading only.

No person shall stop, stand, or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 10.32.030.

(Prior code § 11.40.040 (Ord. 581 § 12.3, 1965))

10.32.050 Passenger loading zone limitations.

No person shall stop, stand, or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of passengers for such time as is specified in Section 10.32.030.

(Prior code § 11.40.050 (Ord. 581 § 12.4, 1965))

10.32.060 Standing in alley.

No person shall stop, stand, or park a vehicle for any purpose other than the loading or unloading of persons or materials in any alley.

(Prior code § 11.40.060 (Ord. 581 § 12.5, 1965))

10.32.070 Bus zones.

A. The public works director is authorized to establish bus zones opposite curb space for the loading and unloading of buses or common carriers of passengers and to determine the location thereof.

B. Coach zones shall normally be established on the far side of the intersection.

(Prior code § 11.40.070 (Ord. 581 § 12.6, 1965))

Chapter 10.34
PARKING ADJUDICATION PROGRAM

Sections:

10.34.010 Issuance of citation.

The Signal Hill police department shall have the authority to issue citations for violations of all regulations pertaining to parking. All citations shall be processed in accordance with the procedures of this chapter. "Citation" as used in this chapter means a notice of parking violation issued for a violation of any regulation governing the parking or standing of a vehicle under this code or the Vehicle

Code, or an equipment violation entered on a notice of parking violation, except those violations designated in the Vehicle Code as misdemeanors, which shall be processed through the criminal justice system.

(Ord. 94-02-1177 § 1 (part))

10.34.020 Administrative policy documents.

The chief of police shall establish the administrative policy and procedure documents necessary to implement this chapter. Such policy and procedure documents shall include, but are not limited to, a procedure to enable persons who are unable to deposit the full amount of the parking penalty to obtain an administrative hearing and procedures which ensure a fair and impartial adjudication program. These written procedures shall be consolidated in a document which shall be available for review during normal business hours in the office of the city clerk.

(Ord. 94-02-1177 § 1 (part))

10.34.030 Administrative review.

A citation may be contested by requesting an administrative review within twenty-one days of the issuance of the citation or within ten days of the mailing of the notice of delinquent citation. Administrative review shall consist of an internal investigation of the circumstances of the citation considering the written explanation of reasons submitted by the person contesting the citation. The results of the investigation shall be mailed to the person contesting the citation.

(Ord. 94-02-1177 § 1 (part))

10.34.040 Recovery of administrative costs.

A citation eligible for cancellation through an administrative review because of proof of correction or proof that the violation was due to a technical omission which has been remedied shall be canceled only upon the payment of an administrative fee. The amount of the administrative fee shall be established by the city council by a duly adopted resolution.

(Ord. 94-02-1177 § 1 (part))

10.34.050 Administrative hearing.

A person may contest the results of an administrative review by requesting an administrative hearing within fifteen days of the mailing of the results of the administrative review. The request for an administrative hearing must be accompanied by a deposit for the full amount due on the citation, or verifiable and substantial proof, as defined by the administrative policy established by the chief of police, of the inability to deposit the full amount of the parking penalty. The administrative hearing shall be conducted by a hearing examiner appointed by the chief of police. The review shall be conducted in accordance with written procedures established by the chief of police which ensure fair and impartial review of contested parking violations. The hearing examiner's final decision may be delivered personally by the examiner or by first class mail.

(Ord. 94-02-1177 § 1 (part))

10.34.060 Appeal to civil court.

A person may appeal the hearing examiner's decision in justice or municipal court within twenty days of the mailing or personal delivery of the decision.

(Ord. 94-02-1177 § 1 (part))

Chapter 10.36
COMMERCIAL VEHICLES AND TRUCK ROUTES

Sections:

10.36.010 Advertising vehicles prohibited.

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loud-speaking device upon any street or alley at any time.

(Prior code § 11.44.010 (Ord. 581 § 13, 1965))

10.36.020 Truck routes.

A. Whenever any resolution of the city council designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the public works director is authorized to designate such street or streets by appropriate signs as truck routes for the movement of vehicles exceeding a maximum gross weight limit of three tons.

B. When any such truck route or routes are established and designated by appropriate signs, the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other, except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a truck route having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares, and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual 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.

C. The provisions of this section shall not apply to passenger buses under the jurisdiction of the public utilities commission, vehicles owned by a public utility or a licensed contractor while in use in construction, installation, or repair of any public utility, oil service trucks when engaged in oil well servicing operations, and rubbish and garbage trucks.

D. Those streets and parts of streets established by resolution of the council are declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three tons.

(Ord. 81-12-883 § 1, 1982; prior code § 11.44.020 (Ord. 581 § 13.1, 1965))

10.36.030 Commercial vehicles prohibited from certain streets.

A. Whenever any resolution of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the public works director shall erect and maintain appropriate signs on those streets affected by such ordinance.

B. Those streets and parts of streets established by resolution of the council are declared to be streets the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission.

(Prior code § 11.44.030 (Ord. 581 § 13.2, 1965))

Chapter 10.38
INTERSTATE TRUCKS

Sections:

10.38.010 Definitions.

The following words and phrases shall have the meanings set forth, and if any word or phrase used in this chapter is not defined in this section, it shall have the meanings set forth in the California Vehicle Code; provided, that if any such word or phrase is not defined in the Vehicle Code, it shall have the meaning attributed to it in ordinary usage.

A. "Caltrans" means the State of California Department of Transportation or its successor agency.

B. "Interstate truck" means a truck tractor and semi-trailer or truck tractor, semitrailer and trailer with unlimited length as regulated by the Vehicle Code.

C. "Terminal" means any facility which freight is consolidated to be shipped and where full-load consignments may be loaded and offloaded, or at which the vehicles are regularly maintained, stored or manufactured.

D. "Trailblazer signs" means directional signs provided at every intersection on the terminal route designated in accordance with this chapter.

(Ord. 84-11-937 § 1 (part))

10.38.020 Prohibition of interstate trucks.

Interstate trucks are prohibited from operating upon streets and highways within the city except as follows:

A. Interstate trucks may operate over routes identified and signed by the city engineer as connections between the federally designated highway system and terminals designated pursuant to this chapter.

B. Interstate trucks may operate on streets and highways within one-half road mile of points of ingress and egress identified and signed by Caltrans on the federally designated highway system, to obtain access to fuel, food, lodging and/or repair when such access is consistent with the safe operation of such vehicles.

C. Interstate trucks licensed to carry household goods may operate on streets and highways when directly enroute to or from a point of loading or unloading, if travel on such streets and highways is necessary and incidental to the shipment of the household goods.

(Ord. 84-11-937 § 1 (part))

10.38.030 Application.

A. Any interested person requiring terminal access for interstate trucks from the federally designated highway system shall submit an application, on a form provided by the city, together with such information as may be required by the city engineer and appropriate fees to the city.

B. Upon receipt of the application, the city engineer will cause an investigation to be made to ascertain whether or not the proposed terminal facility meets the requirements herein for a terminal. Upon approval of that designation, the city engineer will then determine the capability of the route requested and alternate routes, whether requested or not. Determination of route capability will include, without limitation, a review of adequate turning radius and lane widths of ramps, intersections and highways and general traffic conditions such as sight distance, speed and traffic volumes. No access off a federally designated highway system will be approved without the approval of Caltrans.

C. Should the requested route pass through the city to a terminal located in another jurisdiction, the applicant shall comply with that jurisdiction's application process. Coordination of the approval of the route through the city will be the responsibility of the jurisdiction which controls the terminal's land use.

(Ord. 84-11-937 § 1 (part))

10.38.040 Fees and costs.

A. The applicant shall pay a nonrefundable application fee, as established from time to time by resolution of the city council, sufficient to pay the cost of the review of the terminal designation and the review of the route and alternate routes.

B. Upon the approval of the terminal designation and route by the city and by Caltrans, the applicant shall deposit with the city sufficient funds as estimated by the city engineer to pay for the purchase and installation of terminal trailblazer signs. Upon completion of the installation of the signs, the actual cost shall be computed and any difference between the actual and the estimated costs shall be billed or refunded to the applicant, whichever the case may be. No terminal or route may be used until such signs as may be required are in place. Costs for trailblazer signs may be proportioned in accordance with the procedures in Section 10.38.050.

(Ord. 84-11-937 § 1 (part))

10.38.050 Retrofitting.

A. If all feasible routes to a requested terminal are found unsatisfactory by the city engineer, the applicant may request that improvements be constructed which will correct the deficiencies of the route. All costs of engineering, construction and inspection will be the responsibility of the applicant. Except when the retrofitting of deficiencies is within the jurisdiction of Caltrans, the actual construction will be done by the city or by a contractor acceptable to it.

B. When the work is to be done by the city, the applicant shall deposit with the city the estimated cost of retro-fitting. Adjustments between the estimated and actual cost shall be made after completion of the work and any difference between the actual and the estimated cost shall be billed or refunded to the applicant as the case may be. When the work is done by the applicant, the applicant may file with the city engineer, on a form satisfactory to the city engineer, a statement detailing the actual costs of the retrofitting.

C. If at any time within five years from the date of completion of the retrofitting by the applicant, an applicant seeks terminal approval which would use the route upon which such retrofitting was accomplished, any such applicant's fee may include their proportionate share of the retrofitting, as determined by the city engineer, which fee shall be reimbursed by the city to the applicant who paid for the retrofitting, as determined by the city engineer, which fee shall be reimbursed by the city to the applicant who paid for the retrofitting, as well as to any applicant who contributed to the cost of retrofitting under this subsection. Nothing herein shall require the payment of a proportionate fee if the applicant doing the work failed to file the report with the city engineer required by subsection B of this section.

(Ord. 84-11-937 § 1 (part))

10.38.060 Revocation of route.

The city engineer may revoke any approved terminal or route if the terminal or route becomes a safety hazard for vehicular traffic. A safety hazard includes the inability of interstate trucks to negotiate the route or said vehicles causing unsafe driving conditions for other vehicular traffic or pedestrians.

(Ord. 84-11-937 § 1 (part))

10.38.070 Appeals.

Any determination made by the city engineer pursuant to this chapter may be appealed by any aggrieved person within ten days following the date of decision of the city engineer to the city council in writing. An appeal shall be made on a form prescribed by the city and shall be filed with the city clerk. The appeal shall state specifically wherein there was an error or abuse of discretion by the city engineer or wherein the decision is not supported by the evidence in the record. The city clerk shall schedule the matter for hearing by the city council within thirty days and make copies of all relevant material available to all parties with notice of the date and

time of hearing. The city council shall uphold, revoke or modify the determination of the city engineer and provide written notice of its decision to affected parties within fifteen days after conclusion of the hearing.

(Ord. 84-11-937 § 1 (part))

Chapter 10.40
SPEED LIMITS

Sections:

10.40.010 Speed limits designated on certain streets.

It is determined upon the basis of an engineering and traffic investigation that the speeds permitted upon the following streets are necessary for safe operation of vehicles thereon and it is declared that the prima facie speed limit shall be as set forth in this section on those streets or part of streets designated when signs are erected giving notice thereof:

Name of Street or Portion Affected	Declared Prima Facie Speed Limit
Alamitos Avenue between 21st Street and south city line	30
Alamitos Avenue from west city limit to Cherry Avenue	30
Burnett Avenue from California Avenue to Orange Avenue	30
Burnett Avenue from Orange Avenue to Walnut Avenue	30
Burnett Avenue from Walnut Avenue to Cherry Avenue	30
Burnett Street between west city line and Cherry Avenue	30
Burnett Street between Cherry Avenue and 23rd Street	25
California Avenue from 28th Street to Willow Street	40
California Avenue from 33rd Street to 32nd Street	35
California Avenue from I-405 to Spring Street	35
California Avenue between north city line and 32nd Street	30
California Avenue from north city limit to 33rd Street	30
California Avenue between the north city line and	30

Spring Street	
California Avenue between 32nd Street and Spring Street	35
California Avenue from Spring Street to 28th Street	40
California Avenue between Spring Street and Willow Street	40
California Avenue from Willow Street to Burnett Street	25
California Avenue between Willow Street and south city line	30
California Avenue from north city line to 33rd Street	35
Cherry Avenue from 21st Street to south city limit	40
Cherry Avenue from 28th Street to Willow Street	40
Cherry Avenue from Burnett Avenue to Hill Street	40
Cherry Avenue from Hill Street to 21st Street	40
Cherry Avenue between north city line and Willow Street	40
Cherry Avenue from Spring Street to 28th Street	40
Cherry Avenue from Willow Street to Burnett Street	40
Cherry Avenue between Willow Street and south city line	40
Hathaway Avenue between Temple Avenue and Obispo Avenue	40
Hill Street from Orange Avenue to Walnut Avenue	30
Hill Street between west city line and Cherry Avenue	30
Hill Street between Obispo Avenue and Redondo Avenue	35
Hill Street from Temple Avenue to Obispo Avenue	25
Hill Street from Walnut Avenue to Cherry Avenue	30
Junipero Avenue between north city line and Willow Street	35
Junipero Avenue from 21st Street to Pacific Coast Highway	25
Junipero Avenue between 21st Street and south city line	25
Junipero Avenue from Spring Street to 28th Street	35
Junipero Avenue from 28th Street to Willow Street	35
Obispo Avenue between Hathaway Avenue and Hill Street	40

Obispo Avenue between Hill Street and south city line	35
Obispo Avenue from 20th Street to Pacific Coast Highway	25
Orange Avenue from 28th Street to Willow Street	40
Orange Avenue from 33rd Street to 32nd Street	35
Orange Avenue from Burnett Street to Hill Street	35
Orange Avenue from north city limit to 33rd Street	35
Orange Avenue between north city line and Spring Street	35
Orange Avenue from Spring Street to 28th Street	40
Orange Avenue between Spring Street and Willow Street	40
Orange Avenue from Willow Street to Burnett Street	35
Orange Avenue between Willow Street and south city line	35
Pacific Coast Highway between west city line and east city line	35
Redondo Avenue from 20th Street to Pacific Coast Highway	40
Redondo Avenue between Willow Street and Hill Street	40
Redondo Avenue north of 19th Street to Pacific Coast Highway	40
Skyline Drive from Cherry Avenue to Promontory Drive	25
Skyline Drive from Promontory Drive to Temple Avenue	25
Spring Street between west city line and east city line	40
Spring Street from west city limit to California Avenue	40
Spring Street from Cherry Avenue to Junipero Avenue	40
Spring Street from Orange Avenue to Walnut Avenue	45
Spring Street from Walnut Avenue to Cherry Avenue	40
Temple Avenue between north city line and Hathaway Avenue	40
Temple Avenue from 21st Street to Pacific Coast	25

Highway	
Temple Avenue between 23rd Street and south city line	25
Temple Avenue from 28th Street to Willow Street	40
Temple Avenue from Hill Street to 21st Street	25
Temple/Hathaway/Obispo from Combellack Drive to Llewelyn Drive	40
Temple/Hathaway/Obispo from Llewelyn Drive to Hill Street	40
Temple/Hathaway/Obispo from Willow Street to Combellack Drive	40
Walnut Avenue from north city limit to 33rd Street	30
Walnut Avenue between north city line and Spring Street	35
Walnut Avenue between Spring Street and Willow Street	35
Walnut Avenue between Willow Street and south city line	30
Walnut Avenue from Spring Street to 28th Street	40
Walnut Avenue from 28th Street to Willow Street	40
Walnut Avenue from Willow Street to Burnett Street	30
Walnut Avenue from Burnett Street to Hill Street	30
Walnut Avenue from Hill Street to south city line	30
Willow Street between west city line and east city line	40
Willow Street from west city limit to California Avenue	40
Willow Street from California Avenue to Orange Avenue	40
Willow Street from Orange Avenue to Walnut Street	40
Willow Street from Walnut Avenue to Cherry Avenue	40
Willow Street from Cherry Avenue to Junipero Avenue	40
Willow Street from Junipero Avenue to Temple Avenue	40
21st Street between Gundry Avenue and Cherry Avenue	30
21st Street from Cherry Avenue to Junipero Avenue	25
21st Street between Cherry Avenue and Temple	25

Avenue	
21st Street from Junipero Avenue to Temple Avenue	25
23rd Street between Burnett Street and Temple Avenue	25
28th Street from Cherry Avenue to Junipero Avenue	35
28th Street from Junipero Avenue to Temple Avenue	35
28th Street between Orange Avenue and east city line	35
28th Street from Orange Avenue to Walnut Avenue	30
28th Street from Walnut Avenue to Cherry Avenue	35
32nd Street from California Avenue to Orange Avenue	25
33rd Street from California Avenue to Orange Avenue	25
33rd Street from Orange Avenue to Walnut Avenue	30
33rd Street between west city line and east city line	30
33rd Street from west city limit to California Avenue	30

(Ord. 2016-09-1491 § 1; Ord. 2011-04-1425 § 1; Ord. 2010-03-1411 § 1; Ord. 2004-10-1337 § 1; Ord. 92-01-1113 § 1; Ord. 88-11-1019 § 1; Ord. 85-07-952 § 1; Ord. 80-5-844 § 1; Ord. 68-2-619 § 1; prior code § 11.48.010 (Ord. 581 § 14, 1965))

Chapter 10.44
OPERATION OF VEHICLES ON PRIVATE PROPERTY

Sections:

10.44.010 Prohibited without owner's permission.

No person shall operate a motor vehicle, as defined in Section 415 of the Vehicle Code of the State of California, including but not limited to a motor vehicle, a minibike, a trailbike, a dirtbike, a dune buggy, a motorscooter, a jeep, or other form of transportation, upon the private property of another without first obtaining the written permission of said owner.

(Ord. 70-9-663 § 1 (part): prior code § 11.56.010)

10.44.020 Written permission in possession required.

Persons who obtain permission from private property owners to operate vehicles thereon, as described in Section 10.44.010, shall maintain their possession in such written permission at all times while operating such vehicles on the private property.

(Ord. 70-9-663 § 1 (part): prior code § 11.56.020)

10.44.030 Exceptions.

This chapter does not prohibit the use of such private property by the following:

A. Emergency vehicles;

B. Vehicles operated by duly constituted police officers;

C. Vehicles of commerce in the course of the conduct of normal business;

D. Vehicles being operated on property devoted to commercial purposes where the general public is expressly or impliedly invited to such property;

E. Vehicles operated on property actually used for residential purposes where such vehicles are there at the express or implied invitation of the owner or occupant.

(Ord. 70-9-663 § 1 (part): prior code § 11.56.030)

Chapter 10.46
ABANDONED, INOPERABLE AND UNSIGHTLY VEHICLES*

Sections:

* For provisions regarding nuisances generally, see Ch. 8.12.

10.46.010 Declared Nuisance.

In addition to and in accordance with the determination made and the authority granted by the State under Section 22660 of the Vehicle Code to remove abandoned, wrecked, dismantled or inoperative vehicles or parts thereof as public nuisances, the City Council makes the following findings and declarations:

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property, not including highways, is found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance, to create 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 of the public.

Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property, not including highways, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter and those of Chapter 8.12 of this code.

Vehicles to which this chapter shall apply include, but are not limited to, the following:

A. Abandoned Vehicles. Abandoned vehicle means any vehicle, or vehicle part or parts, that is wrecked, dismantled or otherwise inoperative which is parked, stored, or left standing where it is visible from the street or other public or private property, even if partially screened, for more than five (5) consecutive days. A vehicle shall be presumed inoperative if it shows a registration sticker indicating it is registered or certified as a non-operative vehicle with the Department of Motor Vehicles, or its registration as an operative vehicle has been expired for at least sixty (60) days. A presumption of abandonment shall arise when a vehicle is located in a residential zone in an area not specifically designed for vehicular parking. Areas not specifically designed for vehicular parking in residential zones shall include, but are not limited to, front, side and rear yards and unpaved areas.

B. Unsightly Vehicles. Unsightly vehicle means any vehicle, which becomes unsightly and detracts from the appearance of the neighborhood due to such factors as excessive rust, corrosion, or faded, chipped or peeled paint.

(Ord. 2002-01-1301 § 2)

10.46.020 Definitions.

The following words and phrases shall, for the purpose of this chapter, have the following meanings ascribed to them:

A. "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.

B. "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.

C. "Owner of the vehicle" means the last registered owner and legal owner of record with the Department of Motor Vehicles.

D. "Public property" does not include "highway."

E. "Vehicle" means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved exclusively by human power or used exclusively upon stationary rails or tracks.

F. "Designated official" may include, but is not limited to, the city manager or his or her designee, community development director, public works director, chief of police or his or her designee, code enforcement officer, peace officer, or any other person or persons designated by the city manager to serve as a designated official for the purpose of this chapter. The city manager shall exercise plenary management authority over designated officials and may terminate a person's status as a designated official at any time for whatever reason.

(Ord. 2002- 01-1301 § 2)

10.46.030 Exceptions.

This chapter shall not apply to:

A. A vehicle, or parts thereof, that is completely enclosed within a building in a lawful manner where it is not visible from the street or other private property, or

B. A vehicle, or parts 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, such as towing, auto repair, restoration, conversion, etc.

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 and this chapter.

(Vehicle Code Section 22660 et seq.) (Ord. 2002-01-1301 § 2)

10.46.040 Regulations nonexclusive.

This chapter is not the exclusive regulation of abandoned, wrecked, dismantled or inoperative vehicles within the city. It shall supplement and be in addition to the other regulatory codes, statutes and ordinances heretofore or hereafter enacted by the city, the state, or any other legal entity or agency having jurisdiction.

(Ord. 2002-01-1301 § 2)

10.46.050 Administration and enforcement.

Except as otherwise provided in this chapter, the provisions of this chapter may be administered and enforced by the city abatement officer, as defined in Section 8.12.040 of this code. In the enforcement of this chapter, such official and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle's owner and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance in accordance with the procedures proscribed in this chapter. When the city has contracted with or granted a franchise for vehicle towing services, such person or persons shall be authorized under direction of the designated official to enter upon private or public property and remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 2002-01-1301 § 2)

10.46.060 Removal.

Upon discovering the existence of an abandoned, wrecked, dismantled or inoperative vehicle, or parts thereof, on private or public property within the city, the designated official shall have the authority and a duty to cause the abatement and removal thereof, in accordance with the provisions of this chapter.

(Ord. 2002-01-1301 § 2)

10.46.070 Notice to property and vehicle owners.

A notice and order of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be served on all known responsible parties, including the owner of the land and the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notice and order for violation of this chapter may be incorporated into any other notice and order served in accordance with the provisions of Chapter 8.12. The notice and order shall comply in all respects with the provisions of Chapter 8.12, and shall include a statement advising the responsible party that: 1) the party may appeal the determination of a public nuisance to the city council, and 2) the party may appear in person at a hearing or may submit a sworn written statement denying responsibility for the presence of the vehicle on the land, with his or her reasons for the denial. In no event shall the notice and order give the responsible party or parties less than ten (10) days to abate the nuisance, unless the property owner and the owner of the vehicle have signed releases authorizing removal and waiving further interest in the vehicle.

10.46.080 Agricultural and unimproved lots.

With respect to inoperable vehicles located upon a parcel zoned for agricultural use or not improved with a residential structure containing one or more dwelling units, a notice and order under Section 10.46.070 is not required for removal of a vehicle or parts thereof, provided all of the following apply:

A. The vehicle or part thereof is inoperable due to the absence of a motor, transmission, or wheels and is incapable of being towed;

B. The vehicle or part thereof is valued at less than two hundred dollars ($200) by the chief of police or any regularly employed and salaried member of the police department designated by the chief of police;

C. The vehicle or part thereof is determined by the city abatement officer to be public nuisance presenting an immediate threat to public health or safety;

D. The property owner, or the city manager in the case of city-owned property, has signed a release authorizing removal and waiving further interest in the vehicle or part thereof; and

E. After the vehicle or part thereof has been removed and stored by the city, but prior to the final disposition consistent with Section 10.46.110, the registered or known owner of the vehicle or part thereof has been mailed a notice and given twelve (12) days from the mailing of the notice to claim the vehicle or part thereof.

(Ord. 2002-01-1301 § 2)

10.46.090 Appeal hearing.

If an appeal of any portion of the notice and order is timely filed by the responsible party with the city clerk, a hearing shall be held in accordance with the provisions of Section 8.12.100. The owner of the land and/or the owner of the vehicle may appear in person at the hearing or submit a sworn statement in time for consideration at the hearing on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle.

(Ord. 2002-01-1301 § 2)

10.46.100 Abatement by city.

If no appeal is timely filed and the nuisance is not completely abated, or if an appeal is filed and the council determines a vehicle to be a public nuisance, then the city may abate the nuisance in accordance with the provisions of this chapter and Chapter 8.12 of this code.

(Ord. 2002-01-1301 § 2)

10.46.110 Disposition of vehicles.

After a vehicle has been removed, it shall not be reconstructed or made operable, unless it is a vehicle that qualifies for either horseless carriage license plates or historical vehicle license plates, pursuant to Section 5004 of the Vehicle Code, in which case the vehicle may be reconstructed or made operable. Vehicles or parts thereof may be disposed of by removal to a scrap yard, automobile dismantler's yard, or any suitable site operated by a local authority for processing as scrap.

(Ord. 2002-01-1301 § 2)

10.46.120 Notice to the Department of Motor Vehicles.

Notice shall be given to the Department of Motor Vehicles within five (5) days after the date of removal, identifying the vehicle or part thereof. Such notice shall include the forwarding of any evidence of registration available including, but not limited to, the registration card, certificates of ownership or license plates.

(Ord. 2002-01-1301 § 2)

10.46.130 Abatement liens and collection of abatement costs.

Assessment of any abatement liens or costs will be processed in accordance with the procedures in Chapter 8.12 of this code with the following exception: if it is determined at the hearing that the vehicle, or parts thereof, was placed on the land without the consent of the landowner and he or she did not subsequently acquiesce to its presence, no costs of administration or removal shall be assessed against the property, nor shall any other attempt be made to recover those costs from the landowner.

(Ord. 2002-01-1301 § 2)

10.46.140 Violation.

It is unlawful and a misdemeanor for any person to create or maintain a nuisance, as defined in this chapter. The provisions of this chapter are not exclusive, but are in addition to and do not supercede or limit in any way, any other remedies, civil or criminal.

(Ord. 2002-01-1301 § 2)

Chapter 10.48
PEDESTRIANS

Sections:

10.48.010 Crosswalks--Marking authority.

A. The public works director shall establish, designate, and maintain crosswalks at intersections and other places by appropriate devices, marks, or lines upon the surface of the roadway as set forth in subsection B of this section.

B. Crosswalks shall be established and maintained at all intersections where the public works director determines that there is particular hazard to pedestrians crossing the roadway.

C. The public works director may place signs at or adjacent to an intersection in respect to any crosswalk directing that pedestrians shall not cross in the crosswalk so indicated.

(Prior code § 11.28.010 (Ord. 581 § 9, 1965))

10.48.020 Crosswalks--Pedestrian use required.

No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district.

(Prior code § 11.28.020 (Ord. 581 § 9.1, 1965))

Chapter 10.52
BICYCLES

Sections:

10.52.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. "Bicycle" means and includes any device upon which a person may ride and which is propelled by human power through a system of belts, chains, or gears and which has wheels at least twenty inches in diameter and a frame size of at least fourteen inches. "Bicycle" as used in this chapter also includes mopeds.

B. "Bicycle license" means and includes the license tag or decal designated by the State of California in accordance with Section 39001 of the California Vehicle Code to be permanently assigned to the bicycle by the state.

C. "Bicycle registration form" means and includes that ownership certificate issued by the licensing agency or agent of the city upon receipt of the designated license fee.

D. "Licensing agency" or "agent" means the police department, the police chief and/or his designated representative. The agency or agent shall license bicycles for persons residing in the city; all other bicycle license applicants shall be referred to their respective city of residence.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.030)

10.52.020 Riding on certain streets prohibited.

It is unlawful for anyone to ride a bicycle on Hill Street between Obispo Avenue and Temple Avenue, or on Cherry Avenue between 21st Street and 25th Street in the city.

(Ord. 77-8-772 § 1 (part): Ord. 75-2-736 § 1: Ord. 69-4-641 § 1 (part): prior code § 11.52.010)

10.52.030 Penalty for violation of Section 10.52.020.

The penalty for the violation of Section 10.52.020 shall be as described in Chapter 1.16.

(Ord. 77-8-772 § 1 (part): Ord. 69-4-641 § 1 (part): prior code § 11.52.020)

10.52.040 License--Required.

No person shall ride or propel any bicycle upon any street, alley, park, or bicycle path or other public place in the city which is not registered, or for which the appropriate fee has not been paid or which does not bear a bicycle license as required by the provisions of this chapter.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.040)

10.52.050 License--Registration--Issuance.

A. The licensing agent shall inspect or cause to be inspected each bicycle before registering the same and shall refuse to register or license any bicycle which he determines is in an unsafe mechanical condition.

B. At the time that any person registers a bicycle and pays the appropriate license fee in accordance with the provisions of this chapter, the licensing agency or agent shall provide him with a bicycle registration form bearing the owner's name, address, telephone number, bicycle license number, the bicycle manufacturer, type and model number, and any other descriptive information concerning the bicycle deemed necessary by the licensing agency, and provisions for the transfer of ownership of the bicycle. In addition, also at the time of registration, the bicycle owner shall be issued his permanent bicycle license bearing the unique number permanently assigned to that bicycle by the state.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.050)

10.52.060 License--Expiration and renewal.

Expiration and renewal periods for bicycle licenses issued pursuant to the provisions of this chapter shall be as provided in Section 39001 of the California Vehicle Code.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.060)

10.52.070 License--Transfer of bicycle ownership.

Whenever any person sells, trades, disposes of, or transfers any bicycle licensed pursuant to the provisions of this chapter, he shall endorse upon the registration form previously issued for such bicycle a written transfer of same, setting forth the name, address, and telephone number of the transferee, the date of transfer, the signature of the transferer, and shall deliver such registration form, so endorsed, to the licensing agency at the time of transfer. The transferee shall, within ten days after such transfer, apply to the licensing agency for a transfer of license registration. A fee of one dollar shall be charged for the transfer of ownership.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.070)

10.52.080 License--Address changes.

Whenever any bicycle licensee changes his place of residence he shall notify the licensing agency of such change of address within ten days. There shall be no charge for change of address.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.080)

10.52.090 License or registration--Replacing lost or stolen.

A. In the event that any registration form issued pursuant to the provisions of this chapter is lost or stolen, the licensee of the bicycle shall immediately notify the licensing agency, and within ten days after such notification shall apply to the licensing agency for a duplicate registration form, whereupon the licensing agency shall issue to the licensee a duplicate license registration form, upon payment to the licensing agency of a fee of one dollar.

B. In the event that any bicycle license issued pursuant to the provisions of this chapter is lost or stolen, the licensee shall immediately notify the licensing agency of such loss, and shall within ten days apply to the licensing agency for a new bicycle license, whereupon the licensing agency shall issue to the licensee a new bicycle license, upon payment to the licensing agency of a fee of one dollar.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.090)

10.52.100 License--Recordkeeping.

The licensing agency shall keep a record of all applications for bicycle registration, including date of issuance of each license, to whom issued, the number thereof and the serial number of the bicycle for which issued.

(Ord. 77-8-772 § 1 (part): prior code 511.52.100)

10.52.110 License--Fees.

The fees required to be paid pursuant to the provisions of this chapter are as follows:

A. For each bicycle license or renewal, the sum of one dollar;

B. For each transfer of license registration, the sum of one dollar;

C. For each replacement of a registration form or bicycle license, the sum of one dollar.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.110)

10.52.120 License and serial numbers--Interference with prohibited.

No person shall wilfully or maliciously remove, destroy, mutilate, or alter the serial number of any bicycle licensed and registered under this chapter, or remove, destroy, mutilate, or alter any bicycle license or registration form while the same is in effect as such, except in the event that the bicycle is dismantled and no longer operated upon any streets in this city; provided, however, that nothing in this chapter shall prohibit the licensing agent from numbering frames of bicycles on which no serial number is legible or which serial number is insufficient for identification purposes.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.120)

10.52.130 Dealer's report required.

Any person engaged in the business of buying, selling, or trading bicycles within this city is required to make a weekly report to the licensing agency and shall provide such information as required by Section 39006 of the California Vehicle Code.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.130)

10.52.140 Penalty for violation.

The licensing agency shall have the right to impound and retain possession of any bicycle in violation of the provisions of this chapter and may retain possession of such bicycle until the provisions of this chapter are complied with. In addition, a fine not to exceed five dollars may be imposed for any violation of the licensing provisions of this chapter.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.140)

10.52.150 Enforcement.

The licensing agent is granted all authority to enforce and carry out the provisions of this chapter pursuant to the provisions of the California Vehicle Code and all other applicable laws of the state.

(Ord. 77-8-772 § 1 (part): prior code § 11.52.150)

Chapter 10.56
SKATEBOARDS, SCOOTERS, IN-LINE SKATES AND ROLLER SKATES*

Sections:

* Prior history: Prior code §§ 11.54.010--11.54.030, Ordinance 75-1-735.

10.56.010 Definitions.

For the purposes of this chapter, (1) "skateboard" and "scooter" means any board which has attached to it any wheels by any means whatsoever, either with or without a hand-held steering mechanism, either self-propelled or propelled by a motor device. For the purposes of this chapter, (2) "in-line skates" and "roller skates" means any wheeled device, either one or more, worn on the feet or otherwise attached to the body and used for skating on paved or hardened surfaces.

(Ord. 2000-08-1275 § 1 (part))

10.56.020 Prohibited on streets.

No person shall operate, drive or cause to be propelled a skateboard, scooter, in-line skates, or roller skates on any public street, unless crossing such street.

(Ord. 2000-08-1275 § 1 (part))

10.56.030 Prohibited on posted property.

A. No person shall operate, drive or cause to be propelled a skateboard, scooter, in-line skates or roller skates on any public sidewalk, park, facility or school, where the governing body finds that skateboards, scooters, in-line skates or roller skates create a health and safety problem or create the potential to damage such public sidewalks, parks, facilities or schools. Such sidewalks, parks, facilities or schools shall be designated by resolution of the governing body to prohibit such use, and such designated sidewalks, parks, facilities and schools shall be posted with signs prohibiting such use.

B. No person shall operate, drive or cause to be propelled a skateboard, scooter, in-line skates or roller skates within any business district, retail shopping area, office area or portion thereof where such area or portion thereof is posted with signs prohibiting such use by the owner thereof.

(Ord. 2000-08-1275 § 1 (part))

10.56.040 Nuisance.

Notwithstanding the posting of any area pursuant to Section 10.56.030, no person shall use a skateboard, scooter, in-line skates or roller skates in a manner that creates a nuisance. For purposes of this section, "nuisance" is defined as any activity which annoys, disturbs, disrupts or threatens another, and includes, but is not limited to, operating the skateboards, scooters, in-line skates or roller skates in a manner that would (1) threaten injury to persons or property; (2) create an obstruction or present a hazard to the free use of public or private property by pedestrians or motorists; or (3) cause loud or unreasonable noises. Placing wax on curbs, hand railings, benches and other property to facilitate skating shall also constitute a nuisance.

(Ord. 2000-08-1275 § 1 (part))

10.56.050 Skate parks.

A. Any person who wishes to use a skate park created by resolution of the city council must wear all of the following to be admitted into and to use the skate park: (1) a safety helmet that meets requirements of the California Vehicle Code; (2) elbow pads; and (3) knee pads.

B. No person shall operate, drive or cause to be propelled, including the performance of tricks, stunts or luge skateboarding, a skateboard, scooter, in-line skates or roller skates in the area immediately surrounding a skate park, including the parking lot, nearby curbs or the entrance area to the park.

(Ord. 2000-08-1275 § 1 (part))

10.56.060 Penalty for violations.

A. Any person who violates any provision of this chapter shall be guilty of an infraction as defined by the California Penal Code as described in Chapter 1.16. In addition to the penalties so described, any police officer or other person authorized to issue citations shall

have the authority to impound any skateboard, scooter, in-line skates or roller skates of a person found violating this chapter. Upon impoundment of any skateboard, scooter, in-line skates or roller skates as provided herein, the owner of such device shall be issued a receipt. Said receipt shall state the hours, location, time frame and manner for claiming the impounded skateboard, scooter, in-line skates or roller skates, as provided in subsections B and C of this section.

B. Upon presentation of the receipt, the owner may claim the impounded skateboard, scooter, in-line skates or roller skates at the police department during business hours. If the owner is a minor, such owner may only claim the impounded skateboard, scooter, in-line skates or roller skates if accompanied by a parent or guardian. No fee may be assessed on the owner, parent or guardian.

C. If the impounded skateboard, scooter, in-line skates or roller skates is/are not claimed within sixty days after the date of impoundment, the city may dispose of the item(s) by public sale at auction.

(Ord. 2000-08-1275 § 1 (part))

Chapter 10.60
PENALTY FOR VIOLATIONS

Sections:

10.60.010 Penalty for violation.

The penalty for the violation of any provision of this title shall be as provided in Chapter 1.16 of this code.

(Ord. 586 § D (part), 1966: prior code § 11.08.180 (Ord. 581 § 15.1, 1965))

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

Chapter 12.04
STREET IMPROVEMENTS

Sections:

12.04.010 Definitions.

For all purposes of this chapter, the following definitions shall apply:

A. "Administrative committee" shall consist of four city employees as follows:

1. The city administrative officer;

2. The director of planning and community development;

3. The city engineer; and

4. The director of building and safety.

Any two such members may act as a quorum for the purpose of conducting business.

B. "Building" means any building designed or intended for occupancy and use as a dwelling or clubhouse or as a business, manufacturing, or fabricating establishment, and also means the surfacing of all or a portion of a parcel of land to adopt it for use as a parking lot, storage area, trailer park or other similar use.

C. "Building inspector" means the director of building and safety of the city.

D. "City engineer" means the city engineer of the city.

E. "Construct any building" means to construct a new building as defined in subsection B of this section or to make alterations to an existing building except as provided in Section 12.04.025.

F. "Parcel" means a parcel of land situated in whole or in part within the city which may or may not be wholly within a subdivided tract.

(Ord. 83-06-906 § 1; Ord. 80-3-839 § 3; Ord. 73-11-712 § 2 (part): prior code § 12.08.010)

12.04.020 Declaration of policy.

It is declared to be the policy of the city that curbs, gutters, sidewalks, street and alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains, and street trees be installed along the street line or lines of any parcel hereafter improved by the construction thereon of any dwelling or other building.

(Ord. 79-8-828 § 1 (part): Ord. 73-11-712 § 2 (part): prior code § 12.08.020)

12.04.025 Exemptions.

Any provisions of this chapter to the contrary notwithstanding, the following shall be exempt from the provisions of this chapter:

A. Any alteration to an existing building or buildings upon any parcel of land where the value of such alteration or the cumulative value of all such alterations made within the previous three years upon such parcel does not exceed thirty-seven thousand five hundred

dollars, as determined by the building official; the threshold shall be adjusted annually by the building official using the average change in percentage from the previous year for all building categories as determined from the Building Valuation Data table published by the International Conference of Building Officials.

B. Any alteration to an existing residential building or buildings upon any parcel of land where the area of such alteration or the cumulative area of all such alterations made within the previous three years upon such parcel does not exceed five hundred square feet, as determined by the building official.

C. Any alteration of an existing building or buildings upon any parcel of land where such alterations are approved by the director of planning and community development as a part of the city's housing rehabilitation program are funded in whole or in part thereunder.

(Ord. 92-07-1124 § 1: Ord. 83-06-906 § 2)

12.04.030 Minimum requirements.

The improvements specified in this chapter are minimum requirements and, whenever any ordinance of the city or any law of the state requires other or additional or more extensive improvements, such ordinance or law shall control.

(Ord. 73-11-712 § 2 (part): prior code § 12.08.030)

12.04.040 Installation of curbs, gutters, sidewalks, street and alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains, and street trees required.

No person shall construct any building, or cause any building to be constructed or added to upon any parcel of land unless either:

A. There exists in all streets abutting the parcel curbs, gutters, sidewalks, street and alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains and street trees conforming to the minimum improvements hereinafter described; or

B. Such person has agreed to install such curbs, gutters, sidewalks, street and alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains, and street trees and has secured performance of said agreement by a cash deposit, surety bond or irrevocable letter of credit delivered to the city; or

C. A specific exemption to this section has been granted by council order.

(Ord. 79-8-828 § 1 (part): Ord. 73-11-712 § 2 (part): prior code § 12.08.040)

12.04.050 Building permit issuance prerequisite.

No building permit as required by the building code of the city shall be issued for the construction, alteration, or addition to any building upon any parcel which does not have minimum street improvements as defined in this chapter unless the owner of such parcel or some person acting on his behalf shall first comply with the provisions of Sections 12.04.040 and 12.04.080.

(Ord. 73-11-712 § 2 (part): prior code § 12.08.050)

12.04.060 Minimum street improvements.

A. Minimum street improvements shall consist of a concrete curb, gutter, sidewalk, street paving to the center of the street, alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains, and street trees located on the side of each public street that the parcel fronts upon for the full length of the common boundary of the parcel and the street; provided, however, that if the parcel's topography is of irregular shape and the area of the parcel which will be occupied and used in connection with the building will not include the full frontage of the parcel upon a public street, the city administrative committee may reduce the length of the improvements to correspond with the frontage of the area of the parcel which will be so used and occupied.

B. An existing improvement shall satisfy the minimum improvements required under this chapter if it is installed at the proper location and grade and is in either good condition or it is practicable by repairs to place it in good condition.

C. The standard specifications for curbs, gutters, sidewalks, street and alley paving, street lighting, driveway approaches, drainage structures, sewer and water mains, and street trees required by this chapter shall be those established by the city engineer as the minimum specifications for all such improvements installed in the streets of the city.

(Ord. 79-8-828 § 1 (part): Ord. 73-11-712 § 2 (part): prior code § 12.08.060)

12.04.070 Dedication to city required.

Whenever improvements are required under Sections 12.04.030 and 12.04.040, the real property necessary for such improvements shall be dedicated to the city and the improvements shall be installed by the property owner without any cost to the city, as a condition of approval of any development. All dedications required under this chapter shall conform to the requirements of the city's adopted official plan lines map.

(Ord. 78-6-797 § 2: prior code § 12.08.070)

12.04.080 Installation agreement.

The agreement to install minimum improvements mentioned in Section 15.04.040 shall be in substance as follows:

"AGREEMENT TO INSTALL STREET IMPROVEMENTS

"In consideration of the issuance to the undersigned of a building permit for the construction, alteration or repair of a building upon the premises situated in the City of Signal Hill described as:

the undersigned hereby agrees with the City of Signal Hill that he will within 30 days after the completion of such construction, and in any event not later than 3 months from the date said building permit is issued to him, install concrete curb and gutter, sidewalk, street and alley paving, street lighting, driveway approaches, drainage structure and street trees in each street upon which parcel fronts between the following points:

"The undersigned further agrees to construct said improvements in accordance with engineering standards established by the City Engineer.

"As security for the performance of this agreement, the undersigned herewith delivers to the City Engineer a cash deposit, surety bond or irrevocable letter of credit in the amount of $ upon the condition that if the undersigned installs said improvements in accordance with this agreement, the City of Signal Hill will refund said moneys to him when the installation of said improvements is completed, and that if said improvements are not so installed, said City may proceed to itself cause said improvements to be installed and shall retain the deposit as its compensation therefor. In the event the City shall install said improvements, the undersigned agrees to pay the City upon demand any part of the cost thereof which is not covered by said deposit."

(Ord. 73-11-712 § 2 (part): prior code § 12.08.080)

12.04.090 Security deposit or bond.

The cash deposit, surety bond or irrevocable letter of credit mentioned in the form of agreement set forth in Section 12.04.080 shall be equal to an amount determined in accordance with an amount schedule of costs established by the city engineer. This schedule will be based upon current cost index plus administrative costs. The fees for such administrative costs shall be those which the city council may from time to time adopt and approve by resolution.

(Ord. 79-10-830 § 8: Ord. 73-11-712 § 2 (part): prior code § 12.08.090)

12.04.100 Penalty for violation.

Any person violating any provision of this chapter shall be guilty of a misdemeanor, and upon conviction thereof shall be subject to penalty as provided in Chapter 1.16.

(Ord. 73-11-712 § 2 (part): prior code § 12.08.100)

CHAPTER 12.05
TREE PLANTING STANDARDS

Section

12.05.010 Purpose.

The purpose of this chapter is to establish standards for the planting, removal, replacement, and maintenance of all city street trees in accordance with tree species recommendations contained in the Street Tree Master Plan and to create a sense of community, pride, and recognition to individual neighborhoods. The City wishes to minimize maintenance costs and develop a cost-effective street tree planting program. (Ord. 2011-11-1441 § 1(part), 2011)

12.05.020 Definitions.

A. "Adjacent property" means any portion of public right-of-way that directly abuts private property and falls under the maintenance responsibility of the requesting property owner.

B. "Poorly Structured Tree" means a tree that is growing in such a way as to cause hazard within the public right-of-way.

C. A "Street Tree" is defined as a city-owned tree that is located in the public rights-of-way which include parkways (between street curb and sidewalk), trees located in sidewalk tree wells, and behind sidewalks but within the public street right-of-way.

D. The "Street Tree Master Plan" is referenced and incorporated herein. It is maintained at the Department of Public Works/Engineering. The Street Tree Master Plan serves to establish a cohesive tree planting program with an appropriate diversity of tree species, designed to provide an expression of neighborhood identity through distinctive plantings while minimizing sidewalk damage and excessive maintenance. The Street Tree Master Plan is updated approximately every five years and consists of the following elements:

1. A city-wide street tree inventory evaluation listing tree condition, type of species (10 most common), trunk diameter size, and tree height, as well as identification of vacant tree sites, stumps and dead/diseased trees.

2. A street tree planting schedule listing the existing street tree species type along with recommended replacement tree species that are believed to be most appropriate given the unique characteristics of any one particular site.

3. A street tree species palette which provides general parameters of each of the recommended street tree species referenced in the city street tree planting schedule. (Ord. 2011-11-1441 § 1(part), 2011)

12.05.030 Street Tree Maintenance.

The city strives to maintain city street trees in a healthy and nonhazardous condition through good arboricultural standards and practices. This Section defines both city responsibilities and property owner/resident responsibilities for the maintenance and overall health of the community's street tree inventory.

A. City Responsibilities. City responsibilities include performing periodic trimming work for all the street trees. The street tree

trimming schedule is divided up into four maintenance areas as defined in the city's Street Tree Master Plan. Street trees located in each of these maintenance areas are generally trimmed on a two-year cycle as the city budget allows. Specific individual street trees may be trimmed on a more regular basis to ensure sidewalks and streets are clear of any safety hazards or as otherwise required.

B. Property Owner/Resident Responsibilities. Property owner and resident responsibilities include ensuring street trees located adjacent to the property receive the proper amount of water to ensure the health of the tree. Responsibilities also include reporting any damaged or suspected diseased street trees to the Public Works Department. Under no circumstances shall a property owner/resident be permitted to trim or remove a street tree.

C. Unscheduled Street Tree Trimming - Owner Requests. A property owner may request that street trees adjacent to their property be trimmed more frequently than the City's trimming schedule would provide.

1. The cost to perform this additional trimming work, if ultimately approved, would be that of the property owner. The property owner shall complete a street tree request application justifying the need for expedited street tree trimming.

2. The Public Works Department staff will assess the overall condition of the existing street tree, the extent of trimming needs, and estimating the cost of such additional tree trimming. The property owner's approval of the cost shall be obtained before the Director of Public Works' determination is made. 3. If approved, the assessment shall include a written recommendation on the extent of trimming that may be performed along with a written estimated cost for the trimming work.

4. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

5. The Director of Public Works shall make the final determination on the unscheduled street tree trimming.

6. If mutually agreed to by the applicant and Public Works Director, the street tree trimming shall be performed within 30 days.

7. Prior to the commencement of the work, the applicant must deposit funds with the city to cover the cost of the street tree trimming work, including all incidental costs in compliance with Section 12.05.060 of this chapter. (Ord. 2011-11-1441 § 1(part), 2011)

12.05.040 New Street Tree Planting.

A. Placement of Street Trees. The Director of Public Works shall make the determination on the placement and selection of new street trees. This determination will be based on criteria defined in this section; however, other criteria that may be unique to a given location will also be considered.

B. Street tree species selection. Absent unique circumstances, the Director of Public Works will make a determination on the selection of new street trees from the proposed street tree species list in the city's most current Street Tree Master Plan. The proposed street tree species must be listed in the city's most current Street Tree Master Plan Update. The Street Tree Planting Schedule contained in the Street Tree Master Plan lists approved street species based on street name and address blocks. In most cases there are at least two or three species that can be selected at a given location. The minimum size for a street tree planting/replacement shall be a 15-gallon container.

C. New street tree placement. Features that may be unique to an individual street parkway will be taken into consideration by the Director of Public Works when placing a new street tree. These include width of parkway, width of sidewalk, existence of sidewalk, utility poles, street lights, bus stops, traffic signs, ADA accessibility, utility boxes, and fire hydrants. Therefore, the following planting guidelines must be followed by the Director of Public Works to optimize street tree planting opportunities.

1. Street trees shall have an approximate range between 30-foot minimum spacing to a 50-foot maximum spacing.

2. Street trees shall be placed 20 feet from a street light, power pole or bus stops where possible.

3. Street trees shall be placed a minimum of 15 feet from the start of a street curb return.

4. Street trees shall be placed a minimum of 10 feet from a fire hydrant, utility meter, or driveway approach where possible.

5. Street trees shall be centered in the parkway between the sidewalk and curb.

6. Street tree well sizes must be a minimum of 30 inches and provide enough sidewalk clearance to meet ADA access requirements.

D. New street tree planting - property owner request. The following process shall be utilized by an applicant when requesting a new street tree to be planted:

1. The property owner shall complete a Street Tree Request Application.

2. The property owner shall include the following information in the Application: (i) a sketch of the property owner's adjacent parkway showing all pertinent information as detailed in Subsection C of this Section, and (ii) choice of tree species out of the proposed street tree species list in the City's most current Street Tree Master Plan.

3. Applications will be reviewed and approved or denied by the Public Works Director on a case by case basis based on the Public Works Department staff's assessment of the applicant's request, extent of the need for the new street tree, and estimating the cost for same.

a. If the Application is approved for a property where street tree(s) currently exist adjacent to the applicant's property, all costs to have a new tree planted under this Section, shall be that of the property owner. If mutually agreed to by the applicant and the Public Works Director, the new street tree planting shall be performed within 30 days provided.

b. If the Application is approved and it is determined that the property owner is responsible for the cost of the work, the city will prepare a written cost estimate and will forward to the applicant with written approval of the application. Prior to the commencement of the work, the applicant must deposit funds with the city to cover the cost of the street tree planting work including all incidental costs in compliance with Section 12.05.060 of this chapter.

c. If the application is approved for a property where street tree(s) currently do not exist adjacent to the applicant's property, the city is responsible for the cost of the planting of the street trees per Section 12.05.060 of this chapter and as city budget allows on a first-come, first-served basis.

4. Any person dissatisfied with the decision of the Public Works Director may appeal such decision to the City Council in compliance with Section 12.05.070 of this chapter. (Ord. 2011-11-1441 §1(part), 2011)

12.05.050 Existing Street Tree Removal/ Replacement.

A. The Director of Public Works shall make the determination on the replacement of existing street trees as defined in this section.

B. City Responsibility - Street Tree Replacement. The Department of Public Works will assess the overall condition of each street tree as part of the street tree trimming cycle. Should one of the following conditions be observed as part of this assessment, the city will remove and replace the street tree at no cost to the adjacent property owner:

1. Dead, diseased, or severely declining tree.

2. Poorly structured tree (potentially hazardous).

3. Seedling or volunteer growth (palms, pepper, etc.).

4. American's with Disability Act access, utility, or sign obstruction.

5. A tree severely damaging adjacent hardscape or underground/ overhead utilities.

Property owners are also responsible to report to the city any observed decline of the health of a street tree and/or other observations consistent with the criteria listed above regarding street trees adjacent to their properties. Upon receiving these reports the city will take the necessary actions including possible replacement of the street tree at no cost to the property owner.

C. Street Tree Replacement - Property Owner Request. A property owner may request replacement of a street tree adjacent to the property for reasons other than defined in Subsection B above. The entire cost to perform this replacement work, including incidental cost, if ultimately approved, shall be the responsibility of the property owner. The following process shall be followed when making this request:

1. The property owner shall complete a street tree request application describing the reason(s) for the proposed street tree replacement and choice of tree species out of the proposed street tree species list in the city's most current Street Tree Master Plan.

2. The Public Works Department Staff will assess the overall condition of the existing street tree proposed for replacement, extent of the need for the replacement, and estimating the cost for same. If approved, the assessment shall include a written recommendation based on the tree planting guidelines per this chapter with a written estimated cost for the replacement work. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

3. If mutually agreed to by the applicant and the Public Works Director, the street tree replacement planting shall be performed

within 30 days.

4. Prior to the commencement of the work, the applicant must deposit funds with the city to cover the cost of the street tree trimming work including all incidental costs in compliance with Section 12.05.060 of this chapter.

D. Street Tree Removal (No Street Tree Replacement) - Property Owner Request. The city discourages the removal of a street tree unless a corresponding replacement tree is planted in approximately the same location consistent with the planting guidelines detailed in Section 12.05.040, Subsection C of this chapter. However, the city also recognizes there may be unique circumstances that warrant removal of a street tree without a corresponding planting of a replacement street tree. An example of such a circumstance may include street trees planted at a greater density that is specified in planting guidelines. The following process shall be utilized when making this request:

1. The property owner shall complete a street tree request application describing the reason for the proposed street tree removal. A street tree request application may be obtained at the Department of Public Works/Engineering or on-line at the City's website. The property owner shall include the following information in the Application: (1) a sketch of the property owner's adjacent parkway showing location of all existing street trees adjacent to a property along with pertinent information as detailed in Section 12.05.040, Subsection C of this chapter.

2. The Public Works Department Staff will then assess the need for the street tree removal, estimating the cost of such street tree removal. If approved, the assessment shall include a written recommendation based on the tree planting guidelines per this chapter with a written estimated cost for the removal work. Assessments will be completed on a first-come, first-served basis and, depending on resources, within 30 days.

3. If mutually agreed to by the applicant and the Public Works Director, the street tree removal shall be performed within 30 days. Prior to the commencement of the work, in compliance with Section 12.05.060 of this chapter, the applicant must deposit funds with the city to cover the cost of the street tree removal work including all incidental costs, including but not limited to, the cost of replanting of the parkway area with appropriate ground cover.

E. Any person dissatisfied with the decision of the Public Works Director under this section may appeal such decision to the City Council in compliance with Section 12.05.070 of this chapter. (Ord. 2011-11-1441 § 1(part), 2011)

12.05.060 Deposit of Fees.

If any application is approved under Sections 12.05.030, 12.05.040, and/or 12.05.050 of this chapter where the applicant is determined to be responsible for cost of the work, the city will not commence any work unless the applicant deposits the complete requested deposit amount with the Department of Public Works within thirty (30) days of the date of the city's request for the deposit. Failure to timely deposit the funds may be construed as a waiver of the applicant's rights and requests.

1. The Department shall maintain a schedule of typical costs for tree removal or replacement.

2. If during the course of the work, the city determines that the initial deposit is not sufficient, the city may demand, in writing, for the applicant to supplement the deposit accordingly. The city will not continue any work unless the applicant supplements the deposit as demanded by the city within ten (10) days. Failure to timely supplement the deposit may be construed as a waiver of the applicant's rights and requests, and the city may then finalize the project at its sole discretion as it deems appropriate.

3. At the completion of the project any unused deposited funds by the city shall be immediately refunded to the applicant by the city. (Ord. 2011-11-1441 § 1(part), 2011)

12.05.070 Appeals.

A. Any person wishing to appeal the decision(s) of the Public Works Director pursuant to Sections 12.05.040 and 12.05.050 may appeal such decision to the City Council. The appeal must be filed in writing with the City Clerk, within fourteen (14) days of the mailing or posting of the decision, and must specify the basis of appeal and the relief sought. The appeal will be scheduled for hearing within two (2) regularly scheduled meetings of the City Council and notice of the Appeal shall be provided by the city to all property owners and occupants of property within 300 feet of the property. Appeals fees shall accompany any filing in compliance with Section 12.05.080 herein.

B. Appeals shall be heard by the City Council. The Council may sustain, modify or overrule the decision of the Director. The determination of the City Council shall be final. (Ord. 2011-11-1441 §1(part), 2011)

12.05.080 Appeal Fee.

A. The City Council shall, from time to time, by resolution, adopt or modify an appeal fee to be paid by the property owner to the city to defray the reasonable expense of costs incidental to the administration and processing of appeals filed pursuant to Section 12.05.070. (Ord. 2011-11-1441 § 1(part), 2011)

Chapter 12.08
EXCAVATIONS

Sections:

12.08.010 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Excavation" means the breaking or cutting of any street surface and the tunneling under any street. The digging of holes for the planting of trees, shrubs, or other plants upon the parkway of any street shall not constitute an excavation within the meaning of this chapter.

B. "Person responsible for excavation or street work" means the owner of the pipeline, facility, or structure which is installed or to be installed or is maintained in the public street, and also any person who is in possession of and is using the pipeline facility or structure. It shall also mean, where applicable, any person who the owner or possessor of any such pipeline, facility, or structure has engaged to perform any work thereof which requires an excavation in a street.

(Prior code § 12.04.010 (Ord. 487 § 28, 1960))

12.08.020 Permit--Required.

No person, firm, or corporation as principal agent, employee, or otherwise, except officers, agents, and employees of the city acting within the scope of their employment, shall excavate in any street, avenue, court, alley, place, sidewalk, or other highway in the city without first obtaining from the city engineer or his authorized representative a written permit so to do, and without first making the deposits and paying the fees as required in this chapter. This section shall not be applicable to excavations performed pursuant to contracts awarded therefor by the city.

(Prior code § 12.04.020 (Ord. 487 § 1, 1960))

12.08.030 Permit--Application.

Every application for a street excavation permit shall be in writing upon forms to be provided by the city engineer and shall contain a statement of the location of the proposed excavation, its width, length, and depth, the purpose for which the proposed excavation is to be made, and the probable length of time it will remain open. The application shall be dated and shall bear the signature and address of the applicant.

(Prior code § 12.04.030 (Ord. 487 § 2, 1960))

12.08.040 Permit--Investigation of application.

The city engineer shall investigate such application and, if it is found that there is a public or private necessity for such excavation, that it can be made without permanent material injury to public or private property, and that it will not be detrimental to the best interests of the city or to the residents in the neighborhood of such excavation, he shall issue the permit upon the payment of the fees, and the making of the deposits hereinafter required. Otherwise, he shall deny such application.

(Prior code § 12.04.040 (Ord. 487 § 3, 1960))

12.08.050 Permit--Contents.

A. Each street excavation permit shall be in writing, shall be signed by the city engineer, and shall contain a statement of the location of the proposed excavation, the width, length, and depth thereof and the length of time allowed for making such excavation and restoring the surface and the pavement.

B. The provisions of the permit may vary from those of the application, but the work shall be done in accordance with the terms of the permit, the laws and ordinance governing such work in the city, and in accordance with the requirements of the city engineer relating thereto.

(Prior code § 12.04.050 (Ord. 487 § 4, 1960))

12.08.060 Permit--Indemnity provisions.

A permit issued for street surface improvements or a permit issued for an excavation under this chapter shall provide that the permittee shall indemnify, save, and keep the city, its officers, agents, and employees, free and harmless from and against any and all claims for injury, damage, loss, liability, cost, and expense of any name or nature whatsoever, which the city, its officers, agents, and employees may suffer, sustain, incur, or pay out as a result of any and all actions, suits, proceedings, claims and demands which may be brought, made or filed against the city, its officers, agents, and employees by reason of or arising out of, or in any manner connected with, any and all operations authorized or permitted by the permit, until all work authorized or permitted by the permit shall have been completed to the satisfaction of the city engineer and has been accepted in writing by the city engineer.

(Prior code § 12.04.060 (Ord. 487 § 5, 1960))

12.08.070 Permit--Deposit or bond required.

A. No permit to make an excavation on any street, alley, or other public place shall be granted by the city engineer unless the applicant posts with the city engineer a cash deposit or surety bond to guarantee performance of the work and restoration of the city property as required in this chapter. The amount of the cash deposit shall be determined as follows:

1. Seventy-five cents for each square foot of area of proposed excavation in or under any type of pavement or surfacing material;

2. Fifteen cents for each square foot of area of proposed excavation which is not in or under pavement or surfacing of any kind;

3. The minimum deposit shall be twenty-five dollars and the maximum shall be one thousand dollars; provided, that if the maximum deposit is posted, it shall cover any number of permits the depositor may require while the deposit is maintained.

B. If the applicant elects to post a surety bond in lieu of the cash deposit, the bond shall name the city as obligee, shall be executed by the applicant as principal and by a corporation authorized and licensed so to do by the state as surety, and shall be in the principal sum of one thousand dollars. The bond shall be conditioned upon performance of all work and the restoration of all city property altered or damaged pursuant to any permit issued to the applicant under this chapter in the manner provided in this chapter. Any number of permits may be issued under the bond and the liability of the surety on any such bond may be terminated as to future acts or omissions only by the filing of a written notice thereof at least ten days before the effective date of such termination.

(Prior code § 12.04.100 (Ord. 496, 1960: Ord. 487 § 10, 1960))

12.08.080 Permit--Deposit refund.

Any deposit made for an excavation permit pursuant to Section 12.08.070 may, at the request of the person making the deposit, be refunded to such person upon the completion and acceptance by the city engineer of any work authorized under an excavation permit. If the deposit is refunded, a new deposit shall be required if a new permit is to be obtained.

(Prior code § 12.04.110 (Ord. 487 § 12, 1960))

12.08.090 Permit and inspection fees.

Every applicant for an excavation permit under this chapter shall pay to the city permit and inspection fees for all excavation involving unimproved dirt, oil dirt, A. C. paving, concrete sidewalk, curb and gutter, driveway aprons and such other matters as established by the city engineer, in such amount as shall be from time to time adopted and approved by resolution of the city council.

(Ord. 79-10-830 § 7: prior code § 12.04.070 (Ord. 487 § 6, 1960))

12.08.100 Permit--Exemptions from deposits and fees.

Neither the United States nor the state of California nor any body politic and corporate officer, board, or agency of any thereof shall

be required to pay any permit or inspection fee, or deposit or a bond as provided in this chapter. Also any contractor making an excavation for an exempt political body or agency shall be exempt from such fees and deposits and bonds with respect to such work. A deposit or bond shall not be required of a public utility having lawful authority to occupy the streets and highways unless such public utility has violated the provisions of a previous permit.

(Ord. 72-12-695 § 1: prior code § 12.04.090 (Ord. 487 § 8, 1960))

12.08.110 Permit--Display required.

Any person engaged in making an excavation or street surface improvement pursuant to a permit issued under this chapter, shall at all times while such work is in progress keep the original or a copy of the permit at the site of such excavation or street surface improvement and shall, upon demand, exhibit such permit to the city engineer or any of his inspectors or employees or to any police officer.

(Prior code § 12.04.220 (Ord. 487 § 20, 1960))

12.08.120 Permit--Refusal of engineer to grant.

A. The city engineer may refuse to issue a permit for street surface improvements or an excavation in a public street if such person has within two years prior to the application therefor violated this chapter by failing to do the following:

1. Remove excess materials and debris within three days after completion of the work;

2. Pay any fees for permits or charges for placing barricades or lights, or both, as provided by this chapter;

3. Remove and replace such work previously constructed by such person, which work does not comply with plans, grades, specifications or the provisions of this chapter pertaining thereto.

B. The city engineer may also refuse to issue a permit for street surface improvements in an area where, in the opinion of the city engineer, the area will not have adequate slope for stormwater drainage or the construction of such improvement will endanger the health and welfare of the public.

(Prior code § 12.04.120 (Ord. 487 § 22, 1960))

12.08.130 Compliance with terms of permit required.

No person shall make an excavation or install or maintain any pipe, conduit, tunnel, or other subsurface installation in or under the surface of any street or other public place at any location other than that described in the permit issued therefor, and the city engineer may require such surveys as may be deemed necessary to insure full compliance with this section.

(Prior code § 12.04.080 (Ord. 487 § 7, 1960))

12.08.140 Backfilling--Responsibility.

The person to whom an excavation permit has been issued shall maintain the surface of the backfill safe for vehicular traffic and pedestrian travel until the pavement or surfacing has been replaced and accepted by the city engineer, and shall assume full responsibility for all accidents which may occur due to vehicles or pedestrians crossing the site of the excavation until the pavement or surfacing has been replaced. If it is impractical to maintain the surface of the backfill in a safe condition for traffic, then the permittee shall maintain barriers and red lights around it until the pavement or surfacing has been replaced.

(Prior code § 12.04.140 (Ord 487 § 13, 1960))

12.08.150 Backfilling--Specifications.

A. All excavations shall be backfilled in a manner satisfactory to the city engineer, who may require trenches to be settled either with water or by tamping, or both.

B. In the event an excavation is five feet or more in depth, the permittee shall cause a competent person to be placed at the site of the work, for the purpose of observing backfilling operations in those cases where the operator of a power unit engaging in such backfilling operations is unable to see into the excavation.

C. All excavations must be properly backfilled in a workmanlike manner. Backfilling operations shall be commenced as soon as possible, but only after an inspection by the city engineer and his approval has been obtained.

D. An excavation made for installation or repair of a service connection shall be completed within three days after the inspection of the connection by the city engineer.

E. In all public streets, or other public places, the surface over the trenches and to the side thereof shall, after being backfilled as specified in this section and after settlement has taken place, be finished by permittee in a workmanlike manner and in accordance with specifications to be furnished by the city engineer at the time the permit is issued.

F. In all easements, all buildings, fences, shrubbery, lawns, walks, driveways, and other improvements must be replaced or be reconstructed without delay in a workmanlike manner and fully equal to the original improvement.

(Prior code § 12.04.130 (Ord. 487 § 9, 1960))

12.08.160 Barricading, lighting, and signposting.

A. Every person making an excavation in a public street or other public place, or installing street surface improvements therein, shall place and maintain at each end of the work and at intervals of not less than fifty feet throughout the length of the work, barriers and lights to protect the public from accidents. Such lights must be lighted between the hours of sunset and sunrise and shall be so placed as to give effective warning to pedestrians and motorists of the existing hazard.

B. If such barricades or lights are not so placed and maintained by the person responsible therefor, the city engineer may do so, in which event the cost thereof as determined by the city engineer shall be due and forthwith payable to the city by the person responsible for the conduct of the work.

C. Every person who makes an excavation in a public street or place or who installs street surface improvements shall display at a conspicuous place at the side during the entire time the work is in progress a sign stating such person's name.

(Prior code § 12.04.200 (Ord. 487 § 18 1960))

12.08.170 Diligent prosecution of work required.

After excavations or street surface improvements are commenced, the work shall be diligently and continuously prosecuted until completion thereof so as not to obstruct the street or other public place of travel for a longer period than is actually necessary.

(Prior code § 12.04.210 (Ord. 487 § 19, 1960))

12.08.180 Removal of debris and materials.

Every person who makes or causes to be made any excavation in a public street or place shall remove or cause to be removed from the site debris and excess materials within three days after the completion of the work.

(Prior code § 12.04.230 (Ord. 487 § 21, 1960))

12.08.190 Surface restoration and maintenance.

A. The street surface excavated shall be replaced under the direction and supervision of the city engineer at the sole cost and expense of the permittee, who shall maintain the same for a period of one year from the date of the completion of the work.

B. If the permittee fails to maintain the surface of the street during the one-year period, the city engineer may give to the permittee a five-day notice in writing specifying the manner in which the permittee has failed to maintain street surface and the work necessary to be performed to restore the street. Should the permittee fail or refuse during the five-day period to restore the street, the city

engineer, if he deems it advisable, shall have the right to perform all the work necessary to restore the street. The permittee shall be liable for the actual cost of such work plus twenty-five percent for administration and overhead and shall promptly pay the cost thereof upon being presented with a statement therefor.

(Prior code § 12.04.150 (Ord. 487 § 11, 1960))

12.08.200 Removal or relocation of interferences.

All interferences, including trees, poles, street-lighting systems, parking meters, sewers, storm drain appurtenances and culverts located within the construction area that will interfere with the use of the proposed facility shall be moved and relocated at the expense of the permittee. The permittee shall obtain consent of the owner of the interference for the removal or relocation thereof and shall furnish to the city engineer satisfactory evidence that all necessary arrangements for removal or relocation of such interference prior to the issuance of the permit.

(Prior code § 12.04.260 (Ord. 487 § 25, 1960))

12.08.210 Safe crossing maintenance--Access to fire facilities.

A. Every person making any excavation in a public street shall maintain safe crossings for vehicles and pedestrian traffic at all street intersections and safe crossings for pedestrians at intervals not to exceed six hundred feet. If any such excavation is made across a public street, at least one safe crossing shall be maintained at all times for vehicles and pedestrians. Such person shall also provide free access to all water gates. All materials excavated shall be laid compactly along the side of the trench and kept trimmed so as to cause as little inconvenience as possible to public travel. If the street is not wide enough to hold the excavated materials without using part of the adjacent sidewalk, such person shall erect and maintain a tight board fence upon and along such sidewalk and keep a passageway at least three feet in width open and along such sidewalk.

B. The excavation work shall be performed in such a manner so as not to interfere with access to fire stations and fire hydrants. Materials or obstructions shall not be placed within fifteen feet of fire hydrants. Passageways leading to fire escapes or firefighting equipment shall be kept free from piles of materials or other obstructions.

(Prior code § 12.04.160 (Ord. 487 § 14, 1960))

12.08.220 Completion of work--Certification.

Upon completion of any work performed pursuant to any permit issued under the provisions of this chapter, the city engineer shall make a final inspection thereof and, if the same is found to be in accordance with the specifications therefor and in compliance with the provisions of this chapter, the city engineer may be requested to issue a final certificate of acceptance and, if such a request is made, the city engineer shall issue such a certificate in duplicate and the original thereof shall be delivered to the permittee.

(Prior code § 12.04.270 (Ord. 487 § 26, 1960))

12.08.230 Map of installations required.

Every person who owns, controls, or who installs or causes to be installed any pipe, tunnel, or other subsurface facility in a public street or public place, except a service pipe or pipes, shall file in the office of the city engineer, within sixty days after completion of the installation thereof, a corrected map or set of maps or corrected atlas sheets, each drawn to a scale of not more than two hundred feet to the inch, which shall describe and show the location of all parts of the facility; provided, however, that if the map filed with the city engineer at the time the permit is issued is correct in every detail, such person may make a notation to that effect on the map and such map shall constitute a compliance with this section.

(Prior code § 12.04.170 (Ord. 487 § 15, 1960))

12.08.240 Map of abandoned facilities required.

Whenever any pipe, conduit, duct, tunnel, or other subsurface installation, except a service pipe or pipes, located under the surface of

any public street or other public place, or the use thereof is abandoned or is removed, the person owning, using, controlling, or having any interest therein shall, within sixty days after such abandonment, file in the office of the city engineer a map giving in detail the location of such pipe, conduit, duct, tunnel, or other installation so abandoned; provided, however, that if an accurate map is already on file, the abandonment or removal thereof may be indicated thereon by an appropriate endorsement in lieu of filing a new map.

(Prior code § 12.04.180 (Ord. 487 § 16, 1960))

12.08.250 Emergency repairs.

Should a leak occur in any pipeline laid in or near a public street, alley, or way, an excavation may be made for the purpose of repairing the pipeline without first obtaining an excavation permit from the city engineer. However, the person making the excavation shall make application for such a permit as soon as is practicable thereafter and in any event before any backfilling is done.

(Ord. 68-2-617 § 1: prior code § 12.04.190 (Ord. 487 § 17, 1960))

12.08.260 Stop-work authority--Procedure.

A. Whenever the city engineer finds that any street surface improvement or excavation is being constructed contrary to or in violation of any provision of this chapter, or if it comes to the attention of the city engineer that any work authorized by a permit issued pursuant to this chapter is dangerous, unsafe, or a menace to life, health or property, the city engineer shall order the work to be immediately stopped or shall order the alteration of any dangerous or unsafe condition.

B. Any such order shall be in writing and shall specify the manner in which the work is dangerous, unsafe, or a menace to life, health or property.

C. After receipt of such order, the permittee shall not continue with any street surface improvement or excavation until such work has been made to comply with the provisions of this chapter and the instructions given by the city engineer.

(Prior code § 12.04.280 (Ord. 487 § 27, 1960))

12.08.270 Inspections.

A. All work for which a street surface improvement or excavation permit has been issued shall be performed in accordance with the specifications, plans, and profiles referred to in the permit or, in the absence thereof, in accordance with the general requirements of this chapter. Such work shall be performed under the supervision of an inspector appointed by the city engineer, except when the work consists of patching sidewalk or curb, and the patch will not exceed ten linear feet of curb or twenty-five square feet of sidewalk.

B. When the construction or installation is ready for inspection, the permittee shall request an inspection by the city engineer and the city engineer shall make such inspection within a reasonable time after such request is made by the permittee.

C. The city engineer, in his discretion, may require any work which has been performed without an inspection to be torn out, and he may require the person responsible for the work to furnish laboratory tests or other evidence satisfactory to him that the specifications for the work have been met.

(Prior code § 12.04.240 (Ord. 487 § 23 1960))

12.08.280 Materials and operations specifications.

All materials for sidewalks, driveways, aprons, curbs, gutters, pavement surfacing and resurfacing and other street surface improvements shall be of a mixture of binder and aggregate in accordance with Standard Specifications for Public Improvements in the City, on file in the office of the city engineer. All construction operations and machinery used in the work shall also comply with the requirements of the above-described specifications insofar as the specifications may apply; however, the city engineer may issue special specifications for the work which shall supersede the above-described specifications when, in the opinion of the city engineer, such special specifications are required to properly govern and produce the described results in the work.

(Prior code § 12.04.250 (Ord. 487 § 24, 1960))

12.08.290 Penalty for violations.

The penalty for the violation of any provision of this chapter shall be as prescribed in Chapter 1.16.

(Ord. 586 § D (part), 1966: prior code § 12.04.290 (Ord. 487 § 29, 1960))

Chapter 12.12
STREET BENCHES

Sections:

12.12.010 Definitions.

For the purpose of this chapter, certain terms, phrases, and words shall be construed as set out in this section.

A. "Bench" means a seat located upon public property along any public street for the accommodation of passersby or persons awaiting transportation.

B. "Bureau" means the street superintendent of the city.

C. "Street" means any public thoroughfare or way, including the curb, sidewalk, and parkway.

(Prior code § 12.12.010 (Ord. 380 § 1, 1953))

12.12.020 Permit--Required.

No person shall install or maintain any bench on any street without a permit therefor from the bureau. Each such permit shall expire with the first day of January next following its issuance.

(Prior code § 12.12.030 (Ord. 380 § 3, 1953))

12.12.030 Permit--Application--Fees--Renewal and transfer.

A. No bench permit shall be issued except upon written application on a form prescribed by the bureau. Such application shall describe the location of each bench; the use of the property abutting upon such location; the name of the owner, tenant, or person in lawful possession of such property and his address; the type, design, and dimensions of the bench; the advertising proposed to be displayed thereon; and such other information as the bureau may require. A permit may be renewed for the succeeding calendar year upon the payment in advance of the prescribed fee and compliance with the provisions of this chapter.

B. For each bench upon which advertising is displayed, the permittee shall pay in advance a fee of one dollar and fifty cents for the quarter of the calendar year during which such permit is issued, plus the same amount for each remaining quarter of that calendar year. The permittee shall pay in advance the sum of six dollars for the renewal of a permit for any such bench.

C. Whenever a bench for which a permit has been issued is sold or title or control thereof assigned or transferred, a new permit must be obtained for its maintenance.

(Prior code § 12.12. 040 (Ord. 380 § 4, 1953))

12.12.040 Permit--Issuance restrictions.

If all the particulars contained in the application are approved by the bureau, a bench permit may be issued, provided that:

A. No permit shall be issued if the owner, tenant, or person in lawful possession of the property files written objection to the maintenance of a bench at such location; and

B. No permit shall be issued if the bureau finds that the maintenance of the bench would tend to obstruct passage along any public street or to create a hazard or would otherwise be detrimental to the public safety, welfare or convenience.

(Prior code § 12.12. 050 (A) (Ord. 380 § 5 (a) -- (c), 1953))

12.12.050 Permit--Revocation or cancellation.

A. Any permit shall be revoked if the bureau determines that the maintenance of the bench obstructs passage along any public street or creates a hazard or is otherwise detrimental to the public safety, welfare, or convenience.

B. Any permit may be revoked or renewal thereof denied for any violation of any of the provisions of this chapter, for any fraud or misrepresentation in the application, or for any reason which would have been ground for denial of the application.

C. If the owner, tenant, or person in lawful possession or control of the property abutting upon the public street at the place where the bench is located objects to the maintenance of the bench at such place, and gives written notice thereof to the bureau, the permit for the bench shall be revoked.

D. The application may be cancelled or denied if the applicant fails to deposit the quarterly fee and accept the permit within ten days after notice of the approval of the application by the bureau.

E. Any permit issued under this chapter shall be subject to cancellation and revocation if the permittee fails to install the bench within thirty days after the date of issuance of the permit.

F. The bureau is authorized and it shall be its duty to revoke a permit for the location of any bench in the event the permittee violates any of the provisions of this chapter, any regulation of the bureau made pursuant thereto, or for any other cause for revocation specified in this chapter. Any such permit revoked by the bureau shall be subject to ratification by the city council in its next regular meeting.

(Prior code § 12.12.050(B--G) (Ord. 380 § 5(d)--(i), 1953))

12.12.060 Permit fee--Refunds.

No fee paid pursuant to this chapter shall be refunded in the event the permit is revoked, except that when, for any cause beyond the control of the permittee, a permit is revoked within fifteen days after the date of the issuance or last renewal thereof.

(Prior code § 12.12.100 (Ord. 380 § 10, 1953))

12.12.070 Bond or insurance--Required--Terms.

A. No permit shall be issued pursuant to this chapter unless the applicant posts and maintains with the bureau a surety bond or policy of public liability insurance and conditioned as provided in this chapter. Each such bond or policy or insurance shall be approved as to sufficiency by the city council and as to the form thereof by the city attorney.

B. The bond or policy shall be conditioned that the permittee will indemnify and save harmless the 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 will 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. The bond or policy of insurance shall be maintained in its original amount by the permittee at his expense at all times during the period for which the permit is in effect.

C. In the event that two or more permits are issued to one permittee, one such bond or policy of insurance may be furnished to cover two or more benches, and each bond or policy shall be of such a type that its coverage shall be automatically restored immediately from and after the time of the reporting of any accident from which liability may thereafter accrue.

(Prior code § 12.12.110 (Ord. 380 § 11, 1953))

12.12.080 Bond or insurance--Amount of liability.

The limit of liability upon any bond or policy of insurance, posted pursuant to the requirements of this chapter shall in no case be less than ten thousand dollars for bodily injuries to or death of one person and twenty thousand dollars for bodily injuries to or death of two or more persons in any one accident and shall in no case be less than one thousand dollars for damage to property.

(Prior code § 12.12.120 (Ord. 380 § 12, 1953))

12.12.090 Prohibited bench locations.

No person shall install or maintain any bench in any of the following locations:

A. In any street except where a curb separating pedestrian from vehicular traffic is provided, and excepting a street constructed solely for pedestrian traffic where vehicular traffic is prohibited;

B. In any alley;

C. At any location where the distance from the face of the curb to the property line is less than five feet;

D. At any location distant more than eighty feet from the nearest intersecting street; provided, that whenever in the opinion of the bureau observance of this requirement would result in inconvenience or hardship, the requirement may be waived by the bureau.

(Prior code § 12.12.020 (Ord. 380 § 2, 1953))

12.12.100 Dimensions, installation, and maintenance.

A. No permittee shall locate or maintain any bench at a point less than sixteen inches from the face of the curb, and each bench must be kept parallel with the curb.

B. No bench shall be more than forty-two inches high, nor more than two feet, six inches wide, nor more than seven feet long overall and the minimum weight for any bench shall be two hundred seventy-five pounds.

C. Each bench must have displayed thereon, in a visible place, a small identification marker giving the name of the owner or permittee, his address, and the serial number of the bench.

D. 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 and to inspect each bench periodically.

(Prior code § 12.12.060 (Ord. 380 § 6, 1953))

12.12.110 Advertising restrictions.

A. All advertising shall be subject to the approval of the bureau.

B. No advertisement or sign on any bench shall display the words "stop," "look," "detour," "danger," or any other word, phrase, symbol, diagram, character, or device of whatsoever nature, the effect of which would be to interfere with, mislead, or distract traffic.

(Prior code § 12.12.070 (Ord. 380 § 7, 1953))

12.12.120 Enforcement authority.

The bureau shall enforce the provisions of this chapter and shall have complete authority over the installation and maintenance of benches, subject to the provisions of this chapter.

(Prior code § 12.12.090 (Ord. 380 § 9, 1953))

12.12.130 Removal by city.

A. The bureau shall, in the event a permit has been revoked, cause such bench to be removed and stored if the permittee fails to do so within seven days after notice of such revocation.

B. The permittee may recover the bench if, within sixty days after such removal, he pays the cost of such removal and storage, which shall not exceed five dollars for removal and five dollars a month for storage for each such bench. After sixty days, any bench so removed shall become the property of the city. 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 chapter.

(Prior code § 12.12.080 (Ord. 380 § 8, 1953))

12.12.140 Penalty for violation.

The penalty for the violation of any provision of this chapter shall be as provided in Chapter 1.16.

(Ord. 586 § D (part), 1966: prior code § 12.12.130 (Ord. 380 § 13, 1953))

Chapter 12.16
STORM WATER / URBAN RUNOFF

Sections:

12.16.010 Definitions.

For purposes of this chapter, the following definitions shall apply:

A. "40 CFR" means Title 40 of the Code of Federal Regulations.

B. "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, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to storm water.

C. "Basin Plan" means 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.

D. "Best Management Practice (BMP)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from storm water or non-storm water discharges to receiving waters, or designed to reduce the volume of storm water or non-storm water discharged to the receiving water.

E. "Biofiltration" means A LID BMP that reduces storm water pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. As described in the Ventura County Technical Guidance Manual, studies have demonstrated that biofiltration of 1.5 times the storm water quality design volume (SWQDv) provides approximately equivalent or greater reductions in pollutant loading when compared to bioretention or infiltration of the SWQDv achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Order 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 Executive Officer approval). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

F. "Bioretention" means a LID BMP that reduces storm water runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum 2-foot 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 chapter, 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 the MS4 Permit as biofiltration.

G. "Bioswale" means a LID BMP consisting of a shallow channel lined with grass or other dense, low-growing vegetation. Bioswales are designed to collect storm water runoff and to achieve a uniform sheet flow through the dense vegetation for a period of several minutes.

H. "Brownfield Development" means real property, the expansion, redevelopment, or reuse of which may be complicated by the presence or potential presence of a hazardous substance, pollutant, or contaminant.

I. "CEQA" means the California Environmental Quality Act, California Public Resource Code Sections 21000 et seq., and the regulations thereunder.

J. "City" means the City of Signal Hill.

K. "Clean Water Act" or "CWA" means the Federal Water Pollution Control Act, amended in 1977 as the Clean Water Act (Title 33 U.S.C. § 1251 et seq.), and amended in 1987 to establish new controls on industrial and municipal storm water discharges, and any and all subsequent amendments thereto.

L. "Commercial Development" means any development on private land that is not heavy industrial or residential. Commercial Development 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.

M. "Commercial Mall" means 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). Commercial Mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

N. Conditionally exempt non-storm water discharges are certain categories of discharges that are not composed entirely of storm water and that are either not sources of pollutants or may contain only minimal amounts of pollutants and when in compliance with specified BMPs do not result in significant environmental effects. (See 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

O. "Construction Activity" Construction activity includes 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 is required if more than one acre is disturbed or the activities are part of a larger plan.

P. "Control" means to minimize, reduce or eliminate, by technological, legal, contractual, or other means, the discharge of pollutants from an activity or activities.

Q. "Dechlorinated/debrominated swimming pool discharges" means swimming pool discharges which have no measurable chlorine or bromine and do not contain any detergents, wastes, or additional chemicals not typically found in swimming pool water. The term "swimming pool discharges" does not include swimming pool filter back wash.

R. "Development" means 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 non-residential 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.

S. "Directly Adjacent" means situated within 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

T. "Director" shall refer to the City of Signal Hill's Director of Public Works or his or her designee.

U. "Discharge" When used without qualification the "discharge of a pollutant."

V. "Discharge of a Pollutant" means any addition of any "pollutant" or combination of pollutants to "waters of the United States" from any "point source" or, any addition of any pollutant or combination of pollutants to the waters of the "contiguous zone" or the ocean from any point source other than a vessel or other floating craft which is being used as a means of transportation. The term discharge includes additions of pollutants into waters of the United States from: surface runoff which is collected or channeled by man; discharges through pipes, sewers, or other conveyances owned by a State, municipality, or other person which do not lead to a treatment works; and discharges through pipes, sewers, or other conveyances, leading into privately owned treatment works.

W. "Disturbed Area" means an area that is altered as a result of clearing, grading, and/or excavation.

X. "Environmentally Sensitive Area" (ESA) means an area in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which would be easily disturbed or degraded by human activities and developments (California Public Resources Code § 30107.5). Areas subject to storm water mitigation requirements are: areas designated as Significant Ecological Areas by the County of Los Angeles (Los Angeles County Significant Areas Study, Los Angeles County Department of Regional Planning (1976) and amendments); an area designated as a Significant Natural Area by the California Department of Fish and Game's Significant Natural Areas Program, provided that area has been field verified by the Department of Fish and Game; an area listed in the Basin Plan as supporting the "Rare, Threatened, or Endangered Species (RARE)" beneficial use; and an area identified by a permittee as environmentally sensitive.

Y. "Flow-through treatment BMPs" means a modular, vault type "high flow biotreatment" device contained within an impervious vault with an underdrain or designed with an impervious liner and an underdrain.

Z. "Full Capture System" means any single device or series of devices, certified by the Executive Officer, that traps all particles

retained by a 5 mm mesh screen and has a design treatment capacity of not less than the peak flow rate Q resulting from a one-year, one-hour storm in the sub-drainage area. The Rational Equation is used to compute the peak flow rate:

Where:

Q	=	design flow rate (cubic feet per second, cfs);
C	=	runoff coefficient (dimensionless);
I	=	design rainfall intensity (inches per hour, as determined per the Los Angeles County rainfall isohyetal maps relevant to the Los Angeles River watershed);
A	=	sub-drainage area (acres)
Q	=	C x I x A

AA. "Construction General Permit" means the general NPDES permit adopted by the State Board which authorizes the discharge of storm water from construction activities under certain conditions.

BB. "Industrial General Permit" means the general NPDES permit adopted by the State Board which authorizes the discharge of storm water from certain industrial activities under certain conditions.

CC. "Green Roof" means a 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.

DD. "Hazardous Substance" means any "Hazardous Substance" as that term is defined under California Health & Safety Code §§ 25281(g), 25501(o) and 25501.7, and pursuant to 42 U.S.C. § 9601(14); any "hazardous waste" as that term is defined under 42 U.S.C. § 6903(5), and under California Health & Safety Code § 25550(p); any "hazardous material," as that term is defined under California Health & Safety Code § 25501(n); any chemical which the Governor of California has identified as a chemical known to cause cancer or reproductive toxicity, pursuant to California Health & Safety Code § 25249.8; and any crude oil or refined or unrefined petroleum product, or any fraction or derivative thereof, and any asbestos or asbestos containing material. The term "Hazardous Substance" includes any amendments to the above-referenced statutes and regulations.

EE. "Hillside Property" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is 25% or greater contemplates grading on any natural slope that is 25% or greater and where grading contemplates cut or fill slopes.

FF. "Illicit Connection" means any man-made conveyance that is connected to the storm drain system without a permit, excluding roof drains and other similar type connections. Examples include channels, pipelines, conduits, inlets, or outlets that are connected directly to the storm drain system.

GG. "Illicit Discharge" means any discharge into the MS4 or from the MS4 into a receiving water that is prohibited under local, state, or federal statutes, ordinances, codes, or regulations. The term illicit discharge includes any non-storm water discharge, except authorized non-storm water discharges; conditionally exempt non-storm water discharges; and non-storm water discharges resulting from natural flows specifically identified in Part III.A.1.d.

HH. "Impaired Water Body" means a water body that is listed by the State Board as impaired by a particular pollutant or pollutants, pursuant to § 303(d) of the Clean Water Act.

II. "Impervious Surface" means any surface that prevents or significantly reduces the entry of water into the underlying soil resulting in runoff from the surface in greater quantities and/or at an increased rate when compared to natural conditions prior to development including, but not limited to: parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these

areas commonly results from the use of paving or compacted gravel.

JJ. "Industrial/Commercial Facility" means 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 non-professional 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.

KK. "Industrial Park" means 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.

LL. "Infiltration BMP" means a LID BMP that reduces storm water runoff by capturing and infiltrating the runoff into in-situ soils or amended onsite soils. Examples of infiltration BMPs include infiltration basins, dry wells, and pervious pavement.

MM. "Low Impact Development (LID)" consists of building and landscape features designed to retain or filter storm water runoff.

NN. "Low Impact Development for Small Sites Technical Guidance Manual (LID Manual for Small Sites)" means such manual prepared by the Director and approved by the City Council pursuant to § 12.16.116(A) of this chapter.

OO. "Low Impact Development Plan (LID Plan)" means such plan prepared by the project applicant pursuant to § 12.16.114(D) of this chapter.

PP. "Maximum Extent Practicable" In selecting BMPs which will achieve MEP, it is important to remember that municipalities will be responsible to reduce the discharge of pollutants in storm water to the maximum extent practicable. This means choosing effective BMPs, and rejecting applicable BMPs only where other effective BMPs will serve the same purpose, the BMPs would not be technically feasible, or the cost would be prohibitive. The following factors may be useful to consider:

1. Effectiveness: Will the BMP address a pollutant of concern?

2. Regulatory Compliance: Is the BMP in compliance with storm water regulations as well as other environmental regulations?

3. Public acceptance: Does the BMP have public support?

4. Cost: Will the cost of implementing the BMP have a reasonable relationship to the pollution control benefits to be achieved?

5. Technical Feasibility: Is the BMP technically feasible considering soils, geography, water resources, etc.?

After selecting a menu of BMPs, it is of course the responsibility of the discharger to insure that all BMPs are implemented.

QQ. "Municipal NPDES Permit (MS4 Permit)" means the current, area-wide NPDES permit issued to a government agency or agencies permitting the discharge of storm water from an MS4.

RR. "Municipal Separate Storm Sewer System (MS4)" or "Municipal Storm Drain System" means a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. 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, storm water, 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 § 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying storm water;

3. Which is not a combined sewer; and

4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined at 40 CFR § 122.2. (40 CFR § 122.26(b)(8)) (Order No. R4-2012-0175)

SS. "National Pollutant Discharge Elimination System (NPDES)" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring and enforcing permits, and imposing and enforcing pretreatment requirements, under CWA § 307, 402, 318, and 405. The term includes an "approved program."

TT. "National Pollutant Discharge Elimination System ("NPDES") Permit" means a storm water discharge permit issued by the Los

Angeles Regional Water Quality Control Board or the State Water Resources Control Board, that authorizes discharges to water of the United States and requires the reduction of pollutants in such discharges.

UU. "Natural Drainage System" means 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.

VV. "New Development" means land disturbing activities, structural development (including construction or installation of a building or structure), creation of impervious surfaces, and land subdivision.

WW. "Non-Storm Water Discharge" means any discharge to the Municipal Storm Drain System that is not composed entirely of storm water.

XX. "Outfall" means 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. Outfall does not include open conveyances connecting two 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.

YY. "Parking Lot" means 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 5,000 square feet or more of surface area, or with 25 or more parking spaces.

ZZ. "Person" means any natural person, firm, association, club, organization, corporation, partnership, sole proprietorship, business trust, company or other entity which is recognized by law as the subject of rights or duties.

AAA. "Pollutant" means those pollutants defined in § 502(6) of the Federal Clean Water Act (33 U.S.C. § 1362(c)) or incorporated into California Water Code § 13373. Examples of pollutants include, but are not limited to, the following:

1. Artificial materials, chips or pieces of man-made materials (such as floatable plastics, paper, cartons, or pieces of metal);

2. Commercial or industrial water (such as fuels, solutions, detergents, plastic pellets, hazardous substances, fertilizer, pesticides, slag, ash and sludge);

3. Household waste (such as trash, paper, plastics, lawn clippings and yard wastes; animal fecal materials; excessive pesticides, herbicides and fertilizers; used oil and fluids from vehicles, lawn mowers and other common household equipment);

4. Metals, including but not limited to cadmium, lead, zinc, copper, silver, nickel, chromium, and non-metals, such as phosphorus and arsenic;

5. Petroleum hydrocarbons (such as crude oils, fuels, lubricants, surfactants, waste oils, solvents, coolants, condensate and grease);

6. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, or flora or fauna of the State of California;

7. Animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including stables, show facilities, or polo fields);

8. Substances having characteristics with a pH of less than six or greater than nine; or unusual coloration or turbidity, or excessive levels of fecal coliform, fecal streptococcus or enterococcus;

9. Waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants, glues, limes; excessive pesticides, fertilizers or herbicides; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing, concrete pouring and cleanup wash water or use of concrete detergents; steam cleaning or sand blasting residues; use of chemical degreasing or diluting agents; and super chlorinated water generated by potable water line flushing);

10. The term "Pollutant" shall not include uncontaminated storm water runoff, potable water or reclaimed water generated by a lawfully permitted water treatment facility.

BBB. "Potable Water Sources" means flows from drinking water distribution systems, including flows from system failures, pressure releases, system maintenance, well development, testing, fire hydrant flow testing and flushing, and dewatering of pipes, reservoirs, vaults, and wells.

CCC. "Premises" means any building, structure, fixture or improvement on land, and any lot, parcel of land, land or portion of land whether improved or unimproved.

DDD. "Project" means all development, redevelopment, and land disturbing activities. The term is not limited to "Project" as defined under CEQA (Pub. Resources Code § 21065).

EEE. "Proper Disposal" means the act of disposing of material(s) in a lawful manner which ensures protection of water quality and beneficial uses of receiving waters.

FFF. "Rainfall Harvest and Use" means a 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 non-potable 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.

GGG. "Receiving Water" means "water of the United States" into which waste and/or pollutants are or may be discharged.

HHH. "Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 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.

III. "Regional Board" means the California Regional Water Quality Control Board, Los Angeles Region.

JJJ. "Restaurant" means 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.

KKK. "Retail Gasoline Outlet" means any facility engaged in selling gasoline and lubricating oils.

LLL. "Routine Maintenance" includes, but is not limited to projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility;

2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities;

3. Perform road shoulder work, regrade dirt or gravel roadways and shoulders and perform ditch cleanouts;

4. Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity; or

5. Repair leaks.

Routine maintenance does not include construction of new lines** or facilities resulting from compliance with applicable codes, standards and regulations.

*Update existing lines includes replacing existing lines with new materials or pipes.

**New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

MMM. "Runoff" means any runoff, including storm water and dry weather flows, that reaches a receiving water body or subsurface. During dry weather, it is typically comprised of many base flow components that are either contaminated with pollutants, or that are uncontaminated, and nuisance flows.

NNN. "Significant Ecological Areas (SEAs)" means 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:

1. The habitat of rare, endangered, and threatened plant and animal species.

2. 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.

3. 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.

4. 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.

5. 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.

6. Areas important as game species habitat or as fisheries.

7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County.

8. Special areas.

OOO. "Site" means 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.

PPP. "Small Site Low Impact Development Plan (Small Site LID Plan)" means such plan prepared by the project applicant pursuant to § 12.16.116(B) of this chapter.

QQQ. "State Board" means the State Water Resources Control Board.

RRR. "State General Construction Permit" means the current State approved NPDES Permit and waste discharge requirements for discharges of storm water associated with construction activities, and any amendments thereto.

SSS. "Storm Drain System" means any facility or any parts of the facility, including streets, gutters, conduits, natural or artificial drains, channels and watercourse that are used for the purpose of collecting, storing, transporting or disposing of storm water and are located within the City.

TTT. "Storm Water or Storm water" means runoff and drainage related to precipitation events (pursuant to 40 CFR § 122.26(b)(13); 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990)).

UUU. "Storm Water Pollution Prevention Plan (SWPPP)" means such plan, as developed by a Qualified SWPPP Developer, as defined by the Construction General Permit.

VVV. "Urban Runoff" means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial or industrial activities involving the use of potable and non-potable water.

WWW. "US EPA" means the United States Environment Protection Agency.

XXX. "Water Quality Standards" means those water quality standards and/or water quality objectives adopted by either the State Board and/or US EPA for the Los Angeles Region.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 1)

12.16.020 Purpose and intent.

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 through:

A. The elimination of non-storm water discharges to the municipal storm drain system;

B. The elimination of the discharge of pollutants into the municipal storm drain system;

C. The reduction of pollutants in storm water discharges to the maximum extent practicable;

D. The protection and enhancement of the quality of the waters of the United States in a manner consistent with the provisions of the Clean Water Act;

E. Reducing the contribution of pollutants from the MS4 through interagency coordination.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.030 Responsibility for administration.

The responsibility for the administration, oversight and implementation of this chapter is delegated to the Director and his or her authorized agent, deputy or representative.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.040 Fees.

Fees to be charged for plan checking, inspection, enforcement and any other activities carried out by the City under this chapter shall be specified by resolution of the City Council.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.050 Illicit connections prohibited.

A. No person shall construct, utilize, maintain, operate or permit the existence of any Illicit Connection on any premises owned, controlled or operated by such person.

B. Any Illicit Connection constructed, utilized, maintained, operated or permitted to be operated on any premises owned, controlled or operated by any person, from and after the date of the adoption of this chapter, shall be terminated and removed and/or otherwise sealed in a manner approved by the Director.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.060 Illicit discharges.

A. Except as otherwise permitted herein, all non-storm water discharges to the municipal storm drain system are prohibited.

B. No person shall cause, facilitate or permit any illicit discharge to the municipal storm drain system.

C. No person shall cause, facilitate or permit a discharge into an MS4 that causes or contributes to an exceedence of any water quality standard.

D. No person shall cause, facilitate or permit any discharge into an MS4 that causes or threatens to cause a condition of pollution, contamination, or nuisance (as defined in California Water Code § 13050).

E. No person shall cause, facilitate or permit any discharge into an MS4 containing pollutants which have not been reduced to the Maximum Extent Practicable.

F. No person shall cause, facilitate or permit any discharge of washwaters to the municipal storm drain system in the performance of any maintenance or cleaning of a gas station, auto or truck repair garage or other similar auto or truck service facility.

G. No person shall cause, facilitate or permit any discharge of wastewater to the municipal storm drain system from any mobile auto washing, steam cleaning, mobile carpet cleaning, or other similar mobile commercial and/or industrial operation.

H. All persons shall use Best Management Practices to avoid, to the maximum extent practicable, any discharge to the municipal storm drain system from property owned or operated by such person, where there has been an unmitigated release or a threat of release of leaking oils or other petroleum fluids, including but not limited to used oils, transmission oils, waste oils, cutting oils, kerosene, diesel, gasoline or antifreeze, from any machinery and/or equipment, including motor vehicles located in or on industrial sites or facilities within the city.

I. No person shall discharge, cause, facilitate or permit to be discharged any chlorinated/brominated swimming pool water or filter backwash to the municipal storm drain system.

J. No person shall use, store, maintain or discharge or cause, facilitate or permit to be discharged, any hazardous or toxic substance in an area that creates a release or a threat of a release of such hazardous or toxic substances into the municipal storm drain system.

K. No person shall discharge, or cause, facilitate or permit to be discharged into the municipal storm drain system any untreated waste water from the washing or cleaning of concrete trucks.

L. No person shall discharge, or cause, facilitate or permit to be discharged any leaves, dirt or other landscape debris, or

construction debris into the municipal storm drain system.

M. No person shall discharge, or cause, facilitate or permit to be discharged any pesticide, fungicide or herbicide presently banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation into the municipal storm drain system.

N. No person shall discharge, or cause, facilitate or permit to be discharged non-storm water or storm water from property it owns, operates, or maintains, that causes or contributes to a violation of a water quality standard.

O. No person shall discharge or cause, facilitate or permit to be discharged non-storm water or storm water, from property it owns, operates or maintains, that causes or contributes to a condition of nuisance.

P. All owners or operators of industrial and/or commercial property shall use BMPs in the use, maintenance, repair and operation of all machinery and equipment utilized on such property, in order to minimize and eliminate the discharge of pollutants to the municipal storm drain system.

Q. All owners and operators of industrial and/or commercial motor vehicle parking lots containing more than twenty-five parking spaces shall conduct regular sweeping and other similar measures to minimize the discharge of pollutants and other debris in the municipal storm drain system.

R. Except as otherwise permitted under federal, state or local law, no owner or operator of an industrial or commercial premises within the City shall discharge or cause, facilitate or permit to be discharged any non-storm water runoff into the municipal storm drain system.

S. The discharge of any food or food processing wastes is prohibited.

T. The discharge of any fuel and chemical wastes, animal wastes, garbage, batteries and other materials that have potential adverse impacts on water quality is prohibited.

U. Exempted Discharges. The following non-storm water discharges are considered exempt or conditionally exempt Illicit Discharges, and are not prohibited by this chapter, unless otherwise modified or revised by the Director: Discharges Identified in Part III.A of the 2012 NPDES MS4 permit.

V. Any person who violates the terms of this section shall immediately commence all appropriate response action to investigate, assess, remove and/or remediate any pollutants discharged as a result of such violation, and shall reimburse the City or other appropriate governmental agency, for all costs incurred in investigating, assessing, monitoring and/or removing, cleaning up, treating or remediating any pollutants resulting from such violation, including all reasonable attorneys' fees and environmental and related consulting fees incurred in connection therewith.

W. Upon receipt of notice from the Executive Officer of the Regional Board to add to or delete from the list of Exempted Discharges referenced above, or in the event of a determination by the Director that any non-storm water discharge is determined to be a source of Pollutants requiring that it be prohibited, the Director may modify the list of Exempted Discharges above, and upon notice to any such discharger, such discharger shall immediately cease the discharge of any such non-storm water.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 2002-07-1304 § 2; Ord. 96-12-1215 § 1)

12.16.070 Notification.

A. Immediate Notification. Any person who intentionally, negligently or otherwise violates any provision of this chapter resulting in a Discharge of a Pollutant or Pollutants to the municipal storm drain system shall immediately notify the Director by telephone or in person, and shall identify at that time the location of the Discharge, the date and time of the Discharge, the type and concentration of the volume of Pollutant Discharged, as well as any corrective action taken as a result of the Illicit Discharge. Written notification of such discharge information shall thereafter be provided to the Director within forty-eight hours of the discharge.

B. Written Report. All persons violating this chapter shall within ten calendar days after any such Discharge of a Pollutant or Pollutants, file with the Director a detailed written report describing the cause of the discharge, the date and time of the Discharge, the type, concentration and volume of material discharged, the location of the Discharge, any specific information necessary, in connection with the location to fully explain the potential impacts from the Discharge, and any corrective action or other measures taken in connection with the Discharge, including any measures taken to prevent similar Discharges in the future. Submission of this written report shall not be deemed to be a waiver or release of any person for liability, fines or other obligations imposed under this chapter, or otherwise in the city's code or under state or federal law.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.080 Littering.

A. No person shall Discharge, or cause or permit to be Discharged any "refuse," "hazardous waste," or "infectious waste" (as such terms are defined under Chapter 8.08 of this code) into the municipal storm drain system, including into any street, alley, alleyway, sidewalk, inlet, catch basin, storm basin, or drainage structure or facility which is a part thereof, or onto any public or private property, except through the discarding, depositing, disposal or placement in containers, barrels and/or bins to be used for the proper containment and transportation of such waste material, and except for the disposal of such waste at properly licensed and permitted solid and/or hazardous waste facilities.

B. Any person violating subsection A of this section shall immediately cause the proper collection and abatement of such waste material and shall assess, remedy and cleanup any premises and/or any portion of the municipal storm drain system directly or indirectly affected by such discharge.

C. Any and all costs and expenses incurred by the City in assessing and abating a violation of this section may be assessed against all violating persons, including all administrative expenses and legal fees and costs incurred by the City in assessing and abating the Discharge and in enforcing the terms of this section, including litigation fees and costs.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.090 Use of discontinued or banned chemicals.

No person shall use or apply any pesticide, herbicide or fungicide on any public or private property within the city, the manufacture of which has been prohibited by the United States Environmental Protection Agency and/or the California Department of Pesticide Regulation.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.100 Compliance with state and federal discharge requirements.

All persons engaged in commercial or industrial activity, or in construction activity, shall comply with all storm water discharge requirements of the United States Environmental Protection Agency and/or the State Board or Regional Board. Proof of compliance with such discharge requirements may be required by the City in a form acceptable to the Director, prior to the issuance of any grading, building or occupancy permit, or any other type of permit or license issued or to be issued by the city.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

12.16.110 Pollutant source reduction.

A. Treatment Systems. All persons who own, operate or maintain storm water clarifiers, separators, sediment ponds, LID BMPs, and other storm water treatment systems shall at all times maintain such systems in good working order and repair. This maintenance requirement shall be understood to include any maintenance activities necessary to prevent or reduce the discharge of pollutants to achieve water quality standards/receiving water limitations, and prevent the breeding of vectors. Such systems shall be constructed and installed in a manner so as to at all times permit easy and safe access for proper maintenance, repair and inspection. Documentation on operation and maintenance activities shall be retained onsite at all times, and made available upon request by an authorized enforcement officer.

B. Industrial Sites. Each owner, operator or person in charge of day-to-day activities at any industrial site (including construction sites) within the City shall implement those minimum BMPs as may be designated by the Director, as necessary to control Pollutants (or the potential contribution of Pollutants) that exist or may exist in Discharges in runoff from such facility into the MS4. For those industrial sites that are located within ESAs or that are tributary to Impaired Water Bodies, and those industrial sites implementing BMPs that are not adequate to achieve Water Quality Standards, the Director may impose additional BMPs or additional controls in existing BMPs may be required to be implemented as required by the Director.

C. Commercial, Residential Uses. All owners, operators, and/or persons in charge of the day-to-day activities in any commercial

(including institutional) or residential facility, or any other non-industrial operation within the City, shall implement those BMPs as may be required by the Director and needed to reduce the discharge of Pollutants into the MS4, as well as such additional controls as needed to avoid causing or contributing to an exceedence of a Water Quality Standard, or to reduce Pollutants in runoff in or discharging to an ESA or such areas that are tributary to an Impaired Water Body.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 2)

12.16.112 Construction pollutant reduction.

A. Copies of Documents. All persons engaged in Construction Activity within the City requiring State Construction General Permit coverage shall have at least the following readily available at the construction site:

1. One (1) copy of the notice of intent for the State Construction General Permit.

2. The waste discharge identification (WDID) number issued by the State Board.

3. One (1) copy of the SWPPP and storm water monitoring plan as required by the permit.

The documents listed above must also be retained for three (3) years from the date generated or date submitted, whichever is last.

B. All persons engaged in Construction Activity within the City shall implement best management practices to avoid, to the maximum extent practicable, the discharge of pollutants to the MS4, in accordance with the city's grading manual, as developed and updated by the City engineer, and, when applicable, in accordance with a grading plan approved by the City engineer for such project.

1. 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 storm water discharges associated with construction activities is required if more than one acre is disturbed or the activities are part of a larger plan.

C. Development construction requirements.

1. Runoff from construction activity at all construction sites shall meet the following minimum requirements:

a. Sediments generated on the project site shall be retained using adequate treatment control or structural BMPs;

b. Construction-related materials, wastes, spills, or residues shall be retained at the project site to avoid discharge to streets, drainage facilities, receiving waters, or adjacent properties by wind or runoff;

c. Non-storm water runoff from equipment and vehicle washing and any other activity shall be contained at the project site; and

d. Erosion from slopes and channels shall be controlled by implementing an effective combination of BMPs, such as the limiting of grading scheduled during the wet season; inspecting graded areas during rain events; planting and maintenance of vegetation on slopes; and covering erosion susceptible slopes.

2. For those construction projects which are one acre and greater, the owner, operator and person in charge of the day-to-day activities at such construction site shall meet the following minimum requirements:

a. Where coverage is required pursuant to the state construction general permit, to have proof of a waste discharger identification number for filing of a notice of intent for permit coverage under the state construction general permit, as well as a certification that an SWPPP has been prepared; and

b. To show proof of a notice of intent and a copy of the SWPPP upon the transfer of ownership of any part or portion of the subject property, while construction activities are ongoing.

D. City review and plan approval.

1. Prior to the issuance of a permit for a new development or redevelopment project, the City shall evaluate the proposed project using the applicable state construction general permit approved by the Regional Board, and erosion and grading requirements of the City building official or director to determine (i) its potential to generate the flow of pollutants into the MS4 during construction; and (ii) how well the SWPPP 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 general permit for the project, in order to minimize the flow of pollutants into the MS4.

2. No grading permit for developments requiring coverage under the state construction general permit shall be issued unless the applicant can show that a notice of intent to comply with the state construction general permit has been filed and that an SWPPP has been prepared for the project.

3. Storm water 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 structures or commencement of construction until receipt of a certificate of occupancy:

a. Sediment, construction waste, and other pollutants from construction activities shall be retained on the construction site to the maximum extent practicable;

b. Structural controls such as sediment barriers, plastic sheeting, detention ponds, dikes, filter beams and similar controls shall be utilized to the maximum extent practicable in order to minimize the escape of sediment and other pollutants from the site;

c. 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. Soil piles shall be covered with plastic or similar material until the soil is either used or removed from the site;

d. 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 MS4.

4. As a condition to granting a building permit or grading 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 are not limited to, regulating the length of time soil is allowed to remain bare or prohibiting bare soil.

5. The Director may require, prior to the issuance of any building or grading permit, preparation of appropriate wet weather erosion control plan, SWPPP or other plans consistent with countywide development construction guidance provisions and the goals of this chapter.

6. Full or partial waivers of compliance with the requirements of this section may be obtained where the project applicant shows by application in writing that the incorporation and design elements that address the objectives set forth in this section are impracticable, and are non-economical or otherwise physically impossible due to the site characteristics or other characteristics unique to the project. Any waiver request shall be in writing to the director and may only be approved where permitted in accordance with the terms of the existing construction general permit.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 3)

12.16.114 New development/redevelopment pollutant reduction.

A. Objective. The provisions of this section establish requirements for construction activities and facility operations of development and redevelopment projects to comply with the MS4 permit, to lessen the water quality impacts of development by using smart growth practices, and to integrate LID practices and standards for storm water 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 storm water pollution control measures in development and redevelopment projects, and authorizes the City to further define and adopt storm water pollution control measures, and to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this section.

C. Applicability. This section applies to the following projects:

1. All development projects equal to one acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.

2. Industrial parks with 10,000 square feet or more of surface area.

3. Commercial malls with 10,000 square feet or more of surface area.

4. Retail gasoline outlets with 5,000 square feet or more of surface area.

5. Restaurants with 5,000 square feet or more of surface area.

6. Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.

7. Streets and roads construction with 10,000 square feet or more of impervious surface area. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects.

8. Automotive service facilities with 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, where the development will:

a. Discharge storm water runoff that is likely to impact a sensitive biological species or habitat; and

b. Create 2,500 square feet or more of Impervious Surface area.

10. Single-family hillside properties.

11. Redevelopment projects.

a. Construction activity that results in the creation, addition or replacement of 5,000 square feet or more of impervious surface area on an already developed site of one of the projects identified in this subsection.

b. Where redevelopment results in an alteration to more than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water quality control requirements, the entire project must be mitigated.

c. Where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction storm water 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 10,000 square feet of impervious surface area.

D. Requirements. The site for every project identified in § 12.16.114(C) 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. The project applicant shall prepare a LID plan which implements set LID standards and practices for storm water pollution mitigation and provides documentation to demonstrate compliance with the MS4 Permit on the plans and permit application submitted to the city. Such a LID plan shall comply with the following:

1. A new single-family hillside property development shall prepare a LID plan to 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 10,000 square feet or more of impervious surface shall follow US EPA guidance regarding managing wet weather with the city's most current Green Streets Manual to the maximum extent practicable.

3. The remainder of Projects identified in § 12.16.114(C) shall prepare a LID plan to comply with the following:

a. Retain storm water runoff onsite for the storm water quality design volume (SWQDv) defined as the runoff from:

i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or

ii. 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.

E. Technical Infeasibility.

1. Full or partial waivers of compliance with the requirements of this section may be obtained where the project applicant shows by application in writing that the incorporation and design elements that address the objectives set forth in this section are impracticable and are non-economical or otherwise physically impossible due to the site characteristics or other characteristics unique to the project. Any waiver request shall be in writing to the director and may only be approved where permitted in accordance with the terms of the MS4 permit.

2. To demonstrate technical infeasibility, the project applicant must demonstrate that the project cannot reliably retain 100 percent of the SWQDv on-site, even with the maximum application of green roofs and rainwater harvest and use, and that compliance with the applicable post-construction 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:

a. 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 onsite.

b. Locations where seasonal high groundwater is within five to ten feet of surface grade;

c. Locations within 100 feet of a groundwater well used for drinking water;

d. Brownfield development sites or other locations where pollutant mobilization is a documented concern;

e. Locations with potential geotechnical hazards; and

f. Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the onsite volume retention requirement.

3. If partial or complete onsite retention is technically infeasible, the project site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the MS4 permit.

4. Additional alternative compliance options such as offsite infiltration and groundwater replenishment projects may be available to the project site. The applicant should contact the director to determine eligibility.

5. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required by the MS4 permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

a. 0.2 inches per hour, or

b. The one year, one-hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.

F. Exemptions from LID requirements. The provisions of this section do not apply to any of the following:

1. A development involving only emergency construction activity required to immediately protect public health and safety;

2. Infrastructure projects within the public right-of-way;

3. A development or redevelopment involving only activity related to gas, water, cable, or electricity services on private property;

4. A development involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;

5. A project involving only exterior movie or television production sets, or facades on an existing developed site;

6. A project not requiring a City building, grading, demolition or other permit for construction activity.

G. Any development that is exempted from LID requirements under division F. of this section has the option to voluntarily opt in and incorporate into the project the LID requirements set forth herein.

H. City review and approval.

1. Prior to the issuance of a permit for a new development or redevelopment project, the City shall evaluate the proposed project using the MS4 permit, and erosion and grading requirements of the City building official or director to determine (i) its potential to generate the flow of pollutants into the MS4 after construction; and (ii) how well the LID 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 general permit for the project, in order to minimize the flow of pollutants into the MS4.

2. The director shall approve or disapprove of the LID plan within thirty (30) calendar days of submittal, or within thirty (30) days of approval of the development project by the planning commission, where planning commission approval is required. If the LID plan is disapproved, the reasons for disapproval shall be given in writing to the applicant. Any LID plan disapproved may be revised by the applicant and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) days of submittal. No building or grading permit shall be issued until a LID plan has been approved by the director.

3. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of a LID plan, the LID plan for that project shall expire. The director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the LID plan, the applicant shall resubmit all necessary forms and other data and pay a new LID plan check fee.

I. Transfer of properties subject to the requirements of this section.

1. The transfer or lease of a property subject to maintenance requirements for LID BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing LID BMP, or (b) replace an existing LID BMP with new control measures or BMPs meeting the then current standards of the City and MS4 permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all LID BMPs at least once a year and retain proof of inspection.

2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowners' association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what LID BMPs are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

3. If LID BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 4)

12.16.116 Small site new development/ redevelopment pollutant reduction.

A. LID manual. The LID manual for small sites shall be prepared, maintained, and updated, as deemed necessary and appropriate, by the director and approved by the City Council. It shall set LID standards and practices for storm water pollution mitigation, including urban and storm water runoff quantity and quality control development principles and technologies for achieving the LID standards for projects not otherwise required to implement LID strategies by the MS4 permit. The LID manual for small sites shall also include technical feasibility and implementation parameters, alternative compliance for technical infeasibility, as well as other rules, requirements and procedures as the director deems necessary.

B. Requirements. The site for projects not listed in § 12.16.114(C), but resulting in the creation or addition or replacement of 500 square feet or more of impervious surface area shall be designed to control pollutants, pollutant loads, and runoff volume per the LID manual for small sites. The project applicant shall prepare a small site LID plan which implements set LID standards and practices, as identified in the LID manual for small sites for storm water pollution mitigation, and provides documentation to demonstrate compliance with the LID manual for small sites on the plans submitted to the city. Such a small site LID Plan shall comply with the following:

1. Storm water runoff will be infiltrated, evapotranspired, captured and used, biofiltrated/biotreated through high removal efficiency LID BMP alternatives as identified in the LID manual for small sites, onsite, through storm water management techniques that comply with the provisions of the LID manual for small sites. To the maximum extent feasible, onsite storm water management techniques must be properly sized, at a minimum, without any storm water runoff leaving the site for at least the volume of water produced by the water quality design storm event that results from:

a. The 85th percentile 24-hour rain event determined as the maximized capture storm water volume for the area using a 48 to 72-hour draw down time; or

b. The volume of runoff produced from a 0.75 inch, 24 hour rain event.

2. Pollutants shall be prevented from leaving the site for a water quality design storm event as defined in division B.1. of this section, unless the site has been treated through an approved LID strategy.

3. Any development of four or fewer units intended for residential use shall implement LID BMP alternatives identified in the LID manual for small sites for the residential LID category and provide documentation to demonstrate compliance on the plans and permit application submitted to the city.

4. Any development of five or more units intended for residential use or any development intended for nonresidential use shall implement LID BMP alternatives identified in the LID manual for small sites for the commercial/industrial LID category and provide documentation to demonstrate compliance on the plans and permit application submitted to the city.

5. For any construction activity resulting in an alteration of at least fifty percent (50%) or more of the impervious surfaces on an existing developed site, the entire site must comply with the standards and requirements stated above and with the LID manual for small sites.

6. For any construction activity resulting in an alteration of less than fifty percent (50%) of the impervious surfaces of an existing developed site, only such incremental development shall comply with the standards and requirements stated above and with the LID manual for small sites.

C. Technical infeasibility.

1. When, as determined by the director, the onsite LID requirements are technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted small site LID plan, shall be consistent with other City requirements, and shall be reviewed in consultation with the Department of Building and Safety. The technical infeasibility may result from conditions that may include, but are not limited to:

a. Locations where seasonal high groundwater is within five to ten feet of surface grade;

b. Locations within 100 feet of a groundwater well used for drinking water;

c. Brownfield development sites or other locations where pollutant mobilization is a documented concern;

d. Locations with potential geotechnical hazards;

e. Locations with impermeable soil type as indicated in applicable soils and geotechnical reports; and

f. 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.

2. If partial or complete onsite compliance of any type is technically infeasible, as determined by the director, the project site and LID plan will be granted a waiver from the requirements of this section and the LID manual for small sites. If a portion of the project site is deemed technically infeasible, the project applicant may propose an equivalent area within the same project area for LID. The director may permit substitutions of equivalent areas upon request by the project applicant.

D. Exemptions from LID requirements. The provisions of this section do not apply to any of the following:

1. A development involving only emergency construction activity required to immediately protect public health and safety;

2. Infrastructure projects within the public right-of-way;

3. A development or redevelopment involving only activity related to gas, water, cable, or electricity services on private property;

4. A development involving only resurfacing and/or re-striping of permitted parking lots, where the original line and grade, hydraulic capacity, and original purpose of the facility is maintained;

5. A project involving only exterior movie or television production sets, or facades on an existing developed site;

6. A project not requiring a City building, grading, demolition or other permit for construction activity.

E. Any development that is exempted from LID requirements under division D. of this section has the option to voluntarily opt in and incorporate into the project the LID requirements set forth herein.

F. City review and plan approval.

1. Prior to the issuance of a permit for a small site, as described in § 12.16.116(B), the City shall evaluate the proposed project using the LID manual for small sites and erosion and grading requirements of the City building official or director to determine (i) its potential to generate the flow of pollutants into the MS4 after construction; and (ii) how well the small site LID 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 order to minimize the flow of pollutants into the MS4.

2. The director shall approve or disapprove of the small site LID plan within thirty (30) calendar days of submittal, or within thirty (30) days of approval of the development project by the planning commission, where planning commission approval is required. If the plan is disapproved, the reasons for disapproval shall be given in writing to the applicant. Any plan disapproved may be revised by the applicant and resubmitted for approval. A resubmitted plan will be approved or disapproved within thirty (30) days of submittal. No building or grading permit shall be issued until a small site LID plan has been approved by the director.

3. If no building permit has been issued or no construction has begun on a project within a period of one hundred eighty (180) days of approval of a small site LID plan, the small site LID plan for that project shall expire. The director may extend the time by written extension for action by the applicant for a period not to exceed one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant prevented the construction from commencing. In order to renew the small site LID plan, the applicant shall resubmit all necessary forms and other data and pay a new plan review fee.

G. Transfer of properties subject to the requirements of this section.

1. The transfer or lease of a property subject to maintenance requirements for LID BMPs shall include conditions requiring the transferee and its successors and assigns to either: (a) assume responsibility for maintenance of any existing LID BMP, or (b) replace an existing LID BMP with new control measures or BMPs meeting the then current standards of the City and MS4 permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all LID BMPs at least once a year and retain proof of inspection.

2. For residential properties where the LID BMPs are located within a common area which will be maintained by a homeowners' association, language regarding the responsibility for maintenance shall be included in the project's conditions, covenants and restrictions (CC&Rs). Printed educational materials will be required to accompany the first deed transfer to highlight the existence of the requirement and to provide information on what LID BMPs are present, signs that maintenance is needed, and how the necessary maintenance can be performed. The transfer of this information shall also be required with any subsequent sale of the property.

3. If LID BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 5)

12.16.118 Low impact development plan check fees.

A. Before review and approval of a set of plans and specifications, the applicant shall pay a LID plan check fee.

B. LID plan check fees will be established by resolution of the City Council.

(Ord. 2013-11-1462 § 1; Ord. 2013-06-1455 § 6)

12.16.120 Inspection and enforcement.

A. Inspections. The City Manager or the Director, or any designee thereof, may, on twenty-four hour oral or written notice, unless exigent circumstances justify a shorter time period, enter upon and inspect any private premises for the purposes of verifying

compliance with the terms and conditions of this chapter. Such inspection may include, but is not limited to:

1. Identifying products produced, processes conducted, chemicals and materials used, stored or maintained on the subject premises;

2. Identifying points of Discharge of all waste water, non-storm water, processed water systems and pollutants;

3. Investigating the natural slope of the premises, including drainage patterns and man-made conveyance systems;

4. Establishing location of all points of discharge from the premises, whether by surface runoff or through a storm drain system;

5. Locating any Illicit Connection or Illicit Discharge;

6. A vehicle, truck, trailer, tank or other mobile equipment;

7. All records of the owner or occupant of public or private property relating to chemicals or processes presently or previously stored or occurring on the property, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, storm water pollution prevention plans, and any and all records relating to Illicit Connections, Illicit Discharges, or any other source of contribution or potential contribution of Pollutants to the municipal storm drain system;

8. Inspecting, sampling and testing any area runoff, soils area (including groundwater testing), process discharge, materials with any waste storage area (including any container contents), and/or treatment system Discharges for the purpose of determining the potential for contribution of Pollutants to the municipal storm drain system;

9. Inspecting the integrity of all storm drain and sanitary sewer systems, any connection to other pipelines on the property, including the use of dye and smoke tests, video surveys, photographs or videotapes, and the taking of measurements, drawings or any other records reasonably necessary to document conditions as they exist on the premises;

10. The institution and maintenance of monitoring devices for the purpose of measuring any Discharge or potential source of Discharge to the municipal storm drain system;

11. Evaluating compliance with this chapter or the Clean Water Act.

B. Enforcement.

1. Any violation of this chapter is a misdemeanor and shall be punishable by either a fine of up to one thousand dollars or six months in the county jail, or both.

2. Any person who may otherwise be charged with a misdemeanor as a result of a violation of this chapter may be charged, at the discretion of the prosecuting attorney, with an infraction punishable by a fine of not more than one hundred dollars for the first violation, two hundred dollars for the second violation, and two hundred fifty dollars for each additional violation thereafter.

3. As a part of any sentence or other penalty imposed or the award of any damage, the court may also order that restitution be paid to the City or any injured person, or, in the case of a violator who is a minor, by the minor's parent or lawfully designated guardian or custodian. Restitution may include the amount of any reward.

4. Any person violating the provisions of this chapter shall reimburse the City for any and all costs incurred by the City in responding to, investigating, assessing, monitoring, treating, cleaning, removing, or remediating any Illicit Discharge or Pollutant from the municipal storm drain system; rectifying any Illicit Connection; or remediating any violation of this chapter.

Such costs to be paid to the City include all administrative expenses and all legal expenses, including costs and attorneys' fees, in obtaining compliance, and in litigation including all costs and attorneys' fees on any appeal. The costs to be recovered in this Section 12.16.120 shall be recoverable from any and all persons violating this chapter.

5. In the event any violation of this chapter constitutes an imminent danger to public health, safety, or the environment, the City Manager or Director, or any authorized agent thereof, may enter upon the premises from which the violation emanates, abate the violation and danger created to the public safety or the environment, and restore any premises affected by the alleged violation, without notice to or consent from the owner or occupant of the premises. An imminent danger shall include but is not limited to exigent circumstances created by the Discharge of Pollutants, where such Discharge presents a significant and immediate threat to the public health or safety, or the environment.

6. Violations of this chapter may further be deemed to be a public nuisance which may be abated by administrative or civil or criminal action in accordance with the terms and provisions of this code and state law.

7. All costs and fees incurred by the City as a result of any violation of this chapter which constitute a nuisance, including all administrative fees and expenses and legal fees and expenses, shall become a lien against the subject premises from which the nuisance emanated and a personal obligation against the owner, in accordance with Government Code Sections 38773.1 and 38773.5. The owner of record of the premises subject to any lien shall receive notice of the lien prior to recording, as required by Government Code Section 38773.1. The City Attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for money judgment, or by delivery to the county assessor of a special assessment against the premises in accordance with the conditions and requirements of Government Code Section 38773.5.

8. Any person acting in violation of this chapter may also be acting in violation of the Clean Water Act or the California Porter-Cologne Act (California Water Code Section 13000 et seq.) and the regulations thereunder, and other laws and regulations, and may be subject to damages, fines and penalties, including civil liability under such other laws. The City Attorney is authorized to file a citizen's suit pursuant to the Clean Water Act, seeking penalties, damages and orders compelling compliance and appropriate relief.

9. The City Attorney is authorized to file in a court of competent jurisdiction a civil action seeking an injunction against any violation or threatened or continuing violation of this chapter. Any temporary, preliminary or permanent injunction issued pursuant hereto may include an order for reimbursement to the City for all costs incurred in enforcing this chapter, including costs of inspection, investigation, monitoring, treatment, abatement, removal or remediation undertaken by or at the expense of the city, and may include all legal expenses and fees and any and all costs incurred relating to the restoration or remediation of the environment.

10. Each separate Discharge in violation of this chapter and each day a violation of this chapter exists, without correction, shall constitute a new and separate violation punishable as a separate infraction, misdemeanor and/or civil violation.

11. Whenever necessary, interagency coordination will be employed to enforce the provisions of this chapter.

12. The City may utilize any and all other remedies as otherwise provided by law.

(Ord. 2013-11-1462 § 1; Ord. 2003-02-1316 § 1; Ord. 96-12-1215 § 1)

Chapter 12.20
PIPELINES IN OR NEAR STREETS

Sections:

12.20.010 Pipeline defined.

For the purposes of this chapter, "pipeline" means any pipe laid beneath, upon, or above the surface of the ground in or near a public street, alley, or way within the city which is used or is intended to be used for the conveyance of any liquid or gaseous substance from one location to another.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.010)

12.20.020 Maintenance.

Every person who owns, possesses, or uses a pipeline shall at all times keep and maintain such pipeline in good condition of repair with the object of preventing the occurrence of leaks and other conditions potentially hazardous to life or property.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.015)

12.20.030 Leaks - Nuisance declared.

A pipeline in which a leak is occurring is declared to be a nuisance as is also the presence upon the surface of any public street, alley, way, or other city property of water, oil, mud, or other substance emitted through such leak.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.020)

12.20.040 Leaks - Repair.

Should a leak occur in any pipeline, the owner, possessor, or user of the pipeline shall immediately repair the leak and clean up all areas contaminated by the flow, discharge, or seepage of any substance emitted through the leak.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.025)

12.20.050 Leaks - Emergency powers of administrative officer.

A. The administrative officer is authorized and directed to cause to be repaired any pipeline leak if in his opinion such leak is resulting in or, if not repaired may result in, the flow, discharge, or seepage of any substance upon public property or the creation of a condition which is hazardous to life or property. For the purpose of making such repairs, or of determining the identity of the pipeline in which the leak exists, or of protecting life or property from hazards created by or likely to result from such leak, the administrative officer and any person authorized by him may enter upon private property without notice to the occupant or owner to control or shut off the flow of any pipeline located in the area in which the leak is occurring, and may cause such excavations to be made in or temporary dikes to be erected upon both public and private property as are reasonably necessary to minimize the hazard of injury to persons or damage to property.

B. For the purpose of carrying out the authority and duties delegated to the administrative officer under subsection A of this section, the administrative officer may assign city personnel to perform any work he is authorized to perform or he may engage the performance of such work on the city's behalf by an independent contractor.

(Ord. 68-2-618 § 1 (part): prior code §§ 9.34.030, 9.34.035)

12.20.060 Leaks - Unidentified pipelines.

If a leak occurs in any pipeline laid beneath the surface of the ground and it is not possible to immediately determine which of two or more pipelines is the source of the leak, each owner, possessor, or user of any pipeline which may be reasonably suspected as the source of the leak, shall take all reasonable steps to minimize the damage and the hazard the leak is causing or may cause if it is not promptly repaired; to ascertain whether the leak is occurring in a pipeline owned, possessed, or used by him; and to prevent further leakage. If he ascertains that the leak is occurring in a pipeline owned, controlled, or used by another, he is authorized, as the agent of the city, to make emergency repairs thereto for which he will be reimbursed by the city upon presentation of a proper claim for expenses reasonably and necessarily incurred therein.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.040)

12.20.070 Leaks--Liability of pipeline owner.

The owner, possessor, and user of any pipeline in which a leak occurs shall each be liable to the city for the amount of any expenses incurred by or on behalf of the city in locating and identifying the leaking pipeline, in protecting life and property from injury or damage by reason of such leak, and in repairing the leak and the damages caused thereby.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.045)

12.20.075 Relocation of pipelines.

Whenever the rearrangement or relocation of any pipeline shall be required by reason of a change of grade, the laying of any sewer, water, gas, or other pipeline, or conduit installed for a public service, or the making of any other public improvement, the owner of such pipeline shall, within sixty days after the date of written notice from the director of public works so to do, or as otherwise provided in any applicable franchise ordinance, rearrange or relocate the same to accommodate the public improvements to the satisfaction of the city with all costs and expenses to be paid by the owner. If the owner does not comply within the time period provided, the city may cause the work required to be done, and all costs and expenses incurred by the city in performing such work shall be paid for by the owner within thirty days of billing. The provisions of this section shall apply whether or not the pipeline is the subject of a franchise except to the extent set forth in the applicable franchise ordinance.

(Ord. 84-08-931 § 1)

12.20.080 Enforcement of collection.

The amount owing to the city by the owner, possessor, or user of any pipeline for expenses incurred by or on behalf of the city as authorized in this chapter may be fixed and specially assessed against any real property within the city of such owner, possessor, or user in the same manner as is provided in Chapter 8.12 with respect to expenses incurred by the city in the abatement of nuisances. Such assessment shall be collected at the same time and in the same manner as ordinary taxes of the city are collected and shall be subject to the same procedure and sale in case of delinquency as is provided for ordinary municipal taxes. The collection of such amount may also be enforced by an action against the responsible party or parties which shall be instituted by the city attorney upon the direction of the city council.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.050)

12.20.090 Effect of provisions on franchises.

No action of the administrative officer undertaken pursuant to the provisions of this chapter shall relieve the holder of any franchise or permit authorizing the laying or maintaining of any pipeline in a public street, alley, or way from any liability or obligation imposed upon or assumed by such holder under the terms of such franchise or permit. Nor shall any such action in any way prejudice any right or remedy reserved or granted to the city under such franchise or permit.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.060)

12.20.100 Penalty for violation.

It is unlawful for any person who, either in his own right or as the agent or employee of another, is in charge of or controls the use of any pipeline to fail to use reasonable care to keep and maintain such pipeline in good repair or to fail as promptly as practicable to cause any leak or other defective condition of such pipeline of which he has notice to be repaired. Any violation of this section shall be a misdemeanor and shall be punishable as such.

(Ord. 68-2-618 § 1 (part): prior code § 9.34.055)

Chapter 12.21
WIRELESS TELECOMMUNICATIONS FACILITIES IN THE PUBLIC RIGHT-OF-WAY

Sections:

12.21.010 Purpose.

The purpose and intent of this chapter is to provide a uniform and comprehensive set of regulations and standards for the permitting, development, siting, installation, design, operation and maintenance of wireless telecommunications facilities in the city's public right-of-way. These regulations are intended to prescribe clear and reasonable criteria to assess and process applications in a consistent and expeditious manner, while reducing the impacts associated with wireless telecommunications facilities. This chapter provides standards necessary (1) for the preservation of the public right-of-way in the city for the maximum benefit and use of the public, (2) to promote and protect public health and safety, community welfare, visual resources and the aesthetic quality of the city consistent with the goals, objectives and policies of the general plan, and (3) to provide for the orderly, managed and efficient development of wireless telecommunications facilities in accordance with the state and federal laws, rules and regulations. (Ord. 2016-01-1485 § 3 (part))

12.21.020 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. "Accessory equipment" means any equipment associated with the installation of a wireless telecommunications facility, including but not limited to cabling, generators, fans, air conditioning units, electrical panels, equipment shelters, equipment cabinets, equipment buildings, pedestals, meters, vaults, splice boxes, and surface location markers.

B. "Antenna" means that part of a wireless telecommunications facility designed to radiate or receive radio frequency signals.

C. "Cellular" means an analog or digital wireless telecommunications technology that is based on a system of interconnected neighboring cell sites.

D. "Code" means the Signal Hill Municipal Code.

E. "Collocation" means the mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signal for communication purposes.

F. "COW" means a "cell on wheels," which is a wireless telecommunications facility temporarily rolled in or temporarily installed.

G. "Director" means the director of public works, or his or her designee.

H. "Facility(ies)" means wireless telecommunications facilities.

I. "Ground-Mounted" means mounted to a telecommunications tower.

J. "Modification" means a change to an existing wireless telecommunications facility that involves any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation, including, but not limited to, changes in size, shape, color, visual design, or exterior material. "Modification" does not include repair, replacement or maintenance if those actions do not involve a change to the existing facility involving any of the following: collocation, expansion, alteration, enlargement, intensification, reduction, or augmentation.

K. "Monopole" means a structure composed of a pole or tower used to support antennas or related equipment. A monopole also includes a monopine, monopalm and similar monopoles camouflaged to resemble faux trees or other faux objects attached on a monopole (e.g. water tower).

L. "Mounted" means attached or supported.

M. "Located within the public right-of-way" includes any facility which in whole or in part, itself or as part of another structure, rests upon, in, over or under the public right-of-way.

N. "Pole" means a single shaft of wood, steel, concrete or other material capable of supporting the equipment mounted thereon in a safe and adequate manner and as required by provisions of this Code.

O. "Right-of-way" means any public or private right-of-way and includes any area required for public use pursuant to any general plan or specific plan.

P. "Sensitive uses" means any residential use, public or private school, day care, playground, and retirement facility.

Q. "Telecommunications tower" means a freestanding mast, pole, monopole, guyed tower, lattice tower, free standing tower or other structure designed and primarily used to support wireless telecommunications facility antennas.

R. "Utility Pole" means any pole or tower owned by any utility company that is primarily used to support wires or cables necessary to the provision of electrical or other utility services regulated by the California Public Utilities Commission.

S. "Wireless telecommunications facility," "facility" or "facilities" mean any facility that transmits and/or receives electromagnetic waves. It includes, but is not limited to, antennas and/or other types of equipment for the transmission or receipt of such signals, telecommunications towers or similar structures supporting such equipment, related accessory equipment, equipment buildings, parking areas, and other accessory development.

Exceptions: The term "wireless telecommunications facility" does not apply to the following:

1. Government owned and operated telecommunications facilities.

2. Emergency medical care provider-owned and operated telecommunications facilities.

3. Mobile services providing public information coverage of news events of a temporary nature.

4. Any wireless telecommunications facilities exempted from this Code by federal law or state law.

"Wireless telecommunications services" means the provision of services using a wireless telecommunications facility or a wireless telecommunications collocation facility, and shall include, but not limited to, the following services: personal wireless services as defined in the federal Telecommunications Act of 1996 at 47 U.S.C. §332(c)(7)(C) or its successor statute, cellular service, personal communication service, and/or data radio telecommunications. (Ord. 2016-01-1485 § 3 (part))

12.21.030 Applicability.

A. This chapter applies to the siting, construction or modification of any and all wireless telecommunications facilities proposed to

be located in the public right-of-way as follows:

1. All facilities for which applications were not approved prior to January 26, 2016 shall be subject to and comply with all provisions of this division.

2. All facilities for which applications were approved by the city prior to January 26, 2016 shall not be required to obtain a new or amended permit until such time as a provision of this code so requires. Any wireless telecommunication facility that was lawfully constructed prior to January 26, 2016 that does not comply with the standards, regulations and/or requirements of this division, shall be deemed a nonconforming use and shall also be subject to the provisions of Section 12.21.220.

3. All facilities, notwithstanding the date approved, shall be subject immediately to the provisions of this chapter governing the operation and maintenance (Section 12.21.120), radio frequency emissions monitoring (Section 12.21.130), cessation of use and abandonment (Section 12.21.160), removal and restoration (Section 12.21.170) of wireless telecommunications facilities and the prohibition of dangerous conditions or obstructions by such facilities (Section 12.21.140); provided, however, that in the event a condition of approval conflicts with a provision of this division, the condition of approval shall control until the permit is amended or revoked.

B. This chapter does not apply to the following:

1. Amateur radio facilities;

2. Over the Air Reception Devices ("OTARD") antennas;

3. Facilities owned and operated by the city for its use;

4. Any entity legally entitled to an exemption pursuant to state or federal law or governing franchise agreement. (Ord. 2016-01-1485 § 3 (part))

12.21.040 Wireless Telecommunications Facility Permit Requirements.

A. Major wireless telecommunications facilities permit. All new wireless facilities or collocations or modifications to existing wireless facilities shall require a major wireless telecommunications facilities permit subject to city council approval unless otherwise provided for in this chapter.

B. Administrative wireless telecommunications facilities permit.

1. An administrative wireless telecommunications facilities permit, subject to the director's approval, may be issued for new facilities or collocations or modifications to existing facilities that meet all the following criteria:

a. The proposal is not located in any location identified in Section 12.21.180.

b. The proposal complies with all applicable provisions in this chapter without need for an exception pursuant to Section 12.21.190.

2. The director may, in the director's discretion, refer any application for an administrative wireless telecommunications facilities permit to the city council for approval.

3. In the event that the director determines that any application submitted for an administrative wireless telecommunications facilities permit does not meet the criteria of this code, the director shall convert the application to a major wireless facilities permit application and refer it to the city council.

C. Master deployment plan permit.

1. Any applicant that seeks approval for five or more wireless telecommunications facilities (including new facilities and collocations to existing facilities) may elect to submit an application for a master deployment plan permit subject to city council approval. The proposed facilities in a master deployment plan shall be reviewed together at the same time and subject to the same requirements and procedures applicable to a major wireless telecommunications facilities permit.

2. A master deployment plan permit shall be deemed an approval for all wireless telecommunications facilities within the plan; provided, however, that an individual encroachment permit shall be required for each wireless telecommunications facility.

3. After the city council approves a master deployment plan permit, any deviations or alterations from the approved master deployment plan for an individual wireless telecommunications facility shall require either a major wireless telecommunications facilities permit or an administrative wireless telecommunications facilities permit, as applicable.

D. Other permits required. In addition to any permit that may be required under this chapter, the applicant must obtain all other required prior permits or other approvals from other city departments, or state or federal agencies. Any permit granted under this chapter is subject to the conditions and/or requirements of other required prior permits or other approvals from other city departments, state or federal agencies.

E. Eligible applicants. Only applicants who have been granted the right to enter the public right-of-way pursuant to state or federal law, or who have entered into a franchise agreement with the city permitting them to use the public right-of-way, shall be eligible for a permit to install or modify a wireless telecommunications facility or a wireless telecommunications collocation facility in the public right-of-way.

F. Speculative equipment prohibited. The city finds that the practice of "pre-approving" wireless equipment or other improvements that the applicant does not presently intend to install but may wish to install at some undetermined future time does not serve the public's best interest. The city shall not approve any equipment or other improvements in connection with a wireless telecommunications facility permit when the applicant does not actually and presently intend to install such equipment or construct such improvements. (Ord. 2016-01-1485 § 3 (part))

12.21.050 Application for Wireless Telecommunications Facility Permit.

A. Application.

1. In addition to the information required of an applicant for an encroachment permit or any other permit required by this code, each applicant requesting approval of the installation or modification of a wireless telecommunications facility in the public right-of-way shall fully and completely submit to the city a written application on a form prepared by the director.

2. All applicants seeking to install a wireless telecommunications facility shall not seek an encroachment permit to install fiber only and subsequently seek to install antennas and accessory equipment pursuant to a wireless telecommunications facility permit. The applications for all installations in the right-of-way shall simultaneously request fiber installation or other cable installation when applying for a wireless telecommunications facility permit.

B. Application contents. The director shall develop an application form and make it available to applicants upon request. The supplemental application form for a new wireless telecommunications facility installation in the public right-of-way shall require the following information, in addition to all other information determined necessary by the director:

1. The name, address and telephone number of the applicant, owner and the operator of the proposed facility.

2. If the applicant is an agent, the applicant shall provide a duly executed letter of authorization from the owner of the facility. If the owner will not directly provide wireless telecommunications services, the applicant shall provide a duly executed letter of authorization from the person(s) or entity(ies) that will provide those services.

3. If the facility will be located on or in the property of someone other than the owner of the facility (such as a street light pole, street signal pole, utility pole, utility cabinet, vault, or cable conduit), the applicant shall provide a duly executed written authorization from the property owner(s) authorizing the placement of the facility on or in the property owner's property.

4. A full written description of the proposed facility and its purpose.

5. Detailed engineering plans of the proposed facility and related report prepared by a professional engineer registered in the state documenting the following:

a. Height, diameter and design of the facility, including technical engineering specifications, economic and other pertinent factors governing selection of the proposed design, together with evidence that demonstrates that the proposed facility has been designed to the minimum height and diameter required from a technological standpoint for the proposed site. A layout plan, section and elevation of the tower structure shall be included.

b. A photograph and model name and number of each piece of equipment included.

c. Power output and operating frequency for the proposed antenna.

d. Total anticipated capacity of the structure, indicating the number and types of antennas and power and frequency ranges, which can be accommodated.

e. Sufficient evidence of the structural integrity of the pole or other supporting structure as required by the city.

6. A justification study which includes the rationale for selecting the proposed use; if applicable, 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. Said study shall include all existing structures and/or alternative sites evaluated for potential installation of the proposed facility and why said alternatives are not a viable option.

7. Site plan(s) to scale, specifying and depicting the exact proposed location of the pole, pole diameter, antennas, accessory equipment, access or utility easements, landscaped areas, existing utilities, adjacent land uses, and showing compliance with Section 12.21.070.

8. Scaled elevation plans of proposed poles, antennas, accessory equipment, and related landscaping and screening.

9. A completed environmental assessment application.

10. If the applicant requests an exception to the requirements of this chapter (in accordance with Section 12.21.180), the applicant shall provide all information and studies necessary for the city to evaluate that request.

11. An accurate visual impact analysis showing the maximum silhouette, viewshed analysis, color and finish palette and proposed screening for the facility, including scaled photo simulations from at least three different angles.

12. Completion of the radio frequency (RF) emissions exposure guidelines checklist contained in Appendix A to the Federal Communications Commission's (FCC) "Local Government Official's Guide to Transmitting Antenna RF Emission Safety" to determine whether the facility will be "categorically excluded" as that term is used by the FCC.

13. For a facility that is not categorically excluded under the FCC regulations for RF emissions, the applicant shall submit an RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any facilities that contribute to the cumulative exposure in the subject area, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power "ERP") for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also the boundaries of areas with RF exposures in excess of the controlled/occupational limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

14. [Reserved]

15. Copies of any documents that the applicant is required to file pursuant to Federal Aviation Administration regulations for the facility.

16. A noise study prepared by a qualified acoustic engineer documenting that the level of noise to be emitted by the proposed wireless telecommunications facility will comply with this Code including Section 12.21.070(A)(14)(B).

17. A traffic control plan when the proposed installation is on any street in a non-residential zone. The city shall have the discretion to require a traffic control plan when the applicant seeks to use large equipment (e.g. crane).

18. A scaled conceptual landscape plan showing existing trees and vegetation and all proposed landscaping, concealment, screening and proposed irrigation with a discussion of how the chosen material at maturity will screen the site.

19. A written description identifying the geographic service area for the subject installation including geographic and propagation maps, that identifies the location of the proposed facility in relation to all existing and planned facilities maintained within the city by each of the applicant, operator, and owner, if different entities. Included as well shall be the estimated number of potentially affected uses in the geographic service area. Regardless of whether a master deployment plan permit is sought, the applicant shall depict all locations anticipated for new construction and/or modifications to existing facilities, including collocation, within two years of submittal of the application. Longer range conceptual plans for a period of five years shall also be provided, if available.

a. In the event the applicant seeks to install a wireless telecommunications facility to address service coverage concerns, full-color signal propagation maps with objective units of signal strength measurement that show the applicant's current service coverage levels from all adjacent sites without the proposed site, predicted service coverage levels from all adjacent sites with the proposed site, and predicted service coverage levels from the proposed site without all adjacent sites.

b. In the event the applicant seeks to address service capacity concerns, a written explanation identifying the existing facilities with service capacity issues together with competent evidence to demonstrate the inability of those facilities to meet capacity demands.

20. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the right-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities

Commission, it shall provide a copy of its CPCN.

21. An application fee, and a deposit for a consultant's review as set forth in paragraph E. of this section in an amount set by resolution by the City Council and in accordance with California Government Code section 50030.

22. Proof that a temporary mock-up of the facility and sign has been installed at the proposed location for a period of at least thirty calendar days.

a. Applicant shall obtain an encroachment permit before installing the temporary mock-up, and must remove the temporary mock-up within five calendar days of receiving a written notice to remove from the director.

b. When seeking the encroachment permit, the applicant shall provide address labels for use by the city in noticing all property owners within 500 feet of the proposed installation. The city shall mail a notice regarding installation of the mock-up at least five business days prior to the installation.

c. The mock-up shall demonstrate the height and mass of the facility, including all interconnecting cables. The applicant shall not be entitled to install the facility it intends to be installed permanently. The mock-up may consist of story poles or the like.

d. The mock-up shall include a sign that displays photo simulations depicting before and after images, including any accessory equipment cabinet, and the telephone number of the Public Works Department.

e. The applicant shall be required to follow any other city practices or processes relevant to the installation of a mock-up as may be provided in a publicly accessible form or document.

f. After installation of the mock-up, the applicant shall certify that the mock-up accurately represents the height and width of the proposed installation and has been installed consistent with this Code.

23. Any other information and/or studies determined necessary by the director may be required.

C. Application contents - modification of existing facility. The content of the application form for a modification to an existing facility shall be determined by the director, and shall include but not be limited to the requirements listed in Section 12.21.050(B) unless prohibited by state or federal law.

D. Effect of state or federal law change. In the event a subsequent state or federal law prohibits the collection of any information required by Section 12.21.050(B), the director is authorized to omit, modify or add to that request from the city's application form with the written approval of the City Attorney, which approval shall be a public record.

E. Independent expert. The director is authorized to retain on behalf of the city an independent, qualified consultant to review any application for a permit for a wireless telecommunications facility. The review is intended to be a review of technical aspects of the proposed wireless telecommunications facility and shall address any or all of the following:

1. Compliance with applicable radio frequency emission standards;

2. Whether any requested exception is necessary to close a significant gap in coverage and is the least intrusive means of doing so;

3. The accuracy and completeness of submissions;

4. Technical demonstration of the unavailability of alternative sites or configurations and/or coverage analysis;

5. The applicability of analysis techniques and methodologies;

6. The validity of conclusions reached or claims made by applicant;

7. The viability of alternative sites and alternative designs; and

8. Any other specific technical issues identified by the consultant or designated by the city.

9. The cost of this review shall be paid by the applicant through a deposit pursuant to an adopted fee schedule resolution. No permit shall be issued to any applicant which has not fully reimbursed the city for the consultants cost. (Ord. 2016-01-1485 § 3 (part))

12.21.060 Review Procedure.

A. Pre-submittal Conference. Prior to application submittal, the city strongly encourages all applicants to schedule and attend a pre-submittal conference with public works department staff to receive informal feedback on the proposed location, design and application

materials. The pre-submittal conference is intended to identify potential concerns and streamline the formal application review process after submittal. Public works department staff will endeavor to provide applicants with an appointment within approximately five business days after receipt of a written request.

B. Application Submittal Appointment. All applications must be submitted to the city at a pre-scheduled appointment. Applicants may submit one application per appointment but may schedule successive appointments for multiple applications whenever feasible as determined by the city. City staff will endeavor to provide applicants with an appointment within five business days after receipt of a written request.

C. Notice; decisions. The provisions in this section describe the procedures for approval and any required notice and public hearings for an application.

1. City Council hearings. Any permit application under this chapter subject to city council approval shall require notice and a public hearing.

a. The city council may approve or conditionally approve, an application only after it makes the findings required in Section 12.21.080.

b. The hearing date shall be set for not less than ten nor more than sixty days after the application is verified as complete.

c. Notice of such hearing shall be provided and shall contain the name and place of the hearing and other pertinent data presented in the application.

d. Notice shall be mailed not less than ten days before the date set for the hearing to owners of property within a radius of three hundred feet of the external boundaries of the property described in the application, using for this purpose the last known name and address of such owners as are shown on the latest adopted tax roll of the county.

e. When requested by the city council, notices may be posted not less than ten days before the date set for the hearing in front of the subject property including placing of notices not more than two hundred feet apart on each side of the street upon which the subject property fronts for a distance of not less than four hundred feet in each direction from the subject property.

2. The city council may approve, or conditionally approve, an application only after it makes the findings required in Section 12.21.080.

3. Director's decision notice. The director may approve, or conditionally approve an application only after it makes the findings required in Section 12.21.080. Within five days after the director approves or conditionally approves an application under this chapter, the director shall provide notice of the decision. Such notice shall be mailed to the applicant at the address shown in the application.

4. Notice of shot clock expiration. The city acknowledges there are federal and state shot clocks which may be applicable to a proposed wireless telecommunications facility. That is, federal and state law provide time periods in which the city must approve or deny a proposed wireless telecommunications facility. As such, the applicant is required to provide the city written notice of the expiration of any shot clock, which the applicant shall ensure is received by the city (e.g. overnight mail) no later than twenty days prior to the expiration.

5. Written decision required. All final decisions made pursuant to this chapter shall be in writing and based on substantial evidence in the written administrative record. The written decision shall include the reasons for the decision.

6. Appeals. Any aggrieved person or entity may appeal a decision by the director by filing a written notice of appeal after the decision. Such appeal shall set forth the reasons therefor. The city council shall hear such appeals not less than ten nor more than sixty days after the filing of the appeal. (Ord. 2016-01-1485 § 3 (part))

12.21.070 Requirements for Facilities within Public Right-of-Way.

A. Design and development standards. All wireless telecommunications facilities that are located within the public right-of-way shall be designed and maintained as to minimize visual, noise and other impacts on the surrounding community and shall be planned, designed, located, and erected in accordance with the following:

1. Traffic safety. All facilities shall be designed and located in such a manner as to avoid adverse impacts on traffic safety.

2. Blending methods. All facilities shall have subdued colors and non-reflective materials that blend with the materials and colors of the surrounding area and structures.

3. Equipment. The applicant shall use the least visible equipment possible. Antenna elements shall be flush mounted, to the extent feasible. All antenna mounts shall be designed so as not to preclude possible future collocation by the same or other operators or carriers. Unless otherwise provided in this section, antennas shall be situated as close to the ground as possible.

4. Poles.

a. Facilities shall be located consistent with Section 12.21.190 unless an exception pursuant to Section 12.21.180 is granted.

b. Only pole-mounted antennas shall be permitted in the right-of-way. All other telecommunications towers are prohibited, and no new poles are permitted that are not replacing an existing pole. (For exceptions see subparagraph h. below and Sections 12.21.180 and 12.21.210.)

c. Utility poles. The maximum height of any antenna shall not exceed forty-eight inches above the height of an existing utility pole, nor shall any portion of the antenna or equipment mounted on a pole be less than twenty-four feet above any drivable road surface. All installations on utility poles shall fully comply with the California Public Utilities Commission general orders, including, but not limited to, General Order 95, as may be revised or superseded.

d. Light poles. The maximum height of any antenna shall not exceed four feet above the existing height of a light pole. Any portion of the antenna or equipment mounted on a pole shall be no less than sixteen and one half feet above any drivable road surface.

e. Replacement poles. If an applicant proposes to replace a pole in order to accommodate a proposed facility, the pole shall be designed to resemble the appearance and dimensions of existing poles near the proposed location, including size, height, color, materials and style to the maximum extent feasible.

f. Pole mounted equipment, exclusive of antennas, shall not exceed six cubic feet in dimension.

g. [Reserved]

h. An exception shall be required to place a new pole in the public right-of-way. If an exception is granted for placement of new poles in the right-of-way:

i. Such new poles shall be designed to resemble existing poles in the right-of-way near that location, including size, height, color, materials and style, with the exception of any existing pole designs that are scheduled to be removed and not replaced.

ii. Such new poles that are not replacement poles shall be located at least ninety feet from any existing pole to the extent feasible.

iii. Such new poles shall not adversely impact public view corridors, as defined in the general plan, and shall be located to the extent feasible in an area where there is existing natural or other feature that obscures the view of the pole. The applicant shall further employ concealment techniques to blend the pole with said features.

iv. A new pole justification analysis shall be submitted to demonstrate why existing infrastructure cannot be utilized and demonstrating the new pole is the least intrusive means possible including a demonstration that the new pole is designed to be the minimum functional height and width required to support the proposed facility.

i. All cables, including, but not limited to, electrical and utility cables, shall be run within the interior of the pole and shall be camouflaged or hidden to the fullest extent feasible. For all wooden poles wherein interior installation is infeasible, conduit and cables attached to the exterior of poles shall be mounted flush thereto and painted to match the pole.

5. Space. Each facility shall be designed to occupy the least amount of space in the right-of-way that is technically feasible.

6. Wind loads. Each facility shall be properly engineered to withstand wind loads as required by this Code or any duly adopted or incorporated code. An evaluation of high wind load capacity shall include the impact of modification of an existing facility.

7. Obstructions. Each component part of a facility shall be located so as to maintain a corner cutoff area at the intersection of any two streets, a street and alley, or two alleys. The corner cutoff area shall be measured from a point not less than thirty feet from the intersection of the two property lines. Nothing in excess of three feet in height, with the exception of buildings, may be located within the corner cutoff. This includes utilities, fences, walls, monument signs, hedges and other landscaping.

8. Public facilities. A facility shall not be located within any portion of the public right-of-way interfering with access to a fire hydrant, fire station, fire escape, water valve, underground vault, valve housing structure, or any other public health or safety facility.

9. Screening. All ground-mounted facility, pole-mounted equipment, or walls, fences, landscaping or other screening methods shall be installed at least eighteen inches from the curb and gutter flow line.

10. Accessory equipment. Not including the electric meter, all accessory equipment shall be located underground; but not located in the parkway, except as provided below:

a. Unless city staff determines that there is no room in the public right-of-way for undergrounding or that undergrounding is not feasible, an exception shall be required in order to place accessory equipment above-ground and concealed with natural or manmade features to the maximum extent possible.

b. When above-ground is the only feasible location for a particular type of accessory equipment and will be ground-mounted, such accessory equipment shall be enclosed within a structure, and shall not exceed a height of five feet and a total footprint of fifteen square feet, and shall be fully screened and/or camouflaged, including the use of landscaping, architectural treatment, or acceptable alternate screening. Required electrical meter cabinets shall be screened and/or camouflaged.

c. In locations where homes are only along one side of a street, above-ground accessory equipment shall not be installed directly in front of a residence. Such above-ground accessory equipment shall be installed along the side of the street with no homes. Unless said location is located within the coastal setback or the landslide moratorium area, then such locations shall be referred to the city's geotechnical staff for review and recommendations.

11. Landscaping. Where appropriate, each facility shall be installed so as to maintain and enhance existing landscaping on the site, including trees, foliage and shrubs. Additional landscaping shall be planted, irrigated and maintained by applicant where such landscaping is deemed necessary by the city to provide screening or to conceal the facility.

12. Signage. No facility shall bear any signs or advertising devices other than certification, warning or other signage required by law or permitted by the city.

13. Lighting.

a. No facility may be illuminated unless specifically required by the Federal Aviation Administration or other government agency. Beacon lights are not permitted unless required by the Federal Aviation Administration or other government agency.

b. Legally required lightning arresters and beacons shall be included when calculating the height of facilities such as towers, lattice towers and monopoles.

c. Any required lighting shall be shielded to eliminate, to the maximum extent possible, impacts on the surrounding neighborhoods.

d. Unless otherwise required under FAA or FCC regulations, applicants may install only timed or motion-sensitive light controllers and lights, and must install such lights so as to avoid illumination impacts to adjacent properties to the maximum extent feasible. The city may, in its discretion, exempt an applicant from the foregoing requirement when the applicant demonstrates a substantial public safety need.

e. The applicant shall submit a lighting study which shall be prepared by a qualified lighting professional to evaluate potential impacts to adjacent properties.

14. Noise.

a. Backup generators shall only be operated during periods of power outages, and shall not be tested on weekends or holidays, or between the hours of 7:00 pm and 7:00 am.

b. At no time shall equipment noise from any facility violate the provisions of Chapter 9.16 of this Code governing noise standards in the city.

15. Security. Each facility shall be designed to be resistant to, and minimize opportunities for, unauthorized access, climbing, vandalism, graffiti and other conditions that would result in hazardous situations, visual blight or attractive nuisances. The director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, a facility has the potential to become an attractive nuisance. Additionally, no lethal devices or elements shall be installed as a security device.

16. Modification. Consistent with current state and federal laws and if permissible under the same, at the time of modification of a wireless telecommunications facility, existing equipment shall, to the extent feasible, be replaced with equipment that reduces visual, noise and other impacts, including, but not limited to undergrounding the equipment and replacing larger, more visually intrusive facilities with smaller, less visually intrusive facilities.

17. The installation and construction approved by a wireless telecommunications facility permit shall begin within one year after its approval or it will expire without further action by the city.

B. Conditions of approval. In addition to compliance with the design and development standards outlined in this section, all facilities shall be subject to the following conditions of approval (approval may be by operation of law), as well as any modification of these conditions or additional conditions of approval deemed necessary by the director:

1. The permittee shall submit an as built drawing within ninety days after installation of the facility. [As-builds shall be in an electronic format acceptable to, and which can be linked to, the city's GIS.]

2. The permitted shall submit and maintain current at all times basic contact and site information on a form to be supplied by the city. The permitted shall notify the city of any changes to the information submitted within thirty days of any change, including change of the name or legal status of the owner or operator. This information shall include, but is not limited to, the following:

a. Identity, including the name, address and 24-hour local or toll free contact phone number of the permitted, the owner, the operator, and the agent or person responsible for the maintenance of the facility.

b. The legal status of the owner of the wireless telecommunications facility.

3. The permitted shall notify the city in writing at least ninety days prior to any transfer or assignment of the permit. The written notice required in this section must include: (1) the transferee's legal name; (2) the transferee's full contact information, including a primary contact person, mailing address, telephone number and email address; and (3) a statement signed by the transferee that the transferee shall accept all permit terms and conditions. The director may require the transferor and/or the transferee to submit any materials or documentation necessary to determine that the proposed transfer complies with the existing permit and all its conditions of approval, if any. Such materials or documentation may include, but shall not be limited to: federal, state and/or local approvals, licenses, certificates or franchise agreements; statements; photographs; site plans and/or as-built drawings; and/or an analysis by a qualified radio frequency engineer demonstrating compliance with all applicable regulations and standards of the Federal Communications Commission. Noncompliance with the permit and all its conditions of approval, if any, or failure to submit the materials required by the director shall be a cause for the city to revoke the applicable permits pursuant to and following the procedure set out in Section 12.21.170.

5. At all times, all required notices and/or signs shall be posted on the site as required by the Federal Communications Commission, California Public Utilities Commission, any applicable licenses or laws, and as approved by the city. The location and dimensions of a sign bearing the emergency contact name and telephone number shall be posted pursuant to the approved plans.

6. Permitted shall pay for and provide a performance bond or other form of security approved by the city attorney's office, which shall be in effect until the facilities are fully and completely removed and the site reasonably returned to its original condition, to cover permitted's obligations under these conditions of approval and this code. The security instrument coverage shall include, but not be limited to, removal of the facility. (The amount of the security instrument shall be calculated by the applicant in its submittal documents in an amount rationally related to the obligations covered by the bond and shall be specified in the conditions of approval.) Before issuance of any building permit, permitted must submit said security instrument.

7. If a nearby property owner registers a noise complaint, the city shall forward the same to the permitted. Said complaint shall be reviewed and evaluated by the applicant. The permitted shall have ten business days to file a written response regarding the complaint which shall include any applicable remedial measures. If the city determines the complaint is valid and the applicant has not taken any steps to minimize the noise, the city may hire a consultant to study, examine and evaluate the noise complaint and the permitted shall pay the fee for the consultant if the site is found in violation of this chapter. The matter shall be reviewed by the director. If the director determines sound proofing or other sound attenuation measures should be required to bring the project into compliance with the Code, the director may impose conditions on the project to achieve said objective.

8. A condition setting forth the permit expiration date in accordance with Section 12.21.150 shall be included in the conditions of approval.

9. The wireless telecommunications facility shall be subject to such conditions, changes or limitations as are from time to time deemed necessary by the director for the purpose of: (a) protecting the public health, safety, and welfare; (b) preventing interference with pedestrian and vehicular traffic; and/or (c) preventing damage to the public right-of-way or any adjacent property. The city may modify the permit to reflect such conditions, changes or limitations by following the same notice and public hearing procedures as are applicable to the underlying permit for similarly located facilities, except the permitted shall be given notice by personal service or by registered or certified mail at the last address provided to the city by the permitted.

10. The permitted shall not transfer the permit to any person prior to the completion of the construction of the facility covered by the permit, unless and until the transferee of the permit has submitted the security instrument required by Section 12.21.070B.6.

11. The permitted shall not move, alter, temporarily relocate, change, or interfere with any existing structure, improvement or property without the prior consent of the owner of that structure, improvement or property. No structure, improvement or property

owned by the city shall be moved to accommodate a wireless telecommunications facility unless the city determines that such movement will not adversely affect the city or any surrounding businesses or residents, and the permitted pays all costs and expenses related to the relocation of the city's structure, improvement or property. Prior to commencement of any work pursuant to an encroachment permit issued for any facility within the public right-of-way, the permitted shall provide the city with documentation establishing to the city's satisfaction that the permitted has the legal right to use or interfere with any other structure, improvement or property within the public right-of-way to be affected by applicant's facilities.

12. The permitted shall assume full liability for damage or injury caused to any property or person by the facility.

13. The permitted shall repair, at its sole cost and expense, any damage including, but not limited to subsidence, cracking, erosion, collapse, weakening, or loss of lateral support to city streets, sidewalks, walks, curbs, gutters, trees, parkways, street lights, traffic signals, improvements of any kind or nature, or utility lines and systems, underground utility line and systems, or sewer systems and sewer lines that result from any activities performed in connection with the installation and/or maintenance of a wireless telecommunications facility in the public right-of-way. The permitted shall restore such areas, structures and systems to the condition in which they existed prior to the installation or maintenance that necessitated the repairs. In the event the permitted fails to complete such repair within the number of days stated on a written notice by the city engineer. Such time period for correction shall be based on the facts and circumstances, danger to the community and severity of the disrepair. Should the permitted not make said correction within the time period allotted, the city engineer shall cause such repair to be completed at permitted's sole cost and expense.

14. No facility shall be permitted to be installed in the drip line of any tree in the right-of-way.

15. Insurance. The permitted shall obtain, pay for and maintain, in full force and effect until the facility approved by the permit is removed in its entirety from the public right-of-way, an insurance policy or policies of public liability insurance, with minimum limits of one million dollars ($1,000,000) for each occurrence and two million dollars ($2,000,000) in the aggregate, that fully protects the city from claims and suits for bodily injury and property damage. The insurance must name the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers as additional named insureds, be issued by an insurer admitted in the State of California with a rating of at least a A:VII in the latest edition of A.M. Best's Insurance Guide, and include an endorsement providing that the policies cannot be canceled or reduced except with thirty days prior written notice to the city, except for cancellation due to nonpayment of premium. The insurance provided by permitted shall be primary to any coverage available to the city, and any insurance or self-insurance maintained by the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers shall be excess of permitted's insurance and shall not contribute with it. The policies of insurance required by this permit shall include provisions for waiver of subrogation. In accepting the benefits of this permit, permitted hereby waives all rights of subrogation against the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers. The insurance must afford coverage for the permitted's and the wireless provider's use, operation and activity, vehicles, equipment, facility, representatives, agents and employees, as determined by the city's risk manager. Before issuance of any building permit for the facility, the permitted shall furnish the city risk manager certificates of insurance and endorsements, in the form satisfactory to the city attorney or the risk manager, evidencing the coverage required by the city.

16. Permitted shall defend, indemnify, protect and hold harmless city, its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers from and against any and all claims, actions, or proceeding against the city, and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees, and volunteers to attack, set aside, void or annul, an approval of the city, or city council concerning this permit and the project. Such indemnification shall include damages of any type, judgments, settlements, penalties, fines, defensive costs or expenses, including, but not limited to, interest, attorneys' fees and expert witness fees, or liability of any kind related to or arising from such claim, action, or proceeding. The city shall promptly notify the permitted of any claim, action, or proceeding. Nothing contained herein shall prohibit city from participating in a defense of any claim, action or proceeding. The city shall have the option of coordinating the defense, including, but not limited to, choosing counsel after consulting with permitted and at permitted's expense.

17. Additionally, to the fullest extent permitted by law, the permitted, and every permitted and person in a shared permit, jointly and severally, shall defend, indemnify, protect and hold the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers harmless from and against all claims, suits, demands, actions, losses, liabilities, judgments, settlements, costs (including, but not limited to, attorney's fees, interest and expert witness fees), or damages claimed by third parties against the city for any injury claim, and for property damage sustained by any person, arising out of, resulting from, or are in any way related to the wireless telecommunications facility, or to any work done by or use of the public right-of-way by the permitted, owner or operator of the wireless telecommunications facility, or their agents, excepting only liability arising out of the sole negligence or willful misconduct of the city and its elected and appointed council members, boards, commissions, officers, officials, agents, consultants, employees and volunteers.

18. Should the utility company servicing the facility with electrical service that does not require the use of an above ground meter

cabinet, the permitted shall at its sole cost and expense remove the meter cabinet and any related foundation within ninety days of such service being offered and reasonably restore the area to its prior condition. An extension may be granted if circumstances arise outside of the control of the permitted.

19. Relocation. The permitted shall modify, remove, or relocate its facility, or portion thereof, without cost or expense to city, if and when made necessary by (i) any public improvement project, including, but not limited to, the construction, maintenance, or operation of any underground or above ground facilities including but not limited to sewers, storm drains, conduits, gas, water, electric or other utility systems, or pipes owned by city or any other public agency, (ii) any abandonment of any street, sidewalk or other public facility, (iii) any change of grade, alignment or width of any street, sidewalk or other public facility, or (iv) a determination by the director that the wireless telecommunications facility has become incompatible with public health, safety or welfare or the public's use of the public right-of-way. Such modification, removal, or relocation of the facility shall be completed within ninety days of notification by city unless exigencies dictate a shorter period for removal or relocation. Modification or relocation of the facility shall require submittal, review and approval of a modified permit pursuant to the Code including applicable notice and hearing procedures. The permitted shall be entitled, on permitted's election, to either a pro-rata refund of fees paid for the original permit or to a new permit, without additional fee, at a location as close to the original location as the standards set forth in the Code allow. In the event the facility is not modified, removed, or relocated within said period of time, city may cause the same to be done at the sole cost and expense of permitted. Further, due to exigent circumstances including those of immediate or imminent threat to the public's health and safety, the city may modify, remove, or relocate wireless telecommunications facilities without prior notice to permitted provided permitted is notified within a reasonable period thereafter.

20. Permitted shall agree in writing that the permitted is aware of, and agrees to abide by, all conditions of approval imposed by the wireless telecommunications facility permit within thirty days of permit issuance. The permit shall be void and of no force or effect unless such written consent is received by the city within said thirty-day period.

21. Prior to the issuance of any encroachment, permitted may be required to enter into a right-of-way agreement with the city in accordance with Section 12.21.090.

22. "Permitted" shall include the applicant and all successors in interest to this permit. (Ord. 2016-01-1485 § 3 (part))

12.21.080 Findings.

No permit shall be granted for a wireless telecommunications facility unless all of the following findings are made by the director:

A. All notices required for the proposed installation have been given.

B. The proposed facility has been designed and located in compliance with all applicable provisions of this chapter.

C. If applicable, the applicant has demonstrated its inability to locate on existing infrastructure.

D. The applicant has provided sufficient evidence supporting the applicant's claim that it has the right to enter the public right-of-way pursuant to state or federal law, or the applicant has entered into a franchise agreement with the city permitting them to use the public right-of-way.

E. The applicant has demonstrated the proposed installation is designed such that the proposed installation represents the least intrusive means possible and supported by factual evidence and a meaningful comparative analysis to show that all alternative locations and designs identified in the application review process were technically infeasible or not available. (Ord. 2016-01-1485 § 3 (part))

12.21.090 [Section Reserved]

12.21.100 Nonexclusive grant.

No permit or approval granted under this chapter shall confer any exclusive right, privilege, license or franchise to occupy or use the public right-of-way of the city for any purpose whatsoever. Further, no approval shall be construed as any warranty of title. (Ord. 2016-01-1485 § 3 (part))

12.21.110 Emergency Deployment.

A COW shall be permitted for the duration of an emergency declared by the city or at the discretion of the director. (Ord. 2016-01-1485 § 3 (part))

12.21.120 Operation and Maintenance Standards.

All wireless telecommunications facilities must comply at all times with the following operation and maintenance standards.

A. Unless otherwise provided herein, all necessary repairs and restoration shall be completed by the permitted, owner, operator or any designated maintenance agent within forty-eight hours:

1. After discovery of the need by the permitted, owner, operator or any designated maintenance agent; or

2. After permitted, owner, operator or any designated maintenance agent receives notification from the city.

B. Each permitted of a wireless telecommunications facility shall provide the director with the name, address and twenty-four-hour local or toll free contact phone number of the permitted, the owner, the operator and the agent responsible for the maintenance of the facility ("contact information"). Contact information shall be updated within seven days of any change.

C. All facilities, including, but not limited to, telecommunication towers, poles, accessory equipment, lighting, fences, walls, shields, cabinets, artificial foliage or camouflage, and the facility site shall be maintained in good condition, including ensuring the facilities are reasonably free of:

1. General dirt and grease;

2. Chipped, faded, peeling, and cracked paint;

3. Rust and corrosion;

4. Cracks, dents, and discoloration;

5. Missing, discolored or damaged artificial foliage or other camouflage;

6. Graffiti, bills, stickers, advertisements, litter and debris;

7. Broken and misshapen structural parts; and

8. Any damage from any cause.

D. All trees, foliage or other landscaping elements approved as part of the facility shall be maintained in good condition at all times, and the permitted, owner and operator of the facility shall be responsible for replacing any damaged, dead or decayed landscaping. No amendment to any approved landscaping plan may be made until it is submitted to and approved by the director.

E. The permitted shall replace its facilities, after obtaining all required permits, if maintenance or repair is not sufficient to return the facility to the condition it was in at the time of installation.

F. Each facility shall be operated and maintained to comply at all conditions of approval. Each owner or operator of a facility shall routinely inspect each site to ensure compliance with the same and the standards set forth in this chapter. (Ord. 2016-01-1485 § 3 (part))

12.21.130 Radio Frequency (RF) Emissions and Other Monitoring Requirements.

The owner and operator of a facility shall submit within ninety days of beginning operations under a new or amended permit, and every five years from the date the facility began operations, a technically sufficient report ("monitoring report") that demonstrates the following:

A. The facility is in compliance with applicable federal regulations, including Federal Communications Commission RF emissions standards, as certified by a qualified radio frequency emissions engineer;

B. The facility is in compliance with all provisions of this section and its conditions of approval. (Ord. 2016-01-1485 § 3 (part))

12.21.140 No Dangerous Condition or Obstructions Allowed.

No person shall install, use or maintain any facility which in whole or in part rests upon, in or over any public right-of-way, when such installation, use or maintenance endangers or is reasonably likely to endanger the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes or other governmental use, or when such facility unreasonably interferes with or unreasonably impedes the flow of pedestrian or vehicular traffic including any legally parked or stopped vehicle, the ingress into or egress from any residence or place of business, 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. 2016-01-1485 § 3 (part))

12.21.150 Permit Expiration.

A. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless telecommunications facility shall be valid for a period of ten years, unless pursuant to another provision of this Code it lapses sooner or is revoked. At the end of ten years from the date of issuance, such permit shall automatically expire.

B. Permitted may apply for a new permit within one hundred and eighty days prior to expiration. Said application and proposal shall comply with the city's current code requirements for wireless telecommunications facilities. (Ord. 2016-01-1485 § 3 (part))

12.21.160 Cessation of Use or Abandonment.

A. A wireless telecommunications facility is considered abandoned and shall be promptly removed as provided herein if it ceases to provide wireless telecommunications services for ninety or more consecutive days unless the permitted has obtained prior written approval from the director which shall not be unreasonably denied. If there are two or more users of a single facility, then this provision shall not become effective until all users cease using the facility.

B. The operator of a facility shall notify the city in writing of its intent to abandon or cease use of a permitted site or a nonconforming site (including unpermitted sites) within ten days of ceasing or abandoning use. Notwithstanding any other provision herein, the operator of the facility shall provide written notice to the director of any discontinuation of operations of thirty days or more.

C. Failure to inform the director of cessation or discontinuation of operations of any existing facility as required by this section shall constitute a violation of any approvals and be grounds for:

1. Litigation;

2. Revocation or modification of the permit;

3. Acting on any bond or other assurance required by this article or conditions of approval of the permit;

4. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or

5. Any other remedies permitted under this Code.

(Ord. 2016-01-1485 § 3 (part))

12.21.170 Removal and Restoration - Permit Expiration, Revocations or Abandonment.

A. Upon the expiration date of the permit, including any extensions, earlier termination or revocation of the permit or abandonment of the facility, the permitted, owner or operator shall remove its wireless telecommunications facility and restore the site to its natural condition except for retaining the landscaping improvements and any other improvements at the discretion of the city. Removal shall be in accordance with proper health and safety requirements and all ordinances, rules, and regulations of the city. The facility shall be removed from the property, at no cost or expense to the city.

B. Failure of the permitted, owner or operator to promptly remove its facility and restore the property within ninety days after expiration, earlier termination or revocation of the permit, or abandonment of the facility, shall be a violation of this Code. Upon a showing of good cause, an extension may be granted by the director where circumstances are beyond the control of the permitted after expiration. Further failure to abide by the timeline provided in this section shall be grounds for:

1. Prosecution;

2. Acting on any security instrument required by this chapter or conditions of approval of permit;

3. Removal of the facilities by the city in accordance with the procedures established under this Code for abatement of a public nuisance at the owner's expense; and/or

4. Any other remedies permitted under this Code.

C. Summary removal. In the event the director or city engineer determines that the condition or placement of a wireless telecommunications facility located in the public right-of-way constitutes a dangerous condition, obstruction of the public right-of-way, or an imminent threat to public safety, or determines other exigent circumstances require immediate corrective action (collectively, "exigent circumstances"), the director or city engineer may cause the facility to be removed summarily and immediately without advance notice or a hearing. Written notice of the removal shall include the basis for the removal and shall be served upon the permitted and person who owns the facility within five business days of removal and all property removed shall be preserved for the owner's pick-up as feasible. If the owner cannot be identified following reasonable effort or if the owner fails to pick-up the property within sixty days, the facility shall be treated as abandoned property.

D. Removal of facilities by city. In the event the city removes a facility in accordance with nuisance abatement procedures or summary removal, any such removal shall be without any liability to the city for any damage to such facility that may result from reasonable efforts of removal. In addition to the procedures for recovering costs of nuisance abatement, the city may collect such costs from the performance bond posted and to the extent such costs exceed the amount of the performance bond, collect those excess costs in accordance with this Code. Unless otherwise provided herein, the city has no obligation to store such facility. Neither the permitted, owner nor operator shall have any claim if the city destroys any such facility not timely removed by the permitted, owner or operator after notice, or removed by the city due to exigent circumstances. (Ord. 2016-01-1485 § 3 (part))

12.21.180 Exceptions.

A. The city council recognizes that federal law prohibits a permit denial when it would effectively prohibit the provision of personal wireless services and the applicant proposes the least intrusive means to provide such services. The city council finds that, due to wide variation among wireless facilities, technical service objectives and changed circumstances over time, a limited exemption for proposals in which strict compliance with this chapter would effectively prohibit personal wireless services serves the public interest. The city council further finds that circumstances in which an effective prohibition may occur are extremely difficult to discern, and that specified findings to guide the analysis promotes clarity and the city's legitimate interest in well-planned wireless facilities deployment. Therefore, in the event that any applicant asserts that strict compliance with any provision in this chapter, as applied to a specific proposed personal wireless services facility, would effectively prohibit the provision of personal wireless services, the city council may grant a limited, one-time exemption from strict compliance subject to the provisions in this section.

B. Required findings. The city council shall not grant any exemption unless the applicant demonstrates with clear and convincing evidence all the following:

1. The proposed wireless facility qualifies as a "personal wireless services facility" as defined in 47 U.S.C., § 332(c)(7)(C)(ii);

2. The applicant has provided the city with a clearly defined technical service objective and a clearly defined potential site search area;

3. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why any alternative location(s) or design(s) suggested by the city or otherwise identified in the administrative record, including but not limited to potential alternatives identified at any public meeting or hearing, are not technically feasible or potentially available; and

4. The applicant has provided the city with a meaningful comparative analysis that includes the factual reasons why the proposed location and design deviates is the least noncompliant location and design necessary to reasonably achieve the applicant's reasonable technical service objectives.

C. Scope. The city council shall limit its exemption to the extent to which the applicant demonstrates such exemption is necessary to reasonably achieve its reasonable technical service objectives. The city council may adopt conditions of approval as reasonably necessary to promote the purposes in this chapter and protect the public health, safety and welfare.

D. Independent consultant. The city shall have the right to hire, at the applicant's expense, an independent consultant to evaluate issues raised by the exception and to submit recommendations and evidence in response to the application. (Ord. 2016- 01-1485 § 3 (part))

12.21.190 Location Restrictions.

Locations requiring an exception. Wireless telecommunications facilities are strongly disfavored in certain areas. Therefore the following locations are permitted when an exception has been granted pursuant to Section 12.21.180:

A. Public right-of-way of local streets as identified in the general plan if within the residential zones;

B. Public right-of-way if mounted to a new pole that is not replacing an existing pole in an otherwise permitted location. (Ord. 2016-01-1485 § 3 (part))

12.21.200 Effect on Other Ordinances.

Compliance with the provisions of this chapter shall not relieve a person from complying with any other applicable provision of this Code. In the event of a conflict between any provision of this division and other sections of this Code, this chapter shall control.

(Ord. 2016-01-1485 § 3 (part))

12.21.210 State or Federal Law.

A. In the event it is determined by the city attorney that state or federal law prohibits discretionary permitting requirements for certain wireless telecommunications facilities, such requirement shall be deemed severable and all remaining regulations shall remain in full force and effect. Such a determination by the city attorney shall be in writing with citations to legal authority and shall be a public record. For those facilities, in lieu of a minor conditional use permit or a conditional use permit, a ministerial permit shall be required prior to installation or modification of a wireless telecommunications facility, and all provisions of this division shall be applicable to any such facility with the exception that the required permit shall be reviewed and administered as a ministerial permit by the director rather than as a discretionary permit. Any conditions of approval set forth in this provision or deemed necessary by the director shall be imposed and administered as reasonable time, place and manner rules.

B. If subsequent to the issuance of the city attorney's written determination pursuant to A. above, the city attorney determines that the law has changed and that discretionary permitting is permissible, the city attorney shall issue such determination in writing with citations to legal authority and all discretionary permitting requirements shall be reinstated. The city attorney's written determination shall be a public record.

C. All installations permitted pursuant to this chapter shall comply with all federal and state laws including but not limited to the American with Disabilities Act. (Ord. 2016-01-1485 § 3 (part))

12.21.220 Nonconforming Wireless Telecommunications Facilities in the Right-of-Way.

A. Nonconforming wireless telecommunications facilities are those facilities that do not conform to this chapter.

B. Nonconforming wireless telecommunications facilities shall, within ten years from the date such facility becomes nonconforming, be brought into conformity with all requirements of this chapter; provided, however, that should the owner desire to expand or modify the facility, intensify the use, or make some other change in a conditional use, the owner shall comply with all applicable provisions of this Code at such time, to the extent the city can require such compliance under federal and state law.

C. An aggrieved person may file an appeal to the city council of any decision of the director made pursuant to this section. In the event of an appeal alleging that the ten-year amortization period is not reasonable as applied to a particular property, the city council may consider the amount of investment or original cost, present actual or depreciated value, dates of construction, amortization for tax purposes, salvage value, remaining useful life, the length and remaining term of the lease under which it is maintained (if any), and the harm to the public if the structure remains standing beyond the prescribed amortization period, and set an amortization period accordingly for the specific property. (Ord. 2016-01-1485 § 3 (part))

Chapters:

Chapter 13.01
PUBLIC FRANCHISES

Sections:

13.01.010 Purpose and intent.

It is the purpose and intent of the city council in enacting this chapter to protect the public's welfare in the city's capacity as caretaker of the public rights-of-way and/or provider of public utility services. This chapter is further intended to establish

nondiscriminatory procedures for the granting of franchises to use and occupy the public rights-of-way and/or provide public utilities and services. The requirement for franchise agreements shall enhance the safety and ongoing maintenance of the city's rights-of-way and the quality of public services while ensuring a uniform procedure that provides equal treatment for members of the public. The city has the authority to manage public property through its police power and other statutory and constitutional powers granted to municipalities. The authority and procedures contained herein are intended to preserve the city's responsibility to control and protect the public from unsatisfactory public service providers and to maintain the city's ability to demand a fair rate of compensation in exchange for the grant of franchise rights and use of public rights-of-way, while establishing procedures to treat franchise applicants fairly in the interest of due process.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.020 Definitions.

The following terms used in this chapter, unless the context clearly indicates otherwise, shall have the respective meanings set forth in this section.

A. "City manager" shall mean the city's city manager or his or her designee.

B. "Commercial" means a non-public, for profit, entity or use.

C. "Exclusive franchise" means a franchise for a term of years which grants privileges available to one and only one franchisee within the city's boundaries to provide services as described in a franchise agreement for the duration of the franchise.

D. "Franchise" means and includes any authorization granted hereunder in terms of franchise, privilege, or otherwise to furnish the city or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, oil pipelines, refuse services, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys and rights-of-ways, or for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the city for the transmitting or conveying of any such services elsewhere. Any such authorization shall not mean or include any license or permit required for the privilege of transacting and carrying on a business within the city generally as required by other ordinances and laws of this city.

E. "Franchise agreement" means an agreement entered into by the city at its option with the franchisee which sets forth the terms and conditions of the grant of franchise.

F. "Franchisee" means the person, firm, or corporation granted a franchise by the city council under this chapter, and the lawful successor, transferee, or assignee of such entity.

G. "Nonexclusive franchise" means a franchise which grants privileges available to multiple simultaneous franchisees within the city's boundaries to provide the services described in the franchise agreement.

H. "Right-of-way" means any public highway, public street, public way, or public place in the city, either owned by the city or dedicated to the public for public purposes.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.030 Authority; application.

A. The city council pursuant to its charter, Sections 916 through 919, adopted by the voters in November 2000 (the "charter"), shall have the authority, without obligation, in conjunction with any applicable State or Federal law provisions, to grant a franchise, whether exclusive or nonexclusive, to a third-party service provider (whether currently operating under an existing franchise or not) for furnishing of the city or its inhabitants with transportation, communication, terminal facilities, water, light, heat, electricity, gas, power, oil pipelines, refuse services, refrigeration, storage or any other public utility or service, or using the public streets, ways, alleys and rights-of-ways, or for the operation of plants, works or equipment for the furnishing thereof, or traversing any portion of the city for the transmitting or conveying of any such services elsewhere. Any such grant of franchise shall be effective as approved by the city council and subject to the terms and conditions of the charter, this chapter and any franchise agreement executed between the city and the franchisee. Further, the city shall have the authority to require reasonable compensation as determined by the city council in the form of a franchise fee for the privilege granted by any franchise in accordance with this chapter.

B. The grant of a franchise shall, where appropriate, concomitantly act as a grant of license or easement to the franchisee in, on, over and across public rights-of-way to the extent such access is necessary and integral to the services or utilities to be provided by

franchisee pursuant to its franchise agreement.

C. This chapter shall not apply to temporary or long-term encroachments which are governed under the provisions of Title 12 of this Municipal Code.

D. This chapter shall not apply to cable television providers (which are governed by Chapter 13.12 of this Municipal Code) or telephone companies.

E. No franchise requirement of the city shall apply to the city, nor any subdivision, department or division thereof.

F. That the city has imposed sufficient mechanisms in the franchise agreement to recover all costs in connection with the administration of the agreement and has imposed sufficient fees to recover for the benefit of the community a reasonable charge for the benefit received by the franchise for the use of the rights granted thereunder.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.040 Applicable laws.

A franchisee shall be subject to all provisions of the franchise agreement and all applicable municipal, State, and Federal laws and regulations as well as the regulations of any other public agency having jurisdiction over territory located within the city. In the event of any conflict between municipal regulations and state and federal laws, then state and federal law shall prevail, unless such matters are a local affair and governed by the charter. The grant of a franchise shall not relieve the franchisee of any obligation under this code to obtain any building or construction permits, right-of-way permits, public works permits, excavation permits, use permits, or any other specific authorization that may be required for the proposed project. Unless the franchise agreement adopted by the city council provides otherwise, a franchise does not grant a right to construct or install physical improvements at specified locations, until such time as said locations shall be determined and approved pursuant to applicable planning or engineering processes and permits.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.050 Franchisee-initiated franchise; general procedure.

A franchise, whether exclusive or nonexclusive, shall be considered and granted according to the following general procedures:

A. An applicant seeking a grant of franchise, or a transfer of a franchise (if such transfer is permitted under the terms of the applicable franchise agreement) may submit a proposal seeking such grant of franchise by submitting the following to the city:

1. A written "request and application for franchise" to the city manager in a form prescribed by the city manager; and

2. A proposal identifying:

a. The requested use of the public right-of-way or the proposed public services or utilities to be provided;

b. Any proposed physical improvements associated with the proposed franchise, if any;

c. The scope of proposed operations or services and whether the franchise requested is exclusive or nonexclusive;

d. The amount and method of compensation in the form of franchise fees proposed to be paid to the city; and

e. The initial term of the proposed franchise and any renewal, if applicable; and

3. All applicable application processing fees required by ordinance or resolution of the city council; and

4. Any other information required by the city manager.

B. The city manager shall, in his sole and absolute discretion, reject any applications for a franchise where the proposed franchise is unlawful, infeasible or otherwise contrary to the city's best interests and the public health, safety or welfare of city citizens. If the city manager determines that a proposed franchise arrangement is lawful, feasible and in furtherance of the city's interests and the public health, safety, and welfare, the city manager may, subject to any required approvals by the city council, commence negotiations in the interest of the city for a draft franchise agreement between the applicant and the city.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.060 City-initiated franchise; general procedure.

The city may initiate the process of granting a franchise for a specified public service or public utility by:

A. Issuing a notice inviting bids and proceeding with a request for proposal ("RFP") process to award the franchise to the lowest responsible proposer pursuant to Chapter 3.20 of this Municipal Code;

B. Issuing a notice inviting qualified entities to submit qualifications ("RFQ") and permitting evaluation of qualifications and developing competing proposals by qualified entities and awarding to the best qualified; or

C. If the public service or public utility is already being provided by an existing franchisee, the city manager may, subject to any required approvals by the city council, initiate negotiations with such existing franchisee for its continued provision of said public services or utilities if the existing franchisee's services have historically been performed in a lawful, professional and workmanlike manner to the full satisfaction of the city.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.070 Resolution of intention to grant franchise; notice and public hearing.

A. Before granting any franchise, the city council shall pass a resolution declaring its intention to grant the franchise, stating the name of the proposed franchisee, the character of the franchise and the terms and conditions upon which it is proposed to be granted. Such resolution shall fix and set forth the day, hour and place when and where any persons having any interest therein or any objection to the granting thereof may appear before the city council and be heard thereon. The city council shall direct the city clerk to publish said resolution at least once, within fifteen days of the passage thereof, in a newspaper of general circulation in the city. Said notice shall be published at least ten days prior to the date of hearing for the grant of franchise and approval of the franchise agreement.

B. At the time set for the hearing for the grant of franchise, the city council shall proceed to hear and pass upon all protests and its decision thereon shall be final and conclusive. Thereafter, the city council may, by ordinance, grant the franchise on the terms and conditions specified in the resolution of intention to grant the same and/or the terms of the franchise agreement (subject to the right of referendum of the people) or it may deny the same. If the city council determines that changes should be made in the terms and conditions upon which the franchise is proposed to be granted, it may order further negotiations between the city and franchisee and an amended franchise agreement shall be subject to a new resolution of intention and like proceedings thereon.

C. No resolution granting a franchise for any purpose shall be passed by the city council on the day of its introduction, nor within five days thereafter, nor at any time other than a regular or adjourned regular meeting.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.080 Findings for exclusivity.

The city may grant exclusive franchises, unless prohibited by State or Federal Law, after public hearing pursuant to Section 13.01.070 where on a four/fifths vote of the city council, the council finds good cause therefore based on the following findings:

A. That the qualifications, experience and financial standing of the franchisee make franchisee uniquely qualified to provide the franchised services;

B. That the city has engaged in a reasonable process to determine franchisee's qualification and the qualifications of other potential franchisees.

C. That the nature of the franchised services, of the needed investment and the requirements of the franchise agreement are such that the community will best be served by a single franchisee rather than by providing competitive services.

D. That the franchise agreement with the conditions required in Section 13.01.090 will fully protect the interests of the public.

E. That there are adequate provisions in the franchise agreement to permit updating the agreement during the whole term of the agreement for changes in service needs, changes in law, advances in technology, changes in the market place, and other factors.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.090 Franchise conditions, restrictions and regulations; non-discrimination.

A. Franchisee shall be subject to all other conditions, restrictions, and specifications outlined in the franchise agreement negotiated between city and franchisee as adopted and approved by resolution of the city council.

B. The franchise agreement shall contain conditions related to the lawful performance of the service; protecting the health and safety of the public; assuming compliance with environmental laws; preventing conflict with other users; providing for insurance, security and indemnification of the city, compliance with Proposition 218 with regards to fees, taxes and assessments; providing for city review of transfers; review, inspection and monitoring of performance and providing rights of enforcement including administrative procedures and fines where appropriate and as otherwise provided herein.

C. Further, city reserves the power to adopt and enforce additional requirements and regulations as are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder.

D. Franchisee shall be required to perform all business and activities undertaken pursuant to a franchise agreement in a manner that does not discriminate, harass, or allow harassment on the basis of race, color, creed, religion, sex, marital status, national origin, ancestry, age, physical disability (including HIV and AIDS), mental disability, medical condition (including pregnancy and cancer), family care leave, age, gender identification, political affiliation or sexual orientation, and franchisee will comply with all laws, rules and regulations relating thereto.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.100 Waiver of procedures by city council.

The city council may waive any procedural requirement imposed under this chapter when the city council determines that it is impossible, impractical or not feasible to comply with the procedural requirements and the public health, safety or welfare would be jeopardized by requiring full compliance.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.110 Transferability.

A franchisee shall not assign or otherwise transfer a franchise granted by the city council pursuant to this chapter without the express prior written consent of the city council. The determination shall include a review of whether the proposed transferee has the financial ability, technical expertise and experience to carry out the obligations of the franchisee. The review for approval shall also include a determination that the franchisee is not in breach of the franchise agreement.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.120 Insurance and indemnification.

Franchisee shall agree to indemnify, defend and hold harmless the city pursuant to a specific indemnity provision in its franchise agreement, and shall provide appropriate insurance, from a responsible institution, as required by the city's risk manager, and subject to periodic updating to stay current with the market conditions.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.130 Term.

Every franchise shall state the term for which it is granted, which shall not exceed fifteen years, unless otherwise required by State or Federal law. Franchises can be granted for longer periods if the city council makes specific findings in the ordinance or resolution granting the franchise that the longer term is needed to amortize the franchisee's investment or for other reason which promotes the public health, safety or welfare.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.140 Eminent domain; valuation of franchise in the event of acquisition by the city.

No grant of franchise grant shall in any way, or to any extent, impair or affect the right of the city to acquire the property of the franchisee either by purchase or through the exercise of the right of eminent domain. In the event the city should acquire the physical assets of a system or property held pursuant to a franchise or any portion thereof through voluntary acquisition or through the use of its power of eminent domain, the city shall pay for the fair market value of the facilities and property acquired, and the franchise agreement shall be deemed automatically terminated, but the city shall not pay any additional amount for the value of the franchise itself.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.150 Posting of security.

In granting any franchise, the city council shall determine the amount of financial security, if any, which shall be posted to secure franchisee's obligations under the franchise. The financial security shall be such amount as will cover the cost of franchisee fulfilling its obligations hereunder, and may be utilized if franchisee fails to perform as required hereunder or fails to reimburse the city in the event city has to remedy any breaches by franchisee.

The security may be a bond, letter of credit, cash deposit, deed of trust or other form approved by the city attorney. The security shall be drawn on a responsible institution and, if drawn upon, shall be promptly replenished in an amount to be determined by the city manager.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.160 Acceptance.

Unless otherwise provided in the franchise agreement, after the granting of the franchise by the city council, the franchisee shall have sixty days to file all certificates of insurance, post all bonds, comply with all other conditions set by the city council and file franchisee's certificate of acceptance. The execution of the certificate of acceptance and filing of the same with the city clerk shall be franchisee's acknowledgment that all conditions of the franchise are acceptable and shall constitute a waiver of all claims by franchisee, and thereafter franchisee shall be estopped from challenging such approval or the terms thereof. In the event franchisee fails to timely file such acceptance, the franchise and the city council's approval thereof shall be null and void.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.170 Removal and abandonment of franchises in public rights-of-way.

A. Unless otherwise provided in the franchise agreement, if the use of a franchise relating to the occupation of a public right-of-way is discontinued for any reason for a period of twelve consecutive months, or in the event such franchise has been installed into the public right-of-way without complying with the requirements of the franchise agreement or this chapter, or the franchise has been terminated, canceled or has expired, the franchisee shall within thirty days upon being given written notice from the city's public works director, provide a removal plan to the public works director describing the method and procedure to cause the removal from the public right-of-way all such property and equipment of such franchise unless the public works director gives written permission allowing in-place abandonment of equipment and facilities. Within thirty days of the removal plan approval, franchisee shall commence removal in accordance with the plan.

B. In lieu of abandonment in place, the franchisee may pay a fee for the maintenance of inactive facilities. In such case franchisee remains liable for proper maintenance of the facilities in accordance with the franchise agreement. Inactive facility fees may be kept by the city in a fund to be utilized to assist franchisees in removing facilities in the future as a part of the public or private public right of way improvement projects.

C. After removal of any equipment or facilities from the public right-of-way, the franchisee shall promptly restore the right-of-way to a condition satisfactory to the city's public works director.

D. Failure of the franchisee to submit a removal plan, as provided in division A. of this Section 13.01.170 within thirty days, or failure to complete removal in accordance with such plan, shall result in the city making a determination as to whether to cause the removal or leave the property or equipment abandoned in-place. Any removal or legal costs or fees incurred by city pursuant to this

Section shall be repaid by franchisee.

E. The removal or abandonment of any property or equipment shall not release the franchisee from any warranty and indemnity provisions in the franchise or the franchise agreement, including but not limited to any hazardous waste indemnity, which shall survive the termination of the franchise agreement unless otherwise provided therein.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.180 Changes required by public improvements.

The franchisee shall from time to time protect, support, dislocate, temporarily or permanently, as may be required, remove or relocate, without expense to the city or any other governmental entity, any facilities or utilities installed, used, and maintained under the franchise in a public right-of-way, if and when made necessary by any lawful change of grade, alignment, or width of any public street including the construction of any subway or viaduct, by the city or any other governmental entity or made necessary by any other public improvement or alteration in, under, on, upon or about the public right-of-way, whether such public improvement or alteration is at the instance of the city or another governmental or propriety function, or made necessary by traffic conditions, public safety, street vacation or any other public project or purpose of the city or any other governmental entity.

(Ord. 2009-08-1401 § 1(part), 2009)

13.01.190 Revocation.

Except as otherwise provided in a franchise agreement, the city council reserves the right to revoke any franchise granted pursuant to this chapter, and all rights and privileges pertaining thereto, in the event that the franchisee violates any material provision of the franchise agreement, this chapter, or any other material provision of this code or other law subject to enforcement by the city. Upon suspicion of such a violation, the city manager shall provide written notice to the franchisee with a time for curing the violation. Failure to cure within the specified time shall result in a hearing before the city manager. If the city manager believes a violation is occurring and not cured in a timely fashion, he may schedule a hearing before the city council to consider revocation of the franchise and notify franchisee thereof by certified and regular first class mail at least thirty days prior to said hearing. Franchisee may present evidence rebutting the violation or evidence showing an effort to correct the violation and mitigate its effects. Following the hearing, the city council may revoke the franchise, continue the franchise, or continue the franchise subject to additional conditions, at its discretion. The right to revoke any franchise granted pursuant to this chapter is in addition to, and not in lieu of, any other remedies available to the city.

(Ord. 2009-08-1401 § 1(part), 2009)

Chapter 13.03
WATER CONSERVATION PROGRAM

Sections:

13.03.010 Purpose.

A. It is the purpose of this new chapter to establish a water conservation and supply shortage program that will reduce water consumption within the city through conservation, enable effective water supply planning, assure reasonable and beneficial use of water, prevent waste of water, and maximize the efficient use of water within the city to avoid and minimize the effect and hardship of a water shortage to the greatest extent possible.

B. This new chapter establishes permanent water conservation standards intended to alter behavior related to water use efficiency for non-shortage conditions and further establishes three levels of water supply shortage response actions to be implemented during times of declared water shortage or declared water shortage emergency, with increasing restrictions on water use in response to worsening drought or emergency conditions and decreasing supplies.

C. The city council may utilize information issued by the Metropolitan Water District, Central Basin Municipal Water District or other reliable information, dates, or indices indicating the existence of a local or regional water supply shortage in order to implement the appropriate level of water conservation measures identified in this chapter.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.020 Definitions.

A. "Billing Unit" means the unit of water used to apply water rates for purposes of calculating water charges for a person's water usage and equals one hundred cubic feet or seven hundred forty-eight gallons of water.

B. "City" means the City of Signal Hill.

C. "Irrigation System" means a system with pipes, hoses, spray heads, or sprinkling devices that are operated by hand or through an automated system.

D. "Large Landscape Areas" means an area equal to more than one acre of irrigable land.

E. "Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water provided by the city.

F. "Potable Water" means water which is suitable for drinking.

G. "Recycled Water" means the reclamation and re-use of non-potable water for beneficial use.

H. "Single Pass Cooling Systems" means equipment where water is circulated only once to cool equipment before being disposed.

I. "Vegetation" means plant life that produces either fruit or vegetables for the purpose of consumption.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.030 Application.

A. The provisions of this chapter apply to any person using any potable water within the city or provided by the city.

B. The provisions of this chapter do not apply to uses of water necessary to protect public health and safety, or for essential government services, such as police, fire or other similar emergency services.

C. The provisions of this chapter do not apply to the use of recycled water, with the exception of limits on watering hours' provisions.

D. The provisions of this chapter do not apply to the use of water by commercial nurseries and commercial growers to sustain plants, trees, shrubs, crops or other vegetation intended for commercial sale.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.040 Permanent water conservation requirements.

The following water conservation requirements are effective at all times and shall be permanent. Violations of this section shall be considered waste and an unreasonable use of water.

A. Automated Watering (Irrigation) System Operation.

1. Automated watering or irrigation of any lawn, landscape, or other vegetated area with potable water is prohibited between the hours of 9:00 a.m. and 4:00 p.m. Pacific Standard Time on any day. Automated landscape irrigation systems may nevertheless be operated during these hours for very short periods of time, such as ten minutes, for the express purpose of adjusting or repairing a landscape irrigation system.

2. Automated Watering Duration Limits.

a. High Flow Sprinkler Heads (Greater than two gallons per minute). All watering activities are required to avoid visible runoff or pooling on adjacent hard surfaces. Automated sprinkler heads with flow rates greater than two gallons per minute may be operated up to a maximum of ten minutes (per valve station) on each authorized day so long as no visible runoff or pooling occurs. If runoff or pooling is visible, the sprinkler station run time shall be further reduced to eliminate runoff and pooling. Watering is prohibited from 9:00 a.m. to 4:00 p.m. daily.

b. Low Flow Sprinkler/Rotator Heads (Less than two gallons per minute). All watering activities are required to avoid visible runoff and pooling on adjacent hard surfaces. Automated sprinkler heads with flow rate less than two gallons per minute may be operated up to a maximum of twenty minutes (per valve station) on each authorized day so long as no visible runoff or pooling occurs. If runoff is visible, the sprinkler station run time shall be further reduced to eliminate runoff and pooling. Watering is prohibited from 9:00 a.m. to 4:00 p.m. daily.

c. Drip Watering Systems (Less than two gallons per hour). Properly installed automated drip systems with flow rates less than two gallons per hour are exempt from day and duration limitations so long as no visible runoff or pooling is created. Watering is prohibited from 9:00 a.m. to 4:00 p.m. daily.

B. Handheld Watering of Lawn, Tree and Vegetable Gardens. All watering activities are required to avoid visible runoff on adjacent hard surfaces. Use of a handheld bucket or similar container, a hand-held hose equipped with a positive self-closing water shut off nozzle or device is exempt from day, time of day and duration limitations. Vegetable gardens may be watered by hand or with soaker hoses without day, time of day and duration limitations. Trees may be watered by hand, soaker hose under the drip-line of the tree canopy or with automatic tree bubblers without limitation.

C. Excessive Water Flow or Runoff or Pooling. Any watering; irrigating of any lawn, landscape or area with vegetation; or any other use of water in a manner that causes or results in excessive water flow, runoff or pooling onto an adjoining surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, streets, alleys, gutters, or ditches is prohibited.

D. Washing Down Hard or Paved Surfaces Prohibited. Washing of driveways, sidewalks, parking areas, patios, other outdoor impermeable surface areas, kitchens or objects, such as kitchen non-skid mats with a hose, is prohibited unless using a water-conserving pressurized cleaning device as defined herein. A water-conserving pressurized cleaning device is defined as a device that discharges water at a minimum of one thousand pounds per square inch or a device that has been rated at using less than three gallons of water per minute. A simple spray nozzle does not qualify as a water-conserving pressurized cleaning device.

E. Obligations to Fix Leaks, Breaks, or Malfunctions. Excessive use, loss, or escape of water through leaks, breaks, or other malfunctions in the water user's plumbing or distribution system for any period of time after such escape of water should have reasonably been discovered and corrected and in no event more than seven days of receiving notice from the city is prohibited.

F. Re-circulating Water Required for Water Fountains and Decorative Water Features. Operating a water fountain or other decorative water feature that does not use re-circulated water is prohibited.

G. Limits on Washing Vehicles. Using water to wash or clean a vehicle, including but not limited to any automobile, motorcycle, truck, van, bus, recreational vehicle, boat or trailer, camping or cargo trailer, whether motorized or not is prohibited, except by use of a hand-held bucket or similar container, or a hand-held hose equipped with a positive self-closing water shut off nozzle or device. No excessive water flow or runoff as defined in Section 13.03.040 is permitted. This provision does not apply to any commercial car washing facility.

H. Drinking Water Served Upon Request Only. Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, bar, club, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

I. Commercial Lodging Establishments Must Provide Option to Not Launder Linen Daily. Hotels, motels, and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments shall prominently display notice of this option in each bathroom using clear and easily understood language.

J. No Installation of Single Pass Cooling System. Installation of single pass cooling systems is prohibited in buildings requesting new water service.

K. No Installation of Non-re-circulating Commercial Car Wash and Laundry Systems. Installation of non-re-circulating water systems is prohibited in new commercial conveyor car wash and new commercial laundry systems.

L. Restaurants Required to Use Water Conserving Dish Wash Spray Valves. Food preparation establishments, such as restaurants or cafes, are prohibited from using non-water conserving dish wash spray valves.

M. Commercial Car Wash Systems. Effective on January 1, 2011, all commercial conveyor car wash systems must have installed and operational re-circulating water systems, or must have secured an extension of this requirement from the city.

N. Large Landscape Areas - Rain Sensors: Effective January 1, 2011, large landscape areas, such as parks, cemeteries, golf courses, school grounds, and playing fields, that use landscape irrigation systems to water or irrigate, must use landscape irrigation systems with rain sensors that automatically shut off such systems during periods of rain or irrigation timers which automatically use information such as evapotranspiration sensors to set an efficient water use schedule or must have secured an extension of this requirement from the city.

O. Reporting Mechanism - Hotline. The city will establish a water waste hotline for residents to report violations of this chapter. This hotline may be set-up and offered through a dedicated phone number and/or through submittal on the city's website.

P. All automated outdoor irrigation during and within forty-eight hours following measurable rainfall is prohibited.

Q. Exemptions to Permanent Restrictions:

1. Watering with a hand-held hose or a refillable watering vessel, such as a bucket or a tree irrigator, is allowed at any time on any day of the week.

2. Drip irrigation systems with emitters of less than three gallons per hour capacity are exempt from run time and day restrictions due to increased efficiency.

3. Soaker hoses or automatic tree bubblers may be used to water trees so long as watering is done under the drip-line of the tree canopy.

4. Watering a vegetable garden with a soaker hose is exempt from the watering limitations.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.050 Level 1 water supply shortage.

A. A level 1 water supply shortage exists when the city determines, in its sole discretion, that due to drought or other water supply reductions, a water supply shortage exists and a consumer demand reduction of ten percent is necessary to ensure sufficient supplies will be available to meet anticipated demands. Upon declaration by the city of a level 1 water supply shortage, the city will implement the mandatory level 1 conservation measures identified in this chapter.

B. The city may use the following criteria, as well as any other reliable information, date, or indices which would indicate the existence of a city or regional water shortage, to anticipate and implement the provisions within this chapter for a level 1 water supply shortage:

1. Reduction by the Metropolitan Water District of ten percent of imported water deliveries to its member agencies;

2. Reduction by the Central Basin Municipal Water District of ten percent of imported water deliveries to member agencies;

3. Over three years of drought, as defined by the National Weather Service, exists within the Los Angeles County Central Basin of the Colorado River Basin of the State of California.

C. Additional Water Conservation Measures. In addition to the prohibited uses of water in Section 13.03.040 - Permanent Restrictions, the following water conservation requirements apply during a declared level 1 water supply shortage:

1. Limits on Watering Days. Watering or irrigating of any lawn, landscape or other vegetated area with potable water is limited to the following three days per week: Tuesday, Thursday and Saturday. This provision does not apply to landscape irrigation systems that exclusively use very-low flow drip type irrigation systems if no emitter produces more than one gallon of water per hour. Automated landscape irrigation systems may only be operated on other days for very short periods of time, such as ten minutes, or as reasonably required for the express purpose of adjusting or repairing a landscape irrigation system.

2. Obligation to Fix Leaks, Breaks, or Malfunctions. All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within seventy-two hours of notification by the city unless other arrangements are made with the city.

3. Limits on Filling Ornamental Lakes or Ponds. Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent necessary to sustain aquatic life that has been actively managed or cared for within the ornamental lake or pond, prior to the city declaring a supply shortage level pursuant to this chapter.

4. Other Prohibited Uses. The city may implement other prohibited water uses as determined by the city after providing notice to the city's water customers.

D. Exemptions to Level 1 Shortage Restrictions:

1. Watering with a hand-held hose or a refillable watering vessel, such as a bucket or a tree irrigator is allowed at any time on any day of the week.

2. Drip irrigation systems with emitters of less than two gallons per hour capacity are exempt from duration and day of week restrictions due to increased efficiency.

3. Soaker hoses or automatic tree bubblers may be used to water trees so long as watering is done under the drip-line of the tree canopy.

4. Watering a vegetable garden with a soaker hose is exempt from the watering limitations.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.060 Level 2 water supply shortage.

A. A level 2 water supply shortage condition exists when the city determines, in its sole discretion, that due to drought or other water supply reductions, a water supply shortage exists and a consumer demand reduction of more than ten percent but less than twenty percent is necessary to ensure that sufficient supplies will be available to meet anticipated demands. Upon declaration by the city of a level 2 water supply shortage condition, the city shall implement the mandatory level 2 conservation measures identified in this chapter:

1. Reduction by the Metropolitan Water District of more than ten percent, but less than twenty percent of imported water deliveries to its member agencies;

2. Reduction by the Central Basin Municipal Water District of more than ten percent, but less than twenty percent of imported water deliveries to its member agencies;

3. Over four years of drought, as defined by the National Weather Service, exists within the Los Angeles county Central Basin of the Colorado River Basin of the State of California.

B. Eating or drinking establishments, including but not limited to a restaurant, hotel, cafe, bar, club, or other public place where food or drinks are sold, served, or offered for sale, are prohibited from providing drinking water to any person unless expressly requested.

C. Additional Water Conservation Measures. In addition to the prohibited uses of water identified in Sections 13.03.040 and 13.03.050, the following additional water conservation requirements apply during a declared level 2 water supply shortage:

1. Watering Days. Watering or irrigating of any lawn, landscape or other vegetated area with potable water is limited to the following two days per week, Tuesday and Saturday. This provision does not apply to landscape irrigation systems that exclusively use very-low flow drip type irrigation systems when no emitter produces more than two gallons of water per hour. Automated landscape irrigation systems may be operated on other days for very short periods of time, such as ten minutes, or as reasonably required, for the

express purpose of adjusting or repairing a landscape irrigation system.

2. Obligation to Fix Leaks, Breaks, or Malfunctions. All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within forty-eight hours of notification by the city unless other arrangements are made with the city.

3. Limits on Washing Vehicles. Using water to wash or clean a vehicle, including but not limited to any automobile, truck, van, bus, motorcycle, boat or trailer, whether motorized or not, is prohibited, except by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut off nozzle or device, by high pressure/low volume water systems or at a commercial car washing facility that utilizes a re-circulating water system to capture or reuse water.

4. Limits on Filling Residential Swimming Pools and Spas. Re-filling of more than one foot and initial filling of residential swimming pools or outdoor spas with potable water is prohibited.

5. Limits on Filling Ornamental Lakes or Ponds. Filling or re-filling ornamental lakes or ponds is prohibited, except to the extent needed to sustain aquatic life that has been actively managed within the water feature prior to declaration of a supply shortage level under this ordinance.

6. Median Irrigation. The irrigation with potable water of ornamental turf on public street medians is prohibited.

7. Other Prohibited Uses. The city may implement other prohibited water uses as determined by the city after providing notice to the city's water customers.

D. Exemptions to Level 2 Shortage Restrictions.

1. Watering with a hand-held hose or a refillable watering vessel, such as a bucket or a tree irrigator is allowed at any time on any day of the week.

2. Drip irrigation systems with emitters of less than three gallons per hour capacity are exempt from duration and day of week restrictions due to increased efficiency.

3. Soaker hoses or automatic tree bubblers may be used to water trees so long as watering is done under the drip-line of the tree canopy or you may use automatic tree bubblers.

4. Watering a vegetable garden with a soaker hose is exempt from the watering limitations.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.070 Level 3 water supply shortage - emergency condition.

A. A level 3 water supply shortage exists when the city declares a water shortage emergency condition exists pursuant to provisions set forth under California Water Code Section 350 through 357, including providing notice by publication to the city's water customers, that more than a twenty percent consumer demand reduction is required to ensure sufficient supplies for human consumption, sanitation, and fire protection. The city must declare a water supply shortage emergency in the manner and on the grounds provided in California Water Code Section 350.

B. A twenty percent or greater shortage of water supplies can be anticipated when one or more of the following events occur:

1. Reduction by the Metropolitan Water District of twenty percent or more of imported water deliveries to member agencies;

2. Reduction by the Central Basin Municipal Water District of twenty percent or more of imported water deliveries to member agencies;

3. Over five years of drought, as defined by the National Weather Service, exists within the Los Angeles county Central Basin of the Colorado River Basin in the State of California.

C. Additional Conservation Measures. In addition to the prohibited uses of water identified in Sections 13.03.040, 13.03.050, and 13.03.060, the following water conservation requirements apply during a declared level 3 water supply shortage emergency condition:

1. Watering or irrigating of any lawn, landscape or other vegetated area with potable water is prohibited. This restriction shall not apply to the following categories of use unless the city has determined that recycled water is available and may be lawfully applied to the use:

a. Maintenance of vegetation, including trees and shrubs, that are watered using a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut off nozzle or device, or a very-low flow drip type irrigation system when no emitter produces more than two gallons of water per hour subject to the watering day and excessive runoff restrictions in Section 13.03.060;

b. Maintenance of existing landscape necessary for fire protection;

c. Maintenance of existing landscape for soil erosion control;

d. Maintenance of plant materials identified to be rare or essential to the wellbeing of rare animals;

e. Maintenance of landscape within active public parks and playing fields, day care centers, school grounds, cemeteries, and golf courses, provided that such irrigation does not exceed two days per week according to the schedule established in Section 13.03.060 and time restrictions in Section 13.03.060; and

f. Public works projects and actively irrigated environmental mitigation projects.

2. Obligation to Fix Leaks, Breaks, or Malfunctions. All leaks, breaks or other malfunctions in the water user's plumbing or distribution system must be repaired within twenty-four hours of notification by the city unless other arrangements are made with the city.

3. Discontinue Service. The city, in its sole discretion, may discontinue service to the city's water customers who willfully violate provisions under a declared level 3 water supply shortage. The city may also assert other penalties and violations as set forth in this chapter against water customers who willfully violate provisions under a declared level 3 water supply shortage.

4. No New Annexations. Upon declaration of a level 3 water supply shortage condition, the city will suspend consideration of annexations to its service area. This provision does not apply to boundary corrections and annexations that will not result in any increased used of water.

5. Other Prohibited Uses. The city may implement other prohibited water uses as determined by the city after providing notice to the city's water customers.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.080 Procedures for determination/ notification of water supply shortage.

Declaration and Notification of Level 1, 2 & 3 Water Supply Shortage. The existence of level 1, level 2 or level 3 water supply shortage conditions may be declared by resolution of the City Council adopted at a regular or special public meeting held in accordance with state law. The mandatory conservation requirements applicable to level 1, level 2 or level 3 conditions shall take effect on the fifteenth day after the date the shortage is declared. Within ten days following the declaration of the shortage level, the city shall publish a copy of the resolution in a newspaper used for publication of official notices. If the city establishes a water allocation, it shall provide notice of the allocation by including it in the regular billing statement or by any other mailing to the address to which the city customarily mails the billing statement for fees or charges for on-going water service.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.090 Hardship waiver.

A. Undue and Disproportionate Hardship. If, due to unique circumstances, a specific requirement of this chapter would result in undue hardship to a person using water or to property upon which water is used, that is disproportionate to the impacts to water users generally or to similar property or classes of water users, then the person may apply for a waiver to the requirements as provided in this section.

B. Written Finding. The waiver may be granted or conditionally granted only upon a written finding of the existence of facts demonstrating an undue hardship to a person using water or to property upon which water is used, that is that is disproportionate to the impacts to water users generally or to similar property or classes of water user due to specific and unique circumstances of the user or the user's property.

1. Application. Application for a waiver shall be on a form prescribed by the city and shall be accompanied by a non-refundable processing fee in amount set by resolution of the city.

2. Supporting Documentation. The application shall be accompanied by photographs, maps, drawings, and other information, including a written statement of the applicant.

3. Required Findings for Variance. An application for a waiver shall be denied unless the approving authority, either city manager or the city manager's designee, finds, based on the information provided in the application, supporting documents, or such additional information as may be requested, and on water use information for the property as shown by the records of the city, all of the following:

a. That the waiver does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.

b. That because of special circumstances applicable to the property or its use, the strict application of this chapter would have a disproportionate impact on the property or use that exceeds the impact to residents and businesses generally.

c. That the authorizing of such waiver will not be of substantial detriment to adjacent properties, and will not materially affect the ability of the city to effectuate the purpose of this chapter and will not detrimental to the public interest; and

d. That the condition or situation of the subject property or the intended use of the property for which the waiver is sought is not common, recurrent, or general in nature.

4. Approval Authority. The city manager or their designee shall exercise approval authority and act upon any completed application no later than fifteen business days after submittal and may approve, conditionally approve, or deny the waiver. The applicant requesting the waiver shall be promptly notified in writing of any action taken. Unless specified otherwise at the time a waiver is approved, the waiver applies to the subject property during the term of the mandatory water supply shortage condition.

5. Appeals to the City. An applicant may appeal a decision or condition of the city manager or the city manager's designee, on a waiver application to the City Council within fifteen calendar days of the decision upon written request for a hearing. The request shall state the grounds for the appeal. At a public meeting, the City Council shall act as the approval authority and review the appeal de novo by following the regular waiver procedure. The decision of the City Council is final.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.100 Penalties and violations.

A. Misdemeanor. Any violation of this chapter may be prosecuted as a misdemeanor punishable by imprisonment in the county jail for not more than thirty days, or by fine not exceeding one thousand dollars or both, under the provisions of Chapter 1.16 of the Signal Hill Municipal Code.

B. Civil Penalties. Civil penalties for failure to comply with any provisions of the chapter shall be as follows:

1. First Violation. The city will issue a written warning and deliver a copy of this chapter by certified mail. Such notice shall refer to the code section(s) violated and facts supporting the issuance of notice of violation.

2. Second Violation. A second violation within a twelve-month period is punishable by a fine not to exceed one hundred dollars. Such notice shall refer to the code section(s) violated and facts supporting the issuance of notice of violation. The correction notice shall also describe the action(s) necessary to correct the violation and state the final date by which the correction must be completed and inform the offender that he or she is subject to a fine if the correction is not made by that date.

3. Third Violation. A third violation within a twelve-month period is punishable by a fine not to exceed two hundred and fifty. Such notice shall refer to the code section(s) violated and facts supporting the issuance of notice of violation. The correction notice shall also describe the action(s) necessary to correct the violation and state the final date by which the correction must be completed and inform the offender that he or she is subject to a greater fine if the correction is not made by that date.

4. Fourth and Subsequent Violation. A fourth and any subsequent violation within a twelve-month period is punishable by a fine not to exceed five hundred. Such notice shall refer to the code section(s) violated and facts supporting the issuance of notice of violation. The correction notice shall also describe the action(s) necessary to correct the violation and state the final date by which the correction must be completed and inform the offender that he or she is subject to (1), (2) and 13.03.100(C) if the correction is not made by that date.

a. Water Flow Restrictor. In addition to any fines, the city may install a water flow restrictor device of approximately one gallon per minute capacity for services up to one and one-half inch size and comparatively sized restrictors for larger services after written

notice of intent to install a flow restrictor for a minimum of forty eight hours.

b. Discontinuing of Service. In addition to any fines and the installation of a water flow restrictor, the city may disconnect and/or terminate a water customer's water service for willful violation of mandatory restrictions in this chapter.

C. Cost of Flow Restrictor and Disconnecting Service. A person or entity that violates this chapter is responsible for payment of the city's charges for installing and/or removing any flow restricting device and for disconnecting and/or reconnecting service per the city's schedule of charges in effect. The charge for installing and/or removing any flow restrictor device shall be paid to the city before the device is removed. Nonpayment shall be subject to the same remedies as nonpayment of basic water rates.

D. Separate Offenses. Each day that a violation of this chapter occurs is a separate offense.

E. Notice and Hearing.

1. The city shall issue a notice of violation by mail or personal delivery at least fifteen calendar days before taking enforcement action and said notice shall describe the action to be taken. A customer may appeal the notice of violation by filing a written notice of appeal with the city no later than the close of business on the day before the date scheduled for enforcement action. Any notice of violation not timely appealed shall be final. Upon receipt of a timely appeal, a hearing on the appeal shall be scheduled in a timely manner, and the city shall mail written notice of the hearing to the customer at least fifteen calendar days before the date of the said hearing.

2. Pending receipt or a written appeal or pending a hearing pursuant to an appeal, the city may take appropriate steps to prevent the unauthorized use of water as appropriate to the nature and extent of the violations and the current declared water level condition.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

13.03.110 Severability.

If any section, subsection, sentence, clause or phrase in this chapter or the application thereof to any person or circumstance is for any reason held invalid, the validity of the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby. The city hereby declares it would have passed this chapter and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

(Ord. 2015-09-1478 § 3 (part); Ord. 2009-04-1399 § 1 (part))

Chapter 13.04
WATER SERVICE AND RATES*

Sections:

* For provisions regarding the water department, see Ch. 2.48 of this code.

13.04.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. "Consumer" means any person who is a subscriber for water service from the department.

B. "Department" means the water department of the city.

C. "Front footage" means that footage measured along the side of a lot abutting a public street or easement wherein a water main is or may be installed from which service may be taken.

D. "Public service director" means the superintendent of the department.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.010)

13.04.020 Connection--Permit required.

It is unlawful for any person to tap, open, or connect to, or cause, permit, or allow to be tapped, opened, or connected to any water main or pipe without first having made application to the department and received a permit therefor.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.180)

13.04.030 Connection--Application.

Before water is supplied to any consumer he must make written application to the department for the proper service in which he shall designate the premises to be served by the official building number. The service connection shall be made by the department at the nearest distribution main but only after all charges payable to the city therefor have been paid. The building inspector shall approve the size of all new services before installing any such services.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.050)

13.04.040 Deposit or credit required for service.

A. Every applicant for water service must satisfactorily establish his credit with the department or deposit with the department an amount deemed sufficient to guarantee payment of all moneys that it is estimated will become due and payable to it from the applicant during two average billing periods.

B. A cash deposit will normally be required as follows:

1. If the applicant is not the owner of the property to be served and the owner does not guarantee payment of all charges and fees of the department; and

2. If the application is for temporary service; and

3. If the applicant is indebted to the city for water department fees or charges or otherwise, which indebtedness has been allowed to become delinquent under circumstances which indicate a lack of financial responsibility.

C. Deposits made with the department as provided in this section shall be refunded upon the termination of service, but only to the extent of the excess remaining after satisfying all amounts owing to the city by the depositor.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.055)

13.04.050 Delinquent applicants.

No application for water service shall be approved by the department if, and so long as, the applicant is delinquent in the payment of charges due the department with respect to water service at some other address. Water shall not be turned on at a new location and, if done, will be turned off until full settlement of past charges at the former location is made.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.065)

13.04.060 Fees establishment.

Except as otherwise provided in this chapter, the rates the department shall charge for opening and closing a service connection, and for any labor, materials, or service furnished by it, shall be fixed by the council by resolution.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.060)

13.04.070 Meter--City property.

All service connections and all water meters installed by the department shall at all times remain the property of the city. The expense of maintenance, repair, and renewal of such meters due to the wear of normal service shall be borne by the city. Any expense occasioned by any act, careless or otherwise, on the part of the consumer or any member of his family or any person in his employ shall be charged to and paid by the consumer.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.130)

13.04.080 Meter--Tampering without permit prohibited.

No person shall tamper with or remove, or cause, permit, or allow to be tampered with or removed, any meter where the same has been attached to any service without first having made application to the meter service clerk of the department and receiving a permit therefor.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.170)

13.04.090 Meter--Failure.

If a meter fails to register during any period, or is known to register inaccurately, the consumer shall be charged with the estimated average daily consumption as determined by the public works director, taking into account the season, and the consumption shown by the meter when in use and registering accurately.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.030)

13.04.100 Meter--Testing and fee.

Upon the written request of a consumer, accompanied by a deposit of two dollars, the department shall cause the meter serving the customer's premises to be tested. If it is determined that the meter registers less than three percent over the correct value, the deposit shall be forfeited, no adjustment shall be made in water bills theretofore presented, and the meter need not be repaired or replaced. However, should the meter over-register by three percent or more, the deposit shall be returned and a proportional deduction made in the current bill, and another meter shall be substituted for the existing meter.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.075)

13.04.110 Meter-Reinstallation fee.

If it becomes necessary to remove any water meter of a customer for violation of any city ordinance or nonpayment of water bill or for noncompliance with the cross connection regulations, the following fees shall be paid before the water meter will be reinstalled:

Meter Size in Inches	Fee
5/8, 3/4, 1	$15.00
1-1/2	25.00
2	35.00

(Ord. 68-1-613 § 2: prior code § 21.04.062)

13.04.120 Meter-Multiple services prohibited-Exceptions.

Service of water shall not be made through a single meter on a common service to two or more parcels of property, whether or not they are separately owned; provided, however that in the event there is no main contiguous to the property for which service may be requested, the department may grant a consumer a permit authorizing him to supply water to the parcel for which service is requested. The consumer holding the permit shall be solely responsible to the city for payment of all the department's charges and any such permit may be revoked by the public works director upon thirty days' written notice. Charges for water used through such a common service shall be based on a monthly block rate for a single meter rate equal to the monthly block rate for a single meter multiplied by the number of parcels served. For example, a meter serving two parcels would be charged two minimums, and be allowed twice the consumption allowance under the minimum charge. Contiguous lots or parcels which are owned by the same consumer shall be deemed to be one parcel if all are occupied by him for business, industrial or horticultural uses. Each lot which is separately occupied for residential purposes shall be deemed a separate parcel even though owned by the same person.

(Ord. 94-10-1189 § 1: Ord. 596 § 2 (part), 1966: prior code § 21.04.090)

13.04.130 Rates establishment.

The city council establishes the following rates for water delivered through the city's distribution system. After July 1, 2016, water service rates may be established by resolution of the city council.

A. Service Charge For Residential and Commercial Meters. A monthly service charge according to the size of the subscriber's meter, as follows:

Residential and Commercial Monthly Service Charge

Residential/ Commercial Meter Size	Effective June 24, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
5/8"	$11.945	$12.901	$13.933	$15.048	$16.252
3/4"	$11.945	$12.901	$13.933	$15.048	$16.252
1"	$30.748	$33.208	$35.865	$38.734	$41.833
1.5"	$67.781	$73.203	$79.059	$85.384	$92.215
2"	$117.450	$126.846	$136.994	$147.954	$159.790
3"	$263.142	$284.193	$306.928	$331.482	$358.001
4"	$263.142	$284.193	$306.928	$331.482	$358.001
6"	$263.142	$284.193	$306.928	$331.482	$358.001
8"	$263.142	$284.193	$306.928	$331.482	$358.001
10"	$839.441	$906.596	$979.124	$1,057.454	$1,142.050

B. Service Charge for Fire Service Meters.

Fire Service Monthly Service Charge

Residential Fire Service Meter Size	Effective June 24, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
2"	$56.484	$61.003	$65.883	$71.154	$76.846
4"	$111.661	$120.594	$130.242	$140.661	$151.914
6"	$167.886	$181.317	$195.822	$211.488	$228.407
8"	$211.950	$228.906	$247.218	$266.995	$288.355
10"	$211.950	$228.906	$247.218	$266.995	$288.355

Commercial Fire	Effective June 24,	Effective January 1,	Effective January 1,	Effective January 1,	Effective January 1,

Service Meter Size	2016	2017	2018	2019	2020
2"	$95.515	$103.156	$111.408	$120.321	$129.947
4"	$211.950	$228.906	$247.218	$266.995	$288.355
6"	$211.950	$228.906	$247.218	$266.995	$288.355
8"	$211.950	$228.906	$247.218	$266.995	$288.355
10"	$211.950	$228.906	$247.218	$266.995	$288.355

C. Usage Charges. Water charges are grouped by amount used during each monthly billing period. Usage rates are based on the amount of water used as measured in "Billing Units". Each Billing Unit is 100 cubic feet.

The lowest usage level is 0 - 15 Billing Units, which correlates to 0 to 1,500 cubic feet of water.

Residential accounts are charged at two usage levels: 0 - 15 Billing Units and 16+ Billing Units. Commercial accounts are charged at three usage levels: 0 - 15 Billing Units and 16 - 150 Billing Units and 151+ Billing Units.

Irrigation rates are charged at two usage rates: 0 - 15 Billing Units and 16+ Billing Units.

Temporary meters attached to hydrants shall pay for water consumed at commercial rate levels.

Residential

Residential Billing Units	Effective June 24, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
0-15 Units	$2.030	$2.192	$2.367	$2.556	$2.760
16+ Units	$3.240	$3.499	$3.779	$4.081	$4.407

Commercial

Commercial Billing Units	Effective June 24, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020
0-15 Units	$2.030	$2.192	$2.367	$2.556	$2.760
16-150 Units	$3.240	$3.499	$3.779	$4.081	$4.407
151+ Units	$4.774	$5.156	$5.568	$6.013	$6.494

Irrigation

Irrigation Billing Units	Effective June 24, 2016	Effective January 1, 2017	Effective January 1, 2018	Effective January 1, 2019	Effective January 1, 2020

0-15 Units	$2.030	$2.192	$2.367	$2.556	$2.760
16+ Units	$3.089	$3.336	$3.603	$3.891	$4.202

D. Customer Deposits and Charges.

1. Customer Deposits. Payment of a cash deposit or some other means of securing credit established by the finance director will be required under the following conditions:

a. At the time of meter installation.

b. When a meter is turned on under the name of a new water user, regardless of property ownership.

If a water user has had service discontinued for failure to pay, the water user shall be required to make a cash deposit in accordance with the following schedule:

Meter Size	**Owner Deposit**	**Renter or Lessee Deposit**
Separately metered apartment or condominium	$40	$80
Single-family detached residence or other building:		
5/8" and 3/4"	$40	$80
1"	$50	$100
1 1/2" and 2"	$60	$120
3" and larger	$80	$160
Temporary meters	$600	

The deposit will be refunded when a customer closes the account. Interest earned will be utilized in the water fund's operations to reduce rates.

2. Delinquent Service Charges. All water bills shall become due and payable on the twentieth day of the month, provided the water bills are mailed the last working day of the prior month. Upon failure of a water user to pay the water bill in full on the twentieth day of the month, the bill shall be deemed delinquent and a delinquent service charge shall be added to the bill. Delinquent service charges are applied to cover a portion of the city's costs caused by such delinquencies. It is found and determined that the charges are as follows:

a. Ten percent of the outstanding balance over: ten dollars.

b. Minimum delinquent service charge: one dollar.

c. Maximum delinquent service charge: one hundred dollars.

3. Returned Check Charge. A service charge will be made whenever a check is returned by the bank, whether it is for insufficient funds or any other reason. Returned check charges are applied to cover a portion of the city's administrative costs caused by returned checks. It is found and determined that the charge does not exceed the administrative costs incurred.

Returned check charge: twenty dollars.

4. Meter Re-reads and Efficiency Checks. A service charge will be made whenever a customer requests that their meter be re-read or checked for efficiency resulting in a bench test of the meter. If the city is in error due to the meter read being incorrect, the water billing will be adjusted and the meter re-read. The service charge will be refunded. Meter re-read and efficiency check service

charges are applied to cover a portion of the city's administrative costs associated with such meter re-reads and efficiency checks. It is found and determined that the charge does not exceed the administrative costs incurred.

Meter re-read/efficiency check charge: twenty-five dollars.

5. Discontinued Service and Turn-On Charges. Upon failure of a water user to pay the bill in full no later than twenty days following date of delinquency, the city may, after complying with the state law on discontinuance of utility service for nonpayment, discontinue the water service and shall not again furnish water service to such a user until all previous water charges, delinquent service charges, a customer deposit, and a disconnection/reconnection service charge are paid in full. The disconnection/reconnection service charge shall apply whenever water service is discontinued for nonpayment. This disconnection/reconnection service charge is applied to cover a portion of the city's administrative costs caused by discontinuing service for nonpayment of water billings. It is found and determined that the charge does not exceed the administrative costs incurred.

Disconnection/reconnection charge: twenty- five dollars.

Water service will not be withheld from a new residential user because of outstanding charges on the account of the preceding residential lessee or renter.

6. Hang Tag Charges for Last Notification Before Shut-Off. A service charge will be made whenever a customer has been determined to be so delinquent that a water shut-off notice must be hand delivered to the customer. Hang tag charges are applied to cover the city's administrative costs associated with the shut-off notices. It is hereby found and determined that the charge does not exceed the administrative costs incurred.

Hang tag charge: ten dollars.

7. Applications for Service. Applications for water connections or water service of any and all types shall be on a form provided by the city and shall be signed by the applicant, and shall include the following provision:

Applicant understands and agrees that water supplies and pressures are subject to interruption and variation. Applicant releases city and its officers, agents and employees from, and agrees that they shall not be liable with respect to any injury or damage, whether to person or property, sustained by applicant by reason of any interruption in or variation of water supplies or pressures, whether occurring at the location for which connection or service is being applied for, or at any other location, and whether occurring with or without the fault or negligence of city officers, agents or employees.

E. Domestic Low Income Discount. A discount of six dollars and eighteen cents monthly shall be applied to those residents whose monthly income meets the current standards, effective as of June 1, 2008 through May 31, 2009, used for Southern California Edison's California Alternate Rates for Energy (C.A.R.E.) program, as follows:

Household Size	Annual Maximum Income
1-2	$30,500
3	$35,800
4	$43,200
5	$50,600
6	$58,000
each additional	$+7,400

An approved application must be on file with the finance department prior to the billing. Individuals shall be required to make annual application and provide proof of income and residence.

(Ord. 2016-05-1486, § 2: Ord. 2008-10-1390 § 1: Ord. 2006-11-1366 § 1: Ord. 2001-07-1290 § 1: Ord. 98-07-1236 § 1: Ord. 97-11-1222 § 1: Ord. 96-08-1207 § 1: Ord. 95-10-1199 § 1: Ord. 596 § 2 (part), 1966: prior code § 21.04.020)

13.04.135 Exemptions.

Residential Fire Sprinkler and Submeter Exemptions. Where the installation of a fire sprinkler system or a water submeter in a residential use causes an increase in the monthly water service charge, the following exemptions shall apply to Section 13.04.130(A), solely for the purposes of calculating applicable fees:

A. Where fire sprinklers are required by the California Building Code for new single family dwellings and duplexes, the water monthly service charge shall be based on the meter size determined by the fixture count instead of the meter size required due to the additional fire sprinkler flow.

B. Where the installation of submeters alone causes head losses that increases the water meter size, the monthly water service charge listed in Section 13.04.130(A) shall be based on sizing without the submeter losses. This exemption shall not reduce the fee where other factors, other than the submeter losses, cause a larger meter size to be required.

(Ord. 2012-08-1450, § 2, 2012)

13.04.140 Vacant property rate.

The minimum monthly rate shall be charged and collected from a subscriber notwithstanding that his property is vacant and no water is delivered through his meter. If a property serviced through a meter becomes vacant, the subscriber may in writing request the department to shut off the meter, in which event the minimum charge shall not be payable until the meter is reopened.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.025)

13.04.150 Bills-Payment-Delinquencies.

A. The department's charges for labor and materials furnished in installing or altering a service connection shall be paid in advance or, in those instances where the cost thereof cannot be determined in advance, upon presentation of a statement after the cost is determined.

B. Water bills and other service charges shall be due and payable upon presentation and shall become delinquent twenty days thereafter.

C. If a statement of a customer's account is not paid on or before the expiration of forty days after presentation, the department shall turn off the service and it shall not be turned on again until all delinquent items in the account have been fully paid, together with a service charge in the amount of five dollars to cover the cost of closing and opening the service. In addition to such action, the city may bring suit for any amount due for labor or materials or water service furnished to any consumer by the department, and any such demand may be assigned for collection upon the order of the council upon such terms as it shall determine to be proper.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.045)

13.04.160 Bills-Adjustments by superintendent.

A. The public works director may serve water to indigent persons without charge but all such instances shall be promptly reported to the council, which may authorize the continuance of free service upon such terms and conditions as it shall deem proper.

B. Disputes involving the accuracy of meters or their reading or the computation of charges for water or services may be adjusted and settled by the public works director.

C. If a consumer is dissatisfied with any decision of the public works director respecting the service of water to him or the amount of the department's charges for water or services furnished, he may appeal such decision to the city council whose determination shall be final.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.040)

13.04.170 Turning water on after shut off.

After any water service has been turned off, it shall be unlawful for any person other than an authorized employee of the department to tap, open, and connect to, or cause, permit or allow to be turned on, in any way, the water supply to such service.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.175)

13.04.200 Bypass connections prohibited.

Any bypass or connection around the meter between the service and the main shall be prohibited. All water used, except as provided in Section 13.04.230 shall pass through the meter.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.115)

13.04.210 Connections to private sources prohibited--Exception.

Connections of any kind between any private water source and the water system of the city are prohibited; provided, however, that subject to the approval of the proper state authority the city may maintain emergency connections with other public utilities supplying water.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.120)

13.04.220 Shutoff valves.

All shutoff valves are installed by and for the use of the department. Except in cases of emergency, no person other than an authorized city employee shall turn any such valve on or off or molest or tamper with it. Every consumer shall install, for his ordinary usage and at his own expense, a shutoff valve on the property side of the meter.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.125)

13.04.230 Temporary contractor service.

A. When temporary water service is required in connection with construction work, the department may sell such water with or without metering it as the public works director shall determine will best serve the city's interests, upon the deposit of a sum fixed by the public works director as security for the department's charges. If the service is furnished through a meter, the rate shall be twenty-five cents per hundred cubic feet of water consumed.

B. The minimum charge for a temporary service, whether metered or unmetered, shall be ten dollars and shall be paid before temporary service is completed.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.035)

13.04.240 Connections to power devices--Permit required.

Any person who supplies or feeds water directly into any stationary boiler, hydraulic elevator, power pump, or any other power device shall first file a written application with the department and be issued a permit therefor. The issuance of said permit shall be conditioned upon a full and continued compliance with any and all safety measures or provisions the department may require.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.080)

13.04.250 Supplying others with water prohibited.

A consumer shall not permit water to be drawn from his service for use upon any premises other than the particular parcel for which the service exists, except as follows:

A. Water may be so drawn as provided in Section 13.04.120; and

B. A consumer who has been granted a permit therefor by the department may supply water for use in construction work or to fill temporary needs.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.085)

13.04.260 Plumbing in disrepair prohibited.

Every owner or occupant of any premises shall be under the duty to equip and maintain said premises with plumbing of such character and quality as to prevent the wasting of water. If the plumbing of any consumer becomes in disrepair which results in the wasting of water, the public works director, after reasonable notice to the consumer or occupant of the premises, may cause the service to be shut off pending the making of proper repairs.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.095)

13.04.270 Water waste prohibited.

It shall be unlawful for any person, firm, or corporation to cause, permit, or allow any water furnished through the facilities of the department to be wasted in any manner whatsoever. The use of water in any cooling system or ornamental fountain, without an efficient reuse thereof by means of a recirculation system shall constitute the wasting of water.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.155)

13.04.280 Water conservation devices.

A. Any cooling or refrigeration system using water as a condensing medium shall be equipped with a water conservation device conforming to accepted engineering standards to discharge water from the condensing apparatus at the maximum practical temperature.

B. On evaporative coolers of 5000 CFM capacity or larger, recirculating pumps will be required to provide for the recirculating of water.

C. All precooling coils and water-cooled condensing machines shall be equipped with pressure-actuated water-control valves.

D. No discharge of water from any cooling or refrigeration system shall be greater than six gallons per minute.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.160)

13.04.290 Removal or relocation of mains or fittings.

If the removal or relocation of any portion of the city's water system is required in connection with any authorized improvement of the city's streets, the department shall, unless otherwise ordered by the council, remove or relocate such portions of said system in the manner the city engineer shall prescribe. In the event that removal or relocation of any portion of the system is desired for the convenience of private enterprise, application therefor must be made to the council who may order the same upon such terms as it considers just.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.105)

13.04.300 Permit required for water stand use.

The department is empowered to install, or cause or permit to be installed, such water stands as may be necessary or convenient for spraying and for other legitimate purposes. It is unlawful for any person to draw water from any such stand without first obtaining a permit therefor in which the amount of water to be drawn and the purpose for which it is to be used shall be set forth. No such permit shall be granted to any applicant who does not hold a valid business license issued by the city. A minimum charge of fifteen dollars shall be paid in advance for each such permit, and an additional deposit may be required by the department to secure payment of its charges.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.070)

13.04.310 Permit required for fire hydrant use.

It is unlawful for any unauthorized person to draw, cause to be drawn, or allow to be drawn, for any purpose whatsoever, any water from any fire hydrant in the city without a written permit from the public works director with the approval of the fire department.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.165)

13.04.320 Authority to restrict certain uses.

The use of water for sprinkling, wetting, construction or industrial purposes may be restricted by the public works director if and when such use is contrary to the public safety or welfare.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.100)

13.04.330 Right of entry for inspections.

A. Upon presentation of official identification, any officer, inspector, foreman, or authorized employee of the department on official business shall be allowed free access at all reasonable hours to any premises supplied with city water.

B. Any person who, as owner or occupant of any premises, refuses admittance to or hinders or prevents inspection by an authorized employee of the department may, after twenty-four hour written notice, have all water service to the premises cut off.

(Ord. 596 § 2 (part), 1966: prior code §§ 21.04.140, 21.04.145)

13.04.340 Compliance with chapter required.

It is unlawful for any person to do any act forbidden by the provisions of this chapter or to omit to do any act which he is required to do by provisions of this chapter.

(Ord. 596 § 2 (part), 1966: prior code § 21.04.200)

Chapter 13.05
CROSS-CONNECTION CONTROL PROGRAM

Sections:

13.05.010 Purpose.

A. The purpose of this chapter is:

1. To protect the public water supply against actual or potential cross-connection by isolating within the premises contamination that may occur because of some undiscovered or unauthorized cross-connection on the premises;

2. To eliminate existing connections between drinking water systems and other sources of water that are not approved as safe and potable for human consumption;

3. To eliminate cross-connections between drinking water systems and sources of contamination;

4. To prevent the making of cross-connections in the future.

B. This chapter is adopted pursuant to the State of California Code of Regulations, Title 17, Public Health, entitled "Regulations Relating to Cross-Connections."

(Ord. 89-09-1041 § 1 (part))

13.05.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. Air-Gap Separation (AG). "Air-gap separation" means a physical break between a supply pipe and a receiving vessel. The air-gap shall be at least double the diameter of the supply pipe measured vertically above the top rim of the vessel, in no case less than one inch.

B. Approved Backflow Prevention Device. "Approved backflow prevention device" means devices which have passed testing laboratory and field evaluation tests performed by a recognized testing organization which has demonstrated their competency to perform such tests to the California Department of Health Services.

C. Approved Water Supply. "Approved water supply" means any water supply whose potability is regulated by a state or local health agency.

D. Auxiliary Water Supply. "Auxiliary water supply" means any water supply on or available to the premises other than the approved water supply.

E. AWWA Standard. "AWWA standard" means an official standard developed and approved by the American Water Works Association (AWWA).

F. Backflow. "Backflow" means a flow condition, caused by a differential in pressure, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source, whether caused by back siphonage, backpressure or otherwise.

G. Contamination. "Contamination" means a degradation of the quality of the potable water by any substance which creates a hazard to the public health or which may impair the usefulness or quality of the water.

H. Cross-Connection. "Cross-connection," as used in this chapter, means any actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices or other devices through which backflow could occur, shall be considered to be cross-connections.

I. Double Check-Valve Assembly. "Double check-valve assembly" means an assembly of at least two independently acting check-valves including tightly closing shutoff valves on each side of the check-valve assembly and test cocks available for testing the water-tightness of each check-valve.

J. Health Agency. "Health agency" means the California Department of Health Services.

K. Local Health Agency. "Local health agency" means the Los Angeles County department of health services.

L. Person. "Person" means an individual, corporation, company, association, partnership, municipality, public utility or other public body or institution.

M. Premises. "Premises" means any and all areas on a property which is served or has the potential to be served by the public water system.

N. Public Water System. "Public water system" means a system for the provision of piped water to the public for human

consumption which has five or more service connections or regularly serves an average of twenty-five individuals daily at least sixty days out of the year.

O. Reclaimed Water. "Reclaimed water" means a wastewater which as a result of treatment is suitable for uses other than potable use.

P. Reduced Pressure Principle Backflow Prevention Assembly. "Reduced pressure principle backflow prevention assembly" means an assembly incorporating two or more check-valves and an automatically operating differential relief valve located between the two checks, a tightly closing shut-off valve on each side of the check-valve assembly, and equipped with necessary test cocks for testing.

Q. Service Connection. "Service connection" means and refers to the point of connection of a water user's piping to the water supplier's facilities.

R. Unprotected Cross-Connection. "Unprotected cross-connection" means any cross-connection not outfitted with an air-gap separation, double check-valve assembly or reduced pressure principle backflow prevention assembly.

S. Water Supplier. "Water supplier" means the person who owns or operates the approved water supply system. For the purposes of this chapter, the term "water supplier" shall mean the city.

T. Water User. "Water user" means any person obtaining water from an approved water supply system.

(Ord. 89-09-1041 § 1 (part))

13.05.030 Cross-connection protection requirements.

A. General Provisions.

1. It is unlawful for any person, firm or corporation at any time to make or maintain or cause to be made or maintained, temporarily or permanently, for any period of time whatsoever, any cross-connection between plumbing pipes of water fixtures being served with water by the city water department and any other source of water supply, or to maintain any sanitary fixture of other appurtenances or fixtures which by reason of their construction may cause or allow backflow of water or other substances into the water supply system of the city and/or the service of water pipes or fixtures of any water user of the city.

2. Unprotected cross-connections with the public water supply are prohibited.

3. Whenever the city engineer, health agency or local health agency determines that backflow protection is required on a premises, the city will require the water user to install an approved backflow prevention device at his/her expense for continued services or before a new service will be granted.

4. Wherever the city engineer, health agency or local health agency determines that backflow protection is required on a water supply line entering a water user's premises, then any and all water supply lines from the city's mains entering such premises, buildings or structures shall be protected by an approved backflow prevention device, to be installed at the water user's expense. The type of device to be installed will be in accordance with the requirements of this chapter.

5. Every fire protection system served by the water supplier shall be separately connected to the public water system, and not interconnected to plumbing systems serving domestic or irrigation water.

B. Where Protection is Required.

1. Each service connection from the city water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system unless the auxiliary water supply is accepted as an additional source by the city, and is approved by the public health agency having jurisdiction.

2. Each service connection from the city water system for supplying water to any premises on which any substance, which has the potential to create contamination, is handled in such fashion as may allow its entry into the water system, shall be protected against backflow of the water from the premises into the public system by a backflow prevention device to be installed at the water user's expense. Backflow prevention devices shall also be installed, at the water user's expense, for service connections handling process waters and waters originating from the city water system which have been subjected to contamination from the premises.

3. Backflow prevention devices shall be installed on all service connections to any premises having:

a. Internal cross-connections that cannot be permanently corrected and controlled to the satisfaction of the state or local health agency and the city engineer; or

b. Intricate plumbing and piping arrangements; or

c. Where entry to all portions of the premises is not readily accessible for inspection purposes, making it impracticable or impossible to ascertain whether or not cross-connections exist.

4. Any system or premises designated to serve multiple commercial or industrial tenants whose water practices are unknown at the time the plumbing or building permit is issued shall be protected against backflow of water from the premises to the public water system by a backflow prevention device of the type required by the city engineer, health agency or local health agency. The determination of the type of backflow prevention device required shall be based on a determination of the potential hazard that may reasonably be expected to be encountered in buildings of similar type or nature.

5. All portable pressure spray or cleaning units (including water trucks, street sweepers, etc.) that have the capability of connecting to any water supplier's system shall be provided with an air-gap separation or a reduced pressure principle assembly.

C. Type of Protection Required.

1. The type of protection that shall be provided to prevent backflow into the approved water supply shall be commensurate with the degree of hazard that exists on the consumer's premises. The type of protective device that may be required (listed in an increasing level of protection) includes: double check-valve assembly (DC), reduced pressure principle backflow prevention device (RP) and an air-gap separation (AG). The water user may choose a higher level of protection than required by the city engineer, health agency or local health agency. The minimum type of backflow protection required to protect the approved water supply at the user's water connection to premises with varying degrees of hazard are given in Table 1. Situations which are not covered in Table 1 shall be evaluated on a case by case basis and the appropriate backflow protection shall be determined by the City Engineer or health agency, consistent with the highest practicable protection of potable water supplies.

TABLE 13.05.030
TYPE OF BACKFLOW PROTECTION REQUIRED

Degree of Hazard	Minimum Type of Backflow Prevention
(a) Sewage and Hazardous Substances.	
(1) Premises where the public water system is used to supplement the reclaimed water supply.	AG
(2) Premises where there are wastewater pumping and/or treatment plants and there is not interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by both the health agency and the city engineer	AG
(3) Premises where reclaimed water is used and there is no interconnection with the potable water system. A RP may be provided in lieu of an AG if approved by both the health agency and the city engineer.	AG
(4) Premises where hazardous substances are handled in any manner in which the substances may enter a potable water system. This does not include a single-family residence that has a sewage lift pump. A RP may be provided in lieu of an AG if approved by both the health	AG

agency and the city engineer.	
(5) Premises where there are irrigation systems into which fertilizers, herbicides or pesticides are, or can be, injected or assimilated.	RP
(b) Auxiliary Water Supplies.	
(1) Premises where there is an unapproved auxiliary water supply which is interconnected with the public water system. A RP or DC may be provided in lieu of an AG is approved by both the health agency and the city engineer.	AG
(2) Premises where there is an unapproved auxiliary water supply and there are no interconnections with the public water system. A DC may be provided in lieu of a RP if approved by both the health agency and city engineer.	RP
(c) Fire Protection Systems.	
(1) Premises where fire system is directly supplied from the public water system and there is an unapproved auxiliary water supply on or to the premises (not interconnected).	DC
(2) Premises where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply. A RP may be provided in lieu of an AG if approved by both the health agency and city engineer.	AG
(3) Premises where the fire system is supplied from the public water system and where either elevated storage tanks or fire pumps which take suction from the private reservoirs or tanks are used.	DC
(d) Dockside Watering Points and Marine Facilities.	DC
(1) Pier hydrants for supplying water to vessels for any purpose.	RP
(2) Premises where there are marine facilities.	RP
(e) Premises where entry is so restricted that the city engineer determines that inspections for cross-connections cannot be made with sufficient frequency or at sufficiently short notice to assure that cross-connections do not exist.	RP
(f) Premises where cross-connections have been established or reestablished two or more times.	RP

2. Two or more service connections supplying water from different street mains to the same building, structure or premises through which an interstreet main flow may occur, shall have at least a standard check-valve on each water service to be located adjacent to and on the property side of the respective meters. Such check-valve shall not be considered adequate if backflow protection is deemed

necessary to protect the city's mains from pollution or contamination; in such cases the installation of approved backflow devices at such service connections shall be required.

(Ord. 89-09-1041 § 1 (part))

13.05.040 Backflow prevention devices.

A. Approved Backflow Prevention Devices.

1. Only backflow prevention devices which have been approved by the city shall be acceptable for installation by a water user connected to the city's potable water system.

2. The city will provide, upon request, to any affected customer a list of approved backflow prevention devices.

B. Backflow Prevention Device Installation.

1. Backflow prevention devices shall be installed in a manner prescribed in Section 7603, Title 17, of the California Administrative Code of Regulations. Location of the devices should be as close as practical to the user's connection. The city engineer shall have the final discretionary authority in determining the required location of a backflow prevention device.

a. Air-gap Separation (AG). The air-gap separation shall be located on the user's side of and as close to the service connection as is practical. All piping from the service connection to the receiving tank shall be above grade and be entirely visible. No water use shall be provided from any point between the service connection and the air-gap separation. The water inlet piping shall terminate a distance of at least two pipe diameters of the supply inlet, but in no case less than one inch above the overflow rim of the receiving tank.

b. Reduced Pressure Principle Backflow Prevention Device (RP). The approved reduced pressure principle backflow prevention device shall be installed on the user's side of and as close to the service connection as is practical. The device shall be installed a minimum of twelve inches above grade and not more than thirty-six inches above grade measured from the bottom of the device and with a minimum of twelve inches side clearance. The device shall be installed so that it is readily accessible for maintenance and testing. Water supplied from any point between the service connection and the RP device shall be protected in a manner approved by the city engineer.

c. Double Check-Valve Assembly (DC). The approved double check-valve assembly shall be located as close as practical to the user's connection and shall be installed above grade, if possible, and in a manner where it is readily accessible for testing and maintenance. If a double check-valve assembly is put below grade it must be installed in a vault such that there is a minimum of six inches between the bottom of the vault and the bottom of the device, so that the top of the device is no more than eight inches below grade, so there is a minimum of six inches of clearance between the side of the device with the test cocks and the side of the vault, and so there is a minimum of three inches clearance between the other side of the device and the side of the vault. Double check-valve assemblies of the "Y" type must be installed on their "side" with the test cocks in a vertical position so that either the check-valve may be removed for service without removing the device. Vaults which do not have an integrated bottom must be placed on a three-inch layer of gravel.

C. Backflow Prevention Device Testing and Maintenance.

1. The owners of any premises on which, or on account of which, backflow prevention devices are installed, shall have the devices tested by a person approved by the city engineer. Backflow prevention devices must be tested at least annually and immediately after installation, relocation or repair. The city engineer may require a more frequent test schedule if it is determined to be necessary. No device shall be placed back in service unless it is functioning as required. A report in a form acceptable to the city engineer shall be filed with the city each time a device is tested, relocated or repaired. These devices shall be serviced, overhauled or replaced whenever they are found to be defective and all costs of testing, repair and maintenance shall be borne by the water user.

2. The city will supply affected water users with a list of persons acceptable to the city to test backflow prevention devices. The city will notify affected customers by mail when annual testing of a device is needed and also supply users with the necessary forms which must be filled out each time a device is tested or repaired.

D. Backflow Prevention Device Removal.

1. Approval must be obtained from the city before a backflow prevention device is removed, relocated or replaced.

a. Removal. The use of a device may be discontinued and the device removed from service upon determination by the city engineer that a hazard no longer exists or is not likely to be created in the future.

b. Relocation. A device may be relocated following confirmation by the city engineer that the relocation will continue to provide the required protection and satisfy installation requirements. The city engineer shall require a retest following the relocation of the device to verify the required level of protection.

c. Repair. A device may be removed for repair, provided the water use is either discontinued until repair is completed and the device is returned to service, or the service connection is equipped with other backflow protection approved by the city. The city engineer shall require a retest following the repair of the device to verify the required level of protection.

d. Replacement. A device may be removed and replaced provided the water use is discontinued until the replacement device is installed. All replacement devices must be approved by the city engineer and must be commensurate with the degree of hazard involved.

(Ord. 89-09-1041 § 1 (part))

13.05.050 User supervisor.

At each premises where it is necessary, in the opinion of the city engineer, a user supervisor shall be designated by and at the expense of the water user. This user supervisor shall be responsible for the monitoring of the backflow prevention devices and for avoidance of cross-connections. In the event of contamination or pollution of the drinking water system due to a cross-connection on the premises, the city shall be promptly notified by the user supervisor so that appropriate measures may be taken to overcome the contamination. The water user shall inform the city of the user supervisor's identity annually, and whenever a change occurs.

(Ord. 89-09-1041 § 1 (part))

13.05.060 Administrative procedures.

A. Water System Survey.

1. The city shall review all requests for new services to determine if backflow protection is needed. Plans and specifications must be submitted to the city upon request for review of possible cross-connection hazards as a condition of service for new service connections. If it is determined that a backflow prevention device is necessary to protect the public water system, the required device must be installed before service will be granted.

2. The city engineer may require an on-premises inspection to evaluate cross-connection hazards. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention device the city engineer considers necessary.

3. The city engineer may, in his discretion, require a reinspection for cross-connection hazards of any premises to which it serves water. The city will transmit a written notice requesting an inspection appointment to each affected water user. Any customer which cannot or will not allow an on-premises inspection of their piping system shall be required to install the backflow prevention device the city engineer considers necessary.

B. Customer Notification -- Device Installation.

1. The city will notify any affected water user of the survey findings, listing corrective action to be taken if required. A period of sixty days will be given to complete all corrective action required including installation of backflow prevention devices.

2. A second notice will be sent to each water user which does not take the required corrective action prescribed in the first notice within the sixty-days period allowed. The second notice will give the water user a two-week period to take the required corrective action. If no action is taken within the two-week periods the city may terminate water service to the affected water user until the required corrective actions are taken.

C. Customer Notification--Testing and Maintenance.

1. The city will notify each affected water user when it is time for the backflow prevention device installed on their service connection to be tested. This written notice shall give the water user thirty days to have the device tested and supply the water user with the necessary form to be completed and resubmitted to the city.

2. A second notice shall be sent to each city water user which does not have his/her backflow prevention device tested as prescribed in the first notice within the thirty-day period allowed. The second notice will give the water user a two-week period to

have his/her backflow prevention device tested. If no action is taken within the two-week period the city may terminate water service to the affected water user until the subject device is tested.

(Ord. 89-09-1041 § 1 (part))

13.05.070 Water service termination.

A. General. When the city encounters water uses that represent a clear and immediate hazard to the potable water supply that cannot be immediately abated, the city shall institute the procedure for discontinuing the city water service.

B. Basis for Termination. Conditions or water uses that create a basis for water service termination shall include, but are not limited to, the following items:

1. Refusal to install a required backflow prevention device;

2. Refusal to test a backflow prevention device;

3. Refusal to repair a faulty backflow prevention device;

4. Refusal to replace a faulty backflow prevention device;

5. Direct or indirect connection between the public water system and a sewer line;

6. Unprotected direct or indirect connection between the public water system and a system or equipment containing contaminants;

7. Unprotected direct or indirect connection between the public water system and an auxiliary water system;

8. A situation which presents an immediate health hazard to the public water system.

C. Water Service Termination Procedures.

1. For conditions 1, 2, 3 or 4 of subsection B of this section, the city will terminate service to a customer's premises after two written notices have been sent specifying the corrective action needed and the time period in which it must be done. If no action is taken within the allowed time period water service may be terminated.

2. For conditions 5, 6, 7 or 8 of subsection B of this section, the city will take the following steps:

a. Make reasonable effort to advise the water user of intent to terminate water service;

b. Terminate water supply and lock service valve. The water service will remain inactive until correction of violations has been approved by the city.

(Ord. 89-09-1041 § 1 (part))

Chapter 13.06
SANITARY SEWER AND INDUSTRIAL WASTE CODE

Sections:

13.06.010 Adoption of county code--Copies on file.

Except as hereinafter provided, Division 2 of Title 20 of the Los Angles County Code, as adopted, amended and in effect on July 27, 1989, is hereby adopted as the Sanitary Sewer and Industrial Waste Code of the city of Signal Hill. Three copies of Division 2 of Title

20 of the Los Angeles County Code have been deposited in the office of the city clerk and they shall be at all times maintained by the clerk for use and examination by the public.

(Ord. 90-07-1073 § 1: Ord. 85-10-960 § 1 (part))

13.06.020 Definitions.

Whenever any of the following names or terms are used in Division 2 of Title 20 of the Los Angeles County Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

A. "Board" means the city council of the city of Signal Hill.

B. "County engineer" means the city engineer of the city of Signal Hill.

C. "County of Los Angeles" means the city of Signal Hill, except in such circumstances where the county of Los Angeles is a correct notation due to circumstances.

D. "County Sewer Maintenance District" means the County Sewer Maintenance District except in the instance where the territory concerned either is not within or has been withdrawn from the County Sewer Maintenance District. In any such instance, "County Sewer Maintenance District" means the city of Signal Hill.

E. "Ordinance" means an ordinance of the city of Signal Hill, except in such instances where the reference is to a stated ordinance of the county of Los Angeles.

F. "Public sewer" means all sanitary sewers and appurtenances thereto, lying within streets or easements dedicated to the city, which are under the sole jurisdiction of the city.

G. "Trunk sewer" means a sewer under the jurisdiction of a public entity other than the city of Signal Hill.

H. "Unincorporated area of the county" includes in its true geographical location the area of the city of Signal Hill.

(Ord. 85-10-960 § 1 (part))

13.06.030 Amendments to county Code.

The following sections of Division 2 of Title 20 of the Los Angeles County Code, adopted by this chapter as the Sanitary Sewer and Industrial Waste Code of the city, are amended as follows:

A. Section 20.28.050 is amended to read as follows:

The city engineer may recommend that the 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 as described in the agreement under the provisions of this Ordinance.

B. Section 20.32.150 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 Council in accordance with Section 20.28.050, the charge for connecting to the public sewer shall be as set forth in the agreement.

C. Section 20.32.290 is hereby repealed.

D. Section 20.32.280 is amended by adding the following paragraph:

All monies collected under this section for sewer maintenance are to be submitted directly to the Sewer Maintenance District for inclusion in the Maintenance District's funds.

E. Section 20.32.690 is amended by adding the following paragraph:

In the event the damage to 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.

(Ord. 85-10-960 § 1 (part))

13.06.040 Fees.

The provisions of the Los Angeles Sanitary Sewer Industrial Waste Code concerning fees may be amended from time to time by resolution of the city council.

(Ord. 85-10-960 § 1 (part))

Chapter 13.08
UNDERGROUND UTILITIES

Sections:

13.08.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

A. "Commission" means the Public Utilities Commission of the state.

B. "Poles, overhead wires and associated overhead structures" means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within a district and used or useful in supplying electric, communication, or similar or associated service.

C. "Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in an ordinance adopted pursuant to the provisions of Section 13.08.040.

D. "Utility" includes all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.01)

13.08.020 Public hearings--Notices.

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety, or welfare requires the removal of poles, overhead wires, and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.02)

13.08.030 Report by city engineer.

Prior to holding such public hearing the city engineer shall consult with 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 time required to complete such underground installations and removal of overhead facilities.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.03)

13.08.040 District establishment by ordinance.

If, after any such public hearing, the council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall by ordinance declare such designated area an underground utility district and order such removal and underground installation. Such ordinance shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials, and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby.

(Ord. 95-07-1197 § 1: Ord. 68-10-628 § 1 (part): prior code § 7.01.04)

13.08.050 Compliance with council ordinance required.

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 13.08.040, it shall be unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ, or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such ordinance except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in Section 13.08.040, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this chapter.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part): prior code § 7.01.05)

13.08.060 Emergency exceptions.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not to exceed ten days without authority of the city administrative officer in order to provide emergency service. The city may grant special permission, on such terms as the city may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use, or operate poles, overhead wires, and associated overhead structures.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.06)

13.08.070 Exempted facilities.

In any ordinance adopted pursuant to Section 13.08.040, unless otherwise provided in such ordinance, it shall not apply to the following types of facilities:

A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;

B. Poles or electroliers used exclusively for street lighting;

C. Overhead wires, exclusive of supporting structures, crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires, and associated overhead structures are not prohibited;

D. Poles, overhead wires, and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of thirty-four thousand five hundred 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.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part): prior code § 7.01.07)

13.08.080 Notice to utilities and district residents.

A. Within ten days after the effective date of an ordinance adopted pursuant to Section 13.08.040, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the ordinance of the adoption thereof. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desire to continue to receive electric, communication, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

B. Notification by the city clerk shall be made by mailing a copy of the ordinance adopted pursuant to Section 13.08.040 together with a copy of this chapter to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part): prior code § 7.01.08)

13.08.090 Utility company's responsibility.

If underground construction is necessary to provide utility service within a district created by any ordinance adopted pursuant to Section 13.08.040, the supplying utility shall furnish that portion of the conduits, conductors, and associated equipment required to be furnished by it under its applicable rules, regulations, and tariffs on file with the commission.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part): prior code § 7.01.09)

13.08.100 Property owner's responsibility--Prosecution of work by city.

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 13.08.090 and the termination facility on or within the building or structure being served. If the above is not accomplished by any person within the time provided for in the ordinance enacted pursuant to Section 13.08.040, 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 required underground facilities within ten days after receipt of such notice.

B. 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 the premises at such premises, and the notice must be addressed to the owner thereof as the owner's name appears, and must be addressed to the 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 Signal Hill. 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 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 hours after the mailing thereof, cause a copy thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on the premises.

C. 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 the work is not completed within thirty 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.

D. If upon the expiration of the thirty-day period the 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, have the authority to order the disconnection and removal of any and all overhead service wires and associated facilities supplying utility-service to the property. Upon completion of the work by the city engineer, he shall file a written report with the city council setting forth 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 the work upon the premises, which time shall not be less than ten days thereafter.

E. 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 provided in subsection B of this section for the giving of the notice to provide the required underground facilities, of the time and place that the council will pass upon such report and will hear protests against such assessment. Such notice shall also set forth the amount of the proposed assessment.

F. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

G. If any assessment is not paid within five 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 the properties on which the assessment has not been paid, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises upon which the assessment was not paid. The assessment shall be due and payable at the same time as property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per year.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part): prior code § 7.01.10)

13.08.110 City responsibility.

The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove the same within the time specified in the ordinance enacted pursuant to Section 13.08.040.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.11)

13.08.120 Time extensions.

In the event that any act required by this chapter or by an ordinance adopted pursuant to Section 13.08.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation.

(Ord. 95-07-1197 § 2 (part); Ord. 68-10-628 § 1 (part); prior code § 7.01.12)

13.08.130 Penalty for violation.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this chapter. Any person violating any provision of this chapter or failing to comply with any of its requirements shall be deemed guilty of a misdemeanor and, upon conviction thereof shall be subject to penalty as provided in Chapter 1.16.

(Ord. 68-10-628 § 1 (part): prior code § 7.01.13)

Chapter 13.10
WATER CONSERVATION IN LANDSCAPING

Sections:

13.10.010 Purpose.

A. The state legislature has found that:

1. The water of the state is of limited supply and is subject to ever increasing demands;

2. The continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. It is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. Landscapes are essential to the quality of life in California, by providing areas for active and passive recreation, as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection and replacing ecosystems lost to development; and

5. Landscape design, installation, maintenance and management can and should be water efficient; and

6. Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. Consistent with these legislative findings, the purpose of this chapter is to:

1. Promote the values and benefits of landscaping practices that integrate and go beyond the conservation and efficient use of water;

2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects by encouraging the use of a watershed approach that requires cross-sector collaboration of industry, government and property owners to achieve the many benefits possible;

3. Establish provisions for water management practices and water waste prevention for existing landscapes;

4. 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;

5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

6. Encourage the use economic incentives that promote the efficient use of water; and

7. Encourage implementation and enforcement of the provisions of the water conservation in landscaping ordinance.

C. Landscapes that are planned, designed, installed, managed and maintained with the watershed based approach can improve California's environmental conditions and provide benefits and realize sustainability goals. Such landscapes will make the urban environment resilient in the face of climatic extremes. Consistent with the legislative findings and purpose of the ordinance, conditions in the urban setting will be improved by:

1. Creating the conditions to support life in the soil by reducing compaction, incorporating organic matter that increases water retention, and promoting productive plant growth that leads to more carbon storage, oxygen production, shade, habitat, and esthetic benefits.

2. Minimizing energy use by reducing irrigation water requirements, reducing reliance on petroleum based fertilizers and pesticides, and planting climate appropriate shade trees in urban areas.

3. Conserving water by capturing and reusing rainwater and graywater wherever possible and selecting climate appropriate plants that need minimal supplemental water after establishment.

4. Protecting air and water quality by reducing power equipment use and landfill disposal trips, selecting recycled and locally sourced materials, and using compost, mulch and efficient irrigation equipment to prevent erosion.

5. Protecting existing habitat and creating new habitat by choosing local native plants, climate adapted non-natives and avoiding invasive plants. Utilizing integrated pest management with the least toxic methods as the first course of action. (Ord. 2015-11-1481 § 1 (part))

13.10.020 Applicability.

A. After December 1, 2015, and consistent with Executive Order No. B-29-15, this chapter shall apply to all of the following landscape projects:

1. New development projects with an aggregate landscape area equal to or greater than five hundred square feet requiring a building or landscape permit, plan check or design review;

2. Rehabilitated landscape projects with an aggregate landscape area equal to or greater than two thousand five hundred square feet requiring a building or landscape permit, plan check or design review;

3. Existing landscapes limited to Sections 13.10.210 and 13.10.220; and

4. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 13.10.080, 13.10.150 and 13.10.160; and existing cemeteries are limited to Sections 13.10.210 and 13.10.220.

B. The reporting requirements of this chapter shall become effective no later than February 1, 2016.

C. Any project with an aggregate landscape area of two thousand five hundred square feet or less may comply with the performance requirements of this chapter or conform to the prescriptive measures contained in the sample water efficient landscape worksheet, on file and available in the community development department.

D. For projects using treated or untreated graywater or rainwater captured on site, any lot or parcel within the project that has less than two thousand five hundred square feet of landscape and meets the lot or parcel's landscape water requirement (estimated total water use) entirely with treated or untreated graywater or through stored rainwater captured on site is subject only to the sample water efficient landscape worksheet, on file and available in the community development department.

E. This chapter 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. Existing plant collections, as part of botanical gardens and arboretums open to the public. (Ord. 2015-11-1481 § 1 (part))

13.10.030 Definitions.

The terms used in this chapter have the meanings set forth below:

A. "Applied water" means the portion of water supplied by the irrigation system to the landscape.

B. "Automatic irrigation controller" means a timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers are able to self-adjust and schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

C. "Backflow prevention device" means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

D. "Certificate of completion" means the document required under Section 13.10.130.

E. "Certified irrigation designer" means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization, or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and the Irrigation Association's certified irrigation designer program.

F. "Certified landscape irrigation auditor" means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization, or other program such as the US Environmental Protection Agency's WaterSense irrigation auditor certification program and the Irrigation Association's certified landscape irrigation auditor program.

G. "Check valve" or "anti-drain valve" means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

H. "Common interest developments" means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

I. "Compost" means the safe and stable product of controlled biologic decomposition of organic materials that is beneficial to plant growth.

J. "Conversion factor (0.62)" means the number that converts acre-inches per acre per year to gallons per square foot per year.

K. "Distribution uniformity" means the measure of the uniformity of irrigation water over a defined area.

L. "Drip irrigation" means any non-spray low volume irrigation system utilizing emission devices, with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

M. "Ecological restoration project" means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

N. "Effective precipitation" or "usable rainfall" ("Eppt") means the portion of total precipitation that becomes available for plant growth.

O. "Emitter" means a drip irrigation emission device that delivers water slowly from the system to the soil.

P. "Established landscape" means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

Q. "Establishment period of the plants" means the first year after installing the plant in the landscape, or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth. Native habitat mitigation areas and trees may need three to five years for establishment.

R. "Estimated total water use" ("ETWU") means the total water used for the landscape as described in Section 13.10.070.

S. "ET adjustment factor" ("ETAF") means a factor of 0.55 for residential areas and 0.45 for non-residential areas, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. The ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. The ETAF for existing non-rehabilitated landscapes is 0.8.

T. "Evapotranspiration rate" means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

U. "Flow rate" means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

V. "Flow sensor" means an inline device installed at the supply point of the irrigation system that produces a repeatable signal proportional to flow rate. Flow sensors must be connected to an automatic irrigation controller, or flow monitor capable of receiving flow signals and operating master valves. This combination flow sensor/controller may also function as a landscape water meter or submeter.

W. "Friable" means a soil condition that is easily crumbled or loosely compacted down to a minimum depth per planting material requirements, whereby the root structure of newly planted material will be allowed to spread unimpeded.

X. "Fuel modification plan guideline" means guidelines from a local fire authority to assist residents and businesses that are developing land or building structures in a fire hazard severity zone.

Y. "Graywater" means untreated wastewater that has not been contaminated by any toilet discharge, has not been affected by infectious, contaminated, or unhealthy bodily wastes, and does not present a threat from contamination by unhealthful processing, manufacturing, or operating wastes. "Graywater" includes, but is not limited to, wastewater from bathtubs, showers, bathroom washbasins, clothes washing machines, and laundry tubs, but does not include wastewater from kitchen sinks or dishwashers. Health and Safety Code Section 17922.12.

Z. "Hardscapes" means any durable material (pervious and non-pervious).

AA. "Hydrozone" means a portion of the landscaped area having plants with similar water needs and rooting depth. A hydrozone may be irrigated or non-irrigated.

BB. "Infiltration rate" means the rate of water entry into the soil, expressed as a depth of water per unit of time (e.g., inches per hour).

CC. "Invasive plant species" means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

DD. "Irrigation audit" means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule. The audit must be conducted in a manner consistent with the Irrigation Association's Landscape Irrigation Auditor Certification program or other U.S. Environmental Protection Agency "Watersense" labeled auditing program.

EE. "Irrigation efficiency" ("IE") means 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 efficiencies for purposes of this chapter are 0.75 for overhead spray devices and 0.81 for drip systems.

FF. "Irrigation survey" means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

GG. "Irrigation water use analysis" means an analysis of water use data based on meter readings and billing data.

HH. "Landscape architect" means a person who holds a license to practice landscape architecture under the California Business and Professions Code, Section 5615.

II. "Landscape area" means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

JJ. "Landscape contractor" means a person licensed by the State of California to construct, maintain, repair, install or subcontract the development of landscape systems.

KK. "Landscape documentation package" means the documents required under Section 13.10.070.

LL. "Landscape project" means total area of landscape in a project, as defined in "landscape area" for the purposes of this chapter, meeting requirements under Section 13.10.020.

MM. "Landscape water meter" means an inline device installed at the irrigation supply point that measures the flow of water into the irrigation system and is connected to a totalizer to record water use.

NN. "Lateral line" means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

OO. "Local water purveyor" means any entity, including a public agency, city, county, or private water company that provides retail water service.

PP. "Low volume irrigation" means the application of irrigation water at low pressure through a system of tubing or lateral lines and low volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

QQ. "Main line" means the pressurized pipeline that delivers water from the water source to the valve or outlet.

RR. "Master shut-off valve" is an automatic valve installed at the irrigation supply point which controls water flow into the irrigation system. When this valve is closed water will not be supplied to the irrigation system. A master valve will greatly reduce any water loss due to a leaky station valve.

SS. "Maximum applied water allowance" ("MAWA") means the upper limit of annual applied water for the established landscaped area as specified in Section 13.10.080. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water, are subject to the MAWA with an ETAF not to exceed 1.0. MAWA = (ETo) (0.62) [(ETAF x LA) + ((1-ETAF) x SLA)].

TT. "Median" is an area between opposing lanes of traffic that may be unplanted or planted with trees, shrubs, perennials and ornamental grasses.

UU. "Microclimate" means the climate of a small, specific area that may contrast with the climate of the overall landscape area

due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

VV. "Mined-land reclamation projects" means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

WW. "Mulch" means any organic material, such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel or decomposed granite, left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

XX. "New construction" means, for the purposes of this chapter, a new building with a landscape, or other new landscape, such as a park, playground or greenbelt, without an associated building.

YY. "Non-residential landscape" means landscapes in commercial, institutional, industrial and public settings that may have areas designated for recreation or public assembly. It also includes portions of common areas of common interest developments with designated recreational areas.

ZZ. "Operating pressure" means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

AAA. "Overhead sprinkler irrigation systems" means systems that deliver water through the air (e.g., spray heads and rotors).

BBB. "Overspray" means the irrigation water that is delivered beyond the target area.

CCC. "Permit" means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

DDD. "Pervious" means any surface or material that allows the passage of water through the material and into the underlying soil.

EEE. "Plant factor" or "plant water use factor" is a factor that, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for very low water use plants is 0 to 0.1, the plant factor range for low water use plants is 0.1 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 chapter 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).

FFF. "Project applicant" means the individual or entity submitting a landscape documentation package required under Section 13.10.070, to request a permit, plan check, or site plan and design review approval from the city. A project applicant may be the property owner or his or her designee.

GGG. "Rain sensor" or "rain-sensing shutoff device" means a component that automatically suspends an irrigation event when it rains.

HHH. "Record drawings" or "as-builts" means a set of reproducible drawings that show significant changes in the work made during construction, and that are usually based on drawings marked up in the field and other data furnished by the contractor.

III. "Recreational area" means areas, excluding private single family residential areas, designated for active play, recreation or public assembly in parks, sports fields, picnic grounds, amphitheaters or golf courses, tees, fairways, roughs, surrounds and greens.

JJJ. "Recycled water," "reclaimed water," or "treated sewage effluent water" means treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

KKK. "Reference evapotranspiration" or "ETo" means a standard measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches per day, month or year as represented in the reference evapotranspiration table available from the Community Development Director, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

LLL. "Regional Water Efficient Landscape Ordinance" means a local ordinance adopted by two or more local agencies, water suppliers and other stakeholders for implementing a consistent set of landscape provisions throughout a geographical region. Regional ordinances are strongly encouraged to provide a consistent framework for the landscape industry and applicants to adhere to.

MMM. "Rehabilitated landscape" means any re-landscaping project that requires a permit, plan check or design review, meets the requirements of Section 13.10.020, and the modified landscape area is equal to or greater than two thousand five hundred square feet.

NNN. "Residential landscape" means landscapes surrounding single or multifamily homes.

OOO. "Runoff" means water that is not absorbed by the soil or landscape to which it is applied, and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

PPP. "Soil moisture-sensing device" or "soil moisture sensor" means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

QQQ. "Soil texture" means the classification of soil based on its percentage of sand, silt and clay.

RRR. "Special landscape area" ("SLA") means an area of the landscape dedicated solely to edible plants, recreational areas, areas irrigated with recycled water or water features using recycled water.

SSS. "Sprinkler head" means a device that delivers water through a nozzle.

TTT. "Static water pressure" means the pipeline or municipal water supply pressure when water is not flowing.

UUU. "Station" means an area served by one valve or by a set of valves that operate simultaneously.

VVV. "Swing joint" means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

WWW. "Submeter" means a metering device to measure water applied to the landscape that is installed af ter the primary utility water meter.

XXX. "Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

YYY. "Valve" means a device used to control the flow of water in the irrigation system.

ZZZ. "Water-conserving plant species" means a plant species identified as having a very low or low plant factor.

AAAA. "Water feature" means 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 landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices, which 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.

BBBB. "Watering window" means the time of day irrigation is allowed.

CCCC. "WUCOLS" means the "Water Use Classification of Landscape Species" published in 2000 by the University of California Cooperative Extension, and the Department of Water Resources 2014. (Ord. 2015-11-1481 § 1 (part))

13.10.040 Provisions for new construction or rehabilitated landscapes.

The community development director (herein "director") may designate an agent or another agency to implement some or all of the requirements contained in this chapter. (Ord. 2015- 11-1481 § 1 (part))

13.10.050 Compliance with landscape documentation package.

A. Prior to construction, the director or designee shall:

1. Provide the project applicant with the ordinance and procedures for permits, plan checks, or design reviews;

2. Review the landscape documentation package submitted by the project applicant;

3. Approve or deny the landscape documentation package;

4. Issue a permit or approve the plan check or design review for the project applicant; and

5. Upon approval of the landscape documentation package, submit a copy of the water efficient landscape worksheet to the public works director/city engineer.

B. Prior to construction, the project applicant shall submit a landscape documentation package to the director.

C. Upon approval of the landscape documentation package by the director, the project applicant shall:

1. Receive a permit or approval of the plan check or design review, and record the date of the permit in the certificate of completion;

2. Submit a copy of the approved landscape documentation package, along with the record drawings and any other information, to the property owner or his/her designee; and

3. Submit a copy of the water efficient landscape worksheet to the public works director/city engineer.

(Ord. 2015-11-1481 § 1 (part))

13.10.060 Penalties.

Violations of this chapter are considered water waste and are subject to the penalties contained in Section 13.03.100. (Ord. 2015-11-1481 § 1 (part))

13.10.070 Elements of the landscape documentation package.

A. The landscape documentation package shall include the following six elements:

1. Project information;

a. Date;

b. Project applicant;

c. Project address (if available, parcel and/or lot number(s));

d. Total landscape area (square feet);

e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed);

f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well;

g. Checklist of all documents in landscape documentation package;

h. Project contacts to include contact information for the project applicant and property owner; and

i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete landscape documentation package".

2. Water efficient landscape worksheet;

a. Hydrozone information table;

b. Water budget calculations:

i. Maximum applied water allowance (MAWA);

ii. Estimated total water use (ETWU);

3. Soil management report;

4. Landscape design plan;

5. Irrigation design plan; and

6. Grading design plan. (Ord. 2015- 11-1481 § 1 (part))

13.10.080 Water efficient landscape worksheet.

A. A project applicant shall complete the water efficient landscape worksheet that contains information on the plant factor, irrigation method, irrigation efficiency, and area associated with each hydrozone. Calculations are then made to show that the evapotranspiration adjustment factor (ETAF) for the landscape project does not exceed a factor of 0.55 for residential areas and 0.45 for non-residential areas, exclusive of special landscape areas. The ETAF for a landscape project is based on the plant factors and irrigation methods selected. The maximum applied water allowance is calculated based on the maximum ETAF allowed (0.55 for residential areas and 0.45 for non-residential areas) and expressed as annual gallons required. The estimated total water use (ETWU) is calculated based on the plants used and irrigation method selected for the landscape design. ETWU must be below the MAWA (sample available from the director):

1. In calculating the maximum applied water allowance and estimated total water use, a project applicant shall use the ETo values from the reference evapotranspiration table which is on file and available from the community development department.

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from WUCOLS or from horticultural researchers with academic institutions or professional associations as approved by the California Department of Water Resources (DWR). The plant factor ranges from 0 to 0.1 for very low water using plants, 0.1 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.

2. All water features shall be included in the high water use hydrozone, and temporarily irrigated areas shall be included in the low water use hydrozone.

3. All special landscape areas shall be identified and their water use calculated as described below.

4. ETAF for new and existing (non-rehabilitated) special landscape areas shall not exceed 1.0. (Ord. 2015-11-1481 § 1 (part))

13.10.090 Soil management report.

In order to reduce runoff and encourage healthy plant growth, a soil management report shall be completed by the project applicant, or his/her designee, as follows:

A. Submit soil samples to a laboratory for analysis and recommendations.

1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

2. The soil analysis shall include:

a. Soil texture;

b. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

c. pH;

d. Total soluble salts;

e. Sodium;

f. Percent organic matter; and

g. Recommendations.

3. In projects with multiple landscape installations (i.e. production home developments) a soil sampling rate of 1 in 7 lots or approximately 15% will satisfy this requirement. Large landscape projects shall sample at a rate equivalent to 1 in 7 lots.

B. The project applicant, or his/her designee, shall comply with one of the following:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the local

agency as part of the landscape documentation package; or

2. If significant mass grading is planned, the soil analysis report shall be submitted to the local agency as part of the certificate of

completion.

C. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

D. The project applicant, or his/her designee, shall submit documentation verifying implementation of soil analysis report recommendations to the local agency with certificate of completion. (Ord. 2015-11-1481 § 1 (part))

13.10.100 Landscape design plan.

A. For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. Plant material.

a. Any plant may be selected for the landscape, provided the estimated total water use in the landscape area does not exceed the maximum applied water allowance. Methods to achieve water efficiency shall include one or more of the following:

i. Protection and preservation of native species and natural vegetation;

ii. Selection of water-conserving plant, tree and turf species especially local native plants;

iii. Selection of plants based on local climate suitability, disease and pest resistance;

iv. Selection of trees based on applicable local tree ordinances or tree shading guidelines, and size at maturity as appropriate for the planting area;

v. Selection of plants from local and regional landscape program plant lists; and

vi. Selection of plants from local fuel modification plan guidelines.

b. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 13.10.110A.2.d.

c. Plants shall be selected and planted appropriately, based upon their adaptability to the climatic, geologic and topographical conditions of the project site. Methods to achieve water efficiency shall include one or more of the following:

i. Use the Sunset Western Climate Zone System, which takes into account temperature, humidity, elevation, terrain, latitude and varying degrees of continental and marine influence on local climate;

ii. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); allow for adequate soil volume for healthy root growth; and

iii. Consider the solar orientation for plant placement, to maximize summer shade and winter solar gain.

d. Turf is not allowed on slopes greater than twenty-five per cent, where the toe of the slope is adjacent to an impermeable hardscape, and where twenty-five per cent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).

e. High water use plants, characterized by a plant factor of 0.7 to 1.0, are prohibited in street medians.

f. A landscape design plan for projects in fire-prone areas shall address fire safety and prevention. A defensible space or zone around a building or structure is required per Public Resources Code Section 4291(a) and (b). Avoid fire-prone plant materials and highly flammable mulches. Refer to the local fuel modification plan guidelines.

g. The use of invasive plant species, such as those listed by the California Invasive Plant Council, is strongly discouraged.

h. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low-water use plants as a group.

2. Water features.

a. Recirculating water systems shall be used for water features.

b. Where available, recycled water shall be used as a source for decorative water features.

c. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.

d. Pool and spa covers are highly recommended.

3. Soil preparation, mulch and amendments.

a. Prior to the planting of any materials, compacted soils shall be transformed to a friable condition. On engineered slopes, only amended planting holes need meet this requirement.

b. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 13.10.090).

c. For landscape installations, compost at a rate of a minimum of four cubic yards per one thousand square feet of permeable area shall be incorporated to a depth of six inches into the soil. Soils with greater than six percent organic matter in the top six inches of soil are exempt from adding compost and tilling.

d. A minimum three-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas, except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated. To provide habitat for beneficial insects and other wildlife, up to five percent of the landscape area may be left without mulch. Designated insect habitat must be included in the landscape design plan as such.

e. Stabilizing mulching products shall be used on slopes that meet current engineering standards.

f. The mulching portion of the seed/mulch slurry in hydro-seeded applications shall meet the mulching requirement.

g. Organic mulch materials made from recycled or post-consumer shall take precedence over inorganic materials or virgin forest products unless the recycled post-consumer organic products are not locally available. Organic mulches are not required where prohibited by local fuel modification plan guidelines or other applicable local ordinances.

B. At a minimum, the landscape design plan shall:

1. Delineate and label each hydrozone by number, letter or other method;

2. Identify each hydrozone as low, moderate, high water or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;

3. Identify recreational areas;

4. Identify areas permanently and solely dedicated to edible plants;

5. Identify areas irrigated with recycled water;

6. Identify type of mulch and application depth;

7. Identify soil amendments, type, and quantity;

8. Identify type and surface area of water features;

9. Identify hardscapes (pervious and non-pervious);

10. Identify location, installation details and 24-hour retention or infiltration capacity of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Project applicants shall inquire to the community development and public works departments for information on any applicable stormwater technical requirements. Stormwater best management practices are encouraged in the landscape design plan. Examples are provided in Section 13.10.190;

11. Identify any applicable rain harvesting or catchment technologies as discussed in Section 13.10.190 and their 24-hour retention or infiltration capacity;

12. Identify any applicable graywater discharge piping, system components and area(s) of distribution;

13. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and

14. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a

landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code). (Ord. 2015-11-1481 § 1 (part))

13.10.110 Irrigation design plan.

A. This section applies to landscaped areas requiring permanent irrigation, not areas that require temporary irrigation solely for the plant establishment period. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape documentation package.

1. System.

a. To facilitate water management, landscape water meters defined as either a dedicated water service meter or private submeter, shall be installed for all non-residential irrigated landscapes of one thousand square feet but not more than five thousand square feet (the level at which State Water Code 535 applies) and residential irrigated landscapes of five thousand square feet or greater. A landscape water meter may be either:

i. A customer service meter dedicated to landscape use provided by the local water purveyor; or

ii. A privately owned meter or submeter.

b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data utilizing non-volatile memory shall be required for irrigation scheduling in all irrigation systems.

c. If the water pressure is below or exceeds the recommended pressure of the specified irrigation devices, the installation of a pressure regulating device is required to ensure that the dynamic pressure at each emission device is within the manufacturer's recommended pressure range for optimal performance.

i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices, such as inline pressure regulators, booster pumps or other devices, shall be installed to meet the required dynamic pressure of the irrigation system.

ii. Static water pressure, dynamic or operating pressure and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

d. Sensors (rain, freeze, wind, and the like), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation should be avoided during rain or windy or freezing weather.

e. Manual shut-off valves (such as a gate valve, ball valve or butterfly valve) shall be required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system. A project applicant shall refer to Section 13.05.040 for additional backflow prevention requirements.

g. Flow sensors that detect high flow conditions created by system damage or malfunction are required for all non-residential landscapes and residential landscapes of five thousand square feet or larger.

h. Master shut-off valves are required on all projects except landscapes that make use of technologies that allow for the individual control of sprinklers that are individually pressurized in a system equipped with low pressure shut down features.

i. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

j. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

k. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

l. The irrigation system must be designed and installed to meet, at a minimum, the irrigation efficiency criteria, as described in Section 13.10.080, regarding the maximum applied water allowance.

m. All irrigation emission devices must meet the requirements set in the American National Standards Institute (ANSI) standard, American Society of Agricultural and Biological Engineers/International Code Council's (ASABE/ICC) 802-2014 "Landscape Irrigation Sprinkler and Emitter Standard." All sprinkler heads installed in the landscape must document a distribution uniformity low quarter of 0.65 or higher using the protocol defined in ASABE/ICC 802-2014.

n. It is highly recommended that the project applicant or local agency inquire with the local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

o. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

p. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

q. Head-to-head coverage is recommended. However, sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations.

r. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to hardscapes or in high traffic areas of turf.

s. Check valves or anti-drain valves are required on all sprinkler heads where low point drainage could occur.

t. Areas less than ten feet wide in any direction shall be irrigated with subsurface irrigation or other means that produces no runoff or overspray.

u. Overhead irrigation shall not be permitted within twenty-four inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel or other porous material. These restrictions may be modified if:

i. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

iii. The irrigation designer specifies an alternative design or technology as part of the landscape documentation package, and clearly demonstrates strict adherence to irrigation system design criteria in Section 13.10.110A.1.h. Prevention of overspray and runoff must be confirmed during the irrigation audit.

v. Slopes greater than twenty-five per cent shall not be irrigated with an irrigation system with an application rate exceeding three-quarters of an inch per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology as part of the landscape documentation package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion must be confirmed during the irrigation audit.

2. Hydrozone.

a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers and turf to facilitate the appropriate irrigation of trees. The mature size and extent of the root zone shall be considered when designing irrigation for the tree.

d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factors; or

ii. The plant factor of the higher water-using plant is used for calculations.

e. Individual hydrozones that mix high and low water use plants shall not be permitted.

f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter or other

designation. On the irrigation design plan, designate the areas irrigated by each valve, and assign a number to each valve. Use this valve number in the hydrozone information table which is on file and available from the community development department. This table can also assist with the irrigation audit and programming the controller.

B. The irrigation design plan, at a minimum, shall contain:

1. Location and size of separate water meters for landscape;

2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture-sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

6. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.) (Ord. 2015-11-1481 § 1 (part))

13.10.120 Grading design plan.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff and water waste. A grading plan shall be submitted as part of the landscape documentation package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:

a. Height of graded slopes;

b. Drainage patterns;

c. Pad elevations;

d. Finish grade; and

e. Stormwater retention improvements, if applicable.

2. To prevent excessive erosion and runoff, it is highly recommended that project applicants:

a. Grade so that all irrigation and normal rainfall remain within property lines and do not drain onto non-permeable hardscapes;

b. Avoid disruption of natural drainage patterns and undisturbed soil; and

c. Avoid soil compaction in landscape areas.

3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan", and shall bear the signature of a licensed professional as authorized by law. (Ord. 2015-11-1481 § 1 (part))

13.10.130 Certificate of completion.

A. The certificate of completion (a sample is on file and available from the community development department) shall include the following six elements:

1. Project information sheet that contains:

a. Date;

b. Project name;

c. Project applicant name, telephone number(s), and mailing address;

d. Project address and location; and

e. Property owner name, telephone number(s), and mailing address;

2.a. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape documentation package;

b. Where there have been significant changes made in the field during construction, these as-built or record drawings shall be included with the certification;

c. A diagram of the irrigation plan showing hydrozones shall be kept with the irrigation controller for subsequent management purposes;

3. Irrigation scheduling parameters used to set the controller (see Section 13.10.140);

4. Landscape and irrigation maintenance schedule (see Section 13.10.150);

5. Irrigation audit report (see Section 13.10.160); and

6. Soil analysis report, if not submitted with landscape documentation package, and documentation verifying implementation of soil report recommendations (see Section 13.10.090).

B. The project applicant shall:

1. Submit the signed certificate of completion to the director for review;

2. Ensure that copies of the approved certificate of completion are submitted to the local water purveyor and property owner or his or her designee.

C. The director shall:

1. Receive the signed certificate of completion from the project applicant; and

2. Approve or deny the certificate of completion. If the certificate of completion is denied, the director shall provide information to the project applicant regarding reapplication, appeal or other assistance. (Ord. 2015-11-1481 § 1 (part))

13.10.140 Irrigation scheduling.

A. For the efficient use of water, all irrigation schedules shall be developed, managed and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.

2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from any city-imposed water conservation restrictions (such as those contained in Chapter13.03), the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

3. For implementation of the irrigation schedule, particular attention must be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.

4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

a. The plant establishment period;

b. The established landscape; and

c. Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

a. Irrigation interval (days between irrigation);

b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting. (Ord. 2015-11-1481 § 1 (part))

13.10.150 Landscape and irrigation maintenance schedule.

A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

B. A regular maintenance schedule shall include, but not be limited to, routine inspection; auditing, adjustment and repair of the irrigation system and its components; aerating and dethatching turf areas; topdressing with compost, replenishing mulch; fertilizing; pruning; weeding in all landscape areas; and removing obstructions to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents or with components with greater efficiency.

D. A project applicant is encouraged to implement established landscape industry sustainable best practices for all landscape maintenance activities.

(Ord. 2015-11-1481 § 1 (part))

13.10.160 Irrigation audit, irrigation survey, and irrigation water use analysis.

A. All landscape irrigation audits shall be conducted by a local agency landscape irrigation auditor or a third party certified landscape irrigation auditor. Landscape audits shall not be conducted by the person who designed the landscape or installed the landscape.

B. In large projects or projects with multiple landscape installations (i.e., production home developments) an auditing rate of one in seven lots or approximately fifteen percent will satisfy this requirement.

C. For new construction and rehabilitated landscape projects installed after December 1, 2015, as described in Section 13.10.020:

1. The project applicant shall submit an irrigation audit report with the certificate of completion to the director, which may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or run off that causes overland flow, and preparation of an irrigation schedule, including configuring irrigation controllers with application rate, soil types, plant factors, slope, exposure and any other factors necessary for accurate programming.

2. The director shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance. (Ord. 2015-11- 1481 § 1 (part))

13.10.170 Irrigation efficiency.

For the purpose of determining estimated total water use, average irrigation efficiency is assumed to be 0.75 for overhead spray devices and 0.81 for drip system devices. (Ord. 2015-11-1481 § 1 (part))etermining maximum applied water allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

(Ord. 2009-12-1409 § 1 (part))

13.10.180 Recycled water.

The installation of recycled water irrigation systems shall not be required by the city, as the local water purveyor has determined that recycled water meeting all public health codes and standards is not and will not be available for the foreseeable future. (Ord. 2015-11-1481 § 1 (part))

13.10.185 Graywater systems.

Graywater systems promote the efficient use of water and are encouraged to assist in on-site landscape irrigation. All graywater systems shall conform to the California Plumbing Code (Title 24, Part 5, Chapter 16) and any applicable local ordinance standards. Refer to Section 13.10.020D., for the applicability of this chapter to landscape areas less than two thousand five hundred square feet with the estimated total water use met entirely by graywater. (Ord. 2015-11-1481 § 1 (part))

13.10.190 Stormwater management and rainwater retention.

A. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans, to minimize runoff and to increase on-site rainwater retention and infiltration, is encouraged.

B. Project applicants shall refer to Chapter 12.16 for information on applicable stormwater technical requirements.

C. All planted landscape areas are required to have friable soil to maximize water retention and infiltration. Refer to Section 13.10.100.

D. It is strongly recommended that landscape areas be designed for capture and infiltration capacity that is sufficient to prevent runoff from impervious surfaces (i.e. roof and paved areas) from either: (1) the one inch, twenty-four-hour rain event or (2) the eighty-fifth percentile, twenty-four-hour rain event, and/or additional capacity as required by any applicable local, regional, state or federal regulation.

E. It is recommended that stormwater projects incorporate any of the following elements to improve on-site stormwater and dry weather runoff capture and use:

1. Grade impervious surfaces, such as driveways, during construction to drain to vegetated areas;

2. Minimize the area of impervious surfaces such as paved areas, roof and concrete driveways;

3. Incorporate pervious or porous surfaces (e.g., gravel, permeable pavers or blocks, pervious or porous concrete) that minimize runoff;

4. Direct runoff from paved surfaces and roof areas into planting beds or landscaped areas to maximize site water capture and reuse;

5. Incorporate rain gardens, cisterns, and other rain harvesting or catchment systems;

6. Incorporate infiltration beds, swales, basins and drywells to capture stormwater and dry weather runoff and increase percolation into the soil; and

7. Consider constructed wetlands and ponds that retain water, equalize excess flow, and filter pollutants. (Ord. 2015-11-1481 § 1 (part))

13.10.200 Public education.

A. Publications.

1. Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water is encouraged in the community.

2. The director shall provide information to owners of new permitted renovations and new single-family residential homes regarding the design, installation, management and maintenance of water efficient landscapes based on a water budget.

B. Model homes. All model homes shall be landscaped and use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

1. Signs shall be used to identify the model as an example of a water efficient landscape, featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme. Signage shall include information about the site water use as designed per the local ordinance; specify who designed and installed the water efficient landscape; and demonstrate low water use approaches to landscaping such as using native plants, graywater systems, and rainwater catchment systems.

2. Information shall be provided about designing, installing, managing and maintaining water efficient landscapes. (Ord. 2015-11-1481 § 1 (part))

13.10.210 Irrigation audit, irrigation survey, and irrigation water use analysis for existing landscapes.

A. This section shall apply to all existing landscapes that were installed before December 1, 2015, and are over one acre in size.

1. For all landscapes in this subsection that have a water meter, the director shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys and irrigation audits, to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8) (ETo)(LA)(0.62).

2. For all landscapes in this subsection that do not have a water meter, the director shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits, to evaluate water use and provide recommendations as necessary in order to prevent water waste.

B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

(Ord. 2015-11-1481 § 1 (part))

13.10.220 Water waste prevention.

A. The director shall enforce restrictions to prevent water waste resulting from inefficient landscape irrigation, by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions are contained in Section 13.03.100.

B. Restrictions regarding overspray and runoff may be modified if:

1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping. (Ord. 2015-11-1481 § 1 (part))

13.10.230 Effective precipitation.

The director may consider effective precipitation (twenty-five per cent of annual precipitation) in tracking water use, and may use the following equation to calculate maximum applied water allowance:

MAWA = (ETo - Eppt) (0.62) [(0.55 x LA) + (0.45 x SLA)] for residential areas.

MAWA= (ETo - Eppt) (0.62) [(0.45 x LA) + (0.55 x SLA)] for non-residential areas.

(Ord. 2015-11-1481 § 1 (part))

13.10.240 Reporting.

A. The director shall prepare a report on implementation and enforcement of the updated ordinance. The report shall be submitted to the State by December 31, 2015. Subsequently, reporting will be due by January 31st of each year.

B. Reports are to address the following:

1. A statement as to whether a single agency ordinance or a regional agency alliance ordinance is being adopted, and the date of adoption or anticipated date of adoption;

2. A description of the reporting period. The reporting period shall commence on December 1, 2015 and the end on December 28, 2015. In subsequent years, reporting will be for the calendar year;

3. A statement as to whether a locally modified Water Efficient Landscape Ordinance (WELO) or the MWELO is being adopted. If using a locally modified WELO, how it is different than MWELO, how it is at least as efficient as MWELO and specify exemptions if there are any;

4. A statement as to what entity is responsible for implementing the ordinance;

5. A statement as to the number and types of projects subject to the ordinance during the specified reporting period;

6. A statement as to the total area (in square feet or acres) subject to the ordinance over the reporting period, if available;

7. The number of new housing starts, new commercial projects, and landscape retrofits during the reporting period;

8. The procedure for review of projects subject to the ordinance;

9. A description of the actions taken to verify compliance such as: a plan check, or site inspection and by what entity; and whether a post-installation audit is required and if so, by whom;

10. A description of enforcement measures;

11. An explanation of challenges to implementing and enforcing the ordinance; and

12. A description of educational and other needs to properly apply the ordinance. (Ord. 2015-11-1481 § 1 (part))

Chapter 13.12
COMMUNITY ANTENNA TELEVISION SYSTEMS

Sections:

ARTICLE I. GENERAL PROVISIONS

ARTICLE II. PROVISIONS FOR AWARD OF FRANCHISE

ARTICLE X. MISCELLANEOUS SECTIONS

ARTICLE I. GENERAL PROVISIONS

13.12.000 Short title.

This chapter shall be known as the cable system ordinance.

(Ord. 85-07-950 § 1 (part))

13.12.005 Scope of chapter.

Any person, firm or corporation, operating, or seeking to operate, a cable communications system, also known as a community antenna television system (CATV) business within the city, the nature of which requires approval of the city council or of a franchise agreement, shall be subject to all of the regulations contained herein or in any other applicable ordinances of the city.

(Ord. 85-07-950 § 1 (part))

13.12.010 Definitions.

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

A. "Active device" means any item of equipment in the cable television plant that requires an external source of electrical energy for its operation.

B. "Cable system" means the cable communications system serving the city of Signal Hill.

C. "City" means the city of Signal Hill, a municipal corporation of the state of California, in its present incorporated form or in any latter reorganized, consolidated, enlarged or reincorporated form.

D. "City engineer" means the city engineer, or his designee, of the city.

E. "City manager" means the city administrator, or other designation of the city's chief executive officer, or any designee thereof.

F. "Community antenna television system" (CATV), also known as a "cable communications system", means a system of antenna, satellite receiving and transmitting apparatus, coaxial cables, fiber optics, wires, wave guides, and/or other conductors, amplifiers, electronic processors, equipment and facilities designed, constructed or used for the purpose of providing over-the-air, satellite-delivered and locally originated television or FM radio service by cable within the city. Such a definition does not include those services which are classified as MDS (multiple distribution systems), DBS (direct broadcast satellite), or STV (subscription television) services, or other such systems which are delivered via microwave from a central originating point directly to a subscriber without the use of wires.

G. "Council" means the governing body of the city or any future board constituting the legislative body of the city.

H. "FCC" means the Federal Communications Commission.

I. "Franchise" means and include any authorization granted hereunder in terms of a franchise, privilege, permit, license or otherwise, to construct, operate, and maintain a cable communications system within all or a specified area in the city. Any such authorization, in whatever form granted, shall not mean and include any license or permit required for the privilege of transacting and carrying on a business within the city as required by other ordinances and laws of this city.

J. "Grantee" means the person, firm or corporation granted a franchise by the council under this chapter, and the lawful successor, transferee or assignee of said person, firm or corporation.

K. "Gross receipts" means any and all compensation, in whatever form, grant, subsidy, exchange, or otherwise, directly or indirectly received by a grantee, not including any taxes on services furnished by the grantee, imposed directly on any subscriber, user, lessee or advertiser by a city, county, state or other governmental unit, and collected by the grantee for such entity for services rendered within the city. Gross receipts shall include, but not be limited to:

1. "Gross annual basic subscriber receipts" means any and all compensation and other consideration received directly or indirectly by the grantee from subscribers or users for services rendered within the city in payment of the regularly furnished service of the cable television system in the transmission of broadcast television, radio signals, satellite delivered programming, and original cable-cast programming of the grantee designated as the "basic service."

2. "Gross annual nonbasic service receipts" means any and all compensation and other consideration received directly or indirectly by the grantee from subscribers or users for services rendered within the city in payment for the receipt of signals whether for "pay television," "facsimile transmission," "security services," "return" or "response communication," and whether or not transmitted encoded or processed to permit reception by only selected subscribers, and designed as an optional service, or nonbasic service.

3. "Gross annual advertising receipts" means any income, compensation and other consideration received by grantee from any advertisers located in the city cable television system.

4. "Gross annual lease receipts" means any fees or income received by grantee for the lease or rental, and compensation for any service in connection therewith, such as studio and equipment rental, production costs, and air time of any channel permitted or designated by the Federal Communications Commission (FCC) to be so leased or rented by subscribers, users, lessees, or advertisers located in the city.

L. "Institutional network" means that cable or series of cables, either separate from or integrated with the "subscriber network," which provide services between institutions, and/or institutions and subscribers in the case of a switchable network, and where the services delivered are primarily nonentertainment in nature.

M. "Interactive" means the transmission and reception of downstream (originating from the cable headend) and upstream (originating from any other point in the cable system) audio and video signals.

N. "Passive device" means any item of equipment in the cable television plant that does not require an external source of electrical energy for its operation.

O. "Person" means any natural person and all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, and societies.

P. "Property of grantee" means all property owned, installed, or used within the city by a grantee in the conduct of a cable communications system business under the authority of a franchise granted pursuant to this chapter.

Q. "Street" means the surface, the air space above the surface and the area below the surface of any public street, other public right-of-way or public place, including public utility easements.

R. "Subscriber" or "user" means any person or entity receiving for any purpose any service over grantee's cable communications system including, but not limited to, the conventional cable television system service of retransmission of television broadcast, satellite broadcast, radio signals, grantee's original cablecasting, and other locally originated programming and services, such as leasing of channels, data and facsimile transmission, pay television, public service communication, and other services which may arise during the course of the franchise.

S. "Subscriber network" means that cable or series of cables which provide programming services to subscribers as part of a package of "basic" and "premium" channel services and where the services delivered are primarily those services classified as entertainment services.

(Ord. 85-07-950 § 1 (part))

13.12.020 Franchise to install--Right to grant nonexclusive.

A. A nonexclusive franchise to install, construct, operate, and maintain a cable television system on or within streets, parkways, alleys and other city rights-of-way within all or a specific portion of the city may be granted by the council to any person, whether operating under an existing franchise, who or which offers to furnish and provide such system under and pursuant to the terms and provisions of this chapter.

B. No provision of this chapter may be deemed or construed as to require the granting of a franchise when in the opinion of the council it is in the public interest to restrict the number of grantees to one or more.

(Ord. 85-07-950 § 1 (part))

13.12.030 Franchise fee.

A. Any grantee granted a franchise under this chapter shall pay to the city, during the life of such franchise, a sum equal to three percent of the annual total gross receipts and in addition thereto, such other sums as may be provided for elsewhere in this chapter. If, during any part of the franchise term, there is in effect a federal or state limit regulating the franchise fee percentage to a lesser or greater amount, such a limitation shall supersede the amount stated above but only for that time period such limit is legally operational. Franchise fee payment by the grantee to the city shall be made annually by delivery of the same to the director of finance.

B. The grantee shall file with the director of finance, within ninety days after the expiration of the grantee's fiscal year or portion thereof during which such franchise is in force, a balance sheet and statement of profit and loss certified to by a certified public accountant, or person otherwise satisfactory to the director of finance, showing in detail the gross receipts, as defined in Section 13.12.010K, of grantee during the preceding fiscal year, or portion thereof. It shall be the duty of the grantee to pay to the city, within fifteen days after the time of filing such statements, the sum hereinabove convered by such statements unless extended by the city. Payments made after the time specified above shall be subject to a late fee of fifteen percent of the amount due unless such late fee is waived by the city.

C. Upon reasonable notice, the city shall have the right to inspect and audit the grantee's fiscal records. The grantee shall assume all reasonable costs for said audit. No acceptance of any payment shall be construed as a release or as an accord and satisfaction of any claim the city may have for further additional sums payable under this section or for the performance of any other obligation hereunder.

(Ord. 85-09-954 § 1; Ord. 85-07-950 § 1 (part))

13.12.040 Franchise agreement.

Each grantee awarded a franchise hereunder will provide a copy of the submitted proposal for a cable communication system for the city in the case of new franchisees, or a memorandum of understanding, or agreement, for franchise renewals, transfers, or extensions, as approved by the city council, and the proposal, memorandum of understanding, or agreement will be adopted and referenced by ordinance, or by resolution as the case may be, and will specify the condition(s) of the franchise award, transfer, renewal, and/or extension and each and every provision of said document will be thereby incorporated by reference in this chapter as though the same were set out in full and all provisions included therein, as well as those specified herein, shall be binding upon grantee.

(Ord. 85-07-950 § 1 (part))

13.12.050 Nonexclusivity of franchise.

Every franchise granted under this chapter shall be nonexclusive. Neither the granting of any franchise hereunder nor any of the provisions contained herein shall be construed to prevent the city from granting any identical or similar franchise to any other person, firm, or corporation, within all or any portion of the city.

(Ord. 85-07-950 § 1 (part))

13.12.060 Application for franchise.

Each application for a franchise to construct, operate, or maintain any cable television system(s) in the city shall be filed with the city clerk and shall contain the following:

A. The name, address and telephone number of the applicant;

B. A detailed statement of the corporate or other business entity organization of the applicant, including but not limited to, the following, and to whatever extent required by the city:

1. The names, residence and business address of all officers, directors and associates of the applicant,

2. The names, residences, and business addresses of all officers, persons and entities having controlling, or being entitled to have or control of more than five percent of the ownership of the applicant and the respective ownership share of each such person or entity,

3. The names and addresses of any parent or subsidiary of the applicant, namely, or any other business entity owning or controlling applicant in whole or in part or owned or controlled in whole or in part by the applicant, and a statement describing the nature of any such parent or subsidiary business entity, including but not limited to cable television systems owned or controlled by the applicant, its parent and subsidiary and the areas served thereby,

4. A detailed description of all previous experience of the applicant in providing cable television system service and in related or similar fields,

5. A detailed and complete financial statement of the applicant, prepared by an independent certified public accountant, for the fiscal year next preceding the date of the application hereunder, or a letter or other acceptable evidence in writing from a recognized lending institution or funding source, addressed to both the applicant and council, setting forth the basis for a study performed by such lending institution or funding source, and a clear statement of its intent as a lending institution to provide whatever capital shall be required by the applicant to construct and operate the proposed system in the city, or a statement from a certified public accountant, certifying that the applicant has available sufficient free, net and uncommitted cash resources to construct and operate the proposed system in this city;

6. A statement identifying, by place and date, any other cable television franchise(s) awarded to the applicant, its parent or subsidiary; the status of said franchise(s) with respect to completion thereof; the total cost of completion of said system(s); and the amount of applicant's and its parent's or subsidiary's resources committed to the completion thereof;

C. A detailed description of the proposed plan of operation of the applicant which shall include, but not be limited to the following:

1. A detailed map indicating all areas proposed to be served, and a proposed time schedule for the installation of all equipment necessary to become operational throughout the entire area to be served,

2. A statement or schedule setting forth all proposed classifications of rates and charges to be made against subscribers and all rates and charges as to each said classifications, including installation charges and service charges. The statement or schedule shall be used for information purposes and shall not be deemed to give the city the authority to approve rates contrary to federal law,

3. A detailed, informative, and referenced statement describing the actual equipment and operational standards proposed by the applicant and that such standards of operations are in compliance with Section 13.12.120 of this chapter,

4. A copy of the form of any agreement undertaking, or other instrument proposed to be entered into between the applicant and any subscriber,

5. A detailed statement setting forth in its entirety any and all agreements and understandings, whether formal or informal, written, oral, or implied, existing or proposed to exist between the applicant and any person, firm, or corporation which materially relate or pertain to or depend upon the application and the granting of the franchise;

D. A copy of any agreement covering the franchise area, if existing between the applicant and any public utility subject to regulation by the California Public Utilities Commission providing for the use of any facilities of the public utility, including but not limited to poles, lines, or conduits;

E. Any other details, statements, information or reference pertinent to the subject matter of such application which shall be required by the council, or by any provision of any other ordinance of the city, resolution or order of the city council;

F. A nonrefundable application fee in the amount of three thousand dollars, which shall be in the form of cash, certified for filing applications.

(Ord. 85-07-950 § 1 (part))

13.12.065 Procedures for award of franchise.

A. Franchise renewals shall be governed by Section 13.12.212. In cases of original franchise awards, the council may, by advertisement or any other means, solicit and call for applications for cable television system franchises, and may determine and fix any date upon or after which the same shall be received by the city, or the date before which the same must be received, or the date after which the same shall not be received, and may make any other determinations and specify any other times, terms, conditions, or limitations respecting the soliciting, calling for, making and receiving of such applications.

B. If the council shall determine to further consider the application(s), it shall set a public hearing for the consideration of competing applications; fixing and setting forth a day, hour, and place certain when and where any persons having any interest therein or objections may file written protests and/or appear before the council and be heard, and directing the city clerk to publish said resolution in a newspaper of general circulation at least once not less than ten days prior to such public hearing.

C. In making any determination hereunder as to any application, the council may give due consideration to the quality of the service proposed, rates to subscribers, income to the city, experience, character, background, and financial responsibility of any applicant, and its management and owners, technical and performance quality of equipment, willingness and ability to meet construction and other deadlines, and to abide by policy decisions, franchise requirements, and any other considerations deemed pertinent by the council for safeguarding and promoting the interests of the city and the public.

D. At the time set for the hearing, or at any adjournment thereof, the council shall proceed to hear all written protests and/or support. Thereafter, the council shall make one of the following determinations:

1. That such application(s) be denied, which determination shall be final and conclusive; or

2. That the city enter into negotiations for the determination of the terms of the final award of a franchise with one or more of the applicants, and that the time for such negotiations be limited to a time not to exceed ninety days and that such terms and conditions shall first be approved by council.

E. At the conclusion of said negotiations or after expiration of the ninety days, whichever shall first occur, if the council shall determine to further consider the application(s), the council shall hold a public hearing in accordance with all the procedures set forth herein, and, at the conclusion of said hearing, after giving due consideration to those factors specified herein, the council may:

1. Award a nonexclusive franchise to one or more of the applicants; or

2. Reject all applications and request new and/or additional proposals.

F. The council may at any time demand and applicant(s) shall provide such supplementary, additional or other information as the council may deem reasonably necessary to determine whether the requested franchise should be granted.

G. The city council may waive any and all provision(s) of this section.

(Ord. 85-07-950 § 1 (part))

13.12.070 Costs to be borne by grantee.

The grantee shall assume all reasonable costs associated with the award, transfer, or renewal, of a franchise, or implementation of the provisions of this chapter, including any costs provided in the franchise agreement and, unless otherwise provided in the agreement, the following:

A. Costs of publication, advertising, or noticing of an ordinance granting a franchise, any public hearing required hereunder, or any change to this chapter as such publication, advertising, or noticing is required by law.

B. Costs associated with the city employing an independent consultant to assist with the development of the franchise ordinance, memorandum of understanding, and/or agreement, and any negotiations required to grant, amend, or enforce the provisions of the franchise ordinance and agreement.

C. Costs of an independent consultant or engineering firm to witness the initial design, installation and testing of the system or to analyze the results of such testing as a verification of the grantee's adherence to the terms and conditions of the franchise, either at the time of the initial performance test in accordance with Section 13.12.125B or in response to complaints in accordance with Section 13.12.090.

At the city's option, the grantee may perform such tests and submit such results to the city and the city may, at the grantee's cost, have the results analyzed by an independent engineering firm.

D. All fees related to construction of the CATV facilities, including, but not limited to, city excavation permit fees, construction inspection fees, and other city costs related to CATV installation and construction.

E. All reasonable city administrative costs associated with the award, transfer, renewal, or implementation of the franchise.

(Ord. 85-07-950 § 1 (part))

ARTICLE III. CONSTRUCTION OF SYSTEM

13.12.080 Installation of system.

A. Within sixty days of the award of any franchise, as defined in Section 13.12.200, the grantee shall proceed with due diligence to obtain all necessary permits and authorizations which are required in the conduct of its business, including, but not limited to, any utility joint use attachment, agreements, microwave carrier licenses, and other permits, licenses and authorizations to be granted by duly constituted regulatory agencies having jurisdiction over the operation of cable television systems, associated microwave transmission/reception facilities and/or satellite communications facilities. City agrees to process application for permits under this section with due diligence so as to not impede construction of system.

B. Within one hundred twenty days after award or renewal of any franchise, grantee shall commence construction and installation of the cable television system and/or implementation of those items specified in the franchise agreement and/or ordinance.

C. As part of their proposal to the city, the franchise applicant shall indicate a proposed construction schedule for the completion of the installation of the cable television system throughout the entire service area specified in the approved franchise agreement. Service to the areas prescribed in that agreement shall be provided within the period stated therein and failure on the part of the grantee to complete each of the matters set forth therein, shall be grounds for termination of the franchise. The proposed construction schedule shall not, in any event, exceed two years, except that, by resolution, the city, in its discretion, may extend the time for the commencement and the completion of installation and construction for additional periods in the event the grantee, acting in good faith, experiences delays by reason of circumstances beyond his control.

D. By acceptance of the franchise granted hereunder, grantee agrees that failure to comply with any time requirements referred to in Subsections A, B and C of this section, or as may be extended by council, may result in imposition on grantee of the remedies specified in Section 13.12.245.

E. Grantee shall utilize existing poles, conduits, and other facilities whenever possible, and shall not construct or install any new, different or additional poles, conduits, or other facilities on public property unless and until first securing the written approval of the city manager, which shall not be unreasonably withheld.

F. The city shall have the right, free of charge, to make additional use, for any public or municipal purpose, whether governmental or proprietary, of any poles, conduits or similar facilities erected, controlled, or maintained exclusively by or for the grantee in any street, provided such use does not interfere with the use of grantee.

G. In those areas of the city where the transmission or distribution facilities of the respective public utilities providing telephone, communication, and electric services are underground, or hereafter are placed underground, the grantee shall, at grantee's sole expense, construct, operate, and maintain all of his transmission and distribution facilities underground, with the exception of any "active device" as defined in Section 13.12.010. Any active device to be located above the ground shall first be approved by the city engineer, who will approve the location and design if grantee has ensured to the city engineer's satisfaction that such location does not endanger the public safety or welfare, and, is so located as to not physically detract from the surroundings. The term "underground" includes a partial underground system.

1. The method of underground construction to be utilized by the grantee, whether by trenching, boring, cutting, or other method, and the restoration of streets, parkways, alleys, and other city rights-of-way utilized for the placement of the franchisee's conduits and/or

ancillary equipment, must be submitted to and approved by the city engineer pursuant to Section 13.12.085. The construction methods approved will be subject to the required permit fees and city inspection as may be required by other ordinances, rules, regulations and specifications of the city heretofore or hereafter adopted, including but not limited to those pertaining to works and activities in, on, over, under and about streets.

2. The grantee shall perform all backfilling on the same day the trench is dug and return public property to original condition within forty-eight hours thereafter, except by specified written request to and approval of the city engineer. Such approval shall be acted upon with all due diligence.

3. All landscaped public and private areas shall be returned to a condition as existed prior to the construction work, and the grantee shall maintain such areas until, in the opinion of the city engineer, the plant materials are reestablished. Standards for determination of reestablishment may be included in the franchise agreement.

H. Neither the grantee, nor grantee's agents, shall remove any tree or trim any portion either above, at or below ground level, of any tree within any public place without the prior consent of the city. The city shall have the option to see that any work is accomplished with the actual cost thereof to be paid by the grantee. If such trimming is performed by grantee or grantee's agents, the grantee shall be responsible for any and all damages to any tree as a result of trimming, or to the land surrounding the tree, whether such tree is trimmed or removed.

I. Any and all firms employed by the grantee shall be subject to the controlling city ordinance(s) regarding the conduct of business within the city, and obtain appropriate licenses and permits, and shall adhere to the complaint procedures required of the grantee.

Grantee shall provide a mutually agreed upon method of employee/subcontractor identification for all such individuals who may make personal contact with Signal Hill residents for the purposes of construction, marketing, or other services of the cable television system.

In the event the city determines that any subcontractor employed by the grantee is performing unsatisfactory or inferior work, as determined by the city manager, or is the cause for numerous complaints, the city manager may issue a stop work order for all permits issued to the grantee and/or his subcontractors for construction, and may stop work until such time as the city manager believes that the cause for such complaint has been remedied.

If the city requires replacement of any subcontractor employed by the grantee, then the grantee shall be given an automatic extension of any construction deadline for thirty additional days from the date of receipt of written notification of any such action by the city.

J. Grantee shall, except as provided herein, provide services to the entire residential area of the city, including future annexations, in accord with subsection C of this section and the schedule provided pursuant thereto, and herein referred to as the "subscriber network." Any limitations on system extensions, or exclusions, must be made a part of the franchise agreement approved by council.

In the event the grantee agrees to build and operate an "institutional network," services shall be provided in accord with the terms and conditions of that network as specified in the franchise agreement approved by council.

K. Grantee shall furnish the city with as-built drawings on city's 1"=100" base plans of the entire cable television system, including if requested by the city engineer, a microfiche copy of said plans. Within thirty days of completion of construction of the system, grantee shall file as-built drawings with the city engineer.

L. In the event any material changes or modifications are made to the cable system that would alter the city's as-built plans, grantee shall file revised plans to reflect the changes within thirty days of completion of the changes. For the purpose of this section, "material" means any change relating to the dimensions or location of the equipment enclosures, or routing of the cable plant, either aerial or underground.

(Ord. 85-07-950 § 1 (part))

13.12.085 Standards of construction.

Grantee shall construct the residential cable system in conformance with the standards and specifications in this section, and such additional standards and specifications as may be provided in the franchise agreement.

A. Construction Permit.

1. No work shall commence, in conjunction with any plant construction, in public right-of-way or easement until a permit has been issued by the city engineer.

B. Advance Notification.

1. Grantee shall provide a master schedule for construction to the city with plans and permit application submission, at least fifteen days prior to estimated start of work date.

2. At least forty-eight hours prior to start of work, grantee shall advise city inspector as to the location and schedule of work to be done.

3. Prior to any initial underground or aerial construction, reconstruction, or rebuilding of the cable system, residents, tenants, businessmen, and other parties affected by the construction shall be given written notice at least forty-eight hours in advance of the pending construction. The notice shall briefly describe work to be done, and shall provide grantee's name, address, and phone number, including the name of grantee's representative who may be contacted for questions or problems.

C. Coordination with Utility and Oil Companies.

1. Grantee shall coordinate with all affected utility and oil companies for location and protecting utilities which may interfere with installation.

2. Grantee shall call USA locating service before construction is to begin.

3. Grantee shall repair or replace any damage caused during installation to utility or underground facility, unless markings provided by USA locating service are incorrect. In instances of incorrect marking, grantee and the affected party will agree on a reasonable settlement.

4. Repair of interrupted utility services shall have priority over all other work being performed.

D. Traffic Control.

1. No streets shall be closed to through traffic without the prior written approval of the city engineer.

2. All work shall be conducted so that traffic may safely use the streets. The rights of all pedestrians and vehicular traffic shall be respected at all times.

3. Access to driveways shall be maintained except for unavoidable short periods.

4. Temporary lane closures shall be allowed only when approved by the city engineer. Such approval shall not be unreasonably withheld.

5. All work areas, lane closures, and all warning lights, flashers and devices used shall be protected, installed and provided in accordance with the current CALTRANS "Manual of Traffic Controls" and/or "Work Area Traffic Control Handbook."

6. If proper traffic control is not executed, the city may provide said protection at the contractor's expense.

E. Construction Standards and Requirements.

In addition to any construction standards and requirements specified in the franchise agreement, the following shall apply:

1. Where construction occurs within parkways or upon private property, grantee shall be responsible for locating and protecting subsurface improvements, including, but not limited to, pipelines, sprinklers, valves, wires, services, drains or other similar facilities. Permittee shall be responsible for the repair or replacement of any damage to such facilities. Grantee shall also be responsible for repair or replacement of damage to parkway improvements, including but not limited to lawns, turf, shrubs, groundcover, flowerbeds, landings, walks, stepping stones, planters, etc., to the reasonable satisfaction of the affected owner. Parkway trees owned or maintained by the city which are damaged or killed by construction, shall be replaced or repaired to the reasonable satisfaction of the city.

2. Work in or upon private streets or private easements, where such easements are not public, shall be done by grantee subject to the permission of the affected owners or authorities. Approval from the owners of private streets and easements must be in writing.

3. Conduit Locations in New Development Areas.

a. The city engineer shall require all new developments and subdivisions to provide underground conduit, pull line, and pullboxes for future installation of cable television (CATV) service to be installed by the developer in accordance with the specifications provided to the developer by the grantee. All dwelling locations within the development scheduled for installation of electric power and telephone utility service shall be similarly provided with connection of the CATV conduit network specified herein. The network shall consist of trunk/distribution conduit, distribution only conduit, and subscriber connection conduit, all in continuous sealed runs with pull line

installed and "CATV" labelled pull boxes placed.

b. All conduits shall be located behind the curb, within the parkway area of the street unless other locations are authorized by the city engineer.

c. The subscriber's end of the conduit shall be stubbed inside the building in the main utility entry area, in an approved CATV enclosure. A permanent tag or marker shall clearly identify the end of the conduit "CATV."

d. Where improvements already exist in a new development area, installation of conduit shall be made accordingly as described in these standards and specifications.

4. Grantee shall be responsible for repairing or relocating CATV cable in conduit which may be needed as a result of any street reconstruction.

(Ord. 85-07-950 § 1 (part))

ARTICLE IV. BONDS, INSURANCE, AND HOLD HARMLESS PROVISIONS

13.12.090 Faithful performance bond.

A. The grantee, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, shall file with the city clerk, and at all times thereafter maintain in full force and effect for the term of such franchise or renewal thereof, at grantee's sole expense, a corporate surety bond in a company and in form and content approved by the city attorney, in the amount of three hundred thousand dollars, renewable annually; provided, that upon certification by the city engineer, construction of the entire system has been satisfactorily completed, the amount of said bond may be reduced to fifty thousand dollars for the duration of the term of the franchise. The bond, both during construction and thereafter, shall be conditioned upon the faithful performance of grantee, and upon the further condition that in the event grantee fails to comply with any one or more of the provisions of this chapter, or of any franchise issued to the grantee hereunder, there shall be recoverable by city or any other governmental entity jointly and severally from the principal and surety of such bond:

1. Any amounts due to or expended by city or such other governmental entity by reason of such failure of grantee;

2. Any damages or loss suffered by city or any such other governmental entity as a result of any such failure;

3. Interest at ten percent per year from the date due as to the amount finally determined, whether liquidated or not in amount when due;

4. Any liquidated damages provided for hereunder; and

5. In the event of litigation, the reasonable attorney's fees, court costs and other expenses of city or any such other governmental entity in the event city or such other governmental entity is the prevailing party; all up to the full amount of the bond, provided that grantee's liability shall not be limited to said amount.

B. The condition of said bond shall be continuing obligation for the duration of such franchise and any renewal thereof and thereafter until the grantee has liquidated all of its obligations that may have arisen from the acceptance of said franchise or renewal by the grantee or from its exercise of any privilege therein granted. The bond shall not be subject to any disclaimer or limitation of liability. The bond shall provide that thirty days' prior written notice of intention not to renew, cancellation, or material change, be given to the city, in which event grantee shall provide a substitute bond complying with this section in form and content approved by the city attorney.

C. Neither the provisions of this section, nor any bond accepted by the city pursuant hereto, nor any damages recovered by the city hereunder, shall be construed to excuse faithful performance by the grantee or limit the liability of the grantee under any franchise issued hereunder of for damages, either to the full amount of the bond or otherwise.

D. In lieu of said bond, grantee may provide the city with a cash deposit, letter of credit, certificate of deposit, or other form of security in the foregoing amounts, in form and content approved by the city attorney, and subject to the same terms and conditions as provided herein for the bond and further subject to the approval of the city council.

In the event grantee shall fail to comply with any one or more of the provisions of this chapter or the franchise agreement, then the city shall have the right to draw upon the security for any damages suffered by the city as a result thereof, including the full amount of

any compensation, liquidated damages, indemnification, or cost of removal or abandonment of property as prescribed by Section 13.12.245 which may be in default, up to the full amount of the security deposit. Grantee shall, as a condition of this section, maintain the balance in such a security deposit so that any amounts withdrawn by the city pertinent to this section shall be replaced by the grantee within fifteen days' notice of withdrawal by the city.

E. The amount of the bond or security deposit may be increased by the city at five-year intervals by an amount not exceeding thirty percent. The increase shall be determined by the city based upon grantee's performance and changes in the consumer price index.

(Ord. 85-07-950 § 1 (part))

13.12.100 Insurance.

A. The grantee shall, concurrently with the filing of an acceptance of award of any franchise granted under this chapter, furnish to the city and file with the city clerk, and at all times during the existence of any franchise granted hereunder, maintain in full force and effect, as its own cost and expense, liability insurance policies provided by a company approved by the city manager, and in a form satisfactory to the city attorney, naming as additional insureds, the city, its officers, bonds, commissions, agents, and employees, as follows:

1. Liability insurance in the amount of two million dollars indemnifying, defending, and holding harmless the city, its officers and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liability to others, including but not limited to any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise, irrespective of the amount of the comprehensive liability insurance policy required hereunder.

2. A general comprehensive liability insurance policy, with minimum liability limits of two million dollars aggregate per single accident or occurrence, one million dollars for personal injury or death of one or more persons in any one occurrence, one million dollars for damage to property resulting from any one occurrence, and three hundred thousand dollars for property damage to any one person.

3. Workers' compensation insurance in accordance with state law.

B. In lieu of such the policy specified in subsection A1 of this section, the grantee may provide a notarized certificate of self-insurance in like amounts and conditions, in a form acceptable to the city attorney, attesting to the provisions of this section, or, in the alternative, the grantee may provide a notarized indemnity and hold-harmless certificate, showing a net worth of at least five million dollars in a form acceptable to the city attorney, attesting to the provisions of this section.

C. The policies mentioned in subsection A of this section, shall name the city, its officers, boards, commissions, agents and employees, as additional insured and shall contain a provision that a written notice of cancellation or reduction in coverage of said policy shall be delivered to the city thirty days in advance of the effective date thereof. If such insurance is provided by a policy which also covers grantee or any other entity or person other than those above names, then such policy shall contain the standard cross-liability endorsement.

(Ord. 85-07-950 § 1 (part))

13.12.105 Indemnification of city.

The grantee, by acceptance of the franchise, thereby agrees to indemnify, defend, and hold harmless the city, its officers, boards, commissions, agents, and employees from and against any and all claims, demands, actions, suits and proceedings by others, against all liability to others, including but not limited to any liability for damages by reason of or arising out of any failure by the grantee to secure consents from the owners, authorized distributors or licensees of programs to be delivered by the grantee's CATV system, and against any loss, cost, expense and damages resulting therefrom, including reasonable attorney's fees, arising out of the exercise or enjoyment of its franchise, irrespective of the amount of insurance required hereunder.

(Ord. 85-07-950 § 1 (part))

ARTICLE V. SYSTEM PERFORMANCE

13.12.110 Minimum cable television system services.

Any and all cable television systems for the city shall be designed and installed to meet all of the standards expressly set forth in this chapter. In addition, as a minimum, unless otherwise provided in the franchise agreement, the system(s) shall be constructed to provide the following:

A. A minimum of fifty-two channel capacity on a subscriber network;

B. Interactive capabilities will be provided only when technically and economically feasible;

C. An institutional network with switching capabilities between the subscriber network as provided in Section 13.12.080J;

D. Upstream and downstream capabilities on all networks;

E. Seven local channels for educational, library, governmental, religious, public and local origination use;

F. A fully equipped state-of-the-art local television production studio either dedicated or shared with any city where the grantee operates a cable system;

G. A mobile television production van;

H. Free installation and services for all public and community buildings as agreed by the city and grantee in the franchise agreement;

I. The wiring and installation of terminals and amplifiers at city hall for cable television coverage of city council and other meetings and/or hearings;

J. Programming services, if available, that include:

1. National and international news,

2. Financial and stock market information,

3. Sports channels,

4. Weather services,

5. Children's programming,

6. Movie channels,

7. Pay cable services,

8. Cultural programming,

9. Foreign language programming,

10. Programming for handicapped,

11. Processed FM stereo programming,

12. Educational programming from local public schools and higher education facilities, such programming to be provided by these institutions and carried on the local channels as specified in subsection E of this section,

13. Other programming areas as may be specified in the franchise agreement;

K. Emergency override capability under the direction of a city official designated by the city. Emergency override shall be available only on the shared local channels; and prior to activation of the system, the grantee shall provide the city with policy guidelines for the operation thereof, which shall be subject to the review and approval of the city;

L. Portable television equipment which may also be "shared" or "pooled" by public and institutional users;

M. A sufficient quantity of portable television equipment for the public agencies of the city to allow those agencies to produce programming designed for internal distribution;

N. Sufficient technical personnel to operate the studio and mobile van, and to provide technical assistance to community users in the preparation, production and broadcasting of local programming;

O. A training program in cable television production to serve the city's educational and municipal agencies;

P. Ongoing support for the development, operation, and promotion of the public access channels including annual notification to city residents of the availability of public access services;

Q. Interconnection of subscriber and/or institutional networks with those of the adjacent community and countywide agencies and/or services, including libraries, City College, Cal State Long Beach, and the unified school district, pursuant to the provisions of Section 13.12.140;

R. Electronic trapping (parental control devices) of cable signals shall be made available to all subscribers at cost.

(Ord. 85-07-950 § 1 (part))

13.12.120 Technical performance standards.

The CATV system shall be designed, installed, maintained and tested in accordance with the best CATV industry practice and, as a minimum, shall conform with the technical performance standards contained in the franchise agreement. In addition, should the Federal Communications Commission (FCC), or other state or federal authority having jurisdiction, impose CATV system technical performance standards either outside the scope of the technical performance standards in the agreement or requiring a higher level of CATV system performance, then the CATV system shall conform with those standards. If, for any reason, the referenced FCC or other technical standards shall become reduced in the regional scope or service level, the more stringent standards herein shall remain in effect.

(Ord. 85-07-950 § 1 (part))

13.12.122 Amateur radio protection.

Grantee agrees to maintain its cables, cable drops, and all connectors used therewith in good condition and good repair at all times. Grantee shall insure that its system is in full compliance with all applicable technical rules contained in Part 76 of the Rules and Regulations of the Federal Communications Commission (47 C.R.F. Part 76), including, but not limited to cable radiation limits established by the Federal Communications Commission in Section 76.605(a)(12) of that commission's rules. Grantee agrees to respond timely to any and all complaints of radiofrequency interference alleged to be caused by the operation of its cable system to any and all radio and/or television users or services, and shall attempt to resolve such complaints at grantee's own expense and initiative. Grantee further agrees to timely respond to any and all complaints of radiofrequency interference caused to its cable subscribers from other radio users upon reasonable notice of such interference, and shall attempt to resolve any interference which may be occurring, at its own expense and initiative. After prompt reasonable efforts have been made by grantee to resolve any complaints of radiofrequency interference to cable subscribers or complaints of radiofrequency interference to radio users in other services from cable system radiation, if the problem persists, grantee agrees to submit the matter to the Federal Communications Commission for assistance in resolving the problem. It is understood by both parties that exclusive jurisdiction over matters of radiofrequency interference exists in the Federal Communications Commission, but that this agreement imposes upon grantee the duty, promptly and upon its own initiative, to attempt to resolve any and all such complaints of interference to or from its cable system and make all reasonable, good-faith efforts to resolve the same within grantee's control and at grantee's sole expense, without resort to that federal agency.

(Ord. 85-07-950 § 1 (part))

13.12.125 Technical performance testing and reports.

A. All testing shall be in compliance with the following:

1. All tests shall be in compliance with FCC regulations.

2. If directed by the city manager, tests shall be independently witnessed, and the resultant data analyzed by a representative of the city.

3. All necessary test instrumentation shall be supplied by the grantee, and shall have been calibrated within the preceding twelve months. A current certificate of calibration by an independent calibration laboratory shall be supplied for the reference equipment used to measure the performance of each test instrument. All costs for instrumentation and calibration shall be borne by the grantee.

4. Measurement techniques shall be either (1) those suggested by the FCC, or (2) those developed and mutually agreed to in writing by the city and the grantee prior to system testing. If such agreement is not reached prior to testing, the city shall prescribe acceptable methods of measurement.

5. Concurrent with annual tests, the city representative may, upon reasonable notice, inspect all system head end facilities and outside plant within the city for adherence to accepted industry installation, workmanship, and safety practice.

6. The grantee shall maintain the system so it consistently operates with substantial compliance of the technical standards prescribed with Section 13.12.120. Substantial compliance shall be achieved if ninety-five percent of the channels received meet all applicable technical standards simultaneously at the time of measurement and one hundred percent of the local origination equipment meets all applicable technical specifications.

B. Within thirty days following completion of the construction of the cable system as prescribed herein, a qualified independent electronics engineering firm approved by the city, shall witness an initial proof-of-performance test to ensure system compliance with the technical standards in Section 13.12.120. In compliance with Section 13.12.070 of this chapter all such reasonable costs associated with the required tests shall be borne by the grantee.

If said proof-of-performance tests or construction standards show that the cable television system is below the performance standards outlined in the franchise, the city shall give notice thereof to grantee, and grantee shall have thirty days to correct said deficiency. Grantee will notify the city when such correction has been made, and the engineering firm employed in the previous test will witness the retest to ensure compliance. In the event the resultant tests reveal grantee has failed to correct said deficiency, or if thirty days have elapsed and grantee has not corrected the deficiency, the city may request the engineer to demonstrate, at the grantee's cost, the appropriate correction to the grantee. Grantee shall then have sixty days or other reasonable time required as approved by the city to correct the deficiency. If at the end of the approved time, the deficiency still has not been corrected, the city shall have the option of assessing liquidated damages in accordance with Section 13.12.245 for each and every day the deficiency exists.

C. Six months following the completion and energization of the CATV system, the grantee shall have available on demand system performance data taken within the previous seven days. Measurements for said data shall be taken at the same test points selected to satisfy subsection (D) of this section.

D. The grantee shall during the last month of the fourth operating quarter of each year, or at the time prescribed by the FCC for such tests, perform annual CATV system performance tests. The tests shall meet all criteria specified in subsection A of this section as well as the following:

1. Measurement locations for system compliance with this section, except those requirements regarding twenty-four-hour visual signal amplitude and channel amplitude characteristics, shall include:

a. End of each system major trunk; and

b. End of each system trunk branch four or more trunk amplifiers deep or, in the event the system does not exceed three trunk amplifiers, at the maximum amplifier cascade possible.

Actual test locations shall be selected to measure performance of the system in the franchise area and shall be (or as closely as possible to simulate) actual subscriber locations.

2. Measurements regarding twenty-four-hour visual signal level and channel amplitude characteristics shall be made as required by the FCC.

3. Measurement for system compliance with this section shall be made where practical on all origination equipment employed in the system.

(Ord. 85-07-950 § 1 (part))

13.12.130 Interactive capability and operation.

The CATV system shall be constructed with full interactive capability. Grantee shall implement the interactive services when such are reasonably determined to be technically and economically feasible. Grantee shall biannually submit a report to the city on the economic feasibility of implementing interactive services.

(Ord. 85-07-950 § 1 (part))

13.12.140 Interconnection.

A. The grantee shall, when technically and economically feasible, electrically interconnect the Signal Hill CATV system and other Southern California CATV systems ("surrounding CATV systems") for the purpose of sharing programming. Such an interconnect shall be effected by coaxial cable, fiber optic cable, microwave, or other bidirectional signal transportation means as appropriate to permit programming interchange in compliance with the technical provisions of the grantee's franchise. The grantee shall periodically contact all the operators of surrounding CATV systems for the purpose of exploring and securing a mutually acceptable system interconnect agreement. Grantee shall biannually submit a report to the city on the technical and economic feasibility of interconnecting the CATV systems.

B. By acceptance of the franchise, grantee agrees to cooperate with the city and the county of Los Angeles to implement a countywide interconnection plan. Such plans and the costs for implementation of the plan must be mutually agreed to by all parties prior to such inception.

(Ord. 85-07-950 § 1 (part))

13.12.150 Performance evaluation sessions.

A. The city and grantee shall schedule performance analysis, evaluation, and review sessions within thirty days of the fifth and tenth anniversary dates of the award of any franchise granted hereunder. Additional special evaluations may be scheduled at any other time during the franchise term at either the request of the city or the grantee. Within fifteen days prior to such sessions or evaluation, grantee shall submit to city a report containing the information set forth in subsections B and D of this section.

B. Topics which shall be reviewed and discussed include, but are not limited to, franchise fees and payment schedules, penalties, free or discounted services, application of new or emerging technologies, system performance, services provided, customer complaints and grantee complaint resolution procedures, subscriber privacy, amendments to the franchise, judicial and FCC rulings, line extension policies and franchisee or city rules and regulations.

C. During the review and evaluation by the city, the grantee shall fully cooperate with the city and shall provide such information and documents as the city may need to reasonably perform the review.

In accordance with the provisions of Section 13.12.070 the city may elect to utilize the services of an independent cable television consultant to conduct the review process, and the grantee shall bear all reasonable, mutually agreeable costs associated therewith.

D. During the fifth and tenth year of the franchise, the city and the grantee shall discuss the feasibility of increasing the channel capacity of the cable system and the services offered to subscribers to a level comparable with other cable systems operating in communities with similar characteristics (e.g., homes passed, customer penetration levels, demographics, noncable competition for the same services, off-air signals available, etc.) within a reasonable period of time, if justified by such factors as demand, cost, impact on existing subscriber rates, and the availability of sufficient programming and other services.

(Ord. 85-07-950 § 1 (part))

ARTICLE VI. PROTECTION OF SUBSCRIBERS

13.12.160 Rates.

A. Grantee agrees to be bound by subscriber rates as guaranteed by any letter of agreement or contract which specifically addresses system operation under the terms and conditions of this chapter.

B. Following any effective rate-guaranteed period, grantee shall abide by the provisions of any and all applicable state or federal statutes including but not limited to the Cable Communications Policy Act of 1984, as it presently exists and as may be amended.

(Ord. 85-07-950 § 1 (part))

13.12.180 Right to privacy of subscribers.

The grantee, by acceptance of the franchise, agrees to abide by and implement all the provisions of Section 637.5 of the California Penal Code and of the Cable Communications Policy Act of 1984, dealing with subscriber privacy, and upon mutual agreement between the city and grantee, any such additional controls as may be adopted to protect the right of privacy of individual subscribers, especially as such controls may be necessitated by implementation of the interactive (two-way) features when such services become available.

(Ord. 85-07-950 § 1 (part))

13.12.190 Complaint procedure.

A. The following procedure shall be adhered to in the event of subscriber complaints or complaints by city residents:

1. Grantee shall establish procedures for receiving, acting upon and resolving subscriber complaints to the satisfaction of the city manager. The grantee shall furnish a notice of such procedure to each subscriber at the time of initial subscription to the system.

2. Maintain a written or computer record, or "log" listing date and time of customer complaints, and determining the nature of the complaints and when and what action was taken by the grantee in response thereto; such record shall be kept at grantee's local office, reflecting the operations to date for a period of at least three years, and shall be available for inspection during regular business hours without further notice or demand by the city manager.

3. In the event that a complaint is not resolved to the mutual satisfaction of the complainant or the grantee, either complainant or the grantee may request that the matter be presented to the city manager for a hearing and resolution.

4. When there have been similar complaints made or where there exists other evidence which, in the judgment of the city manager casts doubt on the reliability or quality of cable service, or the grantee's ability to meet the technical standards herein adopted, the city manager shall have the right and authority to compel the grantee to test, analyze, and report on the performance of that part of the system involved in the problem. Such test or tests shall be made and the reports of such test or tests shall be delivered to the city no later than fourteen days after the city formally notifies the grantee. Such report shall include the following information:

a. The nature of the complaint which precipitated the special test;

b. What system component was tested;

c. The equipment used and procedures employed in such testing;

d. The names of the individuals performing and witnessing the testing;

e. The date, time, and location of testing;

f. The results of such testing;

g. The method in which such complaints were resolved.

B. Any other information pertinent to the special test shall also be recorded. The resultant report shall be submitted to the city manager and will form the basis of determination. In the event either the subscriber or grantee finds that the determination unsatisfactory, either may appeal the issue to the city council for a final and binding determination. In the event of such appeal, the city council may utilize an independent consultant or engineering firm to test or evaluate the complaint, and the cost of employing the consultant or firm shall be borne by the grantee in accordance with Section 13.12.070C.

(Ord. 85-07-950 § 1 (part))

13.12.195 Local business office.

A. Grantee shall maintain a local business office within one mile of the city for the purposes of conducting its local activities. Grantee further agrees to maintain a twenty-four-hour toll-free answering service for service-related problem calls, as well as separate toll-free telephone numbers for the system manager, the sales/marketing department, and service department. A minimum of two lines shall be maintained for service-related calls, and, in the event the city determines through subscriber complaints that those are insufficient to meet current demands, grantee shall add such additional lines as may be necessary to provide prompt, efficient response to subscriber inquiries as specified in Section 13.12.190.

B. All such telephone numbers indicated in subsection A of this section shall be listed in directories of the telephone company

serving the city, and be so operated that complaints and requests for repairs or adjustments may be received by phone at any time, day or night, seven days a week. All complaints shall be acknowledged and responded to within forty-eight hours of receipt.

(Ord. 85-07-950 § 1 (part))

ARTICLE VII. ACCEPTANCE, TERM, RENEWAL AND TRANSFER OF FRANCHISE

13.12.200 Acceptance of and effective date of franchise.

A. All franchises awarded hereunder shall be awarded by ordinance or resolution of the city council. Any reference herein to the date of award of a franchise shall be deemed to be the date the ordinance or resolution, as the case may be, awarding the franchise becomes effective.

B. Notwithstanding the award of franchise, no franchise shall become effective until all things required in this section and Sections 13.12.060, 13.12.070, 13.12.090, and 13.12.100 are done and completed. In the event any of such things are not done and completed in the time and manner required, the council may declare the franchise null and void.

C. Within thirty days after the award of franchise, or within such extended period of time as the council in its discretion may authorize, the grantee shall file with the city clerk, his written acceptance, in form satisfactory to the city attorney, of the franchise together with the bond and insurance policies specified herein, and his agreement to be bound by and to comply with and to do all things required of him by the provisions of this chapter and the franchise. Such acceptance and agreement shall be acknowledged by the grantee before a notary public, and shall in form and content be satisfactory to and approved by the city attorney.

(Ord. 85-07-950 § 1 (part))

13.12.210 Franchise term.

The franchise granted by the council under this chapter shall be for a maximum term of twenty years from the date of award of the franchise, if accepted by the grantee(s).

(Ord. 85-09-954 § 2; Ord. 85-07-950 § 1 (part))

13.12.212 Franchise renewal.

A. During the six-month period which begins with the thirty-sixth month before the franchise expiration, the city may on its own initiative, and shall at the request of the grantee, commence proceedings which afford the public in the franchise area appropriate notice and participation for the purpose of:

1. Identifying the future cable-related community needs and interest; and

2. Reviewing the performance of the grantee under the franchise during the then-current franchise terms.

B. Upon completion of a proceeding under subsection A of this section, the grantee seeking renewal of a franchise may on its own initiative or at the request of city submit a proposal for renewal. The request shall be accompanied by both the application and fee as provided in Section 13.12.060 except to the extent that the city waives such provisions. In addition, such request shall, at the minimum, specify the following:

1. Justification, based on prior experience and compliance with existing franchise and applicable law, for the extension;

2. Number of years of the requested franchise extension;

3. Changes, modifications, improvements, and up-grades to the grantee is proposing to provide during the term of the requested extension;

4. The financial legal and technical capability of the grantee to provide the necessary services facilities and equipment;

5. Demonstrate that the quality of service has been reasonable in light of community needs and that the service will reasonably meet community needs and interests;

6. Any and all other information grantee shall deem relevant to the request.

C. Upon submittal by grantee of an application for renewal, the city shall provide prompt public notice and during the four-month period beginning on completion of the proceedings under subsection A of this section, either renew the franchise or issue a preliminary assessment that the franchise should not be renewed. In the event that the city should issue such assessment and upon the request of grantee, the city shall initiate administrative proceedings, after providing notice to the grantee and public to consider whether the franchise should be renewed in accordance with this section. Any determination by the council shall be based upon the grounds stated in this chapter or other applicable law and shall be transmitted to the grantee in writing within ten days following such determination.

D. A final decision and agreement between grantee and the city shall be resolved at the earliest possible date, but in no event, later than eighteen months prior to the expiration of the existing franchise. In the event agreement is not concluded prior to that time, notice shall be given to the grantee of the city's intent to reopen the franchise to interested applicants. Nothing herein shall be construed to prevent the city in its sole discretion from reopening the franchise to interested applicants.

(Ord. 85-07-950 § 1 (part))

13.12.215 Transfer of franchise.

A. Any franchise granted pursuant to this chapter shall be a privilege to be held in personal trust by the original grantee. It cannot in any event be sold, transferred, leased, assigned, hypothecated, or disposed of in whole or in part, either by forced or involuntary sale, or by voluntary sale, merger, consolidation, or otherwise, without the prior consent of the council expressed by resolution, after receipt of any proposed contractual documents, including the considerations and then only under such reasonable conditions as may be prescribed in said resolution. Council consent shall not be necessary for any transfer or assignment to an affiliated entity which does not result in an actual change in ultimate control of the franchise; provided, that council consent shall be required where there is a change in control or ownership where a person or group of persons acting in concert acquire more than fifty percent of the voting stock of the franchisee. Council consent shall also not be necessary for a transfer in trust, mortgage, pledge, or other hypothecation of less than twenty-five percent of the market value of the property used in the conduct of the Signal Hill CATV System, unless made to avoid or evade the other provisions of this chapter affecting transfers.

B. Any transfer or assignment shall be made only by an instrument in writing, a duly executed copy of which shall be filed in the office of the city clerk within thirty days after any such transfer or assignment. The consent of the council, when required by this section, shall not be unreasonably refused; provided, however, the proposed assignee must submit an application in accordance with Section 13.12.060 except to the extent that the city waives such provisions. The fee for such application shall be one thousand dollars. The proposed assignee shall show financial responsibility and must agree to comply with all provisions of this chapter and of the franchise agreement. Failure to comply with all provisions of this section may result in termination of this franchise in accordance with Section 13.12.240.

(Ord. 85-10-961 § 1: Ord. 85-07-950 § 1 (part))

ARTICLE VIII. MODIFICATION, REMOVAL AND ABANDONMENT OF FACILITIES

13.12.220 Removal and abandonment of property of grantee.

A. In the event that the use of any part of the CATV system is discontinued for any reason for a continuous period of twelve months, or in the event such a system or property has been installed in any street or public place without complying with the requirements of grantee's franchise, or this chapter, or in the event such system or property is determined by the city engineer to threaten the public health, safety or general welfare, or the franchise has been terminated, cancelled, revoked, or expired, the grantee shall promptly, at grantee's sole expense, upon being given ten days' notice, remove from the streets or public places all such property of such system. The city engineer may permit such abandoned property to either be abandoned in place or removed at the sole expense of the grantee. In the event of such removal, the grantee shall promptly restore the street or other area from which such property has been removed to a condition satisfactory to the city engineer.

B. Any property of grantee which is not removed by grantee nor is permitted by the city engineer to be abandoned in place may be removed by city and grantee shall be liable for the expense of such removal and the restoration of the street or other area from which such property has been removed.

C. Any property of the grantee remaining in place sixty days after the termination, cancellation, revocation, or expiration of the

franchise shall be considered permanently abandoned. The city engineer may extend such time, not to exceed an additional thirty days.

D. Any property of the grantee to be abandoned in place shall be abandoned in such manner as the city engineer shall prescribe. Upon permanent abandonment of the property of the grantee in place, the property shall, if accepted by city become that of the city, and the grantee shall submit to the city engineer such written instruments in the form required by the city attorney, transferring to the city the ownership of such property, except as may be included within the provisions of any utility joint use attachment agreements.

(Ord. 85-07-950 § 1 (part))

13.12.230 Changes required by public improvements.

The grantee shall, from time to time protect, support, dislocate, temporarily or permanently, as may be required, remove or relocate, without expense to the city or any other governmental entity, any facilities installed, used, and maintained under the franchise, if and when made necessary by any lawful change of grade, alignment, or width of any public street, including the construction of any subway or viaduct, water, sewer, or storm drain lines by the city or any other governmental entity and including when any underground utility district is formed, or made necessary by any other public improvement or alteration in, under, on, upon, or about any public street or other public property, whether such public improvements or alteration be at the insistence of the city or another governmental entity, and whether such improvement or alteration is for a government or proprietary function, or made necessary by traffic conditions, public safety, street vacation, or any other public project or purpose of city or any other governmental entity. The decision of the city engineer under this section shall be final and binding upon grantee.

(Ord. 85-07-950 § 1 (part))

ARTICLE IX. VIOLATIONS, REMEDIES AND PENALTIES

13.12.240 Procedure to establish violation.

A. In the event of the failure, refusal, or neglect by grantee to do or comply with any material requirement or limitation contained in this chapter or the franchise agreement or any material rule or regulation of the council or city manager validly adopted pursuant to this chapter or the franchise agreement, (herein "violation"), the city, in its sole discretion and, provided that the city complies with the procedures set forth in this section, may impose any of the remedies provided in Section 13.12.245.

B. If the city manager determines that a violation exists, the city manager shall serve a written notice on grantee specifying the nature of the violation, any proposed corrective action, the period of time permitted to cure the violation, and any remedies or penalties to be imposed if the violation is not cured. The grantee may respond in writing to the city manager seeking reconsideration of the determination or any extension of time to cure the violation, or may in writing appeal the city manager's determination to the city council, except that any determination in which the city manager proposes to terminate the franchise shall go automatically to the city council for consideration. The city manager's determination shall be deemed final unless the violation is cured within thirty days after the date grantee receives notice of the determination, or such longer time as may be specified in the notice or any extension of such time as may be granted by the city manager, unless an appeal is taken to the city council. Once the determination becomes effective, the city manager may impose the remedies or damages specified in the determination.

C. Any appeal of a determination by the city manager shall be placed by the city clerk in the city council's next regular agenda. The city council shall determine whether to hear such appeal and whether a public hearing should be held for such purpose, provided that in the event termination of the franchise is proposed, the council shall set the matter for a public hearing. The grantee shall be given ten days' written notice of the time the council will consider any appeal. In the event of a public hearing, at least ten days' prior notice shall be published in a newspaper of general circulation, and the council may compel grantee, at grantee's expense, to send a special written notice to any or all subscribers.

D. At the time set for the hearing, the council shall hear any persons interested therein, and shall determine, in its discretion, whether:

1. The violation existed;

2. The violation was excused by just cause;

3. The violation has been cured;

4. The period to cure the violation is adequate;

5. The grantee has shown good faith;

6. The remedies or damages are appropriate. The council, after determining the foregoing, shall make such order as they deem appropriate to cure the violation and prevent reoccurrence of such violations. The order shall be in writing, contain appropriate findings, and be served on grantee. The order of the council shall be final.

E. The termination and forfeiture of any franchise shall in no way affect any of the rights of the city under the franchise or any provisions of law.

(Ord. 85-07-950 § 1 (part))

13.12.245 Remedies and damages.

In the event that, pursuant to the procedures set forth in Section 13.12.240, a final determination is rendered that a violation existed or exists, then any one or more of the remedies contained within this section may be imposed by the city manager or council as the case may be. The determination of the severity of the remedy shall be based upon the severity of the violation. The remedies shall be as follows:

A. Liquidated damages may be imposed in an amount not exceeding five hundred dollars per day, in particular for failure by the grantee to commence or complete construction, commence service, or to correct deficiencies in performance pursuant to Sections 13.12.080 and 13.12.125;

B. Shortening the term of the franchise by one day for each day the violation exists;

C. Criminal prosecution for a misdemeanor;

D. Forfeiture of the performance bond or other security pursuant to Section 13.12.090;

E. In the event any subscriber fails to receive services as prescribed by this chapter or the franchise agreement, reimbursement to the subscriber of their monthly charges prorated for the period the violation continues;

F. Termination of the franchise and franchise agreement prior to the expiration of the term. In the event of termination for cause, the city shall have the right to acquire the CATV system at an equitable price, pursuant to Section 13.12.285;

G. If there exists any holding over after expiration of any franchise granted hereunder, without the prior consent of the city, expressed by resolution, the grantee shall pay to the city reasonable compensation and damages, of not less than one hundred percent of its gross revenue during said period;

H. City or its agents may enter upon grantee's property, correct the violation, and hold grantee liable for the expense thereof;

I. Any other remedy or action permitted by law.

(Ord. 85-07-950 § 1 (part))

13.12.250 Other violations.

A. From and after the effective date of the ordinance codified in this chapter, it is unlawful for any person to construct, install, or maintain within any public street in the city, or within any other public property of the city, or within any privately owned area within the city which has not yet become a public street but is designated or delineated as a proposed public street on an adopted general plan of arterial highways or on any tentative subdivision map approved by the city, any equipment or facilities for distributing any television signals or radio signals through a cable television communications system, unless a franchise authorizing such use of such street or property or area has first been obtained pursuant to the provisions of this chapter, and unless such franchise is in full force and effect.

B. It is unlawful for any person, firm, or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable communication system within this city for the purpose of taking or receiving television signals, radio signals, pictures, programs, or sound.

C. It is unlawful for any person, firm, or corporation to make any unauthorized connection, whether physically, electrically, acoustically, inductively, or otherwise, with any part of a franchised cable communication system within this city for the purpose of

enabling himself or others to receive any television, radio signal, picture, program, or sound, without payment to the owner of said system.

D. It is unlawful for any person, without the consent of the owner, to wilfully tamper with, remove, or injure any cables, wires, or equipment used for distribution of television signals, radio signals, pictures, programs, or sound.

E. A violation of the foregoing subsections A, B, C or D of this section shall constitute a misdemeanor and be punishable by imprisonment in the county jail not exceeding six months, and/or by a fine not exceeding five hundred dollars for each and every offense.

(Ord. 85-07-950 § 1 (part))

ARTICLE X. MISCELLANEOUS SECTIONS

13.12.260 Inspection of property and records.

A. At all reasonable times, and with reasonable notice, the grantee shall permit any duly authorized representative of the city to examine all property of the grantee, together with any appurtenant property of the grantee situated within or without the city, and to examine and transcribe any and all maps and other records kept or maintained by the grantee or under its control which deal with the operations, affairs, transactions, or property of the grantee with respect to its franchise, except for that subscriber demographic data protected under Section 13.12.180 of this chapter. If any such maps or records are not kept in the city, or upon reasonable request made available in the city, and if the city council determines that an examination thereof is necessary or appropriate, then all travel and maintenance expense necessarily incurred in making such examination shall be paid by the grantee.

B. The grantee shall prepare and furnish to the city manager at the time and in the form prescribed by said officer, such reports with respect to its operations, affairs, transactions, or property as may be reasonably necessary or appropriate to the performance of any of the rights, functions, or duties of the city or any of its officers in connection with the franchise.

C. The grantee shall at all times make and keep in the local business office (Section 13.12.195) full and complete plans and records, including technical maintenance manuals showing the exact location and description of all cable communications equipment and component parts installed or in use in the cable system installed within the city.

D. City shall keep all proprietary records of grantee confidential to the extent permitted by the California Public Records Act.

(Ord. 85-07-950 § 1 (part))

13.12.270 Limitations of franchise.

A. No privilege or exemption shall be granted or conferred by any franchise granted under this chapter except those specifically prescribed herein.

B. Any privilege claimed under any such franchise by the grantee in any public street or other public property shall be subordinate to any prior or subsequent lawful occupancy or use thereof by the city or any other governmental entity and shall be subordinate to any easements therein, whether created prior or subsequent to the granting of any franchise hereunder.

C. The grantee shall not be relieved of his obligation to comply promptly with any of the provisions of this chapter or by any failure of the city to enforce prompt compliance.

D. Any right or power in, or duty impressed upon, any officer, employee, department, or board of the city shall be subject to transfer by the city to any other officer, employee, department, or board of the city.

E. The grantee shall have no recourse whatsoever against the city for any loss, cost, expense, or damage arising out of any provision or requirement of this chapter or of any franchise issued hereunder or because of its enforcement.

F. The grantee shall be subject to all requirements by city ordinances, rules, regulations, and specifications heretofore or hereafter enacted or established, and shall comply with all applicable state and federal laws and regulations heretofore or hereafter enacted or established.

G. Any such franchise granted shall not relieve the grantee of any obligation involved in obtaining pole space from any department

of the city, utility company, or from others maintaining poles in streets.

H. Any franchise granted hereunder shall be in lieu of any and all other rights, privileges, powers, immunities, and authorities owned, possessed, controlled, or exercisable by grantee, or any successor to any interest of grantee, of or pertaining to the construction, operation, or maintenance of any cable communications system in the city; and the acceptance of any franchise hereunder shall operate, as between grantee and the city as an abandonment of any and all of such rights, privileges, powers, immunities, and authorities within the city, to the effect that, as between grantee and the city any and all construction, operation, and maintenance by any grantee of any cable communication system in the city shall be, and shall be deemed and construed in all instances and respects to be, under and pursuant to said franchise, and not under or pursuant to any other right, privilege, power, immunity, or authority whatsoever.

(Ord. 85-07-950 § 1 (part))

13.12.280 Rights reserved to the city.

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

B. Consistent with the rights and obligations set forth herein, and pursuant to its lawful exercise of the police power, there is reserved to the city the power to amend any section or part of this chapter so as to require additional or greater standards of construction, operation, maintenance, level of service, or otherwise, on the part of the grantee, when such action can be shown to be in the public's safety and/or welfare.

C. Neither the granting of any franchise nor any provision hereof shall constitute a waiver or bar to the exercise of any governmental right or power of the city, now existing or hereafter granted.

D. The council may do all things which are necessary and convenient in the exercise of its jurisdiction under this chapter and may determine any question of fact which may arise during the existence of any franchise granted hereunder; provided, however, that nothing herein shall limit any party's right to seek a judicial determination of any claim or controversy prior to or following any determination made by the city council. The city manager and/or his designee, is authorized and empowered to provide day-to-day administration and enforcement of the provisions of the franchise.

E. All notices which city may give to grantee or which grantee may give to city shall be given in writing and shall be delivered personally or by certified mail, return receipt requested, addressed to grantee's most recent address on file with the city, and addressed to the city at the official city hall address. Such notices, so sent by mail, shall be deemed given five days after deposit in the United States Postal Service if so deposited in Los Angeles County; otherwise they shall be deemed given upon receipt.

(Ord. 85-07-950 § 1 (part))

13.12.285 Right of city to acquire.

A. Nothing herein shall be deemed or construed to impair or affect, in any way, to any extent, the right of the city to acquire the property of the grantee, either by purchase or through the exercise of the right of eminent domain, at fair market value determined on the basis of the cable system valued as a going concern, but with no value allocated to any amounts expended to obtain the franchise, or any value allocated to the franchise itself, and nothing herein contained shall be construed to contract away or to modify or abridge, either for a term or in perpetuity, the city's right of eminent domain.

B. In the event the city wishes to acquire part or all of the cable communications system either by purchase or through the exercise of the right of eminent domain, city and grantee will each appoint one appraiser to establish the value of the system to be acquired by city. The two appraisers will select a third appraiser who will be chairman of the appraisal board. The board will, by majority vote, determine the value of the system to be acquired by the city. This value will be final and binding on both city and grantee and will be used as the purchase price for just compensation in any purchase by the city or eminent domain proceeding between city and grantee.

C. In the event grantee receives an offer to acquire the CATV system from any person or entity other than the city, grantee shall comply with the procedure herein before such offer may be accepted by grantee. Grantee shall transmit the offer to city, including all material terms and conditions thereof. If city makes an equivalent or better offer within forty-five days of receipt of original offer, then grantee shall convey the CATV system to city upon said terms and conditions, but if the city fails to make such offer, then grantee shall have ninety days to enter into an agreement with the original offeror. In the event such agreement is not entered into within ninety

days, or in the event the offer is significantly revised in favor of grantee, or in the event a new offer is received from another offeror, no agreement may be made for conveyance of the CATV system without first providing the city with the right of first refusal as provided herein. Any agreement entered into in violation of this section shall be void and shall be grounds for termination of the franchise by city.

D. The provisions of this section governing the city's right to acquire the CATV system may be modified or supplemented by the franchise agreement, and in the event of any inconsistency between the provisions of this section and the agreement, the provisions of the agreement shall govern.

E. In the event of purchase by the city, or a change of grantee, the current grantee shall cooperate with the city, or with a representative appointed by the city, to operate the system for such period as may be necessary to obtain a new operator and to maintain continuity of service.

(Ord. 85-07-950 § 1 (part))

13.12.290 Uses permitted to grantee.

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

(Ord. 85-07-950 § 1 (part))

13.12.300 No impairments of contract.

Pursuant to Section 53066.1(p) of the California Government Code, neither the city nor any grantee shall be entitled, with respect to any franchise agreement, to raise the defense of impairment of contract in any case where the due and proper exercise of police power, or the limits thereof, is at issue.

(Ord. 85-07-950 § 1 (part))

13.12.305 Force majeure--Grantee's inability to perform.

In the event that the grantee's performance of any of the terms, conditions, obligations, or requirements of this chapter or any franchise agreement is prevented or impaired due to any cause beyond its reasonable control or not reasonably foreseeable, such inability to perform shall be deemed to be excused and no penalties or sanctions shall be imposed as a result thereof, provided that grantee gives grantor written notice of the reason therefor within five days after the commencement of such causes. The burden of proof shall be on grantee to demonstrate that grantee's performance was prevented or impaired by causes beyond its reasonable control and not reasonably foreseeable. Such causes shall include but shall not be limited to acts of God, acts of the public enemy, fires, floods, epidemics, quarantine restrictions, strikes, lockouts, freight embargoes, unusually severe weather, or from any other cause beyond the reasonable control of grantee and/or its employees, agents or contractors.

(Ord. 85-07-950 § 1 (part))

Title 15
BUILDINGS AND CONSTRUCTION

Chapters:

Chapter 15.02
BUILDING CODE GENERAL PROVISIONS

Sections:

15.02.010 Violations.

All violations of the provisions of the 2016 editions of the California Building Code Volume 1, Volume 2, and Appendices, the California Residential Code, the California Plumbing Code, the California Mechanical Code, the California Electrical Code, the California Green Building Standards Code; the California Housing Code (1998 edition), the Uniform Housing Code (1997 edition), the Uniform Code for the Abatement of Dangerous Buildings (1997 edition), the Uniform Swimming Pool, Spa and Hot Tub Code (1997 edition), and the Uniform Building Security Code (1997 edition) adopted by the City shall be a misdemeanor and subject to the penalty provisions contained in Chapter 1.16 of the Signal Hill Municipal Code.

(Ord. 2017-06-1494 § 1 (part))

15.02.020 Responsibility.

Building permits shall be presumed by the city to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. The proposed work shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No city approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

(Ord. 2017-06-1494 § 1 (part))

15.02.030 Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter. The City Council of the City of Signal Hill hereby declares that it would have adopted this chapter and each section, subsection, sentences, clauses, phrases, or portions 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. 2017-06-1494 § 1 (part))

15.02.040 Code references.

Unless superseded and expressly repealed, references in city forms, documents and regulations to the chapters and sections of the former Signal Hill Building and Safety Code shall be construed to apply to the corresponding provisions contained within this City of Signal Hill Building and Safety Code chapter, and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

(Ord. 2017-06-1494 § 1 (part))

Chapter 15.04
BUILDING CODE

Sections:

15.04.010 California Building Code, Volume 1 and Volume 2 Adopted.

A. Except as provided in this chapter, those certain building codes known and designated as the California Building Code, Volume 1 and Volume 2, 2016 editions (Part 2, Title 24, California Code of Regulations), based on the International Building Code, 2015 edition, including the appendices to the International Building Code as published by the International Code Council, shall be and become the building code for the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city.

B. One copy of the California Building Code, Volume 1, Volume 2 and its appendices has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 2 (part))

15.04.020 Definitions.

Whenever any of the following names or terms are used in the California Building Code Volume 1,Volume 2 or its appendices each

such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Residential code" means Chapter 15.06 of this code as amended.

B. "Fire code" means Chapter 15.08 of this code as amended.

C. "Electrical code" means Chapter 15.12 of this code as amended.

D. "Plumbing code" means Chapter 15.16 of this code as amended.

E. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 2017-06-1494 § 2 (part))

15.04.030 Deletions.

A. The California Building Code is amended by deleting Chapter 1, Division I therefrom.

B. The appendices to the California Building Code are amended by deleting Chapter 13 Energy Efficiency therefrom.

(Ord. 2017-06-1494 § 2 (part))

15.04.040 Section 105.2 amended-Exempted work.

A. Section 105.2 of the California Building Code is amended by deleting Sections 105.2 Item 2 and 105.2 Item 4 and renumbering the remaining subsections accordingly, so that building permits are required for all fences and retaining walls regardless of height.

B. Section 105.2 of the California Building Code is amended by adding a new item so that replacement windows and doors in the same size openings are exempt from permits to read as follows:

105.2.12 Same size, replacement windows and doors installed in existing openings.

(Ord. 2017-06-1494 § 2 (part))

15.04.050 Section 109.2 amended-Permit fees.

Permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 2 (part))

15.04.060 Section 109 amended-Plan review fees.

When a plan or other data are required to be submitted by Section 107, a plan review fee shall be paid at the time of submitting plans and specifications for review. Plan Review Fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 2 (part))

15.04.070 Section 109 amended-Investigation fees.

A. Investigation. Whenever any work for which a permit is required by this Code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work.

B. Fee. An investigation fee, in addition to the permit fee, may be required and collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this Code. The payment of such investigation fee shall not exempt any person from compliance with all of the provisions of either this Code or the technical codes or from any penalty described by law.

(Ord. 2017-06-1494 § 2 (part))

15.04.080 Section 1510.1 amended-General.

Section 1510.1 of Chapter 15 of the California Building Code is amended to read in its entirety as follows:

Section 1510.1. All reroofing shall conform to the applicable provisions of Chapter 15 of this code and as otherwise required in this chapter.

If twenty-six percent (26%) or more of the roof covering of any building or structure is reroofed in any twelve (12) month period, the roof covering of such reroofed portion shall conform to the requirements of this code for new buildings or structures.

Roofing materials and methods of application shall comply with International Building Code referenced standards or shall follow the manufacturer's installation instructions when approved.

(Ord. 2017-06-1494 § 2 (part))

15.04.090 Appendix Chapter J.

Chapter J of the Appendices to the California Building Code is amended as follows:

A. Section J101.3 Amended - Purpose. Section J101 of the appendix to the California Building Code is added to read as follows:

Section J101.3. The purpose and intent of this appendix is to implement the programs and policies of the General Plan relating to the maintenance of the natural character and amenity of hillsides as a scenic resource of the City; and to safeguard life, limb, property and the public welfare by regulating grading on private property.

B. Section J102 Amended - Definitions. Section J 102.1 of Appendix J of the California Building Code is amended by adding an additional sentence after the first sentence in the section to read as follows:

Additional definitions may be included in the City of Signal Hill Grading Manual, as adopted and approved by resolution of the City Council.

C. Section J103 Amended - Permits Required. Section J103.2 of the appendix to the California Building Code is amended to read as follows:

Section J103.2 Exemptions. No person shall do any grading without first having obtained a grading permit from the Building Official except for the following:

1. An excavation below finished grade for basements and footings of a building retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such a structure.

2. Cemetery graves.

3. Refuse disposal sites controlled by other regulations.

4. Excavations for wells or tunnels or utilities.

5. Exploratory excavations under the direction of soil engineers or engineering geologists. Excavations shall be backfilled immediately or protected as directed by the Building Official. Locations of the exploratory excavations shall be shown accurately on a drawing. The Building Official shall determine the size and dimensions on the drawing. The city's geotechnical consultant shall approve any use of temporary backfill materials.

6. Restricted grading permits may be issued when the application has been approved by the City Engineer.

D. Section J104 Amended - Engineered Grading Requirements. Section J 104.5 of the appendices of the International Building Code area is added to read as follows:

J104.5 Engineering grading requirements.

Section J 104.5.1 Plans and Specifications.

1. Each application for a grading permit shall be accompanied by: three (3) sets of approved Grading Plans, two (2) copies of a soils engineering report and two (2) copies of an engineering geology report (if the site is in the Alquist-Priolo Special Studies Zone or

if required by the Building Official).

2. The City Engineer may further require that preliminary soils reports by submitted to the City for review. Pursuant to such review, the City Engineer may require additional information or reject the report if it is found to be incomplete, inaccurate or unsatisfactory.

3. The grading plan shall be prepared under the supervision of a civil engineer, signed by a civil engineer and stamped with the civil engineer's seal.

4. The soils engineering and engineering geology reports shall be signed by those professionals authorized by the State of California to sign these reports.

Section J104.5.2 City Review of Plans.

1. The City will review each site with the intent of achieving the following objectives:

a. Minimize the height of slopes between building pads;

b. Encourage the use of retaining walls of less than six (6) feet in height to create a landscaped, terraced appearance. Provide four (4) foot wide landscaped terraces.

c. Encourage the use of multi levels within buildings and use building walls to take up slopes.

d. Preserve existing or introduce plant materials so as to protect slopes from soil erosion;

e. Avoid long uniform slopes and successive terracing of building pads;

f. The introduction and utilization of permanent full coverage irrigation systems adequate to sustain existing and developed slope plantings and to help protect against potential hazards due to fire; and

g. The utilization of street designs and improvements which serve to reduce grading alterations and harmonize with the natural contours and character of the hillside.

2. Upon determination by the City, the applicant may be required to submit a scaled profile model depicting any or all portions of the site proposed for development.

3. The City of Signal Hill Grading Manual authorizes the Building Official to formulate such rules, procedures, and interpretations as may be necessary or convenient to administer the Excavation and Grading Code. Such rules, procedures and interpretations, and amendments thereto shall be referred to as the City of Signal Hill Grading Manual upon resolution of the City Council.

E. Section J106.1 Amended - Maximum slope. Section J106.1 of the California Building Code is amended to read:

J106.1 Maximum slope. The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than two units horizontal to one unit vertical.

F. Section J108.2 Amended - Setbacks. Section J108.2 of the California Building Code is amended to read:

Section J108.2 Top of slope. The tops of cuts and toes of fill slopes exposed to weathering shall be set back as far as necessary from the outer property boundaries of the permit area, including slope easements and in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site boundary. The top of cut or fill slopes exposed to weathering shall not be made nearer to the site boundary and/or permit area boundary line than three (3) feet for height of cut or fill or six (6) feet or less and five (5) feet for height of cut or fill more than six (6) feet. The tops and the toes of cut and fill slopes exposed to weathering shall be setback from structures as far as is necessary for adequacy of foundation support and to prevent damage as a result of water runoff, erosion or maintenance of the slopes. Unless otherwise approved by the Building Official based on recommendations in the approved soil engineering and/or engineering geology report on the approved grading plan, structure setbacks from slopes exposed to weathering shall be:

1. From top of cut or fill slope to building wall, one half of the height of cut or fill with seven (7) foot minimum and ten (10) foot maximum.

2. From the lower outside edge of the footing along a horizontal line to the face of the slope, the distance shall be one half of the height of cut or fill with five (5) foot minimum and ten (10) foot maximum.

3. From the toe of cut or fill slope to building wall, the distance shall be one half of the height of cut or fill with three (3) foot minimum and fifteen (15) foot maximum.

4. The use of retaining walls to reduce setbacks must be approved by the Building Official.

G. Section J109.3 and J109.4 Amended - Drainage and Terracing. Section J109.3 and J109.4 of the California Building Code are amended to read:

Section J109.3 Disposal. All drainage facilities shall be designed to carry waters to the nearest practicable drainage course approved by the City Engineer. Erosion of ground in the area of concentrated discharge shall be prevented by installation of non-erosive down drains, riprap, energy dissipaters or other approved devices including a return of flow to a natural sheet flow condition provided the potential effects of greater volume than existing conditions generated are accounted for. Where surface waters are to be conveyed or directed onto adjacent property in an unnatural manner, the applicant shall be required, prior to issuance of a grading permit, to obtain a drainage easement from the owner of said property. This easement shall be recorded. There shall be a drainage gradient of two percent (2%) from the building pad toward an approved drainage facility.

Section J109.4 Interceptor drains. Paved interceptor drains shall be installed along the top of all cut and fill slopes where the tributary drainage area above slopes towards the cut or fill and has a drainage path greater than forty (40) feet measured horizontally. Interceptor drains shall be paved with a minimum of three (3) inches of concrete or gunite and reinforced. They shall have a minimum depth of twelve (12) inches and a minimum paved width of thirty (30) inches measured horizontally across the drain. The slope of the drain shall be approved by the Building Official.

(Ord. 2017-06-1494 § 2 (part))

Chapter 15.06
RESIDENTIAL CODE

Sections:

15.06.010 California Residential Code adopted.

A. Except as provided in this chapter, those certain building codes known and designated as the California Residential Code, 2016 editions (Part 2.5, Title 24, California Code of Regulations), based on the International Residential Code, 2015 edition, including the appendices to the International Residential Code as published by the International Code Council, shall be and become the residential code of the city for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city.

B. One copy of the California Residential Code and its appendices has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 3 (part))

15.06.020 Definitions.

Whenever any of the following names or terms are used in the California Residential Code or its appendices each such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Fire code" means Chapter 15.08 of this code as amended.

C. "Electrical code" means Chapter 15.12 of this code as amended.

D. "Plumbing code" means Chapter 15.16 of this code as amended.

E. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 2017-06-1494 § 3 (part))

15.06.030 Deletions.

The California Residential Code is amended by deleting Chapter 1, Division I therefrom.

(Ord. 2017-06-1494 § 3 (part))

15.06.040 Permit fees.

The residential code permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 3 (part))

Chapter 15.08
FIRE CODE

Sections:

15.08.010 California Fire Code adopted.

Except as provided in this chapter, the fire code known as the California Fire Code, 2013 edition (Part 9, Title 24 California Code of Regulations) based the International Fire Code, 2012 edition, as published by the International Code Council, shall become the fire code of the City for purposes of prescribing regulations governing conditions hazardous to life and property from fire or explosion.

(Ord. 2014-05-1474 § 4 (part))

15.08.020 Definitions.

The definitions in this section shall supersede the definitions of the same words and phrases contained in Chapter 2 of the California Fire Code:

A. "Administrator" means the administrator of the City of Signal Hill.

B. "Building code" means Chapter 15.04 of the Signal Hill Municipal Code.

C. "Building Official" means the building official of the City of Signal Hill.

D. "Chief of police" means the chief of police of the City of Signal Hill.

E. "Electrical code" means Chapter 15.12 of the Signal Hill Municipal Code.

F. "Governing body" means the City Council of the City of Signal Hill.

G. "Jurisdictional area" means that portion of the county which lies within the boundaries of the City of Signal Hill.

H. "Municipality" or "City" means the City of Signal Hill.

I. "Plumbing code" means Chapter 15.16 of the Signal Hill Municipal Code.

J. "Mechanical code" means Chapter 15.20 of the Signal Hill Municipal Code.

(Ord. 2014-05-1474 § 4 (part))

15.08.030 Copies on file.

The City Clerk shall cause to be filed in the Clerk's office one copy of the California Fire Code as amended to date and of each handbook, manual, pamphlet, circular or other document which is referred to in the California Fire Code and incorporated therein by reference, and the Clerk shall certify that each copy of the document so filed is a true copy of the document of which it purports to be a copy. These copies shall be maintained at all times by the Clerk for use and examination by the public.

(Ord. 2014-05-1474 § 4 (part))

15.08.040 Conflicts with other code provisions.

Wherever the provisions of this chapter conflict with the provisions of Titles 9, 16 or 20, or other provisions of the Signal Hill Municipal Code, such other provisions of the Signal Hill Municipal Code shall govern and control.

(Ord. 2014-05-1474 § 4 (part))

Chapter 15.10
CAL GREEN CODE

Sections:

15.10.010 Cal Green Code adopted.

A. Except as provided in this chapter, those certain building codes known and designated as the Cal Green Building Standards Code, 2016 editions (Part 11, Title 24, California Code of Regulations), shall be and become the green building code of the City for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City.

B. One copy of the Cal Green Building Standards Code and its appendices has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 4 (part))

15.10.020 Definitions.

Whenever any of the following names or terms are used in the Cal Green Code each such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Residential code" means Chapter 15.06 of this code as amended.

C. "Fire code" means Chapter 15.08 of this code as amended.

D. "Electrical code" means Chapter 15.12 of this code as amended.

E. "Plumbing code" means Chapter 15.16 of this code as amended.

F. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 2017-06-1494 § 4 (part))

15.10.030 Deletions.

The Cal Green Code is amended by deleting Chapter 1, Division I therefrom.

(Ord. 2017-06-1494 § 4 (part))

15.10.040 Permit fees.

The green building code permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 4 (part))

Chapter 15.12
ELECTRICAL CODE

Sections:

15.12.010 California Electrical Code adopted.

A. Except as provided in this chapter, that certain electrical code known and designated as the California Electrical Code, 2016 edition, (Part 3, Title 24, California Code of Regulations) based on the National Electrical Code, 2014 edition, published by the National Fire Protection Association, shall be and become the electrical code of the City for regulating the installation, arrangement, alteration, repairs, use and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City.

B. One copy of the California Electrical Code has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 5 part))

15.12.020 Definitions.

Whenever any of the following names or terms are used in the California Electrical Code each such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Residential code" means Chapter 15.06 of this code as amended.

C. "Fire code" means Chapter 15.08 of this code as amended.

D. "Plumbing code" means Chapter 15.16 of this code as amended.

E. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 2017-06-1494 § 5 part))

15.12.030 Deletions.

The California Electrical Code is amended by deleting California Article 89 therefrom.

(Ord. 2017-06-1494 § 5 part))

15.12.040 Undergrounding of utilities.*

A. Underground utilities shall be installed in a new development in accordance with the rules and regulations of the serving utility as approved by the public utilities commission. When such rules and regulations do not apply, overhead utility lines may serve a new development; provided, however, that conduit (raceway) from service equipment shall be placed underground to the curb line and /or utility right-of-way. Said conduit (raceway) shall include but not be limited to electric, telephone, communication, exterior lighting, and television cable.

B. All related equipment such as transformers, meters, etc., may be permitted aboveground but not in the required front yard setback or the side yard setback adjacent to a street unless otherwise approved by the administrative committee.

C. After fifty and one-tenth percent (50.1%) of any street frontage of any City block has been developed with underground utilities, it shall be the responsibility of the City to investigate the feasibility of establishing an underground utility district for the block to have all utilities placed underground.

(Ord. 2017-06-1494 § 5 part))

*** For additional provisions regarding underground utilities, see Chapter 13.08 of this code.**

15.12.050 Permit fees.

The electrical permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 5 part))

15.12.060 Permits issued only to state licensed electrical contractors.

Permits as required by this chapter shall be issued only to state licensed electrical contractor acting in compliance with the business and professions code of the state. Exceptions:

A. A permit may be issued to a person holding a valid, unsuspended, unrevoked and unexpired electrical maintenance license.

B. A permit may be issued to the owner to do any electrical work regulated by this code in a single-family dwelling or two-family dwelling including accessory buildings or structures thereto if such person is the bona fide owner and resides or intends to reside in the dwelling.

C. A permit may be issued to or work performed by any responsible person not acting in violation of Division 3, Chapter 9 of the Business and Professions Code of the State provided that all work performed pursuant to the permit is done by a state-licensed electrician.

(Ord. 2017-06-1494 § 5 part))

Sections:

15.13.010 Intent and purpose.

The intent and purpose of this chapter is to adopt an expedited, streamlined solar permitting process for small residential rooftop solar energy systems that complies with the Solar Rights Act and AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter is designed to encourage the use of solar 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. 2015-08-1476 § 1 (part))

15.13.020 Definitions.

Whenever any of the following names or terms are used in this chapter, the California Residential Code or its appendices each such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Association" means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

B. "Building Department" means the Building and Safety Division of the Community Development Department for the City of Signal Hill.

C. "Building Official" means the Building Official for the City of Signal Hill or his/her designee.

D. "City" means the City of Signal Hill.

E. "Common interest development" means any of the following:

1. A community apartment project.

2. A condominium project.

3. A planned development.

4. A stock cooperative.

F. "Electronic submittal" means the utilization of one or more of the following:

1. Email.

2. The Internet.

3. Facsimile.

G. "Expedited permitting," and "expedited review," means the process outlined in Section 15.13.060 entitled "Expedited Permit Review and Inspection Requirements."

H. "Reasonable restrictions" on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

I. "Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance" means:

1. For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.

2. For Photovoltaic Systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed.

J. "Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is not larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (3) of subdivision (c) of Section 714 of the Civil Code as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single or duplex family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction.

K. "Solar energy system" means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.

2. Any structural design feature of a building whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating, space cooling or water heating.

L. "Specific, adverse impact" means a significant, quantifiable, direct and unavoidable impact, based on objective, identified and written public health or safety standards, policies or conditions as they existed on the date the application was deemed complete.

(Ord. 2015-08-1476 § 1 (part))

15.13.030 Applicability.

This chapter applies to the permitting of all small residential rooftop solar energy systems in the city. 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 a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements with no structural alterations shall not require a permit.

(Ord. 2015-08-1476 § 1 (part))

15.13.040 Solar energy system requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the city and the State of California.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

(Ord. 2015-08-1476 § 1 (part))

15.13.050 Duties of Building Department 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 publicly accessible website.

B. Electronic submittal of the required permit application and documents via email, the city's website, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.

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 Department shall adopt a standard plan and 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 system permit process, standard plans, and checklist shall substantially conform to the recommendations for expedited permitting, including the checklist and standard contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

F. All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55 and 66015 and Health & Safety Code Section 17951.

(Ord. 2015-08-1476 § 1 (part))

15.13.060 Expedited permit review and inspection requirements.

A. For an application for a small residential rooftop solar energy system that meets the requirements of the approved checklist and standard plan, the Building Department shall issue a building permit or other non-discretionary permit the same day for over-the-counter applications or within three business days for electronic applications of receipt of a complete application and meets the requirements of the approved checklist and standard plan. The Building Official may require an applicant to apply for a use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the Planning Commission.

B. Review of the application shall be limited to the Building Official's review of whether the applicant meets local, state and federal health and safety requirements.

C. If a use permit is required, the Building Official may deny an application for the use permit if the 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 specific, adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the Planning Commission.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. A "feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition or mitigation imposed by the city on another similarly situated application in a prior successful application for a similar 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) defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. Approval of an application shall not be conditioned on the approval of an association.

G. If an application for a small residential rooftop solar energy system is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permitting shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the Building Department for small residential rooftop solar energy systems eligible for expedited review.

I. The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request.

J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this chapter.

(Ord. 2015-08-1476 § 1 (part))

15.13.070 Appeals process.

The applicant or any aggrieved party may appeal to the Planning Commission a decision of the Building Official to deny or conditionally approve any application to install a solar energy system by filing an appeal in writing with the Building Official within ten calendar days following the date of written notification to the applicant of the Building Official's decision. If a timely appeal is not filed, the Building Official's decision shall be final. The Planning Commission shall hear the matter at their next regularly scheduled meeting at which the matter can be heard; appeals must be submitted a minimum of twenty-one business days prior to the next regularly scheduled meeting. The Planning Commission may sustain, modify, or overrule the decision of the Building Official. The determination of the Planning Commission shall be final unless an appeal to the City Council is timely filed.

(Ord. 2015-08-1476 § 1 (part))

Chapter 15.16
PLUMBING CODE

Sections:

15.16.010 California Plumbing Code adopted.

A. Except as provided in this chapter, that certain plumbing code known and designated as the California Plumbing Code, 2016 edition, (Part 5, Title 24, California Code of Regulations), based on the Uniform Plumbing Code, 2015 edition including the appendix to the Uniform Plumbing Code, published by the International Association of Plumbing and Mechanical Officials, shall be and become the code of the City, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the City.

B. One copy of the California Plumbing Code has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 6 (part))

15.16.020 Definitions.

Whenever any of the following names or terms are used in the California Plumbing Code each such name or term shall be deemed and construed to have meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Residential code" means Chapter 15.06 of this code as amended.

C. "Fire code" means Chapter 15.08 of this code as amended.

D. "Electrical code" means Chapter 15.12 of this code as amended.

E. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 2017-06-1494 § 6 (part))

15.16.030 Deletions.

The California Plumbing Code is amended by deleting Chapter 1, Division 1 therefrom.

(Ord. 2017-06-1494 § 6 (part))

15.16.040 Permit fees.

The plumbing permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 6 (part))

15.16.050 Section 608.2 amended-Excessive water pressure.

Section 608.2 of the California Plumbing Code is amended to read in its entirety as follows:

Section 608.2 Excessive water pressure. All water service systems shall be equipped with an approved type pressure regulator preceded by an adequate strainer and the pressure reduced to 80 pounds per square inch (551.2 kPa) or less. For potable water services up to and including one and one-half inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral bypasses are acceptable. Each such regulator and strainer shall be accessibly located and shall have the strainer readily accessible for disconnecting the supply piping. All pipe size determinations shall be based on 80 percent (80%) of the reduced pressure when using Table 610.4.

(Ord. 2017-06-1494 § 6 (part))

Chapter 15.20
MECHANICAL CODE

Sections:

15.20.010 California Mechanical Code adopted.

A. Except as provided in this chapter, that certain mechanical code known and designated as the California Mechanical Code, 2016 edition, (Part 4, Title 24, California Code of Regulations), based on the Uniform Mechanical Code, 2015 edition including the appendix to the Uniform Mechanical Code, published by the International Association of Plumbing and Mechanical Officials, shall be and become the code of the City, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances.

B. One copy of the California Mechanical Code has been deposited in the office of the City Clerk and shall be at all times maintained by the Clerk for use and examination by the public.

(Ord. 2017-06-1494 § 7 (part))

15.20.020 Definitions.

Whenever any of the following names or terms are used in the California Mechanical Code, each such name or term shall be deemed and construed to have the meaning ascribed to in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Residential code" means Chapter 15.06 of this code as amended.

C. "Fire code" means Chapter 15.08 of this code as amended.

D. "Electrical code" means Chapter 15.12 of this code as amended.

E. "Plumbing code" means Chapter 15.16 of this code as amended.

(Ord. 2017-06-1494 § 7 (part))

15.20.030 Deletions.

The California Mechanical Code is amended by deleting Chapter 1, Division 1 therefrom.

(Ord. 2017-06-1494 § 7 (part))

15.20.040 Permit fees.

The mechanical permit fees shall be those which the City Council may from time to time adopt by resolution.

(Ord. 2017-06-1494 § 7 (part))

Chapter 15.22
HOUSING CODE

Sections:

15.22.010 California Housing Code adopted.

A. Except as provided in this chapter, that certain housing code known and designated as the California Housing Code, 1998 Edition, (Division 1, Chapter 1, Subchapter 32, Title 25, California Code of Regulations), based on Chapters 4, 5, 6 and Sections 701.2 and 701.3 of the Uniform Housing Code, 1997 Edition, as published by the International Conference of Building Officials, shall become the housing code of the city, regulating and controlling the use and occupancy, location and maintenance of all residential buildings and structures within this city.

B. One copy of the California Housing Code has been deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

(Ord. 99-10-1263 § 7 (part))

15.22.020 Definitions.

Whenever any of the following names or terms are used in the Uniform Housing Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Health officer" means the health officer of the county.

C. "Mechanical code" means Chapter 15.20 of this code as amended.

(Ord. 99-10-1263 § 7 (part))

15.22.030 Section 103 amended--Scope.

Section 103 of the Uniform Housing Code is amended to read as follows:

Section 103

103.1 Scope. The provisions of this code shall apply to all buildings or portions thereof used, or designed or intended to be used, for human habitation. Such occupancies in existing buildings may be continued as provided in Section 102.4 of the Administrative Code, except such structures as are found to be substandard as defined in this code.

Where any building or portion thereof is used or intended to be used as a combination apartment house-hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

Every rooming house or lodging house shall comply with all the requirements of this code for dwellings.

103.2 Alteration. Existing buildings which are altered or enlarged shall be made to conform to this code insofar as the new work is concerned and in accordance with Sections 104.1 and 104.2 of the Administrative Code.

103.3 Relocation. Buildings or structures moved into or within this jurisdiction shall comply with the requirements in the Building Code for new buildings.

(Ord. 99-10-1263 § 7 (part))

15.22.040 Chapters 1, 7--16--Added.

The California Housing Code is amended by adding Chapters 1 and 7 through 16 thereto.

(Ord. 99-10-1263 § 7 (part))

15.22.050 Permit fees.

The housing permit fees shall be those which the city council may from time to time adopt by resolution.

(Ord. 99-10-1263 § 7 (part))

Chapter 15.24
MOVING BUILDINGS

Sections:

15.24.010 Definitions.

For the purpose of this chapter, the following words shall have the following meanings:

A. "Building" means any house, building, or shed; provided, however, that the word "building" shall not include any oil or water tank and shall not include a small sentry booth used on an oil lease and which is commonly known as a doghouse.

B. "One position" means a portion of a street one hundred feet long measured in any direction or from any portion of a building being moved.

C. "Street" means any street, avenue, place, court, way, alley, or public highway or thoroughfare.

(Prior code § 14.24.010 (Ord. 387 § 1, 1954))

15.24.020 Permit--Required.

It is unlawful for any person to move a building, structure, or garage over, upon, or along any street or from a location on one lot to a location on another lot within the corporate limits of the city or to perform any part of such moving work unless the building or the garage has first been examined and posted in the manner required in this chapter and a permit in writing so to do for each and every separate moving operation has been applied for and obtained from the building inspector. Nothing in this chapter shall be deemed applicable to the moving of a structure from one location on a lot to another location on the same lot.

(Prior code § 14.24.020 (part) (Ord. 387 § 2 (part), 1954))

15.24.030 Permit--Fee.

Every applicant desiring a permit for the removal of a building shall, with his application, pay to the city the sum of fifteen dollars as an inspection fee, and shall also pay to the city the sum of twenty-five dollars a day for each day or fraction thereof that the structure being moved remains upon any street of the city.

(Prior code § 14.24.070 (part) (Ord. 387 § 7 (part), 1954))

15.24.040 Permit--Application and examination.

Before a housemoving permit is issued, the persons proposing to do such work shall pay to the city fees as required in this chapter

and shall complete an application form furnished by the building inspector and shall set forth such information thereon as the building inspector may reasonably require, in order to carry out the purposes of this chapter. The building inspector shall then cause to be made an examination of the building or structure proposed to be moved, and the location to which it is proposed to move the same, if such location is within the city.

(Prior code § 14.24.020 (part) (Ord. 387 § 2 (part), 1954))

15.24.050 Permit--Application contents.

A. Attached to the building permit shall be a sketch of the building as it will look when finally placed upon the location to which it is proposed to be moved, showing the landscaping that will be done and, if the building is in need of painting, the permit shall prescribe the number of coats to be applied of first-class paint. The permit shall also state the required redecorating to be done on the inside; the type, kind, and quality of plumbing to be installed; the remodeling, if any, to be done on the inside; and, if the roof requires replacing, the type and kind of roofing material that will be required to be made; and in addition to the foundation, the permit shall state the type and kind of driveway to be installed to the garage, if any, and the walkway to the house; the type and kind of steps or porch to be built both in front and back; electric wiring, and such other requirements as the building inspector may require in order to bring the house up to the standards of a first-class building, both in structure and appearance. If there is a garage in connection with the house, the permit shall also specify the same general requirements as set forth for the house. The improvements outlined in this section shall be completed within ninety days after the date of the issuance of the housemoving permit.

B. The applicant for a moving permit shall, at the time of making the application, file with the building inspector a full and complete certified copy of the building permit issued for the erection of the building at the time of the original construction. No permit shall be issued if the building is over ten years of age unless approved by the city council.

(Ord. 72-7-688 § 1: prior code § 14.24.020(a) (Ord. 387 § 2(a), 1954))

15.24.060 Permit--Grounds for denial--Issuance terms.

A. No permit shall be issued to move and relocate any building or structure within the city which is so constructed or in such condition as to be dangerous; or which is infested with pests or is unsanitary; or which, if it is a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or is in such a condition of deterioration or disrepair that its location at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements on both sides of the street within three hundred feet of the proposed location; or if the proposed use is prohibited by the zoning laws of the city; or if the structure is of a type otherwise prohibited at the proposed location by any other law or ordinance; or if the proposed moving or relocation would violate any other law or code or violate or disturb the public safety, welfare or peace.

B. If the condition of the building or structure, in the reasonable judgment of the building inspector, admits of practical and effective repair and its proposed moving or relocation does not violate any law or ordinance, the inspector may issue a permit for such moving and relocation upon condition as provided in this chapter and complying with other provisions of this chapter. The building inspector shall, in granting any permit, impose thereon such terms and conditions as he may deem reasonable and proper, including, but not limited to, the requirements of changes, alterations, additions, or repairs to be made to or upon the building or structures, set forth in Section 15.24.040 to the end that the moving or relocation thereof will not be materially detrimental or injurious to public safety or to public welfare or to the property and improvements, or either, in the area, as limited in this section, to which it is to be moved.

C. The terms and conditions upon which any permit may be granted shall be written upon the permit or attached in writing thereto.

(Prior code § 14.24.020(b) (Ord. 387 § 2 (b), 1954))

15.24.070 Certification of approval by adjacent property owners.

A. Any person desiring such a permit shall make a written application therefor to the building inspector. The application shall include the information that must be stated in the permit as more fully set forth in Section 15.24.040.

B. Any person desiring a permit shall present a written instrument signed by fifty-one percent of the property owners on both sides of the street within three hundred feet of the proposed location to which it is proposed to move the house, which instrument shall substantially state as follows:

"We, the undersigned property owners in the City of Signal Hill, do hereby certify that has notified each of us that it is his intention to make application to the City of Signal Hill for a permit to move the house and garage, if any, now located at number on Street or Avenue, in the City of , California, to number on Street or Avenue, in the City of Signal Hill, which said location is within 300 feet of our respective properties."

The written statement shall be verified by the person circulating the instrument as follows:

"STATE OF CALIFORNIA)

) ss.

"COUNTY OF LOS ANGELES)

"I, , a citizen of , California, do hereby certify that I circulated the above instrument and personally saw subscribed thereto all the names which appear thereon and know that each of them subscribed their names thereto voluntarily and without any coercion on my part, and that I fully informed them of the fact that it was my intention to move the building as stated therein.

"SUBSCRIBED AND SWORN TO before me this day of , 19 .

Notary Public in and

for the County of

Los Angeles, State

of California"

C. The signed statement outlined in subsection B of this section shall be presented to the building inspector at the time of making application for moving permit.

(Prior code § 14.24.030 (Ord. 387 § 3, 1954))

15.24.080 Permit application--Examination and investigation--Posting notices.

A. Upon receiving an application for a permit to move a building, the building inspector shall make an examination of the building described in the application and shall examine the proposed location.

B. If it is found that no ordinance or law will be violated and that the public welfare, safety, or peace will not be endangered, he shall cause a notice to be posted on the front and rear of the lot or land to which it is proposed to move the building and shall cause a similar notice to be posted on the front of the building which is desired to be moved. Such notices shall bear a title in letters not less than three inches in height consisting of the words "Moving Notice." Said notices shall also state the location of the house by street and number, and the location of the lot or land to which it is proposed to move said building, together with the name of the applicant. Each of said notices shall be so placed that the bottom thereof shall be not less than four feet above the ground. All notices shall be placed not more than ten feet from the front and rear lines of the lot or land to which the building is to be moved. All signs shall face outward from the lot or property. Should the building which is proposed to be moved be located more than ten feet back from the property line, the notice shall be posted not more than ten feet back from the property line as well as upon the building proposed to be moved.

C. If upon the examination of the building, it is found by the building inspector to be constructed or in such condition to be dangerous; or is infested with pests or is unsanitary; or which is so dilapidated, defective, unsightly or in such condition of deterioration or disrepair that its location at the proposed site would cause appreciable harm to or be materially detrimental to the property and improvement in the neighborhood, the application for a moving permit shall be denied by the building inspector.

(Prior code § 14.24.040 (Ord. 387 § 4, 1954))

15.24.090 Hearing on permit issuance--Effective term.

A. The building inspector shall set a time for a public hearing before the city council at a date not earlier than three days, nor later than the next regular meeting of the city council, and shall cause a notice to be printed in the Signal Hill Tribune advising the general public of the date and place of the hearing.

B. The public works committee of the city council shall, prior to the time set for the public hearing, examine the building, its

proposed route and proposed new location and, after public hearing, the city council shall either order the application denied, or order the permit granted. Such decision shall be final.

C. Permits issued under the authority of this section are effective for sixty days after issuance, and void thereafter.

(Prior code § 14.24.050 (Ord. 387 § 5, 1954))

15.24.100 Bond--Required--Amount.

A. Anything in this chapter to the contrary notwithstanding, no housemoving permit shall be issued unless the applicant therefor shall first post with the building inspector a bond executed by the owner of the premises where the building or structure is to be located, as principal, and by a surety company authorized to do business in this state, as surety. Such bond shall be subject to the approval of the city attorney as to form and, in the event of such approval, shall be filed with the building inspector.

B. The bond, which shall be in form joint and several, shall name the city as obligee, and shall be in an amount equal to twice the cost of the work required to be done in order to comply with all of the conditions of the housemoving permit, as estimated by the building inspector, and not less than two thousand five hundred dollars.

C. In lieu of a surety bond, the applicant may post a bond executed by the owner, as principal, which is secured by a deposit of cash in the amount named in subsection B of this section and conditioned as required in the case of a surety bond. Such a bond as so executed is called a "cash bond" for the purpose of this section.

(Prior code § 14.24.060(A) (Ord. 387 § 6(a), 1954))

15.24.110 Bond--Conditions.

A. Every bond posted pursuant to this chapter shall be conditioned as follows:

1. That each and all of the terms and conditions of the housemoving permit shall be complied with to the satisfaction of the building inspector;

2. That all of the work required to be done pursuant to the terms and conditions of the housemoving permit shall be fully performed and completed within ninety days after the date of the issuance by the building inspector of the housemoving permit. The time limit specified in this section or the time limit specified in any permit, may be extended for good and sufficient cause by the building inspector.

B. No such extension of time shall be valid unless written and no such extension shall release any surety upon any bond.

(Prior code § 14.24.060(B) (Ord. 387 § 6(b), 1954))

15.24.120 Bond--Defaults.

A. Whenever the building inspector finds that a default has occurred in the performance of any term or condition of any permit, written notice thereof shall be given to the principal and to the surety on the bond. Such notice shall state the work to be done, the estimated cost thereof and the period of time deemed by the building inspector to be reasonably necessary for the completion of such work.

B. After receipt of such notice the surety must, within the time therein specified, either cause the required work to be performed or, failing therein, must pay over to the building inspector twice the estimated cost of doing the work, as set forth in the notice. Upon the receipt of such money, the city shall proceed, by such mode as it deems convenient to cause the required work to be performed and completed, but no liability shall be incurred therein other than for the expenditure of the sum of money in hand therefor.

C. If a cash bond has been posted, notice of default as provided in subsection A of this section shall be given to the principal and, if compliance is not had within the time specified, the city shall proceed without delay and without further notice of proceedings whatever, to use the cash deposit, or any portion of such deposit, to cause the required work to be done, by contract or otherwise, in the discretion of the city. The balance, if any, of such cash deposit shall, upon the completion of the work, be returned to the depositor or to his successors or assigns after deducting the cost of the work, plus twenty-five percent to cover cost of supervision and direction of work of completion.

D. When any default has occurred on the part of the principal under the preceding provisions of this section, the surety shall have the option, in lieu of completing the work required, to demolish the building or structure, and to clear, clean and restore the site within ninety days of the default. If the surety defaults, the city shall have the same option.

(Prior code § 14.24.060(C), (D) (Ord. 387 § 6(c), (d), 1954))

15.24.130 Bond--Term.

The term of each bond posted pursuant to this chapter shall begin upon the date of the posting thereof and shall end upon the completion, to the satisfaction of the building inspector, of the performance of all the terms and conditions of the housemoving permit. Such completion shall be evidenced by a statement thereof, signed by the building inspector, a copy of which will be sent to any surety or principal upon request. When a cash bond has been posted, the cash shall be returned to the depositor, or to his successors or assigns, upon the termination of the bond, except any portion thereof that may have been used or deducted as provided in this chapter.

(Prior code § 14.24.060(E) (Ord. 387 § 6(e), 1954))

15.24.140 Right of access to premises.

A. The building inspector, any member of the city council, the surety, and the duly authorized representatives of either, shall have access to the premises described in the housemoving permit for the purpose of inspecting the progress of the work.

B. In the event of any default in the performance of any term or condition of the housemoving permit with reference to the relocation of a structure, the surety or any person employed or engaged on its behalf, or the building inspector or any person employed or engaged on his behalf, or any member of the city council shall have the right to go upon the premises to complete the required work or to remove or demolish the building or structure.

C. It is unlawful for the owner or his representatives, successors, or assigns, or any other person, to interfere with or obstruct the ingress to or egress from any such premises of any authorized representative or agent of any surety or of the city engaged in the work of completing, demolishing, or removing any building or structure for which a housemoving permit has been issued, after a default has occurred in the performance of the terms or conditions thereof.

(Prior code § 14.24.060(F) (Ord. 387 § 6(f), 1954))

15.24.150 Leaving building in one position for more than twenty-four hours.

No person shall permit any building to remain in one position on any street longer than twenty-four hours, unless prevented by an act of God, a public enemy, strike of employees, or other unavoidable cause beyond the control of such party. Immediately upon ascertaining that it will be necessary for the building to remain in one position for longer than twenty-four hours, the mover shall immediately notify the police department, and shall advise the police department of the facts which prevent him from continuing to move the building to its proper location.

(Prior code § 14.24.070 (part) (Ord. 387 § 7 (part), 1954))

15.24.160 Appeals.

An applicant or any person who may feel aggrieved by any ruling or action of the building inspector may appeal to the city council within ten days for a hearing thereon, whereupon the city council shall hear the same and make its final determination of the matter in accordance with the information presented.

(Prior code § 19.24.080 (Ord. 387 § 8, 1954))

15.24.170 Penalty for violations.

The penalty for the violation of any provision of this chapter shall be as prescribed in Chapter 1.16.

(Ord. 586 § D (part), 1966: prior code § 14.24.090 (Ord. 387 § 10, 1954))

Chapter 15.28
METAL BUILDINGS

Sections:

15.28.010 Definitions.

For the purpose of this chapter, the following definitions shall apply:

A. Alteration or Enlargement. A metal building is altered or enlarged if it is remodeled or added to or repaired and the cost of such work exceeds fifty percent of the value of the building before such work, as determined by the design review board.

B. "Metal building" means any building having an exposed sheet metal covering on the weather side of any portion of the roof or the outside surface of any exterior wall.

C. "Sheet metal" includes, but is not limited to, all types of preformed metal sheets such as corrugated iron, steel, and aluminum.

(Ord. 74-3-721 § 1 (part): prior code §§ 14.32.010, 14.32.060)

15.28.020 Site plan and design review of metal buildings.

No person shall construct, alter or enlarge any metal building and no permit shall be issued for such construction until the site plan and design has been submitted to, reviewed by and approved in accordance with the provisions of Chapter 20.52, Site Plan and Design Review.

(Ord. 90-01-1052 § 7 (part): Ord. 74-3-721 § 1 (part): prior code § 14.32.020)

15.28.030 Design review standards.

The design review board may approve, deny, or conditionally approve the design of any metal buildings proposed to be constructed or proposed to be altered or enlarged. It shall not approve the design of any metal building or any alterations therein or additions thereto which do not conform to the requirements of this chapter or which, because of their relationship to topography or the exterior design and appearance of buildings or other structures in the immediate neighborhood, would:

A. Adversely affect the desirability of immediate and neighboring areas and impair the benefits or occupancy of existing property in those areas; or

B. Cause degeneration of property in such areas with attendant deterioration of conditions affecting the public health, safety, comfort, morals and welfare thereof; or

C. Deprive the city of tax revenue which it otherwise could receive; or

D. Destroy a proper balance in relationship between the taxable value of real property and the cost of municipal services provided therefor in the area; or

E. Fail to improve community appearance by preventing extremes or similarity or monotony in new construction; or

F. Impair the stability and would not preserve and protect property values from substantial depreciation.

(Ord. 74-3-721 § 1 (part): prior code § 14.32.030)

15.28.040 Design requirements.

All metal buildings constructed, altered, or enlarged must be designed in accordance with the following requirements:

A. Sheet metal shall not be used as the outside covering of an exterior wall unless it consists of anodized panels or prefinished panels with a factory baked-on finish.

B. The building front shall incorporate and present either a finished parapet or overhang to the street.

C. All roof edges shall be finished with a facia and/or combination facia and gutter.

D. The design must provide for finished soffits.

E. Not less than fifty percent of all portions of a metal building facing a public street shall include the use of collateral materials such as, but not limited to, brick, stone, wood, etc.

F. All window sash shall be of aluminum.

G. Color-matched fasteners shall be provided.

(Ord. 74-3-721 § 1 (part): prior code § 14.32.040)

Chapter 15.32
CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sections:

15.32.010 Uniform Code for the Abatement of Dangerous Buildings adopted.

A. Except as otherwise provided in this chapter, that certain building code known and designated as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials, shall be and become the code of the city for the abatement of dangerous buildings, providing for a just, equitable and practical method, to be cumulative with and in addition to, any other remedies provided by the building code, housing code or otherwise available at law, whereby buildings or structures which for any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupants may be required to be repaired, vacated or demolished.

B. One copy of the Uniform Code for the Abatement of Dangerous Buildings has been deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

(Ord. 99-10-1263 § 8 (part))

15.32.020 Definitions.

Whenever any of the following names or terms are used in the Uniform Code for the Abatement of Dangerous Buildings, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

A. "Building code" means Chapter 15.04 of this code as amended.

B. "Housing code" means Chapter 15.22 of this code as amended.

(Ord. 99-10-1263 § 8 (part))

15.32.030 Amendments.

Chapter 3 of the Uniform Code for the Abatement of Dangerous Buildings is amended by adding Section 303 thereto to read in its entirety as follows:

Dangerous Conditions

Section 303.

Any building, structure or condition on real property which may not be deemed a dangerous building under Section 302 of this Code, but which constitutes a nuisance under City Ordinance(s) may be required to be repaired, modified, vacated, demolished, cleared and abated, and said property may be vacated and cleared, in accordance with the procedures of Chapters 4 through 9 of this Code, inclusive, where City Ordinance(s) so provide. In such instances, where the term "dangerous building" is used in this Code, it shall also mean and refer to any such buildings, structures or conditions so defined as nuisances by City Ordinance(s).

(Ord. 99-10-1263 § 8 (part))

15.32.040 Chapter 2 deleted.

The Uniform Code for the Abatement of Dangerous Buildings is amended by deleting Chapter 2 therefrom.

(Ord. 99-10-1263 § 8 (part))

15.32.050 Application of Uniform Code to nuisances.

All nuisances defined by Section 8.12.010 of this code not subject to any other abatement procedures in this code, may be abated in accordance with the provisions of Chapters 4 through 9, inclusive, of the Uniform Code for the Abatement of Dangerous Buildings.

(Ord. 99-10-1263 § 8 (part))

15.32.060 Section 902 amended--Report transmitted to council--Set for hearing.

Section 902 of the Uniform Code for the Abatement of Dangerous Buildings shall be amended to read in its entirety as follows:

Section 902.

Upon receipt of said report, the Clerk of this jurisdiction shall present it to the legislative body of this jurisdiction for its consideration. The legislative body shall fix a time, date and place for hearing said report and any protests and objections thereto. At least 10 days prior to the date set for the hearing the clerk shall provide notice of the date, day, hour and place of said hearing to the owner(s) of record of the property on which the nuisance is maintained, based on the last equalized assessment roll or supplemental roll, whichever is more current, and shall further notify said owner(s) of record of the following: (1) that a lien may be imposed on the property if full payment is not received by the City within 30 days from the date of service of the notice; (2) the date of the order issued pursuant to Chapter 4 of this Code and the date of any modification, if any, to that order; (3) the amount of the costs incurred by the City and confirmed by the legislative body of the City as a result of the abatement of any nuisance caused by a dangerous building as set forth under Section 302 of this Code. The notice provided herein shall be served on the owner of record 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(s) of record after diligent search cannot be found, the notice may be served by posting a copy thereof in a conspicuous space upon the property for a period of 10 days and publication thereof in a newspaper of general circulation published in Los Angeles County pursuant to California Government Code Section 6062.

(Ord. 99-10-1263 § 8 (part))

Chapter 15.36
UNIFORM SWIMMING POOL, SPA AND HOT TUB CODE

Sections:

15.36.010 Uniform Swimming Pool, Spa and Hot Tub Code adopted.

A. Except as provided in this chapter, that certain swimming pool code known and designated as the Uniform Swimming Pool, Spa and Hot Tub Code, 1997 Edition, published by the International Association of Plumbing and Mechanical Officials, shall be and become the swimming pool code of the city, regulating erection, installation, alteration, repair, replacement, maintenance or use of swimming pools, spas and hot tubs within the city.

B. One copy of the Uniform Swimming Pool, Spa and Hot Tub Code has been deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

(Ord. 99-10-1263 § 9 (part))

15.36.020 Deletions.

The Uniform Swimming Pool, Spa and Hot Tub Code is amended by deleting Chapter 1 therefrom, with the exception of Sections 101.0, 101.1, 101.2, 101.3, 102.0, 102.1, 102.2, 103.0, 103.1, 103.2, 108.0, 109.0 and 111.0.

(Ord. 99-10-1263 § 9 (part))

15.36.030 Permit fees.

The fees for swimming pools, spa and hot tubs shall be those which the city council may from time to time adopt by resolution.

(Ord. 99-10-1263 § 9 (part))

Chapter 15.40
UNIFORM BUILDING SECURITY CODE

Sections:

15.40.010 Uniform Building Security Code adopted.

A. Except as provided in this chapter, that certain security code known and designated as the Uniform Building Security Code, 1997 Edition, published by the International Conference of Building Officials, shall be and become the security code of the city, regulating installation, alteration, repair, replacement and maintenance of security hardware within the city.

B. One copy of the Uniform Building Security Code has been deposited in the office of the city clerk and shall be at all times maintained by the clerk for use and examination by the public.

(Ord. 99-10-1263 § 10 (part))

Title 16
OIL AND GAS CODE*

Chapters:

* Prior history: Prior code Sections 16.04.010 through 16.40.030 and Ords. 64-12-572, 71-3-671 and 72-11-693.

Chapter 16.04
GENERAL PROVISIONS

Sections:

16.04.010 Title.

This title shall be known and may be cited as the "City of Signal Hill Oil and Gas Code."

(Ord. 2015-05-1475 § 2 (part); Ord. 90-08-1074 § 4 (part))

16.04.020 Purpose.

It is the intent and purpose of this title to regulate the drilling for production, processing, storage and transport by pipeline of petroleum and other hydrocarbon substances, timely and proper well abandonment and well site restoration and removal of oil and gas related facilities, reclamation and remediation of host sites and final disposition of pipelines in compliance with applicable laws and permits so that these activities may be conducted in conformance with federal, state, and local requirements, and to mitigate the impact of oil-related activities on urban development.

To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety, and general welfare.

(Ord. 2015-05-1475 § 2 (part); Ord. 90-08-1074 § 4 (part))

16.04.025 Code applicability.

This title, insofar as it regulates petroleum operations also regulated by the California Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR), is intended to supplement such state regulations and to be in furtherance and support thereof. In all cases where there is conflict with state laws or regulations, such state laws or regulations shall prevail over any contradictory provisions, or contradictory prohibitions or requirements, made pursuant to this title.

(Ord. 2015-05-1475 § 2 (part))

16.04.030 Conflicting provisions.

Wherever provisions or requirements of this title and any other code or law conflict, the most restrictive title, code or law shall govern exclusively, unless there are specific preemptions established by law.

(Ord. 90-08-1074 § 4 (part))

16.04.040 Administration.

A. Oil Services Coordinator. It shall be the duty of the oil services coordinator or his duly appointed representative to enforce the provisions of this title, unless other officials are specified.

B. City Petroleum Engineer. It shall be the duty of the city's Registered Professional Petroleum Engineer to verify that well abandonments meet the city's equivalency standard for abandonment. (Ord. 2015-05-1475 § 2 (part); Ord. 90-08-1074 § 4 (part))

16.04.050 Inspection.

A. All drilling, redrilling, rework or construction for which a permit is required shall be subject to inspection by the oil services coordinator. No drilling, redrilling, reworking, or construction work for any new phase of a project shall be done until inspections deemed necessary by the oil services coordinator have been made and required approvals granted.

B. It shall be the duty of the operator or his designated agent to notify the oil services coordinator that work is ready for inspection.

(Ord. 90-08-1074 § 4 (part))

16.04.060 Right of entry.

Any officer or employee of the city, or his duly appointed representative, whose duties require the inspection of the premises shall have the right and privilege at all reasonable times, to enter upon any premises upon or from which any operations are being conducted for which any permit has been issued or is required under this title, for the purpose of making any of the inspections pursuant to this

title, or in any other ordinance of the city, or for any other lawful purpose. No owner, occupant, or any other person having charge, care, or control of any building or premises shall fail or neglect, after twenty-four hour notice, or upon shorter notice or no advance notice in emergency situations, to permit entry therein, pursuant to this section.

(Ord. 90-08-1074 § 4 (part))

16.04.070 Notices.

A. Repair and correction notices. Notices requiring repair or corrections provided by this title shall be issued by the Oil Services Coordinator consistent with titles 15 and 20 of the Signal Hill Municipal Code.

B. Service of notices.

1. Every operator of any oil well shall designate an agent, who must be a resident of the state during all times he or she serves as agent, upon whom all orders and notices provided in this title may be served in person or by mail. Every operator so designating such agent shall within five days, notify the Oil Services Coordinator in writing of any change in such agent or such mailing address unless operations within the city are discontinued.

2. Any notice served pursuant to this title shall be deemed received five days after said notice, properly addressed, is placed in the United States postal service, postage prepaid.

C. Change of operator. The operator shall submit to the Oil Services Coordinator a copy of the DOGGR report of property/well transfer/acquisition within thirty days after sale, assignment, transfer, conveyance, or exchange. A change of operator will require that a new permit be issued within thirty days after the sale, assignment, transfer, conveyance or exchange and a prorated annual fee shall be paid for any well required to have a permit in accordance with Chapter 16.12 of the Signal Hill Municipal Code.

(Ord. 2015-05-1475 § 2 (part); Ord. 90-08-1074 § 4 (part))

16.04.080 Stop orders.

A. If at any time the oil services coordinator finds that any operator is violating any of the provisions of this title, which affect public health and safety, with concurrence of the D.O.G., he may issue a stop order for immediate cessation of operations. A copy of the stop order shall be served upon the operator or the operator's agent designated pursuant to Section 16.04.070(B). The operator shall immediately comply with the order of the oil services coordinator to cease and shall not resume such operations until written consent therefor by the oil services coordinator has been obtained, or unless ordered by the California Division of Oil and Gas (D.O.G.) due to special or emergency circumstances. Upon written request by the operator or a request by D.O.G., the oil services coordinator may stay compliance with the stop order until such operator has appealed the determination of the oil services coordinator.

B. Appeals.

1. Any operator may appeal the inspector's stop order to the city council by filing a written notice of the appeal with the city clerk within ten days of service of the stop order. The notice shall state all grounds for the appeal and be accompanied by an appeal fee. The city council shall, at its next regular meeting from the filing of the notice of the appeal, conduct a hearing thereon, at which the operator shall be given an opportunity to present any evidence why the stop order should be modified or vacated. The hearing may be continued by city council from time to time.

2. After receiving evidence proffered on the appeal and closing the hearing, city council shall render its decision on the appeal within thirty days. The city council may affirm, conditionally affirm, vacate, or otherwise modify any aspect of the stop order.

16.04.090 Variances.

Variances from the requirements contained in this title shall be processed considered in accordance with Chapter 20.84 of this code. Applications for variances shall be accompanied by a variance fee.

(Ord. 90-08-1074 § 4 (part))

16.04.100 Violations--Nuisance.

Any use, operation, building, tank, pipeline, site, or structure excavation, sump, hereafter erected, built, maintained, used, or conducted contrary to the provisions of this title is hereby deemed to constitute a public nuisance, and shall be subject to abatement pursuant to Chapter 8.12 of this code. The oil services coordinator is specifically authorized to seek and obtain injunctive relief against the creation, maintenance, or allowance of any such nuisance.

(Ord. 90-08-1074 § 4 (part))

16.04.110 Violations--Misdemeanor.

Any violation of any provision of this title shall constitute a misdemeanor punishable as prescribed in Chapter 1.16 of this code.

(Ord. 90-08-1074 § 4 (part))

16.04.120 Penalty for violations.

The penalties for the violation of any provision of this title shall be as prescribed in Chapters 1.16 and 8.12 of this code.

(Ord. 90-08-1074 § 4 (part))

16.04.130 Oil advisory committee.

For purpose of reviewing matters related to the administration of the oil code or oil field activities, generally an oil advisory committee is established. Members shall include one city councilmember, the city manager, fire chief, city engineer, planning director, redevelopment director, oil services coordinator, one member of each from the Division of Oil and Gas, the Western State Petroleum Association, California Independent Petroleum Association, two members representing unit operators and two members representing local independent producers. Meetings shall be held within ten working days after the city receives a request from at least three committee members.

(Ord. 90-08-1074 § 4 (part))

Chapter 16.08
DEFINITIONS

Sections:

16.08.110 Desertion.

16.08.120 Developed area.

16.08.130 Director.

16.08.140 D.O.G.

16.08.150 Drill or drilling.

16.08.160 Drill site.

16.08.170 Enhanced recovery.

16.08.180 Existing well.

16.08.190 Idle well.

16.08.200 Injection well.

16.08.210 Inspector.

16.08.215 Landed liner.

16.08.220 Lessee.

16.08.230 Lessor.

16.08.240 Maintenance.

16.08.250 New well.

16.08.260 Oil.

16.08.270 Oil operation.

16.08.280 Oil operation site.

16.08.290 Oil services coordinator.

16.08.300 Operator.

16.08.310 Outer boundary line.

16.08.320 Owner.

16.08.330 Permittee.

16.08.340 Petroleum.

16.08.350 Premises.

16.08.360 Redrilling.

16.08.370 Rework.

16.08.380 Reabandonment.

16.08.390 Servicing.

16.08.400 Structure.

16.08.410 Sump or shaker pit.

16.08.420 Tank.

16.08.430 Tank battery.

16.08.440 Tank farm.

16.08.010 Definitions generally.

The words, phrases, and terms set forth in this chapter, wherever used in this city of Signal Hill oil code, shall have the meanings set forth in this chapter.

(Ord. 90-08-1074 § 4 (part))

16.08.020 Abandonment.

"Abandonment" means the permanent plugging of a well, pipeline, or other facility in accordance with the requirements of the California Division of Oil and Gas, the removal of all equipment related to the well, and includes the restoration of the drill or well operation site as required by these regulations.

(Ord. 90-08-1074 § 4 (part))

16.08.030 Agency.

"Agency" shall mean the Signal Hill redevelopment agency.

(Ord. 90-08-1074 § 4 (part))

16.08.035 Annuli.

The plural of annulus, which is the space between two concentric objects (objects with a common center), such as between the wellbore and casing or between two different strings of casing, where fluid can flow.

(Ord. 2015-05-1475 § 3 (part))

16.08.040 Approved.

"Approved" means approved by the authority having jurisdiction as assigned in this code, or by the written designee of such authority.

(Ord. 90-08-1074 § 4 (part))

16.08.045 Area of development.

A. New development. In the case where a structure or structures is/are proposed on a vacant parcel, or in the case where subdivision of a parcel is proposed, or in the case of a phased development proposed to occur on several parcels in phases, the "Area of Development" is the entire proposed site, including the entire area of each and every parcel involved. For purposes of this chapter, this area shall also be referred to as the "Site," but in no case shall include area outside the property boundaries.

B. Additions to existing development. In the case of an addition to an existing structure, or construction of new structures on a parcel with existing structures, the "Area of Development" is (i) the portion of the Site which is within, or within ten (10) feet of, the area disturbed for grading as shown on a preliminary grading plan; or (ii) the portion of the Site lying under or within ten (10) feet of any addition or new structure built as a part of the project where no grading plan is required.

Ord. 2015-05-1475 § 3 (part)

16.08.050 Attended.

"Attended" means guarded, monitored, or otherwise observed by a person who is situated close enough to petroleum operating facilities so that he may observe the operation, and activities of other persons in or near such facilities.

(Ord. 90-08-1074 § 4 (part))

16.08.060 Cellar.

"Cellar" means an excavation around or above the top joint of the casing in a well.

(Ord. 90-08-1074 § 4 (part))

16.08.070 City.

"City" means the City of Signal Hill.

(Ord. 90-08-1074 § 4 (part))

16.08.080 Completion of drilling, redrilling, and reworking.

"Completion of drilling, redrilling, or reworking" is deemed to occur, for the purpose of this code, sixty days after the drilling crew has been released unless drilling, testing, or remedial operations are resumed before the end of the sixty-day period. The drilling crew is released within the meaning of this section when work at the well is suspended, either temporarily or permanently.

(Ord. 90-08-1074 § 4 (part))

16.08.090 Department.

"Department," unless specified otherwise, means the department of planning.

(Ord. 90-08-1074 § 4 (part))

16.08.100 Derrick.

"Derrick" means any framework, tower, or mast together with all parts of and appurtenances to such a structure including any foundations, pumphouse, pipe racks, and each and every party thereof which is or are required or used or useful for the drilling for and the production of oil, gas, or other hydrocarbons from the earth, except tanks used for storage purposes.

(Ord. 90-08-1074 § 4 (part))

16.08.110 Desertion.

"Desertion" means the cessation of operations at a drill site for sixty days or more without compliance with the provision of this title.

(Ord. 90-08-1074 § 4 (part))

16.08.120 Developed area.

"Developed area" means any area with at least three occupied structures located within one hundred feet of each other, and all surrounding property within three hundred feet of the structures.

(Ord. 90-08-1074 § 4 (part))

16.08.130 Director.

"Director," unless specified otherwise, means the planning director or his designated representative.

(Ord. 90-08-1074 § 4 (part))

16.08.140 D.O.G.

"D.O.G." means the Division of Oil, Gas, and Geothermal Resources of the Department of Conservation of the state of California, also referred to in this code as "DOGGR".

(Ord. 2013-07-1459 § 4; Ord. 2013-07-1460 § 4; Ord. 90-08-1074 § 4 (part))

16.08.150 Drill or drilling.

"Drill" or "drilling" means to dig or bore a well for the purpose of exploring for, developing, or producing oil, water, gas, or other hydrocarbons; or for the purpose of injecting water, steam, or other fluid or substance into the earth, but excluding any well drilled solely for the production of drinking water.

(Ord. 2015-05-1475 § 3 (part); Ord. 90-08-1074 § 4 (part))

16.08.160 Drill site.

"Drill site" means that surface area used for drilling a well or wells and the surrounding area for the safe operations thereof.

(Ord. 90-08-1074 § 4 (part))

16.08.170 Enhanced recovery.

"Enhanced recovery" means any production method which involves the injection of water, gas, steam, or any other fluid or chemical into the earth for the purpose of producing oil or other hydrocarbons.

(Ord. 90-08-1074 § 4 (part))

16.08.180 Existing well.

"Existing well" means any well that was drilled and capable of operating on the effective date of this ordinance codified in this title.

(Ord. 90-08-1074 § 4 (part))

16.08.190 Idle well.

"Idle well" a well shall be deemed to be an idle well if the well does not produce an average of two barrels of oil per day or one hundred cubic feet of gas per day for a continuous six month period during any consecutive five-year period prior to or after January 1, 1991, except that an active water injection well shall not be classified as an idle well.

(Ord. 90-08-1074 § 4 (part))

16.08.200 Injection well.

"Injection well" means a well or converted producing well used for the purpose of injecting water, wastewater, brines, hydrocarbons, gas, steam, or any other substances for the purpose of enhanced recovery, repressurization, or disposal, whether under pressure, gravity, or vacuum.

(Ord. 90-08-1074 § 4 (part))

16.08.210 Inspector.

"Inspector" means the oil services coordinator or any designated City employee or duly qualified authorized representative assigned responsibility for enforcement of this code.

(Ord. 90-08-1074 § 4 (part))

16.08.215 Landed liner.

A positioned casing (steel pipe) string that does not extend to the top of the wellbore, but instead is anchored or suspended from inside the bottom of the previous casing string.

(Ord. 2015-05-1475 § 3 (part))

16.08.220 Lessee.

"Lessee" means a person, company, or corporation that possesses the right to develop and produce petroleum or natural gas resources.

(Ord. 90-08-1074 § 4 (part))

16.08.230 Lessor.

"Lessor" means the owner of the surface or mineral rights subject to a petroleum lease.

(Ord. 90-08-1074 § 4 (part))

16.08.240 Maintenance.

"Maintenance" or "maintain" means the repair or replacement of machinery, equipment, apparatus, structure, facilities and parts thereof, used in connection with an oil operation or drill, as well as any other work necessary to reduce fire hazards or hazards to employees or to preserve the appearance of the facilities and to reduce public health and safety hazards including the maintenance of ongoing oil operations and the maintenance of grounds, landscaping, painted structures and appurtenant facilities.

(Ord. 90-08-1074 § 4 (part))

16.08.250 New well.

"New well" means a new well bore or well hole established at the ground surface and shall not include redrilling or reworking of an existing well.

(Ord. 90-08-1074 § 4 (part))

16.08.260 Oil.

"Oil" means crude oil and includes petroleum, oil, gas, or other hydrocarbon liquids or solids.

(Ord. 90-08-1074 § 4 (part))

16.08.270 Oil operation.

"Oil operation" means the use or maintenance of any installation, facility, or structure used, either directly or indirectly, to carry out or facilitate one or more of the following functions: drilling, redrilling, reworking and repair, production, enhanced recovery, extraction, stimulation, abandonment, processing, storage, or shipping of oil or gas or other hydrocarbon substances or processing.

(Ord. 90-08-1074 § 4 (part))

16.08.280 Oil operation site.

"Oil operation site" means the physical location where oil operations consisting of dehydration and storage facilities and pumping units are allowed and conducted.

(Ord. 90-08-1074 § 4 (part))

16.08.290 Oil services coordinator.

"Oil services coordinator" means the inspector, or his designated representative.

(Ord. 90-08-1074 § 4 (part))

16.08.300 Operator.

"Operator" means the person, firm, corporation, partnership, or association, whether proprietor, lessee, or individual contractor actually in charge and in control of the drilling, maintenance, operation of a well, wells, or lease, for producing, refining, or storing petroleum or other hydrocarbons substances.

(Ord. 90-08-1074 § 4 (part))

16.08.310 Outer boundary line.

"Outer boundary line" means the exterior limits of the land included within the lease or unit comprising several contiguous parcels of land in one or different ownerships which are operated as a single petroleum lease or operating unit. In determining the continuity of any such parcels of land, no public right-of-way lying within the lease or unit shall be deemed to interrupt such contiguity.

(Ord. 90-08-1074 § 4 (part))

16.08.320 Owner.

"Owner" shall mean a person, firm, corporation, partnership, or association who owns mineral rights in land or a legal or equitable title in or right to occupy the surface of a drill or site, well site, or oil operation site.

(Ord. 90-08-1074 § 4 (part))

16.08.330 Permittee.

"Permittee" means the party having a valid permit for oil operations as required under this title.

(Ord. 90-08-1074 § 4 (part))

16.08.340 Petroleum.

"Petroleum" means and includes any and all hydrocarbon substances including but not limited to crude oil, natural gas, natural gasoline, and other related substances.

(Ord. 90-08-1074 § 4 (part))

16.08.350 Premises.

"Premises" means the area within the outer boundary line of any oil operation site.

(Ord. 90-08-1074 § 4 (part))

16.08.360 Redrilling.

"Redrilling" means any drilling operation, including horizontal deviation from original well bore more than five hundred feet, to recomplete the well in the same or different zone.

(Ord. 90-08-1074 § 4 (part))

16.08.370 Rework.

"Rework" means any work that causes a significant change to the existing casing of a well bore. This includes any work which results in a mechanical change to the well, as determined and requiring approval by D.O.G., including but not limited to sidetracking of existing liners, liner removal, under-reaming, deepening, reperforating present producing zones, perforating new zones, milling, and sleeving of existing casings and water shutoff. Rework does not include abandonment, reabandonment well servicing, bailing, swedging, washing, scratching, or acidizing existing liners, rolling, or squeeze jobs in producing intervals.

(Ord. 90-08-1074 § 4 (part))

16.08.380 Reabandonment.

"Reabandonment" means the same as abandonment.

(Ord. 90-08-1074 § 4 (part))

16.08.390 Servicing.

"Servicing" includes routine maintenance and operation of any facility which does not involve reworking or redrilling.

(Ord. 90-08-1074 § 4 (part))

16.08.400 Structure.

"Structure" means anything constructed or built, a tank, any edifice, or building of any kind, as regulated by Title 15 of this code.

(Ord. 90-08-1074 § 4 (part))

16.08.410 Sump or shaker pit.

"Sump" or "shaker pit" shall mean any lined pit or tank used for the collection and separation of production streams or wastes.

(Ord. 90-08-1074 § 4 (part)).

16.08.420 Tank.

"Tank" means any container, used or designed to be used in conjunction with drilling, production, processing, refining, or storing oil,

gas, or other hydrocarbon liquids or solids.

(Ord. 90-08-1074 § 4 (part))

16.08.430 Tank battery.

"Tank battery" means a collection of production-related tank facilities. "Tank battery" includes the area around the tanks enclosed by a berm, dike, fence or wall and a ten foot wide setback on the exterior side of the berm, dike, fence or wall. Also means tank farm.

(Ord. 90-08-1074 § 4 (part))

16.08.440 Tank farm.

"Tank farm" means a collection of tanks.

(Ord. 90-08-1074 § 4 (part))

16.08.450 Well or oil well.

"Well" means a hole drilled into the earth for the purpose of exploring for and producing oil or gas, for the purpose of injecting liquids or gas for stimulating oil or gas recovery, repressurizing, or pressure maintenance of oil or gas reservoirs, or disposing of oil field waste fluids.

(Ord. 90-08-1074 § 4 (part))

16.08.460 Well servicing.

"Well servicing" means and includes the remedial or maintenance work performed within an existing well which does not involve redrilling or reworking.

(Ord. 90-08-1074 § 4 (part))

16.08.470 Well site.

"Well site" means that surface area used for oil or gas extraction operations or for injection purposes after drilling is completed. "Well site" includes the area around a well enclosed by protective fence or wall and a ten foot wide setback on the exterior side of the fence or wall.

(Ord. 90-08-1074 § 4 (part))

Chapter 16.12
PERMITS AND BONDS

Sections:

16.12.010 Permits required.

A. No person shall erect, construct, enlarge, alter, remove, demolish, or use within the city any structure, appurtenant equipment, or tank proposed, intended to be used, or used for or in connection with the drilling for or production of oil, gas, or other hydrocarbon substances, including the fixed storage of such substances without first obtaining a permit, pursuant to the provisions of this chapter and title.

B. A separate permit shall not be required for well servicing or maintenance, provided that all other permits required in this title have been first obtained.

(Ord. 90-08-1074 § 4 (part))

16.12.020 Other permits required.

The permits required by this title are in addition to and are not in lieu of any permit which may be required by other provisions of the Signal Hill Municipal Code or by other governmental agencies.

(Ord. 90-08-1074 § 4 (part))

16.12.030 Drilling or redrilling permit.

No person shall drill or redrill any well without first obtaining a permit, herein referred to as a drilling permit from the D.O.G and the city.

(Ord. 90-08-1074 § 4 (part))

16.12.040 Drilling permit application procedure.

A. Prior to the issuance of a drilling permit, as required by Section 16.12.030, applicants shall submit to the inspector an application form as provided by the city and the following information and accompanying material:

1. A complete legal description of the property.

2. Site plans, drawn to scale, containing the following information:

a. The boundaries and dimensions of the proposed drill site,

b. All existing and proposed buildings and structures or appurtenant facilities and their location, size, height and use on the site including, but not limited to, wells, tanks, dikes, pipelines, heaters, storage sheds, and the location of all pipelines,

c. Yards and spaces between buildings, structures, and appurtenant facilities,

d. Walls and fences and their location, height, and component materials,

e. Off-street parking locations, number of spaces, dimensions of parking area, and internal circulation pattern,

f. Pedestrian, vehicular, and service access; points of ingress and egress; and internal circulation,

g. Signs and their location, size, height, materials, and lighting,

h. Lighting locations and nature and hooding devices,

i. Location and width of existing and proposed public rights-of-way and private access roads,

j. A landscaping and irrigation plan, including a landscape program and agreement assuring performance thereunder,

k. A contour map showing topography and proposed grading for the drill site. An erosion control plan shall also be provided to guarantee protection of public property and adjacent private property from dirt, water, dust, debris, and erosion from the drill site,

l. A vicinity map showing the proximity of the drill site to any building used for human occupancy within a three hundred foot radius.

The applicant shall not be required to file any site plan within an area for which a plot plan has been previously filed unless existing tanks, fences, or other facilities and appurtenant structures are to be relocated or new tanks, fences, or other facilities and appurtenant structures are proposed;

3. A brief description of the manner in which the oil will be produced and transported if the drilling operation is successful;

4. Information concerning the source, quantity, and quality of water to be utilized in the drilling production program, the manner in which the water will be transported and stored on site, and the method of disposal of wastewater and other drilling wastes, including the location of backflow preventers;

5. A complete set of engineered drawings and specifications for all structures (other than drilling derricks, drilling masts, and blow-out equipment required by D.O.G.), tanks, mechanical and electrical systems, and high pressure systems used in drilling operations; provided that plans and specifications already on file with the city need not be resubmitted;

6. An oil spill contingency plan that specifies the location, type of cleanup equipment, description of responsibilities for monitoring equipment, disposition of wastes, and reporting incidents;

7. A phasing plan for the staging of the drilling operations, including but not limited to, an estimated timetable for project construction, operation, completion, and abandonment, as well as location and amount of land reserved for future expansion;

8. Copies of all other required permits, including but not limited to those required by D.O.G., the Long Beach fire department, Los Angeles County of Health Services, Los Angeles County Sanitation District, the Regional Water Quality Control Board and the South Coast Air Quality Management District;

9. An acoustical study prepared by a qualified acoustical engineer documenting existing ambient noise levels over a twenty-four-hour period on the drill site and within a three-hundred-foot radius;

10. Engineered public improvement plans for work, if any, in the right-of-way when required. A public works street, sewer, or water improvement bond will be required in a form and amount approved by the city engineer;

11. A faithful performance bond in conformity with the provisions contained in Sections 16.12.200 and 16.12.210;

12. Verification of liability insurance in conformity with the provisions contained in Section 16.12.240;

13. A verified statement signed by the applicant that he is duly authorized by the property owner to make and file the application, and that he has read the application and the same is true and correct;

14. The name, address, and phone number of the operator and the designated operator upon whom all notices provided by this title may be served.

B. The director may, in his sole discretion, upon finding either of the following circumstances exist with respect to the application, waive the items in subsection (A) of this section except that neither subdivisions (11), (12) and (13) of subsection (A) of this section nor the requirements contained in Section 16.16.020 of this title shall be waived in any event:

1. Certain information accompanying materials required in subsection (A) are not needed because the information is already on file with the city in conjunction with prior approvals;

2. The nature and location of a redrill does not necessitate the information or accompanying material. Criteria for waiver of information shall include but not be limited to existing land use patterns, proximity to surrounding buildings and structures, current physical condition of site, proposed size of drill site and type of operation proposed.

C. The inspector shall review all applications and information submitted pursuant to subsection (A) of this section to determine if these items are complete. Upon a determination that they are complete, the applications shall be reviewed by the city engineer and director of planning and approved or approved with conditions. In areas where a conditional use permit is required, said permit shall first be approved by the planning commission or the city council as the case may be.

(Ord. 90-08-1074 § 4 (part))

16.12.050 Annual well permit.

A. Permit term. On the first day of January next succeeding the issuance of a drilling permit and prior to the first day of January of each year thereafter, until the well has been abandoned, as provided in this title, an annual well permit must be obtained from the city for each well, including injection wells, whether active or inactive except for idle wells.

B. Non-compliance. No permit shall be issued to an operator who has failed to comply with the applicable regulations of this title.

C. Bonds and insurance. That evidence also be provided of performance bonds, pursuant to Section 16.12.190, liability insurance, pursuant to Section 16.12.240, and indemnification pursuant to Section 16.12.250.

(Ord. 2015-05-1475 § 4; Ord. 90-08-1074 § 4 (part))

16.12.060 Idle well permit.

A. Annual Idle Permit. Effective January 1, 1991, no persons shall maintain an idle well within thecity without obtaining an annual idle well permit from the inspector prior to the first day of January of each year.

B. Bonds and Insurance. That evidence also be provided of performance bonds, pursuant to Section 16.12.190, liability insurance, pursuant to Section 16.12.240, and indemnification pursuant to Section 16.12.250.

(Ord. 2015-05-1475 § 4; Ord. 90-08-1074 § 4 (part))

16.12.070 Rework or annual rework permit.

A. No person shall rework any well without obtaining a rework or an annual rework permit from the D.O.G. and the city.

B. A permit will be issued upon submittal by the operator of a copy of D.O.G. approval for the rework operation. Nothing shall preclude the inspector from requiring submittal and approval of additional information as may be requested, including but not limited to

an acoustical study, pursuant to the requirements contained in Section 16.12.040.

C. Well servicing shall not require a rework permit.

(Ord. 90-08-1074 § 4 (part))

16.12.080 Annual tank permit.

A. No person shall operate more than four production related tanks on any oil operation site or oil leasehold area contained with the outer boundary line as defined herein without obtaining an annual tank permit from the inspector prior to the first day of January of each year.

B. The operator of any oil production tank facility shall submit with the application for tanks more than four tanks, fees, the name, address, and phone number of a designated agent upon whom may be served any notice provided by this title.

C. Tanks not capable of holding fluids shall be removed or made serviceable.

D. Provisions of this section shall not apply to refinery, tank farm or unit facilities tanks.

(Ord. 90-08-1074 § 4 (part))

16.12.090 Annual wastewater permit.

Wastewater shall not be discharged into the city's sanitary sewer system unless an annual industrial waste permit has been issued by the city per Chapter 13.06 of this code.

(Ord. 90-08-1074 § 4 (part))

16.12.100 Sewer connection permit.

There shall be no connection to any city sewer lateral or main until a sewer connection permit has been obtained from the city.

(Ord. 90-08-1074 § 4 (part))

16.12.110 Building permits required--Annual electrical permits.

A. Except for routine operating maintenance or well servicing, no person shall erect, construct, enlarge, alter, move, remove, convert or demolish any structure, or tank, or appurtenance on any oil operations site or cause the same to be done, without first obtaining all permits required pursuant to Title 15 of this code.

B. Annual Electrical Permit. In lieu of individual electrical permits for each electrical repair or alteration as may be required to maintain oil production facilities including tank farms, refineries, and loading facilities, operators may obtain and an annual electrical permit subject to annual review by the city.

(Ord. 90-08-1074 § 4 (part))

16.12.120 Abandonment or reabandonment permit.

No abandonment, reabandonment, or other alteration shall be made into or on a previously abandoned oil, gas, or injection well in the city unless ordered by D.O.G. until a permit and inspection fee for such work has been approved and issued by the inspector.

(Ord. 90-08-1074 § 4 (part))

16.12.130 Fees.

A. All permit fees and deposits shall be set in the amounts prescribed by resolution of the city council.

B. Such permit fees shall not exceed the estimated reasonable cost of providing the services required by the city to fully effectuate and implement this chapter and shall be levied and collected in accordance with all requirements of state law.

C. Permit fees payable under this chapter shall not be refundable in whole or in part.

(Ord. 90-08-1074 § 4 (part))

16.12.140 Fees--Late fee.

If any fee required to be paid in this chapter is not paid within thirty days from the time it becomes due or from the billing date, whichever is later, and payable, the same shall become delinquent, and a late fee shall be added thereto for each month for such delinquency, and shall be collected as part of such fee. The amount of the late fee shall be as prescribed by resolution of the city council.

(Ord. 90-08-1074 § 4 (part))

16.12.150 Fees--Constitute lien.

Each and all of the delinquent fees required by this chapter shall constitute a lien upon the related production well, idle well, appurtenant equipment and storage facilities for which permits provided in this chapter are required, and upon the property upon which the facility is located.

(Ord. 90-08-1074 § 4 (part))

16.12.160 Fees--Liability for payment.

Each of the persons whose duty it is to obtain any permit shall be declared and made to be jointly and severally liable for payment of the fee required to be paid.

(Ord. 90-08-1074 § 4 (part))

16.12.170 Permit validity period.

A. All permits, with the exception of required annual permits, issued pursuant to provisions contained in this chapter shall not be valid unless utilization of the privileges granted are commenced within one year from and after the date of issuance of the permit, or if after commencement, such activity is suspended or abandoned at any time for a one year period of time.

B. The provisions of this section shall not apply to permits issued pursuant to Title 15 of this code.

(Ord. 90-08-1074 § 4 (part))

16.12.180 Transfer.

No permit issued under this chapter may be assigned or otherwise transferred without first obtaining the written approval of the oil services coordinator, and any such assignment or transfer made or attempted to be made without such written approval shall be null and void and is without any force or effect whatsoever. The oil services coordinator shall approve of the assignment or transfer upon verification that the leasehold is in compliance with all provisions of the code. Transfer or assignment shall not be made if the permit holder is in violation of any provision of this municipal code.

(Ord. 90-08-1974 § 4 (part))

16.12.190 Bond.

A. Each operator as herein defined shall post a faithful performance bond or bond rider for all operations under this chapter including but not limited to: drilling, redrilling, servicing, maintenance of oil field sites, pipelines and appurtenant facilities, landscaping, tanks, fences.

This faithful performance bond shall be in addition to any public works improvement bonds required by other provisions of the municipal code or statute of the state of California.

B. Bonds existing on the effective date of the ordinance codified in this title which are in compliance with the previous Signal Hill Oil Code shall remain in effect according to their terms, and need not be raised to the bond amount contained in Section 16.12.200.

C. Cash deposits or certificates of deposit may be accepted in lieu of required bonds if provided in a form satisfactory to the city attorney and the finance director.

(Ord. 90-08-1074 § 4 (part))

16.12.200 Form of bonds.

A. Bonds or riders to existing bonds shall be on a form approved by the city attorney and shall be filed with the department of finance. Bonds shall be issued by a corporate surety authorized to do business in the State of California with a Best's minimum policyholder rating of "A" status or better, and a Best's financial category minimum rating of Class 9 status of better, as rated by the most recent edition of Best's Key Rating Guide, or a surety approved by the D.O.G. or as otherwise approved by the city in the event such rating system is modified. The principal amount of any bonds specified may be increased by the city to reflect inflation, increased risk of losses and other factors.

B. Single Bonds. Corporate surety bonds in the penal sum of six thousand dollars shall be executed by the operator as principal and by the authorized surety company as surety and conditioned that the principal named in the bond shall faithfully comply with this title and any other ordinance, law, rule, or regulation of the city which in any manner pertains or applies to any of the principal's drilling or redrilling activities. The bond shall secure the city against all costs, charges, and expenses, including legal costs incurred by it for the failure of the principal to fully comply with the provisions of the Signal Hill Municipal Code. The bond shall include the correct name or number of the well and the surveyed location as recorded by D.O.G.

C. Blanket Bonds. Any operator may, in lieu of filing a single bond for each well, as required by subsection (B) of this section, file a bond in the amount of twenty five thousand dollars to cover all of this operations conducted within the city. A rider to said bond shall be filed with the department of finance showing the correct name or number of the well and the surveyed location as recorded by D.O.G. for each well covered by the bond.

(Ord. 90-08-1074 § 4 (part))

16.12.210 Notice of default in performance conditions.

A. Notice Required. Whenever the inspector finds that a default has occurred in the performance of any drilling or redrilling requirement or condition of the Signal Hill Municipal Code, a written notice shall first be issued to the operator or the authorized agent. If no response is received within fifteen days a notice shall first be issued to the operator of the authorized agent. If no response is received within fifteen days, a written notice shall be given to the principal and to the surety of the bond.

B. Contents of Notice. Such notice shall specify the work to be done, the estimated cost thereof, and the period of time deemed by the department to be reasonably necessary for the completion of such work.

C. After receipt of such notice, the surety shall, within the time therein specified, cause the work to be performed, or failing therein, shall pay the director of finance one hundred twenty-five percent of the estimated cost of doing the work as set forth in the notice, but not exceeding the amount of the bond.

D. Upon receipt of such monies, the department and/or oil services coordinator may in such a manner as it may deem convenient to cause the required work to be performed and completed.

E. In the event the surety does not cause the work to be performed and fails or refuses to pay over to the city the estimated cost of the work to be done as set forth in the notice, the city may proceed to obtain compliance by way of civil action against the surety or by criminal action against the principal, or by both methods.

(Ord. 90-08-1074 § 4 (part))

16.12.220 Substitution of bonds.

A substitution bond may be filed in lieu of any bond on file hereunder, and the department of finance may accept and file the same if it is qualified and in proper form and substance and approved by the finance director and the city attorney and the bond for which it is substituted shall be exonerated but only if the oil services coordinator finds that all of the conditions of last-mentioned bond have been satisfied and that no default exists as to the performance upon which the bond is conditioned.

(Ord. 90-08-1074 § 4 (part))

16.12.230 Exoneration.

Any bond issued for drilling or redrilling shall be terminated and canceled and the surety be relieved of all obligations thereunder when the with has been fully and finally abandoned in conformity with all regulations of this title and in conformity with all regulations of D.O.G.

(Ord. 90-08-1074 § 4 (part))

16.12.240 Type of insurance.

A. Operators shall maintain a comprehensive general liability insurance policy, including coverages for: sudden and accidental pollution including the cost of environmental restoration; underground resources coverage and completed operations. The policy shall insure the city against all costs, charges and expenses incurred by it for clean-up of sudden and accidental pollution. The insurance policy shall name the city as an additional insured for third party liabilities arising from any oil operations insured under the certificate during the period of coverage. The insurance deductible must be no greater than ten thousand dollars. The policy shall provide for a thirty day cancellation notice to the city in the event the policy will be terminated for any reason except nonpayment of premium in which case the notice period shall be ten days. The policy shall be in an amount equal to one million dollars per occurrence.

B. Self-insurance. Notwithstanding the foregoing requirements for insurance, no such insurance policy shall be required if the grantee customarily self-insures the risks covered by the required insurance, and has presented to the city:

1. A certification evidencing such facts, which certification has been approved by the city as sufficient and by the city attorney as to form, to which is attached the following agreement:

In consideration of City allowing permittee to self-insure the risks in lieu of a policy of liability insurance, operator agrees to indemnify and keep and save free and harmless and defend the City, its officers and employees from and against any and all loss, claims, or demands of any kind or nature whatsoever for death, injury, or loss to persons or damage to property, including property or facilities owned by the City, its officers or employees, or any of them, which any person may sustain or incur or which may be imposed upon them, or any of them, arising out of, or in any manner incident to operator's operations authorized by, pursuant to, or in furtherance of any of the activities covered by the permit.

2. Certified financial statements showing the financial condition of the operator as of a date of more than one year prior to operator's application for the permit, which statement has been certified by a certified public accountant by operator's proper officials to be true and correct and which reflects a net worth of the operator in excess of five times the amount of limits of liability as established herein. The statement must be approved by the city as to sufficiency and by the city attorney as to form.

(Ord. 90-08-1074 § 4 (part))

16.12.250 Indemnification.

The operator shall indemnify, defend and hold the city, and their elected officials, officers, agents, and employees free and harmless from all actions, suits, claims, demands, liability, costs, and expense, including prosecution claimed or established against them, or any of them, for damage or injuries to persons or property of whatsoever nature, arising out of or in connection therewith:

A. The acts or omissions of operator, its servants, agents, or employees, or to which operator's negligence shall in any way contribute;

B. Arising out of the operator's failure to comply with the provisions of any federal, state, or local statute, ordinance, or regulation applicable to the operator in its business hereunder.

(Ord. 90-08-1074 § 4 (part))

Chapter 16.16
DRILLING STANDARDS

Sections:

16.16.010 Drilling prohibited.

No person, firm, or corporation shall drill any new well or wells with the surface location in any residential zoning district within the city. The provisions of this section shall not apply to establish drill sites with a conditional use permit approved by the city council prior to the effective date of the ordinance codified in this chapter, to redrilling, and to future well consolidation projects which may be approved subject to a conditional use permit approved by the city council.

(Ord. 90-08-1074 § 4 (part))

16.16.020 Drilling permitted in specific zones.

A. A well(s) may be drilled in any zoning district, with the exception of a residential zoning district, subject to approval of a conditional use permit pursuant to Section 20.08.060 and Chapter 20.64 of this code and compliance with all requirements contained in this title.

B. Redrilling shall be permitted in any zoning district subject to written approval from the director verifying compliance with all requirements contained in this title and the following conditions:

1. Written verification from the operator that the well is bottomed within the boundaries of the leased properties or outer boundary;

2. Approval from D.O.G. that the well is in compliance with all state requirements;

3. Neighborhood noticing requirements have been completed in accordance with Section 16.20.210.

(Ord. 99-08-1261 § 1; Ord. 90-08-1074 § 4 (part))

16.16.030 Setbacks and minimum drill site dimensions.

A. No new drill site shall have a dimension less than two hundred feet in any direction unless the minimum dimension is reduced by the director. Upon a written request from the operator, the oil services coordinator may reduce the minimum dimension to not less than the height of the proposed drilling derrick, and may impose additional conditions he may deem necessary to protect the public health, safety, and general welfare, upon finding that both of the following conditions are met:

1. That the reduced minimum dimension will not be materially detrimental to the public welfare or injurious to adjacent property.

2. Because of special circumstances applicable to the property, including size, shape, topography, location, or surrounding buildings, the strict application of the two hundred foot dimension would deprive such property of privilege enjoyed by other property in the vicinity.

B. No well shall be drilled where the center of the well bore, at ground surface, will be less than the following prescribed distances:

1. Fifty feet to any adjacent interior property line not part of an oil and gas surface leasehold;

2. One hundred feet from a non-oil-related building for human occupancy;

3. One hundred feet from existing tanks, tank farms, or tank batteries used for storage of flammable materials;

4. Seventy-five feet from any public right-of-way shown on the city's official plan lines map, general plan, or any specific plan;

5. Three hundred feet from any place of public assemblage, institution, hospital, or school;

6. Two hundred feet from any public park.

C. The oil services coordinator may suspend any provision contained in subsections (A) or (B) of this section for a redrill in whole or part, if the oil services coordinator deems such provisions or requirements unnecessary; provided; that in such event the oil services coordinator may impose additional conditions on a redrill as he deems necessary to protect the public health, safety, and general welfare. Such conditions may include, but shall not be limited to, the following:

1. Installation of special guy wire supports during the redrilling operation;

2. Installation of acoustical blankets or panels around drilling equipment.

D. No structures shall be constructed closer than fifty feet to the center of a well other than buildings necessary for oil production, except that the distance of separation between a building and a well may be reduced to thirty-five feet if all walls of the building are of two-hour fire resistive construction and have no openings.

E. With the exception of engines used in the drilling or servicing of wells no internal combustion engine, storage, tank or boiler, fired heater, open flame device, or other source of ignition, except welding supervised by the operator, shall be located within twenty-five feet of any well.

(Ord. 90-08-1074 § 4 (part))

16.16.040 Drill site grading, drainage, and surfacing.

Unless otherwise indicated on an approved grading plan, all drill site grading, drainage, and surfacing shall conform to the following:

A. Access roads and other excavations related to the drill site shall be designed, planned, and maintained so as to minimize erosion, provide stability or fill, minimize disfigurement of the landscape, and maintain natural drainage.

B. No slope of cut or fill shall have a gradient steeper than a one foot rise in a two foot horizontal measurement.

C. There shall be erosion control of all slopes, and on banks which are creased by any drill site construction, so that no mud or other substances are washed onto public streets or surrounding property. This control may consist of effective planting and irrigation, check dams, cribbing, riprap, sand bagging, netting, berms, or other devices or methods to control erosion previously approved for the oil operation site by the oil services coordinator pursuant to a landscape and irrigation plan submitted and approved pursuant to this title and Chapter 20.52 of this code.

D. Drainage facilities, including but not limited to concrete catchbasins, swales, interceptor drains, or clarifiers shall be designed and installed as necessary to contain all mud or other substances on the drill site.

E. Prior to any drilling equipment, sub-bases, derricks, or pertinent equipment being placed on any drill site, all private roads used for access to the drill site and the drill site itself shall be temporarily surfaced and maintained with crushed rock, gravel, or decomposed granite or other materials approved by the city to control dust, mud, erosion, and drainage.

(Ord. 90-08-1074 § 4 (part))

16.16.050 Off-street parking.

Prior to commencement of drilling or redrilling operations, an off-street parking area containing not less than five parking spaces shall be provided on the drill site or leasehold, subject to review and approval of the director for each well being drilled and shall be surfaced and maintained consistent with provisions contained in Section 16.16.040 of this chapter.

(Ord. 90-08-1074 § 4 (part))

16.16.060 Sanitary facilities.

Prior to commencement of drilling or redrilling operations, sanitary facilities shall be installed at any drill site where personnel will be permanently stationed. Portable sanitary facilities shall be provided wherever crews are temporarily employed in accordance with standards of the Los Angeles County Health Department.

(Ord. 90-08-1074 § 4 (part))

16.16.070 Derricks.

A. All derricks and masts used for drilling, redrilling, rework operations, or production operations shall be constructed, maintained and operated consistent with California Division of Industrial Safety and OSHA Standards, and shall be at least equivalent to the standards and specifications of American Petroleum Institute (A.P.I.) as they presently exist or may be amended hereafter. Deviations from A.P.I. standards may be made upon approval by the city engineer of alternate plans.

B. All derricks or masts, standard or portable, which are used in either drilling, redrilling, rework operations, or for use in production or servicing operations, within two hundred feet of a public right-of-way, building or residence, shall have derrick crown(s) shrouded to prevent oil and water spraying into the air.

C. All derricks and masts hereafter erected for drilling, redrilling or rework operations, shall be removed within thirty days after completion of the work unless otherwise ordered by the Director of D.O.G.

(Ord. 90-08-1074 § 4 (part))

16.16.080 Signs.

A. A legible, permanent sign shall be prominently displayed and maintained at all entrances to the drill site or leasehold. Such signs shall be maintained until drilling equipment is removed or drilling operations are completed. Each sign shall contain the following information:

1. The name of the drilling contractor;

2. The name of the owner or operator;

3. The name of the lease and name and number of the well;

4. A current telephone number of persons on twenty-four hour call for emergencies.

B. A readily visible sign of durable material designating the well name and number shall also be posted on or near each and every well within the drill site or leasehold pursuant to provisions contained in Section 16.20.060 of this title.

(Ord. 90-08-1074 § 4 (part))

16.16.090 Blow-out prevention.

A. Upon cementing of the surface string of casing and prior to drilling out the shoe of said string, blow-out prevention equipment shall be provided, tested, and approved by D.O.G. In accordance with most recent D.O.G. requirements. Such equipment shall be capable of being operated from the driller's station and from another remote station. Redrill and rework operations shall be equipped with blow-out prevention equipment at the onset of operations in accordance with the most recent requirements of D.O.G.

B. Blow-out prevention equipment shall be maintained in good condition and shall be required to be tested at intervals as requested by D.O.G.

(Ord. 90-08-1074 § 4 (part))

16.16.100 Cellars.

The following requirement shall apply to cellars:

A. Every cellar shall be constructed in accordance with Title 15 of this code or with the most current American Petroleum Institute (A.P.I.) and California Division of Industrial Safety Standards, whichever are more restrictive.

B. Cellars shall be kept free of all oil, water, or debris at all times. During drilling and redrilling, the cellar shall be kept free of excess fluids by a pump which either discharges into a waste tank, mud pit, vacuum truck, or other approved disposal system.

C. Multiwell cellars exceeding three feet in depth and twenty-five feet in length shall have two means of entrance and exit and an additional exit for every fifty feet in length thereafter. At least one means of entrance or exit for all multiwell cellars of twenty-five feet in length shall be a stairway constructed to California Division of Industrial Safety standards.

D. Single cellars shall be covered with open grating and have no openings larger than three inches at any point. Covers shall be capable of supporting vehicle weight or be guardrailed to prevent vehicle access.

E. Openings for ladders through grating shall be designed to allow exit from underside without obstruction, and shall be kept free of storage of any type. Said opening shall not be less than twenty-four inches on any side.

F. All bolts for blow-out prevention flanges and kill valves at casing head shall be kept free of fluids to allow for routine inspection at any time.

(Ord. 90-08-1074 § 4 (part))

16.16.110 Soundproofing.

A. If drilling or redrilling operations are located within six hundred feet of an occupied building, noise sources associated with the operation shall be enclosed with soundproofing sufficient to ensure that expected noise levels do not exceed the noise limits contained in Chapter 9.16 of this code. Such soundproofing shall be installed prior to commencement of operations and may include but shall not be limited to the following:

1. Blanket covering for the first twelve feet above the working platform;

2. Blanket covering of all housing, including but not limited to, engines, pumps, and generators;

3. Additional blanket covering, including the top of rig, crown block, or at ground level when deemed necessary by the inspector.

B. Variations in soundproofing may be approved by the inspector if the permittee can demonstrate that the applicable noise

standard can be met.

C. Nothing shall preclude the inspector from requiring soundproofing where a drilling, redrilling, or rework operation is more than six hundred feet from an occupied building to avoid injury to the use and enjoyment of surrounding or adjacent property or in cases where a noise complaint has verified noise levels in excess of the noise limits contained in Chapter 9.16 of this code.

(Ord. 90-08-1074 § 4 (part))

16.16.120 Sound materials and construction.

All acoustical blankets or panels used for required soundproofing shall be of fire-proof materials, shall comply with the fire and building codes of the city and California Industrial Safety Standards, whichever are more restrictive and shall be maintained in good repair.

(Ord. 90-08-1074 § 4 (part))

16.16.130 Noise control--General.

A. All drilling or redrilling operations shall conform to Chapter 9.16 of this code.

B. If residents in the vicinity of such operations complain to the inspector or if noise levels exceed the ambient noise levels permitted in Chapter 9.16 of this code, a notice shall be issued to the operator by the inspector.

C. Upon receipt of notice, the operator shall submit for the approval of the inspector the procedures the operator will undertake to correct the violation. Corrective measures must be initiated within forty-eight hours of operator's receipt of the notice. The inspector may require a follow-up noise field test by an acoustical engineer to ensure compliance, in which case the operator shall pay the actual costs to the city for such test.

1. Failure to comply shall be reason for the inspector to limit drilling or redrilling to daylight hours (seven a.m. to seven p.m.).

2. Nothing shall preclude the inspector from pursuing other administrative or legal remedies to obtain compliance.

D. Internal combustion engines shall only be used during drilling in those applications for which electrical motors are not appropriate and power generation for these motors require diesel or gasoline generators or engines. The inspector shall approve, at the time of issuance of the drilling or redrilling permit, these operations appropriate, in his discretion, for internal combustion engines for the period of drilling or redrilling only.

E. Exhaust muffler shall be installed and maintained in good repair on all approved gasoline or diesel engines to prevent excessive or unusual noise. Means shall also be provided on all engines to prevent the escape of flames, sparks, ignited carbon, and soot.

F. Pipe tripping and truck deliveries are prohibited except Monday through Friday, inclusive, from seven a.m. to seven p.m., and Saturday from nine a.m. to seven p.m. (See Section 16.20.100 of this title for well servicing or rework).

G. The inspector may issue a memorandum to the city manager and police chief authorizing work to be performed at times not otherwise permitted in this section only when a written request has been submitted by the operator and findings are made by the inspector that the activity is necessary to preserve the state of the oil well or to preserve life or property and that the activity will not produce noise which will interfere with the peaceful enjoyment of persons occupying surrounding properties. Findings shall be based on the type of operation proposed including the type of equipment, the type and distance of operation from surrounding uses and the proposed hours of operations.

(Ord. 90-08-1074 § 4 (part))

16.16.140 Drill site fencing and walls.

A. Within sixty days of completion of the first well, unless action has been initiated by the operator to abandon the well(s) according to requirements established in this title, all drill sites shall be enclosed with a chain link fence with slates or solid masonry wall eight feet high on all sides, except those sides on which exists a natural or artificial barrier of equal or greater solidity and height. Gates shall be installed and equipped with keyed locks, kept locked at all times when unattended.

B. Fencing for redrill and rework sites shall comply with all provisions contained in Section 16.20.120.

(Ord. 90-08-1074 § 4 (part))

16.16.150 Off-site public improvements.

Within sixty days of completion of drilling for the first drill well on any site, all off-site public works improvements required by the public works department shall be completed. The provisions of this section shall not apply to redrill and rework sites.

(Ord. 90-08-1074 § 4 (part))

16.16.160 Landscaping.

A. Within sixty days of completion of drilling for the first drill well on any site, a border of landscaping shall be installed along the periphery of the drill site to provide adequate screening for all facilities on the site, unless action has been initiated by the operator to abandon the well(s) according to requirements contained in Chapter 16.24 of this title.

B. Landscaping shall be installed and maintained in compliance with a landscape plan submitted and approved pursuant to this title and provisions of Chapter 20.52 of this code.

C. The provisions of this section shall not apply to redrill and rework sites, which shall comply with provisions contained in Section 16.20.130.

(Ord. 90-08-1074 § 4 (part))

16.16.170 Waste and refuse removal and control.

A. Rotary mud, drill cuttings, chemicals, oil or liquid hydrocarbons, and all other oil field wastes derived or resulting from, or connected with the drilling, redrilling or rework of any well shall be discharged into an above ground steel tank, constructed per the American Petroleum Institute (A.P.I.) standards, and removed from the drill site of leasehold within thirty days from completion of drilling, redrilling or rework.

B. Open earth pits for waste disposal are prohibited.

C. Cement slurry or dry cement shall not be disposed of on the surface.

(Ord. 90-08-1074 § 4 (part))

16.16.180 Special conditions--All petroleum operations.

In addition to any requirements of this chapter, the operator must comply with all requirements contained in Chapter 16.20.

(Ord. 90-08-1074 § 4 (part))

16.16.190 Well completion or abandonment.

Well testing for either production or injection shall be made within thirty days following drilling completion. A copy of production reports supplied to D.O.G. shall be sent to the inspector. A determination of the owner or operator shall be made in writing regarding the immediate future of the well, along with the schedule for construction of all requirements to fulfill the conditional use permit. Abandonment procedures shall proceed in compliance with Chapter 16.24 of this title. In the event the drill site is located in a hillside area, all ground stripped of vegetation shall be seeded with grasses or other ground cover to prevent erosion, as approved by the inspector.

(Ord. 90-08-1074 § 4 (part))

Chapter 16.20
OPERATING AND SAFETY STANDARDS

Sections:

16.20.010 Grading, drainage, and surfacing.

A. Access roads and other excavations related to all oil operation sites shall be designed, planned, maintained and repairs when necessary so as to minimize erosion, provide stability of fill, minimize disfigurement of the landscape, and maintain natural drainage.

B. Drainage facilities, including but not limited to concrete catchbasins, swales, or interceptor drains shall be designed and installed where necessary to carry waters from any oil operation site to the nearest practical drainage-way approved by the city and/or other responsible jurisdiction.

C. There shall be erosion control on all oil operation sites so that no water; muds, or other substances are washed onto public streets or surrounding property. Control techniques shall be those as prescribed in Section 16.16.040 of this title.

D. Where required by the inspector, private roads used for access to operation site shall be temporarily or permanently surfaced and maintained with materials approved by the city to control dust, mud, erosion, and drainage.

(Ord. 90-08-1074 § 4 (part))

16.20.020 Wellhead safety equipment.

On all wells there shall be connected to the casing string a two-inch steel valve with a rated working pressure equal to that of the corresponding casing head for the purpose of bleeding off casing pressure or for hookup to kill the well in case of an emergency. No brass valves are permitted.

(Ord. 90-08-1074 § 4 (part))

16.20.030 Pumping units.

A. All pumping units installed after the effective date of the ordinance codified in this title shall not exceed a height of thirty-six feet at the top of the stroke from ground level.

B. All units whether mechanical weighted, air-balanced, or hydraulic shall be maintained in such a manner as to be free of unusually annoying squeaks or grinding noises. Said unit shall be maintained in a clean, painted condition.

C. Unit guards shall not be bent, removed, or absent from their required position while equipment is in motion.

D. Unit grease and access ladders to the saddle area shall have a safety loop at the top and shall be tightly secured to the unit.

E. It shall be unlawful to decorate any pumping unit or other moving part of any equipment enclosed or required to be enclosed on an oil well site with any display or representation which may constitute a nuisance or attraction to children.

F. All pumping units shall be secured to prevent movement.

G. All surface areas around pumping units shall be kept free of spilled oil, grease, or other materials spilled during the operation of the oil well.

(Ord. 90-08-1074 § 4 (part))

16.20.040 Well servicing standards.

A. All derricks and masts shall be constructed, maintained, and operated pursuant to provisions contained in Section 16.16.070 of this title with the exception that well servicing equipment, including pulling masts and gin poles, shall be removed from the oil operation site within seven days after completion of a servicing operation.

B. Within one hundred twenty days of the effective date of the ordinance codified in this title, no well servicing derrick or mast shall be used on any oil well that is within one hundred feet of a structure used for human occupancy or a public right-of-way unless there is available a steel mat pulling pad, sufficient to prevent tipping under pressure. Subject wells shall be posted with a sign describing this requirement. Following two warning notices from the inspector for failure to use a steel mat, the well shall be provided with a permanent concrete pulling pad.

C. Within one hundred twenty days of the effective date of the ordinance codified in this title, all masts or derricks within one hundred feet of any structure used for human occupancy shall have secured tie downs concreted into the ground for wind guys and guy lines prior to pulling pipe, rods, or tubing. Screw-in tie downs may be used to secure rope lifelines from the tubing board to a point safely away from the well bore. All tie downs shall conform to A.P.I. standards or to an alternate plan approved by the city engineer.

D. Masts or derricks shall be equipped with soft lay cables sufficient in strength to secure mast as wind guys or guy wires for protection against collapse.

E. The use of any single or two-legged gin pole or combination thereof that is not free-standing with hook load is prohibited with the exception of abandonment cases where equipment pipeload is carried on hydraulic jacks and a mast is used to handle joints of pipe or casing.

F. Internal combustion engines shall only be used during servicing operations in those applications for which electrical motors are not appropriate and power generation for these motors require diesel or gasoline generators. The inspector shall approve those applications appropriate, in his discretion, for internal combustion engines for the period of well servicing only and shall determine by field inspection when mufflers or other sound attenuation devices shall be installed. Internal combustion engines (even if muffled) shall be prohibited on all new pumping units installed after the effective date of the ordinance codified in this title. All pumping units shall comply with noise standards of Chapter 9.16 of this code.

G. All vehicles used at well sites for well servicing shall carry fire extinguishers required and approved by the Long Beach fire department.

H. Except in case of emergency well work, well servicing and truck deliveries are prohibited except Monday through Friday, inclusive, from seven a.m. to seven p.m. and except for industrial areas and drill sites as shown on the well servicing map on file in city hall, where oil well servicing shall be permitted on Saturdays and Sundays from nine a.m. to seven p.m.

(Ord. 90-08-1074 § 4 (part))

16.20.050 Emergency work.

A. The provision of this chapter shall not prevent emergency well work at any time. Emergency well work shall mean immediate action to preserve life, property, or the environment, necessitated by any sudden or unforeseen situation and may include well blow out, loss of circulation, rig safety, or other situations deemed to be an emergency by D.O.G. or the city. In the event that any person believes an emergency exists, he or she may take immediate corrective action and simultaneously shall notify the inspector of such emergency and corrective action. If the inspector determines that no emergency exists or that the corrective action is inappropriate, the inspector shall so notify the person taking action and such person shall comply with the determination and any order of the inspector.

B. The city may authorize emergency work at times not otherwise permitted, when determined that an emergency exists. The inspector shall consider and make findings concerning: (1) the nature of surrounding property, (2) type of emergency work, (3) time of emergency work, (4) existence of buildings, structures, natural features and topography which will buffer the impacts of the work on surrounding properties, (5) any other matters affecting the impact of the emergency work noise on surrounding properties. The inspector may impose any conditions upon the operator which the inspector deems reasonable resulting from the emergency work.

C. The inspector shall prepare a permit reciting each of the findings specified above and the factual basis therefor, copies of which shall be delivered to the city manager, police chief, operator and the D.O.G.

D. In connection with authorizing emergency work, the inspector may impose upon the operator any conditions the inspector deems reasonable and necessary to mitigate adverse impacts on nearby properties or to protect public health, safety, and welfare. The inspector's permit for emergency work shall list all such conditions imposed.

E. The permit shall be revocable by the city manager or inspector if determination is made that no emergency exists or for failure to comply with any conditions imposed on the operator as part of the permit process. The permit may be reissued as may be required by the circumstances giving rise to the emergency, so long as the provisions of this section are satisfied.

(Ord. 90-08-1074 § 4 (part))

16.20.060 Signs and identification.

A. A sign shall be prominently displayed and maintained near or on the pumping unit of each well, whether producing or not, and on each tank farm battery; in conformance with Section 16.16.080 of this title, except that the name of the drilling contractor may be omitted.

B. In the event a leasehold or oil operation site is fenced or walled, or there are more than two wells on one leasehold, it shall be sufficient if the entrances to the leasehold are posted with a legible, permanent sign prominently displayed bearing the name of the operator, together with the name of designation of the lease, the telephone numbers of one person on twenty-four-hour call for emergencies, together with any openly visible sign on each well designating the particular number thereof.

C. In addition to conformance with the Federal Hazardous Substance Labeling Act, the California Hazardous Substance Labeling Act, and the applicable federal, state, and local codes, each storage tank shall have clearly painted on the side of the tank facing the nearest public right-of-way in legible lettering the contents of the tank or its use.

(Ord. 90-08-1074 § 4 (part))

16.20.070 Lighting.

All lighting shall be directed or shielded so as to confine direct rays on the drill or operations site and shall be designed to assist in the

discovery and prevention of spills. Colored, flashing, fluttering, or blinking lights shall not be used, with the exception of height warning lights as may be required by the Federal Aviation Administration.

(Ord. 90-08-1074 § 4 (part))

16.20.080 Cellars and sumps.

A. All cellars shall comply with provisions contained in Section 16.16.100 of this title.

B. The inspector, when deemed necessary, may require the installation of a float or diaphragm "safety kill" switch.

C. Sumps for the collection of rain water, wastewater or oil shall be fully lined with impervious materials and shall be evacuated and cleaned after any spill. Unlined evaporation sumps are prohibited. Sumps shall be designed, constructed, and maintained so as to not be a hazard to people, livestock, or wildlife including bird life.

(Ord. 90-08-1074 § 4 (part))

16.20.090 Electrical protection.

A. All on-site generated electrical services may use insulated wiring for distribution providing such cables are either buried or run in protective gutters to prevent impact in areas where cables cross beams. Where vibration is present, there shall be securing devices or insulating devices to prevent wear to the exterior of the cable.

B. All cables and other electrical installations used, maintained, or installed shall conform to Title 15 of this code, California Industrial Safety Code, or A.P.I. regulations, whichever standards are more restrictive.

(Ord. 90-08-1074 § 4 (part))

16.20.100 Noise control--General.

A. All operations shall conform to Chapter 9.16 of this code. If noise levels exceed the ambient noise levels permitted in Chapter 9.16, the inspector shall issue a notice to the operator.

B. Upon receipt of notice, the operator shall submit for the approval of the inspector the procedures to correct the violation. Corrective measures shall be taken within forty-eight hours of notice. The inspector may require a follow-up noise field test by an acoustical engineer to ensure compliance, in which case the operator shall pay the actual costs to the city for such test.

1. Failure to comply shall be reason for the inspector to suspend or revoke any operational permit issued pursuant to Chapter 16.12 of this title.

2. Nothing shall preclude the inspector from pursuing other administrative or legal remedies to obtain compliance.

C. Except in case of emergency well work, well servicing, reworking and truck deliveries are prohibited except Monday through Friday, inclusive from seven a.m. to seven p.m. and except for industrial areas and drill sites as shown on the oil well servicing map on file in city hall, where work shall be permitted on Saturday and Sundays from nine a.m. to seven p.m.

D. The operator shall post a two foot by three foot sign on all oil servicing, redrilling or reworking operations within twenty-four hours of commencing servicing or rework operations. The sign shall contain the following information:

1. Operator company name;

2. A twenty-four hour telephone number of the operator who is familiar with the well work and who can be contacted with questions;

3. A statement that the Signal Hill Municipal Code allows well work from the hours of seven a.m. to seven p.m. per Section 9.16.070;

4. A statement that "Well servicing is being performed at this site."

E. For the purposes of developing a data base, as part of the annual inspection process, the oil services coordinator shall record

noise measurements for all operating wells located within three hundred feet of residential dwellings. A five minute noise measurement shall be taken along the longitudinal axis of the oil well pumping unit approximately twenty feet away from the motor.

(Ord. 93-04-1153 § 9; Ord. 90-08-1074 § 4 (part))

16.20.110 Vibration.

Vibration from equipment shall be kept to a minimum level, and in such cases as it is required, vibration dampening equipment of the best available technology shall be installed as required by the inspector so as to reduce vibration to a minimum.

(Ord. 90-08-1074 § 4 (part))

16.20.120 Production facilities fencing and walls.

A. All wells and tanks, will be enclosed by a fence or wall constructed in accordance with D.O.G. regulations as set forth in Title 14, Section 1778 of the California Code of Regulations.

B. All fencing and wall enclosures shall be equipped with at least one gated area, placed at non-hazardous locations, and provided with a combination catch and locking attachment device for a padlock which shall be kept locked at all times when unattended by a watchman or serviceman.

C. The colors of all walls, fencing, slats, or other comparable materials shall be compatible with surrounding uses, and maintained in a neat, orderly, secure condition. Repairs, repainting and or replanting shall be made from time to time as ordered by the inspector to maintain a high quality standard for the fencing and related improvements, and a neat and orderly appearance of the oil field.

(Ord. 90-08-1074 § 4 (part))

16.20.130 Landscaping--General.

A. Within six months of the effective date of the ordinance codified in this title, operators of well sites, production related tanks and oil operation sites shall submit for approval by the planning director a complete landscape plan including the following:

1. A site plan of the oil operation site as defined by the outer boundary lines including adjacent public streets, well and tank sites, and the following:

a. The precise location of the outer boundary property lines land adjacent public improvements sufficient in detail to assure that any proposed perimeter landscaping will not encroach into the public rights-of-way;

b. Proposed landscaped areas including dimensions;

c. An irrigation plan providing for automatic irrigation or a written plan for manual watering;

d. Proposed trees, shrubs, and ground covers including size, quantity, and spacing;

e. Instructions for the preparation of soils, quantities of soils amendments, staking of trees, etc.;

f. Other pertinent information as may be deemed necessary by the planning director.

B. Review procedure. The site plan as set forth in subsection (A) of this section shall be reviewed and approved, conditionally approved or denied by the planning director based on findings of consistency with the purpose and intent of this chapter and consistency with the requirements herein or as the case may be the design guidelines for the Willow/Spring/Cherry Corridors and the Map of Oil Field Perimeters on file in the community development department.

1. If the planning director denies the landscape plan, the operator shall cause the plan to be revised within thirty days and resubmit for review and approval.

2. If the planning director approves the landscape plan, the operator shall do the following:

a. Enter into a landscape plan and maintenance agreement allowing for the city to repair or replace dead or neglected landscaping and recover any costs incurred from the oil operators;

b. Install the landscaping in accordance with the approved landscape plan within three months.

(Ord. 90-08-1074 § 4 (part))

16.20.140 Landscaping--Minimum requirements.

Landscaping shall be designed to screen the perimeter of oil operations sites and create buffers between oil field facilities and urban uses. Landscaping shall implement the Landscape Design Guidelines for the Willow/Spring/Cherry Corridors on file in the community development department and be arranged to improve the visual appearance of oil field activities and to mitigate the impact of oil-related activities on urban development while still allowing normal oil recovery operations. Recognizing variations in oil well locations, pumping units, concrete pads, pipes, and other potential obstructions and the need, in some cases, for unobstructed access to operations, the following minimum landscaping standards shall apply:

A. Four fifteen gallon size trees and six five gallon size shrubs shall be provided for each oil well.

B. Four fifteen gallon size trees and six five gallon size shrubs shall be provided for each tank.

C. Automatic irrigation systems or other provisions for regular watering shall be provided. The use of drought tolerant trees and shrubs is recommended.

D. All landscaping and irrigation shall be properly maintained in accordance with an approved landscaping plan and maintenance agreement.

E. It shall be the responsibility of the inspector to inspect landscaping and order the operator to repair, prune, or replant as necessary to maintain a high quality standard of landscaping appearance. When necessary, the inspector shall enforce the landscape plan and maintenance agreement.

(Ord. 90-08-1074 § 4 (part))

16.20.150 Painting.

A. All pumping units, storage tanks, heaters, exposed pipelines, and buildings or structures located on an oil operation site shall be painted as may be regularly needed, and be maintained reasonably free of rust, oil and stains. Pipelines less than four inches in diameter need not be painted.

B. The inspector shall require periodic painting. In making such determinations, the inspector shall consider the deterioration of the quality of material of which such facility or structure is constructed, the degree of deterioration, and its appearance.

C. Paint color shall be approved by the director and shall be compatible with surrounding uses. Special painting required by D.O.G. for moving parts shall be exempt from the requirement for director approval.

(Ord. 90-08-1074 § 4 (part))

16.20.160 Waste and refuse--Removal and control.

A. No person shall permit or cause to be permitted the discharge of any chemicals, oil, or liquid hydrocarbons and other oil field waste or refuse, including wastewater and brine to be deposited, placed, or discharged in, into, or upon a public right-of-way, storm drain, sanitary drain or sewer, drainage canal or ditch, flood control channel or onto private property including any oil leasehold property. Notwithstanding the foregoing, treated wastewater and brine may be discharged if a permit is obtained for such discharge in accordance with provisions contained in Section 16.12.080 of this title.

After any spill, leak, or malfunction, the responsible operator shall remove or cause to be cleaned and/or removed, to the satisfaction of the inspector, all oil and waste materials from any public or private property affected by such spill, leak, or malfunction.

B. No person shall permit or cause to be permitted any oil, waste oil, water, refuse, or waste materials to be on the surface of the ground, underground, or near any oil well, pump, boiler, storage tank, or building except within an approved location. Upon order of the oil services coordinator, the operator shall cause such materials to be cleaned and/or removed by an approved waste hauler or other approved means.

C. Open earth pits, sumps, skim ponds, or any other area where there is storage of oils or liquid hydrocarbons, brines, or other waste liquids open to the sky are prohibited and shall be removed, evacuated of all foreign or contaminated materials, and filled with compatible clean earth within one hundred eighty days of the effective date of the ordinance codified in this title, except any clarifiers or concrete pits which were constructed with approved permits prior to the adoption of the ordinance codified in this title, provided that all such areas shall be protected by grates or screening pursuant to D.O.G. requirements.

D. Flammable waste gases or vapors shall not be discharged to the atmosphere or burned by open flame except by written approval of D.O.G. and the South Coast Air Quality Management District.

E. Cement slurry or dry cement shall not be disposed of on the surface.

F. All oil operation sites shall at all times be kept free and clear of debris, weeds, brush, trash, or other waste or combustible material.

(Ord. 90-08-1074 § 4 (part))

16.20.170 Pipelines and underground facilities.

A. All pipelines or electrical lines appurtenant to well sites other than those within the containment of tank wells, or within the fencing of the well bore, shall be buried a minimum of twelve inches below the surface of the ground. Where valves are necessary in areas where vehicle movement occurs, such valves shall be encased in valve boxes which are level with the ground and of sufficient strength to support vehicle weight.

B. All aboveground pipelines containing flammable materials located in tank farms and tank batteries shall be of noncombustible, heat-resistant material.

C. Pipelines shall comply with Chapter 16.32 of this title.

(Ord. 90-08-1074 § 4 (part))

16.20.180 Storage tanks.

All tank farms, tank batteries, or storage tanks used for the storage, processing, and separating of crude oil or the storage of wastes, liquids, or other fluids shall conform to Chapter 16.25 of this title.

(Ord. 90-08-1074 § 4 (part))

16.20.190 Storage of equipment and abandoned structures.

A. No drilling, redrilling, reworking, portable equipment, nonoperational tanks, vehicles, barrels, debris, etc., shall be stored within the outer boundary line of the oil operation site which is not essential to the everyday operation of the oil well located thereon. Upon order of the inspector, such storage shall be removed from the oil operation site. This includes the removal of idle equipment unnecessary for the operation of all wells. However, drilling or production equipment may be stored on an oil operation site if such site is enclosed with a solid wall, landscaping or fence, which screens the site from public view within one hundred feet. Limited storage of tubing, rods, drums, and fittings may be authorized by the inspector. Landscaping items which are not in compliance with this section shall be removed within ninety days after notice of the operator.

B. It shall be illegal to park or store any vehicle or item of machinery in any driveway, alley, or upon any oil operating site which constitutes a fire hazard or an obstruction to or interference with fighting or controlling fires.

C. Tanks, vessels, pipes, and other oil field equipment which is no longer in use shall be removed within ninety days following written notice from the inspector.

(Ord. 90-08-1074 § 4 (part))

16.20.200 Annual inspection compliance orders.

A. At least one time per year, the inspector shall inspect every premise subject to any permit under this oil code for compliance with the provisions of this code. In the event any violation is found, the inspector shall provide notice of same to the operator and the operator shall have thirty days from the date of the notice to correct the violation. The inspector may grant reasonable extensions of time for correction of the violation upon a showing of good cause by the operator. The inspector may require immediate corrective action for any violation which poses an immediate danger to the public health, safety, and welfare, or which poses immediate danger if irreversible environmental damage.

B. If an operator fails to comply with an order of the inspector, the inspector may issue a stop order pursuant to Section 16.04.080, or take other action to abate any nuisance condition under Section 16.04.100.

(Ord. 90-08-1074 § 4 (part))

16.20.210 Noticing requirements for oil field operations.

When an operator proposes to reactivate a well which has been inactive for more than one year the operator shall comply with the following noticing procedure:

A. The operator shall notify all neighbors within one hundred feet of a well, or more if determined necessary by the city, at least twenty-four hours prior to commencing the work. The form of notice shall be accomplished by one of the following: mailing a letter to the affected residents explaining the proposed operations; personally delivering the letter; or personally knocking on doors and explaining the proposed operations.

B. The operator shall post a sign on the well in conformance with Section 16.20.100(D) of this chapter.

C. The operator shall notify the city division of oil field services by telephone or letter at least twenty-four hours prior to commencing the work. The notice shall detail the actions taken or to be taken to notify neightbors.

(Ord. 99-08-1261 § 2)

Chapter 16.22
IDLE WELLS

Sections:

16.22.010 Idle well-Determination.

A well shall be deemed to be an idle well if, the well does not produce an average of two barrels of oil per day or one hundred cubic feet of gas per day for a continuous six months period during any consecutive five-year period prior to or after January 1, 1991, except that an active water injection well shall not be classified as an idle well.

(Ord. 2015-05-1475 § 5)

16.22.020 Idle well-Notice.

A. Whenever a well is an idle well, as defined in Section 16.22.010, the Oil Services Coordinator or his designee shall send notice thereof by registered mail to:

1. The surface owner, mineral owner, and lessee of land on which the well is located as shown on the last equalized assessment of the city;

2. The permittee or operator of the well as indicted on either the records of DOGGR or the records of the city.

B. The notice shall include the name and location of the well in question.

C. The Building Department shall maintain a list of idle wells located within the city.

(Ord. 2015-05-1475 § 5)

16.22.030 Idle well-Abandonment.

A. Whenever a well is an idle well and the notice has been given, as described in Section 16.22.020, the permittee, operator, or other responsible party shall cause the well to be abandoned or reabandoned pursuant to Section 16.24.090 within three months; or

1. Repair and reactivate the well as a pumping well or injector well; or

2. Obtain an annual idle well permit.

B. Failure to obtain an annual idle well permit, abandon or repair and reactivate an idle well shall be conclusive evidence of desertion of the well permitting the Oil Services Coordinator, his designee, and DOGGR to cause the well to be abandoned. Said wells shall also be deemed a public nuisance.

(Ord. 2015-05-1475 § 5)

Chapter 16.23
ABANDONMENT OF WELLS

Sections:

16.23.010 Required abandonment.

Permittee operator or other responsible party shall abandon or reabandon a well in accordance with requirements of DOGGR and this chapter when any of the following conditions exist:

A. Upon final and permanent cessation of all operations on any well;

B. Upon the revocation, expiration, or failure to obtain or to maintain in full force and effect permits required under provisions of this title;

C. Upon order of DOGGR;

D. A leaking well exists within the Area of Development after having been tested pursuant to Section 16.24.040. The Area of Development for purposes of this subdivision shall be as defined in Section 16.24.010(A);

E. The well has been determined to be an idle well per Section 16.22.010 and the operator has decided to abandon the well.

(Ord. 2015-05-1475 § 6)

16.23.020 Abandonment permit.

Prior to commencement of abandonment or reabandonment, pursuant to Section 16.23.010, the permittee or other responsible party shall:

A. Provide a copy of the DOGGR approval to abandon said well;

B. Obtain a City issued abandonment permit from the Oil Services Coordinator. No person shall abandon or reabandon a well without first obtaining a City issued abandonment permit pursuant to Section 16.24.060.

(Ord. 2015-05-1475 § 5)

Chapter 16.24
DEVELOPMENT STANDARDS FOR PROPERTIES CONTAINING ABANDONED WELLS

Sections:

16.24.010 Area of development.

A. New development. In the case where a structure or structures is/are proposed on a vacant parcel, or in the case where subdivision of a parcel is proposed, or in the case of a phased development proposed to occur on several parcels in phases, the "Area of Development" is the entire proposed site, including the entire area of each and every parcel involved. For purposes of this chapter, this area shall also be referred to as the "Site," but in no case shall include area outside the property boundaries.

B. Additions to existing development. In the case of an addition to an existing structure, or construction of new structures on a parcel with existing structures, the "Area of Development" is (i) the portion of the Site which is within, or within ten (10) feet of, the area disturbed for grading as shown on a preliminary grading plan; or (ii) the portion of the site lying under or within ten (10) feet of any addition or new structure built as a part of the project where no grading plan is required.

(Ord. 2015-05-1475 § 8)

16.24.020 Prerequisites to site plan and design review.

A. Application requirements. For properties with abandoned wells, the City shall not deem any site plan and design review application complete pursuant to Chapter 20.52 until well discovery, leak testing, a well access exhibit, and the well abandonment report have been approved pursuant to Sections 16.24.030 through 16.24.060.

B. Permit and inspection fees. A fee shall be required for all permits and inspections, pursuant to Sections 16.24.030 through 16.24.060, in an amount established by City Council resolution.

C. Review fees. Associated project review time shall be deducted from the project deposit at the established hourly billing rate.

(Ord. 2015-05-1475 § 8)

16.24.030 Well discovery.

A. Well discovery permit. A well discovery permit, issued by the Oil Services Coordinator, shall be required prior to any site work or excavation. The permit shall establish the procedures for identification of the physical location and excavation of abandoned wells on the site.

B. Notice. Prior to issuance of a well discovery permit, the City shall prepare a notice to be mailed to all property owners and

residents within a one-hundred foot radius of the boundary of the subject property as shown on the last equalized assessment roll.

C. Survey of wells. The owner or other responsible party shall submit a licensed survey of all wells within the area of development. The survey shall locate all active, idle and abandoned wells to ascertain their locations and document the depth of the well surface plate from the existing grade, or in the case of pending new development, the proposed depth. The well(s) shall be plotted on the site plan and include the NAD 83 well location or equivalent.

D. A.L.T.A. and development survey. The owner or other responsible party shall have an American Land Title Association (A.L.T.A.) survey of the area of development prepared including all man-made features (culture).

(Ord. 2015-05-1475 § 8)

16.24.040 Leak testing.

A. Leak testing permit. A leak testing permit shall be issued by the Oil Services Coordinator for all abandoned wells located within the area of development. Wells shall be tested for gas leakage and visually inspected for oil leakage.

B. Leak testing of wells. A leak test shall be completed utilizing a "GT-43" gas detection meter, or one of comparable quality approved in advance by the Oil Services Coordinator, and shall be conducted by a state licensed geotechnical or civil engineer or state registered environmental assessor, class II, or other as determined necessary by the Oil Services Coordinator. Following all testing and inspection, the test area shall be returned to its previous state and fencing may be required around the area, or the entire site, to the satisfaction of the Oil Services Coordinator.

C. Observation report. The Oil Services Coordinator shall observe the leak test and prepare a leak test observation report documenting the date, time and summary of the testing and confirmation that venting material installation has been completed as described in subsection G below and to the satisfaction of the Oil Services Coordinator.

D. Leak testing report. A leak test report shall be prepared by a state licensed geotechnical or civil engineer or state registered environmental assessor, class II, and shall be submitted to the city for review and approval by the Oil Services Coordinator. A well shall be considered leaking if the leak test report indicates the meter read is greater than 500 parts per million.

E. Leaking wells. If wells are found to be leaking they shall be abandoned pursuant to Sections 16.23.010 and 16.23.020.

F. Retesting. An approved leak test report is only valid for 24 months from city acceptance. If a building permit has not been issued by this time, retesting is required. Following all testing and inspection, the test area shall be returned to its previous state and fencing may be required around the area or the entire site to the satisfaction of the Oil Services Coordinator.

G. Venting. Following leak testing, vent risers and vent cones shall be installed. Cone and riser materials, design and installation shall be observed and inspected and approved by the Oil Services Coordinator and shall be in compliance with the recommendations contained in the leak test report.

(Ord. 2015-05-1475 § 8)

16.24.050 Well access exhibit.

A. Proximity standard. The well access exhibit shall be prepared by the applicant and submitted to the Oil Services Coordinator. The exhibit shall illustrate whether or not access is provided to abandoned wells using the city's "close proximity standard" which depicts the DOGGR access recommendation. The close proximity standard is on file in the Community Development Department and publicly available. The Oil Services Coordinator may approve alternative measures that maintain access to wells.

B. Exhibit contents. The well access exhibit shall include all active, idle and abandoned wells, the proposed site plan, well discovery survey data pursuant to Section 16.24.030 and the location and use of all structures within 100 feet of the boundaries of the subject property. Each abandoned well shall be marked on the exhibit as one of the following:

1. "Access provided" for wells meeting the close proximity standard, or not proposed to be built over.

2. "No access & methane mitigation required" for wells with improvements proposed over, or in close proximity to the well.

(Ord. 2015-05-1475 § 8)

16.24.060 Well abandonment report.

A. Wells with no access. A well abandonment report shall be required for all abandoned wells marked as "no access & methane mitigation required" on the well access exhibit and shall be submitted to the Oil Services Coordinator for review.

B. City abandonment permit. All abandonments and reabandonments, including wells not requiring a well abandonment report, shall require a city abandonment and restoration permit issued by the Oil Services Coordinator pursuant to Section 16.24.090.

C. Report contents. The well abandonment report shall include the following:

1. A statement of intent describing the purpose for the abandonment such as pending property sale, development, or redevelopment of all or a portion of the site for a use other than a petroleum operation and a proposed schedule for abandonment, demolition and development or restoration of the property. The statement shall include intent regarding the disposition of utilities that served the oil and gas operations, including fire protection, power, sewage disposal, transportation, and water, as well as the name, address, and contact information for the permittee, and the address and a general description of the current land use of the subject property.

2. All data, reports and exhibits associated with the survey, leak test and well access pursuant to Sections 16.24.030, 16.24.040 and 16.24.050.

3. An equivalency standard assessment report prepared by the applicant's registered petroleum engineer, registered petroleum geologist, or a professional with the equivalent of these registrations as determined by the Oil Services Coordinator and submitted for review by the city's Petroleum Engineer. The report shall include an assessment which is based on the DOGGR well bore data and well history including all correspondence with DOGGR regarding all abandonment proceedings. The assessment shall state whether each well meets, or does not meet, the City's equivalency standard pursuant to Section 16.24.070.

a. If a well is determined not to meet the city's equivalency standard, a reabandonment plan shall be submitted to the Oil Services Coordinator and shall include a copy of the DOGGR well bore data, well history and an assessment statement that following reabandonment, the abandoned well is likely to meet the city's equivalency standard pursuant to Section 16.24.070.

b. If the well is determined to meet the city's equivalency standard the applicant shall submit the DOGGR documentation used to make the determination, including a copy of the DOGGR well bore data, well history and DOGGR confirmation of completion of the abandonment work.

4. An abandonment activities plan that details the estimated hours of operation, number of workers, structures proposed for decommissioning, projected method and routes of transporting equipment, structures, and estimated debris from the property to the place of disposition as well as the number of trips required, and an estimated schedule for completion of the work.

5. A waste management plan that details methods to maximize recycling and minimize wastes.

6. An ongoing development plan that details any existing structures, roadways, and other improvements on the property proposed to be retained to support other existing or proposed uses of the property following abandonment of the oil or gas operations.

7. A restoration plan pursuant to Section 16.24.090 that details grading, drainage and measures proposed to prevent or reduce nuisance effects (e.g., dust, fumes, glare, noise, odor, smoke, traffic congestion, vibration) and to prevent danger to life and property, including a list of any other permits, as may be required for restoration pursuant to Title 15 of the city code.

8. Any other information deemed reasonably necessary by the Oil Services Coordinator to address site-specific factors.

D. City assessment letter. The city's Petroleum Engineer shall review the equivalency standard assessment report and provide an assessment letter and a recommendation to the Oil Services Coordinator confirming whether the wells meet, do not meet, or if a reabandonment plan is required, are likely to meet the city's equivalency standard pursuant to Section 16.24.070.

E. City summary report. Following receipt of the assessment letter from the city's Petroleum Engineer, the Oil Services Coordinator shall prepare a summary report for the well assessments and, for each well marked "no access & methane mitigation required" on the well access exhibit, providing one of the following determinations:

1. For wells that meet the city's equivalency standard, a finding that "no additional work is required" shall be made and a determination that the project may proceed with site plan and design review pursuant to Chapter 20.52.

2. For wells that do not meet the city's equivalency standard, but are confirmed as likely to meet the standard, the Oil Services Coordinator shall make a finding that reabandonment shall proceed and shall issue a permit for proposed well abandonments pursuant to Section 16.24.090. Following completion of reabandonments the property owner or responsible party shall submit well bore data and well history, including all correspondence with DOGGR regarding abandonment proceedings and any field changes with an assessment

from the applicant's registered petroleum engineer, registered petroleum geologist, or a professional with the equivalent of these registrations as determined by the Oil Services Coordinator that the abandonment meets the city's equivalency standard. The Oil Services Coordinator shall make a finding that the abandonment meets the city's equivalency standard and that "no additional work is required" and the project may proceed with site plan and design review pursuant to Chapter 20.52.

3. If the applicant does not wish to complete the abandonments for wells qualified as described in subparagraph 2 above, the Oil Services Coordinator shall make a finding that an "at risk" letter is required. The letter from the applicant shall acknowledge that the success or failure to complete well abandonments in compliance with the city's equivalency standard will determine whether wells may be built over or in close proximity to. Further, the letter shall state that it is understood that failure to abandon wells to the city's equivalency standard will prohibit development over or in close proximity to the wells resulting in revisions to the site plan and potentially additional site plan and design review pursuant to Chapter 20.52. Following receipt of the "at risk" letter, the Oil Services Coordinator shall make a finding that "reabandonment work is required and an 'at risk' letter has been provided" and the project may proceed with site plan and design review pursuant to Chapter 20.52.

4. City abandonment and restoration permit. All abandonments and reabandonments shall require a city abandonment and restoration permit issued by the Oil Services Coordinator pursuant to Section 16.24.090.

a. Field modifications. It is the obligation of the property owner or responsible party to notify the Oil Services Coordinator prior to any changes made in the field to the abandonment plan. The applicant's registered petroleum engineer, registered petroleum geologist, or a professional with the equivalent of these registrations as determined by the Oil Services Coordinator shall provide a revised assessment report with a determination that the final abandonment with intended field changes meets, or does not meet the city's equivalency standard.

b. Verification of abandonment. Following completion of any abandonment work, the applicant shall submit all available DOGGR well bore data and well history including all correspondence with DOGGR regarding abandonment proceedings and any field changes from the initial abandonment plan with an assessment from the applicant's registered petroleum engineer, registered petroleum geologist, or a professional with the equivalent of these registrations as determined by the Oil Services Coordinator that each well meets, or does not meet, the city's equivalency standard pursuant to Section 16.24.070. The Oil Services Coordinator shall verify that abandonments for wells proposed to be built over or marked as "no access" pursuant to Section 16.24.050(B), meet the city's equivalency standard prior to issuing a final of the permit. Any well that does not meet the standard shall not be built over or in close proximity to "Improvements" pursuant to Section 16.24.070.

(Ord. 2015-05-1475 § 8)

16.24.070 Abandonment equivalency standard.

A. Determination of equivalency standard. Improvements proposed over or within close proximity to abandoned wells, shall not be permitted unless the Oil Services Coordinator has determined that the well has been abandoned to the city's equivalency standard.

1. Improvements are considered permanent structures or other construction that would be difficult or expensive to demolish should the abandoned or reabandoned well leak oil or gas in the future.

2. Pervious improvements, such as landscaping and parking areas with adequate landscape buffers, may be located on top of a previously

abandoned or reabandoned well which has passed the leak test pursuant to Section 16.24.020.

B. Equivalency standard. The following equivalency standard shall be required for construction of improvements over abandoned wells or within close proximity of abandoned wells pursuant to Section 16.24.050(B):

1. A cement plug located at the depth of the last zone produced from the well. All perforations shall be plugged with cement, and the plug shall extend at least 100 feet above the top of a landed liner, the uppermost perforations, the casing cementing point, the water shut-off holes, or the oil or gas zone, whichever is higher. If wellbore conditions prevent placement of the plug at the depth of the last zone produced from the well, approximately 100 feet of cement shall be placed inside and outside of the casing above (but as close as possible to) the last zone produced from the well.

2. A cement plug located at the depth of the base of the fresh water zone in the well. If there is cement behind the casing across the fresh-saltwater interface, a 100 foot cement plug shall be placed inside the casing across the interface. If the top of the cement behind the casing is below the top of the highest saltwater sands, squeeze-cementing shall be required through perforations to protect the freshwater deposits. In addition, a 100 foot cement plug shall be placed inside the casing across the fresh-saltwater interface. If

wellbore conditions prevent placement of the plug at the depth of the base of the fresh water zone in the well, approximately 100 feet of cement shall be placed inside and outside of the casing above (but as close as possible to) the base of the fresh water zone in the well. This plug is to be separate and apart from the plug referenced in subparagraph 1 above.

3. A cement plug located at the surface. The hole and all annuli shall be plugged at the surface with a cement plug extending at least 25 feet from the top of the cut off well casing.

4. The intent of these plugs is to ensure that the abandonment is adequate to prevent hydrocarbons from reaching the surface. One continuous plug that significantly exceeds 100 feet located below the surface plug and located in close proximity to the base of the fresh water zone could be adequate to meet (1) and (2). Also, one plug that meets either (1) or (2) and a surface plug that significantly exceeds 100 feet could be found to prevent hydrocarbons from reaching the surface.

5. The city's consulting petroleum engineer shall determine if these conditions have been met and the abandonment is adequate to prevent hydrocarbons from reaching the surface of the well. The determination shall be based on, at a minimum, a review of a history of all work performed on the well and a detailed wellbore diagram showing the current condition of the well. The well bore diagram shall include details on:

a. Hole size.

b. Casing and liner specifications and setting depths.

c. All cementing operations.

d. Depths of various hydrocarbon zones.

e. Any other data required to analyze the current conditions of the well including casing recovery operations and the presence of junk in the hole.

(Ord. 2015-05-1475 § 8)

16.24.080 Methane assessment and mitigation standards.

A. Assessment requirements. The area of development on all properties in the city, whether or not they contain abandoned wells, shall be tested for methane gas prior to issuance of construction or development permits unless otherwise approved by the Oil Services Coordinator. In no case shall methane testing of the property be conducted less than 30 days after site disturbance.

B. Permit. A methane site test permit is required on all development sites where construction permits are required, whether or not there are wells located within the area of development. No methane tests shall be conducted without a permit issued by the Oil Services Coordinator.

C. Site assessment. A Site Methane Assessment is required for any property proposed for development. The assessment shall be conducted to the satisfaction of the Oil Services Coordinator and in accordance with the city's "methane assessment minimum requirements standard" on file in the Community Development Department and publicly available. The assessment report shall be signed and stamped by a State of California registered geologist and submitted for review to the Oil Services Coordinator prior to any mitigation activity, if required, on the property. Methane assessment shall be conducted no less than 30 days following any soils disturbance on the site.

D. Mitigation plan. If the methane site assessment requires mitigation, or if the well access exhibit is labeled "no access & methane mitigation required", a methane mitigation plan shall be prepared in accordance with the city's "methane mitigation minimum requirements standard" on file in the Community Development Department and publicly available and submitted for review and approval by the Oil Services Coordinator prior to commencement of any mitigation work on site.

E. Letter of intent. For properties subject to site plan and design review, pursuant to Chapter 20.52, if the applicant does not wish to complete the methane assessment and mitigation, if required prior to site plan and design review, the Oil Services Coordinator shall require that a letter of intent be submitted by the applicant stating their intent to conduct the property methane assessment and submit a mitigation plan, if required, as a condition of the site plan and design review.

(Ord. 2015-05-1475 § 8)

16.24.090 Abandonment and restoration standards.

A. Permit requirements. A well abandonment and restoration permit shall be required for all properties in the city where a well abandonment permit is required whether or not the property is to be developed following the abandonment, or if development is proposed on a property with abandoned wells and a well abandonment report is not required pursuant to Section 16.24.060. The permit shall be issued following approval of the prerequisites to site plan and design review pursuant to Section 16.24.020.

B. Restoration requirements. A well shall be considered properly abandoned for purposes of this chapter after restoration of the drill site or oil operation site and subsurface thereof to its original condition, as nearly as practical, and in conformity with the following requirements:

1. A copy of the abandonment plan submitted to DOGGR and DOGGR and authorization to abandon, reabandon or remediate the well is provided;

2. All equipment and surface installations used in connection with the well which are not necessary as determined by the Oil Services Coordinator for the operation or maintenance of other wells of operator or permittee on the drill or operation site shall be removed from the premises;

3. The premises, all sumps, cellars, and ditches which are not necessary for the operation or maintenance of other wells of operator or permittee on the site shall be cleaned out and all oil, oil residue, drilling fluid, and rubbish shall be removed or bioremediated to reduce hydrocarbons to standards acceptable to federal, state, or local agencies. All sumps, cellars, and ditches shall be leveled or filled. Where such sumps, cellars, and ditches are lined with concrete, permittee or operator shall cause the walls and bottoms to be broken up and all concrete shall be removed;

4. The premises shall be cleaned and graded and left in a clean and neat condition free of oil, rotary mud, oil-soaked earth, asphalt, tar, concrete, litter, and debris and any facilities to remain shall be painted and maintained reasonably free of rust, oil, or stains, to the satisfaction of the Oil Services Coordinator;

5. NPDES standards for stormwater run-off and dust and erosion mitigation measures shall be complied with, to the satisfaction of the City Engineer and the Oil Services Coordinator; and

6. All public streets, alleys, sidewalks, curbs and gutters, and other places constituting public property which may have been disturbed or damaged in connection with any operation, including operations for the abandonment of the well, shall be cleaned, and, except for ordinary wear and tear, shall be repaired and restored to substantially the same condition thereof as the same existed at the time of issuance of the permit, or at the time operations were first commenced in connection with the drilling, operation, or maintenance of the well.

C. CC&Rs. Prior to issuance of any certificate of occupancy for developments constructed over abandoned wells, or for abandoned wells marked "no access" pursuant to Section 16.24.050(B), the property owner shall record a declaration of covenants, conditions and restrictions (CC&Rs), in a form subject to the review and approval of the City Attorney, putting future owners and occupants on notice of the following: the existence of abandoned wells on the site; that the wells within the area of development have been leak tested and found not to leak; description of any methane mitigation measures employed; disclosure that access to these wells has been provided to address the fact that they may leak in the future causing potential harm; acknowledgment that the state may order the reabandonment of any well should it leak in the future; acknowledgment that the state does not recommend building over wells; and releasing and indemnifying the city for issuing project permits.

D. DOGGR authority. Nothing herein is intended to displace any authority of DOGGR under Chapters 2, 3 and 4 of Division 2 of Title 14 of the California Code of Regulations or set aside or annul any action of DOGGR pursuant to its authority. However, these provisions shall control the development of property where DOGGR merely makes advisory recommendations beyond the agency's statutory authority.

E. Grandfathering. This section shall not apply to any project which has been approved by the city or its constituent boards, commissions or officials prior to the date of the adoption of this section, so long as such approvals remain valid. The required approvals include a valid approval from DOGGR, but if such approvals have expired, the project shall be governed by this section. Any application for discretionary land use development entitlements under Chapter 20.52 of the Municipal Code which is being processed shall be subject to the requirements hereof.

(Ord. 2015-05-1475 § 8)

Chapter 16.25
STORAGE FACILITIES

Sections:

16.25.010 Maximum tank capacity for each producing well.

If oil or other liquid storage facilities are established incidental to a producing well on a well or drill site, the total capacity of such storage facilities shall not exceed two thousand barrels per well.

(Ord. 90-08-1074 § 4 (part))

16.25.020 Setbacks from buildings and property lines.

A. The minimum distance between any aboveground tank to the nearest property line, or public right-of-way shown on the city's official plan lines map, shall not be less than the height of the tank, or in any event, the minimum distance required in Chapter 15.08 of this code or Long Beach Fire Code, whichever provides the greater setback.

B. No building shall be erected closer than fifty feet from any storage tank. The director may permit this distance separation to be reduced for low occupancy industrial or warehouse buildings, subject to additional or special safety or fire systems requirements which may be approved and imposed by the Long Beach fire department.

C. Where tank locations of diverse ownership have a common boundary, the director and Long Beach fire department, with the written consent of the owners, may substitute the distances provided in Section 16.25.060 for the minimum distances specified in this section.

D. The provisions of this subsection shall not apply to any tank or related facility constructed prior to the effective date of the ordinance codified in this title.

(Ord. 90-08-1074 § 4 (part))

16.25.030 Maximum tank height--Oil production site.

A. The maximum height for tanks of crude oil on oil production-related sites shall be limited to sixteen feet. An additional three feet in height in excess of the maximum tank height otherwise permitted may be permitted and approved by the director for the following: appurtenant facilities, piping, safety rails, or similar equipment required to operate and maintain the tank; provided, that no space above the height limit otherwise set forth herein shall be used for tank storage.

B. The maximum height for wash tanks on oil production-related sites shall be limited to sixteen feet.

C. The provisions of this section shall not apply to replacement or presence of any tank constructed prior to the effective date of the ordinance codified in this title.

(Ord. 90-08-1074 § 4 (part))

16.25.040 Design, construction and maintenance of tanks.

A. All tanks and attached fixtures shall be constructed and maintained in accordance with Title 15 of this code and with A.P.I., O.S.H.A., California Division of Industrial Safety, and E.P.A. standards.

B. Within one year of the effective date of the ordinance codified in this title all aboveground tanks including production field tanks, storage tanks, and refinery tanks shall be inspected by the inspector, and if deemed necessary by the inspector, repainted with a top coat of a neutral nonreflective color paint.

C. Aluminum or stainless steel clad tanks need not be painted. Aboveground pipes less than four inches in diameter need not be painted.

D. Nothing shall preclude the inspector from requiring periodic repainting of any facility. In making his determination regarding the need for repainting, the inspector shall consider the location, degree of rust or stains, and condition of existing parts.

(Ord. 90-08-1074 § 4 (part))

16.25.050 Tank supports, foundations, stairs, platforms and walkways.

A. Tanks shall rest directly on the ground or on foundations or supports of gravel, concrete, masonry, piling, or steel, designed and installed in accordance with Title 15 of this code. Supports for tanks storing Class I, II, or III-A liquids shall be of concrete, masonry, or protected steel.

B. Tank foundations shall be elevated, level, and larger in diameter than the tank itself.

C. Exposed piling or steel tank supports shall be protected by fire-resistive materials to provide a fire-resistance rating of not less than two hours.

D. Tank supports and connections shall be designed and installed to resist damage as a result of seismic activity.

E. Stairs, platforms, and walkways shall be non-combustible and constructed in accordance with Title 15 of this code, and D.O.G., A.P.I., O.S.H.A, and California Division of Industrial Safety standards.

F. Stairs, platforms and walkways in existence prior to the effective date of the ordinance codified in this title shall have a period of five years to come into compliance with the provisions of this section.

(Ord. 90-08-1074 § 4 (part))

16.25.060 Spacing between tanks.

A. No tank for the storage of any flammable, liquid shall be located closer than three feet to any other such tank.

B. For tanks above fifty thousand gallons individual capacity for the storage of any flammable liquid, except crude petroleum, the distance between such tanks shall not be less than one-half the diameter of the smaller tank.

C. Tanks for the storage of crude petroleum having capacities not exceeding one hundred twenty-six thousand gallons (three

thousand barrels) shall not be less than three feet apart. Tanks having a capacity in excess of one hundred twenty-six thousand gallons (three thousand barrels) shall not be less than the diameter of the smaller tank apart.

D. The minimum separation between a liquefied petroleum gas container and any other tanks for the storage of any flammable liquids shall be twenty feet. Means shall be taken to prevent the accumulation of flammable liquids under adjacent liquefied petroleum gas containers such as by diking, diversion curbs, or grading, subject to the approval of the inspector. When flammable liquid storage tanks are diked, the liquefied petroleum gas containers shall be outside the diked area and at least ten feet away from the centerline of the dikes. The foregoing provision shall not apply when liquefied petroleum gas containers of one hundred twenty-five gallons or less capacity are installed adjacent to Class III flammable liquid storage tanks of two hundred seventy-five gallons or less capacity.

E. When tanks are in a diked area containing Class I or II liquids, or in the drainage path of Class I or II liquids, and are compacted in three or more rows or in an irregular pattern, greater spacing or other means may be required to make inside tanks accessible for fire fighting purposes.

(Ord. 90-08-1074 § 4 (part))

16.25.070 Dikes, diversion walls, and catchment basins--Required locations.

A. New tanks used for the storage of crude petroleum and other flammable liquids shall be diked or provided with diversion walls and catchment basins, or combinations thereof, subject to the approval of the inspector and shall meet the requirements of the D.O.G.

B. No catchment basin or diked impounding area shall be located closer to the outer boundary line or to any building designated for human occupancy than the diameter or height, whichever is greater, of the largest tank served by such basin or area.

C. The distance between the shell of any tank and the inside toe of any dike shall not be less than five feet for tanks not more than thirty feet in diameter and not less than ten feet for tanks in excess of thirty feet in diameter.

(Ord. 90-08-1074 § 4 (part))

16.25.080 Dikes, diversion walls and catchment basins--Capacity.

A. Except as provided in subsection (B) of this section, the volumetric capacity of a diked area shall not be less than one and one-half times the capacity necessary to hold the full volume of the largest tank below the height of the dike.

B. The capacity of a separate catchment basin may not be used to reduce the required capacity of a diked impounding basin.

(Ord. 90-08-1074 § 4 (part))

16.25.090 Dikes, diversion walls and catchment basins--Construction, generally.

A. Notwithstanding any other provision of the Signal Hill Municipal Code, walls of the diked area shall be of concrete, solid masonry or earth designed and maintained to be liquid-tight and to withstand a full hydrostatic head, except that within one year from the effective date of the ordinance codified in this title, all walls of diked areas in residential zones shall be solid masonry or poured in place concrete.

B. Except where permitted by the NFPA, the walls of the diked area shall not exceed six feet above the interior grade of the diked area. All dikes over thirty-six inches in height shall be engineered and constructed in accordance with Title 15 of this code to withstand a full hydrostatic head. Except as provided herein, all dikes comply with minimum yard setback requirements contained in Title 20 of this code. Notwithstanding the foregoing, where any storage tank or related facility approved prior to the effective date of the ordinance codified in this title is located in such required setback area, such tank or facility shall be diked in accordance with this chapter, provided that such dike wall does not extend into a public right-of-way.

C. All masonry dikes shall be solid grouted. Exterior walls shall be painted or color coated subject to the approval of the planning director.

D. Where two or more tanks within a common diked area may cause mutual exposure from spills, spill dividers shall be provided between tanks of ten thousand barrels or greater individual capacity. Groups of tanks of less than ten thousand barrels individual capacity and not in excess of fifteen thousand barrels aggregate capacity may be enclosed within a single spill dike.

E. All catchment basins shall be of concrete, designed to be liquid-tight, except that fiberglass or steel basins may be used if designed to meet the design requirements for hazardous materials when approved by the department.

(Ord. 90-08-1074 § 4 (part))

16.25.100 Earthen dike wells--Minimum requirements.

All earthen dikes shall be constructed and maintained as follows:

A. The minimum height of all earthen dikes shall be two feet.

B. Earthen dikes three feet or more in height shall have a flat section at the top or crown of the dike not less than two feet wide.

C. The sloped wall of the dike shall be consistent with the angle of repose of the material of which the walls are constructed, provided that all slopes shall be flat and no slope shall have a gradient steeper than a one foot rise in a two foot horizontal measurement. Diked slope walls shall not be stepped at less than three foot intervals.

D. Prior to surfacing of the earthen dike, the subgrade shall be thoroughly cleaned of organic base material and compacted sufficiently to ensure the stability of side slopes and to withstand a full hydrostatic head. The subgrade shall be trimmed before, during, and after compaction, as necessary to make the subgrade surface smooth and uniform and to give the completed structure the required grade and cross section. Where vegetation is present, the subgrade shall be treated with a soil sterilant to protect against weeds.

E. A firm aggregate foundation base shall be compacted and shaped to a uniform smooth surface, consistent with subsection (D) of this section. Aggregate base may consist of crushed stone, rock, gravel, natural or manufactured sand, or a similar material, as accepted by the department, provided that at least fifty percent of the combined aggregate is rock or gravel.

F. Asphaltic surfacing on all earthen dikes shall be required. Surfacing shall be impervious, prevent leaching through pavement, and shall be stable enough to support a full hydrostatic head. Pavement surface shall be maintained impervious, free from holes and cracks.

G. The top (crests) and bottom edges (toes) of all dike slopes shall be designed so that they will not be damaged by water runoff and to prevent surface runoff from seeping into subgrade under the asphalt boating. The toe embankment should be curved to eliminate possible surfacing weaknesses at critical points. If the embankment toe cannot be curved, a wedge should be placed and compacted to ensure water tightness at the toe.

(Ord. 90-08-1074 § 4 (part))

16.25.110 Dikes, diversion walls, and catchment basins drainage.

A. Drainage shall be provided at a consistent slope of not less than one percent away from tanks and fittings to a sump, drain box, or other safe means of disposal located within the diked impounding area and at the greatest possible distance from the shell of the tank to provide drainage sufficient to prevent overflow of the dike and to effectively control the flow of fluids and runoff. Traps shall be provided with no less than six inches of liquid seal provided between the sumps, drain boxes, or drains intended for the disposal of spills. Catch basins or traps used for tank farm drainage shall not connect directly to the city sewer system. Fluids shall be pumped or gravity fed into a tank, interceptor outside of the tank containment, or diked area or directly into a pipeline for that purpose.

B. Drains shall not discharge to adjoining property, public sewers, or drainage ways unless the drain is designed to prevent the release of flammable or combustible liquids.

C. A valve, operable from outside the dike, shall be provided in the drain system and shall normally be kept closed.

D. Control of drainage shall be accessible under fire conditions. This includes, where deemed necessary by the inspector, installation of piping accessible to the public right-of-way for removal of firefighting waters from diked areas.

E. Approved provisions shall be made for disposing of water and of oil retained by dikes or impounding or catchment basins.

(Ord. 90-08-1074 § 4 (part))

16.25.120 Tank valves, connections and vent piping.

All tank piping, valves, fittings, and connections, including normal and emergency relief venting, shall be installed and maintained in accordance with Title 15 of this code and current A.P.I. standards.

(Ord. 90-08-1074 § 4 (part))

16.25.130 Vapor recovery systems.

In addition to any venting requirements of the fire department, all storage tanks and loading on unloading facilities containing flammable or combustible liquids shall be equipped with approved vapor recovery systems in accordance with South Coast Air Quality Management District requirements.

(Ord. 90-08-1074 § 4 (part))

16.25.140 Skim ponds.

Any open, accessible, surface, or subsurface installation used for the disposal of permitted waste liquids shall be fenced in accordance with Chapter 16.20 and any other state, federal, or local requirements.

(Ord. 90-08-1074 § 4 (part))

16.25.150 Loading and unloading facilities.

A. Existing gasoline or refined products handling facilities with a capacity greater than two thousand barrels shall be equipped with fire suppression systems within three years of the effective date of the ordinance codified in this title. All newly installed facilities shall be installed with fire suppression systems. Said systems shall be installed according to plans approved by the Long Beach fire department. The provisions of this section shall not apply to crude oil, gas and water loading or unloading facilities. Such facilities shall comply with the requirements of the Long Beach fire department.

B. Tank vehicle loading racks, loading platforms, or moveable loading spouts or arms dispensing flammable liquids shall be separated from tanks, warehouses, other buildings, public streets, and nearest line of property that may be built upon by a clear distance of not less than one hundred feet, measured from the center of any fill stem or pipe. This distance may be reduced to twenty-five feet if overhead foam fire protection is provided as approved by the Long Beach fire department. In an emergency, these provisions may be waived by the inspector. Buildings for pumps or for shelter of loading personnel may be part of the loading rack or platform.

C. Within three years from the date of adoption of the ordinance codified in this title, all loading rack areas shall include an approved catchment basin, treatment facility, or containment systems designed to hold the maximum capacity of any single compartment of a tank truck, or be abandoned.

D. No persons shall load or unload, or permit the loading or unloading of a tank vehicle unless such vehicle is located outside of any public street right-of-way.

E. During the loading or unloading of any tank vehicle, a trained employee or driver shall be at the loading or unloading controls. Provision shall be made for the safe disposal of the oils released by overflow and from loading spouts or lines.

F. All other requirements contained in Chapter 15.08 of this code shall be complied with.

(Ord. 90-08-1074 § 4 (part)).

16.25.160 Fire protection systems.

Fire protection systems shall be located, installed, and maintained when required by the Long Beach fire department pursuant to Chapter 15.08 of this code.

(Ord. 90-08-1074 § 4 (part))

16.25.170 Air quality emissions systems.

Air quality emission systems shall be located, installed and maintained when required by the Air Quality Management District.

(Ord. 90-08-1074 § 4 (part))

16.25.180 Zoning regulations applicable.

Title 20 of this code shall be applicable to the construction, operation, and maintenance of any structure or facility to be used for the storing or handling of oil or any flammable liquid, unless exempted by Title 20 of this code or provisions contained in this title.

(Ord. 90-08-1074 § 4 (part))

Chapter 16.32
PIPELINES

Sections

16.32.010 Compliance with state and federal regulations.

All pipeline operations shall comply with all provisions contained in Part 195 (Transportation of Hazardous Liquids by Pipeline) of Title 49 of the Code of Federal Regulations and Section 31010, et seq., of the California Government Codes, the California Pipeline Safety Act, both as may be amended, as well as other state, federal, and local requirements.

(Ord. 90-08-1074 § 4 (part))

16.32.020 Accident reporting.

Every failure in a pipeline system in the public right-of-way and subject to a city franchise agreement shall be reported at the time of the failure to the City of Signal Hill Emergency Communication Center by dialing (213) 426-7311, 911, or the Long Beach Fire Department, when the operator has knowledge of the accident, and must include the following information:

A. Name and address of pipeline operator;

B. Name and telephone number of the reporter;

C. The location of the failure, nature of failure (leak, explosion, fire), and pipeline contents;

D. The time of the failure;

E. The fatalities and personal injuries, if any;

F. Other significant facts that are known by the pipeline operator that are relevant to the cause of the failure or extent of the damages.

(Ord. 90-08-1074 § 4 (part))

Title 17
TRAILER PARKS

Chapters:

Chapter 17.04
GENERAL PROVISIONS

Sections:

17.04.010 Applicability of provisions.

The provisions of this title are intended to supplement the provisions of Part 2 of Division 13 of the Health and Safety Code of the State of California by prescribing higher standards of sanitation, health, and safety with respect to the establishment, maintenance, and operation of auto and trailer parks within the city than are prescribed by state law, or any rules and regulations thereunder promulgated by the Division of Housing of the state. State law and rules and regulations shall apply and control in any situation in which no regulation is contained in this title or in which this title prescribes a less restrictive regulation than state law or rules and regulations.

(Prior code § 17.04.010(A) (Ord. 503 § 1.0(a), 1961))

17.04.020 More restrictive standards control.

To the extent that this title may impose higher or more restrictive standards pertaining to electric wiring fixtures and installations, fire protection, health and sanitation, general building standards, and plumbing requirements, the provisions of this title shall control. To the extent that this title may establish less restrictive standards, other ordinances shall control.

(Prior code § 17.04.010(B) (Ord. 503 § 1.0(a), 1961))

17.04.030 Provisions not to effect zoning.

This title shall not be construed as amending or modifying any provision in any ordinance of the city pertaining to zoning.

(Prior code § 17.04.010(C) (Ord. 503 § 1.0(c), 1961))

17.04.040 Alternate methods or materials.

A. The provisions of this title are not intended to prevent the use of any material, appliance, installation, device, arrangement, or method of construction not specifically prescribed by this title, provided such alternate has been approved.

B. The city building inspector may approve any alternate, if he finds that the proposed design is satisfactory and the material,

appliance, installation, device, arrangement, method, or work offered is, for the purposes intended, at least the equivalent of that prescribed in this title in quality, strength, effectiveness, durability, and safety.

C. The building inspector may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of any such alternate.

D. Wherever there is evidence that any material, appliance, installation, device, arrangement, or method of construction does not conform to the requirements of this title or whenever the use of an alternate is requested, the building inspector may require the operator of the trailer park, at his sole expense, to procure the making of engineering and/or laboratory tests by persons or firms approved by him who are engaged in such business, to establish that such material, appliance, installation, device, arrangement, or method of construction conforms to the standards prescribed by this title.

(Prior code § 17.16.300 (Ord. 503 § 18.0, 1961))

17.04.050 Exempted parks.

This title does not apply to any supervised public park, public campground, or picnic ground owned, operated, or maintained by any of the following:

A. The federal government;

B. The state;

C. Any agency or political subdivision of the state.

(Prior code § 17.16.280 (Ord. 503 § 17.5, 1961))

Chapter 17.08
DEFINITIONS

Sections:

17.08.010 Generally.

For the purpose of this title, words and phrases shall have the meanings defined for them in this chapter.

(Prior code § 17.08.010 (Ord. 503 § 1.5, 1961))

17.08.020 Approved.

"Approved," when used in conjunction with any material, appliance, or type of construction, means:

A. Meeting the approval of the city building inspector and fire chief as the result of investigations of tests conducted by a nationally recognized testing agency; or

B. By reason of accepted principles and standards established by national authorities, technical, health or scientific organizations or agencies.

(Prior code § 17.08.020 (Ord. 503 § 1.5(1), 1961))

17.08.030 Awning.

"Awning" means any shade structure of approved material installed, erected, or used in, adjoining, or adjacent to a trailer coach. "Awning" does not include a window awning.

(Prior code § 17.08.030 (Ord. 503 § 1.5(2), 1961))

17.08.040 Building.

"Building" means a trailer site, any compartment designed or used as a public toilet, public bath, laundry room, utility room and other structures constructed for use as a facility of a trailer park.

(Prior code § 17.08.040 (Ord. 503 § 1.5(3), 1961))

17.08.050 Building inspector.

"Building inspector" means the building inspector of the city.

(Prior code § 17.08.050 (part) (Ord. 503 § 1.5(4) (part), 1961))

17.08.060 Cabana.

"Cabana" means any portable, demountable, or permanent cabin, small house, room enclosure, or other building erected, constructed, or placed on any trailer site.

(Prior code § 17.08.060 (Ord. 503 § 1.5(5), 1961))

17.08.070 Carport.

"Carport" means an awning or shade structure for an automobile located on a trailer site.

(Prior code § 17.08.070 (Ord. 503 § 1.5(6), 1961))

17.08.080 Dependent trailer coach.

"Dependent trailer coach" means a trailer coach not equipped with a water closet.

(Prior code § 17.08.090 (Ord. 503 § 1.5(8), 1961))

17.08.090 Fire chief.

"Fire chief" means the chief of the fire department of the city.

(Prior code § 17.08.050 (part) (Ord. 503 § 1.5(4) (part), 1961))

17.08.100 Health department.

"Health department" means the health department or the health officer of the county.

(Prior code § 17.08.100 (Ord. 503 § 1.5(9), 1961))

17.08.110 Horizontal pipe.

"Horizontal pipe" means any pipe or fitting which is installed in a horizontal position or which makes an angle of less than forty-five degrees with the horizontal.

(Prior code § 17.08.110 (Ord. 503 § 1.5(10), 1961))

17.08.120 Independent trailer coach.

"Independent trailer coach" means a trailer coach equipped with a water closet.

(Prior code § 17.08.120 (Ord. 503 § 1.5 (11), 1961))

17.08.130 Liquefied petroleum gas (LPG).

"Liquefied petroleum gas" means petroleum hydrocarbons or mixtures thereof, in liquid or gaseous state, having a vapor pressure in excess of 26 psi at a temperature of one hundred degrees Fahrenheit. Whenever the symbol LPG is used it means liquefied petroleum gas.

(Prior code § 17.08.130 (Ord. 503 § 1.5 (12), 1961))

17.08.140 Occupied area.

"Occupied area" means the total area of a trailer site that is occupied by any building, trailer coach, storage cabinet, or structure.

(Prior code § 17.08.140 (Ord. 503 § 1.5(13), 1961))

17.08.150 Park drainage system.

"Park drainage system" means the entire system of drainage piping used to convey sewage or other wastes from the trailer drain connection at its connection to the trailer site trap to a public sewer or private sewage disposal system.

(Prior code § 17.08.150 (Ord. 503 § 1.5 (14), 1961))

17.08.160 Park water main.

"Park water main" means that portion of the water distributing system which extends from the street main, water meter, or other source of supply to the branch service lines.

(Prior code § 17.08.160 (Ord. 503 § 1.5 (15), 1961))

17.08.170 Plumbing.

"Plumbing" means the practice, materials, and fixtures used in the installation, maintenance, extension, and alteration of all piping, fixtures, appliances, and appurtenances in connection with any of the following: sanitary drainage facilities, the venting system, and the public or private water supply systems within or adjacent to any building, structures, or conveyance; also the practice and materials used in the installations, maintenance, extension, or alteration of the liquid waste or sewage and water supply systems of any premises to their connections with any point of a public sewer or other disposal system.

(Prior code § 17.08.170 (Ord. 503 § 1.5(16), 1961))

17.08.180 Ramada.

"Ramada" means any roof or shade structure installed, erected, or used above a trailer coach and site or any portion thereof.

(Prior code § 17.08.180 (Ord. 503 § 1.5(17), 1961))

17.08.190 Service connection.

"Service connection" means that portion of the water distributing system which extends from the termination of the park branch

service line to the inlet fitting at the trailer.

(Prior code § 17.08.190 (Ord. 503 § 1.5(18), 1961))

17.08.200 Sewer lateral.

"Sewer lateral" means that portion of the park drainage system extending to a trailer site and includes the trap.

(Prior code § 17.08.200 (Ord. 503 § 1.5(19), 1961))

17.08.210 Soil pipe.

"Soil pipe" means any drainage collection line receiving the drainage of water closets, with or without discharge from other fixtures, and conveying such discharge to a disposal system.

(Prior code § 17.08.210 (Ord. 503 § 1.5(20), 1961))

17.08.220 Structure.

"Structure" means that which is built or constructed; an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. "Structure" does not include trailer coach as defined in Section 17.08.240.

(Prior code § 17.08.220 (Ord. 503 § 1.5(21), 1961))

17.08.230 Toilet.

"Toilet" includes water closet.

(Prior code § 17.08.230 (Ord. 503 § 1.5(22), 1961))

17.08.240 Trailer coach.

"Trailer coach" means any camp car, trailer, or other vehicle, with or without motive power, designed, constructed, and maintained to travel on the public thoroughfares at the maximum allowable speed limit and in accordance with the provisions of the Vehicle Code of the State of California, and designed, used, and maintained for human habitation.

(Prior code § 17.08.240 (Ord. 503 § 1.5(23), 1961))

17.08.250 Trailer drainage system.

"Trailer drainage system" means that portion of drainage piping within or permanently attached to the trailer including the venting system, the trailer drain connection, and receiving the discharge from any fixture or water closet.

(Prior code § 17.08.260 (Ord. 503 § 1.5(25), 1961))

17.08.260 Trailer drain connection or hose connection.

"Trailer drain connection" or "hose connection" means that removable extension, part of which shall be flexible, connecting the trailer drainage system from the trailer outlet to the trap inlet on the trailer site.

(Prior code § 17.08.250 (Ord. 503 § 1.5 (24), 1961))

17.08.270 Trailer park.

"Trailer park" means any area or tract of land in the city where space is rented or held out for rent to one or more owners or users of trailer coaches.

(Prior code § 17.08.270 (Ord. 503 § 1.5(26), 1961))

17.08.280 Trailer service system.

"Trailer service system" means that portion of the water or gas piping within or permanently attached to the trailer and includes the service connection.

(Prior code § 17.08.280 (Ord. 503 § 1.5(27), 1961))

17.08.290 Trailer site.

"Trailer site" means that portion of a trailer park designated and designed for the occupancy of a trailer coach, and includes any area that is set aside or used for automobile parking, storage, awning, or other structures. "Trailer site" also includes "site."

(Prior code § 17.08.290 (Ord. 503 § 1.5(28), 1961))

17.08.300 Trap.

"Trap" means a fitting or device designed and constructed to provide, when properly vented, a liquid trap seal which prevents back passage of gas or air or siphonage of its contents without materially affecting flow through it.

(Prior code § 17.08.300 (Ord. 503 § 1.5(29), 1961))

17.08.310 Vacation trailers.

"Vacation trailers," as used in rules and regulations, means a trailer not exceeding eight feet in width nor exceeding twenty-five feet in length and which does not remain in any one trailer park longer than thirty days in any six-month period.

(Prior code § 17.08.310 (Ord. 503 § 1.5(30), 1961))

17.08.320 Vent.

"Vent" means a pipe or piping system which provides a flow of air to or from a drainage system to prevent the loss or lowering of trap seals by siphonage or back pressure.

(Prior code § 17.08.320 (Ord. 503 § 1.5(31), 1961))

17.08.330 Vertical pipe.

"Vertical pipe" means any pipe or fitting which is installed in a vertical position or which makes an angle of not more than forty-five degrees with the vertical.

(Prior code § 17.08.330 (Ord. 503 § 1.5(32), 1961))

17.08.340 Waste pipe.

"Waste pipe" means any line receiving the discharge of fixtures other than toilets, and conveying such discharge to a soil pipe or to disposal system.

(Prior code § 17.08.340 (Ord. 503 § 1.5(33), 1961))

17.08.350 Water distributing system.

"Water distributing system" means all of the water supply piping within a trailer park extending from the main public supply, or other source of supply to but not including the trailer service system, and includes branch service lines, fixtures, devices, and appurtenances thereto.

(Prior code § 17.08. 350 (Ord. 503 § 1.5(34), 1961))

17.08.360 Windbreak.

"Windbreak" means any protective fence, wall, structure, or shelter from the wind and which exceeds forty-two inches in height.

(Prior code § 17.08.360 (Ord. 503 § 1.5(35), 1961))

Chapter 17.12
PERMITS

Sections:

17.12.010 Required.

It is unlawful for any person to engage in the business of operating a trailer park or to construct a trailer park unless he has first obtained a permit so to do from the city council. Such permit shall be applied for and obtained as provided in Chapter 5.08 as the same presently exists or may hereafter be amended.

(Prior code § 17.12.010 (Ord. 503 § 3.0(a), 1961))

17.12.020 Other permits required.

No provision of this title shall be construed as eliminating or doing away with the necessity for obtaining building permits, electrical permits, plumbing permits, permits for zoning variances, or any other permit required by any ordinance of the city.

(Prior code § 17.12.020 (Ord. 503 § 3.0(b), 1961))

17.12.030 Issuance conditions.

The building inspector shall not issue any permit for the erection, construction, reconstruction, relocation, alteration, or occupancy of a trailer park or any part or facility thereof unless and until the applicant for such permit has applied for and been granted any other permit necessary under the ordinances of the city for the establishment and operation of a trailer park; nor shall he issue any permit for the construction, remodeling, repair, or relocation of any trailer park or any structure, building, or other facility thereof unless the proposed work conforms in all particulars to the requirements of this title, and any law of the state and any lawful order, rule, or regulation of competent authority pertaining thereto.

(Prior code § 17.12.030 (Ord. 503 § 3.0(c), 1961))

17.12.040 Revocation--Enforcement powers.

A. If a permit authorizing the establishment and operation of a trailer park is granted by the city council subject to one or more conditions, noncompliance with any such condition by the permittee or any successor in interest of the permittee shall constitute valid grounds for the revocation of such permit by the city council in the manner prescribed in Chapter 5.08 as it now exists or may hereafter be amended.

B. The building inspector, the fire chief and the county health officer shall be responsible for enforcing compliance with the conditions of any such permit and no permit authorized to be granted by the building inspector shall be issued by him for the doing of any work which is in contravention to the conditions of any such permit or which would allow the alteration of any building, structure, or facility in a manner contrary to any such condition.

(Prior code § 17.12.040 (Ord. 503 § 3.0(d), 1961))

Chapter 17.16
DESIGN, CONSTRUCTION, AND MAINTENANCE

Sections:

17.16.010 Office required--Maintenance of approved plot plan.

Each trailer park shall have at all times an office in a permanent building. The owner or operator of every trailer park shall maintain in a conspicuous location in the office a copy of an approved plot of the trailer park. The plot plan shall show in detail the site layout and the location of trailers, and each site shall be designated by number or by other means of identification.

(Prior code § 17.16.020 (Ord. 503 § 5.0, 1961))

17.16.020 Caretaker required--Enforcement.

It is unlawful for any person to operate or maintain, or cause or permit to be operated or maintained, any trailer park unless there is a caretaker in the park at all times. The caretaker shall enforce within the park provisions of this title governing the operation and maintenance of trailer parks.

(Prior code § 17.16.010(A) (Ord. 503 § 4.5(a), 1961))

17.16.030 Park maintenance responsibility.

A. All devices or safeguards required in trailer parks by this title shall be maintained in good working order. The owner, operator, or lessee of the trailer park, or his designated agent, shall be responsible for their maintenance.

B. The owner or operator of a trailer park shall be responsible for the maintenance of all structures and their sites in an approved, safe, and sanitary condition and in a state of good repair.

(Prior code § 17.16.140(A, B) (Ord. 503 § 10.5(a), (b), 1961))

17.16.040 Site drainage--Density--Lot size and frontage.

A. Trailer parks shall be developed on well-drained sites, properly graded to provide for adequate drainage and freedom from standing pools of water. Such sites shall be free from street overflow as determined by engineering design.

B. No trailer park shall contain an overall density of more than eighteen trailer sites per acre.

C. Each trailer site shall have an area of at least one thousand eight hundred square feet with a minimum frontage width of thirty-five feet facing on a roadway. Any trailer site, such as a cul-de-sac lot, unable to meet the minimum frontage requirement, but having the one thousand eight hundred square foot area may have less than the minimum frontage if the building inspector determines the conditions to justify it. The frontage of cul-de-sac lots shall be measured at the building setback line.

(Prior code § 17.16.030 (Ord. 503 § 5.5, 1961))

17.16.050 Trailer location.

A. No trailer coach shall be located within a trailer park so that it is nearer than ten feet from any building or another trailer coach; provided, however, that this does not apply to a compartment containing solely a private toilet or bath, or both, constructed for the exclusive use of an occupant of a trailer site designed for the occupancy of one trailer coach.

B. No trailer coach and no building or structure shall be located within a trailer park nearer than five feet from the side and rear property lines or side and rear trailer site lot lines; provided, however, that where trailers are parked rear-to-rear, the minimum rear setback shall be four feet.

(Prior code § 17.16.070 (Ord. 503 § 7.0, 1961))

17.16.060 Location of structures on site.

A. No structure in a trailer park or any portion or projection thereof shall be located within four feet of the trailer park boundary or the trailer site lot line.

B. No structure in a trailer park or any portion or projection thereof, including an approved awning, shall be located nearer than ten feet from any trailer coach or awning on an adjacent trailer site; provided, however, that a windbreak may be located on the lot line if it is at least five feet from any trailer or awning.

C. To prevent obstruction of natural light and ventilation no awning, building, windbreak, or combination thereof, shall be erected, placed, or maintained on more than one side or one end of any trailer coach in a trailer park.

(Prior code § 17.16.120 (Ord. 503 § 9.5, 1961))

17.16.070 Occupied area.

A. In no event shall the occupied area of a trailer site exceed seventy-five percent of the total site area.

B. The area shall be deemed to be occupied when covered or occupied by a trailer, awning, closet, cupboard, automobile, structure, or combination thereof.

(Prior code § 17.16.100 (Ord. 503 § 8.5, 1961))

17.16.080 Construction and maintenance of structures.

Every structure within a trailer park shall be constructed and maintained in a safe, approved, and substantial manner.

(Prior code § 17.16.090 (Ord. 503 § 8.0, 1961))

17.16.090 Streets and driveways.

A. The minimum widths of streets within a trailer park shall be as follows:

1. When trailer sites are constructed at a ninety-degree angle from a street, the street width shall be a minimum of twenty-five feet.

2. When trailer sites are constructed at a sixty-degree angle from a street, the street width shall be a minimum of twenty-two feet.

3. When trailer sites are constructed at a forty-five-degree angle from a street, the street width shall be a minimum of twenty feet.

B. Parking shall not be permitted on streets; except that parallel parking may be permitted in streets having a clear width of thirty-five feet or more, or where sites exist on only one side of the street and the clear width of the street is twenty-eight feet or more.

C. All roadways shall be surfaced with a minimum of two-inch thick asphalt, concrete, plant mix, or other approved materials.

(Prior code § 17.16.080 (Ord. 503 § 7.5, 1961))

17.16.100 Curbs, gutters, sidewalks.

Concrete curbs, gutters, and sidewalks, conforming to specifications approved by the city engineer, shall be installed along the common boundary line of every trailer park with a public street unless such improvements are already in place. Such installation shall be at the expense of the owner or operator of the trailer park.

(Prior code § 17.16.060 (Ord. 503, § 6.6, 1961))

17.16.110 Paving, surfacing, and planting of grass.

If the city building inspector considers it necessary for the protection of the health of the occupant of a trailer park or any portion of a trailer park, or for proper sanitation, he may require that one or more of the sites be graveled, or properly paved and surfaced with concrete, asphalt, grass, or similar material.

(Prior code § 17.16.140(D) (Ord. 503 § 10.5 (d), 1961))

17.16.120 Obstructions prohibited--Storage cabinet placement.

A. No obstruction of any kind shall be erected, placed, or maintained on or about a trailer site that will impede the movement of a trailer from a site to a driveway or prevent inspection of plumbing and electrical facilities and related trailer equipment.

B. No structure shall be so erected, placed, or maintained in a trailer park as to obstruct a required opening in an awning, a required open space on a site, or prevent inspection of electrical or sanitary facilities or trailer equipment. Approved storage cabinets may be placed at the rear of the trailer not under an awning. Cabinets shall have a maximum depth of thirty-six inches and a maximum height of six feet.

(Prior code §§ 17.16.140(C), 17.16.150 (Ord. 503 §§ 10.5(c), 11.0, 1961))

17.16.130 Boundary marking.

The boundaries of each trailer site shall be clearly, distinctly, and permanently outlined.

(Prior code § 17.16.110 (Ord. 503 § 9.0, 1961))

17.16.140 Masonry walls--Required locations.

A. Masonry walls shall be constructed on side and rear adjoining property lines where required by planning commission.

B. There shall be a masonry wall provided along the front setback line for the full width of the property except for access drives and walks. Said wall shall be a minimum of four feet in height.

(Prior code § 17.16.040 (Ord. 503 § 6.0, 1961))

17.16.150 Masonry walls--Construction specifications.

Masonry walls shall be designed and constructed as follows:

A. Not less than eight inches in width;

B. Laid up in cement mortar;

C. Reinforced with appropriate steel and tied with properly designed bond beams;

D. Designed and constructed so as to withstand vertical live and dead loads imposed upon them and to withstand a horizontal force from any direction of fifteen pounds per square foot of wind pressure on a vertical projection of the exposed surface of the walls;

E. Designed so as to admit of a rational analysis in accordance with established principles of mechanics.

(Prior code § 17.16.050 (Ord. 503 § 6.5, 1961))

17.16.160 Awnings.

A. All awnings in trailer parks shall be made of metal or of other approved material; provided, however, that neither canvas nor any similar fabric material may be used unless it is approved by the city fire marshal.

B. Metal roofing materials shall be of corrugated or similarly reinforced sheet metals not less than 26-gauge and shall be securely anchored to the framework.

C. Framework for awnings shall be of standard metal pipe not less than three-fourths-inch in diameter. Uprights of framework may be of an approved material of equal or greater strength. Metal or other rigid awnings may have supporting framework of similar or other approved materials; provided, however, that the weight of the awning is adequately supported. All joints of metal pipe framework shall be securely fastened with standard screw-pipe or pipe-connected fittings. Welded joints may be used. Awnings shall be freestanding except that one side may be attached to an approved awning track on the trailer coach.

D. Awnings shall have at least two sides entirely open at all times. Drops may be used provided they are not permanently anchored.

E. Cooking shall not be permitted within or under any awning nor shall any heating or cooking appliance be installed or used within any awning, except that portable barbecues may be used under metal awnings.

F. No awning shall be erected or maintained over nor enclose wholly or in part any private toilet or bath compartment.

(Prior code § 17.16.160 (Ord. 503 § 11.5, 1961))

17.16.170 Windbreaks.

A. Every windbreak in a trailer park shall be designed, erected, and maintained as a freestanding structure. No portion of a windbreak shall be attached to or become a part of any trailer coach.

B. Windbreaks in excess of seventy-two inches in height shall be designed to withstand vertical live and dead loads imposed upon them and to withstand a horizontal force from any direction of fifteen pounds per square foot wind pressure on the vertical projection of exposed surface of the structure and shall require a building permit therefor.

C. A windbreak shall be erected and maintained so that neither of the ends nor any other portion shall be returned to form an enclosure. No windbreak shall support a roof or awning.

(Prior code § 17.16.170 (Ord. 503 § 12.0, 1961))

17.16.180 Sewage disposal and toilet and bath facilities.

A. Every trailer site in a trailer park shall provide a gas-tight and water-tight connection for sewage disposal which shall be connected into an underground sewage collection system discharging into a public sewer or private disposal system.

B. No dependent trailer shall be parked at any time in any trailer park in the city.

C. Every trailer park must have not less than one toilet, one bath, and one lavatory for each sex for each fifty spaces or fraction thereof, and no trailer site shall be more distant from any of the facilities than five hundred feet.

D. The public toilets shall be maintained readily accessible to all the tenants at all times and for the exclusive use of the occupants of the trailer sites.

E. In every trailer park, water closets for men shall be distinctly marked: "For Men"; and water closets for women shall be distinctly marked" "For Women." In addition, the location of water closets shall be plainly indicated by signs.

F. In every trailer park, shower baths or other bathing facilities with hot and cold running water shall be installed in separate compartments. Every compartment shall be provided with a self-closing door or otherwise equipped with a waterproof draw curtain.

G. The floor of every shower bath compartment and water closet compartment shall be constructed and shall be maintained in a

waterproof condition.

H. Every water closet compartment or compartment containing bathing facilities shall be provided with one or more windows having an aggregate area of not less than six square feet. However, if the room contains more than one water closet, bath, or urinal, the total window area shall be equivalent to three square feet for each water closet, bath, or urinal, but need not exceed one-fourth of the superficial floor area of the room.

I. There shall be not less than one lavatory for each sex installed in every building containing public toilets.

(Prior code § 17.16.180(A--I) (Ord. 503 § 12.5(a)--(i), 1961))

17.16.190 Laundry facilities.

A. Every trailer park shall be equipped with a laundry compartment with not less than two laundry trays supplied with hot and cold water. The floors of each compartment and at least twelve inches of the walls from the ground shall be constructed of approved waterproof masonry composition. Each laundry compartment shall have a window area equal to at least one-eighth of the floor area, and in no case shall it be less than nine square feet.

B. In every trailer park there shall be set aside a space convenient to laundry facilities for the occupants of the trailer sites to dry clothes. The useable lines within said space shall be adequate to serve all of the needs of the trailer park and the drying of clothes on lines on trailer sites shall not be permitted.

(Prior code § 17.16.180(J, K) (Ord. 503 § 12.5(j), (k), 1961))

17.16.200 Window screens for toilets and laundries.

All windows of toilet and bath compartments and of laundry rooms shall be equipped with screens of not less than 16-mesh screening material.

(Prior code § 17.16.200 (Ord. 503 § 13.5, 1961))

17.16.210 Plumbing.

A. All plumbing fixtures in every building in a trailer which affects the sanitary drainage system shall be installed and maintained as provided in this title.

B. Floor drains of a type approved by the plumbing code of the city shall be installed in all concrete floors of rooms containing sanitary plumbing fixtures, including the garbage can enclosure. Hose bibs shall be installed near each floor drain.

C. There shall be in every trailer park an adequate supply of pure water for all the requirements of the park.

D. If it is impractical to connect the plumbing fixtures affecting the sanitary drainage system with a city or sanitary district sewage system, sewage or waste may be discharged in a septic tank constructed and maintained to the satisfaction of the building inspector.

E. Whenever any plumbing fixture becomes unsanitary, the building inspector or the county health officer may require its removal and replacement by a fixture conforming to the provisions of this title.

F. Drinking fountains shall be maintained in a sanitary condition, and shall be of a type approved by the enforcement agency.

(Prior code § 17.16.190 (Ord. 503 § 13.0, 1961))

17.16.220 Wastewater disposal.

Neither the operator of a trailer park or any occupant of a trailer coach shall permit any wastewater or material from sinks or other plumbing fixtures in a trailer coach to be deposited upon the surface of the ground. All such fixtures, when in use, must be connected to a sewer system or covered cesspool or septic tank.

(Prior code § 17.16.210 (Ord. 503 § 14.0, 1961))

17.16.230 LPG storage vessels.

A. No cylinder for the storage of liquefied petroleum gas shall be maintained within a building located in a trailer park which is enclosed on four sides, nor below ground, nor below ground level, nor with the outlet less than five feet away from any building which is below the level of such outlet. Every cylinder supplying a trailer coach shall be mounted upon the trailer.

B. The discharge from safety valves shall be vented in such a manner as to prevent any impingement of escaping LPG upon the vessel, and such discharge point shall not be less than five feet, measured horizontally, from any building opening which is below such discharge.

C. Each tank for LPG shall be located with respect to the nearest source of ignition or line of property adjoining, which may be built in accordance with the following table. Vessels and first-stage regulating equipment carrying more than twenty psi pressure shall be located outside of the buildings or trailer coaches except as hereinafter provided. Each individual vessel shall be located with respect to the nearest important building or group of buildings, or line of property adjoining, which may be built upon, in accordance with the following table:

Volumetric Capacity of Vessels (In U.S. Gallons)

Not more than 500	10 feet
501 to 1,200	25 feet
Over 1,200	50 feet

D. Regulating or filling equipment on LPG tanks which are filled on the premises of a trailer park shall not be nearer than fifteen feet from any opening into or under a building where such opening is below the level of the outlet of such regulating or filling equipment.

E. Readily ignitable material shall not be permitted within ten feet of any vessel, regulator, or vaporizer.

(Prior code § 17.16.220 (Ord. 503 § 14.5, 1961))

17.16.240 Gas-burning appliances.

All gas-burning appliances shall be of an approved vented type. Gas heaters shall be connected to a flue or vent not less in size than the vent collar of the appliance. The flue or vent shall be of approved incombustible materials and shall be carried to the outer air. Vent outlets shall terminate with an approved vent cap not less than twelve inches above the highest point of the trailer or roof of any building. Every gas-burning appliance shall be connected to the gas supply piping with approved metal piping and the gas supply outlet shall be equipped with approved automatic shutoff devices which will shutoff the gas supply to the main burner or burners and pilot in the event of pilot failure.

(Prior code § 17.16.230 (Ord. 503 § 15.0, 1961))

17.16.250 Electrical standards.

The regulations set forth in this section shall apply to all electrical utilization equipment which operates at more than twenty-five volts, or which transmits, transfers, or utilizes more than fifty watts in trailer parks and trailer coaches in trailer parks, and also applies to the installation of transformers, service equipment, and other equipment used for supply or control of electrical energy when such equipment is installed in trailer parks or in trailer coaches which are located in trailer parks. All wiring, where not specifically covered by this title, shall be installed in accordance with the Electrical Safety Orders of the State of California, General Orders 95, of the State of California, or any other state laws that may apply to wiring.

A. Service Wiring. All service wiring from main service panel to trailer sites, utility buildings, and to all points within the trailer park shall be buried underground. Insofar as practicable, all wiring upon or in a building shall be enclosed within the walls thereof, and all wiring not so enclosed must be of an approved type.

B. Service and Feeder Capacity. Service and feeders shall be determined on one-hundred-percent demand on first ten spaces, eighty percent on second ten spaces, and fifty percent for all over the first twenty spaces. Service and feeders shall be calculated on the basis of two thousand four hundred watts (twenty amps, one hundred twenty volts) minimum per site up to twenty-five feet in length, three thousand six hundred watts (thirty amps, one hundred twenty volts) minimum per site for all trailer sites over twenty-five feet in length. No demand for other loads shall be allowed on branch circuits for individual trailer sites.

C. Overcurrent Protection. The maximum size overcurrent protection shall not exceed the rating of the receptacle at the trailer site. Other sizes of overcurrent protection shall be in accordance with subsection H of this section.

D. Grounded Capacity. There shall be a grounded receptacle at all sites based on a minimum of twenty amps for all sites up to twenty-five feet in length and twenty amps minimum for all sites over twenty-five feet in length but in no case shall the receptacle be rated less than the overload protection used.

E. Wire Sizes. Wire sizes in utility buildings shall be as follows:

1. Lighting circuits, No. 14 wire with 15-amps fuse, 12 outlets maximum;

2. Appliance circuits, general, No. 12 wire with 20-amp fuse, 8 outlets maximum;

3. Appliance circuits, laundry room, No. 12 wire with 20-amp fuse, 2 outlets maximum.

F. Branch Circuit Loads. Two or more motors each not exceeding one horsepower in rating and each having a full-load rated current not exceeding six amps may be used on a branch circuit only if it is protected at not more than twenty amps at one hundred twenty-five volts or less, or fifteen amps at six hundred volts or less. Individual running overcurrent protection is not required, unless the motor is automatically started or is out of sight of the starting location.

G. Vertical Clearances. The minimum vertical clearance for wire which carries not to exceed seven hundred fifty volts at lowest point of sag shall be as follows:

1. Above streets and along streets in a trailer park, twenty feet;

2. Above area (other than thoroughfares) where it is possible to drive vehicles, sixteen feet;

3. Above areas accessible to pedestrians only, twelve feet;

4. Above structures, eight feet

Trailer shall be considered a structure when parked on site. "Thoroughfare," as used in this section, means any public or private highway, avenue, street, road, alley, or other place generally used for vehicular use.

H. Conductor Capacities. The allowable capacities of conductors, in amperes, shall be:

Size AWG MCM	Rubber Type R, Type RW, Type RU, Type RH Thermo-Plastic Type T, Type TW Amperes	Weatherproof and Outside Wiring Amperes
12	20	30
10	30	35
8	40	50
6	50	70
4	70	90
3	80	100
2	90	125
1	100	150

0	125	200
00	150	225
000	175	275
0000	225	325

I. Voltage Drop. Voltage drop shall not exceed five percent on distribution system (demand load).

J. Overhead Wiring. All outside and overhead wiring shall conform to the standards of the California Public Utilities "Rules for Overhead Line Construction." All overhead wiring within the park shall be covered with double-braid weatherproof or better insulation.

K. Outdoor Control Equipment. All switches, receptacles, and control equipment located outdoors shall be in a weatherproof or six-sided enclosure so constructed or protected that exposure to the weather will not interfere with its successful operation.

L. Utility Building Lights. All lights in utility buildings must be switched. Pull chains are prohibited.

M. Protective Devices. All overcurrent protective devices on branch circuits shall be nontamperable.

N. Control Equipment. Control equipment shall be located not less than three feet nor more than six feet six inches above the ground or with a permanent working platform. Sufficient space shall be provided and maintained about electrical equipment to permit ready and safe operation. Where parts require examination, adjustment, or repair during operation or while live parts are exposed, adequate working space shall be provided and maintained to permit this work being performed safely. This workspace shall not be less than two and one-half feet.

O. Trailer Service Supply The service supply for each trailer site shall terminate on the same side of site as the sewer trap.

P. Submission of Specifications. An electrical diagram and complete specifications acceptable to the building inspector shall be included with each set of drawings submitted for a building permit.

Q. Underground Wiring. Where wiring is required to be buried underground, underground direct burial cables shall be used. It shall be a minimum of two feet in the ground and protected from damage with a covering prior to backfilling the trench. Covering shall be two-inch by six-inch redwood or equivalent. Cable shall not be permitted less than one-foot radial distance from water, sewer, or gas line.

R. Workmanlike Installation. All electric wiring, fixtures, and equipment shall be installed in a safe and approved workmanlike manner, and maintained to the satisfaction of the building inspector.

S. Awning Outlets. No electrical outlets shall be installed or used within any awning other than those installed on the exterior of a trailer coach.

(Prior code § 17.16.240 (A--U) (Ord. 503 § 15.5(a)--(u), 1961))

17.16.260 Electrical grounding.

Exposed noncurrent-carrying metal parts of all trailers and other equipment shall be grounded in one of the following ways:

A. By means of a grounding conductor run with the circuit conductors in cable assemblies of the approved outdoor type or flexible cords type S or equal, provided an approved multiprong plug or equivalent is used, one prong for the purpose of connecting such grounding conductor to the grounded metal raceway or cable armor. This conductor may be uninsulated but if an individual covering is provided for this conductor it shall be finished to show a green color. An additional contact shall be provided in the receptacle for grounding purposes.

B. Any equipment directly connected to a grounded metallic wiring system is acceptable in lieu of the requirements of subsection A of this section. Exposed noncurrent-carrying metal parts of motors, generators, and control equipment such as frames of motors and control panels, operating levers, and casings of controllers, switches, etc. shall be effectively grounded under the following conditions:

1. All motors, whether fixed or portable, regardless of voltage in all locations where exposed grounded surfaces such as metal frames, conducting floors or walls exist within the reach of persons when touching the metal parts under consideration; grounded surfaces within five feet horizontally of the parts considered and within eight feet vertically of the floor or working platform are considered as being within reach;

2. All portable electric tools which are held in the hand while being operated, regardless of voltage;

3. When the motor is not otherwise effectively grounded and when the voltage exceeds one hundred fifty volts to ground, a bond will be required between the motor frame and the rigid conduit or electrical metallic tubing in cases where the rigid conduit or electrical metallic tubing does not terminate in a junction box which is grounded to the motor frame. When the voltage does not exceed one hundred fifty volts to ground, the motor frame may be grounded through flexible metal conduit which is properly connected to the motor and to the rigid metal conduit.

(Prior code § 17.16.240(V) (Ord. 503 § 15.5 (v), 1961))

17.16.270 Electrical installations--Workmanlike methods.

All electrical installations shall be made in a workmanlike manner and shall be so designed, constructed, installed, and maintained that the hazard will be reduced, as far as it is reasonably possible. Installations of new utilitization equipment and conductors, and extensions, repairs, and changes in existing installations shall be made only by or under the supervision or direction of qualified persons.

(Prior code § 17.16.240(W) (Ord. 503 § 15.5(w), 1961))

17.16.280 Trailer coach connections--Responsibility.

When it is evident that there exists, or may exist, a violation of service facilities requirements of a trailer park, the owner, operator, lessee, person in charge of the park, or any other person causing a violation shall cause the same to be corrected immediately or disconnect the service connection and trailer drain connection from the respective park branch service lines and sewer lateral.

(Prior code § 17.16.130 (Ord. 503 § 10.0, 1961))

17.16.290 Illumination at night.

In every trailer park there shall be installed and kept burning from sunset to sunrise sufficient artificial light to adequately illuminate every building containing public toilets and public showers, and the area or tract of land containing the trailer park. A minimum of two footcandles is required for protective yard lighting on all roadways and walkways.

(Prior code § 17.16.010 (B) (Ord. 503 § 4.5(b), 1961))

17.16.300 Garbage receptacles and disposal.

A. In every trailer park one or more metal garbage cans with tight-fitting covers, appropriately labeled, shall be provided for every six, or fractional part of six, trailer coaches or trailer sites within the park.

B. All garbage, waste, and rubbish in every trailer park shall be removed from the premises and lawfully disposed of without creating a nuisance.

(Prior code § 17.16.250 (Ord. 503 § 16.0, 1961))

17.16.310 Park sanitation.

A. The area or tract of land upon which a trailer park is maintained shall be:

1. Well-drained and graded;

2. Kept free from dust;

3. Kept clean and free from accumulation of refuse, garbage, and rubbish or debris.

B. The use of dipping vessels or cups for common use in any trailer park is prohibited.

C. Every water closet compartment or compartments containing bathing facilities shall be:

1. Kept clean;

2. Kept free from obnoxious odors, flies, mosquitoes, or other insects.

(Prior code § 17.16.260 (Ord. 503 § 16.5, 1961))

17.16.320 Animals.

Dogs shall not be permitted to run at large in any trailer park. The keeping of animals or poultry in any trailer park is prohibited.

(Prior code § 17.16.270 (Ord. 503 § 17.0, 1961))

17.16.330 Fire protection.

A. Hydrants and Hoses. In every trailer park or portion of every trailer park containing more than ten trailers there shall be installed and maintained approved fire hydrants with mounted hose rack or reel spaced at such distances as to reach all areas with seventy-five feet of hose. Each fire hydrant shall be not less than one inch in diameter terminating with a shutoff valve. Hose racks and reels shall be equipped with seventy-five feet of not more than one-inch hose with Boston-type shutoff nozzles. Hose racks or reels shall be enclosed within a cabinet. The cabinet shall be painted red, with a sign stating "For Emergency Use Only," in letters at least four inches in height.

B. Extinguishers. One or more approved extinguishers of a type suitable for flammable liquid or electrical fires (Class B and Class C) in accordance with NFPA Standard No. 10, Portable Fire Extinguishers, (carbon dioxide or dry chemical) shall be so located that it will not be necessary to travel more than one hundred feet to reach the nearest extinguisher.

C. Reporting Fires. Every owner or operator or other person in charge of any trailer park who becomes aware of any fire or smoldering combustion of an unwarranted or insidious nature which is not confined within equipment designed for fire and which is a hazard to any structure within the trailer park shall report the matter without delay to the fire department.

D. Investigation of Fire Remains. Every owner or operator or other person in charge of any trailer park shall report to the fire department the discovery of the remains of any fire, even though it is obvious that the fire is completely extinguished. The fire department official shall make a thorough investigation of every fire.

E. Equipment Approval. All fire protection equipment required by this title shall meet the approval of the city fire chief. Alternates to the requirements of this section may be authorized by the fire chief, provided the alternates are equivalent or provide the same level of safety required under this title.

F. Flammable Liquids. Flammable liquids shall not be stored or used in any structure in quantities in excess of one gallon, and all such flammable liquids shall be kept in unbreakable and tight or approved safety-sealed containers when not in actual use.

G. Dangerous Materials. Neither any article that is dangerous or detrimental to life or to the health of the occupants of a structure, nor any material the fire chief determines may create a fire hazard, shall be kept, stored, or handled in any part of a structure, or on the site on which the structure is situated.

(Prior code § 17.16.290 (Ord. 503 § 18.0, 1961))

Chapter 17.20
DWELLING RESTRICTIONS

Sections:

17.20.010 Trailers designed for automobile transport--Generally.

It is unlawful for any person to camp in or occupy or use for living purposes any trailer coach, house trailer, camper, or other type of housing accommodation which is mounted on wheels and which is designed for and intended to be transported from place to place by automobile, except as otherwise specified in Sections 17.20.020 or 17.20.030.

(Prior code § 17.20.030 (part) (Ord. 503 § 30.0 (part), 1961))

17.20.020 Independent trailer coaches in trailer parks.

An independent trailer coach may be used and occupied as a place of habitation when it is located in a trailer park which has been constructed and is being operated in the manner required in this title.

(Prior code § 17.20.030 (a) (Ord. 503 § 30.0(a), 1961))

17.20.030 Temporary use to house guests.

A single trailer coach may be used as a place of habitation for not to exceed thirty days by relatives and friends of a resident of the city provided it is parked on the property constituting the dwelling of the resident, that it is not overcrowded, and that in the judgment of the building inspector, the fire chief, and the health officer, the conditions and the manner of such use do not create a hazard to the occupants or to others as to property.

(Prior code § 17.20.030 (b) (Ord. 503 § 30.0(b), 1961))

17.20.040 Children under sixteen years prohibited.

A. It is unlawful for the operator of any trailer park or any agent thereof to accept or permit any minor who is under the age of sixteen years to reside in a trailer coach located within the trailer park, or to permit any person, as a tenant or otherwise, to have the use and occupancy of space within the trailer park if such person has in his custody upon the premises a minor under the age of sixteen years.

B. It is unlawful for any person, including either parent, to cause or permit a minor under the age of sixteen years to reside within a trailer park or to use a trailer coach within a trailer park as his place of abode.

C. For the purposes of this section, a minor shall be deemed to reside in a trailer coach in a trailer park or to use the same as his place of abode if he uses such trailer coach for sleeping purposes on one or more nights.

D. Each operator of a trailer park shall cause to be inserted in every agreement for the use of a trailer site by a tenant a provision wherein the tenant specifically agrees that he will not keep upon the premises of the trailer park, or cause or permit his trailer coach to be occupied as a place of abode by, any minor under the age of sixteen years and that any violation of such provision shall be grounds for the immediate termination of said agreement.

(Prior code § 17.20.040 (Ord. 503 § 45.0, 1961))

Chapter 17.24
ENFORCEMENT AND VIOLATIONS

Sections:

17.24.010 Enforcement authority.

The building inspector and fire chief of the city shall enforce every provision of this title; provided, however, that the county health officer may enter and inspect all trailer parks, wherever situated, and inspect all accommodations, equipment, or paraphernalia used in connection therewith, including the right to examine any registers of occupants maintained therein in order to secure the enforcement of the provisions of this title.

(Prior code § 17.20.010 (Ord. 503 § 20.5, 1961))

17.24.020 Peace officer authority to secure enforcement.

For the purpose of securing enforcement of this title, the officials of the city building or fire departments or the county health officer shall have the authority of peace officers as may be necessary to secure enforcement.

(Prior code § 17.20.020 (Ord. 503 § 21.0, 1961))

17.24.030 Failure to obtain permit deemed misdemeanor.

Any person who erects, constructs, maintains, or operates or causes to be erected, constructed, maintained, or operated any trailer park without first having secured a permit so to do as provided in this title shall be guilty of a misdemeanor.

(Ord. 586 § E (part), 1966: prior code § 17.20.050(A) (Ord. 503 § 40.0(a), 1961))

17.24.040 Noncompliance deemed misdemeanor.

Any person who erects, constructs, maintains, or operates any building, structure, or facility within a trailer park or who causes or permits the erection, construction, maintenance, or operation of any trailer park or building, structure, or facility within a trailer park which does not comply with each and every requirement pertaining thereto provided in this title shall be guilty of a misdemeanor and each instance of such noncompliance shall constitute a separate offense for each day during any portion of which such noncompliance exists.

(Ord. 586 § E (part), 1966: prior code § 17.20.050 (B) (Ord. 503 § 40.0(b), 1961))

17.24.050 Operator's violations deemed misdemeanor.

Any person who, as operator of a trailer park or as the agent of such operator, causes or permits to exist any condition prohibited by this title or who performs any act prohibited by this title or who fails to perform any act required of him under the provisions of this title shall be guilty of a misdemeanor.

(Ord. 586 § E (part), 1966: prior code § 17.20.050(C) (Ord. 503 § 40.0(c), 1961))

17.24.060 Penalty for violations.

Any person found guilty of violating any of the provisions of this title shall, upon conviction therefor, be punished by a fine of not to exceed five hundred dollars or by imprisonment in the city jail or the county jail for a period of not exceeding ninety days, or by both such fine and imprisonment.

(Ord. 586 § E (part), 1966: prior code § 17.20.050(D) (Ord. 503 § 40.0 (d), 1961))

SUBDIVISIONS*

Chapters:

* Prior ordinance history: Ord. 81-7-874.

Chapter 18.04
GENERAL PROVISIONS

Sections:

18.04.010 Citation and authority.

This title is adopted pursuant to the authority of the Subdivision Map Act (Title 7; Division 2, California Government Code) and may be cited as the subdivision ordinance of the city of Signal Hill. The provisions of the Subdivision Map Act are incorporated by this reference as though fully set forth herein. In the event of any actual conflict, the provisions of the Subdivision Map Act shall prevail.

(Ord. 82-3-889 § 1 (part))

18.04.020 Purposes.

A. It is the purpose of this title to regulate and control the division of land in the city and to supplement the provisions of the Subdivision Map Act and survey data of subdivision, the form and content of tract maps and parcel maps, and the procedures to be followed in securing the approval of the city regarding such maps. To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety and general welfare.

B. Any references herein to the Subdivision Map Act, or a specific section thereof, shall refer to the Subdivision Map Act, as most currently amended.

(Ord. 82-3-889 § 1 (part))

18.04.030 Conformance with general plans, specific plans, and other regulations.

No land shall be divided and developed for any purpose which is not in conformity with the general plan, any specific plan, or zoning code regulation of the city.

(Ord. 82-3-889 § 1 (part))

Chapter 18.08
REQUIRED MAPS

Sections:

18.08.010 General.

Tentative, parcel and final maps shall be prepared when required by and in conformance with the provisions of this chapter.

(Ord. 82-3-889 § 1 (part))

18.08.020 Tract maps.

A. A preliminary, tentative, and final tract map shall be submitted for all subdivisions where a tentative and final tract map is required pursuant to the Subdivision Map Act.

B. Nothing shall preclude the department of planning and community development from requiring a tract map wherever a parcel map is required by this title or by the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.08.030 Parcel maps.

A preliminary, tentative, and final parcel map shall be required for all subdivisions for which a tract map is not required by Section 18.08.020 of this title except where:

A. The parcel map is waived by the city pursuant to this title;

B. A lot line adjustment or lot merger between two or more adjacent parcels is proposed.

(Ord. 82-3-889 § 1 (part))

Chapter 18.12
PRELIMINARY AND TENTATIVE MAPS--FILING AND REVIEW PROCEDURES

Sections:

18.12.010 Prefiling conference.

Prior to filing any map, the prospective subdivider should meet with the department of planning and community development to discuss possible subdivision design, dedication requirements and supplemental information required.

(Ord. 82-3-889 § 1 (part))

18.12.020 Preliminary map.

Prior to filing an application for a tentative map, the subdivider shall submit three preliminary maps and data related to the design, layout, grading, and other features proposed for the development as required by the department of planning and community development. The department will advise the subdivider of any changes to the proposal it deems appropriate as a result of its preliminary review. The preliminary map review time shall not be considered as part of the time limit specified by the Subdivision Map Act for necessary action on tentative maps.

(Ord. 82-3-889 § 1 (part))

18.12.030 Form, content and accompanying material.

A. Each tentative map shall show and contain the following information:

1. The tentative map number;

2. Sufficient legal description of the land included on the map to define the boundaries of the tentative tract or parcel map;

3. Names, addresses, and telephone numbers of the record owner, developer, and registered civil engineer preparing map;

4. North point, scale, date and area of tract or parcel map and the date of survey;

5. The width and approximate locations of all existing or proposed easements or right-of-way, whether for public or private roads, drainage, sewers, or flood-control purposes, shown by dashed lines. Existing easements shall show the name of the easement holder, purpose of easement, and the legal reference for the easement. If an easement is blanket or indeterminate in nature, a note to this effect shall be placed on the tentative map;

6. The actual street names of each existing highway or street shown on the tentative map;

7. The locations, widths, and approximate grades of all existing and proposed highways, streets, alleys, or ways within and adjacent to such tentative map. The radius of all centerline curves on highways, streets, alleys, or ways; a cross-section of each street; and any planned line for street widening or for any other public project in and adjacent to the land division. The lettered designation of each proposed highway or street shown on the tentative map;

8. The lot layout, the approximate dimensions of each lot, number of each lot, total area in square footage or acreage to the nearest one-tenth acre of each lot, and where pads are proposed for building sites, the approximate finish grade. Minimum lettering shall be one-eighth inch;

9. The locations of all areas subject to inundation or flood hazard and the locations, width, and directions of flow of all watercourses

and flood-control areas within and adjacent to the property involved;

10. The contour of the land at intervals of not more than two feet if the general slope of the land is less than ten percent and five feet for all other areas. This shall include an area not less than one hundred feet surrounding the tentative tract;

11. The location and outline to scale of each building or structure within or immediately adjacent to the division of land and the proposed disposition of such building or structure. The approximate location, height, and general description of any trees with notations as to their retention or destruction;

12. The location of existing water or oil wells, oil tanks, sumps, cesspools, sewers, culverts, drain pipe, underground structures, or sand, gravel, or other excavations within the subdivision and within two hundred feet of any portion of the subdivision noting thereon whether or not they are to be abandoned, removed or used;

13. The location of existing or proposed surface easements, ground leases, or access agreements for oil production purposes;

14. A general location map of the area to be sub-divided showing its relation to existing main thoroughfares and the distance from the nearest public street centerline to the boundary of the proposed subdivision;

15. The location of all streets, existing or contained on adjacent approved tentative maps where such streets intersect the boundary of the subdivision or where such streets intersect another street that forms a boundary of the subdivision;

16. A layout of adjoining unsubdivided property in sufficient detail to show the effect of proposed streets that may intersect such property;

17. The location of any previously filled areas within the subdivision;

18. Proposed direction of flow and rate of grade of street drainage;

19. Statement of the present use and the proposed use or uses of the property;

20. The tentative map shall clearly indicate the proposal for handling of storm waters. In the event that such information cannot satisfactorily be shown on the tentative map, the map shall be accompanied by whatever supplemental maps or written reports are necessary to show the proposal;

21. The tentative map shall clearly show the method of sewage disposal. In the event this information cannot satisfactorily be shown on the tentative map, the map shall be accompanied by whatever supplemental maps or written reports are necessary to show the proposal;

22. The designation of all remainder parcels pursuant to Section 66424.6 of the Subdivision Map Act;

23. The department of planning and community development may waive any of the foregoing tentative map requirements whenever the division of land is such or does not necessitate compliance with these requirements or where other circumstances justify such waiver.

B. The following supplemental drawings, statements, and data shall accompany the tentative map:

1. A statement of existing and proposed zoning and existing and proposed uses of the property;

2. If the subdivider plans to develop the site, then he shall provide a proposed site plan with proposed sequence of construction. If no development is proposed, the site plan shall show existing conditions on the site;

3. A statement by a person holding a proprietary interest in the parcel or parcels comprising the division of land, consenting to the submission of the tentative map;

4. A preliminary title report;

5. A geologic and/or soils report if required by the city engineer;

6. A flood hazard report from the Los Angeles County flood-control district;

7. A preliminary grading plan;

8. An environmental assessment statement and/or input for a draft environmental impact report, as determined by the director of planning and community development;

9. If the map is for conversion of existing buildings into condominiums, community apartments, or a stock cooperative, subdivider

shall submit all reports required by Chapter 20.50 of this code, and in addition, the following:

a. A report from a licensed structural pest control operator, approved by the city, on each structure and each unit within the structure;

b. A statement of repairs and improvements to be made by the subdivider necessary to refurbish and restore the project to achieve a high degree of appearance and safety;

c. The subdivider shall submit evidence that requirements of Section 66427.1 and other sections of the Subdivision Map Act related to tenant notification have been met;

d. Specific information concerning the demographic characteristics of the project including but not limited to makeup of existing tenant households (family size, length of residence, age), rental rate history, monthly vacancy rates, proposed sale price of units, and proposed homeowners' association fee;

10. Any other data or reports as deemed necessary by the department of planning and community development or the city engineer;

11. The department of planning and community development may waive any of the foregoing when such is not necessitated by the nature of the subdivision of land.

(Ord. 82-3-889 § 1 (part))

18.12.040 Submittal, fees and deposits.

The tentative map and all other information required for processing shall be filed with the department of planning and community development. Filing fees and deposits shall be those prescribed by resolution of the city council.

(Ord. 82-3-889 § 1 (part))

18.12.050 Reports and recommendations.

The department of planning and community development shall distribute copies of the tentative map, and where appropriate, required written statements to other members of the subdivision committee which shall consist of the city engineer, public works director, building official, and city manager, and other agencies, as necessary, and cause a report regarding the same to be forwarded to the subdivider and the planning commission within the time limits required by the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.12.060 Planning commission action.

The planning commission shall hold a public hearing on the tentative map. Notice of the hearing shall be given pursuant to Section 66451.3 and 66451.4 of the Subdivision Map Act, and ten days mailed notice of the hearing shall be given to the subdivider and to all property owners within three hundred feet of said subdivision, as shown on the last equalized assessment roll. After such hearing, the commission shall approve, conditionally approve, or disapprove the tentative map within fifty days, unless an extension of time is mutually agreed upon by the planning commission and the subdivider. Any action taken by the planning commission shall be supported by the findings required by Sections 66427.1, 66473.5, 66474, and 66474.6 of the California Government Code and Section 21100 of the California Public Resources Code.

(Ord. 82-3-889 § 1 (part))

18.12.070 Appeal to city council.

If the subdivider or any other interested party is dissatisfied with any action of the planning commission with respect to the tentative map or conditions imposed by the planning commission, they may, within ten days after such action, appeal such action to the city council by filing written notice to the city clerk. After giving the same notification provided in Section 18.12.060, the city council shall hold a public hearing on the appeal. Upon conclusion of the hearing, the city council shall, within ten days, declare its findings. The city

council may sustain, modify, reject, or overrule any ruling of the planning commission. Any action taken by the city council shall be supported by the required findings in Section 18.12.060.

(Ord. 82-3-889 § 1 (part))

18.12.080 Time limits.

The time limits for acting and reporting on tentative maps may be extended by mutual consent of the subdivider and the department of planning and community development or planning commission, as the case may be. No tentative map application shall be accepted as completed until such time as all documentation is complete, including environmental documentation required under CEQA.

(Ord. 82-3-889 § 1 (part))

18.12.090 Expirations.

A. Approved or conditionally approved tentative tract maps shall expire in twenty-four months unless an extension not to exceed twelve months is granted by the director of planning and community development.

B. Approved or conditionally approved tentative parcel maps shall expire in twelve months unless an extension not to exceed twelve months is granted by the director of planning and community development.

C. A subdivider may request an extension by application to the director of planning and community development. Such application shall be filed at least thirty days before the tentative map is due to expire. Requests for all extensions shall be accompanied by a processing fee as prescribed by resolution of the city council.

D. Where the director of planning and community development desires to impose new conditions or revise existing conditions of the tentative map in granting an extension, the extension request shall be referred to the planning commission for their deliberation and action.

E. Where an extension request is denied, the subdivider may, within ten days after such action, appeal the denial to the planning commission. The planning commission may approve, conditionally approve or deny the extension request.

(Ord. 82-3-889 § 1 (part))

Chapter 18.13
FINANCE AND CONVEYANCE MAPS

Sections:

18.13.010 Purpose and intent.

A. The purpose of this chapter is to set forth the process for financing and/or conveyances for sites, which have an approved tentative parcel map or tentative tract map. The finance and/or conveyance map shall not create any legal building site(s); a future final map or parcel map shall be processed in order for any development to occur.

B. This criteria shall govern the filing and processing of tentative maps for finance and/or conveyance purposes. Applications for finance and/or conveyance maps (collectively referred to as "finance maps") may only be accepted under one of the following criteria:

1. A future final map for development purposes must be processed and recorded in order for any development on the site to occur, and this fact is clearly stated on the face of the map; or

2. An approved site plan and design review or conditional use permit is approved for the site, has not expired, and all conditions of approval, expected exactions, and mitigation measures associated with the underlying approval(s) shall be implemented as previously prescribed, or as properly modified, for any development on the property to occur. (Ord. 2015-11-1482 § 1 (part))

18.13.020 Definition.

"Finance and conveyance map" means a map used to parcelize undivided undeveloped land, parcel maps, or tract maps for non-buildable reasons. (Ord. 2015-11-1482 § 1 (part))

18.13.030 Procedure.

Filing and processing. The finance and conveyance map and all other information required for processing shall be filed with the community development department. Filing fees and deposits shall be those prescribed by resolution of the city council. (Ord. 2015-11-1482 § 1 (part))

18.13.040 Submittal requirements.

A. The form, content and supplementary information that must accompany a finance and conveyance map shall conform to the submittal requirements for tentative maps set forth in Section 18.12.030 of this code except as hereafter provided.

1. Notwithstanding the requirements set forth in Section 18.12.030, the director of community development or designee may waive the following requirements in writing if requested in advance by the applicant:

a. Internal streets and access ways within the boundary of the finance map (with concurrence of the city engineer);

b. Dimensions and location of sidewalks and common areas;

c. Soils and geology report;

d. Regional housing needs statement; and/or

e. Other submittal requirements set forth in Chapter 18.12 Preliminary and Tentative Maps - Filing and Review Procedures, or the Subdivision Map Act, provided, the city engineer determines in advance, that tentative tract or parcel map continues to comply with the spirit and intent of the Subdivision Map Act, the subdivision ordinance, and these subdivision regulations.

2. The following statements must be clearly printed on the face of the proposed finance map: "FOR FINANCE AND CONVEYANCE PURPOSES ONLY." and "THIS FINANCE MAP DOES NOT CREATE A LEGAL BUILDING SITE. FURTHER APPLICATIONS ARE NECESSARY TO DEVELOP THIS PROPERTY."

3. If a previously approved tentative map, vesting tentative map, site plan and design review or conditional use permit is in place on the property, the face of the finance map must include the following additional statement in addition to the statement required in Section 18.13.040(2): "THIS FINANCE MAP DOES NOT REMOVE ANY CONDITIONS OF APPROVAL SET FORTH WITH APPROVAL OF SITE PLAN AND DESIGN REVIEW AND TENTATIVE TRACT {insert case number(s)}, WHICH MUST BE SATISFIED WITH CONTINUED DEVELOPMENT OF THE PROPERTY." (Ord. 2015-11-1482 § 1 (part))

18.13.050 Review procedure.

A. Except as otherwise noted herein, finance maps shall be processed in the same manner and shall be subject to the same requirements as specified for tentative maps in Section 18.12.060 of the Signal Hill Municipal Code. The community development department will distribute copies of the finance map to the appropriate reviewing bodies to determine whether the finance map conforms to the requirements of this chapter, and the Subdivision Map Act.

1. Criteria. The reviewing authority shall base its decision to approve, conditionally approve, or disapprove the proposed finance map on the information required under this chapter, and any additional information reasonably necessary to determine that the property covered by the finance map can be feasibly developed under the existing zoning and general plan designations for the site. At a minimum, the advisory agency/reviewing authority must ensure the following:

a. The parcel (or parcels) of land covered by the finance map meet the minimum size requirements to ensure that future development can meet all applicable site development standards imposed by Title 20 of the Signal Hill Municipal Code;

b. The parcel (or parcels) of land have access from a public road, or access is both feasible and required by a condition of approval for the proposed finance map;

c. The parcel lines do not conflict with any public easements;

d. There are not physical constraints or other issues which may affect the feasibility of future development on the site (e.g., vehicular access, utility service extensions). If necessary in order to adequately evaluate the finance map, additional technical studies (e.g., access study) should be required prior to finding the application complete;

e. The finance map provides sufficient information on future uses and feasibility of future uses to ensure consistency with the general plan and zoning designations for the site;

f. The site is suitable for the future permitted or proposed uses;

g. The finance map provides sufficient information on the subdivision design and future improvements to evaluate its potential impact on the environment in compliance with the California Environmental Quality Act; and

h. There is sufficient information on the subdivision design and future improvements to enable the city to determine whether the finance map complies with applicable water quality standards, particularly with respect to future discharge of waste into the sewer system.

2. Findings. A tentative map for finance and conveyance purposes shall be approved or conditionally approved only if the advisory agency can make the following findings:

a. That the proposed finance map is consistent with applicable general and specific plans and the zoning ordinance;

b. That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans and zoning ordinance;

c. That the site is physically suitable for the type of development;

d. That the site is physically suitable for the proposed density of development;

e. That the design of the subdivision or the proposed improvements are not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;

f. That the design of the subdivision or type of improvements is not likely to cause serious public health problems;

g. That the design of the subdivision or the type of improvements will not conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision; and

h. That the requirements of the California Environmental Quality Act have been satisfied.

B. Mandatory conditions of approval. In addition to the standard subdivision conditions of approval applied to all maps for development purposes, the following shall apply to all finance maps:

1. Any submittal requirements which were waived in connection with the finance map in accordance with Section 18.13.040(1) shall be submitted concurrently with the first discretionary application for development of the property covered by the finance map (i.e., with an application for a future final map, a conditional use permit, site plan and design review or specific plan), or shall be submitted as prescribed by conditions of approval already in place with underlying entitlement approvals that govern continued or subsequent development of the property as described on the face of the finance map per Section 18.13.040(4).

2. This finance map is approved for finance and land conveyance purposes only. No applications for building or grading permits shall be accepted for the parcel or parcels created by this finance map until a future final map, a conditional use permit, site plan design and review or specific plan for development has been approved by the city, or as prescribed by conditions of approval already in place with underlying entitlement approval that govern continued or subsequent development of the property as described on the face of the

finance map per Section 18.13.040(4). (Ord. 2015-11-1482 § 1 (part))

18.13.060 Appeal.

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 as are set forth for tentative maps under Section 18.12.070 of this title. (Ord. 2015-11-1482 § 1 (part))

18.13.070 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 as are set forth for tentative maps under Section 18.12.090 of this title. (Ord. 2015-11-1482 § 1 (part))

Chapter 18.14
VESTING TENTATIVE MAPS

Sections:

18.14.010 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 the provisions of the Subdivision Map Act and the Subdivision Ordinance of the city. Except as otherwise set forth in the provisions of this chapter, all other provisions of Title 18 of the Signal Hill Municipal Code shall apply to vesting tentative maps. In the event of any inconsistency between the provisions of this chapter and of Title 18, the provisions of this chapter shall govern. 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 in the city of Signal Hill.

(Ord. 85-12-966 § 1 (part))

18.14.020 Definitions.

A. A "vesting tentative map" means a "tentative map" for a residential subdivision that shall have printed conspicuously on its face the words "Vesting Tentative Map" at the time it is filed, in accordance with Section 18.14.040 herein, and is thereafter processed in accordance with the provisions hereof.

B. All other definitions set forth in this title are applicable.

(Ord. 85-12-966 § 1 (part))

18.14.030 Application.

A. This chapter shall apply only to residential developments. Whenever a provision of the Subdivision Map Act, as implemented and supplemented by this title, 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 vested tentative map shall not be a prerequisite to any approval for any proposed subdivision, permit for construction, or work preparatory to construction.

(Ord. 85-12-966 § 1 (part))

18.14.040 Procedures.

A. 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 Chapter 18.12 for a tentative map, except as hereinafter provided:

1. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face the words "Vesting Tentative Map."

2. At the time a vesting tentative map is filed, unless waived by the relevant department head, a subdivider shall also supply the following information:

a. Architectural plans;

b. Construction drawings;

c. Geologic reports;

d. Traffic impact reports;

e. Hydraulic studies;

f. Hydrology studies;

g. Detailed grading plans;

h. Any information required for site plan review by Section 20.52.030 of Chapter 20.52 of this code;

i. Any other data or reports specified by resolution of the planning commission or deemed necessary by the director of the department of planning and community development, or the city engineer, which will enable the director or city engineer to evaluate compliance with the city code, including Title 15 thereof.

B. Fees. Upon filing a vesting tentative map, the subdivider shall pay such fees and deposits as the city council may prescribe from time to time by resolution.

(Ord. 85-12-966 § 1 (part))

18.14.050 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 as are set forth for tentative maps under Section 18.12.090 of this title.

(Ord. 85-12-966 § 1 (part))

18.14.060 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 conditions of approval, and the ordinances, policies and standards described in Government Code Section 66474.2. In the event that 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 conditions of approval, and ordinances, policies and standards in effect at the time the vesting tentative map is approved or conditionally approved.

B. Notwithstanding subsection A above, a permit, approval, extension or entitlement sought by an applicant for property for which a vested right to proceed with development has been obtained 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 18.14.050 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 shall be automatically extended by any time used for processing a complete application for a grading permit or for site plan review, if such processing exceeds thirty 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 expires. If the extension is denied, the subdivider may appeal that denial to the planning commission within fifteen calendar days by filing an appeal in writing with the director of planning and community development;

4. If the subdivider submits a complete application for a building permit during the periods of time specified in subsections C1 through C3, the rights referred to herein shall continue until the expiration of that permit, or any extension of that permit.

(Ord. 85-12-966 § 1 (part))

Chapter 18.16
FINAL MAPS

Sections:

18.16.010 General.

Following planning commission approval of a tentative map, the subdivider may cause a final map to be prepared by a registered civil engineer or licensed surveyor registered in the state, in accordance with a completed survey of the subdivision and in substantial compliance with the approved tentative map, and in full compliance with the Subdivision Map Act and all ordinances of the city.

(Ord. 82-3-889 § 1 (part))

18.16.020 Form, content and accompanying material.

A. Each final map shall be prepared in accordance with the following:

1. The final map shall be clearly and legibly delineated upon mylar or linen. All lines, letters, figures, certificates, acknowledgements, and signatures shall be made in black waterproof India ink, except that affidavits, certificates, and acknowledgements may be legibly stamped or printed upon the map with black opaque ink. Stick-on certificates shall not be utilized. Minimum letter size shall be one-eighth inch in height.

2. The size of each sheet shall be eighteen inches by twenty-six inches.

3. A marginal line shall be drawn completely around each sheet, leaving an entirely black margin of one inch.

4. The scale of the map shall be large enough to show all details clearly and not less than one hundred feet to the inch unless approved by the city engineer.

5. Each sheet shall be numbered, the relation of one sheet to another clearly shown, and the number of sheets used shall be set forth on each sheet.

6. The tract number, scale, north point, and sheet number shall be shown on each sheet of the final map.

7. The exterior boundary line of the subdivision shall be indicated by a distinctive symbol on the front of the sheet which shall not obliterate lines and figures.

8. The title sheet of each final map shall contain a title to the satisfaction of the city engineer consisting of the number, name, or other designation of the subdivision together with the words: "In the City of Signal Hill" or "Partly within the City of Signal Hill and partly in another city." Below the title shall be a subtitle consisting of a general description of all the property being subdivided, by reference, to subdivisions or to section surveys. Reference to tracts and subdivisions shall be spelled out and worded identically with original records, with complete references to proper book and page of the record. Title sheet shall show, in addition, the basis of bearings, the number of lots or parcels, and the acreage of the tract or parcel map, a soils report note, and monument notes. Maps filed for purpose of reverting subdivided land to acreage shall be conspicuously marked under the title: "The purpose of this map is to revert to acreage." Maps filed for the purpose of a condominium shall be conspicuously marked: "For Condominium Purposes."

9. Each lot or parcel shall be numbered and each block may be numbered or lettered. Each street shall be named.

10. Sufficient linear, angular, and radio data shall be shown to determine the bearings and lengths of monument lines, street centerlines, the boundary lines of the subdivision and of the boundary lines of every lot and parcel which is a part thereof. Length, radius, and total central angle or radial bearings on all curves shall be shown. Where metric units are shown, English units shall also be provided.

11. The location and description of all existing and proposed monuments shall be shown.

12. Whenever the city engineer has established the centerline of a street or alley, such data shall be considered in making the surveys and in preparing the final map, and all monuments found shall be indicated and proper references made to field books or maps of public record, relating to the monuments. If the points were reset by ties, that fact shall be stated.

13. The final map shall show city boundaries crossing or adjoining the subdivision clearly designated and tied in.

14. The final map shall show the centerline data, width and side lines of all easements to which the lots are subject. Easements shall be clearly labeled and identified with respect to the use for which intended, and if already of record, proper reference to the records given. Public easements shall be dedicated and so indicated in the certificate of dedication. At the time the subdivider presents the final map, there shall be presented certificates executed respectively, by the various public utility companies authorized to serve in the area of the subdivision, certifying that satisfactory provisions have been executed and delivered to the certifying companies for recording. Easements for public utility companies shall be reserved for the use and benefit of public utility companies.

15. The following certificates and acknowledgements must appear on the title sheet of the final map:

a. Owner's certificate signed and acknowledged by all parties having record title thereof in the completed subdivision with exceptions provided by the Subdivision Map Act, including dedications and offers of dedication, if any, which shall, by their terms, not be revocable without city consent in the event the final map is approved;

b. Engineer's or surveyor's certificate;

c. City engineer's certificate of approval;

d. City clerk's certificate of approval by city council and acceptance of offer of dedication;

e. Such other affidavits, certificates, acknowledgments, endorsements, and notarial seals as required.

B. The following statements, documents, and other data shall be filed with the final map:

1. A guarantee of title or certificate of title from a title company, certifying that the signatures of all persons whose consent is necessary to pass a clear title to the land being subdivided, and all acknowledgements thereto, appear and are correctly shown on the proper certificates, and are correctly shown on the map, both as to consents for the making thereof and the affidavit of dedication;

2. Title report;

3. The complete plans, profiles, cross-sections, specifications, and applicable permits for the construction and installation of all improvements as required by the city engineer;

4. All protective covenants, conditions, restrictions, or affirmative obligations in the form in which the same are to be recorded, as approved by the department of planning and community development;

5. A nonrefundable filing and checking fee as prescribed by resolution of the city council;

6. Deed for easements of rights-of-way or other dedications which have not been dedicated on the final map. Written evidence acceptable to city in the form of rights-of-entry or permanent easements across private property outside of the subdivision, permitting or granting access to perform necessary construction work and permitting the maintenance of the facility;

7. If the map is for creation of a subdivision by conversion of residential real property into condominiums, community apartments, or a stock cooperative, the subdivider shall file such documents with the department of planning and community development that assure compliance with Section 66427.1 of the Subdivision Map Act;

8. Complete copies of all deeds, documents, and field book pages referenced on the map or required for the interpretation of deeds or data referenced on the map;

9. Complete traverse and closure calculations;

10. Method of establishment of all lines;

11. Centerline tie notes;

12. All other data required by law or by the city engineer as a condition of approval of the tentative map, including plans, deeds, reports, calculations, agreements, permits, fees, deposits, security or other requirements.

(Ord. 82-3-889 § 1 (part))

18.16.030 Submittal and map check.

The submittal and map check procedure shall be as prescribed by the city engineer.

(Ord. 82-3-889 § 1 (part))

18.16.040 Approval.

After receipt of said map, the city council shall, at its next regularly scheduled meeting, approve the map if it conforms to all the requirements of the Subdivision Map Act and this title; or, if it does not conform, the map shall be disapproved. If at the time of final map approval any public improvements required by the Subdivision Map Act or Chapter 18.32 of this title have not been completed and accepted by the city engineer, the city council shall require the subdivider to enter into an agreement pursuant to Section 66462 of the Subdivision Map Act. The council shall also accept, subject to improvement, or reject any offer of dedication pursuant to the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

Chapter 18.20
EXCEPTIONS AND WAIVERS

Sections:

18.20.010 Exceptions.

A. The planning commission may recommend that the city council authorize exceptions to any of the requirements or standards imposed by these regulations where not inconsistent with or prohibited by the provisions of the Subdivision Map Act and other City of Signal Hill Municipal Code sections.

B. An application for any exemption shall be made at the time of filing of tentative map lot line adjustment or lot merger, stating fully the grounds of the application and the facts supporting the request. Before recommending or approving any exception application, the planning commission or city council shall make all of the following findings:

1. That there are exceptional or extraordinary circumstances or conditions applicable to the property involved or to the intended use of the property which do not generally apply to other property in the same vicinity;

2. That such exception is necessary for the preservation and enjoyment of a substantial property right, which right is possessed by other property owners under like conditions;

3. That such exception is not a grant of special privileges;

4. That the exception will not be detrimental to the public health, safety, welfare, or be injurious to other properties in the vicinity;

5. That granting of the exception is in accord with the intent and purposes of this title and is consistent with the general plan and with all applicable specific plans or other plans of the city;

6. That in granting any exceptions, the city council shall impose such conditions as are necessary to protect the public health, safety, or welfare and assure compliance with the general plan, with all applicable specific plans, and with the intent and purposes of this title.

(Ord. 82-3-889 § 1 (part))

18.20.020 Waiver of final parcel map procedure.

A. The requirement that a parcel map be prepared and recorded may be waived by the planning commission if a finding is made that the proposed division of land complies with the requirements of this title and the Subdivision Map Act as to area, improvement and design, floodwater drainage control, water supply availability, appropriate improved public roads and environmental protection.

B. A tentative parcel map application with accompanying material and with a written waiver request must be filed with the director of planning and community development prior to consideration of any waiver request.

C. In granting any waiver, the planning commission may impose such conditions as are necessary to protect the public health, safety, or welfare and assure compliance with the general plan, any applicable specific plans, and the intent and purposes of this title. Prior to recordation of a certificate of compliance, the subdivider may be required to satisfy such conditions or enter into an agreement with the city pursuant to Section 66411.1 of the Subdivision Map Act and Chapter 18.40 of this title.

D. In any case where waiver of a parcel map is granted, the director of planning and community development shall file a certificate of compliance with the county recorder's office.

(Ord. 82-3-889 § 1 (part))

Chapter 18.24
LOT LINE ADJUSTMENTS

Sections:

18.24.010 Submittal.

Any person desiring a lot line adjustment between two or more existing parcels, where the land taken from one parcel is added to an adjacent parcel, and where a greater number of parcels than originally existed is not thereby created, shall file an application for a lot line adjustment with the department of planning and community development, accompanied by such information, as the department may require, and by a fee as established by resolution. The application shall be accompanied by a plot plan, eight-and-a-half inches by fourteen inches in size, and in a form prescribed by the director of planning and community development, the signature of the owner(s)

of the property involved, a title report for the owner(s), and a legal description of the proposed lot line adjustment subject to the review of the city engineer.

(Ord. 82-3-889 § 1 (part))

18.24.020 Approval.

A. Within thirty days after said application for approval of a lot line adjustment has been filed, the director of planning and community development shall approve or conditionally approve the lot line adjustment if the lot line adjustment does not:

1. Create any new lots;
2. Include any lots or parcels created illegally;
3. Impair any existing access or create a need for new access to any adjacent lots or parcels;
4. Impair any existing easements or create a need for any new easements serving adjacent lots or parcels;
5. Constitute poor land planning or undesirable lot configurations due to existing environmental conditions;
6. Require substantial alteration of any existing improvements or create a need for any new improvements.

B. The director of planning and community development may impose such conditions of approval to be satisfied prior to recordation of the lot line adjustment, as the director finds necessary, to insure that the boundary adjustments involved are in full compliance with this title.

C. In any case where a lot line adjustment is approved, the department of planning and community development shall file a certificate of compliance with the county recorder's office.

(Ord. 82-3-889 § 1 (part))

18.24.030 Appeal.

If the applicant is dissatisfied with any action taken by the director of planning and community development, the decision may be appealed to the planning commission within ten days of the date of mailing a notice of the action taken by the director of planning and community development. The planning commission shall consider such appeal at their next scheduled meeting and may either approve, conditionally approve, or deny the lot line adjustment.

(Ord. 82-3-889 § 1 (part))

Chapter 18.28
MERGER OF PARCELS*

Sections:

* Prior ordinance history: Ord. 82-3-889.

18.28.010 Authority.

Under authority of Article 1.5 of Chapter 3 of the Government Code, the planning commission may determine pursuant to the provisions of this chapter that contiguous parcels of land under common ownership shall be merged. If the planning commission makes a determination that contiguous parcels shall be merged under this chapter, such parcels shall thenceforth be treated as a single lot under the provisions of this code. Nothing herein shall prevent a voluntary merger of lots initiated by the owner of the competent parcels. This chapter shall apply only to those mergers of privately-owned property when initiated by the city.

(Ord. 88-09-1011 § 1 (part))

18.28.020 Definitions.

As used in this chapter, the following terms shall have the following meaning:

A. "Accessory structure" means a structure which serves some limited, supplemental use to the primary use for the property. Examples of accessory structures include garages or storage sheds for residences, gates, fences, and the like.

B. "Common ownership" means at least one-half ownership interest (including interests as joint tenants or tenants-in-common) in all contiguous parcels by the same individual, partnership, corporation, firm, association, or other person or business entity. Common ownership shall be determined as of the time of the director's preliminary determination, as provided for in Section 18.28.050.

C. "Component-parcel" means one of the two or more parcels which constitute contiguous parcels.

D. "Contiguous parcels" mean two or more adjoining parcels or units of land, sharing some common boundary line or point. Parcels shall not be deemed contiguous parcels if their common boundary line or point lies within a public road, street, or alley, or railroad rights-of-way, or other feature deemed to be similar by the director.

E. "Director" means the director of planning and community development.

F. "Mineral resource extraction" means gas, oil, hydrocarbon, gravel, or sand extraction, geothermal wells, or other similar commercial mining activity.

(Ord. 88-09-1011 § 1 (part))

18.28.030 Eligibility of parcels for merger.

Contiguous parcels shall be eligible for merger if they meet all of the following conditions:

A. One of the component parcels does not conform to standards for minimum parcel size, under the applicable zoning ordinance;

B. One of the following conditions exist on at least one of the component parcels:

1. The component parcel is undeveloped by any structure for which a building permit was issued, or for which a building permit was not required by law at the time of construction, or

2. The component parcel is developed only with an accessory structure or accessory structures, or

3. The component parcel is developed with a single structure which is not an accessory structure, and which is partially sited on another component parcel;

C. One or more of the following conditions exists as to any component parcel:

1. The component parcel comprises less than five thousand square feet at time of the determination of merger, or

2. The component parcel was not created in compliance with applicable laws and ordinances in effect at the time of its creation, or

3. The component parcel does not meet as determined by the public works director, standards for sewage disposal and domestic water supply applicable at the time of the director's preliminary determination, or

4. The component parcel does not meet as determined by the city engineer, slope stability standards applicable at the time of the director's preliminary determination, or

5. The component parcel has no legal access which is adequate for vehicular and safety equipment access and maneuverability, or

6. Development of the component parcel would create health or safety hazards, or

7. The component parcel is inconsistent with the applicable general plan or any applicable specific plan, for reasons other than minimum lot size or density standards.

(Ord. 88-09-1011 § 1 (part))

18.28.040 Additional prerequisites to merger.

Notwithstanding the preceding Section 18.28.030, contiguous parcels shall be eligible for merger upon the existence of the conditions in subsections A and B of this section only, as those conditions are set forth in Section 18.28.030, if any one of the following conditions also exist with respect to any of the component parcels:

A. On or before July 1, 1981, the component parcel was enforceably restricted open-space land pursuant to a contract, agreement, scenic restriction, or open-space easement, as defined and set forth in Section 421 of the Revenue and Taxation Code.

B. On July 1, 1981, the component parcel was timberland as defined in subdivision (f) of Section 51104, or is land devoted to an agricultural use as defined in subsection (b) of Section 51201.

C. On July 1, 1981, the component parcel was located within two thousand feet of the site on which an existing commercial mineral resource extraction use is being made, whether or not the extraction is being made pursuant to a use permit issued by the local agency.

D. On July 1, 1981, the component parcel was located within two thousand feet of a future commercial mineral extraction site as shown on a plan for which a use permit or other permit authorizing commercial mineral resource extraction has been issued.

(Ord. 88-09-1011 § 1 (part))

18.28.050 Lot merger--Preliminary determination.

A. Wherever an applicant submits an application for a site plan, tentative tract map, parcel map, building permit, or other entitlement for development, the director shall conduct an investigation to determine whether the parcel or parcels involved are eligible for a lot merger. The director may require any such information s/he deems necessary to make this determination, to be provided as part of the application.

B. No application for a tentative tract map, site plan, parcel map, building permit, or other entitlement to develop shall be certified as complete until a final determination is made concerning lot merger.

C. If the director determines from the investigation that the parcel or parcels involved are not eligible for merger, s/he shall so inform the applicant, and this determination shall be final as to that development application.

D. If the director determines from the investigation that the parcel or parcels involved are eligible for merger, s/he shall prepare and process a notice of intention to determine status as provided in Section 18.28.060.

(Ord. 88-09-1011 § 1 (part))

18.28.060 Notice of intention to determine status.

A. Upon a preliminary determination that the parcel or parcels involved are eligible for merger, the director shall prepare a notice of intention to determine status for the parcel or parcels. Said notice shall contain all of the following:

1. A general description of the location of the parcel or parcels;

2. A statement that the director has made a preliminary determination that the parcels are eligible for merger;

3. An explanation that owner of the parcel or parcels may within thirty days file a written request with the director for a hearing, at which the owner, or the owner's representative may present evidence as to why the parcels should not be merged; and

4. A warning that if the owner fails to file a written request for a hearing with the director within thirty days, the lots may be merged without further notice or opportunity to be heard.

B. A copy of the notice of intention to determine status shall be mailed to the owner of the parcel or parcels, at his or her last known address, by first class certified mail, return receipt requested.

C. A copy of the notice of intention shall also be filed for record with the county recorder.

(Ord. 88-09-1011 § 1 (part))

18.28.070 Hearing.

A. Upon receiving a written request for a hearing from the owner of the parcel or parcels, the director shall fix a date, time, and place for a hearing on the matter to be conducted by the planning commission. The hearing shall be conducted not more than sixty days following the director's receipt of the owner's request for hearing, but may be postponed or continued with the mutual consent of the director and the owner. Written notice of the hearing shall be given to the owner at least ten days prior to the hearing in the same manner as provided for the notice of intention. At the hearing, the owner or his or her representative shall be given the opportunity to present any evidence that the parcels involved do not meet the standards for merger, or reasons why the parcels should otherwise not be merged.

B. The owner may, after receipt of the notice of intention to determine status, waive the right to any hearing and consent to the merger of parcels. If the owner so consents, the director shall make a final determination of merger, and shall cause a notice of merger to be filed for record with the county recorder and no further proceedings shall be conducted pursuant to this chapter.

C. If the owner of the parcel or parcels fails to request a hearing in writing within thirty days of his or her receipt of the notice to determine status, the planning commission may, at any time thereafter, make a determination with regard to the merger of the parcels without a hearing.

(Ord. 88-09-1011 § 1 (part))

18.28.080 Determination after hearing--Appeal.

A. If the planning commission conducts a hearing pursuant to Section 18.28.070(A), at the conclusion of the hearing it shall make a determination that the parcels involved are or are not to be merged. A determination of nonmerger may be made even if the parcels meet the criteria for merger.

B. The owner may appeal a determination of merger by the planning commission to the city council, by filing a written request for such an appeal with the director within ten days of the determination by the planning commission. If no request for an appeal is so filed, the determination of the planning commission shall be final.

C. If a request for an appeal is filed, the city council shall conduct a hearing on the matter after giving written notice to the owner of the hearing. The notice and conduct of the hearing shall be in the same manner as provided for the planning commission. The council shall grant or deny the appeal. The determination of the city council on the appeal shall be final.

(Ord. 88-09-1011 § 1 (part))

18.28.090 Final determination of merger.

Upon any final determination of merger under this chapter, the director shall within thirty days file a notice of merger for the record with the county recorder, specifying the name or names of the owners and particularly describing the parcels.

(Ord. 88-09-1011 § 1 (part))

18.28.100 Release of notice of intention.

Upon any final determination of nonmerger under this chapter, the director shall within thirty days file a release of notice of (notice of intention to determine status) for the record with the county recorder, which release shall indicate the determination of nonmerger.

(Ord. 88-09-1011 § 1 (part))

Chapter 18.32
DEDICATIONS, IMPROVEMENTS, REQUIREMENTS

Sections:

18.32.010 General requirements.

The standards and requirements as specified in this chapter and as adopted by resolution of the city council, shall apply to all final tract and parcel maps, parcel map waivers, lot line adjustments, and lot mergers unless exempted from specific dedications, improvements, or requirements by the Subdivision Map Act. Additional requirements may be recommended to the city council by the department of planning and community development, city engineer, public works department or planning commission.

(Ord. 82-3-889 § 1 (part))

18.32.020 Public streets, highways, alleys, easements.

A. All streets, highways, alleys, ways, easements, rights-of-way, and parcels of land shown on the final tract or parcel map and intended for public use shall be offered for dedication for public use by appropriate certificate on the title page unless approved otherwise by the city engineer. All irrevocable offers of dedication shall also be shown by appropriate certificate on the title page.

B. When vehicular access rights from any lot or parcel to any highway or street are restricted, such rights shall be offered for dedication to the city by the appropriate certificate on the title sheet, and a note stating:

"VEHICULAR ACCESS RIGHTS DEDICATED TO THE CITY OF SIGNAL HILL" shall be lettered along the highway or street adjacent to the lots or parcels affected on the final map.

C. All streets, highways, alleys, ways, easements, rights-of-way, and other public improvements offered for dedication shall be designed, developed, and improved to the standards of the city and to the satisfaction of the city engineer.

(Ord. 82-3-889 § 1 (part))

18.32.030 Private streets, alleys or ways.

A. Private streets, alleys, or ways will be permitted only when the welfare of the occupants of the subdivision will be better served and the public's welfare will not be impaired through the use thereof or the kinds of improvements thereon. Such private street, alley, or way shall not be offered for dedication and shall be shown on the final tract or parcel map as parcels lettered alphabetically. All private streets, alleys, or ways shall be designed, developed, and improved to the standards of the city and to the satisfaction of the city engineer.

B. All such access ways shall be governed by maintenance agreements. Said agreements shall be approved by the city and made a part of the property deeds.

(Ord. 82-3-889 § 1 (part))

18.32.040 Bicycle paths.

The city may require the dedication of bicycle paths for the use and safety of residents of the subdivision, if the subdivision contains two hundred or more parcels or units.

(Ord. 82-3-889 § 1 (part))

18.32.050 Local transit facilities.

The city may require the dedication or irrevocable offer of dedication of land for local transit facilities such as bus turnouts, benches, shelters, loading pads which benefit the residents of the subdivision if the subdivision will contain a minimum of two hundred dwelling units or will be at least one hundred acres in size. This requirement does not apply to condominium projects, community apartment projects, or stock cooperatives which are conversions of an existing apartment building.

(Ord. 82-3-889 § 1 (part))

18.32.060 Utility easements.

Any public or private utility easements required by the various utilities or the city shall be shown on the final tract map or parcel map and dedicated to the appropriate agency by separate document.

(Ord. 82-3-889 § 1 (part))

18.32.070 Drainage easements.

A. When storm drains are necessary for the general use of lot or parcel owners in the subdivision and such storm drains are not to be installed in the streets, alleys, or ways of such subdivision, then the subdivider shall offer to dedicate upon the final tract or parcel map thereof the necessary rights-of-way for such facility.

B. When the property being subdivided, or any portion thereof, is so situated as to be in the path of the natural drainage from adjoining unsubdivided property and no street, alley, or way within the subdivision is planned to provide for the drainage of such adjoining property, the subdivider shall dedicate drainage rights-of-way adequate to provide in the future for the ultimate drainage of the adjoining property.

(Ord. 82-3-889 § 1 (part))

18.32.080 School sites.

The city may require any subdivider who develops or completes the development of one or more subdivisions in the city to dedicate

and/or pay fees in lieu thereof to the school district as the city shall deem to be necessary for the purpose of constructing thereon such elementary schools as are necessary to assure residents of the subdivision adequate public school service pursuant to Section 66478 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.32.090 Public facilities.

The city may require that areas of real property within the subdivision be reserved for parks, recreational facilities, fire stations, libraries, or other public uses subject to the provisions of Section 66479 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.32.100 Supplemental size of improvements.

The city may require that improvements installed by the subdivider for the benefit of the subdivision contain supplemental size, capacity, or number for the benefit of property not within the subdivision, and that such improvement be dedicated to the public pursuant to Section 66485 and 66486 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.32.110 Off-site improvements.

The city may require dedication of improvements such as rights-of-way, easements, and construction of reasonable off-site and on-site improvements for the parcels being created pursuant to the provisions of Section 66411.1 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.32.120 Park and recreation dedications and fees.

A. This section is enacted pursuant to the authority granted by Section 66477 of the Subdivision Map Act. The provisions of this section shall not apply to any subdivision exempted from dedication requirements by Section 66477 of the Subdivision Map Act.

B. Requirements. As a condition of approval of a final tract map or parcel map for a residential subdivision, a subdivider shall dedicate land, pay a fee in lieu thereof, or a combination of both, at the option of the city, as determined at the time of approval of the tentative map. The land dedication, or fee in lieu thereof, shall be used for park and recreational purposes.

C. Standards.

1. The general plan of the city sets a standard of four acres per one thousand people as the appropriate ratio for a proper well-balanced recreational program as it relates to local facilities.

2. Population density for the purposes of this section shall be 3.2 persons per single-family dwelling unit and 2.2 persons per dwelling unit for multiple-family dwellings.

3. Based on the preceding, five hundred sixty square feet of land per single-family dwelling unit and three hundred eighty-five square feet of land per multiple-family dwelling unit shall be dedicated. If a fee in lieu of dedication is required, the amount of such fee shall be based on the average estimated fair market value of the land being subdivided which would otherwise be required to be dedicated.

"Fair market value" shall mean the value of the assessable lot area at its highest and best use as determined by a qualified appraiser as of a date of value within a three-month period immediately prior to the date of issuance of a certificate of occupancy or other final entitlement for use. The qualified appraiser to make this determination shall be selected by the director of community development.

4. In the event that the applicant disputes the determination of fair market value reached by the qualified appraiser selected by the director of community development, the applicant may select another qualified appraiser who shall appraise the assessable lot area in the development project. Upon conclusion of such appraisal, the fee shall be determined as follows:

a. If the fair market value determination made by the second appraiser is within five percent of the fair market value determination of the first qualified appraiser, the applicant's fee shall be determined by taking the average of the two determinations of fair market value, so long as the fee calculated from this average does not vary from the fee which would result from calculation from the first appraiser's determination of fair market value by more than twenty-five thousand dollars for the entire development project.

b. In the event that determination of fair market value of the second appraiser varies from that of the first appraiser by more than five percent, or if the average of the two determinations of fair market value would result in a variation in total fees of more than twenty-five thousand dollars for the entire development project, the first appraiser and the second appraiser shall mutually appoint a third qualified appraiser. The third appraiser shall then determine the fair market value of the assessable lot area. The fee shall be determined based upon the fair market value which is the average between the third appraisal and the appraisal which is closest to it.

5. It shall be the responsibility of the applicant to ensure that any determinations of fair market value required hereunder are made before the issuance of any certificates of occupancy. No certificates of occupancy shall be issued for any property or development project for which fees have not been determined and paid.

6. All appraisal costs as may be required hereunder shall be paid by the applicant. Prior to any appointment of a qualified appraiser or appraisers, the applicant shall deposit with the city such funds in the amount the director of community development estimates will be necessary to pay for all required appraisal services. Any portions of funds deposited by an applicant and not used for appraisal services will be refunded. Whenever such deposit is insufficient to cover the costs of appraisal services, the director of community development shall notify the applicant, and the applicant shall increase the deposit as required by director.

7. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by the future residents of the subdivisions, partial credit, not to exceed fifty percent, may be given against the requirements of land dedication or payment of fees in lieu thereof if the city council finds that it is in the public interest to do so, subject to the following terms and conditions:

a. The subdivider shall submit for review and approval of the city a plan for installation of private recreation facilities to be used in common by residents of the project.

b. The yards, and other open areas required to be maintained by the zoning and building ordinances are not included in the private recreational facilities.

c. The use of the private recreational facilities are restricted for park and recreational purposes by recorded covenant, which will run with the land in favor of the future owners of the property and which cannot be defeated or eliminated without the consent of the city or its successor.

D. Choice of Land or Fees.

1. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

a. Subdivider. At the time of filing a tentative map for approval, the owner of the property shall, as a part of such filing, indicate whether he desires to dedicate property for park and recreational purposes, or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for this purpose, he shall designate the area thereof on the tentative tract map as submitted.

b. Action of City. At the time of the tentative map approval, the planning commission or city council, if appealed, shall determine, as a part of their approval, whether to require a dedication of land within or adjacent to the subdivision, payment of a fee in lieu thereof, or a combination of both.

c. Prerequisites for Approval of Final Map. Where dedication is required, it shall be accomplished in accordance with the provisions of the Subdivision Map Act. Where fees are required, same shall be deposited with the city prior to the approval of the final map.

2. Whether the planning commission or city council accepts land dedication or elects to require payment of a fee in lieu thereof, or a combination of both, it shall be determined by consideration of the following:

a. Parks and recreational master plan, open space and recreational element of the city's general plan;

b. Topography, geology, access, and location of land in the subdivision available for dedication;

c. Size and shape of the subdivision and land available for dedication.

3. The determination of the planning commission or city council as to whether land shall be dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive; provided, however, if land is made available, it shall be land that is acceptable to the city. On subdivisions involving fifty parcels or less, only the payment of fees shall be required except that if a

condominium project exceeds fifty dwelling units, dedication of land may be required notwithstanding that the number of parcels may be less than fifty.

E. Use of Fees. The fees received under this chapter shall be deposited in the park facilities fund and shall be used for the purchase of or development of park and recreational facilities, to serve the subdivision for which these were received.

(Ord. 91-04-1092: Ord. 82-3-889 § 1 (part))

18.32.130 Improvement standards and plans.

A. Standards for design and improvements of subdivisions shall be in accordance with the applicable sections of the zoning ordinance, the general plan, any specific plans adopted by the city, and the requirements established by the city engineer.

B. Improvement plans shall be prepared by a registered civil engineer and shall be completed by the subdivider prior to acceptance of the final map.

(Ord. 82-3-889 § 1 (part))

Chapter 18.36
REQUIREMENTS

Sections:

18.36.010 Soils report.

A. A preliminary soils report, prepared by a civil engineer, registered in the state and based upon adequate test borings, shall be required for every subdivision for which a final tract or final parcel map is required. The preliminary soils report may be waived if the city engineer finds that sufficient knowledge exists as to the soil qualities of the soils of the subdivision.

B. In the event the preliminary soils report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, a soils investigation of each lot or parcel in the subdivision shall be required and must be performed by a civil engineer registered in the state, who shall recommend the corrective action which is likely to prevent structural damage to each structure proposed to be constructed in the area where such soil problems exist.

C. The subdivision or any portion thereof where such soil problems exist may be approved if it is determined that the recommended action is likely to prevent structural damage to each structure to be constructed and that the issuance of any building permit shall be conditioned to include this recommended action within the construction of each structure involved.

(Ord. 82-3-889 § 1 (part))

18.36.020 Monuments.

At the time of making the survey for all final maps, the engineer or surveyor shall set sufficient durable monuments to conform with the standards of the Subdivision Map Act and any requirements established by the city engineer.

(Ord. 82-3-889 § 1 (part))

18.36.030 Energy conservation.

The design of a subdivision shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the

subdivision as required by Section 66473.1 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

Chapter 18.40
BONDING AND IMPROVEMENT SECURITY

Sections:

18.40.010 Improvement agreement.

Any act or obligation required as a condition of the approval of a subdivision final map, a parcel map waiver, lot merger, or lot line adjustment which has not been completed prior to a final approval shall be guaranteed by execution of a suitable agreement in a form prescribed herein and approved by the city attorney. The agreement shall include the following minimum terms and conditions:

A. Construction of all improvements per the approved plans and specifications.

B. The maximum period within which all improvements shall be completed to the satisfaction of the city engineer.

C. In the case of a deferred improvement agreement for any final map, designated remainder parcel, parcel map waiver, lot line adjustment, or lot merger, said agreement shall provide for the commencement of the construction of all required improvements within ninety days of receipt of a notice to proceed from the city upon a finding by the city engineer that fulfillment of construction requirements is immediately necessary for the reasons of:

1. The public health and safety; or

2. The required construction is a necessary prerequisite to the orderly development of the surrounding area.

D. Provisions for inspection of all improvement by the city engineer and payment of fees by the subdivider for the cost of such inspection and all other incidental costs incurred by the city in enforcing the agreement.

E. A provision that, if the subdivider fails to complete the work within the specified period of time, or any extended period of time that may have lawfully been granted to the subdivider, the city may, at its option, complete the required improvement work and the subdivider and his surety shall be firmly bound, under a continuing obligation, for payment of the full cost and expense incurred or expended by the city in completing such work, including interest from the date of notice of said cost and expense until paid.

F. That in event of litigation occasioned by any default of the owner or subdivider, his successors, or assigns, the owner or subdivider, his successors, or assigns agree to pay all costs involved, including reasonable attorney's fees, and that the same may be recovered as part of a lien against said real property.

G. The agreement shall bind not only the present owner, subdivider, or developer, but also his heirs, successors, executors, administrators, and assigns so that the obligations run with said real property.

H. All agreements shall be executed by the owner, developer, or the subdivider of the property or land being divided, with all signatures acknowledged before a notary public. Where required by the city attorney, said agreement shall be recorded in the office of the county recorder at the expense of the owner, subdivider, or developer.

I. Additional terms or provisions, as may be necessary, pertaining to the forfeiture, collection, and disposition of improvement security upon the failure of the contracting party to comply with the terms and provisions thereof or with the terms and provisions of this title.

(Ord. 82-3-889 § 1 (part))

18.40.020 Supplemental improvement reimbursement agreement.

Where the subdivider is required to install supplemental improvements pursuant to Section 18.32.100 of this title, the city shall enter into an agreement to reimburse the subdivider pursuant to Section 66486 of the Subdivision Map Act.

(Ord. 82-3-889 § 1 (part))

18.40.030 Improvement security.

Improvement securities shall be required to be posted as a guarantee of the performance of any act, improvement, or obligation required as a condition of approval of any final map, parcel map waiver, lot line adjustment, or lot merger. Unless otherwise provided herein, all such improvement securities shall be provided in one of the following forms at the option of and subject to the approval of the city engineer and/or city attorney:

A. A bond or bonds by one or more duly authorized corporate sureties substantially in the form prescribed by the Subdivision Map Act and subject to the approval and acceptance of the city attorney and city council;

B. A deposit with the city of cash or negotiable bonds;

C. A lien upon the property to be subdivided, created by contract between the owner of the property and the city when the city finds that it is not in the public interest to require installation of the required improvement sooner than two years after the recordation of the map;

D. Any other form of security, including security interests in real property, which the city engineer and/or city attorney shall determine to be equivalent to the foregoing forms of security;

E. Any written contract or document creating security interests established pursuant to Sections 18.40.030(C) and 18.40.030(D) above shall be recorded with the Los Angeles County recorder. From the time of recordation, a lien shall attach to the real property described therein, which lien shall have the priority of a judgment lien in the amounts specified. The city may at any time release all or any portion of the property subjected to any such lien or security interest or subordinate the lien or security interest to other liens or encumbrances provided the city council determines that security for performance is sufficiently secured by a lien on other property or that the release or subordination of the lien will not jeopardize the completion of agreed-upon improvements.

(Ord. 82-3-889 § 1 (part))

18.40.040 Amount of security.

Security to guarantee the performance of any act or agreement shall be in the following amounts:

A. An amount determined by the city engineer equal to one hundred percent of the total estimated cost of the improvement or of the act to be performed, conditioned upon the faithful performance of the act or agreement. The total estimated cost of the improvement shall provide for increase for projected inflation computed to the estimated midpoint of construction.

B. An additional amount determined by the city engineer equal to fifty percent of the total estimated cost of the improvement, or the performance of the required act, securing payment to the contractor, his subcontractors, and to persons furnishing labor, materials, or equipment to them for the improvement of the performance of the required act.

C. An amount equal to ten percent of the estimated cost of the improvements for the guarantee and warranty of the work for a period of one year following the completion and acceptance thereof against any defective work or labor done, or defective materials furnished.

(Ord. 82-3-889 § 1 (part))

18.40.050 Improvement security release.

Improvement security may be released upon the final completion and acceptance of the act or work; provided, however, such release shall not apply to the amount of security deemed necessary by the city engineer for the guarantee and warranty period, nor to costs and reasonable expense fees, including reasonable attorney's fees, incurred by the city in enforcing any improvement agreement. When appropriate, such release shall be recorded in the office of the county recorder.

(Ord. 82-3-889 § 1 (part))

18.40.060 Forfeiture.

In addition to any other remedy provided by law, upon the failure of the subdivider to complete any improvement, acts, or obligations within the time specified in the improvement agreement, or upon failure of the subdivider to faithfully comply with the terms and provisions of this chapter or any improvement security given thereby, the city council may, upon notice in writing of not less than ten days served upon the person responsible for the performance thereof or upon notice in writing of not less than twenty days, served by registered mail addressed to the last-known address of such person, determine that the foregoing have not been complied with or said work has not been completed, and may cause to be forfeited to the city such portion of said improvement security given for the performance of the foregoing.

(Ord. 82-3-889 § 1 (part))

Chapter 18.44
ENFORCEMENT

Sections:

18.44.010 General.

It is unlawful for any person, or a principal, agent, or otherwise to sell, lease, finance, or transfer title to any portion of any subdivision or parcel of land in the city or to offer to do so, for which a parcel, tentative or final map, or certificate of compliance is required pursuant to the Subdivision Map Act or this title, unless a parcel, tentative or final map, or certificate of compliance in full compliance with the Subdivision Map Act and this title has been filed with the Los Angeles County recorder's office. This section does not apply to any parcels or parcels of a subdivision offered for sale, lien, or lease; contracted for sale, lien, or lease; or sold, mortgaged, liened, or leased in compliance with or exempt from any law regulating the design and improvement of subdivisions in effect at the time the subdivision was established.

(Ord. 82-3-889 § 1 (part))

18.44.020 Development approvals.

No agency or city department shall issue any permit or grant any approval necessary to develop any real property which has been divided or which has resulted from a division in violation of the provisions of the Subdivision Map Act or the provisions of this title.

(Ord. 82-3-889 § 1 (part))

18.44.030 Notice of violations.

Notices of violation shall be given pursuant to Section 66499.36 of the Subdivision Map Act. Said notices shall be filed by the department of planning and community development with the Los Angeles County recorder. Notice to the property owner shall specify the reason for violation and shall be deemed sufficiently served if mailed to the property owner as shown on the most current Los Angeles County assessor's tax rolls.

(Ord. 82-3-889 § 1 (part))

18.44.040 Penalty of violations.

Any person, firm, corporation, partnership, or copartnership who wilfully violates any of the provisions or fails to comply with any of the mandatory requirements of this title is guilty of a misdemeanor, and upon conviction thereof, shall be punishable by a fine not to exceed five hundred dollars or by imprisonment in jail not to exceed six months, or by both fine and imprisonment except that nothing contained herein shall be deemed to bar any legal, equitable, or summary remedy to which the city or any person, firm, corporation, partnership, or copartnership may otherwise be entitled; and the city or any person, firm, corporation, partnership, or copartnership may file a suit in the Superior Court of the county and restrain or enjoin any attempted or proposed subdivision or sale in violation of this title.

(Ord. 82-3-889 § 1 (part))

18.44.050 Certificate of compliance.

A. Any person owning real property may request the issuance of a certificate of compliance, stating that such real property (or any division thereof) complies with the provisions of the Subdivision Map Act and this title. Such request shall be filed with the director of planning and community development upon such forms, and accompanied by a fee as adopted by resolution of the city council, and such information as may be prescribed by the director of planning and community development.

B. Upon making a determination of compliance, the director of planning and community development and city engineer shall cause a certificate of compliance to be filed with the Los Angeles County recorder's office.

(Ord. 82-3-889 § 1 (part))

18.44.060 Severability.

If any section, subsection, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this chapter.

(Ord. 82-3-889 § 1 (part))