

**Title 1**  
**General Provisions Revised 3/15 Revised 10/15 Revised 6/16**

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## Chapter 1.01 CODE ADOPTION OF GENERAL PROVISIONS

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### **1.01.010 Adoption of the Hermosa Beach municipal code.**

That certain document entitled "Code of the City of Hermosa Beach, California", (hereinafter the "Code" or "Municipal Code"), a copy of which has been filed and is on file in the office of the City Clerk for public inspection, together with the secondary Codes therein adopted by reference, is hereby adopted by this reference as the comprehensive ordinance Code for the City of Hermosa Beach pursuant to the provisions of Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code of the State of California, and each and all of the provisions, terms, and penalties of said Code on file in the office of the City Clerk are hereby referred to, adopted, incorporated herein and made a part of this ordinance as if fully set forth herein.

### **1.01.020 Short title.**

The ordinances embraced in the following chapters and sections shall constitute and be designated the "Hermosa Beach Municipal Code", the "HBMC", or the "Municipal Code", and may be so cited.

### **1.01.030 Provisions considered as continuations of existing ordinances.**

The provisions appearing in this Code, so far as they are the same as those of ordinances existing at the time of the effective date of this Code, shall be considered as continuations thereof and not as new enactments.

### **1.01.040 Repeal of certain ordinances and certain ordinances to remain in effect.**

All ordinances of the City in force upon the effective date of the Code are hereby repealed except as follows:

- A. Ordinances codified by the Code; and
- B. Uncodified ordinances comprising or amending the Zoning Map of the City of Hermosa Beach, which are listed in the Uncodified Ordinance List on file in the Office of the City Clerk; and
- C. Uncodified ordinances relating to matters of a special or temporary nature, which ordinances are listed in the Uncodified Ordinance List on file in the Office of the City Clerk; and
- D. Any uncodified ordinance promising or guaranteeing the payment of money or authorizing the issue of

bonds, or any evidence of the City's Indebtedness, or any contract or obligation assumed by the City; and

E. Any ordinance granting any franchise, license or other right conferred by the City on any person or corporation, which franchise, license or other right is in effect as of September 10, 1996; and

F. Any uncodified administrative ordinance of the City Council not in conflict with the provisions of the Code; and

G. Any uncodified ordinance relating to the salaries, benefits, and working conditions of City officers and employees; and

H. Any uncodified ordinance relating to the levy of any tax in effect as of September 10, 1996.

#### **1.01.050 Effect of repeal of ordinances.**

The repeal of an ordinance shall not revive any ordinances in force before or at the time the ordinance repealed took effect. Also, the repeal of an ordinance shall not affect any punishment or penalty incurred before the repeal took effect, nor any suit, prosecution or proceeding pending at the time of the repeal, for any offense committed under the ordinance repealed.

#### **1.01.060 Superseded ordinances.**

All ordinances codified by the Code are superseded to the extent they conflict with the Code.

#### **1.01.070 Savings provisions.**

The repeal herein of any ordinance of the City of Hermosa Beach shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act done, or right vested or accrued, or proceeding, suit, or prosecution had or commenced shall remain in full force and effect for all intents and purposes as if the applicable provisions of the ordinance, or part thereof, so repealed had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, whether civilly or criminally incurred prior to the time when any such ordinance, or part thereof, shall be repealed or altered by said Code, shall be discharged or affected by such repeal or alteration. Prosecutions and suits for such offenses, liabilities, penalties, or forfeitures shall be instituted and proceeded with in all respects as if such prior ordinance, or part thereof, had not been repealed or altered.

#### **1.01.080 Severability.**

If any section, subsection, sentence, clause, phrase or portion of this Municipal Code 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 Code. The City Council hereby declares that it would have adopted this Code and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, phrases, or portions be declared invalid or unconstitutional.

#### **1.01.090 Definitions and rules of construction.**

In the construction of this Code and of all ordinances of the City, the following rules shall be observed, unless such construction would be inconsistent with the manifest intent of the city council or the context clearly requires otherwise:

City. The words "the City" or "this City" shall be construed as if followed by the words "of Hermosa Beach."

Code. The words "the Code" or "this Code" shall mean the code of the City of Hermosa Beach, California.

Computation of Time. The time in which any act provided by law is to be done is computed by excluding the first day and including the last, unless the last day is a holiday and then it is also excluded.

Council. Whenever the word "Council" is used in this Code, it shall be construed to mean the City Council of the city of Hermosa Beach.

County. The words "the County" or "this County" shall mean the County of Los Angeles.

Day. A "day" is the period of time between any midnight and the midnight following.

Daytime, Nighttime. "Daytime" is the period of time between sunrise and sunset. "Nighttime" is the period of time between sunset and sunrise.

Gender. The masculine gender includes the feminine and neuter.

In the City. The words "in the City" shall mean and include all territory over which the City now has, or shall hereafter acquire jurisdiction for the exercise of its police powers or other regulatory powers.

Month. The word "month" shall mean a calendar month.

Number. The singular number includes the plural, and the plural the singular.

Oath. "Oath" includes an affirmation.

Officers, Departments, etc. Officers, departments, boards, commissions and employees referred to in this Code shall mean officers, departments, boards, commissions and employees of the City of Hermosa Beach, unless the context clearly indicates otherwise.

Official Time. Whenever certain hours are named in this Code, they shall mean Pacific Standard Time or Daylight Saving Time, as may be in current use in the City.

Or, And. "Or" may be read "and", and "and" may be read "or" if the sense requires it.

Owner. The word "owner", applied to a building or land, shall include any part owner, joint owner, tenant in common, tenant in partnership, joint tenant or tenant by the entirety of the whole or of a part of such building or land.

Person. "Person" includes any person, firm, association, organization, partnership, business trust, corporation

or company.

"Personal property" includes every species of property, except real property, as defined in this section.

Preceding, Following. The words "preceding" and "following" mean next before and next after, respectively.

"Process" includes a writ or summons issued in the course of judicial proceedings of either a civil or criminal nature.

Property. The word "property" shall include real and personal property.

"Real property" shall include lands, tenements and hereditaments.

Shall, May. "Shall" is mandatory and "may" is permissive.

Signature or Subscription by Mark. "Signature" or "subscription" includes a mark when the signer or subscriber cannot write, such signer's or subscriber's name being written near the mark by a witness who writes his own name near the signer's or subscriber's name; but, a signature or subscription by mark can be acknowledged or can serve as a signature or subscription to a sworn statement only when two witnesses so sign their own names thereto.

State. The words "the state" or "this state" shall be construed to mean the state of California.

Tenant or Occupant. The words "tenant" or "occupant", applied to a building or land, shall include any person holding a written or an oral lease of, or who occupies the whole or a part of such building or land, either alone or with others.

Tenses. The present tense includes the past and future tenses, and the future includes the present.

Week. A "week" consists of seven consecutive days.

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

Year. The word "year" shall mean a calendar year, except where otherwise provided.

## Chapter 1.04 VIOLATIONS AND PENALTIES

Sections:

- [\*\*1.04.010 Violations of Code.\*\*](#)
- [\*\*1.04.020 Misdemeanors.\*\*](#)
- [\*\*1.04.030 Infractions.\*\*](#)
- [\*\*1.04.040 Reclassification of misdemeanors as infractions.\*\*](#)
- [\*\*1.04.050 Additional provisions.\*\*](#)
- [\*\*1.04.060 Holiday safety enhancement zone.\*\*](#)

### **1.04.010 Violations of Code.**

No person shall violate any provisions or fail to comply with any of the requirements of this Code. Violations of this Code are punishable as set forth in this chapter.

### **1.04.020 Misdemeanors.**

Any person violating any of the provisions or failing to comply with any of the requirements of this Code shall be guilty of a misdemeanor unless such violation or failure to comply is expressly stated by this Code to be an infraction or is subject to a civil administrative penalty pursuant to Chapter [1.10](#). Any person convicted of a misdemeanor under the provisions of this Code shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a period not exceeding six (6) months, or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.

### **1.04.030 Infractions.**

A. Penalties. Any person violating any provision or failing to comply with any mandatory requirement of this Code expressly stated by this Code to be an infraction shall be guilty of an infraction. Except as otherwise provided in this Code, any person convicted of an infraction shall be punishable by:

1. A fine not exceeding one hundred dollars (\$100.00) for a first violation;
2. A fine not exceeding two hundred dollars (\$200.00) for a second violation of the same provision of the Code within one (1) year;
3. A fine not exceeding five hundred dollars (\$500.00) for each additional violation of the same provision of the Code within one (1) year.

B. No Counsel for Infractions at Public Expense. An infraction is not punishable by imprisonment. A person charged with an infraction shall not be entitled to have the public defender or other counsel appointed at public expense to represent him or her unless he or she is arrested and not released on his or her written promise to appear, on his or her own recognizance, or on a deposit of bail.

**1.04.040 Reclassification of misdemeanors as infractions.**

A violation of any provision of this Code section which is classified as a misdemeanor may be charged as an infraction when:

- A. The prosecutor files a complaint charging the offense as an infraction, unless the defendant, at the time he or she is arraigned, after being informed of his or her rights, elects to have the case proceed as a misdemeanor; or
- B. The court, with the consent of the defendant, determines that the offense is an infraction. In that event, the case shall proceed as if the defendant had been arraigned on an infraction complaint.

**1.04.050 Additional provisions.**

- A. Each Day a Separate Offense. Unless otherwise specified, each person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this Code is committed, continued or permitted by such person and shall be punishable accordingly.
- B. Included Offenses. Whenever in the Code any act or omission is made unlawful, it shall include causing, permitting, aiding, abetting, suffering, or concealing the fact or such act of omission.
- C. Violations Deemed To Be a Public Nuisance. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of the Code shall be deemed a public nuisance and may be summarily abated as such by the city, and every day such condition continues shall be regarded as a new and separate offense.

**1.04.060 Holiday safety enhancement zone.**

- A. Holiday Safety Enhancement Zone. Notwithstanding any provisions to the contrary, certain violations of this Code designated as infractions in Chapters [9.04](#), 12.20 and 12.24 are separately designated therein as misdemeanors if they occur within the boundaries of and during the effective dates and times of the holiday safety enhancement zone.
- B. Geographical Boundaries. The city council designates as the holiday safety enhancement zone the area bounded on the north by the city of Manhattan Beach, on the south by the city of Redondo Beach, on the east by Valley Drive, and on the west by the Pacific Ocean, including the beach and the municipal pier.
- C. Effective Dates and Times – Independence Day and New Year's Day Holidays. The holiday safety enhancement zone shall be in effect on Independence Day and New Year's Day as follows:
  1. When the holiday occurs on a Tuesday, Wednesday, or Thursday, the holiday safety enhancement zone shall be in effect from 8:00 a.m. on the day of the holiday to 6:00 a.m. on the following day.
  2. When the holiday occurs on a Friday, Saturday, Sunday, or Monday, the holiday safety enhancement zone shall be in effect from 8:00 a.m. on Friday to 6:00 a.m. on the following Tuesday.
- D. Effective Dates and Times – Memorial Day and Labor Day Holidays. The holiday safety enhancement zone

shall be in effect from 8:00 a.m. on the Friday immediately preceding the holiday to 6:00 a.m. on the Tuesday immediately following the holiday. (Ord. 14-1348 §2, 2014)

## Chapter 1.08 GENERAL CITATIONS

Sections:

- [\*\*1.08.010 General Citation.\*\*](#)
- [\*\*1.08.020 Notices to appear--Time.\*\*](#)
- [\*\*1.08.030 Notices to appear--Place.\*\*](#)
- [\*\*1.08.040 Notices to appear--Promise and release.\*\*](#)
- [\*\*1.08.050 Warrants for arrest.\*\*](#)
- [\*\*1.08.060 Violations of promises to appear.\*\*](#)
- [\*\*1.08.070 Arresting officer defined.\*\*](#)

### **1.08.010 General citation.**

If any person is arrested for the violation of any provision of this Code and such person is not taken immediately before a magistrate, the arresting officer shall prepare in duplicate a written notice to appear in court. Such notice may be referred to as a "general citation," and shall contain the name and address of such person, the offense charged, and the time when and place where such person shall appear in court.

### **1.08.020 Notices to appear--time.**

The time specified in the notice to appear shall be at least ten days after such arrest.

### **1.08.030 Notices to appear--place.**

The place specified in the general citation shall be:

A. The court of the magistrate before whom the person would be taken if the requirement of arresting and taking the person before a magistrate were complied with; or

B. Before an officer authorized by such court to receive deposit or bail.

### **1.08.040 Notices to appear--promise and release.**

The arresting officer shall deliver one copy of the general citation to the arrested person. The arrested person, in order to secure release, shall give his written promise to appear in court by signing a duplicate notice which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release from custody the person arrested.

### **1.08.050 Warrants for arrest.**

When a person signs a written promise to appear at the time and place specified in the written promise to appear and does not appear or has not posted bail as provided in Section 853.6 of the Penal Code of the State of California, the magistrate shall issue and have delivered for execution a warrant for such person's arrest within twenty (20) days after his failure to appear as promised, or if such person promises to appear before an officer authorized to accept bail, other than a magistrate, and fails to do so on or before the date which such person promised to appear, within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

**1.08.060 Violations of promises to appear.**

Any person willfully violating his written promise to appear in court shall be guilty of a misdemeanor regardless of the disposition of the charge upon which he was originally arrested.

**1.08.070 Arresting officer defined.**

For the purpose of this chapter, the term "arresting officer" means any police officer of the City and any other employee of the City whose duty it is to enforce the provisions of this Code who is authorized by the City Manager to use the general citation procedure established by said sections in the performance of his enforcement duties.

**Chapter 1.10  
ADMINISTRATIVE CITATIONS AND PENALTIES Revised 10/15 Revised 6/16**

Sections:

- [\*\*1.10.010 Administrative citations.\*\*](#)
- [\*\*1.10.020 Definitions.\*\*](#)
- [\*\*1.10.030 Administrative citations not a waiver of other remedies.\*\*](#)
- [\*\*1.10.040 Code violations subject to administrative penalty procedures.\*\*](#) Revised 10/15 Revised 6/16
- [\*\*1.10.050 Fines.\*\*](#)
- [\*\*1.10.060 Contents of citation.\*\*](#)
- [\*\*1.10.070 Service of citation.\*\*](#)
- [\*\*1.10.080 Satisfaction of administrative citation.\*\*](#)
- [\*\*1.10.090 Appeal of administrative citation.\*\*](#)
- [\*\*1.10.100 Right to judicial review.\*\*](#)
- [\*\*1.10.110 Failure to comply with administrative order.\*\*](#)

**1.10.010 Administrative citations.**

Certain provisions of this Code, specifically designated in this chapter, may be enforced through the use of administrative citations and penalties as provided for in this chapter. Use of the provisions of this chapter shall not prevent the use of other methods of enforcement or abatement as provided by this Code, including but not limited to criminal and civil actions.

**1.10.020 Definitions**

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

"Enforcement officer" means any police officer or city employee or agent of the city designated by the director of any city department who has the authority and responsibility to enforce the provisions of this Code as provided for herein.

"Legal interest" means any interest that is represented by a deed of trust, quitclaim deed, mortgage, judgment lien, tax or assessment lien, mechanic's lien or other similar instrument, which is recorded with the county recorder.

"Responsible person" is any of the following:

1. A person who causes a Code violation to occur.
2. A person who maintains or allows a Code violation to continue, by his or her action or failure to act.
3. A person whose agent, employee, or independent contractor causes a Code violation by its action or failure to act.
4. A person who is the owner of, and/or a person who is a lessee or sublessee with the current right of possession of, real property where a property-related Code violation occurs.

5. A person who is the on-site manager of a business who normally works daily at the site when the business is open and is responsible for the activities on such premises.

For the purposes of this definition, "person" includes a natural person or legal entity and the owners, majority stockholders, corporate officers, trustees, and general partners of a legal entity.

**1.10.030 Administrative citations not a waiver of other remedies.**

The procedures established in this chapter may be in addition to any criminal, civil or other legal remedy established by law which may be pursued to address violations of the Municipal Code. Issuance of an administrative citation shall not be deemed a waiver of any other enforcement remedies found within this Code.

**1.10.040 Code violations subject to administrative penalty procedures. Revised 10/15 Revised 6/16**

A. The violations described in the Municipal Code titles, chapters and sections listed hereinbelow are subject to the administrative penalty procedures and other provisions of this chapter:

1. Chapter [5.04](#), Business Licenses Generally;
2. Chapter [6.16](#), Retail Sale of Dogs and Cats;
3. Chapter [8.04](#), Health Code Adopted;
4. Chapter [8.08](#), Alarm Systems;
5. Chapter [8.28](#), Nuisances;
6. Chapter [8.32](#), Rodent Control;
7. Chapter [8.44](#), Stormwater and Urban Runoff Pollution Control Regulations;
8. Chapter 12.16, Encroachments (streets and sidewalks);
9. Chapter 12.32, Newsracks;
10. Section 15.04.140, Pedestrian protection during construction;
11. Sections 15.16.070 and 15.16.080, grease recovery systems;
12. Title 17, Zoning;
13. Chapter 8.56, Water Conservation and Drought Management Plan;
14. Chapter [8.60](#), Water Efficient Landscaping;
15. Chapter [8.64](#), Ban on Polystyrene Food Service Ware;

16. Chapter [8.68](#), Plastic Carryout Shopping Bags;

17. Section [9.28.030](#), Social host liability for parties at which underage drinking occurs.

B. Any person who violates the same provision, or fails to comply with the same requirement, of the sections of this Code set forth in subsection (A) of this section more than three (3) times within a twelve (12) month period shall be guilty of a misdemeanor for each violation committed thereafter within that same twelve (12) month period. Any person who violates or fails to comply with the sections of this Code set forth in subsection (A) of this section and who possesses no photo identification or refuses to identify himself/herself to an enforcement officer, making it impossible to issue an administrative citation, shall be guilty of a misdemeanor. (Ord. 16-1364 §3, 2016; Ord. 15-1356 §1, 2015; Ord. 14-1348 §3, 2014; Ord. 12-1332 §2, 2012; Ord. 10-1307 §1, 2010)

#### **1.10.050 Fines.**

A. Any responsible person who receives an administrative citation shall be subject to the payment of fines as set out in the penalty schedule for administrative fines as adopted by resolution of the city council. An administrative penalty shall be assessed by means of an administrative citation issued by an enforcement officer, and shall be payable directly to the city treasurer. A portion of each penalty shall constitute reimbursement for the city's administrative expenses in issuing and processing the citation. Penalties shall be collected in accordance with the procedures specified in this chapter. Payment of a penalty shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the city. In the case of violations of the building, plumbing or electrical codes, an administrative citation shall not be issued until after the responsible party has been provided notice and a reasonable opportunity to correct the violation, and has failed to do so.

B. Failure of any person to pay the fines assessed by an administrative citation may result in the matter being referred for collection which includes but is not limited to the filing of a small claims court action.

#### **1.10.060 Contents of citation.**

Each administrative citation shall contain the following information:

A. Date, approximate time, and address or definite description of the location where the violation(s) was observed;

B. The Code sections or conditions violated and a description of the violation(s);

C. The amount of the fine for the violation(s);

D. An explanation of how the fine shall be paid and the time period by which it shall be paid;

E. Identification of rights of appeal, including the time within which the citation may be contested and the place to obtain a request for hearing form to contest the administrative citation;

F. The name and signature of the enforcement officer issuing the citation;

G. If the violation is one which is continuing, an order to correct the violation, the actions needed to correct the violation, and an explanation of the consequences for failing to correct the violation; and

H. The name and address of the responsible person, and a signature line so that the responsible person may acknowledge receipt of the citation.

**1.10.070 Service of citation.**

The following procedures shall be used in serving administrative citations:

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

B. Service of Citation by Mail. If the enforcement officer is unable to locate the responsible person, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid with a requested return receipt. Simultaneously, the citation may be sent by first class mail. If the citation is sent by certified mail and returned unsigned, then service shall be deemed effective pursuant to first class mail, provided the citation sent by first class mail is not returned.

C. By Posting on Property. If the enforcement officer is unable to serve the citation under subsections (A) or (B) of this section, a copy of the citation may be posted on any real property within the City in which the City has knowledge that the responsible party has a legal interest. Service under this subsection shall be deemed effective on the date when the notice is posted; or

D. By Publication. If the enforcement officer cannot post the citation by any of the preceding methods, the citation may be published in a newspaper likely to give actual notice to the party subject to the citation. The publication shall be once a week for four successive weeks in a newspaper published at least once a week.

**1.10.080 Satisfaction of administrative citation.**

Upon receipt of a citation, the responsible person must do one of the following:

A. Pay the fine. Pay the fine to the City within 30 days from the date of the citation. All fines assessed shall be payable to the Hermosa Beach Finance Department. Payment of a fine shall not excuse or discharge a failure to correct continuing violations nor shall it bar further enforcement action by the City. Payment of the fine, in the absence of a timely request for a hearing pursuant to Section [1.10.090](#), waives the responsible party's right to the administrative hearing and appeal process;

B. Remedy the Violation. If the violation is of a nature that it can be remedied and is deemed by the enforcement officer to not create an immediate danger to health and safety and was corrected within the time given, no fine shall be imposed; or

C. File an appeal. Appeals shall be filed in accordance with the time limits and other provisions of Section

### 1.10.090.

In the event the responsible party fails or refuses to select and satisfy any of the alternatives set forth above, then the penalty shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt. Commencement of an action to collect the delinquent penalty shall not preclude issuance of additional citations to the responsible party should the violations persist.

#### **1.10.090 Appeal of administrative citation.**

A. Time to file an appeal. Any responsible person to whom an administrative citation is issued may choose to contest the citation by requesting an administrative hearing within thirty (30) days of service of the citation. In order to request a hearing, the responsible person shall submit in the manner directed on the citation a fully completed request for administrative hearing form along with either a deposit of the full amount of the administrative fine (in cash or by way of a negotiable check) or a notice that an advance deposit hardship waiver request has been filed pursuant to paragraph B of this section [1.10.090](#). The request for hearing shall be incomplete if it does not include the deposit in the full amount of the fine or the request for a hardship waiver. The deposit will be retained in a non-interest bearing account until the matter is resolved. If a timely and complete request for hearing is not submitted, the citation shall be deemed final, and the fine shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt. Commencement of an action to collect the delinquent fine shall not preclude issuance of additional citations to the responsible party should the violation persist.

B. Hardship Waiver. Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine as required in paragraph A of this section may file a request for an advance deposit hardship waiver. The request shall be filed with the planning department on an advance deposit hardship waiver application form, available from the department, no later than ten days after service of the administrative citation. The City Manager or his/her designee may issue an advance deposit hardship waiver only if the person requesting the waiver submits to the City Manager or his/her designee a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the City Manager or his/her designee the person's financial inability to deposit with the City the full amount of the fine in advance of the hearing. Written proof of financial hardship, at a minimum must include tax returns, financial statements, bank account records, salary records or similar documentation demonstrating that the responsible person is unable to deposit the penalty. The City Manager or his/her designee shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be final, and shall be served upon the person requesting the waiver by certified mail postage pre-paid return receipt requested and first class mail. If the City Manager or his/her designee determines that the waiver is not warranted, the person shall remit the full amount of the fine as a deposit within ten days of mailing of the decision. If the full amount of the fine is not deposited within the ten-day period, the request for hearing shall be deemed incomplete and waived, and the citation shall be deemed final. The fine shall be immediately due and owing to the City and may be collected in any manner allowed by law for collection of a debt.

C. Dismissal of citation. The City Manager may dismiss an administrative citation at any time if it is

determined to have been issued in error, in which event any deposit made shall be refunded.

D. Hearing procedure.

1. The Hermosa Beach City Manager shall designate the hearing officer for the administrative citation hearing.
2. After receipt of the "request for hearing" and fine deposit (or, if applicable, approval of a hardship waiver) a hearing before the hearing officer shall be set for a date that is not less than 15 and not more than 60 days from the date that the "request for hearing" is filed in accordance with the provisions of this section. The person requesting the hearing shall be notified of the time and place set for the hearing by first class mail at least ten days prior to the date of the hearing. The responsible person may request one continuance of the hearing, but in no event may the hearing begin later than 90 days after receipt of the request for hearing from the responsible person. The responsible person may attend the hearing in person or in lieu of attending may submit written argument and documentation under penalty of perjury prior to the time scheduled for the hearing.
3. Any documentation other than the administrative citation, which the enforcement official has submitted or will submit to the hearing officer, shall be sent to the person requesting the hearing by regular first class mail at least five days before the date on which the hearing is scheduled. The documentation shall also be made available upon request at the time of the hearing.
4. If the responsible person fails to attend the hearing or fails to submit arguments in writing, the administrative hearing officer will render a decision based on the documents that have been received and the responsible person will be deemed to have waived his/her right to an administrative hearing. Under those circumstances, the administrative hearing officer may request additional information from either the responsible person or the enforcement official as may be necessary to render a decision. If service of the administrative hearing is made by posting the citation on real property within the City in which the responsible person has a legal interest, and the responsible person provides verifiable and substantial evidence that removal of the administrative citation from the property by a third party caused the responsible person's failure to attend the scheduled hearing, the responsible person shall be entitled to an administrative hearing.
5. The hearing officer shall only consider evidence that is relevant to whether the violation occurred and whether the responsible person has caused or maintained the violation of the Municipal Code on the date(s) specified in the administrative citation.
6. Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of his or her case and to cross-examine witnesses. The City bears the burden of proof at an administrative hearing to establish a violation of the Code. The administrative citation and any additional reports submitted by the enforcement official shall constitute *prima facie* evidence of the facts contained in those documents. The administrative hearing

officer must use a preponderance of evidence as the standard of evidence in deciding the issues.

7. The hearing officer may continue the hearing and request additional information from the issuing officer/employee or the recipient of the administrative citation prior to issuing a written decision.

E. Hearing officer's decision. At the conclusion of the hearing or within fifteen (15) days thereafter, the administrative hearing officer shall render a decision as follows:

1. Determine that the violation for which the citation was issued occurred, and impose a fine in the amount set forth in the fine and penalty schedule, and if the violation has not been corrected as of the date of the hearing, order correction or abatement of the violation. In this event, the City shall retain the fine deposited by the responsible person.

2. Determine that the violation for which the citation was issued occurred, but that the responsible party has introduced credible evidence of mitigating circumstances warranting imposition of a lesser fine than that prescribed in the fine and penalty schedule, or no fine at all, and impose such lesser fine, if any; and if the violation has not been corrected as of the date of the hearing, order correction or abatement of the violation. In this event, the City shall retain all or a portion of the fine deposited by the responsible person as applicable.

3. Determine that the violation for which the citation was issued did not occur or that the condition did not constitute a violation of the Municipal Code, or that the person cited was not the responsible party. In this event, the City shall refund the deposit, if any, within fifteen (15) days of the decision.

The administrative hearing officer's decision shall be in writing, shall explain the basis for the decision, and shall be served upon the responsible party by first class mail, to the address stated on the request for hearing form. If applicable, the order shall set forth the date by which compliance shall be achieved and the imposed fine paid to the City. The order shall be final on the date of mailing, which shall be deemed the "date of service," and shall notify the responsible person of the right to appeal to the Superior Court, as further described in Section [1.10.100](#).

F. Collection of unpaid fines. Failure to pay the assessed administrative fine within 15 days or such other time limit set forth in the administrative citation, and/or if the decision of the hearing officer has not been successfully challenged by a timely appeal as provided in section [1.10.100](#), this obligation shall constitute a special assessment and/or lien against the real property on which the violation occurred. The special assessment and/or lien shall be imposed pursuant to the procedure set forth in Section [8.28.080](#) of this Code. Alternatively, the matter may be referred for collection, which includes but is not limited to the filing of a small claims court action.

#### **1.10.100 Right to judicial review.**

Within 20 days after service of the decision of the administrative hearing officer upon the responsible person, he/she may seek review of the decision by filing a notice of appeal with the Superior Court. The responsible person shall serve upon the City Clerk either in person or by first class mail a copy of the notice of appeal. If

the responsible person fails to timely file a notice of appeal, the administrative hearing officer's decision shall be deemed final.

**1.10.110 Failure to comply with administrative order.**

In the absence of a timely appeal to the Superior Court, failure to comply with a final administrative order directing the abatement of a continuing violation by the date specified in the order is a misdemeanor offense for each day thereafter, or any portion thereof, that the violation is maintained or permitted. In the event of a timely appeal to the Superior Court pursuant to section [1.10.100](#), and provided the City prevails thereon, the responsible person shall be guilty of a misdemeanor offense for each day, or any portion thereof, that a continuing violation is maintained or permitted after a court ordered abatement date. Filing a misdemeanor action does not preclude the City from pursuing any other remedies to gain compliance provided in this Code or under state law. For purposes of this chapter, a "continuing violation" shall mean a single, ongoing condition or activity in violation of the Municipal Code.

**Title 2**  
**Administration and Personnel Revised 3/16**

**Chapters:**

- [2.04 City Council](#)
- [2.08 Elections](#)
- [2.12 City Manager](#)
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## Chapter 2.04 CITY COUNCIL

Sections:

- [\*\*2.04.010 Council meetings--When held.\*\*](#)
- [\*\*2.04.020 Meetings--Where held.\*\*](#)
- [\*\*2.04.030 Special meetings.\*\*](#)
- [\*\*2.04.040 Meetings Open to Public; Exceptions for Closed Sessions.\*\*](#)
- [\*\*2.04.050 Study sessions.\*\*](#)
- [\*\*2.04.060 Rules Governing City Council Meetings.\*\*](#)
- [\*\*2.04.070 Disqualification for conflict of interest.\*\*](#)

### **2.04.010 Council meetings--when held.**

The city council shall hold regular meetings at least once a month at times fixed by resolution of the city council. When the day for any regular meeting falls on a legal holiday, no meeting shall be held on such holiday, but a regular meeting shall be held at the same hour on the following business day. The city council may adjourn any regular or adjourned meeting to a date specified in the order of adjournment. When so adjourned, the adjourned meeting is a regular meeting for all purposes. (Prior code § 2-1)

### **2.04.020 Meetings--where held.**

A. Generally. Regular meetings of the city council shall be held in the council chamber of the City Hall, 1315 Valley Drive, in the city.

B. Alternate Location. The alternate location for regular meetings of the city council shall be in the Hermosa Beach Community Center, 710 Pier Avenue, in the city, and said alternate location shall be used for such regular meetings only during such times as the city hall council chamber is not available and only after there shall have been posted at the entrance to the city hall council chamber a notice of meeting at the alternate location at least twenty-four (24) hours prior to the date and time for any regular council meeting. If, by reason of fire, flood, earthquake or other emergency, it shall be unsafe to meet in the places designated, the meetings may be held for the duration of the emergency in such place within the city as is designated by the presiding officer of the council. Such notice of an emergency alternative meeting site shall be posted at Hermosa Beach City Hall if practicable and notification given in a manner consistent with state law. (Prior code § 2-2)

### **2.04.030 Special meetings.**

A special meeting of the city council may be ordered at any time by the mayor, or by a majority of the members of the council, by delivering personally or by mail written notice to each member of the council at least twenty-four (24) hours before the time of such meeting as specified in the notice. Said notice shall specify the time and place of the meeting and business to be transacted, and no other business shall be considered at such meetings by the city council.

Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the city clerk a written waiver of notice. Such waiver may be given by telegram. Such

written notice may also be dispensed with as to any member who is actually present at the meeting at the time it convenes.

Such written notice shall be delivered personally or by mail at least twenty-four (24) hours before the time of such meeting as specified in the notice to each local newspaper of general circulation, radio or television station requesting notice in writing. (Prior code § 2-2.1)

#### **2.04.040 Meetings open to public; Exceptions for closed sessions.**

All regular and special meetings of the City Council shall be public; provided, however, the City Council may hold closed sessions during a regular, adjourned or special meeting, from which the public may be excluded as may be permitted by law. (Ord. 11-1326 §1, Sept. 2011; Prior code § 2-2.2)

#### **2.04.050 Study sessions.**

From time to time the council will meet in a study session at a time and place to be designated by the council. Such study sessions shall be noticed at the prior council meeting and will be open to the public and the press. Such study sessions shall be devoted to matters pertaining to which the interchange of information preliminary to a regular meeting is deemed to be essential. No official action or formal vote shall be taken at such study session on any matter under discussion; provided, however, that the councilmen in attendance shall be entitled to express their opinion on any matter under discussion. The participation of the public in such sessions shall be subject to the discretion of the presiding officer. (Prior code § 2-2.3)

#### **2.04.060 Rules governing city council meetings.**

The City Council may, by Resolution, establish rules governing the conduct of its meetings. (Ord. 12-1331, § 3, Jan. 2012; Prior code § 2-2.4)

#### **2.04.070 Disqualification for conflict of interest.**

A. Any member of the City Council who is disqualified from voting or taking any action on a particular matter by reason of a conflict of interest as defined either by the Political Reform Act (Government Code Sections 81000 et seq.) ("the Act") or by Government Code Section 1090 shall provide notification as set forth in subsection (b) of this Section, and shall disclose the nature of said conflict of interest in writing to the City Manager and City Attorney at the earliest possible time and in no event later than five (5) business days from the time that the conflict of interest arises.

B. The notification shall be in writing and shall set forth in reasonable detail and particularity the nature of the conflict, the scope of the members involvement in the project or transaction at issue, and that monetary or other consideration is to be derived by the member from said project or transaction. Said notification shall include a statement as to the affected members intention to disqualify himself or herself from any deliberation or discussion of the project or transaction at issue. The City Manager shall immediately transmit a copy of the notification to all members of the City Council.

C. Once a conflict of interest is ascertained, the disqualified member shall:

1. Remove himself or herself from the dais at all times during which the matter is under consideration;

and

2. Refrain from participating in the discussion as a member of the body and from voting thereon; and
3. Refrain from using his or her official position to influence the decision regarding the matter.

D. Any member of the City Council so disqualified shall not be counted for the purpose of determining a quorum, and shall be considered absent for the purpose of determining the outcome of a vote on the matter, unless that members participation is required pursuant to the rule of legally required participation. (Ord. 12-1331,§ 1,2,3, Jan. 2012; Ord. 96-1159, §2, 05/96; Prior code § 2-2.19)

## **Chapter 2.08 ELECTIONS**

Sections:

[\*\*2.08.010 Definitions.\*\*](#)

[\*\*2.08.020 Campaign contribution limitations.\*\*](#)

[\*\*2.08.030 Endorsements and seals.\*\*](#)

**2.08.010 Definitions.**

Words and phrases used hereinafter shall have the same meaning as defined in the Political Reform Act of 1974, as amended, Title 9, California Government Code (Section 81000 et. seq.) as it now exists or may hereafter be amended. (Prior code § 10.5-16)

**2.08.020 Campaign contribution limitations.**

A. No person shall make a contribution to any candidate for city elective office, nor shall any candidate for city elective office accept, any contribution in aid of the election of a candidate to a city elective office which will cause the total given by such person with respect to a single election to exceed the sum of two hundred fifty dollars (\$250.00). This section shall not apply to amounts given by a candidate to his or her own campaign.

B. Contributions by a husband and wife shall be treated as separate contributions and shall not be aggregated. Contributions by children under eighteen (18) years of age shall be treated as contributions attributed equally to each parent or guardian.

**2.08.030 Endorsements and seals.**

A. No person shall issue any campaign literature or material to the public during an election which claims or implies any endorsement of a candidate without filing with the city clerk his affidavit, signed under penalty of perjury, that he has obtained the written consent of such person whose endorsement is claimed or implied.

B. No person shall in any manner, on any campaign literature or material, make use of the official seal of the city, or any facsimile or likeness of the seal. (Prior code § 10.5-18)

## Chapter 2.12 CITY MANAGER

Sections:

- [\*\*2.12.010 Office created--Appointment--Qualifications.\*\*](#)
- [\*\*2.12.020 Eligibility of councilman.\*\*](#)
- [\*\*2.12.030 Surety bond.\*\*](#)
- [\*\*2.12.040 Absence or disability.\*\*](#)
- [\*\*2.12.050 Compensation.\*\*](#)
- [\*\*2.12.060 Traveling expenses.\*\*](#)
- [\*\*2.12.070 Powers and duties generally.\*\*](#)
- [\*\*2.12.080 Council-manager relations.\*\*](#)
- [\*\*2.12.090 Cooperation of other city officers with city manager.\*\*](#)
- [\*\*2.12.100 Attendance at commission meetings.\*\*](#)
- [\*\*2.12.110 Removal--Vote required--Notice of intention to remove.\*\*](#)
- [\*\*2.12.120 Notice of intention to remove--Hearing.\*\*](#)
- [\*\*2.12.130 Notice of intention to remove--Suspension pending hearing.\*\*](#)
- [\*\*2.12.140 Purpose of hearing.\*\*](#)
- [\*\*2.12.150 City manager not to be removed ninety days next succeeding any general municipal election.\*\*](#)

### **2.12.010 Office created--appointment--qualifications.**

The office of the city manager is created and established. The city manager shall be appointed by the city council wholly on the basis of his administrative and executive ability and qualifications and shall hold office for and during the pleasure of the city council. (Prior code § 2-7)

### **2.12.020 Eligibility of councilman.**

No person elected as a councilman of the city shall, subsequent to such election, be eligible for appointment as city manager until two years have elapsed after such council member shall have ceased to be a member of the city council. (Prior code § 2-9)

### **2.12.030 Surety bond.**

The city manager shall furnish a corporate surety bond to be approved by the city council in such sum as may be determined by the city council and shall be conditioned upon the faithful performance of the duties imposed upon the city manager as herein prescribed. Any premium for such bond shall be a proper charge against the city. (Prior code § 2-10)

### **2.12.040 Absence or disability.**

In case of the absence or disability of the city manager, the city council may designate some qualified city employee to perform the duties of the city manager during the period of absence or disability of the city manager, subject, however, to the person furnishing a corporate surety bond conditioned upon faithful performance of the duties required to be performed as set forth in Section [2.12.030](#). (Prior code § 2-11)

**2.12.050 Compensation.**

The city manager shall receive such compensation and expense allowances as the city council shall from time to time determine and fix by resolution, and such compensation and expenses shall be a proper charge against such funds of the city as the city council shall designate. (Prior code § 2-12)

**2.12.060 Traveling expenses.**

The city manager shall be reimbursed for all sums necessarily incurred or paid by him in the performance of his duties or incurred when traveling on business pertaining to the city under direction of the city council.

Reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for such business for which reimbursement is requested has been presented for approval. (Ord. 96-1155 § 4, 1996: prior code § 2-13)

**2.12.070 Powers and duties generally.**

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

- A. Law Enforcement. It shall be the duty of the city manager to enforce all laws and ordinances of the city and to see that all franchises, contracts, permits and privileges granted by the city council are faithfully observed.
- B. Authority over Employees. It shall be the duty of the city manager and he shall have the authority to control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his jurisdiction through their department heads.
- C. Power of Appointment. It shall be the duty of the city manager to, and he shall appoint, remove, promote and demote any and all officers and employees of the city, except the city clerk, city attorney and city treasurer, subject to the rules and regulations of the civil service commission.
- D. Reorganization of Offices, etc. It shall be the duty and responsibility of the city manager to recommend to the city council such reorganization of offices, positions, departments or units under his direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business.
- E. Ordinances. It shall be the duty of the city manager and he shall recommend to the city council for adoption such measures and ordinances as he deems necessary or expedient.
- F. Attendance at Council Meetings. It shall be the duty of the city manager to attend all meetings of the city council unless excused therefrom, except when his removal is under consideration.
- G. Financial Reports. It shall be the duty of the city manager to keep the city council at all times fully advised as to the financial conditions and needs of the city.

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

I. Purchasing. It shall be the duty of the city manager and he shall be responsible for the purchase of all supplies for all of the departments or divisions of the city. No expenditures shall be submitted or recommended to the city council except on report and approval of the city manager.

J. Investigations. It shall be the duty of the city manager to make investigations into the affairs of the city and any department or division thereof, and any contract or the proper performance of any obligations of the city.

K. Public Utilities and Franchises. It shall be the duty of the city manager to investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city, and to see that all franchises and permits granted by the city are faithfully performed and observed.

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

M. Hours of Employment. It shall be the duty of the city manager to devote his entire time to the duties of his office in the interests of the city.

N. Additional Duties. It shall be the duty of the city manager to perform such other duties and exercise such other powers as may be delegated to him from time to time by ordinance or resolution or other action of the city council. (Prior code § 2-14)

#### **2.12.080 Council-manager relations.**

The city council and its members shall deal with the administrative service of the city only through the city manager, except for the purpose of inquiry, and neither the city council nor any member thereof shall give orders to any subordinates of the city manager. The city manager shall take his orders and instructions from the city council only when sitting in a duly held meeting of the city council and no individual councilman shall give any orders or instructions to the city manager. (Prior code § 2-15)

#### **2.12.090 Cooperation of other city officers with city manager.**

It shall be the duty of all subordinate officers and the city clerk, city treasurer and city attorney to assist the city manager in administering the affairs of the city efficiently, economically and harmoniously so far as may be consistent with their duties as prescribed by law and ordinances of the city. (Prior code § 2-16)

#### **2.12.100 Attendance at commission meetings.**

The city manager may attend any and all meetings of the planning commission, civil service board, recreation commission, and any other commission, boards or committees hereafter created by the city council, upon his own volition or upon direction of the city council. At such meetings which the city manager attends, he shall be heard by such commissions, boards or committees as to all matters upon which he wishes to address the

members thereof, and he shall inform the members as to the status of any matter being considered by the city council and he shall cooperate to the fullest extent with the members of all commissions, boards or committees appointed by the city council. (Prior code § 2-17)

**2.12.110 Removal--vote required--notice of intention to remove.**

The removal of the city manager shall be only upon a three-member vote of the whole council in a regular council meeting, subject, however, to the provisions of the next succeeding sections. In case of his intended removal by the city council, the city manager shall be furnished with a written notice stating the council's intention to remove him and the reason therefor at least thirty (30) days before the effective date of his removal. (Prior code § 2-18)

**2.12.120 Notice of intention to remove--hearing.**

Within seven days after the delivery to the city manager of the notice as provided by the preceding section, he may by written notification to the city clerk, request a hearing before the city council. Thereafter, the city council shall fix a time for the hearing which shall be held at its usual meeting place, but before the expiration of the thirty (30) day period, at which the city manager shall appear and be heard, with or without counsel. (Prior code § 2-19)

**2.12.130 Notice of intention to remove--suspension pending hearing.**

After furnishing the city manager with written notice of intended removal, the city council may suspend him from duty, but his compensation shall continue until his removal by resolution of the council passed subsequent to the hearing. (Prior code § 2-20)

**2.12.140 Purpose of hearing.**

In removing the city manager, the city council shall use its uncontrolled discretion and its action shall be final and shall not depend upon any particular showing or degree of proof at the hearing. The purpose of the hearing is to allow the city manager to present to the city council his grounds of opposition to his removal prior to its action. (Prior code § 2-21)

**2.12.150 City manager not to be removed ninety days next succeeding any general municipal election.**

Notwithstanding the provisions of this chapter, the city manager shall not be removed from office during or within a period of ninety (90) days next succeeding any general municipal election held in the city at which election a member of the city council is elected. The purpose of this provision is to allow any newly elected member of the city council or a reorganized city council to observe the actions and ability of the city manager in the performance of the powers and duties of his office. After the expiration of the ninety (90) day period aforementioned, the provisions of the preceding section as to the removal of the city manager shall apply and be effective. (Prior code § 2-22)

**Chapter 2.16  
DIRECTOR OF FINANCE**

Sections:

- [\*\*2.16.010 Position created--Function.\*\*](#)
- [\*\*2.16.020 Duties generally.\*\*](#)
- [\*\*2.16.030 Transfer of duties from city clerk.\*\*](#)
- [\*\*2.16.040 Bond required.\*\*](#)
- [\*\*2.16.050 Authority to combine position with other office.\*\*](#)

**2.16.010 Position created--function.**

In order to establish a central area for the uniform processing and development of all fiscal and budgetary functions, there is hereby created the office of director of finance for the city. (Prior code § 2-22.1)

**2.16.020 Duties generally.**

The director of finance shall be charged with all of the financing and accounting duties of the city, and shall be subject to all of the powers granted and imposed upon the city clerk by the provisions of Article I, Chapter 4, Part 2, Division 3, Title IV of the Government Code of the state of California, and Sections 40802, 40803, 40804 and 40805 of said Government Code. The director of finance shall perform such other duties as may be delegated from time to time by the city council or the city manager of the city. (Prior code § 2-22.2)

**2.16.030 Transfer of duties from city clerk.**

In accordance with Section 40805.5 of the Government Code of the state of California, all of the financing and accounting duties imposed upon the city clerk under Sections 40802 through 40805 of said Government Code are transferred to the director of finance and the city clerk is relieved of all said duties. (Prior code § 2-22.3)

**2.16.040 Bond required.**

Pursuant to Sections 36518 and 36519 of the State Government Code, the director of finance shall execute and deposit with the city a fidelity bond. The penal amount of the bond shall be established by a resolution of the city council. (Prior code § 2-22.4)

**2.16.050 Authority to combine position with other office.**

The position of director of finance may be combined with that of any other office in the city by resolution of the city council. (Prior code § 2-22.5)

## Chapter 2.20 COMMUNITY RESOURCES DEPARTMENT

Sections:

- [\*\*2.20.010 Community resources department.\*\*](#)
- [\*\*2.20.020 Community resources director--Appointment.\*\*](#)
- [\*\*2.20.030 Director--Duties and responsibilities.\*\*](#)

### **2.20.010 Community resources department.**

The functions of the community resources department are to provide opportunities for educational, recreational, cultural and social service activities for all age groups and to develop and maintain in an attractive and safe manner the leisure areas and facilities of the city and to ensure that such facilities are suitable for a wide variety of purposes. (Prior code § 2-70)

### **2.20.020 Community resources director--appointment.**

The director of community resources shall be appointed and shall administer, subject to authority of the city manager, the educational, recreational, cultural and social service programs of the city. (Prior code § 2-71)

### **2.20.030 Director--duties and responsibilities.**

The duties and responsibilities of the community resources director shall be to:

- A. Recommend to the city manager the employment of required personnel such as assistants, supervisors, leaders, clerical and maintenance employees, and supervise them in the performance of their various duties;
- B. Administer, operate and maintain existing park and recreation areas and leisure facilities and plan for the acquisition, development and operation of the proposed facilities in accordance with recommended policies by the community resources commission and approved by the city council;
- C. Inform the general public of the services and facilities being provided by the community resources department;
- D. Solicit suggestions from the general public to improve or increase the effectiveness of the service;
- E. Cooperate with governmental and voluntary organizations and agencies in the furtherance of park and recreation opportunities;
- F. Prepare manuals, bulletins and reviews on department activities;
- G. Provide, upon request, assistance of a technical nature to community agencies and organizations having problems relating to recreational social service facilities and programs;
- H. Counsel with official of public and private organizations and interested groups concerning community recreation and leisure activities and assist them in the promotion of park and recreational services; and shall serve as liaison to the commission;

- I. Conduct studies of local conditions and needs for park and recreation services, cultural arts programs, social service programs, and assist with recruitment and training of said personnel;
- J. Enforce all rules and regulations, resolutions and ordinances of the city pertaining to public behavior in all city-owned leisure oriented facilities and park areas. (Prior code § 2-72)

**Chapter 2.28**  
**PARKS, RECREATION AND COMMUNITY RESOURCES ADVISORY COMMISSION**

Sections:

- 2.28.010 Parks, recreation, and community resources advisory commission created--composition--Appointment of members.**
- 2.28.020 Terms of members--Vacancies.**
- 2.28.030 Ex officio members.**
- 2.28.040 Chairperson.**
- 2.28.050 Meetings--Quorum--Absences--Rules of procedure.**
- 2.28.060 Secretary--Minutes.**
- 2.28.070 Duties and responsibilities.**

**2.28.010 Parks, recreation, and community resources advisory commission created--composition--Appointment of members.**

Pursuant to authority granted to the city council there is hereby created and established a parks, recreation and community resources advisory commission composed of five members who are bona fide residents of the city, appointed by the city council, provided however, for the purposes of transition from the park and recreation commission and the community center commission, all members may continue to serve until such time as attrition and/or resignation result in a five-member commission. No member of the Hermosa Beach community center foundation board is eligible to serve on the parks, recreation and community resources advisory commission. (Prior code § 2-63)

**2.28.020 Terms of members--vacancies.**

The members of the parks, recreation and community resources advisory commission shall be appointed for a term of four years.

If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointments by the city council for the unexpired portion of the term. Appointments shall be made pursuant to Government Code Section 54970 et seq. Members serve at the pleasure of the city council and may be removed, without cause, by a majority vote of the city council.

Upon an expiration of term, vacancy or resignation, said member of the commission may continue to serve until a successor is appointed and qualified. Where the city council votes to remove a member of the commission, the city council shall determine the effective date of said removal.

Two absences from regularly scheduled meetings of any member within one calendar quarter, and/or four absences from regular meetings within one calendar year creates an automatic vacancy. There shall be no distinction between excused or unexcused absences. When an automatic vacancy occurs, the staff liaison shall promptly notify the city council, the commission, and the member. The automatic vacancy shall not be effective until council receives notice and fails to waive application of this section. The city council may waive application of the automatic vacancy upon its own motion; otherwise, the vacancy so created shall be filled

pursuant to the above sections. (Prior code § 2-64)

**2.28.030 Ex officio members.**

To aid and assist the parks, recreation and community resources advisory commission in its deliberations, two ex officio members are appointed. The ex officio members shall be without vote and they are designated as the city manager and the Superintendent of the Hermosa Beach school district. (Prior code § 2-65)

**2.28.040 Chairperson.**

At its first regular meeting following the effective date of operation of this chapter, the parks, recreation and community resources advisory commission shall elect by majority vote one of its members to serve as chairperson for a period of one year. The chairperson may be re-elected to serve an additional term, or additional terms, upon a majority vote of approval. The chairperson shall continue to serve until a successor is duly elected and qualified. The duties of the chairperson shall be such as are usually carried by this type of officer on other boards and commissions as created in the city. (Prior code § 2-66)

**2.28.050 Meetings--quorum--absences--rules of procedure.**

The parks, recreation and community resources advisory commission shall adopt rules and regulations to govern procedures and shall by a vote set a time for regular meetings which shall be held at least once a month. Special meetings may be held providing notice is given according to provisions contained in the Government Code of the state. A majority of the regular members shall constitute a quorum. All meetings shall be held in the community center or other designated city-owned facilities. All meetings of the commission and all hearings required to be held by the commission shall be public.

Failure by any member to attend three consecutive regular meetings, unless excused by the other members of the commission and recorded in the minutes, shall forfeit his/her office and the same shall automatically be declared vacant. (Prior code § 2-67)

**2.28.060 Secretary--minutes.**

The city manager shall appoint a secretary to the parks, recreation and community resources advisory commission who shall maintain accurate minutes of the activities of the commission. Minutes shall include the following subject matter:

- A. The time and place of each meeting of the commission;
- B. The names of the commissioners present;
- C. All official acts of the commission;
- D. The votes given by the commissioners, except when the action is unanimous;
- E. A summary of all proceedings before the commission. All the minutes shall be reduced to writing and presented to the commission at its next regular meeting for approval, amendment or correction. The minutes shall be furnished to the city council, members of the commission and any other public official requiring them.

(Prior code § 2-68)

**2.28.070 Duties and responsibilities.**

The duties and responsibilities of the commission shall include the following and such others as the city council may from time to time prescribe:

- A. Act in an advisory capacity to the city council in all matters pertaining to the department of community resources; and cooperate with other government agencies and civic groups in the advancement of sound leisure, cultural, social service and educational programming;
- B. Formulate policies on the services, programs and lease agreements of the department subject to the approval of the city council;
- C. Advise city council on all aspects of the various operations within the department;
- D. Make periodic inventories of programs, services and facilities including park areas, and interpret the needs of the public to the city council;
- E. Work with department staff in the preparation of the annual budget and capital improvement program including parkland development;
- F. Aid in establishing and recruiting community support groups for the department's activities, programs and services;
- G. Aid in promoting and communicating the functions, programs and services of the department to the public;
- H. Aid in the formulation, promotion and development of fund raising programs for the department;
- I. Aid in the formulation, development and review of grant applications related to the department;
- J. Establish a liaison with the Hermosa Beach community center foundation. (Prior code § 2-69)

## Chapter 2.32 PLANNING COMMISSION

Sections:

- [\*\*2.32.010   Created--Composition.\*\*](#)
- [\*\*2.32.020   Terms of members--Vacancies.\*\*](#)
- [\*\*2.32.030   Powers and duties.\*\*](#)
- [\*\*2.32.040   Disqualification for conflict of interest.\*\*](#)

### **2.32.010   Created--composition.**

A planning commission is created, which shall consist of five members. The members shall be qualified electors of the city appointed by the city council. (Prior code § 2-73)

### **2.32.020   Terms of members--vacancies.**

The members of the planning commission shall be appointed for a term of four years.

If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointments by the city council for the unexpired portion of the term. Appointments shall be made pursuant to Government Code Section 54970 et seq. Members serve at the pleasure of the city council and may be removed, without cause, by a majority vote of the city council.

Upon an expiration of term, vacancy or resignation, said member of the commission may continue to serve until a successor is appointed and qualified. Where the city council votes to remove a member of the commission, the city council shall determine the effective date of said removal.

Two absences from regularly scheduled meetings of any member within one calendar quarter, and/or four absences from regular meetings within one calendar year creates an automatic vacancy. There shall be no distinction between excused or unexcused absences. When an automatic vacancy occurs, the staff liaison shall promptly notify the city council, the commission, and the member. The automatic vacancy shall not be effective until council receives notice and fails to waive application of this section. The city council may waive application of the automatic vacancy upon its own motion; otherwise, the vacancy so created shall be filled pursuant to the above sections. (Prior code § 2-74)

### **2.32.030   Powers and duties.**

The city planning commission shall be governed in all respects and perform the duties prescribed by applicable state and local laws. (Prior code § 2-75)

### **2.32.040   Disqualification for conflict of interest.**

A. Any member of the Planning Commission who is disqualified from voting or taking any action on a particular matter by reason of a conflict of interest as defined either by the Political Reform Act (Government Code Sections 81000 et seq.) ("the Act") or by Government Code Section 1090 shall provide notification as set forth in subsection (b) of this Section, and shall disclose the nature of said conflict of interest in writing to the City Manager and City Attorney at the earliest possible time and in no event later than five (5) business

days from the time that the conflict of interest arises.

B. The notification shall be in writing and shall set forth in reasonable detail and particularity the nature of the conflict, the scope of the members involvement in the project or transaction at issue, and that monetary or other consideration is to be derived by the member from said project or transaction. Said notification shall include a statement as to the affected members intention to disqualify himself or herself from any deliberation or discussion of the project or transaction at issue. The City Manager shall immediately transmit a copy of the notification to all members of the City Council and to all other members of the Planning Commission.

C. Once a conflict of interest is ascertained, the disqualified member shall:

1. Remove himself or herself from the dais at all times during which the matter is under consideration; and
2. Refrain from participating in the discussion as a member of the body and from voting thereon; and
3. Refrain from using his or her official position to influence the decision regarding the matter.

D. Any member of the Planning Commission so disqualified shall not be counted for the purpose of determining a quorum, and shall be considered absent for the purpose of determining the outcome of a vote on the matter, unless that members participation is required pursuant to the rule of legally required participation.  
(Ord. 96-1159 § 2, 05/28/96)

## Chapter 2.36 DESIGN REVIEW BOARD

Sections:

- [\*\*2.36.010 Created--Compensation.\*\*](#)
- [\*\*2.36.020 Duty of design review board to review plans.\*\*](#)
- [\*\*2.36.030 Categorical exemptions.\*\*](#)
- [\*\*2.36.040 Filing plan and referral to design review board.\*\*](#)
- [\*\*2.36.050 Standards and consideration in passing upon applications.\*\*](#)
- [\*\*2.36.060 Appeal from decision of design review board.\*\*](#)
- [\*\*2.36.070 Setting time for hearing appeal.\*\*](#)
- [\*\*2.36.080 Notice of hearing on appeal.\*\*](#)
- [\*\*2.36.090 Form of notice of hearing on appeal.\*\*](#)
- [\*\*2.36.100 Hearing of appeal and decision by city council.\*\*](#)
- [\*\*2.36.110 Fee schedule.\*\*](#)

### **2.36.010 Created--compensation.**

There is created a design review board, which shall consist of the members of the planning commission.  
(Prior code § 2-119)

### **2.36.020 Duty of design review board to review plans.**

The design review board shall review the exterior design of each application for a building permit in the following categories:

- A. Condominiums: residential, commercial and industrial.
- B. Whenever the environmental review committee reviews a proposed project, as required by the Public Resources Code of the state of California, and such committee finds under Section 7-1.7 that the project should be reviewed by the planning commission, then the planning commission shall conduct a design review.  
(Ord. 96-1155 § 8, 1996; prior code § 2-120)

### **2.36.030 Categorical exemptions.**

The following classes of projects listed in this section are declared to be categorically exempt from the requirement for review and approval by the design review board prior to the issuance of building permits:

- A. Class 1. All residential ministerial projects, except where Section 17.62.010 is invoked.
- B. Class 2. Residential projects which are nonministerial only because of a variance to a section or sections of this code, except where Section 17.62.010 is invoked.
- C. Class 3. All commercial and industrial projects, except those specifically called out in Section [2.36.020](#).  
(Ord. 96-1155 § 9 (part), 1996; prior code § 2-121)

### **2.36.040 Filing plan and referral to design review board.**

A. Before an applicant files his application for a building permit to construct a structure in a land use zone specified in Section [2.36.020](#) with the building department, he shall first file the following with the building department at least ten days prior to the date set by the building department for referral of this information to the design review board:

1. Site development plan:

- a. Roof plan of building;
- b. Location of existing and proposed structures, including signs;
- c. Location of existing trees or natural attributes;
- d. Location of off-street parking and loading facilities;
- e. Location and dimensions of street and highway dedications;
- f. Location of points of entry and exits for vehicles and internal circulation patterns;
- g. Location of walls and fences and the indication of their height and material of construction;
- h. Exterior lighting standards and devices;
- i. Grading and slopes where they affect the relationship of the buildings;
- j. Property lines including distance from street center lines;
- k. Building setback lines;
- l. All easements;
- m. All significant existing features;
- n. Significant features to remain;
- o. Significant features to be removed;
- p. All proposed improvements;
- q. Adjacent features of interest or significance including streets, buildings, parking lots, roads, paving, open space and major trees.

2. Landscaping plan.

- a. Property lines;
- b. Outline of existing and proposed buildings;

- c. All existing trees and large shrubs showing sizes;
  - d. All trees to be removed;
  - e. Precise location, or pattern and spacing of all proposed plant materials;
  - f. Schedule of planting, preferably in table form, showing sizes and botanical and common names;
  - g. Proposed method of irrigation (the use of automatic sprinkler systems recommended).
3. Architectural drawings: seven copies of architectural drawings, including:
- a. Plans to scale;
  - b. Four elevations to include all sides of development, and:
    - i. All exterior walls,
    - ii. Type of roof and wall material to be used (see subdivision 3(i) below),
    - iii. Sign locations showing relationship to building architecture,
    - iv. Location of roof equipment, trash enclosures, fences, exits, lights or other structures or fixtures to be located outside the building;
  - c. Floor plans where new construction or if there are major floor plan changes in existing structure:
    - i. Total floor area of project,
    - ii. Floor area of each separate building and room in project;
  - d. Finish schedule showing type of material proposed for all exterior surfaces;
  - e. Sections where necessary to illustrate special conditions;
  - f. Perspective, or other suitable graphic materials on any commercial developments which exceed two thousand (2,000) square feet of improvements or any residential development which exceeds four units;
  - g. Architectural drawings indicating the location, size, color, shape and type of illumination of each proposed sign;
  - h. Slides or photographs of existing conditions on all elevations of site, and adjacent to the site;
  - i. Color must be specified on plans and sample provided; materials and texture palette indicated and delineated (drawn on plans);

- j. Projects which are not exempt from state law are to be signed by an architect or registered building designer;
  - k. Provisions for access by the elderly and physically handicapped which are required by law for buildings and facilities to be used by the public.
4. Upgrading Existing Buildings and Site. In order to gradually upgrade the appearance of existing buildings and properties in Hermosa Beach, the design review board may ask for landscaping or other improvements in conjunction with an application for equipment installation, minor building remodeling or signs. In that event, the design review board will consider each project individually and work with the applicant to arrive at a plan which will make the property more attractive, and which will be economically feasible for the owner or tenant.

B. The building department shall refer this information to the design review board for approval. The board shall either approve or disapprove of the project within thirty (30) days after its first hearing by the board; however, the applicant may waive this time limitation and agree to an extension of time within which the board must act. If the design review board disapproves, it shall specify the reason for disapproval and the applicant may appeal this decision in the manner provided in Section [2.36.060](#) et seq., or he may modify his project's design in a manner that satisfies each of the objections of the board and thereby be approved. (Ord. 96-1155 § 9 (part), 1996; prior code § 2-122)

### **2.36.050 Standards and consideration in passing upon applications.**

A. The design review board shall approve the issuance of a building permit if it finds that the proposed structure meets the following criteria:

1. Consistency and compatibility with applicable elements of the city's general plan;
2. Concept compatibility of design with the immediate environment of the site;
3. Appropriateness of the design to the site and purpose of the project;
4. In areas considered by the board as having a unified design character or historical character, to determine that the design is compatible;
5. Whether the design promotes harmonious transitions in scale and character in areas between different land uses;
6. Compatibility with future construction both on and off site;
7. Whether the amount and arrangement of open space and landscaping are appropriate to the design and purpose of the structures;
8. Whether sufficient ancillary features and/or buildings are provided to support the main design of the project, and whether the same are compatible with the project design and concept;

9. Whether access to the property and circulation thereon are safe and convenient for pedestrians, cyclists and vehicles;
10. Whether natural features are appropriately preserved and integrated with the project;
11. Whether the materials, textures, colors and details of construction are an appropriate expression of its design concept, and whether the same are compatible with the adjacent and neighboring structures;
12. Whether the design features are consistently carried through on all building elevations; this shall apply not only to those visible from a public right-of-way but to all elevations;
13. Whether the roof line, design and features are consistent and compatible on all building elevations.

B. The design review board is empowered to review each of the following items with respect to the proposed work:

1. Lot size;
2. Building coverage;
3. Setbacks;
4. Building height;
5. Parking and other paved areas, striping of any paved areas;
6. Use of open space;
7. Landscaping;
8. Signs and graphics;
9. Aesthetics;
10. Quality of design;
11. Character;
12. Scale;
13. Building materials;
14. Color;
15. Pedestrian, bicycle and vehicular circulation;
16. Compatibility with neighboring properties and uses;

17. Exterior lighting;
18. Noise;
19. Visibility and effect upon view at all sight lines;
20. Location on site;
21. Disturbance of existing topography, trees, shrubs and other natural features;
22. Accessory buildings, including garages, sheds, utility facilities and waste receptacles;
23. Artwork, sculpture and other artistic features;
24. Flues, chimneys, exhaust fans, air conditioning equipment, elevator equipment, fans, cooling towers, antennas, or similar structures placed upon the roof or the exterior of the building which are visible from the street or from any building in the immediate vicinity;
25. Sunshades, awnings, louvers, or any side device for deflecting, filtering or shielding the structure or interior from the elements;
26. Balconies, penthouses, loading docks, or similar special purpose appendages;
27. Distance between buildings;
28. Fire safety, life safety and fire access;
29. Fences, walls or screening;
30. Such other features as affect the design and ultimate appearance of the work, as determined by the design review board.

C. It is not a purpose of this chapter that control of architectural character should be so rigidly interpreted that individual initiative is stifled in the design of any particular building or substantial additional expense incurred. Rather, it is the intent of this chapter that any control exercised be the minimum necessary to achieve the overall objectives of this section.

Good design is based upon the appropriateness of the structure in its environment and the suitability for its intended use.

If the above criteria are met, the application shall be approved. Conditions may be applied when the proposed building or structure does not comply with the above criteria and shall be such as to bring said building or structure into conformity. If an application is disapproved, the design review board shall detail in its findings the criterion or criteria not met. The action taken by the design review board shall be reduced to writing, signed by the chairman, and a copy thereof made available to the applicant upon request. (Prior code § 2-124)

**2.36.060 Appeal from decision of design review board.**

The applicant or any interested party who is dissatisfied with the findings of the board may appeal to the city council by filing a written appeal with the city manager within ten days after the date of the board's action. A copy of said written appeal shall immediately be transmitted to the building department. (Prior code § 2-125)

**2.36.070 Setting time for hearing appeal.**

Upon receipt of a copy of the written appeal, the building department shall transmit all files and papers to the city manager. The city manager shall have the general authority to fix the date of hearing the appeal. The hearing on appeal shall be set for a time not later than thirty (30) days from the date the appeal is taken. (Prior code § 2-126)

**2.36.080 Notice of hearing on appeal.**

The city manager shall give notice of the time and place of hearing on appeal by mailing a copy of the notice by first-class mail, postage prepaid, to the applicant, to the person making the appeal, and to any other person who has filed a written request for notice with the planning department. (Prior code § 2-127)

**2.36.090 Form of notice of hearing on appeal.**

The notice on appeal shall state:

- A. The time and place of hearing;
- B. A brief description of the land which is the subject of the appeal;
- C. The purpose of the hearing; and
- D. Any other information deemed necessary and desirable in the public interest. (Prior code § 2-128)

**2.36.100 Hearing of appeal and decision by city council.**

The city council shall hear the matter and shall make its findings and conclusions in writing within thirty (30) days following the close of the hearing unless good cause is shown for an extension of time and the applicant or opponent or both are notified of this extension and the reasons therefor. The city clerk shall file copies of the findings and conclusions of the city council with the planning department and with the applicant or opponent or both. In the findings, the city council shall report the facts found and in its conclusions the council shall report whether the appeal is granted, granted with conditions, or denied. The decision of the city council is final. (Prior code § 2-129)

**2.36.110 Fee schedule.**

There shall be an application fee for hearings before the design review board as established by resolution of the city council. (Prior code § 2-130)

## Chapter 2.38 EMERGENCY PREPAREDNESS ADVISORY COMMISSION

Sections:

- [\*\*2.38.010 Emergency Preparedness Advisory Commission Created.\*\*](#)
- [\*\*2.38.020 Composition; Appointment of Members; Terms of Members; Vacancies.\*\*](#)
- [\*\*2.38.030 Internal Organization of Commission.\*\*](#)
- [\*\*2.38.040 Duties and Responsibilities of the Commission.\*\*](#)

### **2.38.010 Emergency preparedness advisory commission created.**

An Emergency Preparedness Advisory Commission is hereby created and established. It shall be known as the "Hermosa Beach Emergency Preparedness Advisory Commission."

### **2.38.020 Composition; Appointment of members; Terms of members; Vacancies.**

The Emergency Preparedness Commission shall be composed of seven residents of the City appointed by the City Council for a term of four years. Members shall not be employees of the City. Members serve at the pleasure of the City Council and may be removed at any time and without cause by a majority vote of the Council. Upon expiration of a term, members shall continue to serve until a successor is appointed and qualified.

If a vacancy shall occur other than by expiration of a term, the vacancy shall be advertised as required by state law and the Council shall fill the vacancy for the unexpired portion of the term.

In the event that a member is absent from more than two regularly scheduled meetings of the Commission within a calendar quarter, or from more than four regularly scheduled meetings within a calendar year, the City Clerk shall report the member's attendance record to the City Council. The City Council shall consider whether to remove the member, giving consideration to the reasons for the absences and the member's continued willingness to serve. (Ord. 07-1283, §1, June 2007)

### **2.38.030 Internal organization of commission.**

The members of the Commission shall annually elect by majority vote one of its members to serve as chair and another of its members as vice-chair. The chair and vice-chair shall serve until a successor is elected. There is no limit on the number of consecutive terms a member may serve as chair or vice-chair. The chair, and in the absence of the chair, the vice-chair, shall preside over and be responsible for the orderly conduct of the meetings of the Commission.

The Commission shall establish a regular meeting schedule that provides for not less than one regular meeting per month. The Commission shall adopt such rules and procedures as it deems necessary to govern the conduct of its meetings. A majority of the Commission shall constitute a quorum for the conduct of business. The meetings of the Commission shall in all respects be governed by the Brown Act, Government Code Section 54950 et seq.

The City Manager shall assign a City employee to staff the Commission, which performance of which function

shall include preparation and posting of agendas, preparing staff reports, maintaining the records of the Commission and taking minutes of Commission meetings.

**2.38.040 Duties and responsibilities of the commission.**

The duties and responsibilities of the Commission shall be as follows, in addition to such others as the City Council may from time to time prescribe:

- A. Provide advice and make recommendations to the City Council relative to preparedness of the City government and the City's populace to respond swiftly and responsibly to emergencies in order to save life and minimize loss of property.
- B. Prepare for City Council approval an up-to-date emergency preparedness plan.
- C. Keep abreast of federal and state laws, regulations and policies pertaining to emergency response.
- D. Assist the City Council in promoting and communicating emergency preparedness to the community.
- E. Assist in coordinating neighborhood volunteers for emergency response.
- F. Assist in the preparation of grant applications for the purpose of enhancing, diversifying and expanding sources of emergency preparedness revenues.

**Chapter 2.40  
POLICE DEPARTMENT TRAFFIC DIVISION**

Sections:

[\*\*2.40.010 Established.\*\*](#)

[\*\*2.40.020 Duties generally.\*\*](#)

[\*\*2.40.030 Emergency response cost recovery.\*\*](#)

[\*\*2.40.040 Studies of areas where accidents occur frequently.\*\*](#)

[\*\*2.40.050 Filing accident reports.\*\*](#)

[\*\*2.40.060 Annual traffic safety report.\*\*](#)

**2.40.010 Established.**

There is established in the police department of this city a traffic division to be under the control of the chief of police. (Prior code § 19-32)

**2.40.020 Duties generally.**

It shall be the duty of the traffic division with such aid as may be rendered by other members of the police department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to cooperate with the city traffic engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions and to carry out those duties specially imposed upon such division by this code and other traffic ordinances and resolutions of this city. (Prior code § 19-33)

**2.40.030 Emergency response cost recovery.**

A. Definition. "Expense of an emergency response" means those incurred by the city in making appropriate emergency response to the incident, and shall be comprised of all costs directly arising because of the response to the particular incident, including, but not limited to the cost of providing police, fire-fighting, rescue, and emergency medical services at the scene of the incident, as well as salaries of the personnel responding to the incident.

B. Program. Pursuant to the authority vested in the city by state statute, each 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, boat, vessel or aircraft caused by that influence proximately causes any incident resulting in an appropriate emergency response, or whose intentionally wrongful criminal act proximately causes any incident resulting in appropriate emergency response, shall pay to the city the expense of such an emergency response. In no event shall a person's liability under this section exceed the maximum allowable under state statute, and all costs assessed pursuant to this section shall reasonably relate to the actual cost of the expense incurred by the city.

C. Collection of Costs. The expense of an emergency response shall be charged against the person liable for the expenses under this section. The charge constitutes a debt of that person to the city, and is collectible by the city in the same manner as in the case of an obligation under a contract, expressed or implied. (Prior code

§ 19-33)

**2.40.040 Studies of areas where accidents occur frequently.**

Whenever the accidents at any particular location become numerous, the traffic division shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Prior code § 19-34)

**2.40.050 Filing 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 city traffic engineer. (Prior code § 19-35)

**2.40.060 Annual traffic safety report.**

The traffic division shall annually prepare a traffic report which shall be filed with the city manager. 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 department.
- C. The plans and recommendations of the division for future traffic safety activities. (Prior code § 19-36)

**Chapter 2.44  
CITY TRAFFIC ENGINEER**

Sections:

**2.44.010 Office created--Appointment--Responsibility to city manager--Delegation of duties.**

**2.44.020 Duties generally.**

**2.44.010 Office created--appointment--responsibility to city manager--delegation of duties.**

The office of the city traffic engineer is established. The city traffic engineer shall be appointed by and directly responsible to the city manager in the exercise of the powers and duties as provided for in this code and in other traffic ordinances and resolutions of this city. The duties of the office of city traffic engineer may be combined with those of any other office or position. Whenever the city traffic engineer 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 § 19-37)

**2.44.020 Duties generally.**

It shall be the general duty of the city traffic engineer to recommend 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 this code and other ordinances of this city. Whenever, by the provisions of this chapter, a power is granted to the city traffic engineer 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 § 19-38)

**Chapter 2.48  
OFFICERS AND EMPLOYEES GENERALLY**

Sections:

- 2.48.010 Bonds of city clerk and city treasurer.**
- 2.48.020 Additional duties of policemen and firemen--Rendering aid to persons in distress.**
- 2.48.030 Policemen and firemen--Compensation for injury.**
- 2.48.040 Recruitment and training of peace officers.**
- 2.48.050 Awards for public service.**
- 2.48.060 Awards and honors for conduct beneficial to the public.**

**2.48.010 Bonds of city clerk and city treasurer.**

Pursuant to Section 36518 of the state Government Code, the city clerk and city treasurer shall each execute a bond to the city prior to entering upon the duties of their offices. The penal sum of the bond shall be established by a resolution of the city council. (Prior code § 2-3)

**2.48.020 Additional duties of policemen and firemen--rendering aid to persons in distress.**

In addition to the performance of their regular and ordinary duties, it shall be the duty of all policemen and firemen, at all times, and under all circumstances, to go to the aid of all persons or animals in distress or danger and render them such help and assistance as lies within their power. (Prior code § 2-5)

**2.48.030 Policemen and firemen--compensation for injury.**

In case any policeman or fireman should be injured while rendering such additional services as provided by the preceding section, he shall be deemed to be injured in the course of his employment and shall be entitled to workmen's compensation therefor as provided by law. (Prior code § 2-6)

**2.48.040 Recruitment and training of peace officers.**

A. The city declares that it desires to qualify to receive aid from the state of California under the provisions of Section 13522, Chapter 1, of Title 4, Part 4, of the California Penal Code.

B. Pursuant to Section 13510(c), Chapter 1, the Hermosa Beach police department will adhere to standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

C. Pursuant to Section 13512, Chapter 1, the Commission and its representatives may make such inquiries as deemed appropriate by the commission to ascertain that the Hermosa Beach police department public safety dispatcher personnel adhere to standards for selection and training established by the commission on Peace Officer Standards and Training. (Ord. 94-1122 §§ 1--3, 1994: prior code § 2-6.1)

**2.48.050 Awards for public service.**

The awards for public service described in this section provide tangible evidence of civic participation and acknowledge public service. The city council may authorize an award and the city manager shall be responsible for preparing and delivering the appropriate award according to the following criteria:

A. A permaplaque resolution of commendation shall be awarded to:

1. Retired members of the city council;
2. Public dignitaries (state senators, assemblymen, etc.);
3. Members of other government agencies;
4. Retired city clerk, city treasurer or city manager.

B. A large tile plaque shall be awarded to:

1. Retired commissioners who have served at least a full term;
2. Individuals who perform heroic deeds;
3. Community groups who have acted collectively (bands, teams, etc.).

C. A small tile plaque shall be awarded to:

1. Retired city employees;
2. Community leaders on public occasions, at the discretion of individual council members.

D. A certificate of appreciation shall be awarded to:

1. Retired commissioners who have served less than a full term;
2. Each member of a collective group receiving a large tile plaque;
3. Individuals who have rendered outstanding community service;
4. Any other honorees.

E. A city employee service pin award program as follows:

1. A gold-filled service pin upon employee's fifth anniversary of employment;
2. A gold-filled service pin adorned with a synthetic ruby or sapphire upon employee's tenth and fifteenth anniversary of employment respectively;
3. A gold-filled service pin decorated with one three-point diamond upon employee's twentieth anniversary of employment;
4. A gold-filled service pin decorated with two three-point diamonds upon employee's twenty-fifth anniversary of employment;

5. A gold-filled service pin adorned with three three-point diamonds upon employee's thirtieth anniversary of employment;
6. A gold-filled service pin decorated with three three-point diamonds with a synthetic sapphire upon employee's thirty-fifth anniversary of employment;
7. A gold-filled service pin decorated with four three-point diamonds upon employee's fortieth anniversary of employment. (Prior code § 2-6.2)

**2.48.060 Awards and honors for conduct beneficial to the public.**

The city council shall have the ability to make awards, pursuant to resolution of the council, to persons who make demonstrated contributions to the public at large through public employment, volunteer work, public service or other public contributions. Said persons shall receive said awards so that other persons will recognize their achievements and strive to contribute their time and effort to similar endeavors of public service. The awards shall reflect the contribution made by the individual or entity, but shall not be intended to compensate the individual or entity in question. (Prior code § 2-6.3)

## Chapter 2.52 REVIEW OF ADMINISTRATIVE DECISIONS

Sections:

- [\*\*2.52.010 Review of administrative orders or decisions.\*\*](#)
- [\*\*2.52.020 City council waiver of appeal fees.\*\*](#)
- [\*\*2.52.030 Appeal fees.\*\*](#)
- [\*\*2.52.040 City council review of decisions of the Planning Commission.\*\*](#)

### **2.52.010 Review of administrative orders or decisions.**

The Code of Civil Procedure, Section 1094.6, pertaining to the time limits for the judicial review of administrative orders or decisions, is made applicable to any person who seeks judicial review of such decision, pursuant to Code of Civil Procedure, Section 1094.5. (Prior code § 2-2.25)

### **2.52.020 City council waiver of appeal fees.**

In those instances where the city council, by resolution, determines it in the public interest to accept applications, appeals or petitions without the requisite filing fee, the city shall accept such applications, appeals or petitions through the city council subject to the requirements specified in said resolution. The city council, in making its determination as to whether to waive the required fee, shall only do so based on a finding of demonstrated financial hardship shown by the applicant, appellant or petitioner. In making its determination, the city council may waive all or part of the fee normally charged for the application, appeal or petition to the city council. (Prior code § 2-2.26)

### **2.52.030 Appeal fees.**

Where the zoning ordinance or municipal code allows for an appeal to be filed with the city council on matters regarding land use, a fee, established pursuant to Chapter [2.64](#) shall accompany such an appeal. In addition to such an appeal fee, the appellant shall be responsible for providing any required public noticing and shall pay the direct cost of required newspaper ads. As used in this section "land use matters" includes zone variances, conditional use permits, tentative parcel and tract maps, precise plans and any other discretionary process by which land use is regulated. No fee shall be required for, and the city shall absorb costs associated with, city council initiated review of any decision of a subsidiary commission or board of the city. (Prior code § 2-2.27)

### **2.52.040 City council review of decisions of the planning commission.**

- A. The city council may on its own initiative review all actions of the planning commission.
- B. All planning commission actions, accompanied by the record of the proceedings before the commission shall be placed as a report item on the city council's agenda at its regular meeting next following the commission's action. The council may, at its next regularly scheduled meeting following the commission's action, by an affirmative vote of two members, initiate review of the action. In the event the council initiates such review, the commission's decision will be stayed until the council completes its proceedings in accordance with the provisions of this section.

- C. At the time the council votes to initiate review, the applicant shall be informed of the aspects of the application and/or the commission's decision which the applicant should be prepared to address at the review hearing.
- D. The city clerk shall schedule the review at a meeting within a reasonable time from the date the City Council elects to initiate review.
- E. The City Council's review shall be noticed in the same manner as the matter was noticed before the Planning Commission. The Council shall review the matter de novo and may uphold, reverse or otherwise modify the Commission's action, or remand the matter with direction back to the Commission for further review.
- F. The decision of the council, supported by findings, shall be set forth in full in a resolution. A copy of the decision shall be sent to the applicant. The action of the council shall be final and conclusive. (Ord. 12-1331, §4, Jan. 2012; Prior code § 2-2.28)

**Chapter 2.56  
EMERGENCY SERVICES Revised 3/16**

Sections:

- [\*\*2.56.010 Purpose.\*\*](#)
- [\*\*2.56.020 Definitions.\*\*](#) Revised 3/16
- [\*\*2.56.030 Disaster council created--Membership.\*\*](#) Revised 3/16
- [\*\*2.56.040 Disaster council--Powers and duties.\*\*](#) Revised 3/16
- [\*\*2.56.050 Director of emergency services--Office created--Powers and duties.\*\*](#) Revised 3/16
- [\*\*2.56.060 Director of emergency services--Emergency power.\*\*](#) Revised 3/16
- [\*\*2.56.070 Emergency organization.\*\*](#)
- [\*\*2.56.080 Emergency operations plan.\*\*](#) Revised 3/16
- [\*\*2.56.090 Local emergency proclamation, mutual aid orders and regulations.\*\*](#) Revised 3/16
- [\*\*2.56.100 Local emergency--Continuity of local government--Standby officers.\*\*](#)
- [\*\*2.56.110 Local emergency--Governing body and standby officers--Appointment of temporary officers if unavailable.\*\*](#)
- [\*\*2.56.120 Expenditures.\*\*](#)
- [\*\*2.56.130 Punishment of violations.\*\*](#)

**2.56.010 Purpose.**

The purpose of this chapter is to provide for the preparation and execution of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations and affected private persons. (Prior code § 8-1)

**2.56.020 Definitions. Revised 3/16**

A. Emergency. As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, tsunami, storm, epidemic, riot, hazardous materials spill or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, and which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, and require the combined forces of other political subdivisions to combat.

B. Emergency Management. "Emergency management" means the preparation for and the carrying out of all emergency functions necessary to mitigate, prepare for, respond to, and recover from emergencies and disasters caused by all hazards, whether natural, technological or human caused. Comprehensive emergency management consists of four (4) related components: all hazards, all phases, all impacts, and all stakeholders.

C. Emergency Response Organization. "Emergency response organization (ERO)" means the organization that prepares for and carries out emergency operations by government, in order to prepare for, minimize and

repair injury and damage resulting from actual or threatened emergency. All city departments have a role in the ERO and all employees shall be disaster service workers as set forth in California Government Code Sections 3100--3109. (Ord. 16-1361 §1, 2016: prior code § 8-2)

### **2.56.030 Disaster council created--Membership. Revised 3/16**

The Hermosa Beach disaster council is created and shall consist of the following:

- A. The city manager, who shall be the director of emergency services, who shall be chair;
- B. The fire or police chief, as determined by the city manager, who shall be the vice-chair;
- C. The emergency manager, who shall be the emergency services coordinator;
- D. Representatives of each department serving the city as appointed by the city manager;
- E. If recommended by the city manager or members of the disaster council, representatives of civic, business, labor, veteran, professional or other organizations having official emergency responsibilities, may be appointed by the director with the advice and consent of the city council. (Ord. 16-1361 §2, 2016: prior code § 8-3)

### **2.56.040 Disaster council--Powers and duties. Revised 3/16**

- A. It shall be the duty of the Hermosa Beach disaster council to oversee the preparedness of city departments, ensuring unity of purpose. This includes preparation and approval of plans, training for employees for preparedness and disaster-related functions and other preparedness activities.
- B. The disaster council is empowered to review and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances and resolutions and rules and regulations as are necessary to implement such plans and agreements.
- C. The director of emergency services shall advise the disaster council with regard to the preparation and maintenance of the plan in whole or in part at times of local emergency.
- D. The disaster council shall comply with the California Emergency Services Act and abide by the California Disaster and Civil Defense Master Mutual Aid Agreement.
- E. The disaster council shall formulate and maintain plans for use during emergency conditions, including a written plan for activation of the department as part of, and which is carried out in its role as, the city emergency response organization.
- F. The disaster council shall ensure that department personnel are trained in emergency management operations and that designated personnel participate in regular training and emergency exercises.
- G. The disaster council shall meet at least once per fiscal year upon call of the chairman or, in his absence from the city or inability to call such meeting, upon call of the vice-chairman. (Ord. 16-1361 §3, 2016: prior code § 8-4)

**2.56.050 Director of emergency services--Office created--Powers and duties. Revised 3/16**

There is created the office of director of emergency services. The city manager shall be the director of emergency services. The director of emergency services is empowered to:

- A. Request the mayor or, if the mayor is unavailable or unable to act, the mayor pro tempore to proclaim the existence of a local emergency or to proclaim said emergency himself/herself if neither the mayor nor mayor pro tempore is available or able to act;
- B. Request the governor to proclaim a state of emergency when, in the opinion of the director of emergency services, the resources of the area or region are inadequate to cope with the emergency;
- C. Control and direct the efforts of the emergency organization of this city for the accomplishment of the purposes of this chapter;
- D. Direct coordination and cooperation of services and staff of the emergency organization of this city, and resolve questions of authority and responsibility that may arise;
- E. Represent this city in all dealings with public or private agencies on matters pertaining to emergencies as defined herein. (Ord. 16-1361 §4, 2016: Ord. 95-1127, 1995; prior code § 8-5)

**2.56.060 Director of emergency services--Emergency power. Revised 3/16**

After the declaration of a local emergency as herein provided, the proclamation of a state of emergency by the Governor or the Director of the State Office of Emergency Services, or the existence of a "state of war emergency," the director of emergency services is empowered:

- A. To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided however, such rules and regulations must be confirmed at the earliest practicable time by the city council;
- B. To proclaim a curfew, specify its terms and conditions, and terminate it. Such curfew regulations must be confirmed at the earliest practicable time by the city council;
- C. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life and property and to bind the city for the fair value thereof and, if required immediately, to commandeer the same for public use;
- D. To require emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in the county in which this city is located or the existence of a state of war emergency, to command the aid of as many citizens of this community as he/she deems necessary in the execution of his duties; such persons shall be entitled to all privileges, benefits and immunities as are provided by state law for registered disaster service workers;
- E. To requisition necessary personnel or material of any city department or agency;

F. To exercise the powers conferred on him/her by this chapter or by resolution adopted under this chapter, powers conferred on him/her by statute, by agreement approved by the city council, or by other lawful authority, and in conformity with Section 38791 of the California Government Code, to exercise complete authority over the city and to exercise all police power vested in the city by constitution and general laws. (Ord. 16-1361 §5, 2016: prior code § 8-6)

#### **2.56.070 Emergency organization.**

All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of Section [2.56.060\(D\)](#), and thereby charged with duties incident to the protection of life and property in this city during such emergency, shall constitute the emergency organization of the city.

The city council shall implement this chapter by the adoption of a resolution setting forth the form of organization, the assignment of functions and duties, and the agencies responsible therefor. Insofar as practicable, the form of organization, titles and terminology shall conform to the recommendations of the emergency preparedness and disaster agencies of the federal government and the state of California. (Prior code § 8-7)

#### **2.56.080 Emergency operations plan. Revised 3/16**

Emergency Operations Plan ("EOP") Formulation. The Hermosa Beach disaster council shall be responsible for the review--and recommendation for adoption by the city council--of the emergency operations plan of the city. Such plan shall provide for the effective mobilization of all the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and shall provide for the organization, powers and duties, services and staff of the emergency organization. A plan shall be adopted by resolution of the city council and is binding upon all city departments, employees and registered disaster service worker volunteers, and has the force of law whenever an emergency, as defined in this chapter, has been proclaimed. The plan shall be updated and approved by the disaster council every three (3) years.

The emergency operations plan shall be based on the Standardized Emergency Management System (Government Code 8607), the National Incident Management System (Homeland Security Presidential Directive 5), and consistent with the plans of the state and federal governments and shall hereafter be referred to as "the EOP."

A. EOP--Contents. The EOP shall set up the assignment of emergency duties and functions of all city agencies and employees, and volunteer organizations, as well as the lines of succession of the members of the emergency response organization.

B. EOP--Adoption and Amending. The EOP and amendments thereto shall be placed on file with the city clerk by the director, and approved or disapproved by the city council within thirty (30) days of such filing. The EOP, and amendments if any, shall be effective upon filing with the city clerk unless disapproved by the city

council within thirty (30) days of such filing.

C. Director--Assignment of Duties and Functions. In assigning emergency duties and functions to city agencies and personnel, the director shall assign responsibilities to utilize to the maximum the skills and talents of city employees. When the requisite skill or talent for a particular responsibility is not available within the city government, the director is authorized to seek assistance on a volunteer basis from persons outside the city government. The director shall assign duties to such persons, and grant the authority to carry out their respective responsibilities during and after the occurrence of a disaster.

D. EOP--Effect. The EOP shall be binding upon all agencies of city government, its employees and registered volunteer disaster service workers, and have the effect of law whenever an emergency, as provided in this chapter, has been proclaimed.

E. Organization--Creation. There is created the Hermosa Beach emergency response organization. All officers and employees of the city shall be a part of such organization. The director or designee shall train and organize all employees and officers of the city for purposes of maintaining the emergency capability of the city. The director is authorized to use volunteer forces during an emergency including, but not limited to, groups, organizations, and persons who by agreement or by operation of law are charged with the duty to protect the life and property of persons in the city during a disaster. (Ord. 16-1361 §6, 2016: prior code § 8-8)

#### **2.56.090 Local emergency proclamation, mutual aid orders and regulations. Revised 3/16**

A local emergency may be proclaimed by the city council or by an official designated by this chapter.

Whenever a local emergency is proclaimed by an official designated by ordinance the local emergency shall not remain in effect for a period in excess of seven (7) days unless it has been ratified by the city council. The city council shall review, at least every fourteen (14) days until such local emergency is terminated, the need for continuing the local emergency and shall proclaim the termination of such local emergency at the earliest possible date that conditions warrant.

In periods of local emergency, political subdivisions have full power to provide mutual aid to any affected area in accordance with local ordinances, resolutions, emergency plans, or agreements therefor.

During a local emergency, the city council, or officials designated thereby, may promulgate orders and regulations necessary to provide for the protection of life, property, and the environment including orders or regulations imposing a curfew within designated boundaries where necessary to preserve the public order and safety. Such orders, regulations, amendments and rescissions thereof shall be in writing and shall be given widespread publicity and notice. (Ord. 16-1361 §7, 2016: prior code § 8-9)

#### **2.56.100 Local emergency--Continuity of local government--Standby officers.**

Whenever a local emergency, a state of emergency, or a state of war emergency exists, the city council shall meet as soon as possible. The place of meeting may be called by the mayor or by a majority of the council members. Should there be only one member of the city council, that member may call and hold said meeting and perform acts necessary to reconstitute the governing body.

A. To provide for the continuance of the legislative and executive departments of the city during a local emergency, a state of emergency, or a state of war emergency, the city council shall have the power to appoint the following standby officers:

1. Three (3) for each member of the city council;
2. Three (3) for the city manager.

B. In case a standby office becomes vacant because of removal, death, resignation or other cause, the city council shall have the power to appoint another person to fill said office.

C. The city council may provide for the succession of officers who head departments having duties in the maintenance of law and order or in the furnishing of public services relating to health and safety.

D. An examination of the prospective appointee's qualifications as a standby officer may be made by the city council if the prospective appointee fully consents to such an examination.

E. Consideration shall be given to places of residence and work so that for each office for which standby officers are appointed there shall be the greatest probability of survivorship. Standby officers may be residents or officers of a political subdivision other than that to which they are appointed as standby officers.

F. Each standby officer shall take the oath of office required for the officer occupying the office for which he stands by. Persons appointed as standby officers shall serve in their posts as standby officers at the pleasure of the city council and may be removed and replaced at any time with or without cause.

G. Each standby officer shall have the following duties:

1. To inform himself of the duties of the office for which he stands by. Officers and employees of the city shall assist him and shall provide each standby officer with a copy of this chapter;
2. To keep informed of the business and affairs of the city to the extent necessary to enable him to fill his post completely. For this purpose the city council may arrange information meetings and require attendance. (Prior code § 8-10)

**2.56.110 Local emergency--Governing body and standby officers--Appointment of temporary officers if unavailable.**

Should all members of the governing body, including all standby members, be unavailable, temporary officers shall be appointed to serve until a regular member or a standby member becomes available or until the election or appointment of a new regular or standby member. Temporary officers shall be appointed as follows:

- A. By the chairman of the board of supervisors of the county in which the city is located; and
- B. If he is unavailable, by the chairman of the board of supervisors of any other county within one hundred

fifty (150) miles of the city, beginning with the nearest and most populated county and going to the farthest and least populated; and

C. If he is unavailable, by the mayor of any city within one hundred fifty (150) miles, beginning with the nearest and most populated city and going to the farthest and least populated. (Prior code § 8-11)

**2.56.120 Expenditures.**

Any expenditures made in connection with emergency activities, including mutual-aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Prior code § 8-12)

**2.56.130 Punishment of violations.**

It shall be a misdemeanor, punishable as defined in Chapter [1.10](#), for any person, during an emergency, to:

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

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

C. Wear, carry or display, without authority, any means of identification specified by the emergency agency of the state. (Prior code § 8-13)

**Chapter 2.60  
POLICE RESERVE CORPS**

Sections:

- [\*\*2.60.010 Established--Appointment and compensation of members.\*\*](#)
- [\*\*2.60.020 Number of members--Qualifications--Powers and duties generally.\*\*](#)
- [\*\*2.60.030 Peace officer powers.\*\*](#)
- [\*\*2.60.040 Oath of members--Training of members--Rules and regulations.\*\*](#)
- [\*\*2.60.050 Power to direct traffic and of arrest.\*\*](#)
- [\*\*2.60.060 Insignia, uniform, weapons and identification.\*\*](#)
- [\*\*2.60.070 False identification and impersonation.\*\*](#)
- [\*\*2.60.080 Dismissal or resignation of members.\*\*](#)

**2.60.010 Established--appointment and compensation of members.**

There is established in the city a police reserve corps, the members of which shall be appointed by the city manager, shall perform the duties and have the functions set forth in this article and shall serve without compensation. (Prior code § 2-76)

**2.60.020 Number of members--qualifications--powers and duties generally.**

The police reserve corps shall be limited to thirty-five (35) members and shall be composed of individuals of either sex, who, in the judgment of the city manager, are qualified physically, psychologically and through a proper training program to assist regular police officers in the enforcement and maintenance of law and order during emergencies in which the regular police force is inadequate and insufficient to cope with the particular situation and to serve on such other occasions as the city manager (or his designated representative, in the absence of the city manager), or the chief of police may direct when large numbers of people congregate or are expected to congregate. (Prior code § 2-77)

**2.60.030 Peace officer powers.**

A. A member of the police reserve corps of the city shall have peace officer powers as provided for in Section 832.6 of the Penal Code of the State of California. In addition thereto, a member of the police reserve corps who was issued a Level 1 reserve officer certificate, as defined by the state of California Commission on Peace Officer Standards and Training before January 1, 1981, shall have the full powers and duties of a peace officer as provided by Section 830.1 of the Penal Code, if the chief of police determines that such member is qualified to perform general law enforcement duties by reason of the person's training and experience.

B. All police reserve officers appointed on or after January 1, 1981, shall have completed a Level 1 Police Reserve Training Academy and shall fulfill all requirements prescribed by the state of California Commission on Peace Officer Standards and Training for Level 1 certification; and shall have the full powers and duties of a peace officer as provided by Section 830.1 of the Penal Code, if the chief of police determines that such member is qualified to perform general law enforcement duties by reason of the person's training and experience. (Prior code § 2-77.1)

**2.60.040 Oath of members--training of members--rules and regulations.**

The members of the police reserve corps shall be required to file with the city clerk a constitutional oath of office and the chief shall prescribe such training and requirements preliminary to appointment as, in his judgment, is necessary to qualify applicants for membership in the corps and shall establish such orders, rules and regulations as, in his judgment, may be required to maintain discipline and defining the duties of the members, which orders, rules and regulations may be supplemented, amended or rescinded from time to time. (Prior code § 2-78)

**2.60.050 Power to direct traffic and of arrest.**

When performing a duty, under assignment by the chief of police or his authorized subordinate, members of the police reserve corps shall have authority, given by law to officers of the police department, to direct traffic and the power to arrest granted to regular members of the police department, subject to limitations imposed by the chief of police. (Prior code § 2-79)

**2.60.060 Insignia, uniform, weapons and identification.**

Members of the police reserve corps shall wear an identifying insignia prescribed by the chief of police and they shall be entitled to carry the following identification cards and equipment, subject to the limitations set forth:

- A. Regulation police baton, identification card, badge and cap piece and such other insignia or evidence of identification as the chief of police may from time to time prescribe, which identification card and insignia shall be carried at all times when on duty and shall be surrendered together with all issued city property upon termination of membership.
- B. Firearms shall be carried in the regulation police Sam Browne belt after authority is granted to carry the same by the chief of police evidenced by a gun permit, signed by him.
- C. Identification cards and other evidence of identification prescribed by the chief shall be carried at all times. (Prior code § 2-80)

**2.60.070 False identification and impersonation.**

It is unlawful for any person not a member of the police reserve corps to wear, carry or display a corps identification card, badge, cap piece or insignia or in any manner to represent himself to be connected with the corps. (Prior code § 2-81)

**2.60.080 Dismissal or resignation of members.**

The membership of any person in the police reserve corps may be terminated by the city manager at any time and such member may resign from the corps at any time upon notifying the city manager in writing of his resignation. (Prior code § 2-82)

## Chapter 2.64 FEES AND SERVICE CHARGES

Sections:

[\*\*2.64.010 Intent.\*\*](#)

[\*\*2.64.020 Costs reasonably borne defined.\*\*](#)

[\*\*2.64.030 Schedule of fees and service charges.\*\*](#)

[\*\*2.64.040 Appeal to city council.\*\*](#)

### **2.64.010 Intent.**

Pursuant to Article XIIIIB of the California Constitution, it is the intent of the city council to require the ascertainment and recovery of costs reasonably borne from fees and charges levied therefor in providing the regulation, products or services. (Prior code § 2-109)

### **2.64.020 Costs reasonably borne defined.**

"Costs reasonably borne," as used and ordered to be applied in this chapter are to consist of the following elements:

- A. All applicable direct costs including, but not limited to salaries, wages, fringe benefits, services and supplies, operations expenses, contracted services, special supplies, and any other direct expense incurred;
- B. All applicable indirect costs including, but not restricted to, building maintenance and operations, equipment maintenance, communication, printing and reproduction, and like distributed expenses;
- C. Fixed assets recovery expenses, consisting of depreciation on fixed assets, and additional charges, calculated on the cost divided by the approximate life expectancy of the fixed asset;
- D. General overhead, expressed as a percentage, distributing and charging the expenses of the city council, city manager, finance department, city treasurer, city clerk, city attorney's office, community promotion, personnel office, and all other staff and support services;
- E. Departmental overhead, expressed as a percentage, distributing and charging the cost of each department head and his or her supporting expenses. (Prior code § 2-110)

### **2.64.030 Schedule of fees and service charges.**

Fees and service charges, whether or not provided for elsewhere by ordinance, shall be set and adjusted by resolution of the city council following a public report and recommendation from the city staff reflecting the cost reasonably borne and the recommended percentage of recovery, except that the city manager is hereby empowered to set a fee for service requests when no fee has otherwise been established, and the request cannot be met unless the city incurs costs that can be reasonably borne from fees and charges. Fees specified shall be effective only after meeting the requirements set forth for public hearings. To the extent possible, the city's fees and charges shall be fixed by one master fee resolution of the council. (Ord. 96-1155 § 7, 1996: prior code § 2-111)

**2.64.040 Appeal to city council.**

Any person who feels that any fee or charge is in excess of the percentage of costs reasonably borne to be recovered, or is inappropriately set, may appeal in writing to the city council. (Prior code § 2-112)

**Chapter 2.68  
UNCLAIMED PROPERTY**

Sections:

**2.68.010 Unclaimed property in possession of police department.**

**2.68.010 Unclaimed property in possession of police department.**

A. The city does elect to be governed by the provisions of Article I, Chapter 4 of the Civil Code of the state of California with respect to the care, restitution, sale or destruction of unclaimed property in the possession of the police department, as set forth in Section 2080.4 of said article.

B. Such unclaimed property shall be held by the police department for a period of at least three months.

C. Thereafter such property will be sold at public auction to the highest bidder, with notice of such sale being given by the chief of police at least five days before the time fixed therefor by publication once in a newspaper of general circulation published in the city, or such property will be transferred to this city's purchasing agent for sale to the public at public auction.

D. If this city's purchasing agent determines that any such property transferred for sale is needed for a public use, such property may be retained by the city and need not be sold. (Prior code § 21-16.1)

## Chapter 2.72 COMPENSATION OF OFFICERS AND EMPLOYEES

Sections:

- [\*\*2.72.010 Travel expenses for elected officials, officers and employees.\*\*](#)
- [\*\*2.72.020 Compensation of appointive officers and employees.\*\*](#)
- [\*\*2.72.030 Employee insurance--Eligibility certification required.\*\*](#)
- [\*\*2.72.040 Compensation of city council.\*\*](#)
- [\*\*2.72.050 Compensation of city clerk.\*\*](#)
- [\*\*2.72.060 Compensation of city treasurer.\*\*](#)

### **2.72.010 Travel expenses for elected officials, officers and employees.**

Travel expenses for elected officials, officers and employees may be reimbursed for actual and necessary travel and conference expenses incurred in the performance of official duties subject to limitations that shall be set by resolution of the city council. (Ord. 96-1155 § 2, 1996: prior code § 2-3.1)

### **2.72.020 Compensation of appointive officers and employees.**

The compensation of all appointive officers and employees of the city shall be fixed annually by resolution, adopted not earlier than the last regular meeting of the city council prior to, the beginning of the fiscal year and not later than the meeting at which the annual departmental budget is adopted; provided, however, that a permanent base pay schedule may be adopted with regular compensation advances for definite periods of time to continue in effect until rescinded, subject to the right of the city council to make such adjustments therein as in its judgment exceptional or unusual conditions may require. (Prior code § 2-4)

### **2.72.030 Employee insurance--eligibility certification required.**

All employees, be they civil service, appointed or elected, who receive an insurance benefit from the city shall complete an insurance certification statement, under penalty of perjury, before application for such coverage may be filed with the respective insurance providers. The purpose of such certification is to ensure that each employee is aware of the eligibility requirements for each type of insurance and that the employee attests to eligibility for same.

Upon hire, a new employee shall provide a copy of a marriage certificate validating a spousal dependent and a copy of a birth certificate or guardianship documents for each child dependent for which insurance coverage is sought.

The personnel department shall be responsible for obtaining the certification statement from each new affected employee and shall maintain the original statement in the employee's personnel file. There shall be no processing of any request for insurance until such statement is on file. (Prior code § 2-4.1)

### **2.72.040 Compensation of city council.**

In accordance with Section 36516 of the Government Code of the State of California, the amount of compensation for each member of the City Council shall be \$530. (Ord. 06-1275, §2, October 2006; Ord. 96-1155 §3, 1996: prior code § 2-4.5)

**2.72.050 Compensation of city clerk.**

From and after December 1, 1978, the compensation of the city clerk shall be fixed by a resolution adopted by the city council. (Prior code § 2-4.7)

**2.72.060 Compensation of city treasurer.**

From and after August 23, 1979, the compensation of the city treasurer shall be fixed by resolution adopted by the city council. (Prior code § 2-4.8)

## Chapter 2.76 CIVIL SERVICE

Sections:

- [2.76.010 Purpose.](#)
- [2.76.020 Competitive services enumerated--Exceptions.](#)
- [2.76.030 Eligibility for system.](#)
- [2.76.040 Status of employees on effective date of chapter--Probationary period for other persons.](#)
- [2.76.050 Personnel officer generally.](#)
- [2.76.060 Civil service board created--Appointment and terms of members.](#)
- [2.76.070 Civil service board--Vacancies--Vote required for appointment or removal--Qualifications of members--Other city service.](#)
- [2.76.080 Civil service board--Organization meeting--Chairman.](#)
- [2.76.090 Civil service board--Meetings--Quorum--Powers and duties generally.](#)
- [2.76.100 Rules and regulations.](#)
- [2.76.110 Appointments.](#)
- [2.76.120 Probationary period.](#)
- [2.76.130 Applicability of portions of rules to full-time exempt positions.](#)
- [2.76.140 Appointing authority not affected by chapter.](#)
- [2.76.150 Dismissal, suspension, reduction in pay.](#)
- [2.76.160 Dismissal, suspension, reduction in pay--Hearing.](#)
- [2.76.170 Board of appeals generally.](#)
- [2.76.180 Hearings by special hearing board.](#)
- [2.76.190 Conduct of hearing--Rules of procedure.](#)
- [2.76.200 Abolition of positions.](#)
- [2.76.210 Political activities of public employees.](#)
- [2.76.220 Right to contract for special services.](#)
- [2.76.230 Appropriation of funds.](#)

### **2.76.010 Purpose.**

The purpose of this chapter is, first, to establish an equitable and uniform system for the selection and promotion of employees of the city on the basis of merit, experience and record, in order to attract and retain the most competent and courteous public servants to handle the city's business and administer its affairs; second, to provide worthy officials and employees reasonable security in the retention of their respective positions and afford them an opportunity for advancement according to merit. Toward this objective the following civil service system is adopted. (Prior code § 2-23)

### **2.76.020 Competitive services enumerated--exceptions.**

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

A. Elective officers;

- B. Members of appointive boards, commissions and committees;
- C. Persons engaged under contract to supply expert, professional or technical services for a definite period of time;
- D. Volunteer personnel, such as volunteer firemen or civil disaster workers who receive no regular compensation from the city;
- E. Volunteer or special fire or police or civil disaster personnel paid on an hourly or per diem basis;
- F. City manager;
- G. City attorney;
- H. Casual, seasonal, part-time, hourly or per diem employees in any office or department of the city;
- I. Emergency employees in any office or department of the city. All such positions shall be for the duration of the emergency and shall terminate immediately thereafter;
- J. Department heads.

All offices, positions and employments not exempted in this section shall constitute the competitive service of the city. (Ord. 95-1141 § 1, 1995: prior code § 2-24)

**2.76.030 Eligibility for system.**

No person shall be eligible for any position in the competitive service unless, at the time established as the final date on which applications will be accepted for the position, the person possesses the minimum qualifications required for the position.

The working of spouses in the same department, division or facility shall be reasonably regulated so that supervision, safety, security and morale may be maintained through the formulation and periodic revision of personnel rules by the city council pursuant to this chapter. (Ord. 95-1140 § 1, 1995; prior code § 2-25)

**2.76.040 Status of employees on effective date of chapter--probationary period for other persons.**

Any person holding a position included in the competitive service as defined in this chapter who, on the effective date of this chapter, shall have served continuously in such position, or in some other position in the competitive service as defined by this article, for a period equal to the probationary period prescribed by the rules and regulations for his class, shall assume regular status in the competitive service in the position held on such effective date without qualifying test and shall thereafter be subject in all respects to the provisions of this chapter and the personnel rules and regulations.

Any other persons holding positions in the competitive service shall be regarded as probationers who are serving out the balance of their probationary periods as prescribed by the rules and regulations before obtaining regular status. The probationary period shall be computed from the date of appointment or

employment. (Prior code § 2-26)

**2.76.050 Personnel officer generally.**

The city manager shall be ex officio personnel officer. With the approval of the city council, the city manager may delegate any of the powers and duties conferred upon him as personnel officer under this chapter to any other officer or employee of the city or may recommend that such powers and duties be performed under contract.

The personnel officer shall:

- A. Attend all meetings of the civil service board;
- B. Administer all the provisions of this chapter and of the personnel rules and regulations not specifically reserved to the city council or the civil service board;
- C. Prepare and recommend to the city council revisions and amendments to the personnel rules and regulations; provided, however, that revisions and amendments shall first be considered in public hearing before the civil service board. The city attorney shall approve the legality of such revisions and amendments prior to their submission to the city council;
- D. Prepare and recommend such revisions as he may deem necessary to the classification plan and the annual salary resolution. Such revisions shall become effective upon approval by the city council. (Prior code § 2-27)

**2.76.060 Civil service board created--appointment and terms of members.**

There is created a civil service board to consist of five members to be appointed by the city council.

The first board shall consist of those persons holding appointments as members of the civil service commission at the time of adoption of this chapter. Upon expiration of the terms of each of these persons, their successors shall be appointed by the city council so their terms shall expire as follows: One on July 15, 1966; two on July 15, 1967; and two on July 15, 1968. Thereafter, a successor shall be appointed by the city council for a term of four years. Any member may be reappointed. (Prior code § 2-28)

**2.76.070 Civil service board--vacancies--vote required for appointment or removal--qualifications of members--other city service.**

Vacancies on the board shall be filled by appointment by the city council for the unexpired term. Each member shall serve until his successor is appointed and qualified. A majority vote of the city council shall be required to appoint a member of the civil service board, but a four-fifths vote shall be necessary to remove any member of the civil service board from office prior to the expiration of his term.

Members of the civil service board shall be qualified electors of this city. No person shall be appointed to the civil service board who holds any salaried public office or employment with this city. No person, while a member of the civil service board, shall be eligible for appointment to any office or employment with this city.

(Ord. 95-1140 § 2, 1995; prior code § 2-29)

**2.76.080 Civil service board--organization meeting--chairman.**

At its first regular meeting of each calendar year, the civil service board shall elect by majority vote one of its members to serve as chairman for a period of one year. The chairman may be re-elected to serve an additional term or additional terms, upon a majority vote of approval. The chairman shall continue to serve until his successor is duly elected and qualified. The duties of the chairman shall be such as are usually carried by this type of officer in other boards and commissions as created in the city. (Prior code § 2-30)

**2.76.090 Civil service board--meetings--quorum--powers and duties generally.**

The civil service board shall determine the order of business for the conduct of its meetings and shall meet regularly, if so required by the rules and regulations, or on call of the chairman or three members of the civil service board. Three members of the civil service board shall constitute a quorum for the transaction of business.

The functions of the civil service board shall be:

- A. As provided by this chapter and by the rules and regulations to hear appeals submitted by any person in the competitive service relative to any suspension, reduction in pay or alleged violation of this chapter or the personnel rules and regulations and to certify its findings and recommendations as provided in this chapter.
- B. When requested by the city council or the city manager, the civil service board shall hold hearings and make recommendations on any matter of personnel administration of the city council or the city manager. (Prior code § 2-31)

**2.76.100 Rules and regulations.**

The city manager shall prepare personnel rules and regulations, subject to the provisions of this chapter, which shall be adopted and may be amended from time to time by resolution of the city council. The rules and regulations shall establish specific procedures and regulations governing the following phases of the personnel system:

- A. Preparation, installation, revision and maintenance of a position classification plan covering all positions in the competitive service including employment standards and qualifications for each class;
- B. Preparation, revision and administration of a plan of compensation directly correlated with the position classification plan, providing a rate or range of pay for each class;
- C. Public announcement of all tests and the acceptance of applications for employment;
- D. Preparation and conduct of tests and the establishment and use of resulting employment lists containing names of persons eligible for appointment;
- E. Certification and appointment of persons from employment lists and the making of temporary and emergency appointments;

- F. Evaluation of employees during the probationary period;
- G. Transfer, promotion, demotion and reinstatement of employees in the competitive service;
- H. Separation of employees from the city service through layoff, suspension and dismissal;
- I. Standardization of hours of work, attendance and leave regulations, working conditions and the development of employee morale, welfare and training;
- J. Suitable provision for orderly and equitable system of grievance and appeals;
- K. Content, maintenance and use of personnel records and forms.

Notwithstanding other provisions of this chapter, the rules and regulations shall establish a board of appeals as set forth in this chapter, to hear appeals from actions of dismissal or demotion of officers and employees. (Prior code § 2-32)

#### **2.76.110 Appointments.**

A. Competitive Examinations. Appointments to vacant positions in the competitive service shall be made in accordance with personnel rules and regulations. Appointments and promotions shall be based on merit and fitness to be ascertained so far as practicable by competitive examinations. Examinations shall be used and conducted to aid in the selection of qualified employees and shall consist of such recognized selection techniques as achievement and aptitude tests, and other written tests, personal interview, performance tests, evaluation of daily work performance, work sampler, or any combinations of these or other recognized selection techniques which will test fairly the qualifications of the candidates. Subject to inspection and review of the civil service board, the personnel officer shall prepare, conduct and grade examinations. The personnel officer may also provide for suitable physical, medical and psychological tests to be given as a qualification for eligibility to appointment.

B. Qualifying Tests. The personnel officer may require, in addition to competitive tests, a qualifying test or tests which will verify that the applicant can meet the minimum qualifying standards set forth for the position.

C. Appointing Officer. Appointments shall be made by the officer in whom the power to make appointments is vested by law from an eligibility list established by the civil service board.

D. Temporary Appointments in Absence of Appointment Lists. In the absence of appropriate employment lists, a temporary appointment may be made by the appointing power of a person meeting the minimum training and experience qualifications for the position. An employment list shall be established within six months for any permanent position filled by temporary appointment. The city manager, with the approval of four-fifths of the city council, may extend the period for any temporary appointment to any position for not more than thirty days by any one action and the city council shall direct the city clerk to record such action in the minutes of the meeting of the city council.

No special credit shall be allowed in meeting any qualification, or in the giving of any test, or the establishment of any employment or promotional lists for service rendered under temporary appointment.

E. Filling Vacancies During Suspension, Demotion or Dismissal of Employees. During the period of suspension of an employee or pending final action on proceedings to review suspension, demotion or dismissal of an employee, such vacancy may be filled by the appointing power on a temporary basis subject to the provisions of this chapter and the personnel rules and regulations.

F. Vacancies in Specialized or Technical Fields. When a vacancy exists in a specialized or technical field and the civil service board certifies to the city council that the supply of qualified personnel in such field is insufficient to provide an appropriate employment list, the city council may authorize the appointing power to permanently appoint a qualified person to such vacancy. (Prior code § 2-33)

G. Veterans' credit. In all open competitive employment examinations conducted pursuant to the City's Personnel Rules and Regulations, qualifying veterans shall be credited with three percentage points added to their final score achieved in the examination process. The term "veteran" shall have the same meaning as in Section 18973 of the California Government Code. Proof of service and eligibility shall be provided to and determined by the personnel officer.

#### **2.76.120 Probationary period.**

All regular appointments, including promotional appointments, shall be for a probationary period of not less than six months, except that as to any class of position the rules and regulations may provide for an extension of the period for not more than an additional six months. During the probationary period, the employee may be rejected at any time without right of appeal or hearing.

An employee rejected during the probationary period from a position to which he has been promoted shall be reinstated to the position from which he was promoted.

An employee in the competitive service promoted or transferred to a position not included in the competitive service shall be reinstated to the position from which he was promoted or transferred if, within six months after such promotion or transfer, action is taken to reject or demote him. (Prior code § 2-34)

#### **2.76.130 Applicability of portions of rules to full-time exempt positions.**

The provisions of the personnel rules and regulations relating to attendance and leaves shall apply to the incumbents of full-time exempt positions as set forth in Section [2.76.020](#). (Prior code § 2-35)

#### **2.76.140 Appointing authority not affected by chapter.**

The city manager and any other officer in whom is vested the power to appoint, make transfers, promotions, demotions, reinstatements, layoff and to suspend or dismiss employees, shall retain such power, subject to the provisions of this chapter and the personnel rules and regulations. (Prior code § 2-36)

#### **2.76.150 Dismissal, suspension, reduction in pay.**

The city manager and any appointing officer or department head in whom is vested disciplinary or removal

power shall be allowed full freedom in its or in his action on such matters, it being the intent and spirit of this chapter to provide a fair and just approach to municipal employment in order that city employees and officers may be selected on a basis of merit, but, in no sense, to handicap or curtail the responsible administrative officer in securing efficient service. All persons holding positions in the competitive service shall be subject to suspension without pay for a period of not to exceed thirty (30) days, and also demotion or dismissal from office or employment or reduction in pay for misconduct, incompetency, inefficiency or failure to perform duties or to observe the rules and regulations of the department, office or board, but subject to the right of appeal of the aggrieved party to a board of appeals or the civil service board, in accordance with and in the manner set forth in this chapter and in the rules and regulations. (Prior code § 2-37)

#### **2.76.160 Dismissal, suspension, reduction in pay-hearing.**

Any permanent employee in the competitive service who has been demoted or dismissed shall be entitled to request a written statement of the reasons for such action. Such a request must be made in writing to the person taking such action within three working days following the action. In the event the employee requests the statement, he shall receive a written, signed statement specifying in detail the exact reasons for such action within three working days and he shall have three working days thereafter to answer in writing thereto. In the event the employee files a signed, written statement to the charges, copies of both this statement of charges and the employee's answer shall be filed with the city manager.

Within ten working days from the date of filing his answer to the written charges, or in the event such written charges have not been made available to him within the time prescribed; then, within ten working days after the action taken to demote or dismiss the employee, he may file a written demand with the city manager requesting a hearing before a board of appeals as provided in this chapter and in the rules and regulations.

The city manager shall forthwith file a copy of such written charges and answer with the board of appeals and order a hearing upon the appeal. (Prior code § 2-38)

#### **2.76.170 Board of appeals generally.**

There shall be established a board of appeals to hear appeals on actions taken for dismissal or demotion of officers and employees, which board shall be independent of the city and shall not contain, thereon, members of the city council, civil service commission or other residents of the city.

The board of appeals shall hear only appeals from actions of dismissal and demotion. When a hearing is ordered pursuant to this chapter, the board of appeals may make, or cause to be made, such investigation as it may deem necessary and thereafter hold a hearing, at which time it shall hear evidence for and against the party aggrieved.

Written conclusions or findings of the board of appeals shall be rendered within ten working days after the conclusion of the hearing and thereupon certified to the city manager, the official from whose order appeal was taken and the aggrieved employee. Such findings and conclusions of the board of appeals may contain such recommendations as the board shall deem warranted. The decisions and recommendations of the board of appeals and its findings as set forth shall be final and conclusive and shall not be reviewable in any court.

(Prior code § 2-39)

**2.76.180 Hearings by special hearing board.**

Any employee in the competitive service shall have the right to appeal to the civil service board relative to any suspension, reduction in pay or alleged violation of this chapter or the personnel rules and regulations except in the instances where the right to appeal is prohibited in this chapter.

In the event of such action affecting an employee, he shall within one working day thereafter be given a signed, written statement setting forth in full the reasons for such action, a copy of which shall be filed with the personnel officer. The employee may thereafter, within three working days, file a request with the personnel officer for a hearing on the action, and thereafter the personnel officer shall call a meeting of the civil service board to convene as a special hearing board within seventy-two (72) hours, excluding Saturdays, Sundays and holidays, from the date and time the employee request is filed with the personnel officer.

The hearing board may make, or cause to be made, such investigation as it may deem necessary and thereafter hold a hearing at which time it shall hear evidence for and against the party aggrieved. Within ten working days after concluding the hearing, the hearing board shall certify its findings and conclusions in writing to the city manager, the official from whose action the appeal was taken and to the employee affected. In the event the hearing board finds the action taken to have been taken without just cause, the action will be revoked, and in the case of such finding on an action of suspension or reduction in pay, the employee shall be immediately restored to his previous status and shall be entitled to his regular pay for the period during which such suspension or reduction of pay was in effect.

The provisions of this section shall not apply to reductions in pay which are a part of a general plan to reduce salaries and wages. (Prior code § 2-40)

**2.76.190 Conduct of hearing--rules of procedure.**

Hearings before the board of appeals or the civil service board, when sitting as a hearing board as provided in this chapter, need not be conducted according to technical rules relating to evidence and witnesses. The hearings may be public or private at the option of the appealing employee.

In any investigation or hearing conducted by the board of appeals or the civil service board, it shall have the power to examine witnesses under oath and compel their attendance or production of evidence by subpoenas issued in the name of the city and attested by the city clerk. It shall be the duty of the chief of police to cause all such subpoenas to be served, and refusal of a person to attend or to testify in answer to such subpoena shall subject the person to prosecution in the same manner set forth by law for failure to appear before the city council in response to a subpoena issued by the city council. Each member of the civil service board or board of appeals shall have the power to administer oaths to witnesses.

In the event the personnel rules and regulations shall provide for the board of appeals to be an established board or body of a governmental agency, the rules, regulations and procedure of that board or body for conduct of such hearings may be applied and govern the conduct of hearings at the option of such board or

body. (Prior code § 2-41)

**2.76.200 Abolition of positions.**

Whenever, in the judgment of the city council, it becomes necessary in the interest of economy or because the necessity for the position or employment no longer exists, the city council may abolish any position or employment in the competitive service, and the personnel officer shall layoff, demote or transfer employees thereby affected, in accordance with provisions of this chapter and the rules and regulations.

Layoff shall be made within classes of positions, and all provisional employees in the affected class or classes shall be laid off prior to the layoff of any probationary employee; all probationary employees in the affected class or classes shall be laid off prior to the layoff of any permanent employee. In the case of a probationary or permanent employee, he shall be permitted to drop back a grade in his classification within his department and continue in service provided he is qualified to perform the duties of the lower grade. The layoff, if any, shall be made in the lowest grade in the department of the employee having the least seniority.

For the purpose of determining order of layoff, total cumulative seniority shall include time served on military leave of absence. Such cumulative seniority shall not include time served which was terminated by voluntary resignation from the competitive service.

The names of probationary and permanent employees laid off shall be placed upon eligibility lists for classes which, in the opinion of the city manager, require basically the same qualifications and duties and responsibilities as those of the class of position from which the layoff was made.

Names of persons laid off shall be placed at the top of eligibility lists in order of their seniority and shall remain on such lists for a period of two years unless re-employed. (Prior code § 2-42)

**2.76.210 Political activities of public employees.**

The state of California has preempted the field of limitations on political activities of public employees and has prohibited restrictions on such activities except as provided in state or federal law. (Chapter 9.5, Division 4, Title 1, California Government Code, commencing at Section 3201).

No employee of the city may engage in the activities prohibited by Chapter 9.5 of the California Government Code as it is presently worded or may hereafter be amended. Without limiting the restrictions of Chapter 9.5 and for summary description purposes only, the prohibited activities are:

A. For one who holds or seeks election or appointment to any office or employment to use or promise to use their vote or influence to aid any person in securing any position or change in compensation, upon condition that their vote or influence shall be used a certain way in the future, (California Government Code Section 3204).

B. For any employee to knowingly solicit political funds or contributions from other city employees or from persons on city employment lists except as part of a request for political funds or contributions to a significant segment of the public, (California Government Code Section 3205).

C. For any employee to participate in political activities of any kind while in uniform, (California Government Code Section 3206).

Pursuant to the permission granted the city by California Government Code Sections 3207 and 3209, no employee of the city shall engage in political activity during working hours on city premises including soliciting or receiving political funds or contributions to promote the passage or defeat of a ballot measure which would affect the rate of pay, hours of work, retirement, civil service or other working conditions of employees of the city. (Prior code § 2-43)

**2.76.220 Right to contract for special services.**

The city manager shall make recommendations to the city council regarding the extent to which the city should contract for the performance of technical services in connection with the establishment or operation of the civil service system. The city council may contract with any qualified person or agency for the performance of all or any of the following responsibilities and duties imposed by this chapter:

- A. The preparation of personnel rules and subsequent revisions and amendments thereof;
- B. The preparation of a position classification plan and subsequent revisions and amendments thereof;
- C. The preparation of a plan of compensation and subsequent revisions and amendments thereof;
- D. The preparation, conduct and grading of competitive tests, which shall be only with other public agencies; provided, however, this subsection shall not otherwise prohibit obtaining materials for preparation of examinations to be conducted by the city from other than public agencies;
- E. Special and technical services on matters relating to personnel administration. (Prior code § 2-44)

**2.76.230 Appropriation of funds.**

The council shall appropriate such funds as are necessary to carry out the provisions of this article. (Prior code § 2-45)

**Chapter 2.80  
PUBLIC WORKS COMMISSION**

Sections:

[\*\*2.80.010   Created--Composition.\*\*](#)

[\*\*2.80.020   Terms of members--Vacancies.\*\*](#)

[\*\*2.80.030   Powers and duties.\*\*](#)

**2.80.010 Created--composition.**

A public works commission is created, which shall consist of five members. The members shall be qualified electors of the city appointed by the city council. (Ord. 00-1203, §1, 07/11/00)

**2.80.020 Terms of members--vacancies.**

The members of the public works commission shall be appointed for a term of four years. If a vacancy shall occur otherwise than by expiration of term, it shall be filled by appointments by the city council for the unexpired portion of the term. Appointments shall be made pursuant to Government Code Section 54970 et seq. Members serve at the pleasure of the city council and may be removed, without cause, by a majority vote of the city council.

Upon an expiration of term, vacancy or resignation, said member of the commission may continue to serve until a successor is appointed and qualified. Where the city council votes to remove a member of the commission, the city council shall determine the effective date of said removal.

Two absences from regularly scheduled meetings of any member within one calendar quarter, and/or four absences from regular meetings within one calendar year creates an automatic vacancy. There shall be no distinction between excused or unexcused absences. When an automatic vacancy occurs, the staff liaison shall promptly notify the city council, the commission, and the member. The automatic vacancy shall not be effective until council receives notice and fails to waive application of this section. The city council may waive application of the automatic vacancy upon its own motion; otherwise, the vacancy so created shall be filled pursuant to the above sections. (Ord. 00-1203, §1, 07/11/00)

**2.80.030 Powers and duties.**

The public works commission shall review and make recommendations to the city council on all capital improvement projects, assist in the development and updating of design guidelines for city public improvements and other matters referred to the commission by the city council. (Ord. 00-1203, §1, 07/11/00)

**Chapter 2.84  
LIMITATION ON PROCESSING APPLICATIONS**

Sections:

**2.84.010 Limitation on processing applications**

**2.84.010 Limitation on processing applications**

Any illegal condition existing on property in the City shall be remedied before an application for a permit, license, contract or other entitlement provided for in this code (other than permits necessary to cure the illegal condition) shall be accepted as complete or processed in connection with that property. (Ord. 06-1263, §1, 2006)

**Title 3**  
**Revenue and Finance Revised 7/15 Revised 1/16**

**Chapters:**

- [\*\*3.04 Budget Procedure\*\*](#)
- [\*\*3.08 Claims Against City\*\*](#)
- [\*\*3.12 Purchasing Revised 7/15\*\*](#)
- [\*\*3.16 Transfer of Tax Assessment and Collection Duties to County\*\*](#)
- [\*\*3.20 Park and Recreation Facilities Tax\*\*](#)
- [\*\*3.24 Sales and Use Tax\*\*](#)
- [\*\*3.28 Real Property Transfer Tax\*\*](#)
- [\*\*3.32 Transient Occupancy Tax Revised 1/16\*\*](#)
- [\*\*3.36 Utilities Tax\*\*](#)
- [\*\*3.40 Special Gas Tax Street Improvement Fund\*\*](#)

## Chapter 3.04 BUDGET PROCEDURE

Sections:

- [3.04.010 Purpose.](#)
- [3.04.020 Definitions.](#)
- [3.04.030 Application.](#)
- [3.04.040 Preliminary budget.](#)
- [3.04.050 Preliminary budget a public record.](#)
- [3.04.060 Public hearing on budget.](#)
- [3.04.070 Amendment of budget.](#)
- [3.04.080 Adoption of budget.](#)
- [3.04.090 Date of adoption--Failure to adopt.](#)
- [3.04.100 Effective date of budget.](#)
- [3.04.110 Filing and copies of adopted budget.](#)
- [3.04.120 Budget administration.](#)
- [3.04.130 Transfer of appropriations.](#)
- [3.04.140 Appropriations lapse at end of fiscal year.](#)

### **3.04.010 Purpose.**

The purpose of this chapter is to establish procedure for the preparation and administration of the city's budget. These procedures include estimates of the services, activities and projects comprising the budget; the resultant expenditure requirements; and the resources available for the budget. Its provisions, are intended to enable the council to make financial plans, to insure that all officials administer their respective functions in accordance with these plans, and to permit taxpayers and investors to form intelligent opinions based on sufficient information as to the financial policies and administration of the city. For the accomplishment of this purpose, the provisions of this chapter shall be broadly construed. (Prior code § 2-96)

### **3.04.020 Definitions.**

For the purposes of this chapter, the following words and phrases shall, when used in this chapter have the meanings respectively ascribed to them by this section:

"Appropriation" means an authorization granted by the city council to make expenditures and to incur obligations for specific purposes.

"Budget" means the plan of financial operation adopted by the council embodying an estimate of authorized expenditures for the applicable fiscal year and the proposed means of financing them.

"Capital improvement project" means a public improvement such as a building, street, or acquisition of real property.

"Encumbrance" means an obligation in the form of a purchase order or a contract. Such obligation ceases to be an encumbrance when paid.

"Revenue" means all revenues from any source whatsoever for all funds anticipated to be collected during the fiscal year.

"Expenditures" means any charges incurred, whether paid or unpaid.

"Fiscal year" shall commence on the first day of July of each year and shall end on the thirtieth day of June the following year.

"Preliminary budget" means the plan of financial operation for the next fiscal year submitted by the city manager to the council for its consideration.

"Unappropriated surplus" means that portion of a given fund which is not segregated for specific purposes. It can include, but is not limited to, unallocated funds from previous years and revenue received in excess of estimated revenue and requirements.

"Unencumbered appropriation" means that portion of an appropriation not yet expended or encumbered. (Prior code § 2-95)

### **3.04.030 Application.**

This chapter shall apply to both annual and long-term budgets and to all departments and agencies of the city. (Prior code § 2-97)

### **3.04.040 Preliminary budget.**

A. The city manager shall submit to the council on or before May 15th of each year a preliminary budget. The preparation and submission of the preliminary budget shall follow a budget calendar as prepared by the city manager. For such purpose and at such date as he determines, he shall obtain from the head of each department estimates of revenues and expenditures of that department. The preliminary budget shall include:

1. The City Manager's budget message;
2. A summary by funds;
3. Schedules of expenditures by function and program;
4. Schedules of revenues by source.

B. Provisions shall be made in the preliminary budget for the following:

1. Interest, amortization and redemption charges on the public debt for which the faith and credit of the city is pledged;
2. Other statutory expenditures;
3. The payment of all judgments;

4. Administration, operation and maintenance of the city; and
5. Expenditures to be appropriated for the fund for capital improvement projects in an amount not to exceed any limitation prescribed by law except as authorized by law. (Prior code § 2-98)

**3.04.050 Preliminary budget a public record.**

The preliminary budget as submitted by the city manager shall be a public record in the office of the city clerk and open to public inspection. (Prior code § 2-99)

**3.04.060 Public hearing on budget.**

The council shall hold a public hearing on the preliminary budget at a time and place to be announced in advance prior to the adoption of said budget. (Prior code § 2-100)

**3.04.070 Amendment of budget.**

The council shall consider the preliminary budget and make revisions as may be deemed advisable except as to expenditures fixed by law or as limited by the provisions of California State Code; provided, however, that where the council shall increase the total proposed expenditures, the increase shall be balanced by estimated revenues or other available resource. (Prior code § 2-101)

**3.04.080 Adoption of budget.**

The budget for the ensuing fiscal year shall be adopted by the council by resolution. (Prior code § 2-102)

**3.04.090 Date of adoption--failure to adopt.**

The budget for the ensuing fiscal year shall be adopted not later than the thirtieth day of June prior to the beginning of the budget year. Should the council fail to adopt the budget on or before such day, the preliminary budget as submitted by the city manager or as thereafter duly amended by the council shall constitute an appropriation as to all expenditures proposed therein, except capital improvement outlays, until further action by the council. (Prior code § 2-103)

**3.04.100 Effective date of budget.**

Upon adoption, the budget shall be in effect for the applicable fiscal year. (Prior code § 2-104)

**3.04.110 Filing and copies of adopted budget.**

A copy of the budget, as adopted, shall be filed in the office of the city clerk. The director of finance shall cause the budget to be duplicated in order that copies thereof shall be available for the use of all departments and for inspection by interested persons. (Prior code § 2-105)

**3.04.120 Budget administration.**

The director of finance shall supervise and be responsible for the disbursement of all monies and have control over all expenditures and insure that all appropriations are not exceeded. The director of finance shall exercise budgetary control over the appropriations. No expenditure or encumbrance may be made unless the director of finance has certified that there is a sufficient unencumbered balance in the proper appropriation. (Prior code § 2-106)

**3.04.130 Transfer of appropriations.**

'The city manager may transfer any unencumbered appropriation balance or portion thereof within a specific fund; provided, however, that transfer of any amount from unappropriated surplus shall be subject to the approval of the council. No transfer shall be made from the appropriations made in accordance with Section [3.04.040](#) B(1), (2) and (3). (Prior code § 2-107)

**3.04.140 Appropriations lapse at end of fiscal year.**

All appropriations shall lapse and be returned to unappropriated surplus at the end of the budget year to the extent that they shall not have been extended, lawfully encumbered, or placed in a reserve. (Prior code § 2-108)

**Chapter 3.08  
CLAIMS AGAINST CITY**

Sections:

[\*\*3.08.010 Claims against the City; Suits\*\*](#)

[\*\*3.08.020 Limited settlement authority.\*\*](#)

**3.08.010 Claims against the city; Suits.**

A. All claims against the City for money or damages not otherwise governed by the Tort Claims Act or another state law ("claims") shall be presented within the time and in the manner prescribed by Part 3 of Division 3.6 of Title 1 of the California Government Code (commencing with Section 900 thereof) for the claims to which that Part applies by its own terms, as those provisions now exist or shall hereafter be amended and also as provided in this section.

B. All claims shall be made in writing and verified by the claimant or by his or her guardian, conservator, executor or administrator. No claims may be filed on behalf of a class of persons unless verified by every member of that class as required by this paragraph.

C. In accordance with Government Code Sections 935(b) and 945.6, all claims shall be presented as provided in this subsection prior to the filing of suit on such claims. (Ord. 07-1284 §2, July 20)

**3.08.020 Limited settlement authority.**

The City Manager, with the approval of the City Attorney, is authorized to settle or compromise any monetary claim or litigation against the City or any officer or employee thereof, without the prior consent of the City Council, in an amount not to exceed the then current jurisdictional limit of the small claims court, as to any individual claimant. The City Manager, with the approval of the City Attorney, is further authorized to settle or compromise any claim that is less than the then current jurisdictional limit of the small claims court that the City may have against any person. The City Manager is authorized to execute and deliver any instrument necessary to effectuate a settlement or compromise permitted in this section. (Ord. 07-1284 §2, July 2007)

**Chapter 3.12  
PURCHASING Revised 7/15**

Sections:

- [\*\*3.12.010 System adopted--Purposes.\*\*](#)
- [\*\*3.12.020 Local preference where practicable.\*\*](#)
- [\*\*3.12.030 Purchasing department established--Authority.\*\*](#)
- [\*\*3.12.035 Authorization to enter into contracts.\*\* Revised 7/15](#)
- [\*\*3.12.040 Purchasing officer generally.\*\*](#)
- [\*\*3.12.050 Purchase orders--Required.\*\*](#)
- [\*\*3.12.060 Purchase orders--Exception for emergency purchases.\*\*](#)
- [\*\*3.12.070 Bidding required--When bidding may be dispensed with.\*\*](#)
- [\*\*3.12.080 Open market procedure for purchases of less than fifteen thousand dollars \(\\$15,000.00\) in value.\*\* Revised 7/15](#)
- [\*\*3.12.090 Formal contract procedure for purchases exceeding fifteen thousand dollars \(\\$15,000.00\) in value.\*\* Revised 7/15](#)
- [\*\*3.12.100 Inspection and testing.\*\*](#)
- [\*\*3.12.110 Sale of surplus supplies and equipment.\*\*](#)
- [\*\*3.12.120 Acceptance of rebates and gratuities.\*\*](#)
- [\*\*3.12.130 Interest in contracts.\*\*](#)
- [\*\*3.12.140 Exempt purchases.\*\*](#)

**3.12.010 System adopted--Purposes.**

In order to establish efficient procedures for the purchase of supplies, services and equipment, to secure for the city supplies, services and equipment at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to define clearly authority for the purchasing function, to assure the quality of purchases, and to establish a procedure whereby the various departments of the city may efficiently and effectively have attended their service and supply needs, a purchasing system is adopted. (Prior code § 2-49)

**3.12.020 Local preference where practicable.**

It is the policy of the city to purchase supplies and equipment within the city whenever practicable. (Prior code § 2-50)

**3.12.030 Purchasing department established--Authority.**

There is created a centralized purchasing department in which is vested authority for the purchase of supplies, service and equipment. (Prior code § 2-51)

**3.12.035 Authorization to enter into contracts. Revised 7/15**

The city manager is authorized to enter into the following types of contracts:

- A. Contracts required of an applicant as a condition of approval of a permit, license, or other grant of approval

- not involving expenditure of city funds;
- B. Contracts involving the allocation of county, state or federal funds pursuant to a program previously approved by the city council where the form of contract is standard and used in substantially the same form by all applicants and has been approved by the city attorney;
- C. Contracts for services for a sum not to exceed thirty thousand dollars (\$30,000.00) for which funds have been budgeted in the current year budget and where the form of the contract has been approved by the city attorney;
- D. Contracts or amendments to contracts which the city council has expressly authorized the city manager to execute; and
- E. Amendments to contracts previously approved by the city council not involving expenditure of city funds, or modifying the duration and/or amount of the contract in strict accordance with a specific line item in the approved city budget. (Ord. 15-1353 §3, 2015)

### **3.12.040 Purchasing officer generally.**

There is created the position of purchasing officer. He shall be appointed by the city manager. The purchasing officer shall be the head and have general supervision of the purchasing department. The duties of purchasing officer may be combined with those of any other office or position. The purchasing officer shall have authority to:

- A. Purchase or contract for supplies, services and equipment required by any using agency in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer shall adopt for the internal management and operation of the purchasing department, and such other rules and regulations as shall be prescribed by the city manager;
- B. Negotiate and recommend execution of contracts for the purchase of supplies, service and equipment;
- C. Encourage the use of standard specifications and standard merchandise in order to provide the widest possible source of supply;
- D. Act to procure for the city the needed quality in supplies, service and equipment at least expense to the city;
- E. Discourage uniform bidding and endeavor to obtain as full and open competition as possible on all purchases;
- F. Prepare and recommend to the city manager rules governing the purchases of supplies, services and equipment for the city;
- G. Prepare and recommend to the city manager revisions and amendments to the purchasing rules;
- H. Keep informed of current developments in the field of purchasing, prices, market conditions and new

products;

- I. Prescribe and maintain such forms as reasonably necessary to the operation of this chapter and other rules and regulations;
- J. Supervise the inspection of all supplies, services and equipment purchased to insure conformance with specifications;
- K. Recommend the transfer of surplus or unused supplies and equipment between departments as needed and the sale of all supplies and equipment which cannot be used by any department or which have become unsuitable for city uses;
- L. Maintain a bidders' list, vendors' catalog file and records needed for the efficient operation of the purchasing department;
- M. Operate all storerooms for the storage of common use items, being responsible for the safekeeping and proper storage and handling of all supplies and equipment therein. (Prior code § 2-52)

**3.12.050 Purchase orders--Required.**

Purchases of supplies and equipment shall be made only by authorized purchase order except as provided for emergency purchases by the following section. (Prior code § 2-53)

**3.12.060 Purchase orders--Exception for emergency purchases.**

The purchasing officer shall establish a procedure whereby emergency purchases may be made free of the provisions of this chapter upon a showing by any agency or officer that the purchase required is for the immediate preservation of health, safety and welfare of the people or for the protection of property and that there is a present, immediate and existing emergency which could not reasonably be foreseen, or that the city stands to suffer substantial monetary loss. (Prior code § 2-54)

**3.12.070 Bidding required--When bidding may be dispensed with.**

Purchasing of supplies, services, equipment shall be by bid procedures pursuant to Sections [3.12.080](#) and [3.12.090](#). These procedures shall be dispensed with only when an emergency requires that an order be placed with the nearest available source of supply or when the commodity can be obtained only from one vendor. (Prior code § 2-55)

**3.12.080 Open market procedure for purchases of less than fifteen thousand dollars (\$15,000.00) in value. Revised 7/15**

Purchases of supplies and equipment of an estimated value in the amount of fifteen thousand dollars (\$15,000.00) or less may be made by the purchasing officer in the open market at the best prices obtainable and to the best advantage of the city without observing the procedure prescribed by Section [3.12.090](#); provided, however, that when practicable, bids or quotations shall be taken as follows:

- A. Minimum Number of Bids. For purchases over one thousand dollars (\$1,000.00), at least three (3) bids or

quotations solicited by written requests to prospective responsible vendors, by telephone, or public notice posted on a public bulletin board in the City Hall.

B. Record. A record of all informal bids and quotations shall be kept and be open to public inspection for a reasonable period of time. (Ord. 15-1353 §1, 2015: Ord. 93-1097 §1, 1993; prior code § 2-56)

**3.12.090 Formal contract procedure for purchases exceeding fifteen thousand dollars (\$15,000.00) in value. Revised 7/15**

Except as otherwise provided herein, purchases for supplies and equipment of estimated value greater than fifteen thousand dollars (\$15,000.00) shall be by written contract with the lowest and best responsible bidder. The following procedure is deemed to be in the best interest to the city:

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

B. Published Notice. Notice inviting bids shall be given at least ten (10) days before the date of opening of the bids. Notice shall be published at least once in a newspaper of general circulation, printed and published in the city, or it shall be posted in at least three (3) public places in the city that have been designated by ordinance as the places for posting public notices.

C. Bidders' List. The purchasing officer shall solicit sealed bids from all responsible prospective suppliers whose names are on the bidders' list or who have requested that their names be added thereto.

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

E. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing agent and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received shall be open to public inspection during regular business hours for a reasonable period of time. No bidder may withdraw his bid for a period of at least thirty (30) days after the date set for the opening thereof.

F. Rejection of Bids. In its discretion, the city council may reject any and all bids presented and re-advertise for bids or to exclude any item or items from the award of bid or waive any informalities on a bid.

G. Award of Contracts.

1. Supplies and Equipment. A contract for the purchase of supplies and equipment shall be awarded to the lowest responsible bidder.

2. Services. A contract for services, other than professional services, shall be awarded to the bidder which the city council in its discretion determines offers the best level of services to the city. In making that determination, the council may consider the bidder's price, experience, references, location, previous performance experience with the city, if any, and overall reputation.

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

I. Performance Bonds. The city council shall have authority to require a performance bond before entering a contract in such amount as it shall find reasonably necessary to protect the best interest of the city. If the city council requires a performance bond, the form and amount of the bond shall be described in the notice inviting bids. (Ord. 15-1353 §2, 2015; Ord. 00-1197 §2, 2000; prior code § 2-57)

### **3.12.100 Inspection and testing.**

The purchasing officer shall inspect supplies and equipment delivered, and contractual services performed, to determine their conformance with the specifications set forth in the order or contract. The purchasing officer shall have authority to require chemical and physical tests of samples submitted with bids and samples of deliveries which are necessary to determine their quality and conformance with specifications. (Prior code § 2-58)

### **3.12.110 Sale of surplus supplies and equipment.**

All departments shall submit to the purchasing officer, at such times and in such form as he prescribes, a report showing all supplies and equipment which are no longer used or which have become obsolete or worn out. The purchasing officer shall have authority to sell all supplies and equipment which cannot be used by any agency or which have become unsuitable for city use, or to exchange same for, or trade same on, new supplies and equipment. (Prior code § 2-59)

### **3.12.120 Acceptance of rebates and gratuities.**

The purchasing officer and every officer and employee of the city is expressly prohibited from accepting, directly or indirectly, from any person to which any purchase order or contract is or might be awarded, any rebate, gift or money. The offer of any such gratuity to an official or employee by any vendor or contractor, or prospective vendor or contractor, shall be cause for declaring such individual or firm to be an irresponsible bidder and for preventing him from bidding as provided in Sections [3.12.080](#) and [3.12.090](#). (Prior code § 2-60)

### **3.12.130 Interest in contracts.**

Pursuant to Sections 1090, 1091 and 1091.5 of the State Government Code, no officer shall have an interest in any contract made in their official capacity, nor be purchasers at any sale or vendors at any purchase

made by them in their official capacity. (Ord. 96-1155 § 5, 1996; prior code § 2-61)

**3.12.140 Exempt purchases.**

The provisions of this chapter shall not apply to the purchase by the city of:

A. Public utilities services;

B. Professional services;

C. Contracts with public or quasi-public agency;

D. Computers and peripheral equipment;

E. Purchases made through a cooperative purchasing program utilizing purchasing agreements maintained by the state, county, or other public agencies;

F. Purchases made in reliance on a bid solicitation by another public agency where the city council finds that the procurement process utilized by the public agency:

1. Is substantially similar to the provisions of this chapter;

2. Occurred within a reasonably proximate time; and

3. Achieved the objectives of this chapter. (Ord. 00-1202 §1, 2000; prior code § 2-62)

**Chapter 3.16**  
**TRANSFER OF TAX ASSESSMENT AND COLLECTION DUTIES TO COUNTY**

Sections:

**3.16.010 Transfer under authority of state law.**

**3.16.010 Transfer under authority of state law.**

The city elects that the duties of assessing property and collecting taxes provided by law to be performed by the assessor and the tax collector of the city shall be performed by the county assessor, and the county tax collector, respectively of the county of Los Angeles.

This election is made and the city does hereby elect to avail itself of the provisions of an act of the legislature of the state, entitled, "An Act to provide for the levy and collection of taxes, by and for the use of municipal corporations and cities incorporated under the laws of the State of California, except municipal corporations of the first class, and to provide for the consolidation and abolition of certain municipal offices, and to provide that their duties may be performed by certain officers of the county, and fixing the compensation to be allowed for such county officers for the services so rendered to such municipal corporations." Approved March 27, 1895, Statutes 1895, page 219, together with the amendments thereof and supplements thereto.

This election is made in relation to the assessing of property and collecting of taxes, but that the provisions of such act in relation to the duties of the treasurer of the city, are not elected by such city to be made use of.

(Prior code § 30-1)

**Chapter 3.20  
PARK AND RECREATION FACILITIES TAX**

Sections:

- [\*\*3.20.010 Title for citation.\*\*](#)
- [\*\*3.20.020 Purpose.\*\*](#)
- [\*\*3.20.030 Definitions.\*\*](#)
- [\*\*3.20.040 Taxes--Application.\*\*](#)
- [\*\*3.20.050 Taxes--Amount.\*\*](#)
- [\*\*3.20.060 Taxes--When payable.\*\*](#)
- [\*\*3.20.070 Exemption from tax.\*\*](#)

**3.20.010 Title for citation.**

This tax shall be known as the park and recreation facilities fund. All of the sums collected pursuant to this chapter shall be deposited in said park and recreation facilities fund and shall be used solely for the acquisition, improvement, and expansion of public park, playground and/or recreation facilities. (Prior code § 30-35)

**3.20.020 Purpose.**

The City Council declares that the taxes required to be paid hereby are assessed pursuant to the taxing power of the city and solely for the purpose of producing revenue. The continued increase in the development of dwelling units in the city with the attendant increase in population of the city has created an urgent need for the planning, acquisition, improvement and expansion of public parks, playgrounds and recreation facilities to serve the increasing population of the city and the means of providing additional revenues with which to finance such public facilities. (Prior code § 30-37)

**3.20.030 Definitions.**

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

A. The term "dwelling unit" includes:

1. a single-family dwelling;
2. each unit of an apartment, common interest development, duplex or other multiple dwelling structure containing a kitchen and designed as a separate habitation for occupancy by one or more persons; and
3. each space in a mobilehome park. (Ord. 00-1199 §3, 01/11/00)

B. The term "person" includes every person, firm or corporation constructing a dwelling unit itself or through the services of any employee, agent or independent contractor. (Prior code § 30-38)

**3.20.040 Taxes--application.**

The taxes imposed by this chapter shall be applicable to every dwelling unit hereinafter constructed in the

city. (Prior code § 30-39)

**3.20.050 Taxes--amount.**

Every person constructing a new dwelling unit shall pay to the city an amount set by resolution of the city council, with the amount of the tax adjusted on an annual basis using the percentage increase in the cost of living as calculated by the United States Bureau of Labor Statistics for the Los Angeles-Anaheim-Riverside Standard Metropolitan Statistical Area for each new dwelling unit except when an existing, or previous single-family unit is replaced with another single-family unit. (Ord. 96-1155 § 33, 1996; prior code § 30-40)

**3.20.060 Taxes--when payable.**

A. The tax imposed by this chapter shall be due and payable at the time of the issuance of the building permit for the construction of any such dwelling unit.

B. Payment of the taxes imposed by this chapter shall be a condition precedent to the issuing by the city of a building permit for the construction of any such dwelling unit; provided, however, that there shall be a refund of such taxes in the event the building permit is not approved, or is not used, for such construction. (Prior code § 30-41)

**3.20.070 Exemption from tax.**

A. Dwellings for Seniors and Disabled. Dwelling units dedicated for the exclusive occupancy of seniors or the disabled are exempt from the tax imposed by this chapter. (Ord. 00-1199 §4, 01/11/00)

B. Subdividers. When there is a dedication of land, or an in-lieu fee paid pursuant to Chapter 16.12, the park and recreation facilities tax shall be waived. (Prior code § 30-42)

## Chapter 3.24 SALES AND USE TAX

Sections:

- [3.24.010 Title for citation.](#)
- [3.24.020 Rate.](#)
- [3.24.030 Purpose.](#)
- [3.24.040 Contract with state.](#)
- [3.24.050 Sales tax.](#)
- [3.24.060 Place of sale.](#)
- [3.24.070 Use tax.](#)
- [3.24.080 Adoption of provisions of state law.](#)
- [3.24.090 Limitations on adoption of state law.](#)
- [3.24.100 Permit not required.](#)
- [3.24.110 Exclusions and exemptions.](#)
- [3.24.120 Amendments.](#)
- [3.24.130 Enjoining collection forbidden.](#)
- [3.24.140 Violation--Penalty.](#)

### **3.24.010 Title for citation.**

This chapter shall be known as the uniform local sales and use tax ordinance. (Prior code § 30-3)

### **3.24.020 Rate.**

The rate of sales tax and use tax imposed by this chapter shall be one percent. (Prior code § 30-4)

### **3.24.030 Purpose.**

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

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

possible consistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting city sales and use taxes and at the same time minimize the burden of record keeping upon persons subject to taxation under the provisions of this chapter. (Prior code § 30-6)

#### **3.24.040 Contract with state.**

Prior to the operative date, this city shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of these sales and use tax regulations; provided, that if this city shall not have contracted with the State Board of Equalization prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract rather than the first day of the first calendar quarter following the adoption of this chapter. (Prior code § 30-7)

#### **3.24.050 Sales tax.**

For the privilege of selling tangible personal property at retail a tax is imposed upon all retailers in the city at the rate stated in Section [3.24.020](#) of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in this city on and after the operative date. (Prior code § 30-8)

#### **3.24.060 Place of sale.**

For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the State Board of Equalization. (Prior code § 30-9)

#### **3.24.070 Use tax.**

An excise tax is imposed on the storage, use or other consumption in this city of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this city at the rate stated in Section [3.24.020](#) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made. (Prior code § 30-10)

#### **3.24.080 Adoption of provisions of state law.**

Except as otherwise provided in this chapter and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of the Revenue and Taxation Code are adopted and made a part of this chapter as though fully set forth herein. (Prior code § 30-10.1)

#### **3.24.090 Limitations on adoption of state law.**

In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, wherever the state of

California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. The substitution, however, shall not be made when the word "state" is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, the State Treasury, or the Constitution of the state of California; the substitution shall not be made when the result of that substitution would require action to be taken by or against the city, or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; the substitution shall not be made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provisions of that Code; the substitution shall not be made in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code; and the substitution shall not be made for the word "state" in the phrase "retailer engaged in business in this state" in Section 6203 or in the definition of that phrase in Section 6203. (Prior code § 30-10.2)

### **3.24.100 Permit not required.**

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this chapter. (Prior code § 30-10.3)

### **3.24.110 Exclusions and exemptions.**

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

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

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

D. In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax. (Prior code § 30-10.4)

**3.24.120 Amendments.**

All subsequent amendments of the Revenue and Taxation Code which relate to the sales and use tax and which are not inconsistent with Part 1.5 of Division 2 of the Revenue and Taxation Code shall automatically become a part of this chapter. (Prior code § 30-10.7)

**3.24.130 Enjoining collection forbidden.**

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the state or this city, or against any officer of the state or this city, to prevent or enjoin the collection under this chapter, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected. (Prior code § 30-10.8)

**3.24.140 Violation--penalty.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for a period of not more than six months, or by both such fine and imprisonment. (Prior code § 30-10.9)

## Chapter 3.28 REAL PROPERTY TRANSFER TAX

Sections:

- [\*\*3.28.010 Title for citation--Authority.\*\*](#)
- [\*\*3.28.020 Tax imposed--Scope and amount.\*\*](#)
- [\*\*3.28.030 Duty to pay tax.\*\*](#)
- [\*\*3.28.040 Tax inapplicable to document given to secure debt.\*\*](#)
- [\*\*3.28.050 Exemption for written instrument taken as result of or in lieu of foreclosure.\*\*](#)
- [\*\*3.28.060 Exemption for marital property subject to division.\*\*](#)
- [\*\*3.28.070 Exemptions of governments, agencies thereof from tax--Collection by assessment.\*\*](#)
- [\*\*3.28.080 Tax inapplicable to conveyances effecting plan of reorganization or adjustment--Restrictions.\*\*](#)
- [\*\*3.28.090 Tax inapplicable to conveyances making effective Securities and Exchange Commission order--Restrictions.\*\*](#)
- [\*\*3.28.100 Application of provisions to partnerships.\*\*](#)
- [\*\*3.28.110 County recorder to administer chapter.\*\*](#)
- [\*\*3.28.120 Laws applicable to claims for refund.\*\*](#)

**3.28.010 Title for citation--authority.**

This chapter shall be known as the real property transfer tax ordinance of the city of Hermosa Beach. It is adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code of the state of California. (Prior code § 30-25)

**3.28.020 Tax imposed--scope and amount.**

There is imposed on each deed, instrument or writing by which any lands, tenements or other realty sold within the city shall be granted, assigned, transferred or otherwise conveyed to, or vested in, the purchaser or purchasers, or any other person or persons, by his or their direction, when the consideration or value of the interest or property conveyed (exclusive of the value of any lien or encumbrances remaining thereon at the time of sale) exceeds one hundred dollars (\$100.00), a tax at the rate of twenty-seven and one-half cents (\$0.275) for each five hundred dollars (\$500.00) or fractional part thereof. (Prior code § 30-26)

**3.28.030 Duty to pay tax.**

Any tax imposed pursuant to Section [3.28.020](#) hereof shall be paid by any person, who makes, signs or issues any document or instrument subject to the tax, or for whose use or benefit the same is made, signed or issued. (Prior code § 30-27)

**3.28.040 Tax inapplicable to document given to secure debt.**

Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Prior code § 30-28)

**3.28.050 Exemption for written instrument taken as result of or in lieu of foreclosure.**

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure as provided in Revenue and Taxation Code, Section 11926. (Prior code § 30-28.1)

**3.28.060 Exemption for marital property subject to division.**

Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument or other writing which purports to transfer, divide or allocate community, quasi-community, or quasi-marital property assets between spouses for the purpose of effecting a division of such property as described in and pursuant to Revenue and Taxation Code, Section 11927. (Prior code § 30-28.2)

**3.28.070 Exemptions of governments, agencies thereof from tax--collection by assessment.**

Any deed, instrument or writing to which the United States, or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this part when the exempt agency is acquiring title. (Ord. 96-1155 § 32, 1996: prior code § 30-29)

**3.28.080 Tax inapplicable to conveyances effecting plan of reorganization or adjustment--restrictions.**

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

- A. Confirmed under the Federal Bankruptcy Act, as amended;
- B. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in subdivision (m) of Section 205 of Title 11 of the United States Code, as amended;
- C. Approved in an equity receivership proceeding in a court involving a corporation, as defined in subdivision (3) of Section 506 of Title 11 of the United States Code, as amended;
- D. Whereby a mere change in identity, form or place of organization is effected.

Subsections A through D, inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from

**3.28.090 Tax inapplicable to conveyances making effective securities and exchange commission order--restrictions.**

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

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

C. Such conveyance is made in obedience to such order. (Prior code § 30-31)

**3.28.100 Application of provisions to partnerships.**

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

1. Such partnership (or another partnership) is considered a continuing partnership within the meaning of Section 708 of the Internal Revenue Code of 1954; and
2. Such continuing partnership continues to hold the realty concerned.

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

C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Prior code § 30-32)

**3.28.110 County recorder to administer chapter.**

The county recorder shall administer this chapter in conformity with the provisions of Part 6.7 of Division 2 of the Revenue and Taxation Code and the provisions of any county ordinance adopted pursuant thereto. (Prior code § 30-33)

**3.28.120 Laws applicable to claims for refund.**

Claims for refund of taxes imposed pursuant to this chapter shall be governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code of the State of California. (Prior code § 30-34)

**Chapter 3.32  
TRANSIENT OCCUPANCY TAX Revised 1/16**

Sections:

- [\*\*3.32.010 Title for citation.\*\*](#)
- [\*\*3.32.020 Definitions.\*\* Revised 1/16](#)
- [\*\*3.32.030 Tax imposed.\*\* Revised 1/16](#)
- [\*\*3.32.040 Exemptions from tax.\*\*](#)
- [\*\*3.32.050 Operator's duties.\*\*](#)
- [\*\*3.32.060 Registration of hotel.\*\*](#)
- [\*\*3.32.070 Reporting and remitting.\*\*](#)
- [\*\*3.32.080 Penalties and interest.\*\*](#)
- [\*\*3.32.090 Failure to collect and report tax--Determination of tax by tax administrator.\*\*](#)
- [\*\*3.32.100 Appeal.\*\*](#)
- [\*\*3.32.110 Records.\*\*](#)
- [\*\*3.32.120 Refunds.\*\*](#)
- [\*\*3.32.125 Change of Ownership—Tax Clearance Certificate\*\*](#)
- [\*\*3.32.130 Actions to collect.\*\*](#)
- [\*\*3.32.140 Tax lien.\*\*](#)
- [\*\*3.32.150 Violations--Misdemeanor.\*\*](#)

**3.32.010 Title for citation.**

This chapter shall be known as the uniform transient occupancy tax law of the city. (Prior code § 30-11)

**3.32.020 Definitions. Revised 1/16**

Except where the context otherwise requires, the definitions given in this section govern the construction of this chapter:

"Hospital" means any institution for the reception and care of transient and short-term patients housed for treatment for chemical dependency on alcohol and/or drugs, incorporated as a nonprofit corporation. This definition includes any building used for such purposes.

"Hotel" means any structure, which is occupied or intended or designed for occupancy by transients for dwelling, lodging or sleeping purposes, and includes any hotel, inn, tourist home or house, motel, studio hotel, bachelor hotel, lodging house, rooming house, apartment house, dormitory, public or private club, mobilehome or house trailer at a fixed location, or other similar structure or portion thereof.

"Occupancy" means the use or possession, or the right to the use or possession of any room or room or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.

"Operator" means the person who is the proprietor of the hotel, motel, hostel, or any other permitted short-term rental, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, and includes companies that arrange for reservations online. Though the operator performs his functions through a

managing agent of any type or character other than an employee, the managing agent shall also be determined an operator for the purposes of this chapter and shall have the same duties and liabilities as his principal. Compliance with the provisions of this chapter by either the principal or the managing agent shall, however, be considered to be compliance by both.

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

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

"Tax administrator" means the director of finance of the city.

"Transient" means:

1. Any person as defined in this section who exercises, for any period of time, occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement; or
2. Any individual who personally exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement, for a period of thirty (30) consecutive calendar days or less.

Any such person or individual so occupying space in a hotel shall be deemed to be a transient. (Ord. 1358 § 4, 2015; prior code § 30-12)

### **3.32.030 Tax imposed. Revised 1/16**

For the occupancy of any hotel, motel, hostel, hospital, or permitted short term rental as defined, each transient is subject to and shall pay a tax in the amount of twelve (12) percent of the rent or bill charged by the operator. Said tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator of the hotel, hospital, or other permitted short term accommodation at the time the rent or bill is paid. If the rent or bill is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel, hospital, or other permitted short term accommodation. If for any reason the tax due is not paid to the operator, the tax administrator may require that such tax shall be paid directly to the tax administrator. (Ord. 1358 § 5, 2015; prior code § 30-13)

### **3.32.040 Exemptions from tax.**

No tax shall be imposed upon:

- A. Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;

- B. Any federal or state of California officer or employee when on official business;
- C. Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator. (Prior code § 30-14)

### **3.32.050 Operator's duties.**

Each operator shall collect the tax imposed by this chapter to the same extent and at the same time as the rent is collected from every transient. The amount of tax shall be separately stated from the amount of the rent charged, and each transient shall receive a receipt for payment from the operator. No operator of a hotel shall advertise or state in any manner, whether directly or indirectly, that the tax or any part thereof will be assumed or absorbed by the operator, or that it will not be added to the rent, or that, if added, any part will be refunded except in the manner hereinafter provided. (Prior code § 30-15)

### **3.32.060 Registration of hotel.**

Within thirty (30) days after the effective date of this chapter, or within thirty (30) days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register said hotel with the tax administrator and obtain from him a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. Said certificate shall, among other things, state the following:

A. The name of the operator;

B. The address of the hotel;

C. The date upon which the certificate was issued;

D. "This Transient Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Transient Occupancy Tax Law by registering with the Tax Administrator for the purpose of collecting from transients the Transient Occupancy Tax and remitting said tax to the Tax Administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in an unlawful manner, nor to operate a hotel without strictly complying with all local applicable laws, including but not limited to those requiring a permit from any Board, Commission, Department or Office of this city. This certificate does not constitute a permit." (Prior code § 30-16)

### **3.32.070 Reporting and remitting.**

Each operator shall, on or before the last day of the month following the close of each calendar quarter, or at the close of any shorter reporting period which may be established by the tax administrator, make a return to the tax administrator, on forms provided by him, of the total rents charged and received and the amount of tax collected for transient occupancies. At the time the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish shorter reporting periods for any

certificate holder if he deems it necessary in order to insure collection of the tax, and he may require further information in the return. Returns and payments are due immediately upon cessation of business for any reason. All taxes collected by operators pursuant to this chapter shall be held in trust for the account of the city until payment thereof is made to the tax administrator. (Prior code § 30-17)

**3.32.080 Penalties and interest.**

- A. Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.
- B. Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty (30) days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.
- C. Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five (25) percent of the amount of the tax shall be added thereto in addition to the penalties stated in subsections A and B of this section.
- D. Interest. In addition to the penalties imposed, any operator who fails to remit any tax imposed by this article shall pay interest at the rate of one-half of one percent per month or fraction thereof on the amount of the tax, exclusive of penalties, from the date on which the remittance first became delinquent until paid.
- E. Penalties Merged with Tax. Every penalty imposed and such interest as accrues under the provisions of this section shall become a part of the tax herein required to be paid. (Prior code § 30-18)

**3.32.090 Failure to collect and report tax--determination of tax by tax administrator.**

If any operator shall fail or refuse to collect said tax and to make, within the time provided in this chapter, any report and remittance of said tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the tax administrator shall procure such facts and information as he is able to obtain upon which to base the assessment of any tax imposed by this article and payable by any operator who has failed or refused to collect the same and to make such report and remittance, he shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In case such determination is made, the tax administrator shall give a notice of the amount so assessed by serving it personally or by depositing it in the United States mail, postage prepaid, addressed to the operator so assessed at his last known place of address. Such operator may, within ten days after the serving or mailing of such notice, make application in writing to the tax administrator for a hearing on the amount assessed.

If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five days' written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why

said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing, the tax administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Section [3.32.100](#). (Prior code § 30-19)

### **3.32.100 Appeal.**

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the council by filing a notice of appeal with the city manager within fifteen (15) days of the serving or mailing of the determination of the tax due. The city manager shall fix a time and place for hearing such appeal, and give notice in writing to such operator at his last known place of address. (Prior code § 30-20)

### **3.32.110 Records.**

It shall be the duty of every operator liable for the collection and payment to the city of any tax imposed by this chapter to keep and preserve, for a period of four years, all records as may be necessary to determine the amount of such tax as the operator may have been liable for the collection and payment of to the city, which records the Tax Administrator shall have the right to inspect at all reasonable times. (Ord. 06-1274, §1, October 2006)

### **3.32.120 Refunds.**

A. Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded as provided in this section, providing a claim in writing therefore is timely filed in accordance with the requirements of section [3.08.010](#). (Ord.07-1284 §2, July 2007)

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

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

D. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto. (Prior code § 30-22)

**3.32.125 Change of ownership—tax clearance certificate.**

A. Pursuant to Revenue and Taxation Code Section 7283.5, and as that section may from time to time be amended, a purchaser, transferee, or other person attempting to obtain ownership of a transient occupancy facility, may request in writing from the Tax Administrator the issuance of a tax clearance certificate stating the amount of tax and any accrued penalties and interest due and owing, if any.

B. The Tax Administrator shall, within ninety days of the receipt of the written request for a tax clearance certificate issue the tax clearance certificate, or may conduct an audit of the subject transient occupancy facility. Any such audit must be completed within ninety days after the date the records of the subject transient occupancy facility have been made available to the Tax Administrator and a tax clearance certificate issued within thirty days of the completion of the audit.

C. If following an audit the Tax Administrator determines that the current operator's records are insufficient to assess the amount of tax due and owing, the Tax Administrator shall, within thirty days of making that determination, notify the prospective purchaser, transferee or other person that a tax clearance certificate will not be issued.

D. If the Tax Administrator does not comply with the request for a tax clearance certificate, the purchaser, transferee or other person that obtains ownership of the transient occupancy facility shall not be liable for any transient occupancy tax obligation incurred prior to the date of the purchase or transfer of the property.

E. The tax clearance certificate shall state the following:

1. The amount of tax, interest and penalties then due and owing;
2. The period of time for which the tax clearance certificate is valid; and
3. That the purchaser, transferee, or other person may rely upon the tax clearance certificate as conclusive evidence of the tax liability associated with the property as of the date specified on the certificate.

F. Any purchaser, transferee, or other person who does not obtain a tax clearance certificate under this section, or who obtains a tax clearance certificate that indicates that tax is due and owing and fails to withhold, for the benefit of the county, sufficient funds in the escrow account for the purchase of the property to satisfy the transient tax liability, shall be held liable for the amount of tax due and owing.

G. The fee for issuance of a tax clearance certificate shall be established by resolution of the City Council.  
(Ord. 06-1274, §2, October 2006)

**3.32.130 Actions to collect.**

Any tax required to be paid by any transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owed by the operator to the city. Any person owing money to the city under the provisions of

this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Prior code § 30-23)

**3.32.140 Tax lien.**

- A. Any delinquent transient occupancy tax, penalties for delinquency, and costs of collection shall become a lien on the service user's property upon the recording of such with the Los Angeles County recorder's office.
- B. The city shall serve upon the person or persons against whom the lien is recorded, a copy of the document evidencing the lien in one of the following ways:
1. By personal delivery with proof of service.
    - a. Proof of service shall be shown by the affidavit of the person making the service, showing the time, place, and manner of service, the name and address of the person served, and any other facts necessary to show that service was made.
    - b. If there is no address for a person to be served known to the city, the city shall append to the lien an affidavit to that effect;
  2. By leaving the document of the lien at the person's residence or place of business in the care of the person in charge.
- Proof of service shall be shown by the affidavit of the person making the service, showing the time, place, and manner of service, the name and address of the person served, together with the title or capacity of the person accepting service, and any other facts necessary to show that service was made;
3. By registered or certified mail, postage prepaid, addressed to the person's residence or place of business.
    - a. This service is complete at the time of mailing.
    - b. Proof of service shall be shown by an affidavit setting forth the fact of service, the name and residence or business address of the person making this service, showing that he or she is over the age of eighteen years, the date and place of deposit in the mail, the name and address of the person served as shown on the envelope, and the fact that the envelope was sealed and deposited in the mail, with the postage thereon fully prepaid, and sent by registered or certified mail.
- C. The city may add the actual cost of service to the lien to the extent that such costs do not exceed the costs of such notice provided by the county recorder's office.
- D. The lien shall not be removed until the delinquent taxes, penalties for delinquency, and costs of collection are fully paid or the property is sold for payment of the delinquent taxes, penalties for delinquency, and costs of collection.
- E. The tax lien shall cease to exist for all purposes after thirty years from the time the tax became a lien.

F. Property sold for delinquent taxes, penalties for delinquency, and costs of collection is subject to redemption within a redemption period of five years. (Ord. 94-1105 § 1 (part), 1994: prior code § 30-23.)

**3.32.150 Violations--misdemeanor.**

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor and shall be punishable therefor by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the city jail for a period of not more than six months or by both such fine and imprisonment.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, is guilty of a misdemeanor, and is punishable as aforesaid. Any person required to make, render, sign or verify any report or claim who makes any false or fraudulent report or claim with intent to defeat or evade the determination of any amount due required by this article to be made, is guilty of a misdemeanor and is punishable as aforesaid. (Prior code § 30-24)

## Chapter 3.36 UTILITIES TAX

Sections:

- [3.36.010 Title for Citation.](#)
- [3.36.020 Definitions.](#)
- [3.36.030 Constitutional Exemption.](#)
- [3.36.040 Communication Services Tax](#)
- [3.36.050 Electricity Tax.](#)
- [3.36.060 Gas Tax](#)
- [3.36.070 Water Tax.](#)
- [3.36.080 Section is repealed.](#)
- [3.36.090 Senior Citizen Exemption.](#)
- [3.36.100 Duty of Collection of Tax--Procedures.](#)
- [3.36.110 Actions to Collect.](#)
- [3.36.120 Interest and Penalty.](#)
- [3.36.130 Enforcement of Tax Lien.](#)
- [3.36.140 Additional Power and Duties of Tax Administrator.](#)
- [3.36.150 Assessment--Administrative Remedy.](#)
- [3.36.160 Records.](#)
- [3.36.170 Refunds](#)
- [3.36.180 Jurisdiction of the Public Utilities Commission of the state.](#)
- [3.36.190 Fund and Purpose.](#)

### **3.36.010 Title for citation.**

This chapter shall be known as the utility tax law of the City of Hermosa Beach. (Prior code § 30-43)

### **3.36.020 Definitions.**

Except where context otherwise requires, the definitions hereafter shall govern the construction of this chapter:

“Ancillary telecommunication services” means services that are associated with or incidental to the provision, use or enjoyment of telecommunication services, including but not limited to the following services:

“Conference bridging service” means an ancillary service that links two or more participants of an audio or video conference call and may include the provision of a telephone number. Conference bridging service does not include the telecommunication services used to reach the conference bridge.

“Detailed telecommunication billing service” means an ancillary service of separately stating information pertaining to individual calls on a customer’s billing statement.

“Directory assistance” means an ancillary service of providing telephone number information, and/or address information.

"Vertical service" means an ancillary service that is offered in connection with one or more telecommunication services, which offers advanced calling features that allow customers to identify callers and to manage multiple calls and call connections, including conference bridging services.

"Voice mail service" means an ancillary service that enables the customer to store, send or receive recorded messages. Voice mail service does not include any vertical services that the customer may be required to have in order to utilize the voice mail service

"Ancillary video services" means services that are associated with or incidental to the provision or delivery of video services, including but not limited to electronic program guide services, search functions, or other interactive services or communications that are associated with or incidental to the provision, use or enjoyment of video programming.

"Billing Address" means the mailing address of the service user where the service supplier submits invoices or bills for payment by the customer.

"City" shall mean the City of Hermosa Beach.

"City Manager" shall mean the City Manager or his or her designee.

"Communication Services" means: "telecommunication services," "ancillary telecommunication services," "video services" and "ancillary video services."

"Mobile Telecommunications Service" has the same meaning and usage as set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) and the regulations thereunder or any successor statutes or regulations.

"Month" means a calendar month.

"Person" means, without limitation, any natural individual, firm, trust, common law trust, estate, partnership of any kind, association, syndicate, club, joint stock company, joint venture, limited liability company, corporation (including foreign, domestic, and non-profit), municipal district or municipal corporation (other than the City) cooperative, receiver, trustee, guardian, or other representative appointed by order of any court.

"Place of Primary Use" means the street address representative of where the service user's use of a communication service primarily occurs, which must be the residential street address or the primary business street address of the customer.

"Post-paid telecommunication service" means a telecommunication service obtained by making a payment on a communication-by-communication basis either through the use of a credit card or payment mechanism such as a bank card, travel card, credit card, or debit card, or by charge made to a service number which is not associated with the origination or termination of the telecommunication service.

"Prepaid telecommunication service" means the right to access telecommunication services, which must be paid for in advance and which enables the origination of communications using an access number or authorization code, whether manually or electronically dialed, and that is sold in predetermined units or dollars of which the number declines with use in a known amount.

"Private telecommunication service" means a telecommunication service that entitles the customer to exclusive or priority use of a communications channel or group of channels between or among termination points, regardless of the manner in which such channel or channels are connected, and includes switching capacity, extension lines, stations, and any other associated services that are provided in connection with the use of such channel or channels. A communications channel is a physical or virtual path of communications over which signals are transmitted between or among customer channel termination points (i.e., the location where the customer either inputs or receives the communications).

"Service Address" means either:

1. The location of the service user's communication equipment from which the communication originates or terminates, regardless of where the communication is billed or paid; or,
2. If the location in Subsection (1) of this definition is unknown (e.g., mobile telecommunications service or VoIP service), the service address means the location of the service user's place of primary use.
3. For prepaid telecommunication service, "service address" means the location associated with the service number.

"Service Supplier" means any entity or person, including the City, providing communication, electric, gas or water service to a user of such services within the City.

"Service User" (as a beneficiary of service) means a person required to pay a tax imposed under the provisions of this Chapter.

"Tax Administrator" means the Finance Director of the City or his or her designee.

"Telecommunication services" means:

1. . The transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whatever the technology used, and includes broadband services [e.g., T-1, digital subscriber line (eDSL), fiber optic, coaxial cable, and wireless broadband, including Wi-Fi, WiMAX, and Wireless MESH] to the extent federal and/or state law permits taxation of such broadband services, now or in the future. The term telecommunication services includes such transmission, conveyance, or routing in which computer processing applications are used to act on the form, code or protocol of the content for purposes of transmission, conveyance or routing without regard to whether such services are referred to as voice over Internet protocol (VoIP) services or are classified by the Federal Communications Commission as enhanced or value added, and includes video and/or

data services that are functionally integrated with telecommunication services.

2. Telecommunication services include, without limitation the following services, regardless of the manner or basis on which such services are calculated or billed: ancillary telecommunication services; broadband service (to the extent federal and/or state law permits taxation of such service); mobile telecommunication service; prepaid telecommunication service; post-paid telecommunication service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and 900 service (or any other similar numbers designated by the Federal Communications Commission for services whereby subscribers who call in to pre-recorded or live service).

3. Telecommunication services shall also include without limitation, charges for: connection, reconnection, termination, movement, or change of telecommunication services; late payment fees; detailed billing; central office and custom calling features (including without limitation call waiting, call forwarding, caller identification and three-way calling); voice mail and other messaging services; directory assistance; access and line charges; universal service charges; regulatory, administrative and other cost recovery charges; local number portability charges; and text messaging. Telecommunication services shall not include digital downloads that are not ancillary telecommunication services, such as video programming, music, ringtones, games, and similar digital products.

“Video Programming” means those programming services commonly provided to subscribers by a “video service supplier” including but not limited to basic services, premium services, audio services, video games, pay-per-view services, video on-demand, origination programming, or any other similar services, regardless of the content of such video programming, or the technology used to deliver such services, and regardless of the manner or basis on which such services are calculated or billed.

“Video Services” means any and all services related to the providing or delivering of “video programming” (including origination programming and programming using Internet Protocol, e.g., IP-TV and IP-Video) using one or more channels by a “video service supplier,” regardless of the technology used to deliver or provide such services, and regardless of the manner or basis on which such services are calculated or billed, and includes data services, “telecommunication services,” or interactive communication services that are functionally integrated with “video services.”

“Video Service Supplier” means any person, company, or service which provides or sells one or more channels of video programming, or provides or sells the capability to receive one or more channels of video programming, including any communications that are ancillary, necessary or common to the provision, use or enjoyment of the video programming, to or from a business or residential address in the City, where some fee is paid, whether directly or included in dues or rental charges for that service, whether or not public rights-of-way are utilized in the delivery of the video programming or communications. A “video service supplier” includes, but is not limited to, multichannel video programming distributors [as defined in 47 U.S.C.A. Section 522(13) or any successor statute or regulation]; open video systems (OVS) suppliers; and suppliers of cable television; master antenna television; satellite master antenna television; multichannel multipoint distribution

services (MMDS); video services using Internet protocol (e.g., IP-TV and IP-Video, which provide, among other things, broadcasting and video on-demand), direct broadcast satellite to the extent federal law permits taxation of its video services, now or in the future; and other suppliers of video programming or communications (including two-way communications), whatever their technology.

"Electrical corporation, gas corporation and water corporation" have the same meaning, except as hereinafter provided, as defined in Sections 218, 222, 241, respectively, of the Public Utilities Code of the State of California, or any successor statute. "Water Corporation" shall be construed to include any organization or municipality, including but not limited to, a mutual water company, engaged in the selling or supplying of water to a service user.

### **3.36.030 Constitutional exemption.**

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

The tax administrator shall prepare a list of the persons exempt from the provisions of this chapter by virtue of this section and furnish a copy thereof to each service supplier. (Prior code § 30-45)

### **3.36.040 Communication services tax.**

A. There is hereby imposed a tax upon every person in the City using communication services. The maximum tax imposed by this Section shall be at the rate of five and one-half percent (5.5%) of the charges made for such services and shall be collected from the service user by the communication services supplier or its billing agent. There is a rebuttable presumption that communication services, which are billed to a billing or service address in the City, are used, in whole or in part, within the City's boundaries, and such services are subject to taxation under this Chapter. If the billing address of the service user is different from the service address, the service address of the service user shall be used for purposes of imposing the tax. As used in this Section, the term "charges" shall include the value of any other services, credits, property of every kind or nature, or other consideration provided by the service user in exchange for the communication services.

B. Mobile Telecommunications Service shall be sourced in accordance with the sourcing rules set forth in the Mobile Telecommunications Sourcing Act (4 U.S.C. Section 124) or any successor statute or regulation. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, sourcing rules for the taxation of other communication services, including but not limited to post-paid communication services, prepaid communication services, and private communication services, provided that such rules are based upon industry custom and common practice that further administrative efficiency and minimize multi-jurisdictional taxation.

C. The Tax Administrator may issue and disseminate to communication service suppliers, which are subject to the tax collection requirements of this Chapter, an administrative ruling identifying those communication services, or charges therefore, that are subject to or not subject to the tax of Subsection A. above.

D. Charges for video services and ancillary video services shall include, but are not limited to, charges for the

following:

1. franchise fees and access fees (PEG);
2. initial installation of equipment necessary for provision and receipt of communication services;
3. late fees, collection fees, bad debt recoveries, and return check fees;
4. activation fees, reactivation fees, and reconnection fees;
5. all video programming services (e.g., basic services, premium services, audio services, video games, pay-per-view services, or on-demand programming);
6. ancillary programming services (e.g., electronic program guide services, search functions, or other interactive services or communications that are ancillary, necessary or common to the use or enjoyment of the video programming);
7. equipment leases (e.g., converters, remote devices); and,
8. service calls, service protection plans, name changes, changes of services, and special services.

E. To prevent actual multi-jurisdictional taxation of communication services subject to tax under this Section, any service user, upon proof to the Tax Administrator that the service user has previously paid the same tax in another state or city on such communication services, shall be allowed a credit against the tax imposed to the extent of the amount of such tax legally imposed in such other state or city; provided, however, the amount of credit shall not exceed the tax owed to the City under this Section.

F. The tax on communication services imposed by this Section shall be collected from the service user by the service supplier or person receiving payment for the services. The amount of the tax collected in one month shall be remitted to the Tax Administrator, and must be received by the Tax Administrator, on or before the last day of the following month.

G. Except as otherwise provided by applicable federal or state law, if any nontaxable charges are combined with and not separately stated from taxable service charges on the customer bill or invoice of a service supplier, the combined charge is subject to tax unless the service supplier identifies, by reasonable and verifiable standards, the portions of the combined charge that are nontaxable and taxable through the service supplier's books and records kept in the regular course of business, and in accordance with generally accepted accounting principles, and not created and maintained for tax purposes. The service supplier has the burden of proving the proper apportionment of taxable and non-taxable charges.

H. For purposes of imposing a tax or establishing a duty to collect and remit a tax under this Section, "substantial nexus" and "minimum contacts" shall be construed broadly in favor of the imposition, collection and/or remittance of the communication users tax to the fullest extent permitted by state and federal law, and as it may change from time to time by judicial interpretation or by statutory enactment. Any communication

service (including VoIP) used by a person with a service address in the City, which service is capable of terminating a call to another person on the general telephone network, shall be subject to a rebuttable presumption that "substantial nexus/minimum contacts" exists for purposes of imposing a tax, or establishing a duty to collect and remit a tax, under this Chapter. A service supplier shall be deemed to have sufficient activity in the City for tax collection and remittance purposes if its activities include, but are not limited to, any of the following: maintains or has within the City, directly or through an agent or subsidiary, a place of business of any nature; solicits business in the City by employees, independent contractors, resellers, agents or other representatives; solicits business in the City on a continuous, regular, seasonal or systematic basis by means of advertising that is broadcast or relayed from a transmitter with the City or distributed from a location with the City; or advertises in newspapers or other periodicals printed and published within the City or through materials distributed in the City by means other than the United States mail. The City shall make available, upon request, an accurate description of its jurisdictional boundaries based on street addresses and/or ZIP Plus Four, in an electronic format. If a service supplier relies upon such information provided by City, it shall not be responsible for any errors in taxation that may result.

I. Satisfaction of Tax Obligation by Service Users. Any person who pays the tax levied pursuant to this Section with respect to any charge for a communication service shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to former Section [3.36.040](#) and Section [3.36.080](#) as codified immediately prior to adoption of this ordinance with respect to that charge. Likewise, prior to April 1, 2008, any person who pays the tax levied pursuant to former Section [3.36.040](#) and Section [3.36.080](#) as codified immediately prior to adoption of this ordinance shall be deemed to have satisfied his or her obligation to pay the tax levied pursuant to this Section with respect to that charge. The intent of this paragraph is to prevent the imposition of multiple taxes upon a single utility charge during the transition period from the prior telephone and cable telephone tax to the new communication services tax (which transition period ends April 1, 2008) and to permit communication service providers, during that transition period to satisfy their collection obligations by collecting either tax.

J. Collection of Tax by Service Supplier. Service Suppliers shall begin to collect the tax imposed by this Section as soon as feasible after the effective date of the Section, but in no event later than permitted by Section 799 of the California Public Utilities Code.

### **3.36.050 Electricity tax.**

A. There is imposed a tax upon every person in the city using electrical energy in the city. The tax imposed by this section shall be at the rate of six percent of the charges made for such energy and shall be paid by the person paying for such energy.

"Charges," as used in this section, shall include charges made for: (1) energy; (2) distribution and transmission; (3) metering; (4) stand-by reserves, firming, ramping, voltage support, regulation, emergency, or other similar services; (5) minimum charges for such services, including customer charges, service charges, demand charges, fuel or other cost adjustments, independent system operator (ISO) charges, stranded investment or competitive transition charges (CTC), public goods surcharge, franchise fee, franchise

surcharge; and (6) all other annual and monthly charges or surcharges for electricity services or programs, which are authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission, whether or not such charges appear on a bundled or line item basis on the customer billing.

"Charges" shall also include the value of any other services, credits, property, or other consideration provided by the service user in exchange for the energy or services related to the provision of such energy. (Ord. 98-1181 §2, 07/28/98)

B. As used in this section, the term "using electrical energy" shall not be construed to include the storage of such energy by a person in a battery owned or possessed by him for use in an automobile or other machinery or device; provided, however, that the term shall include the receiving of such energy for the purpose of using it in the charging of batteries. The term shall not include electricity used in water pumping by water corporations; nor shall the term include the mere receiving of such energy by an electrical corporation at a point within the city for resale; or the use of such energy in the production or distribution of water by a public utility or a governmental agency.

C. The tax imposed in this section shall be collected from the service user by the billing agent, or person, business or entity that provides billing collection services for electrical power generation and distribution within the City. The amount of tax collected in one month shall be remitted to the tax administrator on or before the last day of the following month; or at the option of the person, business or entity required to collect and remit the tax, an estimated amount of tax, measured by the tax billed in the previous month, shall be remitted to the tax administrator on or before the last day of each month. Remittance of tax may be predicated on a formula based upon the payment pattern of the supplier's customers. (Ord. 98-1181 § 3, 07/28/98; Ord. 95-1137 § 4, 1995; prior code § 30-47)

### **3.36.060 Gas tax.**

A. There is imposed a tax upon every person in the city using gas energy. The tax imposed by this section shall be at the rate of six percent of the charges made for such gas energy and shall be paid by the persons paying for such gas. "Charges," as used in this section, shall include: (1) gas which is delivered through mains or pipes, (2) minimum charges for such services, including customer charges, service charges and annual and monthly charges.

B. There shall be excluded from the base on which the tax imposed by this section is computed: (1) charges made for gas which is to be resold and delivered through mains and pipes; (2) charges made for gas used in the generation of electrical energy by an electrical corporation; or (3) charges made for gas used in the production or distribution of water by a public utility or governmental agency; (4) charges made by a gas corporation for gas used and consumed in the conduct of its business; and (5) charges made for gas used in the propulsion of a motor vehicle, as that phrase is defined in the Vehicle Code of the state of California, utilizing natural gas; and (6) charges related to late payments and returned checks.

C. The tax imposed in this section shall be collected from the service user by the person selling the gas. The person selling the gas shall, on or before the twentieth of each calendar month, commencing on the twentieth

day of the calendar month after the effective date of this part, make a return to the tax administrator stating the amount of taxes billed during the preceding calendar month. At the time such returns are filed, the person selling the gas shall remit tax payments to the tax administrator in accordance with schedules established or approved by the tax administrator. (Ord. 95-1137 § 5, 1995; prior code § 30-48)

**3.36.070 Water tax.**

A. There is imposed a tax upon every person using, in the city, water which is delivered through mains or pipes. The tax imposed by this section shall be at the rate of six percent of the charges made for such water and shall be paid by the person paying for such water. "Charges," as used in this section, shall include charges made for (1) metered water, (2) minimum charges for services, including customer charges, ready to serve charges, standby charges, and annual and monthly charges.

B. There shall be excluded from the base on which the tax imposed by this section is computed, charge for water which is to be resold and delivered through mains or pipes; and charges made by a municipal water department, public utility or a county or municipal water district for water used and consumed by such department, utility or district.

C. The tax imposed in this section shall be collected from the service user by the person supplying the water. The amount collected in one month shall be remitted to the tax administrator on or before the last day of the following month. (Ord. 95-1137 § 6, 1995; prior code § 30-49)

**3.36.080 Section is repealed.**

**3.36.090 Senior citizen exemption.**

A. The tax imposed by this chapter shall not apply to any residence in which the service user is:

1. Sixty-two (62) years of age or older; or
2. "Disabled" within the meaning of Section 416(i)(1)(A) of Title 42 of the United States Code; who uses telephone, electric, gas, cable television or water services, in or upon any premises occupied by such individual, provided the combined gross income of all members of the household in which such individual resided was less than nine thousand dollars (\$9,000.00) for the calendar year prior to the fiscal year (July 1st through June 30th) for which the exemption provided in this chapter is applied for.

In order for a disabled person or a person sixty-two (62) years old or older to receive the exemption granted by this section, they must actually reside at the location receiving the service. Landlords shall not be allowed to use the exemptions granted by this section under any circumstances. In addition, the exemptions shall not apply to any nonresidential service locations.

The exemptions granted by this section shall not eliminate the duty of the service supplier from collecting taxes from such exempt individuals or the duty of such exempt individuals for paying such taxes to the service supplier unless an exemption is applied for by the service user and granted in accordance with the provisions of subsection B of this section.

B. Any service user exempt from the taxes imposed by this chapter because of the provisions of subsection A of this section, may file an application with the finance director for an exemption. Such application shall be made upon forms supplied by the city and shall recite facts under oath which qualify the applicant for an exemption. The city shall review all such applications and certify as exempt those applications determined to qualify therefore and shall notify all service suppliers affected that such exemption has been approved, stating the name of the applicant, the address to which such exempt service is being supplied, the account number, if any, and such other information as may be necessary for the service supplier to remove the exempt user for its tax billing procedure. Upon receipt of such notice, the service supplier shall not be required to continue to bill any further tax imposed by this chapter from such exempt service user until further notice by the city is given. The service supplier shall eliminate such exempt service user from its tax billing procedure no later than sixty (60) days after receipt of such notice from the city.

All exemptions shall continue and be renewed automatically by the city so long as the prerequisite facts supporting the initial qualification for exemption shall continue; provided, however, that the exemption shall automatically terminate with any change in the service address or residence of the exempt individual; further provided such individual may, nevertheless, apply for a new exemption with each change of address or residence. Any individual exempt from the tax shall notify the city within ten days of any change in fact or circumstance which might disqualify said individual from receiving such exemption. It shall be a misdemeanor for any person to knowingly receive the benefits of the exemptions provided by this section when the basis for such exemption either does not exist or ceases to exist.

Any service supplier is authorized to bill the tax imposed by this chapter to any new user or to any account whose name has been changed (other than by correcting a spelling error or other similar clerical error) until the supplier receives notification of exemption as provided in subsection B of this section. Thereupon, the supplier shall cease billing the exempt user for the tax within sixty (60) days as provided in subsection B of this section. (Prior code § 30-51)

### **3.36.100 Duty of collection of tax--procedures.**

A. The tax shall be collected insofar as practicable at the same time as and along with the charges made in accordance with the regular billing practices of the service supplier. Where the amount paid by a service user to a service supplier is less than the full amount of the energy charge and tax which has accrued for the billing period, such amount and any subsequent payments by a service user shall be applied to the utility charge first until such charge has been fully satisfied. Any remaining balance shall be applied to taxes due. In those cases where a service user has notified the service supplier of his refusal to pay the tax imposed on said energy charges Section [3.36.150](#) will apply.

B. The duty to collect tax from a service user shall commence with the beginning of the first full regular billing period applicable to the service user where all charges normally included in such regular billing are subject to the provisions of this chapter. Where a person receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing. (Prior code § 30-53)

**3.36.110 Actions to collect.**

Any such tax received from a service user which has willfully been withheld from the tax administrator shall be deemed a debt owed to the city by the person required to collect and remit. Any person holding such money contrary to the provisions of this chapter shall be liable to an action brought in the name of the city for the recovery of such amount. (Prior code § 30-54)

**3.36.120 Interest and penalty.**

A. Taxes collected by a service supplier which are not remitted to the tax administrator on or before the due dates provided in this chapter are delinquent.

B. Interest and penalty provisions may be drawn on a service supplier consistent with provision in Section [3.32.080\(A\), \(B\), \(C\) and \(D\)](#). Interest and penalties due are an obligation of the service supplier. (Prior code § 30-55)

**3.36.130 Enforcement of tax lien.**

A. Utility tax liens may be enforced by:

1. A sale of the real property affected and execution and delivery of the deed to the real property to the city; or

2. An action to foreclose the liens in any court of competent jurisdiction.

B. Notice of the proposed sale must conform to the following requirements:

1. Notice of any proposed sale of real property to satisfy the tax lien shall be sent to the parties of interest not less than sixty (60) days before the proposed sale. For the purposes of this chapter, "parties of interest" and their order of priority are:

- a. First, lien holders of record prior to the recordation of the tax lien under this section, in their order of priority; and

- b. Then, any person with title of record to all or any portion of the property prior to the recordation of the tax lien under this section.

2. The tax administrator shall send the notice of the proposed sale by registered mail to the last known mailing address, if known, of the parties of interest. The tax administrator shall make a reasonable effort to obtain the name and last known mailing address of the parties of interest.

3. The notice shall include the following:

- a. The date, time and place of the proposed sale; and

- b. The amount required to redeem the property; and

- c. The fact that the property may be redeemed up to the close of business on the last business day

prior to the date of sale; and

d. A statement substantially the same as follows:

Any excess funds remaining from the sale of the property after satisfaction of the tax lien shall be retained by the tax administrator for one year. At the expiration of one year, any fund not claimed by a party of interest shall be distributed to various public funds. Claims for excess funds by parties of interest must be filed with the tax administrator, under the criteria established by California Revenue and Taxation Code section 4675.

4. The city shall charge a fee to the parties of interest for this notice, not to exceed the estimated reasonable costs of providing such notice.

C. The sale shall be conducted by the city tax administrator.

D. Property sold for delinquent taxes, penalties for delinquency, and costs of collection is subject to redemption within a redemption period of five years.

E. The validity of a sale under this chapter shall not be affected if the tax administrator's reasonable effort fails to disclose the name and last known mailing address of parties of interest or if a party of interest does not receive the mailed notice. (Ord. 94-1105 § 1 (part), 1994: prior code § 30-23.2)

### **3.36.140 Additional power and duties of tax administrator.**

A. The tax administrator shall have the power and duty, and is directed to enforce each and all of the provisions of this chapter.

B. The tax administrator shall have the power to adopt rules and regulations not inconsistent with provisions of this chapter for the purpose of carrying out and enforcing the payment, collection and remittance of the taxes herein imposed. A copy of such rules and regulations shall be on file in the tax administrator's office.

C. The tax administrator may make administrative agreements to vary the strict requirements of this chapter so that collection of any taxes imposed here may be made in conformance with the billing procedures of a particular service supplier so long as said agreements result in collection of the tax in conformance with the general purpose and scope of this chapter. A copy of each such agreement shall be on file in the tax administrator's office.

D. The tax administrator shall determine the eligibility of any person who asserts a right to exemption from the taxes imposed by this chapter. The tax administrator shall provide the service supplier with the name of any person who the tax administrator determines is exempt from the tax imposed hereby, together with the address and account number to which service is supplied to any such exempt person. The tax administrator shall notify the service supplier of the termination of any person's right to exemption hereunder, or the change of any address to which service is supplied to any exempt person. (Prior code § 30-56)

### **3.36.150 Assessment--administrative remedy.**

A. The tax administrator may make an assessment for taxes not remitted by a person required to remit.

B. Whenever the tax administrator determines that a service user has deliberately withheld the amount of the tax owed by him from the amounts remitted to a person required to collect the tax, or that a service user has refused to pay the amount of tax to such person, or whenever the tax administrator deems it in the best interest of the city, he may relieve such person of the obligation to collect taxes due under this chapter from certain named service users for specified billing periods.

C. The service supplier shall provide the city with amounts refused and/or unpaid along with the names and addresses of the service users neglecting to pay the tax imposed under provisions of this chapter. Whenever the service user has failed to pay the amount of tax for a period of two or more billing periods, the service supplier shall be relieved of the obligation to collect taxes due.

D. The tax administrator shall notify the service user that he has assumed responsibility to collect the taxes due for the stated periods and demand payment of such taxes. The notice shall be served on the service user by handing it to him personally or by deposit of the notice in the United states mail, postage prepaid thereon, addressed to the service user at the address to which billing was made by the person required to collect the tax; or, should the service user have changed his address, to his last known address. If a service user fails to remit the tax to the tax administrator within fifteen (15) days, from the date of the service of the notice upon him, which shall be the date of mailing if service is not accompanied in person, a penalty of twenty-five (25) percent of the amount of the tax set forth in the notice shall be imposed, but in no event less than five dollars (\$5.00). The penalty shall become, for all purposes, a part of the tax required to be paid pursuant to the provisions of this chapter. (Prior code § 30-57)

### **3.36.160 Records.**

It shall be the duty of every service supplier who is required to collect and remit to the city a tax imposed by the article, to keep and preserve, for a period of not less than three years, all records as may be necessary to determine the amount of such taxes due to the city from service users supplied by such service supplier, which records the tax administrator shall have the right to inspect at all reasonable times. (Prior code § 30-58)

### **3.36.170 Refunds.**

A. Whenever the amount of any tax has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City, it may be refunded as provided in this section, providing a claim in writing therefore is timely filed in accordance with the requirements of section [3.08.010](#). (Ord.07-1284 §2, July 2007)

B. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

C. Notwithstanding other provisions of this section, whenever a service supplier, pursuant to an order of the California Public Utilities Commission or a court of competent jurisdiction, makes a refund to service users of charges for past utility services, the taxes paid pursuant to this chapter on the amount of such refunded charges shall also be refunded to service users, and the service supplier shall be entitled to claim a credit for such refunded taxes against the amount of tax which is due upon the next monthly returns. In the event this

chapter is repealed, the amount of any refundable taxes will be borne by the city. (Prior code § 30-59)

**3.36.180 Jurisdiction of the public utilities commission of the state.**

Nothing contained in this chapter is intended to conflict with the applicable rules, regulations and tariffs of any service supplier subject to the jurisdiction of the Public Utilities Commission of the state. In the event of any conflict, the provisions of such rules, regulations and tariffs shall control. (Ord. 96-1158 § 1, 05/28/96; Prior code § 30-61)

**3.36.190 Fund and purpose.**

All of the proceeds of the taxes levied under this chapter shall be placed in the general fund of the city and shall be utilized for general governmental purposes. (Ord. 95-1137 § 8, 1995: prior code § 30-62)

**Chapter 3.40  
SPECIAL GAS TAX STREET IMPROVEMENT FUND**

Sections:

- [\*\*3.40.010   Created pursuant to state law.\*\*](#)
- [\*\*3.40.020   Payments into fund.\*\*](#)
- [\*\*3.40.030   Expenditures from fund.\*\*](#)

**3.40.010 Created pursuant to state law.**

To comply with the provisions of Article 5 of Chapter 1 of Division 1 of the Street and Highways Code, with particular reference to the amendment made thereto by Chapter 642, Statutes of 1935, there is created in the city treasury a special fund to be known as the special gas tax street improvement fund. (Prior code § 2-85)

**3.40.020 Payments into fund.**

All moneys received by the city from the state under the provisions of the streets and highways code for the acquisition of real property or interests therein, or for the construction, maintenance or improvement of streets or highways other than state highways shall be paid into the fund created by this chapter. (Prior code § 2-86)

**3.40.030 Expenditures from fund.**

All moneys in the fund created by this chapter shall be expended exclusively for the purposes authorized by and subject to all of the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code of the state. (Prior code § 2-87)

**Title 5  
Business Licenses And Regulations**

**Chapters:**

- [\*\*5.04 Business Licenses Generally\*\*](#)
- [\*\*5.08 Advertising Benches\*\*](#)
- [\*\*5.12 Bingo\*\*](#)
- [\*\*5.16 Cable, Video, and Telecommunications Service Providers\*\*](#)
- [\*\*5.20 Card Rooms and Games of Skill\*\*](#)
- [\*\*5.24 Charitable Solicitations\*\*](#)
- [\*\*5.28 Christmas Tree Dealers\*\*](#)
- [\*\*5.32 Closing-Out Sales and Similar Sales\*\*](#)
- [\*\*5.36 Dances and Dancehalls\*\*](#)
- [\*\*5.40 Fortune Telling\*\*](#)
- [\*\*5.44 Garage Sales\*\*](#)
- [\*\*5.48 Handbills\*\*](#)
- [\*\*5.52 Magazines and Newspapers\*\*](#)
- [\*\*5.56 Oil Wells\*\*](#)
- [\*\*5.60 Pawnbrokers, Secondhand Dealers and Junk Dealers\*\*](#)
- [\*\*5.64 Peddlers and Solicitors\*\*](#)
- [\*\*5.68 Poolrooms, Bowling Alleys and Shooting Galleries\*\*](#)
- [\*\*5.72 Automobiles for Hire and Taxicab Operations\*\*](#)
- [\*\*5.74 Massage Therapy Business\*\*](#)

**Chapter 5.04  
BUSINESS LICENSES GENERALLY**

Sections:

- [5.04.010 Definitions.](#)
- [5.04.020 License required.](#)
- [5.04.030 Separate licenses for branch establishments--License to conduct business specified at location.](#)
- [5.04.040 Exemptions.](#)
- [5.04.050 Application--Issuance--Contents.](#)
- [5.04.060 License does not permit business otherwise prohibited.](#)
- [5.04.070 Affidavit--New license.](#)
- [5.04.080 Affidavit--Renewal license.](#)
- [5.04.090 Statements--Not deemed conclusive--City not precluded from collecting--Audit and verification by license collectors.](#)
- [5.04.100 Statements--Examination of books and records--Information confidential.](#)
- [5.04.110 Statements--Failure to file or correct.](#)
- [5.04.120 Determination of type or class of business.](#)
- [5.04.130 Debtor license--License not to be issued to debtor.](#)
- [5.04.140 Powers of license collector as to extension of time and waivers.](#)
- [5.04.150 Unexpired license heretofore issued.](#)
- [5.04.160 No license transferable--Amended license for changed location.](#)
- [5.04.170 Duplicate license.](#)
- [5.04.180 Posting and display of licenses.](#)
- [5.04.190 When licenses due and payable.](#)
- [5.04.200 Schedule of Business Taxes.](#)
- [5.04.210 This section repealed 11/13/2007](#)
- [5.04.220 Businesses not specified in this chapter.](#)
- [5.04.230 Annual cost of living adjustment of taxes.](#)
- [5.04.235 Apportionment of Taxes.](#)
- [5.04.240 Penalty for delinquencies.](#)
- [5.04.250 Penalty for commencement of business without license.](#)
- [5.04.255 Penalty for reporting false information on which tax is based.](#)
- [5.04.260 Revocation and suspension of licenses.](#)
- [5.04.270 Revocation or suspension hearing.](#)
- [5.04.280 Refunds.](#)
- [5.04.290 Enforcement of chapter.\[Business Licenses\]](#)
- [5.04.300 Title is revenue measure.](#)
- [5.04.310 Appeals.](#)
- [5.04.320 License is debt.](#)
- [5.04.330 Remedies cumulative.](#)

**5.04.340 Violations of business license regulations.****5.04.010 Definitions.**

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the words and phrases used herein shall have the following meaning:

"Business," as herein used, is intended to mean and shall be held and construed to mean and include business, trade, vocation, profession, craft, occupation, exhibition, show, enterprise, activity and calling of every kind and nature which is carried on for profit, or in which materials, commodities, goods, wares, merchandise or services are sold or offered for sale to the public.

"Conduct" "includes commence, conduct, transact, maintain, prosecute, practice, operate, manage and carry on.

"Gross receipts" includes the total amount of the sale price of all sales and the total amount charged or received for the performance of any act or service, of whatever nature it may be, for which a charge is made or credit allowed, whether or not such act or service is done as a part or in connection with the sale of materials, goods, wares or merchandise. Included in "gross receipts" shall be all receipts, cash, credits and property of any kind or nature, without any deduction on account of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable or losses or other expenses whatsoever. Excluded from "gross receipts" shall be cash discounts allowed and taken on sales; credit allowed on property accepted as part of the purchase price and which property may later be sold; any tax required by law to be included in or added to the purchase price and collected from the consumer or purchaser; such part of the sale price of property returned by purchasers upon rescission of the contract or sale as is refunded in either cash or by credit; amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected; that portion of the receipts of a general contractor which represent payments to subcontractors, provided that such subcontractors are licensed under this chapter, and provided the general contractor furnishes the collector with the names and addresses of the subcontractor and amounts paid each subcontractor.

"License collector" includes city services officer, his assistant or deputies or other person to whom the duties under this chapter may be assigned by the city manager.

"Person" includes all domestic and foreign corporations, associations, syndicated, joint stock corporations, partnerships of every kind, clubs, Massachusetts business or common law trusts, societies and individuals transacting and carrying on any business in the city.

"Premises" includes all lands, structures, places and also the equipment and appurtenances connected or used therewith in any business, and also any personal property which is either affixed to, or is otherwise used in connection with any such business conducted on such premises.

"Restaurant" means any coffee shop, cafeteria, short-order cafe, luncheonette, tavern, cocktail lounge, sandwich stand, soda fountain, or eating establishment, which sells, or offers for sale, food or beverage to the

public. (Prior code § 17-1)

**5.04.020 License required.**

It is unlawful for any person to conduct any business in the city without first having procured a license from the city to do so, or without complying with any and all applicable provisions of this chapter.

This section shall not be construed to require any person to obtain a license prior to doing business within the city if such requirements conflicts with applicable statutes of the United States or of the state.

Persons not required to obtain a license prior to doing business within the city because of conflict with applicable statutes of the United States or of the state shall be liable for payment of the tax or fee imposed by this chapter. (Prior code § 17-2)

**5.04.030 Separate licenses for branch establishments--license to conduct business specified at location.**

A separate license must be obtained for each branch establishment or location of the business conducted and for each separate type of business at the same location, and each license shall authorize the licensee to conduct only the business licensed thereby at the location or in the manner designated in such license; provided, that warehouses and distributing plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments. (Prior code § 17-3)

**5.04.040 Exemptions.**

Nothing in this chapter shall be deemed or construed to apply to any person conducting any business exempt from the payment of any license tax to municipal corporations by virtue of the constitution or statutes of the state or of the United States.

A. Disabled Veterans. No license tax payable hereunder shall be payable by any person who has received an honorable discharge or release from active duty in one of the United States armed services, who is physically unable to obtain a livelihood by manual labor, and who is a voter of this state.

B. Charities. The provisions of this chapter shall not be deemed or construed to require the payment of a license tax to conduct any business from an institution or organization which is conducted wholly for the benefit of charitable purposes or from which profit is not derived, either directly or indirectly, by any person, nor shall any license tax be required for the conducting of any amusement, entertainment, affair, occasion, undertaking or concert or any exhibition or lecture on scientific, historical, literary, religious or moral subject if the receipts of any such amusement, entertainment, affair, occasion, undertaking, concert, exhibition or lecture are to be immediately appropriated to any church or school or to any religious or benevolent or civic purpose within the city; nor shall any license fee be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county or municipal organization or association, if the receipts of any such entertainment, dance, concert, exhibition or lecture are to be immediately appropriated for the proper and lawful purposes and objects for which such

association or organization was formed, and from which profit is not derived, either directly or indirectly, by any person; provided, however, that nothing in this section contained shall be deemed to exempt any such institution or organization from complying with the provisions of this code or any ordinances of the city requiring such institution or organization to obtain a permit from the council or proper board or officer to conduct, manage or carry on any such lecture, entertainment, dance, concert, exhibition, show or business.

C. Interstate Commerce. Every person claiming exemption from payment of any license tax provided for in this chapter upon the grounds that the imposition of such tax casts an undue burden upon his right to engage in commerce with foreign nations, or among the several states, or conflicts with the regulation of interstate commerce by the United States of America, shall file a verified statement with the license collector of the city disclosing the interstate or other character of his business entitling him to such exemption. Such statement shall state the name and location of the person for which the orders are to be solicited or secured, the name of the nearest local or state manager, if any, and his address, the kind of goods, wares, merchandise or services to be delivered or performed, the place from which the same are to be shipped or forwarded or the services performed, the method of solicitation or taking orders, the location of any warehouse, factory or plant within the state, the method of delivery, the name and location of the residence of the applicant, and any other facts necessary to establish such claim of exemption. The applicant shall also be required to furnish his fingerprints and thumbprints. A copy of the order blank, contract form or other papers used by such person in taking orders shall be attached to the affidavit. If in the judgment of the license collector, the applicant is entitled to such exemption, such applicant shall pay a fee to cover bookkeeping expenditures in an amount hereinafter set forth in Section [5.04.200](#). (Prior code § 17-4)

#### **5.04.050 Application--issuance--contents.**

Every person required to have a license under the provisions of this chapter shall make application for the same to the license collector of the city, and upon the payment of the prescribed license tax the license collector shall issue to such person a license which shall contain: (1) the name of the person to whom the license is issued; (2) the business licensed; (3) the place where such business to be conducted; (4) the date of the expiration of such license; and (5) such other information as may be necessary for the enforcement of the provisions of this chapter. (Prior code § 17-5)

#### **5.04.060 License does not permit business otherwise prohibited.**

The issuance of a license to any person shall not entitle the holder thereof to conduct any business unless he has complied with all the requirements of this chapter and all other applicable laws, nor to carry on any business in any building or on any premises designated in such license in the event such building or premises are situated in a zone, or locality in which conduct of such business is in violation of any law. Except, however, that licenses authorizing transient activities including transient sales, parades, sports tournaments, non-permanent filming activities, and special events not regulated by the zoning code shall be allowed in conformance with all other requirements of the Municipal Code. Transient activities are defined as temporary, non-permanent and of short duration. These transient activities do not constitute a permanent use of land, but rather, only a temporary activity. (Ord. 13-1341 § 4, July 2013; Ord. 94-1108 § 1, 1994; prior code § 17.6)

**5.04.070 Affidavit--new license.**

A. Upon a person making application for a license to be issued hereunder for a newly established business, if the amount of the license tax to be paid by the applicant is measured by gross receipts, the applicant shall pay the minimum tax; provided however, the amount of the license tax so determined shall be tentative only. Such person shall, after ninety (90) days of operation, furnish the license collector information on an affidavit showing the actual gross receipts during the first ninety (90) days of business. The license collector shall then determine if any additional tax would be necessary to cover the time for which the license has been issued.

B. The license collector shall not issue to any such person a license for the same or any other business, until such person shall have furnished to him the written affidavit and paid the license tax as herein required. (Prior code § 17-7)

**5.04.080 Affidavit--renewal license.**

In all cases, the applicant for the renewal of a license shall submit to the license collector for his guidance in ascertaining the amount of the license tax to be paid by the applicant, a written statement, upon a form to be provided by the license collector, setting forth the amount of gross receipts from the operation of his business during the preceding calendar year. (Prior code § 17-8)

**5.04.090 Statements--not deemed conclusive--city not precluded from collecting--audit and verification by license collectors.**

No statements shall be conclusive as to the matters set forth therein, nor shall the filing of the same preclude the city from collecting by appropriate action such sum as is actually due and payable hereunder. Such statement and each of the several items therein contained shall be subject to audit and verification by the license collector, his deputies, or authorized employees of the city, who are authorized to examine, audit and inspect such books and records of any licensee or applicant for license, as may be necessary in their judgment to verify or ascertain the amount of license tax due. (Prior code § 17-9)

**5.04.100 Statements--examination of books and records--information confidential.**

All licensees, applicant for licenses, and persons engaged in business in the city are required to permit an examination of such books and records for the purposes aforesaid.

The information furnished or secured pursuant to this section or Sections [5.04.070](#) and [5.04.080](#) shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the city shall constitute a misdemeanor and such officer or employee shall be subject to the penalty provisions of this chapter, in addition to any other penalties provided by law. (Prior code § 17-10)

**5.04.110 Statements--failure to file or correct.**

If any person fails to file any required statement within the time prescribed or if after demand thereof made by the license collector, he fails to file a corrected statement, the license collector may determine the amount of license tax due from such person by means of such information as he may be able to obtain. (Prior code § 17-11)

**5.04.120 Determination of type or class of business.**

In any case where a licensee or an applicant for a license believes that his individual business is not assigned to the proper classification under this chapter because of circumstances peculiar to it, as distinguished from other businesses of the same kind, he may apply to the license collector for reclassification. Such application shall contain such information as the license collector may deem necessary and require in order to determine whether the applicant's individual business is properly classified. The license collector shall then conduct an investigation following which he shall assign the applicant's individual business to the classification shown to be proper on the basis of such investigation. (Prior code § 17-12)

**5.04.130 Debtor license--license not to be issued to debtor.**

No license for any ensuing, current or unexpired period shall knowingly be issued to any person who, at the time of making application for any license, is indebted to the city for any unpaid license tax required to be paid under the provisions of this chapter. (Prior code § 17-13)

**5.04.140 Powers of license collector as to extension of time and waivers.**

In addition to all other powers conferred upon him, the license collector shall have the power for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the city council to compromise any claim as to amount of license tax due. (Prior code § 17-14)

**5.04.150 Unexpired license heretofore issued.**

Where a license for revenue purposes has been issued to any business by the city, and the tax paid therefor under the provisions of any chapter heretofore enacted and the term of such license has not expired, then the license tax prescribed for the business by this chapter shall not be payable until the expiration of the term of such unexpired license. (Prior code § 17-15)

**5.04.160 No license transferable--amended license for changed location.**

A. No license issued pursuant to any provision of this chapter shall be in any manner transferable.

B. A license issued authorizing a person to transact and conduct a business at a particular place shall be amended to authorize the transacting and conducting of such business under said license at a new location to which the business has been or is to be moved. (Prior code § 17-16)

**5.04.170 Duplicate license.**

A duplicate license may be issued, with the consent of the license collector, to replace any license previously issued hereunder which has been lost or destroyed upon the licensee filing statement of such fact, and at the time of filing such statement paying to the license collector a duplicate license fee in an amount fixed by resolution of the city council. (Prior code § 17-16.1)

**5.04.180 Posting and display of licenses.**

All licensees must be kept and posted in the following manner:

- A. At a fixed place of business in the city the license shall be kept and posted in a conspicuous place upon the premises where such business is conducted.
- B. Business not conducted from a fixed place in the city the license shall be kept at all times in the possession of the person while conducting the business within the city.
- C. For the use of any vehicle a license tag or plate or other satisfactory means of identification shall be issued by the license collector. It shall be conspicuously attached to every vehicle, used in the conduct of the person's business within the city. The fee for such tag or plate or other satisfactory means of identification shall be as hereinafter set forth in Section [5.04.200](#).
- D. For each coin-operated vending, cigarette, music and amusement machine a license tag or other satisfactory means of identification shall be issued by the license collector. Said identification shall be conspicuously attached to each such machine. (Prior code § 17-17)

#### **5.04.190 When licenses due and payable.**

The duration of any license issued under the provisions of this chapter shall be limited as follows:

- A. All annual license taxes shall be due and payable one year from the first day of the month in which issued.
- B. Except as otherwise herein provided, licenses other than annual licenses required hereunder shall be due and payable as follows:
  1. Daily--in advance on each day.
  2. Seasonal--in advance of each season.
  3. All other--in advance. (Prior code § 17-18)

#### **5.04.200 Schedule of business taxes.**

A. Taxes. Every person conducting business in the city shall pay a license tax as provided below. The amount of the license tax or the method by which it is to be computed is set forth in the Schedule of Taxes. Businesses with a fixed location within the boundaries of the city other than bars and restaurants with alcohol that close after 12:00 a.m. are exempt from business license taxation for the first year the business is in operation but must nonetheless file a business license application. The city reserves the right to require documentation of gross receipts from all businesses taxed on a percentage of gross receipts. Businesses shall be taxed in accordance with the following categories:

1. General Businesses. All businesses not expressly identified elsewhere in this section, including but not limited to:

Private detective, watchman service with a fixed place of business in the city or rendering a service within the city; loan company; and escrow company

Dancing studio, studio of music, music lessons, bridge lessons, art studio, swim schools and nursery

-  
schools

Dance halls

Barbershops, manicuring, facial massage, beauty parlors, cosmetic skin treatment and establishments where massage services are offered by an individual as an incidental or accessory service and does not occupy more than twenty-five (25) percent of the area of the establishment. A licensed person shall be considered an employee for this tax purpose if the employer does in fact withhold and pay federal income tax on said employee, and in addition thereto, pay to the state, as the laws may be applicable, unemployment and compensation insurance, and/or there is a contractual agreement. Otherwise, said licensed person shall be considered an independent contractor and shall pay the annual license tax for a licensed person

Auto or boat parking or storage lot except when this type of lot is part of and associated with another business activity

Confectionery, candy, popcorn concessions operated in the foyer or lobby of theaters, places of amusements or public buildings

Advertising by means of searchlight, skylight, klieg light, portable flood light or any other such lighting device, subject to special permit from chief of police

Bench advertising

Checkroom for storage of parcels or wearing apparel

Publishing a newspaper, newspaper agency

Special or seasonal sales, when not in connection with a fixed place of business

Laundry or similar business where the public may leave their wash to be done; launderette, laundromats or dry cleaning on the premises by individual machines, where a charge is made through a coin operated slot or on a flat fee basis; coin operated washer and dryer equipment not owned by the proprietor in apartment houses, hotels, motels and other similar accommodations for dwelling, sleeping or lodging

Auto wrecking and junk dealers subject to compliance with the requirements of Chapter [5.60](#)

Trained animal show

Bowling alleys subject to compliance with the requirements of Chapter [5.68](#)

Health and culture establishments

New or used machinery

Selling or offering for sale stocks of machinery, goods, wares or merchandise advertised as bankrupt, sheriffs, assignee's, trustee's, creditor's, receiver's or special sale of damaged goods, subject to compliance with the requirements of Chapter [5.60](#)

Live theaters

Entertainment not in conjunction with a bar or restaurant serving alcoholic beverages, subject to prior approval of a conditional use permit

Motion picture production not operating from a fixed place of business in the city, subject to compliance with the permit requirements of Section 12.30.080

Motion picture production

Pawnbrokers, subject to compliance with the requirements of Chapter [5.60](#)

Pool and billiard parlors, subject to compliance with the licensing requirements of Chapter [5.68](#)

Taxicabs and autos for hire, subject to compliance with Chapter [5.72](#)

Tent shows, transient and other theatrical exhibitions of skill, physical and mental strength or ability, art or science, subject to prior approval of a conditional use permit or a special permit issued pursuant to Section 12.12.070

Processions, parades, etc., in connection with any amusement or other enterprise operated for profit, subject to prior approval of a special permit issued pursuant to Section 12.12.070

Dating bureaus, compatibility matching services, counseling or advisory services

Motion picture theaters, subject to prior approval of a conditional use permit

2. Auto/Boat Dealers/Manufacturers/Wholesale

Including but not limited to jobbers and secondhand dealers, new or used

Less than three million dollars (\$3,000,000) in sales

Greater than three million dollars (\$3,000,000) in sales

3. Gasoline service stations

4. Professional and semi-professional services with a fixed place of business in the city, including but not limited to:

Attorneys, income tax agents, auditors, accountants, architects, engineers, real estate brokers, chiropodists, dentists, opticians, optometrists, osteopaths, physicians, surgeons, veterinarians and any

other similar professions for which a state license is required

Public stenographer, telephone services, employment agencies, advertising agencies, public relations agencies, travel agencies, consultants not qualifying as professional or semi-professional

Telephone soliciting office

A licensed person shall be considered an employee for this tax purpose if the employer does in fact withhold and pay federal income tax on said employee, and in addition thereto, pay to the state, as the laws may be applicable, unemployment and compensation insurance, and/or there is a contractual agreement. Otherwise, said licensed person shall be considered an independent contractor and shall pay the annual license tax for a licensed person, except that a licensed real estate salesman shall be considered an employee. Unlicensed real estate canvassers shall be taxed to the broker as an employee under this section and shall further be required to comply with the provisions of subsection (A)(9) of this section regulating the licensing of canvassers, solicitors, itinerant merchants, salesmen and peddlers.

5. Lodging

Apartments, rental of residential property (owner occupied units are exempt)

Hotels, motels, care centers

Trailer and mobile home parks

6. Food and beverage:

Restaurant without alcohol

Bar and restaurant with alcohol closing before 12:00 a.m.

Bar and restaurant with alcohol, closing after 12:00 a.m. three (3) days or less per week (specific days must be identified in business tax certificate)

Bar and restaurant with alcohol, closing after 12:00 a.m. four (4) days per week (specific days must be identified in business tax certificate)

Bar and restaurant with alcohol, closing after 12:00 a.m. five (5) days or more per week (specific days must be identified in business tax certificate)

Food and/or beverage with drive through operation (maximum tax of eight thousand dollars (\$8,000))

The following holidays shall not be counted towards the number of days per week limitations established above: Sunday evening preceding Martin Luther King, Jr. Day and Presidents' Day; St. Patrick's Day; Cinco de Mayo; Sunday evening preceding Memorial Day; Independence Day; Sunday evening preceding Labor Day; Thanksgiving Day; day after Thanksgiving; Christmas; and New Year's Eve.

All restaurant categories except restaurant without alcohol and restaurants with beer and wine that close by 10:00 p.m. are subject to prior approval of a conditional use permit. No tax refund is available should a restaurant with alcohol reduce the number of days it is open after 12:00 a.m. An increase in the number of days a restaurant is open after 12:00 a.m. will require payment of the additional tax.

#### 7. Retail

Less than two hundred fifty thousand dollars (\$250,000) in sales

Greater than two hundred fifty thousand dollars (\$250,000) in sales (maximum tax of eight thousand dollars (\$8,000))

All retail establishments not expressly listed in another category

Supermarkets, drug stores, liquor stores, off-sale alcohol

Off-sale alcohol establishments that close before 12:00 a.m. are eligible for a one thousand five hundred dollar (\$1,500) credit against license tax

#### 8. Building Contractors

Contractors

Subcontractors

Owner builders who build any building or structure for the purpose of sale or as rental units (three (3) or more units)

Each general building or engineering contractor or owner builder shall furnish the license collector with a list of all subcontractors on forms furnished by the license collector prior to obtaining inspection of the work performed by such subcontractors. It shall be the responsibility of every general building, engineering contractor and owner builder to require subcontractors under its control or direction to obtain a business license as herein provided and pay the taxes set forth in the Schedule of Taxes before permitting the subcontractor to begin or perform services for the general building, engineering contractor or owner builder. Every person engaged in the business of contracting and/or subcontracting shall be required to have a city license for doing the type of work authorized before obtaining a city building permit.

#### 9. Miscellaneous businesses

Home occupations, subject to compliance with the regulations set forth in Section 17.08.020(F)

Catering/food trucks, subject to compliance with Sections [10.32.170](#), [10.32.180](#), 12.20.230(A), 12.20.300, 12.24.020, 12.28.010(10)

Hospital, animal hospitals, sanitariums, mortuary, rest homes

Massage therapy, subject to compliance with the regulations set forth in Chapter [5.74](#) (excluding massage that is less than twenty-five (25) percent of business activity)

Tattoo/piercing studio, subject to compliance with the regulations set forth in Section 17.26.070

Service and delivery vehicles, including but not limited to:

Trading in, selling, or offering for sale any materials, commodities, goods, wares or merchandise by means of any vehicle or delivery of same after order, or any person operating a delivery service for the delivery of any materials, commodities, goods, wares or merchandise by means of any vehicle, wholesale and retail (except when in connection with a fixed place of business in the city)

Swimming pool maintenance services

Installation and maintenance of portable toilets

Installation, servicing, maintaining alarm service

Window cleaning, building cleaning, or carpet cleaning

Television, radio repair service, or appliance repair service

Lawn service, gardening service, landscaping service

All other vehicles not specifically enumerated above

Solicitors/peddlers

Telephone companies

Utility companies without a city franchise

Vending machines, music and amusement machines. Every person required to have a license by the provisions of this chapter shall file with the license collector a list of all the coin operated machines placed within the city by or for such person, giving the exact location, type and number of such machines.

Music and amusement machines: every person engaged in the business of operating any amusement or music machine, not otherwise specifically covered by this chapter, whether coin operated or not, whether such operation is incidental to some other business being operated on the premises or whether such operation constitutes an amusement arcade

Vending machines: every person engaged in the business of operating any vending machine, vending any service or product, and not specifically covered by this chapter, where such operation is incidental

to, or in conjunction with, some other business being operated on the particular premises.

Liability for payment of license fee and confiscation of unlicensed machines: where a coin operated machine is subject to the licensing provisions of this chapter, any person owning or in possession of said machine where located shall be responsible for the licensing of said machine. No person shall keep or maintain upon his premises any coin operated machine for which no license has been obtained and upon which no license or decal has been posted. Where the person in possession of the premises upon which an unlicensed coin operated machine is located refuses to obtain a license for the same on the basis that the machine is not owned or possessed by him, the license collector or his authorized deputy or agent shall remove said machine to the City Hall and shall place the same in storage until claimed by the rightful owner thereof. Said machine shall be delivered to the rightful owner upon payment of moving, storage and accrued business license charges.

All coin operated machines located in the city shall have prominently displayed on them the name, address and telephone number of the owner of said machine.

B. Surcharges on Taxes. All businesses, excluding home occupations, located within the area bounded by Palm Drive on the east, the Strand on the west, 16th Court on the north and 8th Street on the south ("Downtown") shall pay 20% in addition to the rates established in the Schedule of Taxes.

All businesses on Pier Avenue between Hermosa Avenue and Pacific Coast Highway ("Upper Pier Avenue") shall pay 10% in addition to the rates established in the Schedule of Taxes.

All restaurants with alcohol located outside Downtown and Upper Pier Avenue shall pay 5% in addition to the applicable rates established in the Schedule of Taxes.

#### **5.04.210 This section repealed 11/13/2007**

#### **5.04.220 Businesses not specified in this chapter.**

Every business not specified in this chapter shall pay an annual license tax equal to the tax payable by the business category most comparable as determined by the license collector, plus annual cost of living adjustments as provided for by Section [5.04.230](#).

#### **5.04.230 Annual cost of living adjustment of taxes.**

Taxes imposed in the Schedule of Taxes on a basis other than a percentage of gross receipts and the maximum tax established for businesses taxed on the basis of gross receipts shall be adjusted on an annual basis using the percentage increase in the cost of living, not to exceed three percent (3%) as calculated by the United States Bureau of Statistics for the Los Angeles—Riverside—Orange County Standard Metropolitan Statistical Area for All Urban Consumers.

#### **5.04.235 Apportionment of taxes.**

When, by reason of the provisions of the Constitution of the United States or the Constitution of California, the business tax imposed by this Chapter cannot be enforced without there being an apportionment according to

the amount of business done in the City, the Tax Administrator shall promulgate such rules and regulations for the apportionment of the tax as are necessary or desirable to overcome the constitutional objections. Nothing in this Chapter shall be construed as requiring the payment of any tax for engaging in a business or the doing of an act when such payment would constitute an unlawful burden upon or an unlawful interference with interstate or foreign commerce, or which payment would be in violation of the Constitution of the United States or the Constitution of the State of California.

#### **5.04.240 Penalty for delinquencies.**

To every license tax mentioned or provided for in this chapter remaining unpaid following its date of expiration, there shall be added a penalty of ten percent of the amount of such tax, and an additional five percent penalty shall be added each thirty (30) days thereafter until paid, not to exceed a maximum of seventy (70) percent per twelve (12) month period or one thousand dollars (\$1,000.00) whichever is less. Said penalty shall be collected and the payment thereof shall be enforced in the same manner as other taxes are collected and the payment thereof enforced. (Prior code § 17-20)

#### **5.04.250 Penalty for commencement of business without license.**

Any person who carries on any business without first having obtained a license therefor shall pay a penalty of ten percent of the prescribed license tax, and an additional five percent penalty shall be added each thirty (30) days thereafter until paid, not to exceed seventy (70) percent per twelve (12) month period or one thousand dollars (\$1,000.00) whichever is less. Said penalty shall be collected and the payment hereof shall be enforced in the same manner as other license taxes are collected and payment thereof enforced. (Prior code § 17-20.1)

#### **5.04.255 Penalty for reporting false information on which tax is based**

Any person who pays a tax based on a false report of gross receipts or carries on any food/beverage business after 12:00 a.m. on nights other than those specified in the license shall pay a penalty of treble the prescribed license tax. Said penalty shall be collected and the payment hereof shall be enforced in the same manner as other license taxes are collected and payment thereof enforced, and shall be in addition to any other remedy provided for in this Chapter, including revocation pursuant to Section [5.04.260](#).

#### **5.04.260 Revocation and suspension of licenses.**

Any license issued under the provisions of this title is issued and used by all parties receiving or using the same subject to the express condition that the city council may revoke or suspend the license or impose new conditions in any of the followings instances:

- A. Where the city council finds and determines that the preservation of the public health, safety and peace demand revocation of such license or permit;
- B. Where the licensee or permittee has violated any provisions of this code, any ordinance of the city or any other provision of law;
- C. Where a permit or license has been granted on false or fraudulent evidence, testimony or application;

- D. Where the licensee or permittee has violated the terms and provisions of such license or permit;
- E. Where the licensee has conducted the business in an immoral or disorderly manner, or has failed to exercise reasonable efforts to maintain order among the customers and patrons and to prevent violation of law or ordinance by them; or
- F. The business has been conducted as to be a public nuisance;
- G. By the license collector, where the licensee has failed to pay the charges imposed by this chapter or to file reports as required by this chapter within sixty (60) days after such charges or reports become delinquent.  
(Prior code § 17-21)

#### **5.04.270 Revocation or suspension hearing.**

No license shall be revoked without giving the holder thereof an opportunity to appear before the city council and be heard in his own behalf. The city council or city manager may initiate such revocation proceedings and shall cause a notice of such hearing to be given to the holder of such license at the address set forth in the license application of the time and date of the hearing at least ten calendar days before the hearing. At the time set for the hearing or at the date to which the hearing may be continued by the city council, the holder of the license may be heard and may present any facts to show why such license should not be revoked, and the city council shall hear statements from other persons who may attend the hearing and present reasons why the license should or should not be revoked, and may, if it so desires, place under oath and question any person before it. At the close of the hearing, or at any time within thirty (30) days thereafter, the city council shall determine from the facts produced at the hearing, and from any other facts in its possession whether or not the license should be revoked, and shall make its order accordingly and may make such order conditional upon the doing or not doing of any act by the holder of the license or his agents or servants, which the city council deems for the public good. On the revocation of the license, all license fees shall be forfeited to the city. Notice of such revocation shall be given to the license holder by the city clerk. A license may be suspended for such time and subject to such conditions as the city council may impose in the same manner and for the same reasons that a license may be revoked. From and after the revocation or suspension of said license by the city council, such license shall be null and void and no business shall be conducted or operated in any manner during any period of license revocation or suspension. (Prior code § 17-21.1)

#### **5.04.280 Refunds.**

Any license tax or portion thereof, or any penalty hereafter paid more than once, or paid illegally, erroneously or wrongfully paid or collected under this or any ordinance of the city requiring the payment of a license tax, may be refunded upon approval by the license collector; provided, that a claim therefor, duly certified by the person paying such tax or penalty, or his authorized representative, agent or attorney, shall have been filed with the license collector within six months after the date of such payment of the amount sought to be refunded. Such claim shall include the name and address of the claimant, the amount and date of the payment sought to be refunded, and the reasons or grounds upon which the claim for refund is based.

Any license tax or portion thereof, or any penalty paid hereunder, on a business which is discontinued before

the expiration of the license period shall be forfeited. (Prior code § 17-22)

#### **5.04.290 Enforcement of chapter.[business licenses]**

It shall be the duty of the license collector to enforce each and all of the provisions of this title, and the chief of police shall render such assistance in the enforcement hereof as may from time to time be required by the license collector and the city manager. The license collector in the exercise of the duties imposed upon him hereunder, and acting through his deputies or duly authorized assistants, shall examine all places of business in the city to ascertain whether or not the provisions of this title have been complied with.

The license collector, his deputies, all police officers, and inspectors of the fire and building departments are hereby appointed as business license inspectors in addition to their other duties, and shall have and exercise the power to enter any place of business for which license is required by this title and to demand the exhibition of the license for the current year by any person engaged or employed in the transaction of the business and if such person shall then and there fail to exhibit the license, the licensee shall be liable to the penalty provided in this title for a violation of this title. It is made the duty of such officers and inspectors to notify the license collector, in writing, of any person violating any of the provisions of this title. The license collector may, with the prior consent of the city council, deputize a qualified accountant to examine the necessary books and records of any person doing business in the city.

#### **5.04.300 Title is revenue measure.**

The purpose of this chapter is solely to raise revenue for municipal purposes and is not intended for regulation. (Prior code § 17-24)

#### **5.04.310 Appeals.**

Any person aggrieved by any decision of the license collector with respect to the issuance or refusal to issue such license may appeal to the City Council by filing a notice of appeal with the city manager. The city manager shall thereupon fix a time and place for hearing such appeal. Notice shall be given to such person of the time and place of hearing by serving it personally or by depositing it in the United States Post Office at Hermosa Beach, California, postage prepaid, addressed to such person at his last known address. The council shall have authority to determine all questions raised on such appeal. No such determination shall conflict with any substantive provisions of this title. (Prior code § 17-25)

#### **5.04.320 License is debt.**

The amount of any license tax and penalty imposed by the provisions of this title shall be deemed a debt to the city. An action may be commenced in the name of the city in any court of competent jurisdiction, for the amount of any delinquent license tax and penalties. (Prior code § 17-26)

#### **5.04.330 Remedies cumulative.**

The conviction and punishment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license tax due and unpaid at the time of such conviction, nor shall the payment of any license tax prevent prosecution for the violation of any of the provisions of this title. All remedies prescribed hereunder shall be cumulative and the use of any one or more

remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions of this title. (Prior code § 17-27)

**5.04.340 Violations of business license regulations.**

It is a violation of this chapter to knowingly make a false statement in any application for a license or permit or in any report required under this chapter. A violation of this chapter is subject to the administrative penalty provisions of chapter [1.10](#). Where the violation is of a continuing nature, each day or portion thereof wherein the violation continues constitutes a separate and distinct violation

## Chapter 5.08 ADVERTISING BENCHES

Sections:

- [\*\*5.08.010 Definitions.\*\*](#)
- [\*\*5.08.020 Location restrictions.\*\*](#)
- [\*\*5.08.030 Permit required.\*\*](#)
- [\*\*5.08.040 Permit revocation.\*\*](#)
- [\*\*5.08.050 Construction\*\*](#)
- [\*\*5.08.060 Maintenance of benches.\*\*](#)
- [\*\*5.08.070 Advertising display on benches.\*\*](#)
- [\*\*5.08.080 Supervision of erection and maintenance.\*\*](#)
- [\*\*5.08.090 Location of benches.\*\*](#)
- [\*\*5.08.100 Indemnity agreement for bench permit.\*\*](#)
- [\*\*5.08.110 City street banner program.\*\*](#)

### **5.08.010 Definitions.**

As used in this chapter:

"Advertising bench" is to be a seat located upon public property along any transportation, on which advertising is displayed in accordance with the provisions of this chapter.

"Street" is any public thoroughfare, or way, including the sidewalk, the parkway and any public property bordering upon a public way. (Prior code § 3-3)

### **5.08.020 Location restrictions.**

It is unlawful to install, erect, or maintain any such bench in any of the following locations:

- A. In any alley;
- B. At any place where the distance from the face of the curb to the property line is less than eight feet;
- C. On any street or highway except at an established bus stop;
- D. At any place or places which the city council may from time to time specify.

A violation of this section shall be an infraction. (Prior code § 3-3.1)

### **5.08.030 Permit required.**

A. It is unlawful for any person, firm or corporation to install, erect or maintain any such bench in the city without first securing a license therefor as set forth in Section [5.04.200](#), Classification "A", Group 15.

B. A permit must be obtained from the city council for each bench, pursuant to procedures set forth in Chapter [5.64](#) and not more than two such benches shall be allowed for any one location.

C. No such permit shall be issued except upon written application to the city council showing proposed location of each bench, the advertising, if any, to appear thereon, and such other information as the council may require. Details, plans and specifications of each such bench must be supplied by the applicant. No installation will be permitted which will cause damage to the property of the city.

D. No permit shall be issued if the city council shall find that the maintenance of the bench would tend to obstruct the passage along any public way, or create a hazard, or would otherwise be detrimental to the public safety, welfare or convenience.

E. A violation of this section shall be an infraction. (Prior code § 3-3.2)

**5.08.040 Permit revocation.**

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 this application or any reason, by the city council. If any permit is revoked or renewal thereof denied in accordance with the provisions of this chapter, the permittee shall remove the bench from public property within ten days from the date he is so ordered, or the city shall remove and store the bench at the permittee's expense.

Any permit issued under this chapter shall be canceled and revoked if the permittee fails to install such bench within sixty (60) days after the date of issuance of the permit. (Prior code § 3-3.3)

**5.08.050 Construction.**

A. Each bench shall be constructed to comply with City of Hermosa Beach Standard Plan No. \_\_\_\_.

B. No such bench shall be more than twenty (20) inches high, nor more than eighteen (18) inches wide, nor more than eight feet long overall.

C. Each such bench shall be backless and composed of three two-by-six foot wooden planks on permanent slumstone bases. (Prior code § 3-3.4)

**5.08.060 Maintenance of benches.**

It shall be the duty of the permittee to maintain each such bench at all times in safe condition and its proper lawful location, and to inspect each such bench periodically. (Prior code § 3-3.5)

**5.08.070 Advertising display on benches.**

It is unlawful to display any advertising matter, or sign on any bench other than Courtesy of (Name of Business)"on the front surface area of the two-by-six plank nearest to the curb. Not more than fifty (50) percent of such surface shall be used for such purpose, and such advertising shall not extend above or below the actual thickness of the seat plank.

A violation of this section shall be an infraction. (Prior code § 3-3.6)

**5.08.080 Supervision of erection and maintenance.**

The Department of Public Works shall supervise the maintenance and erection of all benches licensed

hereunder. (Prior code § 3-3.7)

**5.08.090 Location of benches.**

The city council shall designate locations where such benches shall be erected and reserve the right to change, alter, or amend designation of said location as public convenience and necessity may from time to time require. (Prior code § 3-3.8)

**5.08.100 Indemnity agreement for bench permit.**

No advertising bench permit shall be issued hereunder unless applicant shall post with the city treasurer a public liability bond approved by the city council.

Such public liability bond shall provide that the permittee will indemnify and save harmless the city, its officers, agents and employees from any loss, cost, damages or expense which may result or arise out of granting the permit on the existence, installation or maintenance of the advertising bench for which the permit is issued, and that permittee will pay all loss or damage that may arise out of such existence, installation or maintenance. The said insurance policy shall be maintained in its original amount by the permittee at his, their or its own expense, at all times during the period for which the policy is in effect. One such policy may be furnished to cover two or more benches, and if policy of insurance shall be of such type, coverage shall be automatically restored immediately from and after the report of any accident from which liability shall thereafter occur. (Prior code § 3-3.9)

**5.08.110 City street banner program.**

- A. The city may install and maintain decorative street banners on public street lamp posts, utility poles and similar structures.
- B. Decorative street banners shall be placed in locations determined by the city and shall be displayed for a period as provided under the city council approved banner program.
- C. The design and construction of decorative street banners shall be provided for by the city through the city council approved banner program.
- D. Commercial enterprises may sponsor decorative street banners in the city council approved banner program by payment, to the city, of an amount set by resolution of the city council. In consideration of such payment, the city may include on a decorative street banner the name and/or trademark of the sponsoring commercial enterprise.
- E. For the purpose of this section, a "banner" is a temporary sign constructed of cloth, canvas or a light fabric intended for identification purposes.
- F. For the purpose of this section, a "commercial enterprise" is an institution, business or enterprise conducted for profit.
- G. For the purpose of this section, a "decorative street banner" is a banner of such material, size and design

as selected by the city. (Ord. 96-1151 § 2, 1996; prior code § 3-3.10)

## Chapter 5.12 BINGO

Sections:

- [\*\*5.12.010 Organizations eligible for city permit to conduct bingo games.\*\*](#)
- [\*\*5.12.020 Application for permit--Fee--Term.\*\*](#)
- [\*\*5.12.030 Applicant must be qualified.\*\*](#)
- [\*\*5.12.040 Contents of application.\*\*](#)
- [\*\*5.12.050 Investigation of applicant.\*\*](#)
- [\*\*5.12.060 Contents of permit.\*\*](#)
- [\*\*5.12.070 Revocation of permit.\*\*](#)
- [\*\*5.12.080 Appeal of revocation to council.\*\*](#)
- [\*\*5.12.090 Bingo defined.\*\*](#)
- [\*\*5.12.100 Maximum amount of prize.\*\*](#)
- [\*\*5.12.110 Profits to be kept in separate fund or account.\*\*](#)
- [\*\*5.12.120 Financial interest in permittee.\*\*](#)
- [\*\*5.12.130 Exclusive operation by permittee.\*\*](#)
- [\*\*5.12.140 Bingo games open to public.\*\*](#)
- [\*\*5.12.150 Attendance limited to occupancy capacity.\*\*](#)
- [\*\*5.12.160 Bingo games conducted only on permittee's property.\*\*](#)
- [\*\*5.12.170 Minors not to participate.\*\*](#)
- [\*\*5.12.180 Intoxicated persons not to participate.\*\*](#)
- [\*\*5.12.190 Hours of operation.\*\*](#)
- [\*\*5.12.200 Participant must be present.\*\*](#)
- [\*\*5.12.210 Receipt of profit by a person a misdemeanor under state law.\*\*](#)
- [\*\*5.12.220 City may enjoin violation.\*\*](#)

### **5.12.010 Organizations eligible for city permit to conduct bingo games.**

Organizations which are organized and operated exclusively for religious, charitable, scientific, testing for public safety, literacy or educational purposes, or for the prevention of cruelty to children or animals; and exempted from the payment of the bank and corporation tax by Section 23701d of the Revenue and Taxation Code and a contribution under Section 170(c)(2) of the Internal Revenue Code of 1954, are eligible to apply to the city for a permit to conduct bingo games in the city under the provisions of Section 326.5 of the Penal Code and the provisions of this chapter and Chapter [9.20](#). Nothing in this chapter shall permit bingo games prohibited by Section [9.20.080](#), unless pursuant to permit under this chapter. (Prior code § 13-14)

### **5.12.020 Application for permit--fee--term.**

Eligible organizations desiring to obtain such permit to conduct bingo games in the city shall file an application in writing therefor and a fee in an amount fixed by resolution of the city council in the office of the business license department. The issuing authority shall be the city manager, or his authorized representative. The permit shall be for a term of six months from the date of issuance. The issuance of a permit or permits shall

not confer upon any applicant any rights whatsoever that any subsequent permit shall be issued. The city council reserves the right to rescind this chapter for any reason at any time whereupon all permits shall immediately be terminated, canceled and of no further force or effect, whereupon the city shall forthwith return to the applicant the application fee and the applicant shall immediately cease all bingo activities. (Prior code § 13-15)

#### **5.12.030 Applicant must be qualified.**

No permit shall be issued to any organization unless such applicant is an eligible organization under Section [5.12.010](#) and its application conforms to all requirements, terms and conditions of this chapter and Chapter [9.20](#). (Prior code § 13-16)

#### **5.12.040 Contents of application.**

The application for a permit shall contain the following:

- A. The name of the applicant organization and a statement that applicant is an eligible organization under Section [5.12.010](#);
- B. The name and signature of at least two officers of the applicant organization;
- C. The particular property within the city including the street number, owned or leased by the applicant, used by such applicant for an office or for performance of the purpose for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of such place;
- D. Proposed day of week and hours of day for conduct of bingo games;
- E. That the applicant agrees to conduct bingo games in strict accordance with the provisions of Section 326.5 of the Penal Code, this chapter and Chapter [9.20](#) as they may be amended from time to time, and agrees that the permit to conduct bingo games may be revoked by the city manager upon violation of any such provisions;
- F. Said application shall be signed by the applicant under penalty of perjury;
- G. The annual permit fee shall accompany the application;
- H. The applicant shall also submit, with his application, a certificate or determination of exemption under Section 23701d of the Revenue and Taxation Code, or a letter of good standing from the exemption division of the franchise tax board in Sacramento showing exemption under said Section 23701d;
- I. On the occasion of the submission of an application for renewal of the permit, the applicant shall submit a detailed accounting showing full information as to all receipts and expenditures of funds arising out of the bingo operation and shall further show the utilization by permittee of the profits from said operations. (Prior code § 13-17)

#### **5.12.050 Investigation of applicant.**

Upon receipt of the completed application and the fee, the business license department shall refer the same to

interested departments of the city, including but not limited to, the city manager, city attorney, police department and the fire department for investigation as to whether or not all the statements in the application are true and whether or not the property of the applicant qualifies and the extent to which it qualifies, as property on which bingo games may lawfully be conducted as to fire, occupancy and other applicable restrictions. A period of not less than thirty (30) days shall be allowed for the purpose of conducting said investigation. (Prior code § 13-18)

**5.12.060 Contents of permit.**

Upon being satisfied that the applicant is fully qualified under law to conduct bingo games in the city, the city manager, or his authorized representative, shall issue a permit to said applicant, which shall contain the following information:

- A. The name and nature of the organization to whom the permit is issued;
- B. The address where bingo games are authorized to be conducted;
- C. The occupancy capacity of the room in which bingo games are to be conducted;
- D. The date of the expiration of such permit;
- E. Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter and Chapter [9.20](#). (Prior code § 13-19)

**5.12.070 Revocation of permit.**

A. Whenever it appears to the city manager that the permittee is conducting bingo games in violation of any of the provisions of this chapter and Chapter [9.20](#), or that the permit was obtained by fraudulent representation, the permit may be revoked; provided, however, the permittee may appear before the city manager at the time fixed by the city manager, for the purpose of presenting evidence why the permit should not be revoked. No permit shall be revoked under this section unless written notice shall have first been given at least five days before the hearing thereof by depositing in the United States mail a notice directed to said permittee at the address given in the application. The notice shall set forth a summary of the ground advanced as the basis of the revocation.

B. Any organization whose permit is revoked under this section shall not conduct any bingo game in the city until such time as the council, on appeal, determines to overrule the decision of the city manager. (Prior code § 13-20)

**5.12.080 Appeal of revocation to council.**

A. Any holder of a permit whose permit is revoked under this chapter shall have the right, within ten days after receiving notice in writing of the revocation, to file a written appeal to the council. Such appeal shall set forth the specific ground or grounds on which it is based. The council shall hold a hearing on the appeal within thirty (30) days after its receipt by the city, or at a time thereafter agreed upon and shall cause the appellant to be given at least ten days' written notice of such hearing. At the hearing, the appellant or its authorized

representative shall have the right to present evidence and a written or oral argument, or both, in support of his appeal.

B. Any organization whose permit is finally revoked may not again apply for a permit to conduct bingo games in the city for a period of one year from the date of such revocation; provided, however, if the ground for revocation is cancellation of the exemption granted under Section 23701d of the Revenue and Taxation Code, such organization may again apply for a permit upon proof of reinstatement of said exemption. (Prior code § 13-21)

**5.12.090 Bingo defined.**

As used in this chapter, "bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card which conform to numbers or symbols selected at random for the benefit of charitable organizations and is not affected by Section [9.20.080](#). (Prior code § 13-22)

**5.12.100 Maximum amount of prize.**

The total value of prizes awarded during the conduct of any bingo games shall not exceed two hundred fifty dollars (\$250.00) in cash or kind, or both, for any separate game which is held, and the total value of all prizes in cash or kind or both for any one day (as defined in Section [5.12.190](#)) shall not exceed one thousand two hundred fifty dollars (\$1,250.00). (Prior code § 13-23)

**5.12.110 Profits to be kept in separate fund or account.**

All profits derived from a bingo game shall be kept in a special fund or account and shall not be commingled with any other fund or account. The permittee shall keep a full and accurate record of this income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, shall have the right to examine and audit such record at any reasonable time and the permittee shall fully cooperate with the city by making such record available. (Prior code § 13-24)

**5.12.120 Financial interest in permittee.**

No individual, corporation, partnership, or other legal entity except the permittee shall hold a financial interest in the conduct of such bingo game. (Prior code § 13-25)

**5.12.130 Exclusive operation by permittee.**

A bingo game shall be operated and staffed only by members of the permittee organization. Such members shall not receive a profit, wage or salary from any bingo game. Only the permittee shall operate such game, or participate in the promotion, supervision, or any other phase of such game. (Prior code § 13-26)

**5.12.140 Bingo games open to public.**

All bingo games shall be open to the public, not just to the members of the permittee organization. (Prior code § 13-27)

**5.12.150 Attendance limited to occupancy capacity.**

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the

occupancy capacity of the room in which such game is conducted as determined by the fire department and building division of the city in accordance with applicable laws and regulations. Permittee shall not reserve seats or space for any person. (Prior code § 13-28)

**5.12.160 Bingo games conducted only on permittee's property.**

A permittee shall conduct a bingo game only on property owned or leased by it, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. The permit issued under this chapter shall authorize the holder thereof to conduct bingo games only on such property, the address of which is stated in the application. In the event the described property ceases to be used as an office and as a place for performance of the purposes for which the permittee is organized, the permit shall have no further force or effect. A new permit may be obtained by an eligible organization, upon application under this chapter, when it again owns or leases property used by it for an office or for performance of the purposes for which the organization is organized. (Prior code § 13-29)

**5.12.170 Minors not to participate.**

No person under the age of eighteen (18) years shall be allowed to participate in any bingo game. (Prior code § 13-30)

**5.12.180 Intoxicated persons not to participate.**

No person who is obviously intoxicated shall be allowed to participate in a bingo game. (Prior code § 13-31)

**5.12.190 Hours of operation.**

No permittee shall conduct any bingo game more than six hours out of any twenty-four (24) hour period. No bingo games shall be conducted before ten a.m. nor after two a.m. of any day and shall not be conducted more frequently than one day per week.

Permittee shall notify the chief of police not less than twenty-four (24) hours prior to the conduct of any bingo game. (Prior code § 13-32)

**5.12.200 Participant must be present.**

No person shall be allowed to participate in a bingo game unless the person is physically present at the time and place in which the bingo game is being conducted. (Prior code § 13-33)

**5.12.210 Receipt of profit by a person a misdemeanor under state law.**

It is a misdemeanor under Section 326.5(b) of the Penal Code of the state for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars (\$10,000.00), which fine shall be deposited in the general fund of the city. (Prior code § 13-34)

**5.12.220 City may enjoin violation.**

The city may bring an action in a court of competent jurisdiction to enjoin a violation of Section 326.5 of the Penal Code or of this chapter or Chapter [9.20](#). (Prior code § 13-35)

**Chapter 5.16**  
**CABLE, VIDEO AND TELECOMMUNICATIONS SERVICE PROVIDERS**

Sections:

- [\*\*5.16.010 Title\*\*](#)
- [\*\*5.16.020 Purpose and Intent\*\*](#)
- [\*\*5.16.030 Defined Terms and Phrases\*\*](#)
- [\*\*5.16.035 Suspension and Waiver of Application Fee Deposits\*\*](#)
- [\*\*5.16.040 Authority and Findings\*\*](#)
- [\*\*5.16.050 Franchise Terms and Conditions\*\*](#)
- [\*\*5.16.060 Franchise Applications and Renewal\*\*](#)
- [\*\*5.16.070 Contents of Cable Television Franchise Agreements costs.\*\*](#)
- [\*\*5.16.075 Interconnection\*\*](#)
- [\*\*5.16.080 Consumer Protection and Service Standards\*\*](#)
- [\*\*5.16.090 Applicability\*\*](#)
- [\*\*5.16.100 Application Required\*\*](#)
- [\*\*5.16.110 Review of the Application\*\*](#)
- [\*\*5.16.120 Agreement Required\*\*](#)
- [\*\*5.16.130 Other Multichannel Video Programming Distributors\*\*](#)
- [\*\*5.16.140 Video Providers – Registration; Customer Service Standards\*\*](#)
- [\*\*5.16.150 Antennas For Video and Telecommunications Services\*\*](#)
- [\*\*5.16.160 Telecommunications Service Provided By Telephone Corporations\*\*](#)
- [\*\*5.16.170 Defined Terms and Phrases\*\*](#)
- [\*\*5.16.180 Violations; Enforcement\*\*](#)
- [\*\*5.16.190 Severability\*\*](#)

**ARTICLE 1. GENERAL PROVISIONS**

**5.16.010 Title.**

This chapter is known and may be cited as the “Cable, Video, and Telecommunications Service Providers Ordinance” of the City of Hermosa Beach. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994; prior code § 7.5-1)

**5.16.020 Purpose and intent.**

A. The City Council finds and determines as follows:

1. The development of cable, video, and telecommunications services and systems may provide significant benefits for, and have substantial impacts upon, the residents of the City.
2. Because of the complex and rapidly changing technology associated with cable, video, and telecommunications services and systems, the public convenience, safety, and general welfare can best be served by the City’s exercise of its regulatory powers.

3. This chapter adopts provisions that authorize the City to regulate cable, video, and telecommunications service providers to the extent authorized by federal and state law, including but not limited to the federal Cable Communications Policy Act of 1984, the federal Cable Television Consumer Protection and Competition Act of 1992, the federal Telecommunications Act of 1996, applicable regulations of the Federal Communications Commission, and applicable California statutes and regulations.

4. The cable, video, and telecommunications services that are addressed in this chapter include services provided by cable television systems, open video systems, master antenna television systems, satellite master antenna television systems, direct broadcast satellite systems, multichannel multipoint distribution systems, local multipoint distribution systems, and other providers of video programming, whatever their technology.

B. The purpose and intent of this chapter is to provide for the attainment of the following objectives:

1. To enable the City to discharge its public trust in a manner consistent with rapidly evolving federal and state regulatory policies, industry competition, and technological development.
2. To authorize and to manage reasonable access to the City's public rights-of-way and public property for cable, video, and telecommunications purposes on a competitively neutral and nondiscriminatory basis, and in a manner consistent with all applicable federal and state statutes and regulations.
3. To obtain fair and reasonable compensation for the City and its residents for authorizing the private use of the public rights-of-way and public property.
4. To promote competition in cable, video, and telecommunications services, minimize unnecessary local regulation of cable, video, and telecommunications service providers, and encourage the delivery of advanced and competitive cable, video, and telecommunications services on the broadest possible basis to local government and to the businesses, institutions, and residents of the City.
5. To establish clear local guidelines, standards, and time frames for the exercise of local authority with respect to the regulation of cable, video, and telecommunications service providers.
6. To encourage the deployment of advanced cable, video, and telecommunications infrastructure that satisfies local needs, delivers enhanced government services, and provides informed consumer choices in an evolving cable, video, and telecommunications marketplace.
7. To maintain and to enhance public, educational, and governmental programming opportunities that will enable the City to communicate with its residents and to provide them with alternate means of disseminating information. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-2)

#### **5.16.030 Defined terms and phrases.**

Various terms and phrases used in this chapter are defined below in Section [5.16.170](#) of Article 5. (Ord. 06-

1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-3)

**5.16.035 Suspension and waiver of application fee deposits.**

A. With regard to any application fee deposit for an initial franchise, or for the renewal of a franchise, or for the transfer or change in control of a franchise that is authorized by this Chapter [5.16](#), the City Manager may suspend that application fee deposit in accordance with this section.

B. The City Manager, in consultation with the City Attorney, will review all written information submitted by the applicant or franchisee in support of its contention that applicable law prohibits imposition of the application fee deposit provided for by this Chapter [5.16](#). If a determination is made that applicable law supports the contention of the applicant or franchisee, then the City Manager may suspend the imposition of the application fee deposit; provided, however, that such suspension must be ratified by the City Council within 30 days after the City Manager's determination, and, if ratified, the application fee deposit will be deemed to have been waived. (Ord. 06-1259 §2, 2006)

## **ARTICLE 2. CABLE TELEVISION SYSTEMS**

**5.16.040 Authority and findings.**

A. In accordance with applicable federal and state law, the City is authorized to grant one or more nonexclusive franchises to construct, reconstruct, operate, and maintain cable television systems within the City limits.

B. The City Council finds that the development of cable television and related telecommunications services may provide significant benefits for, and substantial impacts upon, the residents of the City. Because of the complex and rapidly changing technology associated with cable television, the City Council further finds that the public convenience, safety, and general welfare can best be served by the exercise of the City's regulatory powers. This Article 2 is intended to specify the means for providing to the public the best possible cable television services, and every franchise issued in accordance with this Article 2 is intended to achieve this primary objective. It is the further intent of this Article 2 to adopt regulatory provisions that will enable the City to regulate cable television services to the maximum extent authorized by federal and state law.(Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-4)

**5.16.050 Franchise terms and conditions.**

A. Franchise Purposes

A franchise granted by the City under the provisions of this Article 2 may authorize the Grantee to do the following:

1. To engage in the business of providing cable television services that are authorized by law and that the Grantee elects to provide to its subscribers within the designated franchise service area.
2. To erect, install, construct, repair, rebuild, reconstruct, replace, maintain, and retain, cable lines, related electronic equipment, supporting structures, appurtenances, and other property in connection

with the operation of the cable system in, on, over, under, upon, along and across streets and public rights-of-way within the designated franchise service area.

3. To maintain and operate the franchise properties for the origination, reception, transmission, amplification, and distribution of television and radio signals, and for the delivery of cable services that are authorized by law.

#### B. Franchise Required

It is unlawful for any person to construct, install, or operate a cable television system within any street or public way in the City without first obtaining a franchise under the provisions of this Article 2.

#### C. Term of the Franchise

1. A franchise granted under this Article 2 will be for the term specified in the franchise agreement, commencing upon the effective date of the resolution adopted by the City Council that authorizes the franchise.
2. A franchise granted under this Article 2 may be renewed upon application by the Grantee in accordance with the then-applicable provisions of state and federal law and this Article 2.

#### D. Franchise Service Area

A franchise is effective within the territorial limits of the City, and within any area added to the City during the term of the franchise, unless otherwise specified in the resolution granting the franchise or in the franchise agreement.

#### E. Federal or State Jurisdiction

This Article 2 will be construed in a manner consistent with all applicable federal and state laws, and it applies to all franchises granted or renewed after the effective date of this Chapter [5.16](#), to the extent authorized by applicable law.

#### F. Franchise Non-Transferable

1. Grantee may not sell, transfer, lease, assign, sublet, or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation, or otherwise, the franchise or any of the rights or privileges therein granted, without the prior written consent of the City Council, which consent may not be unreasonably denied or delayed. Any attempt to sell, transfer, lease, assign, or otherwise dispose of the franchise without the written consent of the City Council is null and void. The granting of a security interest in any assets of the Grantee, or any mortgage or other hypothecation, will not be deemed a transfer for the purposes of this subsection.
2. The requirements of subsection (1) apply to any change in control of Grantee. The word "control" as used herein is not limited to the ownership of major stockholder or partnership interests, but includes

actual working control in whatever manner exercised. If Grantee is a partnership or a corporation, prior authorization of the City Council is required where ownership or control of twenty-five percent (25%) or more of the partnership interests or of the voting stock of Grantee, or any company in the tier of companies controlling the Grantee, whether directly or indirectly, is acquired by a person or a group of persons acting in concert, none of whom, singularly or collectively, owns or controls those partnership interests or that voting stock of the Grantee, or of Grantee's upper tier of controlling companies, as of the effective date of the franchise.

3. Unless precluded by federal law, Grantee must give prior written notice to the City of any proposed foreclosure or judicial sale of all or a substantial part of the Grantee's franchise property. That notification will be considered by the City as notice that a change in control of ownership of the franchise will take place, and the provisions of this paragraph that require the prior written consent of the City Council to that change in control of ownership will apply.

4. For the purpose of determining whether it will consent to an acquisition, transfer, or change in control, the City may inquire about the qualifications of the prospective transferee or controlling party, and Grantee must assist the City in that inquiry. In seeking the City's consent to any change of ownership or control, Grantee or the proposed transferee, or both, must complete Federal Communications Commission Form 394 or its equivalent. This application must be submitted to the City not less than 120 days prior to the proposed date of transfer. The transferee must establish that it possesses the legal, financial, and technical capability to remedy all then-existing defaults and deficiencies, and, during the remaining term of the franchise, to operate and maintain the cable system and to comply with all franchise requirements. If the legal, financial, and technical qualifications of the proposed transferee are determined to be satisfactory, then the City will consent to the transfer of the franchise.

5. Any financial institution holding a pledge of the Grantee's assets to secure the advance of money for the construction or operation of the franchise property has the right to notify the City that it, or a designee satisfactory to the City, will take control of and operate the cable television system upon Grantee's default in its financial obligations. Further, that financial institution must also submit a plan for such operation within 90 days after assuming control. The plan must ensure continued service and compliance with all franchise requirements during the period that the financial institution will exercise control over the system. The financial institution may not exercise control over the system for a period exceeding one year unless authorized by the City, in its sole discretion, and during that period of time it will have the right to petition the City to transfer the franchise to another Grantee.

6. Unless prohibited by applicable law, Grantee must reimburse the City for the City's reasonable review and processing expenses incurred in connection with any transfer or change in control of the franchise. These expenses may include, without limitation, costs of administrative review, financial, legal, and technical evaluation of the proposed transferee, consultants (including technical and legal experts and all costs incurred by these experts), notice and publication costs, and document preparation expenses. The total amount of these reimbursable expenses may be subject to maximum limits that are specified in the

franchise agreement between the City and the Grantee. No reimbursement may be offset against any franchise fee payable to the City during the term of the franchise.

#### G. Geographical Coverage

1. Unless otherwise provided in the franchise agreement, Grantee must design, construct, and maintain the cable television system to have the capability to pass every dwelling unit and commercial building in the franchise service area, subject to any service-area line extension requirements or territorial restrictions set forth in the franchise agreement.
2. After service has been established by activating trunk or distribution cables for any service area, Grantee must provide standard installations to any requesting subscriber within that activated part of the service area within seven days from the date of request, or such longer time as may be requested by the subscriber, provided that the Grantee is able to secure on reasonable terms and conditions all rights-of-way and permits necessary to extend service to that subscriber within that period. Standard installations are defined as installations that are located up to 125 feet from the existing distribution system and do not require trenching to serve.

#### H. Nonexclusive Franchise

Every franchise granted is nonexclusive. The City specifically reserves the right to grant, at any time, such additional franchises for a cable television system as it deems appropriate, subject to applicable state and federal law. If an additional franchise is proposed to be granted to a subsequent Grantee, a noticed public hearing must first be held if required under the provisions of Government Code § 53066.3.

#### I. Multiple Franchises

1. The City may grant any number of franchises, subject to applicable state and federal law. The City may limit the number of franchises granted, based upon, but not necessarily limited to, the requirements of applicable law and the following specific local considerations:
  - a. The capacity of the public rights-of-way to accommodate multiple cables in addition to the cables, conduits, and pipes of the existing utility systems, such as electrical power, telephone, gas, and sewerage.
  - b. The benefits that may accrue to subscribers as a result of cable system competition, such as lower rates and improved service.
  - c. The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property, and the disruption arising from numerous excavations within the public rights-of-way.
2. The City may require that any new Grantee be responsible for its own underground trenching and the associated costs if, in the City's opinion, the rights-of-way in any particular area cannot reasonably

accommodate additional cables.. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-5)

### **5.16.060 Franchise applications and renewal.**

#### A. Filing of Applications

Any person desiring an initial franchise for a cable television system must file an application with the City. An application fee deposit in an amount established by resolution of the City Council must accompany the application. That application fee deposit will cover all reasonably anticipated costs associated with reviewing and processing the application, including without limitation costs of administrative review, financial, legal, and technical evaluation of the applicant, consultants (including technical and legal experts and all costs reasonably incurred by those experts), notice and publication requirements, and document preparation expenses. If actual costs exceed the application fee deposit, the applicant must pay the difference to the City within 30 days following receipt of an itemized statement of those costs. If actual costs are less than the application fee deposit, the remaining balance will be refunded to the applicant.

#### B. Applications - Contents

An application for an initial franchise for a cable television system must contain, as applicable:

1. A statement describing the proposed franchise service area and an explanation whether this proposed service area is, or will be, a part of a larger regional cluster of franchise service areas.
2. A resume of the applicant's prior history, including the applicant's experience and expertise in the cable television industry.
3. A list of the partners, general and limited, of the applicant, if a partnership, or the percentage of stock owned or controlled by each stockholder, if a closely-held corporation. If the applicant is a publicly-owned partnership or corporation, each owner of 10 percent or more of the partnership interests, or of the issued and outstanding capital stock, must be identified. If the applicant is a limited liability company, the following information must be provided: the address of its principal executive office; the name and business or residence address of each member and of each holder of an economic interest in the limited liability company, together with the contribution and share in profits or losses of each member and holder of an economic interest; the name and business or residence address of any manager or managers and the chief executive officer, if any, appointed or elected in accordance with the articles of organization or operating agreement.
4. A list of officers, directors, and managing employees of the applicant, together with a description of the background and qualifications of each such person.
5. A statement concerning the number of people employed by the applicant, whether on a full-time or part-time basis.

6. The names and addresses of any parent or subsidiary of the applicant, or any other business entity owning or controlling applicant in whole or in part, or that is owned or controlled in whole or in part by the applicant.
7. Financial statements prepared in accordance with generally accepted accounting principles that demonstrate the applicant's financial ability to:
  - a. Construct, operate, maintain, and remove any new physical plant that is proposed to be constructed in the City.
  - b. Comply with the City's public, educational, and governmental access requirements.
  - c. Comply with the City's requirement that franchise fees be paid on the applicant's gross revenues derived from the operation of the cable system to provide cable services.
8. An accurate map showing the location of any existing telecommunications facilities in the City that the applicant intends to use, to purchase, or to lease.
9. A description of the cable services and any other services that will be offered by the applicant using existing or proposed facilities.
10. The proposed construction and service schedule, the proposed rate structure for cable services, and the proposed commitment to provide public, educational, and governmental access capacity, services, facilities, and equipment.
11. Any additional information that the City deems to be reasonably necessary to evaluate the applicant's qualifications.

#### C. Consideration of Initial Applications

1. Upon receipt of an application for an initial franchise, the City Manager or the City Manager's designee must prepare a report and make recommendations to the City Council concerning that application.
2. A public hearing will be noticed prior to any initial franchise grant, at a time and date approved by the City Council. Within 30 days after the close of the hearing, the City Council will make a decision, based upon the documents and testimony received at the hearing, whether the franchise should be granted, and, if granted, subject to what conditions. The City Council may grant one or more franchises, or may decline to grant any franchise.

#### D. Franchise Renewal

Franchise renewals will be processed in accordance with then-applicable law. The City and Grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise. The City Council may authorize the renewal of a cable television franchise agreement by resolution. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-6)

**5.16.070 Contents of cable television franchise agreements.**

A. The provisions of a franchise agreement for the operation of a cable television system may relate to or include, without limitation, the following subject matters:

1. The geographical area, duration, and nonexclusive nature of the franchise.
2. The applicable franchise fee to be paid to the City, including the percentage amount, the method of computation, and the time for payment.
3. Requirements relating to compliance with and implementation of state and federal laws and regulations pertaining to the operation of the cable television system.
4. Requirements relating to the construction, upgrade, or rebuild of the cable television system, as well as the provision of special services, such as outlets for public buildings, emergency alert capability, and parental control devices.
5. Requirements relating to the maintenance of a performance bond, a security fund, a letter of credit, or similar assurances to secure the performance of the Grantee's obligations under the franchise agreement.
6. Requirements relating to comprehensive liability insurance, workers' compensation insurance, and indemnification.
7. Requirements relating to consumer protection and customer service standards, which requirements may include, without limitation, compliance with Section [5.16.080](#), and the statutes, rules, and regulations referenced in that section.
8. Requirements relating to the Grantee's support of local cable usage, including the provision of public, educational, and governmental access channels, the coverage of public meetings and special events, and financial support for the required access channels.
9. Requirements relating to the Grantee's obligation to provide an institutional network, and channel capacity on that institutional network for educational or governmental use, subject to the City's rules and procedures for the use of such channel capacity and for compatibility with any telecommunications network that has been or may be developed by the City.
10. Requirements relating to construction, operation, and maintenance of the cable television system within the City's streets and public rights-of-way, including compliance with all applicable building codes and permit requirements of the City, the abandonment, removal, or relocation of facilities, and compliance with FCC technical standards.
11. Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits, and performance reviews, the inspection of Grantee's books and records, and reimbursement for technical

audits and franchise fee audits under specified circumstances.

12. Acts or omissions constituting material breaches of or defaults under the franchise agreement, and the applicable penalties or remedies for such breaches or defaults, including fines, penalties, liquidated damages, suspension, revocation, and termination.
13. Requirements relating to the sale, assignment, or other transfer or change in control of the franchise.
14. The Grantee's obligation to maintain continuity of service and to authorize, under certain specified circumstances, the City's operation and management of the cable system.
15. Such additional requirements, conditions, policies, and procedures as may be mutually agreed upon by the parties to the franchise agreement and that will, in the judgment of City staff and the City Council, best serve the public interest and protect the public health, welfare, and safety.
16. To the extent permitted by federal law, require the Grantee to provide public, educational, and government (PEG) channels in the broadcast (lower) tier of channels.

B. If there is any conflict or inconsistency between the provisions of the Grantee agreement authorized by the City Council and provisions of this chapter, the provisions of the franchise agreement will control. (Ord. 06-1259 §2 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-7)

#### **5.16.075 Interconnection.**

A. To properly serve the City's interest in public, educational, and governmental programming and to serve each Franchisee's requirement to provide such programming in accordance with its Franchise, any new or renewed Franchisee must interconnect its cable system with any other cable system serving the Franchise Service Area ("Other System"). Such interconnection may be accomplished by direct cable, microwave link, satellite or other reasonable method of connection. The interconnected systems must enable the City's public, education, and government programming to reach all subscribers in the City of all Franchisees by allowing the City to broadcast or feed its signals into a single point designated by the City.

1. Failure to negotiate for and provide an interconnection as required by this section is a material breach of a Franchise, and any Franchisee that fails to negotiate or provide an interconnection will be subject to fines, penalties, liquidated damages, suspension, revocation, and termination in accord with this Chapter. (Ord. 06-1266,

B. Interconnection Procedure. Within 30 days of a grant of Franchise (including a Franchise renewal), or within 30 days of receiving written notice from the City that another franchisee has received a Franchise from the City, a Franchisee must begin negotiations with the owner(s) and operator(s) of the Other System(s) to determine their equitable share of costs for both construction and operation of the interconnection link. Franchisee shall negotiate in good faith with Other System operator(s) respecting reasonable, mutually convenient, cost-effective, and technically viable interconnection points, methods, terms and conditions. The construction costs and ongoing expenses of interconnection shall be fairly shared between all Franchisees.

All Franchisees must negotiate the precise terms and conditions of an interconnection agreement. All interconnections must be operational within 180 days of the start of the negotiations required by this section, unless extended by the City Council in its sole discretion.

C. Relief. If the Franchisees are unable to reach agreement on the terms of interconnection, including, but not limited to, compensation and timing, the dispute shall be submitted to the City Council or its designee for resolution. Franchisees may be granted reasonable extensions of time to interconnect, within the sole discretion of the City Council or its designee. If the City Council determines in its sole discretion that the cost of interconnection would be unreasonable, interconnection is not technically feasible or would cause an unacceptable increase in Subscriber rates, or determines an Other System operator will not agree to reasonable terms and conditions of interconnection, the interconnection requirement of this Section may be waived and a separate, direct access to a Franchisee's system for broadcast or transmission of public, education, and government programming may be substituted in place of the interconnection. (Ord. 06-1266, §2, May, 2006)

### **5.16.080 Consumer protection and service standards.**

#### A. Operational Standards

1. Grantee must maintain the necessary facilities, equipment, and personnel to comply with the following consumer protection and service standards under normal operating conditions:
  - a. Sufficient toll free telephone line capacity during normal business hours to ensure that telephone calls are answered promptly. Telephone answer time by a customer service representative, including wait time, may not exceed 30 seconds when the connection is made. If the call needs to be transferred, transfer time must not exceed 30 seconds.
  - b. Callers may not receive a busy signal more than three percent of the time, measured quarterly.
  - c. Emergency toll-free telephone line capacity on a 24-hour basis, including weekends and holidays. After normal business hours, the telephone calls may be answered by a service or an automated response system, including an answering machine. Calls received after normal business hours must be responded to by a trained company representative on the next business day.
  - d. A conveniently-located local business and service or payment office open during normal business hours at least eight hours daily on weekdays, and at least four hours weekly on evenings or weekends, and adequately staffed with trained customer service representatives to accept subscriber payments and to respond to service requests, inquiries, and complaints.
  - e. An emergency system maintenance and repair staff, capable of responding to and repairing major system malfunctions on a 24-hour per day basis.
  - f. A trained installation staff must provide service to any subscriber requiring a standard installation within seven days after receipt of a request, or such longer time as may be requested by the

subscriber, in all areas where trunk and feeder cable have been activated.

g. The Grantee must schedule, within a specified four-hour time period Monday through Saturday (legal holidays excluded), all appointments with subscribers for installation of service, service calls, and other activities at the subscriber's location. The Grantee may schedule installation and service calls outside of normal business hours for the convenience of the subscriber. The Grantee may not cancel an appointment with a subscriber after the close of business on the business day prior to the scheduled appointment. If a Grantee representative is delayed in keeping an appointment with a subscriber and will not be able to honor the scheduled appointment, the subscriber must be contacted prior to the time of the scheduled appointment, and the appointment must be rescheduled, as necessary, at a time that is convenient for the subscriber. The Grantee must undertake appropriate quality control measures to ensure that the customer is satisfied with the work.

h. Subscribers who have experienced a late or a missed appointment due to the fault of the Grantee will receive either a free installation or a \$20 credit.

i. Upon a subscriber's request, the Grantee will arrange for pickup or replacement of converters or other equipment provided by the Grantee at the subscriber's address within 14 days after the request is made if the subscriber is mobility-limited.

2. Under normal operating conditions, the standards of subparagraphs (a), (b), (c), (f) and (g) above must be met not less than ninety percent of the time, measured on a quarterly basis.

## B. Service Standards

1. The Grantee will render efficient service, make repairs promptly, and interrupt service only for good cause and for the shortest time possible. Except in emergency situations, scheduled interruptions will occur during a period of minimum use of the cable system, preferably between midnight and 6:00 a.m. Unless the scheduled interruption lasts for no more than two hours and occurs between midnight and 6:00 a.m. (in which event 24-hours prior notice must be given to the City), 48-hours prior notice must be given to subscribers.

2. The Grantee will maintain a repair force of technicians who will respond to subscriber requests for service within the following time frames:

a. For a system outage: Within two hours, including weekends, after receiving subscriber calls or requests for service that by number identify a system outage of sound or picture on one or more channels, affecting five or more subscribers to the system.

b. For an isolated outage: Within 24 hours, including weekends, after receiving requests for service identifying an isolated outage of sound or picture on one or more channels.

c. For inferior signal quality: No later than the following business day, excluding Sundays and

holidays, after a request for service identifying a problem concerning picture or sound quality.

3. The Grantee will be deemed to have responded to a request for service under the provisions of this paragraph (B) when a technician arrives at the service location and begins work on a problem that cannot be corrected from a remote location. If a subscriber is not home when the technician arrives, the technician must leave written notification of arrival.
4. The Grantee may not charge for the repair or replacement of defective or malfunctioning equipment provided by the Grantee to subscribers, unless the defect or malfunction was caused by the subscriber.
5. The Grantee must determine the nature of the problem within 24 hours after commencing work and resolve all cable system related problems within three business days, unless technically infeasible.

#### C. Billing and Information Standards

1. Subscriber bills must be clear, concise, and understandable. Bills must be fully itemized, with itemizations including, but not limited to, basic and premium service charges and equipment charges. Bills also must clearly delineate all activity during the billing period, including optional charges, rebates, and credits.
2. The first billing to a subscriber after a new installation or service change must be prorated based upon when the new or changed service commenced. Subscribers must not be charged a late fee or otherwise penalized for any failure attributable to the Grantee, including the failure to timely or correctly bill the subscriber.
3. In case of a billing dispute, the Grantee must respond in writing to a written complaint from a subscriber within 30 days after receiving the complaint at the office specified on the billing statement for receiving that complaint.
4. Upon request by a subscriber, credits or refunds must be provided by Grantee to subscribers who experience an outage, interruption, or disconnection of service of four or more consecutive hours, provided that such loss of service is neither caused by the subscriber nor attributable to scheduled repairs, maintenance, or construction in circumstances where Grantee has provided advance written notice to subscriber, and the loss of service does not exceed the time period specified by Grantee. For subscribers terminating service, credits or refunds must be issued promptly, but no later than 30 days after the return of any Grantee supplied equipment.
5. The Grantee must provide written information on each of the following matters at the time of the installation of service, at least annually to all subscribers, and at any time upon request:
  - a. Products and services offered.
  - b. Prices and options for programming services and conditions of subscription to programming and other services.

- c. Installation and service maintenance policies.
  - d. Instructions on the use of the cable service.
  - e. Channel positions of programming carried on the system.
  - f. Billing and complaint procedures, including the address and telephone number of the City's office designated for dealing with cable related issues.
  - g. Consumer protection and service standards and penalties for noncompliance.
6. Subscribers must be notified in writing of any changes in rates, programming services, or channel positions as soon as possible. Notice must be given to subscribers a minimum of 30 days in advance of those changes if the change is within the control of the Grantee. In addition, Grantee will endeavor to notify Grantor of those changes at least five working days before subscribers are notified.
  7. The Grantee must maintain a public file containing all written notices provided to subscribers under these consumer protection and service standards and all published promotional offers made by Grantee to subscribers. These documents must be maintained for a minimum period of two years.

#### D. Verification of Compliance with Standards

1. Upon 30 days prior written notice, the City may require the Grantee to provide a written report demonstrating its compliance with any of the consumer service standards specified in this section. The Grantee must provide sufficient documentation to enable the City to verify compliance.
2. A repeated and verifiable pattern of noncompliance with the consumer protection and service standards of this section, after the Grantee's receipt of written notice and an opportunity to cure, may be deemed a material breach of the franchise agreement.

#### E. Subscriber Complaints and Disputes

1. The Grantee must establish written procedures for receiving, acting upon, and resolving subscriber complaints without intervention by the City. The written procedures must prescribe the manner in which a subscriber may submit a complaint, either orally or in writing, specifying the subscriber's grounds for dissatisfaction. The Grantee must file a copy of these procedures with the City. These procedures must include a requirement consistent with Section [5.16.080\(C\)\(3\)](#).
2. Upon request, and subject to applicable law protecting subscriber privacy rights, the City has the right to review the Grantee's response to subscriber complaints.
3. All subscribers have the right to continue receiving service so long as their financial and other obligations to the Grantee are honored. If the Grantee elects to rebuild, modify, or sell the system, or if the City gives notice of intent to terminate or not to renew the franchise, the Grantee must act to ensure

that all subscribers receive service while the franchise remains in force.

4. Upon a change of control of the Grantee, or if a new operator acquires the cable system, the original Grantee must cooperate with the City, the new Grantee, or the new operator in maintaining continuity of service to all subscribers. During that transition period, the Grantee is entitled to the revenues derived from its operation of the cable system.

#### F. Disconnection and Downgrades

1. A subscriber may terminate or downgrade service at any time, and the Grantee must promptly comply with the subscriber's request within seven days or at any later time requested by the subscriber. No period of notice prior to voluntary termination or downgrade of service may be required of subscribers. Grantee will impose no charges for the voluntary termination of all services unless a visit to the subscriber's premises is required to remove a converter box or other equipment or property owned by Grantee. Grantee may, in accordance with applicable law, charge a fee to downgrade service if a service call is required.

2. The Grantee may disconnect a subscriber's service in compliance with paragraphs (i), (j), and (k) of Section 53088.2 of the California Government Code. If service is disconnected for nonpayment of past due fees or charges, the Grantee must promptly reinstate service upon payment in full by the subscriber of all such fees and charges, including late charges.

3. Notwithstanding the requirements of subsection (2) above, the Grantee may immediately disconnect service to a subscriber if the subscriber is damaging or destroying the Grantee's cable system or equipment.

4. The Grantee may also disconnect service to a subscriber when service causes signal leakage exceeding federal limits. If service is disconnected, the Grantee will immediately resume service without charge upon the satisfactory correction of the signal leakage problem if the signal leakage problem is attributable to the Grantee.

5. The Grantee may also disconnect service in cases where customers are stealing service or have threatened Grantee's personnel with physical violence.

6. Upon termination of service to a subscriber, the Grantee will endeavor to remove its equipment from the subscriber's premises within 30 days.

#### G. Negative Option Billing Prohibited.

No charge may be imposed for any service or equipment that the subscriber has not affirmatively selected. Payment of the regular monthly bill will not by itself constitute an affirmative selection.

#### H. Deposits.

Grantee may require a reasonable, nondiscriminatory deposit on equipment provided to subscribers. Such deposits must be placed in an interest-bearing account. The deposit must be returned, with interest earned to the date of repayment, within 30 days after the equipment is returned to the Grantee.

I. Parental Control Option.

Grantee must provide parental control devices at no charge to all subscribers who desire to block the video or audio portion of any pay channels providing adult programming that the subscriber finds objectionable. For other programming, such devices will be provided at a reasonable charge to the subscriber.

J. Additional Requirements

1. All officers, agents, and employees of the Grantee, or of its contractors or subcontractors, who, in the normal course of work come into contact with members of the public, or who require entry onto subscribers' premises, must display a photo identification card. The Grantee must account for all identification cards at all times. All vehicles of the Grantee or its subcontractors must be clearly identified as vehicles engaged in providing services for the Grantee.

2. In addition to the consumer protection and service standards specified in this Section [5.16.080](#), the franchise agreement with a Grantee may require compliance with the following:

a. Federal statutes, and the rules, regulations, and orders of the Federal Communications Commission, including the following:

i. The provisions of Section 76.630 of Title 47 of the Code of Federal Regulations, as it now exists or may later be amended, which relate to compatibility with consumer electronics equipment.

ii. The provisions of Section 551 of Title 47, United States Code, as it now exists or may later be amended, which relate to the protection of subscriber privacy.

b. The provisions of California Government Code Sections 53054, et seq., entitled the "Cable Television and Video Provider Customer Service and Information Act."

c. The provisions of California Government Code Section 53088, et seq., entitled the "Video Customer Service Act."

d. The provisions of California Civil Code Section 1722(b)(1)-(6), which relate to service or repair transactions between cable television companies and their subscribers.

e. The provisions of California Penal Code Section 637.5, which relate to subscribers' rights to privacy protection.

3. If there is any conflict or inconsistency between a consumer protection and service standard specified in this Section [5.16.080](#), and a standard set forth in the statutes, rules, regulations, and orders that are

referenced above in subsection (2), then the standard that is specified in this Section [5.16.080](#) will apply to the extent authorized by applicable law.

#### K. Penalties for Noncompliance

1. Purpose. The purpose of this paragraph is to authorize monetary penalties for the violation of the customer service standards established by this section in a manner consistent with the Video Customer Service Act (Government Code Sections 53088 et seq.) and pursuant to the City's inherent police powers. The imposition of penalties authorized by this paragraph (K) will not prevent the City or any other affected party from exercising any other remedy to the extent permitted by law.

2. Administration and Appeals.

a. The City Manager or the City Manager's designee is authorized to administer this paragraph (K). Decisions by the City Manager to assess monetary penalties against the Grantee must be in writing and must contain findings supporting the decisions. Decisions by the City Manager are final, unless appealed to the City Council.

b. If the Grantee or any interested person is aggrieved by a decision of the City Manager, the aggrieved party may, within 10 days of the written decision, appeal that decision in writing to the City Council. The appeal letter must be accompanied by the fee established by the City Council for processing the appeal. The City Council may affirm, modify, or reverse the decision of the City Manager.

c. Schedule of Penalties. The following schedule of monetary penalties may be assessed against the Grantee for the material breach of the provisions of the customer service standards set forth in this section, provided that the breach is within the reasonable control of the Grantee:

i. For a first material breach: the maximum penalty is \$200 for each day of material breach, but not to exceed a cumulative total of \$600 for each occurrence of the material breach.

ii. For a second material breach of the same nature within a 12 month period for which the City has provided notice and a penalty has been assessed, the maximum penalty is \$400 for each day of the material breach, but not to exceed a cumulative total of \$1200 for each occurrence of the material breach.

iii. For a third or further material breach of the same nature within a 12 month period for which the City has provided notice and a penalty has been assessed, the maximum penalty is \$1000 for each day of the material breach, but not to exceed a cumulative total of \$3000 for each occurrence of the material breach.

iv. The maximum penalties referenced above may be increased by any additional amount authorized by state law.

- d. Judicial Remedy. This paragraph does not preclude any affected party from pursuing any judicial remedy available to that party without regard to this paragraph (K).
- e. Notification of Breach. The City must give the Grantee written notice of any alleged breach of the consumer service standards and allow the Grantee at least 30 days, or such longer time as may be reasonably necessary to cure, from receipt of the notice to remedy the specified breach. For the purpose of assessing penalties, a material breach is deemed to have occurred for each day, following the expiration of the period for cure specified herein, that any breach has not been remedied by the Grantee, irrespective of the number of subscribers affected.
- f. Limitations. With respect to any Grantee that operates under a franchise or license agreement with the City, any monetary penalties assessed under this paragraph (K) must be reduced dollar for dollar to the extent that any liquidated damage or penalty provision of the franchise or license agreement imposes a monetary obligation on the Grantee for the same customer service failure, and no other monetary damages may be assessed for that customer service failure. (Ord. 06-1259 §2 2005; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-8)

### **ARTICLE 3. OPEN VIDEO SYSTEMS**

#### **5.16.090 Applicability.**

The provisions of this Article 3 apply to an open video system operator, as defined below in Section [5.16.170](#) of Article 5, that intends to deliver video programming to consumers in the City over an open video system. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-9)

#### **5.16.100 Application required.**

A. Before commencing the delivery of video programming services to consumers in the City over an open video system, the open video system operator must file an application with the City. That application must include or be accompanied by the following, as applicable:

1. The identity of the applicant, including all affiliates of the applicant.
2. Copies of FCC Form 1275, all "Notices of Intent" filed under 47 CFR 76.1503(b)(1), and the Order of the FCC, all of which relate to certification of the applicant to operate an open video system in the City in accordance with Section 653(a)(1) of the Communications Act and the FCC's rules.
3. The area or areas of the City that the applicant proposes to serve.
4. A description of the open video system services that will be offered by the applicant over its existing or proposed facilities.
5. A description of the transmission medium that will be used by the applicant to deliver the open video system services.
6. Information in sufficient detail to establish the applicant's technical qualifications, experience, and

expertise regarding the ownership and operation of the open video system described in the application.

7. Financial statements prepared in accordance with generally accepted accounting principles that demonstrate the applicant's financial ability to:

- a. Construct, operate, maintain and remove any new physical plant that is proposed to be constructed in the City.
- b. Comply with the City's public, educational, and governmental access requirements as specified below in Section [5.16.120\(B\)\(4\)](#).
- c. Comply with the City's requirement that gross revenue fees be paid in the maximum amount authorized under federal law, as specified below in Section [5.16.120\(B\)\(2\)](#).

8. An accurate map showing the location of any existing telecommunications facilities in the City that the applicant intends to use, to purchase, or to lease.

9. If the applicant's operation of the open video system will require the construction of new physical plant in the City, the following additional information must be provided:

- a. A preliminary construction schedule and completion dates.
  - b. Preliminary engineering plans, specifications, and a network map of any new facilities to be constructed in the City, in sufficient detail to identify:
    - i. The location and route requested for the applicant's proposed facilities.
    - ii. The locations, if any, for interconnection with the facilities of other video and telecommunications service providers.
    - iii. The specific structures, improvements, facilities, and obstructions, if any, that the applicant proposes to remove or relocate on a temporary or permanent basis.
  - c. The applicant's statement that, in constructing any new physical plant, the applicant will comply with all applicable ordinances, rules, and regulations of the City, including the payment of all required permit and processing fees.
10. The information and documentation that is required to be submitted to the City by a video provider, as specified below in paragraph (B) of Section [5.16.140](#).
11. Such additional information as may be requested by the City Manager to evaluate the applicant's qualifications.
12. An application fee deposit in an amount established by resolution of the City Council.

B. If any item of information specified above in paragraph (A) is determined under federal or state law to be unlawful, the City Manager is authorized to waive the requirement that such information be included in the application. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-10)

#### **5.16.110 Review of the application.**

Within 30 days after receipt of an application filed under Section [5.16.100](#) that is deemed to be complete, the City Manager will give written notice to the applicant of the City's intent to negotiate an agreement setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the City. The commencement of those negotiations will be on a date that is mutually acceptable to the City and to the applicant. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-11)

#### **5.16.120 Agreement required.**

A. No video programming services may be provided in the City by an open video system operator unless the operator and the City have executed a written agreement, which may be designated as a franchise, setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the City. That agreement may be authorized and approved by resolution of the City Council.

B. The agreement between the City and the open video system operator may contain terms and conditions that relate to the following subject matters, to the extent that such terms, conditions, and subject matters are not preempted by federal law or regulations:

1. The nature, scope, and duration of the agreement, including provisions for its renewal or extension.
2. The obligation of the open video system operator to pay to the City, at specified times and in lieu of the franchise fees permitted under Section 622 of the Communications Act, fees on the gross revenue received by the operator, as authorized by 47 CFR 76.1511, in accordance with the following standards and procedures:
  - a. The amount of the fees on the gross revenue will be the maximum amount authorized by Section 653(c)(2)(B) of the Communications Act, which is the rate imposed by the City on the existing franchised cable operator.
  - b. The term "gross revenue" has the meaning set forth in 47 CFR 76.1511, and includes: (i) all gross revenue received by an open video system operator or its affiliates, including all revenue received from subscribers and all carriage revenue received from unaffiliated video programming providers; and (ii) all advertising revenue received by the operator or its affiliates in connection with the provision of video programming, where such revenue is included in the calculation of the cable franchise fee paid to the City by the incumbent franchised cable operator. The term "gross revenue" does not include revenue, such as subscriber or advertising revenue, collected by unaffiliated video programming providers.
3. The obligation of the open video system operator to comply with requirements relating to information collection and recordkeeping, accounting procedures, reporting, periodic audits, and inspection of

records in order to ensure the accuracy of the fees on the gross revenue that are required to be paid as specified above in paragraph (B)(2).

4. The obligation of the open video system operator to meet the City's requirements with respect to public, educational, and governmental access channel capacity, services, facilities, and equipment, as provided for in 47 CFR 76.1505. In this regard, the following standards and procedures apply:

- a. The open video system operator is subject to the same public, educational, and governmental access requirements that apply within the cable television franchise service area with which its system overlaps.
- b. The open video system operator must comply with Section [5.16.075](#) of this Code and ensure that all subscribers receive all public, educational, and governmental access channels within the franchise service area in which the City's subscribers are located. An open video system operator is considered a Franchisee for the purposes of compliance with Section 5,.16.075. (Ord. 06-1266 sub3, May, 2006).
- c. The open video system operator may negotiate with the City to establish the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities, and equipment. These negotiations may include the City's franchised cable operator if the City, the open video system operator, and the franchised cable operator so desire.
- d. If the open video system operator and the City are unable to reach an agreement regarding the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities, and equipment within the City's jurisdiction, then the following obligations will be imposed:
  - i. The open video system operator must satisfy the same public, educational, and governmental access obligations as the City's franchised cable operator by providing the same amount of channel capacity for public, educational, and governmental access and by matching the City's franchised cable operator's annual financial Contributions in support of public, educational, and governmental access services, facilities, and equipment that are actually used by the City. For in-kind contributions, such as cameras or production studios, the open video system operator may satisfy its statutory obligation by negotiating mutually agreeable terms with the City's franchised cable operator, so that public, educational, and governmental access services to the City are improved or increased. If such terms cannot be agreed upon, the open video system operator must pay to the City the monetary equivalent of the franchised cable operator's depreciated in-kind contribution, or, in the case of facilities, the annual amortization value. Any matching contributions provided by the open video system operator must be used to fund activities arising under Section 611of the Communications Act.
  - ii. The City will impose upon the open video system operator the same rules and procedures

that it imposes upon the franchised cable operator with regard to the open video system operator's use of channel capacity designated for public, educational, and governmental access use when that capacity is not being used for such purposes.

- e. The City's franchised cable operator is required under federal law to permit the open video system operator to connect with its public, educational, and governmental access channel feeds. The open video system operator and the franchised cable operator may decide how to accomplish this connection, taking into consideration the physical and technical characteristics of the cable and the open video systems involved. If the franchised cable operator and the open video system operator cannot agree on how to accomplish the connection, the City has the right to decide. The City may require that the connection occur on City-owned property or on public rights-of-way.
  - f. All costs of connection to the franchised cable operator's public, educational, and governmental access channel feed must be borne by the open video system operator. These costs will be counted towards the open video system operator's matching financial contributions set forth above in subparagraph (d)(i).
  - g. The City will not impose upon the open video system operator any public, educational, or governmental access obligations that are greater than those imposed upon the franchised cable operator.
  - h. If there is no existing franchised cable operator, the provisions of 47 CFR 76.1505(d)(6) will be applicable in determining the obligations of the open video system operator.
  - i. The open video system operator must adjust its system to comply with new public, educational, and access obligations imposed on the City's franchised cable operator following a renewal of the cable television franchise; provided, however, that the open video system operator will not be required to displace other programmers using its open video system to accommodate public, educational, and governmental access channels. The open video system operator must comply with those new public, educational, and governmental access obligations whenever additional capacity is or becomes available, whether it is due to increased channel capacity or to decreased demand for channel capacity.
5. If the City and the open video system operator cannot agree on the application of the FCC's rules regarding the open video system operator's obligations to provide public, educational, and governmental access under the provisions of subsection (4) set forth above, then either party may file a complaint with the FCC in accordance with the dispute resolution procedures set forth in 47 CFR 76.1514. No agreement will be executed by the City until the dispute has been finally resolved.
  6. If the open video system operator intends to maintain an institutional network, as defined in Section 611(f) of the Communications Act, the City will require that educational and governmental access channels be designated on that institutional network to the same extent that those channels are

designated on the institutional network of the City's franchised cable operator. In addition, to the extent authorized by federal law, the open video system operator may be required by the City to satisfy the same financial obligations and other requirements that are imposed upon the franchised cable operator to support data-transmission and related services that are provided by the institutional network.

7. The authority of an open video system operator to exercise editorial control over any public, educational, or governmental use of channel capacity will be restricted in accordance with the provisions of 47 CFR 76.1505(f).

8. The obligation of the open video system operator to comply with all applicable federal, state, and local statutes, ordinances, and regulations relating to customer service standards, including those referenced in Section [5.16.080](#) of Article 2 of this chapter.

9. If new physical plant is proposed to be constructed within the City, the obligation of the open video system operator to comply with the following rights-of-way use and management responsibilities that are also imposed by the City upon other video and telecommunications service providers in a nondiscriminatory and competitively neutral manner:

a. Compliance with all applicable City codes, including applications for excavation, encroachment, and construction permits, and the payment of all required permit and inspection fees.

b. The coordination of construction activities.

c. Compliance with established standards and procedures for constructing lines across private property.

d. Compliance with all applicable insurance and indemnification requirements.

e. The repair and resurfacing of construction-damaged streets.

f. Compliance with all public safety requirements that are applicable to cable television and telecommunications service providers using public property or public rights-of-way.

10. Acts or omissions constituting breaches or defaults of the agreement, and the applicable penalties, liquidated damages, and other remedies, including fines or the suspension, revocation, or termination of the agreement.

11. Requirements relating to the sale, assignment, or transfer of control of the open video system.

12. Requirements relating to the open video system operator's compliance with and implementation of state and federal laws, rules, and regulations pertaining to the operation of the open video system.

13. Such additional requirements, conditions, terms, policies, and procedures as may be mutually agreed upon by the City and the open video system operator and that will, in the judgment of the City Council, best serve the public interest and protect the public health, welfare, and safety. (Ord. 06-1259 § 2, 2006;

Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-12)

## ARTICLE 4. OTHER VIDEO AND TELECOMMUNICATIONS SERVICES AND SYSTEMS

### **5.16.130 Other multichannel video programming distributors.**

The term “cable system,” as defined in federal law and as set forth below in Section [5.16.170](#) of Article 5, does not include a facility that serves subscribers without using any public rights-of-way. Consequently, the categories of multichannel video programming distributors identified below are not deemed to be “cable systems” and are therefore exempt from the City’s franchise, lease, and license requirements and from certain other local regulatory provisions authorized by federal law, provided that their distribution or transmission facilities do not involve the use of the City’s public rights-of-way.

A. Multichannel multipoint distribution service (“MMDS”), also known as “wireless cable,” which typically involves the transmission by an FCC-licensed operator of numerous broadcast stations from a central location using line-of-sight technology.

B. Local multipoint distribution service (“LMDS”), another form of over-the-air wireless video service for which licenses are auctioned by the FCC, and which offers video programming, telephony, and data networking services.

C. Direct broadcast satellite (“DBS”), also referred to as “direct-to-home satellite services,” which involves the distribution or broadcasting of programming or services by satellite directly to the subscriber’s premises without the use of ground receiving or distribution equipment, except at the subscriber’s premises or in the uplink process to the satellite. Local regulation of direct-to-home satellite services is further proscribed by the following federal statutory provisions:

1. 47 U.S.C. § 303(v) confers upon the FCC exclusive jurisdiction to regulate the provision of direct-to-home satellite services.
2. Section 602 of the Telecommunications Act of 1996 states that a provider of direct-to-home satellite service is exempt from the collection or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction on direct-to-home satellite service. The terms “tax” and “fee” are defined by federal statute to mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-13)

### **5.16.140 Video providers – Registration; Customer service standards.**

A. Unless the customer protection and service obligations of a video provider, as that term is defined in Section [5.16.170](#) of Article 5, are specified in a franchise, license, lease, or similar written agreement with the City, a video provider must comply with all applicable provisions of the following state statutes:

1. The Cable Television and Video Customer Service and Information Act (Government Code §§ 53054, et seq.).

2. The Video Customer Service Act (Government Code §§ 53088, et seq.).

B. All video providers that are operating in the City on the effective date of this Chapter [5.16](#), or that intend to operate in the City after the effective date of this chapter, and are not required under applicable law to operate under a franchise, license, lease, or similar written agreement with the City, must register with the City. The registration form must include or be accompanied by the following:

1. The video provider's name, address, and local telephone numbers.

2. The names of the officers of the video provider.

3. A copy of the video provider's written policies and procedures relating to customer service standards and the handling of customer complaints, as required by Government Code §§ 53054, et seq. These customer service standards must include, without limitation, standards regarding the following:

a. Installation, disconnection, service and repair obligations, employee identification, and service call response time and scheduling.

b. Customer telephone and office hours.

c. Procedures for billing, charges, refunds, and credits.

d. Procedures for termination of service.

e. Notice of the deletion of a programming service, a change in channel assignments, or an increase in rates.

f. Complaint procedures and procedures for bill dispute resolution.

g. The video provider's written acknowledgment of its obligation under Government Code §53055.1 to provide to new customers a notice describing the customer service standards specified above in subparagraphs (a) through (f) at the time of installation or when service is initiated. The notice must also include, in addition to all of the information described above in subparagraphs (a) through (f), all of the following:

i. A listing of the services offered by the video provider that clearly describes all levels of service and the rates for each level of service.

ii. The telephone number or numbers through which customers may subscribe to, change, or terminate service, request customer service, or seek general or billing information.

iii. A description of the rights and remedies that the video provider may make available to its

customers if the video provider does not materially meet its customer service standards.

h. The video provider's written commitment to distribute annually to its employees and customers, and to the City, a notice describing the customer service standards specified above in subparagraphs (a) through (f). This annual notice must include the report of the video provider on its performance in meeting its customer service standards, as required by Government Code § 53055.2.

4. Unless a video provider is exempt under federal law from its payment, a registration fee in an amount established by resolution of the City Council to cover the reasonable costs incurred by the City in reviewing and processing the registration form.

5. In addition to the registration fee specified above in subsection (4), the written commitment of the video provider to pay to the City, when due, all costs and expenses reasonably incurred by the City in resolving any disputes between the video provider and its subscribers, which dispute resolution is mandated by Government Code § 53088.2(o).

C. The customer service obligations imposed upon video providers by the Video Customer Service Act (Government Code §§53088 et seq.) consist of the following:

1. Every video provider must render reasonably efficient service, make repairs promptly, and interrupt service only as necessary.

2. All video provider personnel contacting subscribers or potential subscribers outside the office of the provider must be clearly identified as associated with the video provider.

3. At the time of installation, and annually thereafter, all video providers must provide to all customers a written notice of the programming offered, the prices for that programming, the provider's installation and customer service policies, and the name, address, and telephone number of the City's office that is designated for receiving complaints.

4. All video providers must have knowledgeable, qualified company representatives available to respond to customer telephone inquiries Monday through Friday, excluding holidays, during normal business hours.

5. All video providers must provide to customers a toll-free or local telephone number for installation, service, and complaint calls. These calls must be answered promptly by the video providers.

6. All video providers must render bills that are accurate and understandable.

7. All video providers must respond promptly to a complete outage in a customer's service. The response must occur within 24 hours of the reporting of that outage to the provider, except in those situations beyond the reasonable control of the video provider. A video provider will be deemed to respond to a complete outage when a company representative arrives at the outage location within 24

hours and begins to resolve the problem.

8. All video providers must provide a minimum of 30 days' written notice before increasing rates or deleting channels. All video providers must make every reasonable effort to submit the notice to the City in advance of its distribution to customers. The 30-day notice is waived if the increases in rates or deletion of channels are outside the control of the video provider. In those cases, the video provider must make reasonable efforts to provide customers with as much notice as possible.

9. All video providers must allow every residential customer who pays his or her bill directly to the video provider at least 15 days from the date the bill for services is mailed to the customer, to pay the listed charges unless otherwise agreed to pursuant to a residential rental agreement establishing tenancy. Customer payments must be posted promptly. No video provider may terminate residential service for nonpayment of a delinquent account unless the video provider furnishes notice of the delinquency and impending termination at least 15 days prior to the proposed termination. The notice must be mailed, postage prepaid, to the customer to whom the service is billed. Notice must not be mailed until the 16th day after the date the bill for services was mailed to the customer. The notice of delinquency and impending termination may be part of a billing statement. No video provider may assess a late fee any earlier than the 22nd day after the bill for service has been mailed.

10. Every notice of termination of service pursuant to the preceding subsection (9) must include all of the following information:

- a. The name and address of the customer whose account is delinquent.
- b. The amount of the delinquency.
- c. The date by which payment is required in order to avoid termination of service
- d. The telephone number of a representative of the video provider who can provide additional information and handle complaints or initiate an investigation concerning the service and charges in question. Service may only be terminated on days in which the customer can reach a representative of the video provider either in person or by telephone.

11. Any service terminated without good cause must be restored without charge for the service restoration. Good cause includes, but is not limited to, failure to pay, payment by check for which there are insufficient funds, theft of service, abuse of equipment or system personnel, or other similar subscriber actions.

12. All video providers must issue requested refund checks promptly, but no later than 45 days following the resolution of any dispute, and, if service is terminated, following the return of the equipment supplied by the video provider.

13. All video providers must issue security or customer deposit refund checks promptly, but no later

than 45 days following the termination of service, less any deductions permitted by law.

14. Video providers must not disclose the name and address of a subscriber for commercial gain to be used in mailing lists or for other commercial purposes not reasonably related to the conduct of the businesses of the video providers or their affiliates, unless the video providers have provided to the subscriber a notice, separate or included in any other customer notice, that clearly and conspicuously describes the subscriber's ability to prohibit that disclosure. Video providers must provide an address and telephone number for a local subscriber to use without toll charge to prevent disclosure of the subscriber's name and address.

D. As authorized by Government Code §53088(q), the following schedule of penalties is adopted. These penalties may be imposed for the material breach by a video provider of the consumer protection and service standards that are set forth above in paragraph (C), provided that the breach is within the reasonable control of the video provider. These penalties are in addition to any other remedies authorized by this chapter or by any other law, and the City has discretion to elect the remedy that it will apply. The imposition of penalties authorized by this paragraph (D) will not prevent the City or any other affected party from exercising any other remedy to the extent permitted by law, including but not limited to any judicial remedy as provided below in subsection (2).

1. Schedule of Penalties.

- a. For a first material breach: the maximum penalty is \$200 for each day of material breach, but not to exceed a cumulative total of \$600 for each occurrence of material breach, irrespective of the number of customers affected.
- b. For a second material breach of the same nature for which a monetary penalty was previously assessed within the preceding 12-month period: the maximum penalty is \$400 per day, not to exceed a cumulative total of \$1,200 for each occurrence of the material breach, irrespective of the number of customers affected.
- c. For a third or further material breach of the same nature for which a monetary penalty was previously assessed within the preceding 12-month period: the maximum penalty is \$1,000 per day, not to exceed a cumulative total of \$3,000 for each occurrence of the material breach, irrespective of the number of customers affected.
- d. For the failure of a video provider to distribute the annual notice required by Government Code 53055.1: the maximum penalty is \$500 for each year in which the notice is not distributed as required by state statute.
- e. The maximum penalties referenced above may be increased by any additional amount authorized by state law.

2. Judicial Remedies Not Affected.

The imposition of penalties in accordance with the provisions of subsection (1) above does not preclude any affected party from pursuing any judicial remedy that is available to that party.

3. Administration, Notice, and Appeal.

- a. The City Manager or the City Manager's designee is authorized to administer this paragraph (D). Decisions by the City Manager to assess penalties against a video provider must be in writing and must contain findings supporting the decisions. Decisions by the City Manager are final, unless appealed to the City Council.
- b. If the video provider or any interested person is aggrieved by a decision of the City Manager, the aggrieved party may, within 10 days of the written decision, appeal that decision in writing to the City Council. The appeal letter must be accompanied by the fee established by the City Council for processing the appeal. The City Council may affirm, modify, or reverse the decision of the City Manager.
- c. The imposition of monetary penalties under subsection (1) above is subject to the following requirements and limitations:
  - i. The City must give the video provider written notice of any alleged material breach and must allow the video provider at least 30 days from receipt of that notice to remedy the breach.
  - ii. For the purpose of assessing monetary penalties, a material breach will be deemed to have occurred for each day, following the expiration of the period for cure specified in subparagraph (i) above, that the material breach has not been remedied by the video provider, irrespective of the number of customers affected. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-14)

**5.16.150 Antennas For Video and Telecommunications Services.**

Chapter 17.46 of Title 17 of this Code sets forth the city's regulatory requirements relating to the siting and construction of antennas, television aerials, satellite dishes, and similar devices that are commonly used in providing or receiving video and telecommunications services. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-15)

**5.16.160 Telecommunications service provided by telephone corporations.**

A. The City Council finds and determines as follows:

1. The federal Telecommunications Act of 1996 preempts and declares invalid all state rules that restrict entry or limit competition in both local and long-distance telephone service.
2. The California Public Utilities Commission ("CPUC") is primarily responsible for the implementation of local telephone competition. The CPUC issues certificates of public convenience and necessity to new entrants that are qualified to provide competitive local telephone exchange services and related

telecommunications service, whether using their own facilities or the facilities or services provided by other authorized telephone corporations.

3. Section 234(a) of the California Public Utilities Code defines a “telephone corporation” as “every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state.”
4. Section 616 of the California Public Utilities Code provides that a telephone corporation “may condemn any property necessary for the construction and maintenance of its telephone line.”
5. Section 2902 of the California Public Utilities Code authorizes municipal corporations to retain their powers of control to supervise and regulate the relationships between a public utility and the general public in matters affecting the health, convenience, and safety of the general public, including such matters as the use and repair of public streets by any public utility and the location of the poles, wires, mains, or conduits of any public utility on, under, or above any public streets.
6. Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers, or abutments for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommodate the public use of the road or highway or interrupt the navigation of the waters.
7. Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control over the time, place, and manner in which roads, highways, and waterways are accessed, which control must be applied to all entities in an equivalent manner. Nothing in Section 7901.1 adds to or subtracts from any existing authority that municipalities have with respect to the imposition of fees.
8. Section 50030 of the California Government Code provides that any permit fee imposed by a city for the placement, installation, repair, or upgrading of telecommunications facilities, such as lines, poles, or antennas, by a telephone corporation that has obtained all required authorizations from the CPUC and the FCC to provide telecommunications services, must not exceed the reasonable costs of providing the service for which the fee is charged, and must not be levied for general revenue purposes.

B. In recognition of and in compliance with the statutory authorizations and requirements set forth above in paragraph (A), the following regulatory provisions are applicable to a telephone corporation that desires to provide telecommunications service by means of facilities that are proposed to be constructed within the City's public rights-of-way:

1. The telephone corporation must apply for and obtain, as may be applicable, an excavation permit, an encroachment permit, or a building permit (“ministerial permit.”)
2. In addition to the information required by this Code in connection with an application for a ministerial

permit, a telephone corporation must submit to the City the following supplemental information:

- a. A copy of the certificate of public convenience and necessity issued by the CPUC to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the City's public rights-of-way. Any applicant that, prior to 1996, provided telecommunications service under administratively equivalent documentation issued by the CPUC may submit copies of that documentation in lieu of a certificate of public convenience and necessity.
- b. If the applicant has obtained from the CPUC a certificate of public convenience and necessity to operate as a "competitive local carrier," the following additional requirements are applicable:
  - i. As required by Decision No. 95-12-057 of the CPUC, the applicant must establish that it has filed with the City in a timely manner a quarterly report that describes the type of construction and the location of each construction project proposed to be undertaken in the City during the calendar quarter in which the application is filed, which information is sufficient to enable the City to coordinate multiple projects, as may be necessary.
  - ii. If the applicant's proposed construction project will extend beyond the utility rights-of-way into undisturbed areas or other rights-of-way, the applicant must establish that it has filed a petition with the CPUC to amend its certificate of public convenience and necessity and that the proposed construction project has been subjected to a full-scale environmental analysis by the CPUC, as required by Decision No. 95-12-057 of the CPUC.
  - iii. The applicant must inform the City whether its proposed construction project will be subject to any of the mitigation measures specified in the Negative Declaration ["Competitive Local Carriers (CLCs) Projects for Local Exchange Communication Service throughout California"] or to the Mitigation Monitoring Plan adopted in connection with Decision No. 95-12-057 of the CPUC. The City's issuance of a ministerial permit will be conditioned upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon telephone corporations that are designated as "competitive local carriers."

C. In recognition of the fact that numerous excavations in the public rights-of-way diminish the useful life of the surface pavement, and for the purpose of mitigating the adverse impacts of numerous excavations on the quality and longevity of public street maintenance within the City, the following policies and procedures are adopted:

1. The City Manager is directed to ensure that all public utilities, including telephone corporations, comply with all local design, construction, maintenance and safety standards that are contained within, or are related to, a ministerial permit that authorizes the construction of facilities within the public rights-of-way.
2. The City Manager is directed to coordinate the construction and installation of facilities by public

utilities, including telephone corporations, in order to minimize the number of excavations in the public rights-of-way. In this regard, based upon projected plans for street construction or renovation projects, the City Manager is authorized to establish on a quarterly basis one or more construction time periods or "windows" for the installation of facilities within the public rights-of-way. Telephone corporations and other public utilities that submit applications for ministerial permits to construct facilities after a predetermined date may be required to delay such construction until the next quarterly "window" that is established by the City. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-16)

## **ARTICLE 5. DEFINITIONS**

### **5.16.170 Defined terms and phrases.**

A. The words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth below. Words used in the present tense include the future tense, and words in the singular include the plural number.

"Affiliate" means, when used in relation to any person, another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person. For purposes of this definition, the term "own" means to own an equity interest, or its equivalent, of 10 percent or more.

"Cable service" means the one-way transmission to subscribers of video programming, or other programming services, and subscriber interaction, if any, that is required for the selection or use of that video programming or other programming service. For the purposes of this definition, "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station; and "other programming service" means information that a cable system operator makes available to all subscribers generally.

"Cable system," or "cable communications system" or "cable television system," means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. The term "cable system" does not include:

1. a facility that serves only to retransmit the television signals of one or more television broadcast stations;
2. a facility that serves subscribers without using any public right-of-way;
3. a facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Communications Act, except that such facility will be considered a cable system (other than for purposes specified in Section 621(c) of the Communications Act) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;
4. an open video system that complies with Section 653 of the Communications Act; or

5. any facilities of an electric utility that are used solely for operating its electric utility system.

“Cable system operator” means any person or group of persons:

1. who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system; or
2. who otherwise controls or is responsible for, through any arrangement, the management and operation of that cable system.

“City” means the City of Hermosa Beach as represented by its City Council or by any delegate acting within the scope of its delegated authority.

“\_\_\_\_ CFR \_\_\_\_” means the Code of Federal Regulations. Thus, the citation of “47 CFR 80.1” refers to Title 47, part 80, section 1, of the Code of Federal Regulations.

“Communications Act” means the Communications Act of 1934 (47 U.S.C. §§ 151, et seq.), as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.

“FCC” or “Federal Communications Commission” means the federal administrative agency, or any lawful successor, that is authorized to regulate telecommunications services and telecommunications service providers on a national level.

“Franchise” means an initial authorization, or the renewal of an initial authorization, granted by the City Council, whether such authorization is designated as a franchise, agreement, permit, license, resolution, contract, certificate, or otherwise, that authorizes the construction or operation of a cable system or an open video system.

“Franchise fee” means any tax, fee or assessment of any kind that is authorized by state or federal law to be imposed by the City on a Grantee as compensation in the nature of rent for the Grantee’s use of the public rights-of-way. The term “franchise fee” does not include:

1. any tax, fee, or assessment of general applicability (including any such tax, fee, or assessment imposed on both utilities and Grantees or their services);
2. capital costs that are required by the franchise to be incurred by a Grantee for public, educational, or governmental access facilities;
3. costs or charges that are incidental to the award or enforcement of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or
4. any fee imposed under Title 17, United States Code.

“Franchise service area” or “service area” means the entire geographic area of the City as it is now constituted, or may in the future be constituted, unless otherwise specified in the resolution granting a franchise, or in a franchise agreement.

“Grantee” means any person that is awarded a franchise in accordance with this chapter, and that person’s lawful successor, transferee, or assignee.

“Gross annual cable service revenues” means, as applied to the Grantee of a cable television franchise, the annual gross revenues received by a Grantee from all operations of its cable television system to provide cable services within the City, excluding uncollected bad debt, refundable deposits, rebates or credits, and further excluding any sales, excise, or other taxes or charges that are required to be collected for direct pass-through to the local, state, or federal government. Revenues identified and collected from subscribers as franchise fees may not be excluded from a Grantee’s gross annual cable service revenues, unless otherwise provided by federal law.

“Multichannel video programming distributor” or “video programming distributor” means a person such as, but not limited to, a cable system operator, an open video system operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available multiple channels of video programming for purchase by subscribers or customers.

“Open video system” means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, including video programming, and that is provided to multiple subscribers within the City, provided that the FCC has certified that such system is authorized to operate in the City and complies with 47 CFR 76.1500 et seq., entitled “Open Video Systems.”

“Open video system operator” means any person or group of persons who provides cable service over an open video system and directly or through one or more affiliates owns a significant interest in that open video system, or otherwise controls or is responsible for the management and operation of that open video system.

“Person” means an individual, partnership, limited liability company, association, joint stock company, trust, corporation, or governmental entity.

“Public, educational or government access facilities” or “PEG access facilities,” means the total of the following:

1. channel capacity designated for noncommercial public, educational, or government use; and
2. facilities and equipment for the use of that channel capacity.

“Subscriber” or “customer” or “consumer” means any person who, for any purpose, subscribes to the services provided by a multichannel video programming distributor and who pays the charges for those services.

“Street” or “public way” means each of the following that has been dedicated to the public and maintained under public authority or by others and is located within the City limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public property that the City from time to time authorizes to be included within the definition of a street.

“Telecommunications” means the transmission, between or among points specified by the user, of information of the user’s choosing, without change in the form or content of the information as sent and received.

“Telecommunications equipment” means equipment, other than customer premises equipment, used by a telecommunications service provider to provide telecommunications service, including software that is integral to that equipment.

“Telecommunications service” means the offering of telecommunications directly to the public for a fee, or to such classes of users as to be effectively available directly to the public, regardless of the equipment or facilities that are used.

“Telecommunications service provider” means any provider of telecommunications service.

“\_\_\_\_ U.S.C. § \_\_\_\_” means the United States Code. Thus, the citation of “47 U.S.C. § 153” refers to Title 47, section 153, of the United States Code.

“Video programming provider” means any person or group of persons who has the right under the federal copyright laws to select and to contract for the carriage of specific video programming on a cable system or an open video system.

“Video provider” means any person, company, or service that provides one or more channels of video programming to a residence, including a home, multi-family dwelling complex, congregate-living complex, condominium, apartment, or mobilehome, where some fee is paid for that service, whether directly or as included in dues or rental charges, and whether or not public rights-of-way are used in the delivery of that video programming. A “video provider” includes, without limitation, providers of cable television service, open video system service, master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of video programming, whatever their technology.

B. Unless otherwise expressly stated, words, terms, and phrases not defined in this Chapter [5.16](#) will be given their meaning as used in Title 47 of the United States Code, as amended, and, if not defined in that Code, their meaning as used in Title 47 of the Code of Federal Regulations. (Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994: prior code § 7.5-17)

## **ARTICLE 6. VIOLATIONS; SEVERABILITY**

### **5.16.180 Violations; Enforcement.**

A. Any person who violates any provision of this chapter is guilty of a misdemeanor and is punishable as

provided for in Chapter [1.01](#) of Title [1](#) of this Code.

B. The misdemeanor penalty specified above in paragraph (A) is not applicable to a violation of any provision of this chapter for which another sanction or penalty may be imposed under any franchise, license, lease, or similar written agreement between the City and a multichannel video programming distributor or telecommunications service provider.

C. The City may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this chapter. (Ord. 06-1259 §2, 2006; Ord. 94-1116 § 1 (part), 1994; prior code § 7.5-18)

**5.16.190 Severability.**

If any provision of this chapter is determined by any court of competent jurisdiction, or by any federal or state agency having jurisdiction over its subject matter, to be invalid and in conflict with any paramount federal or state law or regulation now or hereafter in effect, or is determined by that court or agency to require modification in order to conform to the requirements of that paramount law or regulation, then that provision will be deemed a separate, distinct, and independent part of this chapter, and such determination will not affect the validity and enforceability of any other provisions. If that paramount federal or state law or regulation is subsequently repealed or amended so that the provision of this chapter determined to be invalid or subject to modification is no longer in conflict with that law or regulation, then that provision will again become effective and will thereafter be binding on the City and any affected video or telecommunications service provider; provided, however, that the City must give the affected video or telecommunications service provider 30 days written notice of that change before requiring compliance with that provision, or such longer period of time as may reasonably be required for the video or telecommunications service provider to comply with that provision."(Ord. 06-1259 § 2, 2006; Ord. 94-1116 § 1 (part), 1994; prior code § 7.5-19)

**Chapter 5.20  
CARD ROOMS AND GAMES OF SKILL**

Sections:

- [\*\*5.20.010 Definitions.\*\*](#)
- [\*\*5.20.020 License required.\*\*](#)
- [\*\*5.20.030 Conditions for issuance of license.\*\*](#)
- [\*\*5.20.040 Permit fees and deposits.\*\*](#)
- [\*\*5.20.050 Licenses nontransferable.\*\*](#)
- [\*\*5.20.060 License for one location only--Specified number of players.\*\*](#)
- [\*\*5.20.070 Unlawful to play in unlicensed premises.\*\*](#)
- [\*\*5.20.080 Unlawful to maintain unlicensed premises.\*\*](#)
- [\*\*5.20.090 Hours of operation.\*\*](#)
- [\*\*5.20.100 Music or dancing prohibited.\*\*](#)
- [\*\*5.20.110 Alcoholic liquor prohibited.\*\*](#)
- [\*\*5.20.120 Minors prohibited.\*\*](#)
- [\*\*5.20.130 Gambling devices prohibited.\*\*](#)
- [\*\*5.20.140 Posting of prices.\*\*](#)
- [\*\*5.20.150 Licensing of employees.\*\*](#)
- [\*\*5.20.160 Revocation of license.\*\*](#)

**5.20.010 Definitions.**

As used in this chapter, the following terms shall have the meaning as hereinbelow set forth:

"Cardroom or card club" means and includes card club, social club, club or any other place maintained or operated or conducted for the purpose of furnishing a place where members, guests or other persons play card games and for which:

- A. A fee is charged either as a membership dues for admission to such place or for the privilege of playing at cards; or
- B. A fee is charged for use of, or there is sold for use upon the premises, any cards, tables, tokens, chairs or any other device or accouterments for the playing of cards; or
- C. Any collection or donation of money or thing of material values is made to or received by the licensee for the privilege of playing at cards.

A "cardroom" or "card club" shall also mean any place maintained or operated wherein any game of skill, as further defined, is played.

"Card school" means any place maintained, operated or conducted for the purpose of giving instructions in the playing of card games.

"Games of skill" means any games played, conducted, dealt, maintained, operated or carried on with the application of manipulative or mental skill or dexterity combined with the use of cards, dice, billiard balls, pool balls, cues or with any mechanical devices, appliance or contrivances, or with any other device where the same is played, conducted, dealt, maintained, operated or carried on for money, chips, checks, slugs, tokens, credit or any other thing of value or redeemable in or exchangeable for money, merchandise or other thing of value.

Exceptions: Coin-operated machines commonly known as juke boxes and coin-operated vending machines, as the same are commonly known and designated, are hereby exempted. (Prior code § 17-50)

**5.20.020 License required.**

- A. It is unlawful for any person to maintain, operate, conduct or carry on, directly or indirectly, any card club, or card school without a license therefor having been issued in accordance with the provisions of this chapter. No license shall authorize the conduct of any card game or other activity which is prohibited by the Penal Code of the state of California or by this code, and any license issued in violation of such state code or this code shall be void.
- B. No license for a card club or card school shall be required for any nonprofit organization operating within the city at the time of the adoption of this chapter and which has been in operation for two years prior thereto, nor to any card club or card school operated or sponsored by any governmental agency. (Prior code § 17-50.1)

**5.20.030 Conditions for issuance of license.**

No license shall be issued under the provisions of this chapter:

- A. Until the applicant has furnished the license inspector with an application including the following:
1. If the applicant is a corporation, the names and addresses of any person owning more than twenty (20) percent of the stock;
  2. If the applicant is a partnership, the names and addresses of all partners;
  3. If the applicant is an association, the names and addresses of all members;
  4. The signature of those required by the license inspector to be named in the application;
  5. The location of any other card room or card school operated by the applicant or in which the applicant or any person named in the application has an interest;
  6. The number of tables or other units to be placed, employed or used;
  7. The description of any other business conducted or proposed to be conducted at the same location;
  8. The signature of the owner of the premises for which license is applied, certifying an existing agreement for use of premises by applicant for purpose specified in the application;

9. A description of the building in which the business proposed to be permitted and licensed is to be housed, giving the dimensions and type of construction, and setting forth the number of playing tables and maximum number of players for which the permit is applied;
10. A statement that the applicant understands that the application shall be considered by the city council only after a full investigation and report have been made by the chief of police, superintendent of building inspection, fire department and all other affected departments of city government; and
11. A statement that the applicant has read the provisions of this article and understands the same;
12. Proof of financial responsibility as evidenced by a full financial statement of a certified public accountant for the applicant, or such other information as is satisfactory to the license inspector upon which to substantiate financial responsibility.

B. Until the following conditions have been satisfied:

1. The application shall have been approved by the chief of police. It is the determination of the chief of police, based on review of the application and investigation of the applicants, that granting of the license would be detrimental to the public peace, morals or safety, or if it is found that the applicant has been convicted of any crime involving moral turpitude, the chief of police shall recommend to the city council that the application be denied; provided however, that if the chief of police does not disapprove the application within ninety (90) days after such application is filed by the license inspector with the chief of police, the application shall be deemed to have been approved by the chief of police;
2. The application shall have been approved by the superintendent of building inspection, the fire department, and all other affected departments of city government as provided for by other provisions of this code, and by the city council. (Prior code § 17-50.2)

**5.20.040 Permit fees and deposits.**

- A. Scope. For the purposes of clarification, the license fees set forth in this chapter are both for regulation and revenue purposes.
- B. Card Club, Application Fee. Each application for a license for a card club shall be accompanied by an application fee in the amount of five hundred dollars (\$500.00), which shall be nonrefundable and retained by the city for payment of the costs of processing the application and investigations made pursuant to this chapter.
- C. Card Club, License Fees. The annual license tax for a card club shall be one thousand dollars (\$1,000.00) per year, or at the rate of one hundred dollars (\$100.00) per playing table authorized, whichever is the greater fee, payable in advance.
- D. Card School, Application Fee. Each application for a card school shall be accompanied by an application fee in the amount of one hundred dollars (\$100.00) which shall be nonrefundable and retained by the city for

payment of processing the application and investigations made pursuant to this chapter.

E. Card School, License Fees. The annual license tax for a card school shall be fifty dollars (\$50.00) per year, or at the rate of five dollars (\$5.00) per playing table authorized, whichever is the greater fee, payable in advance. (Prior code § 17-50.3)

**5.20.050 Licenses nontransferable.**

No license shall be transferred except as provided in this chapter. When a business for which a card club or card school license has been issued is sold or transferred, any license for a card club or card school shall be deemed revoked and the successor or transferee shall make application for a license in the same manner as the original application. The provisions of this section shall apply to transfer of any license issued prior to enactment of this chapter. (Prior code § 17-50.4)

**5.20.060 License for one location only--specified number of players.**

A license issued for a particular location shall authorize the permittee to conduct the permitted business at such location only, and such license shall not be used for conducting such business at any other location, and only the number of playing tables and maximum number of players as approved in the license application are permitted at any time to participate in playing at a card club without the written consent of the license review board or the city council, and without the payment of a fee of twenty-five dollars (\$25.00) for a license review, plus additional annual license tax applicable if increased tables or players are approved. (Prior code § 17-50.5)

**5.20.070 Unlawful to play in unlicensed premises.**

It is unlawful for any person to knowingly play cards for money in premises for which a valid license has not been issued by the city in accordance with the provisions of this chapter. (Prior code § 17-50.6)

**5.20.080 Unlawful to maintain unlicensed premises.**

It is unlawful for any person to keep, conduct or maintain within the city any house, room, apartment, office or place used for a card club or card school as defined herein unless a license therefor has been issued, and it shall be unlawful for any person to permit any house, room, apartment, office or place owned by him or under his charge or control to be used in whole or in part for such purpose unless a license therefor has been issued. (Prior code § 17-50.7)

**5.20.090 Hours of operation.**

No card club shall be opened for the playing of cards therein and no cards shall be played therein except between the hours of six p.m. and twelve midnight. (Prior code § 17-50.8)

**5.20.100 Music or dancing prohibited.**

No live music or dancing shall be permitted in any card club. (Prior code § 17-50.9)

**5.20.110 Alcoholic liquor prohibited.**

No alcoholic liquor shall be possessed, sold or consumed in any card club. (Prior code § 17-51.1)

**5.20.120 Minors prohibited.**

No person under the age of twenty-one (21) years shall be present in or play in any card club. (Prior code § 17-51.2)

**5.20.130 Gambling devices prohibited.**

No device or equipment, other than card tables, cards and scoring devices, which could be or are used for gambling or amusement purposes, shall be kept or operated in any card club. (Prior code § 17-51.3)

**5.20.140 Posting of prices.**

All membership fees, playing fees or charges, as well as prices of refreshments and food offered, shall be posted conspicuously in all rooms of the cardroom and card school. (Prior code § 17-51.4)

**5.20.150 Licensing of employees.**

No person shall be employed or otherwise permitted to work in a card room unless a license has been issued to such person therefor. No such license shall be issued:

A. Until there has been paid an application fee for each employee application in the amount of fifty dollars (\$50.00) which shall be nonrefundable and retained by the city for payment of costs of processing the employee application and investigations pursuant to this chapter;

B. Until the applicant has furnished the license inspector with a statement containing the following information:

1. Name and address of applicant,
2. Record of convictions for violation of any law, except minor traffic laws,
3. Name and address of persons by whom applicant has been employed for the past five years (not over five),
4. Names and addresses of three responsible persons who have known applicant for more than three years,
5. Fingerprints of applicants,
6. Two copies of one-inch square photograph of applicant taken within two years from date of application, one of which shall be attached to the license certificate or identification card, and the other to be retained by the license inspector,
7. Such other information as the license inspector may require;

C. Until the application shall have been approved by the chief of police. If it is the judgment of the chief of police, after review of the application and investigation, that the granting of the license would be detrimental to the public peace, morals or safety, or if it is found that the applicant has been convicted of any crime involving moral turpitude, the chief of police shall recommend to the license inspector that the license be denied; provided however, that if the chief does not disapprove the application within sixty (60) days after such

application is filed with the license inspector, the application shall be deemed to have been approved. (Prior code § 17-51.5)

**5.20.160 Revocation of license.**

In addition to any other grounds for revocation specified in this code, any permit issued under this article may be revoked for the violation of any provisions of this chapter. (Prior code § 17-51.6)

## Chapter 5.24 CHARITABLE SOLICITATIONS

Sections:

- [5.24.010 Definitions.](#)
- [5.24.020 Exemptions.](#)
- [5.24.030 Certificate of registration required for charitable solicitations.](#)
- [5.24.040 Registration statement.](#)
- [5.24.050 Information required in registration statement.](#)
- [5.24.060 Registration fee.](#)
- [5.24.070 Issuance of certificate of registration.](#)
- [5.24.080 Form of certificate of registration.](#)
- [5.24.090 Solicitors' identification cards.](#)
- [5.24.100 Expiration of certificate of registration.](#)
- [5.24.110 Renewal of permits.](#)
- [5.24.120 Filing of financial statement within specified time of termination of solicitation.](#)
- [5.24.130 Nontransferability of certificate of registration.](#)
- [5.24.140 Limitations on manner of solicitations.](#)
- [5.24.150 Denial of registration statement.](#)
- [5.24.160 Revocation of registration certificate.](#)
- [5.24.170 Appeals to the city council.](#)
- [5.24.180 Receipts.](#)
- [5.24.190 Authority of the city manager.](#)
- [5.24.200 Public disclosure.](#)
- [5.24.210 Violation--Penalty.](#)

### **5.24.010 Definitions.**

As used in this chapter:

"Charitable purpose" means philanthropic, religious or other nonprofit objective, including the benefit of poor, sick, needy, refugee or handicapped person; the benefit of any church or religious society, sect, group or order; the benefit of a patriotic or veteran association or organization; the benefit of any fraternal, social or civic organization, or the benefit of any educational institution.

"Charitable purpose" shall not mean or include the direct benefit of the individual making the solicitation or the direct or indirect benefit of any specific or identifiable individual.

"Charitable purpose" shall not mean or include the direct benefit of any political group or political organization which is subject to financial disclosure under state or federal law.

"City manager" means and includes the person exercising that function or any city employee designated by the city manager to perform such functions hereunder.

"Contribution" means and includes the words alms, food, clothing, money, property, subscription or pledge, and also subscription or pledge and also donations or sales under the guise of loans of money or property.

"Individual" means only a natural person.

"Person" means and includes any natural person, firm, partnership, corporation, company, association, society, organization, church congregation, assembly or league and shall include any receiver, trustee, assignee, agent, employee or other similar representative thereof.

"Solicit" or "solicitation" means:

A. Any request directly or indirectly, for the donation of money, credit, property, financial assistance or other things of value;

B. The selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including but not limited to goods, books, pamphlets, tickets, rights to admission to any amusement, show, entertainment, lecture or other enterprise not regularly carried on for private profit or gain by the person for or by whom the solicitation is being made at a fixed place of business within the city, publications or brochures; or

C. The selling or offering for sale of any service, upon the representation, express or implied, that the donations or proceeds of any such sale will be used for a charitable purpose as that term is defined herein.

This chapter shall apply to any solicitation conducted door to door, in any place of public accommodation, in any place of business open to the public generally on the city streets and sidewalks, in the public parks, or in any public place, and conducted by:

A. Oral or written request; or

B. The local distribution, circulation, posting or publishing of any handbill, written advertisement or other local publication.

A "solicitation" as that term is defined above is deemed to have taken place when the request for offer for sale is communicated to any person then located within the city limits. (Prior code § 17-28.1)

#### **5.24.020 Exemptions.**

The provisions of this chapter shall not apply to the following:

A. Charitable solicitations by persons other than a natural person from their members;

B. Charitable solicitations by a person when such solicitation occurs on premises not open to the public generally and owned or controlled by the person making the solicitation or when such solicitation occurs with the permission of the person who owns or controls such premises;

C. The issuance of any announcement or advertisement that such solicitation as described in subsections A

and B of this section will occur or which announces or advertises an event at which unannounced solicitation as described in subsections A and B of this section occurs;

D. Charitable solicitations made through the United States mail. (Prior code § 17-28.2)

**5.24.030 Certificate of registration required for charitable solicitations.**

No person, directly or indirectly, shall make any charitable solicitation or authorize any other person to make any charitable solicitation within the city until such person shall have first obtained a certification of registration from the city manager as provided in this chapter. (Prior code § 17-28.3)

**5.24.040 Registration statement.**

All persons desiring to solicit for charitable purposes in the city shall file with the city manager a registration statement on forms provided by the city manager. Such registration statements shall be sworn to or affirmed and filed with the city manager not less than ten days prior to the time at which the solicitation is to commence; provided, however, the city manager, for good cause shown, may allow such filing less than ten days prior to the commencement of the solicitation. (Prior code § 17-28.4)

**5.24.050 Information required in registration statement.**

The following information shall be required in the registration statement:

- A. The name of the person registering and desiring to solicit for charitable purposes;
- B. Whether the person registering is a natural person, partnership, corporation, association or any other classification set forth in Section [5.24.010](#);
- C. If the person registering is a natural person, the business or residence address and telephone number of the person;
- D. If the person registering is other than a natural person:
  - 1. The address and telephone number of the principal place of business of the person,
  - 2. The names, business or residence addresses and business or residence telephone numbers of the officers, executives, partners and directors, as each of those terms applies to the person;
- E. A brief description by the person registering of the charitable purpose for which the solicitation is to be made, and an explanation of the intended use of the contributions received from the solicitation toward that charitable purpose;
- F. The names of all individuals authorized to disburse the proceeds of the solicitation;
- G. The names, addresses and telephone numbers of all individuals who will be in direct charge or control of the solicitation;
- H. For all individuals named in subsections C, D(2), F and G of this section:

1. Whether such individuals have ever been convicted of a felony or any crime involving moral turpitude, and if so, the date of the conviction and the crime for which such individuals were convicted, and

2. The date of birth and physical descriptions (height, weight, color of eyes and hair) of such individuals. This information may be used by the city to make further investigations into the backgrounds of these individuals. Any information obtained thereby shall become a public record as provided in Section [5.24.200](#):

I. The time period within which the solicitation is to be made, giving the dates of commencement of the solicitation and the scheduled or anticipated conclusion;

J. A description of the method and means by which the solicitation will be made or conducted;

K. The total amount sought to be raised by the solicitation;

L. An estimation of the expenses to be incurred in connection with the solicitation and the disbursement of the contribution received therefrom, including but not limited to salaries, wages, fees, commissions and other administrative expenses and costs; and an estimated percentage of the total anticipated contributions received from the solicitation which will be used to pay such expenses;

M. A statement of all contributions collected or received by the person through solicitations within the calendar year immediately preceding the date of the filing of the registration statement, and the expenditure or use made of such contributions, including, but not limited to the percentage of the amount collected which was used to pay administrative expenses of the person, and all compensation paid during the last calendar year by the soliciting organization to each of the individuals who are listed in this section;

N. The names of any other cities in which the person registering has solicited for charitable purposes within the past five years; provided, however, that if the number of cities exceeds ten, the person registering may list the ten cities in which the most recent solicitations occurred;

O. A statement to the effect that upon receipt of the certificate of registration, such certificate will not be used or represented in any way as an endorsement by the city or any of its departments, officers or employees;

P. What records of the contributions received from the solicitation will be kept and the location where, and time when, these records will be opened to the public;

Q. A statement, signed under penalty of perjury by:

1. The registrant, if the person registering is a natural person; or

2. The individual charged with disbursing the contributions solicited, if the person registering is other than a natural person, as the term "person" is defined in Section [5.24.010](#), that such individual has carefully read the registration statement and that all the information contained therein is true and correct. (Prior code § 17-28.5)

**5.24.060 Registration fee.**

Every registration statement shall be accompanied by a registration fee of five dollars (\$5.00) to compensate the city for the cost of administering this chapter, and such fee is not refundable if the certificate of registration is not issued. (Prior code § 17-28.6)

**5.24.070 Issuance of certificate of registration.**

A. After a review of the registration statement to determine its compliance with Section [5.24.050](#), the city manager shall within ten days either issue a certificate of registration as provided in this chapter, or notify the person registering that the statement does not comply with Section [5.24.050](#) and specifically point out what information or explanation has not been furnished that is required to be furnished before a certificate of registration can be issued. Upon the furnishing of the information or explanation necessary to bring the registration statement into compliance with Section [5.24.050](#), the city manager shall issue a certificate of registration.

B. In the event the city manager fails to act within the time prescribed in subsection A of this section, the certificate of registration shall be deemed to be issued.

C. No certificate of registration shall be issued by the city manager if the person registering fails to provide the information on the registration statement as required by Section [5.24.050](#). (Prior code § 17-28.7)

**5.24.080 Form of certificate of registration.**

Certificates of registration issued under this chapter shall bear the name and address of the person to whom the certificate is issued, the registration number which is the same as the file containing the registration statement filed by the registrant, the date of issuance of the certificate, the expiration date of the certificate and a statement that the certificate does not constitute an endorsement by the city or any of its departments, officers or employees of the purpose of, or for the person conducting, the solicitation. (Prior code § 17-28.8)

**5.24.090 Solicitors' identification cards.**

A. All individuals soliciting on behalf of a person to whom a certificate of registration has been issued shall visibly display a solicitors' identification card to any person or persons to whom the solicitation is made prior to making the solicitation.

B. The identification card shall contain the following information:

1. The name of the person to whom the certificate of registration is issued;
2. The registration number;
3. The name of the solicitor;
4. The expiration date of the certificate of registration;
5. A statement of the charitable purpose for which the solicitation is made;

6. The percentage of total anticipated contributions received from the solicitation which will be used to further the charitable purpose;
7. A statement that the registration statement relative to the solicitation is available for inspection by members of the public at the city manager's office during regular business hours;
8. A statement that the identification card is not an endorsement of the solicitation by the city or any of its departments, officers or employees.

C. The person registering shall provide, by a separate list, the names and addresses of all agents, employees, or solicitors for whom identification cards are desired. For all such individuals, the person registering shall also provide all information required to be disclosed under Section [5.24.050](#)(H)(1) and (2). All such information shall become a public record as provided in Section [5.24.050](#). The city manager shall issue up to ten identification cards with the certificate of registration without any additional charge. The registrant may obtain additional cards by paying to the city its actual cost for such cards. (Prior code § 17-28.9)

**5.24.100 Expiration of certificate of registration.**

Every certificate of registration and identification issued thereunder shall expire at the termination of the solicitation period specified in the registration statement or one year from the date of issuance, whichever is less, unless renewed pursuant to Section [5.24.110](#) or revoked pursuant to Section [5.24.160](#). (Prior code § 17-28.10)

**5.24.110 Renewal of permits.**

A. On the expiration of any certificate and if requested on writing to do so, the city manager shall renew the permit within ten days after such request if the registrant states, under penalty of perjury, that:

1. No change in the information provided in the registration statement has occurred since the issuance of the original certificate;
2. The registrant has complied or intends to comply with Section [5.24.120](#) regarding the filing of a closing financial statement; and
3. The registrant has not violated any of the provisions of this chapter.

B. Any renewal, if granted, shall expire six months after the date upon which such renewal was granted. (Prior code § 17-28.11)

**5.24.120 Filing of financial statement within specified time of termination of solicitation.**

A. Not later than thirty (30) days from the expiration of the certificate of registration, the person registering shall file with the city manager, on forms provided by the city manager, a closing statement regarding the solicitation of funds, which shall be a sworn financial statement showing the total funds collected form the solicitation and the purpose and amount for which such funds were disbursed by the person registering and any incurred but unpaid expenses resulting from the solicitation.

B. In the event a renewal of the certificate of registration is granted to the registrant, such renewal shall not relieve the registrant from complying with the requirements of this section. The registrant shall continue to be required to file a closing financial statement at the expiration of the original certificate of registration and an additional closing financial statement at the expiration of the renewal period, relative to solicitations made within that renewal period. (Prior code § 17-28.12)

**5.24.130 Nontransferability of certificate of registration.**

No certificate of registration issued under this chapter shall be transferred or assigned and any such attempt to make such transfer or assignment shall be void. (Prior code § 17-28.13)

**5.24.140 Limitations on manner of solicitations.**

No person to whom a registration statement is issued pursuant to this chapter or any of its employees, agents or solicitors shall:

A. Solicit between the hours of seven p.m. and nine a.m.;

B. Solicit or authorize solicitations to be made if such solicitor, employee or agent making the solicitation is under the age of sixteen (16) years, unless such solicitor is supervised by an adult in the immediate vicinity not to exceed one street block;

C. Solicit at any house, apartment or other dwelling or any business premises to which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupant thereof;

D. Persistently and importunately request any contribution from any member of the public after such member of the public expresses the desire not to contribute;

E. Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally. (Prior code § 17-28.14)

**5.24.150 Denial of registration statement.**

In the event the city manager denies a certificate of registration to any person for failure to comply with Section [5.24.050](#), the city manager shall give the registrant a written notice, stating with specificity the reasons for such denial, including proof that the city manager notified the registrant of the deficiencies of the registration statement prior to such denial. (Prior code § 17-28.15)

**5.24.160 Revocation of registration certificate.**

A. Whenever it shall be shown that any person to whom a registration certificate has been issued or any person soliciting on behalf of such certificate holder has violated Section [5.24.090](#) by failing to visibly display the solicitor's identification card prior to making the solicitation, Section [5.24.130](#) by attempting to assign or transfer the certificate of registration, Section [5.24.130](#) by soliciting in any manner prohibited thereunder, or Section [5.24.180](#) by failing to provide the contributor with a receipt as required thereunder, the city manager shall revoke the registration certificate; provided, however, that the city manager must, prior to such revocation, give written notice to the certificate holder of not less than two business days. Delivery of such

notice shall be in person or by registered/ certified mail to the address of the certificate holder as listed on the registration statement.

B. The notice of revocation shall state with specificity the reason or reasons for the revocation, and shall also set forth the method by which the registrant may appeal the city manager's action to the city council as set forth in Section [5.24.170](#).

C. In the event a person's certificate of registration is revoked pursuant to subsection A of this section, such revocation shall be treated as an expiration of the certificate for purposes of requiring the registrant to file a closing financial statement thirty (30) days after the date of revocation, as set forth in Section [5.24.120](#). (Prior code § 17-28.16)

#### **5.24.170 Appeals to the city council.**

A. Any applicant for a certificate of registration or certificate holder aggrieved by any action of the city manager to deny, revoke or refuse to renew a certificate may appeal to the city council by filing with the city clerk a statement addressed to the city council setting forth the facts and circumstances regarding the action of the city manager. Such appeal shall be filed within ten days after the disputed action of the city manager, and the city council shall hear the appeal at its next regular meeting after the filing of the appeal. At the time of appeal hearing, the city council shall hear all relevant evidence and shall determine the merits of the appeal and render a decision thereon within three business days after the hearing.

B. In the event the city council affirms the decision of the city manager, the appellant shall be given written notice thereof within two days thereafter. Such notice shall state with specificity the reasons for the city council's decision, and shall also state that such decision is appealable to the Superior Court of the state as set forth in subsection C of this section.

C. The action of the city council shall be final and appealable to the Superior Court of the state. (Prior code § 17-28.17)

#### **5.24.180 Receipts.**

Any person receiving money or anything of value in excess of five dollars (\$5.00) from any contributors as a result of a solicitation made pursuant to this chapter shall give each such contributor a written receipt signed by the solicitor showing plainly the name and the certificate number of the person under whose certificate the solicitation is made, the date of receipt of the contribution, and the amount received; provided, however, that this section shall not apply to any contribution collected by means of a closed box or receptacle where it is impractical to determine the amount of such contribution. (Prior code § 17-28.18)

#### **5.24.190 Authority of the city manager.**

Nothing set forth in this chapter shall be construed as granting to the city manager or any other person the authority or discretion to issue, deny, revoke or renew any certificate of registration by reason of disapproval or agreement with the philosophy, opinion or belief of the applicant, certificate holder or person soliciting therefor, or by reason of disbelief in the charitable purposes of the person seeking to solicit pursuant to this

chapter or for any other reason not specifically provided for in this chapter. (Prior code § 17-28.19)

**5.24.200 Public disclosure.**

All registration statements filed with the city manager and all information obtained by the city pursuant to Sections [5.24.050\(H\)\(2\)](#) and [5.24.090\(C\)](#), whether or not a certificate of registration has been issued, shall be a public record and shall be available for inspection by members of the public during regular business hours, and copies may be obtained at the regular cost for copies of other public records. The city manager is authorized to cause such information to be published as a public notice in the local newspaper or posted within the city limits if such publication or posting is determined by the city manager to be necessary in order to provide full and complete disclosure to members of the public. (Prior code § 17-28.20)

**5.24.210 Violation--penalty.**

Any person, as defined in section [5.24.010](#), or any agent, servant, employee, officer or solicitor thereof, violating any provision of this chapter, or who aids or abets in the procuring of a violation of any provision, part or portion of this chapter, or who files or causes to be filed a registration statement containing false or fraudulent statements of fact shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined not more than five hundred dollars (\$500.00) for each offense, or undergo imprisonment for not more than six months, or both. Each violation shall be deemed a separate offense and shall be punishable as such. (Prior code § 17-28.21)

**Chapter 5.28  
CHRISTMAS TREE DEALERS**

Sections:

**5.28.010 Christmas Tree Dealers.**

**5.28.010 Christmas tree dealers.**

Every person who applies for a license to conduct sales of Christmas trees in the open on any lot or at any location in the city shall, in addition to the license fee paid, deposit with the city treasurer the sum of one hundred dollars (\$100.00) for the purpose of cleaning said lot after the conclusion of sales for which said license was issued.

Every such outdoor Christmas tree lot shall be inspected by the appropriate city department not earlier than December 27th nor later than December 30th of the year in which said license is issued, and shall make a written report of such inspection to the city manager or his duly delegated subordinate officer immediately following the completion thereof. Such report shall state whether or not the Christmas tree lot has been satisfactorily cleaned and, if not, shall state the particulars in which it is deemed not to have been satisfactorily cleaned. The city manager or his duly delegated subordinate officer shall notify the licensee in writing not later than five days following the receipt of such report of any particulars in which it is deemed that said Christmas tree lot has not been satisfactorily cleaned and shall require said licensee to complete the cleaning of said Christmas tree lot in every particular not later than five days from the date of said notice.

The licensee shall comply with said notice from the city manager or his duly delegated subordinate officer within the time allowed and submit evidence to the city manager, or his duly delegated subordinate officer, establishing such compliance.

Every Christmas tree lot which has not been satisfactorily cleaned on or before the eighth day of January following the year for which such license has been issued shall be caused by the city manager or his duly delegated subordinate officer to be cleaned and all charges, costs and expenses of such cleaning shall be deducted from the deposit required by this section. Any remaining portion of such deposit shall be refunded to the licensee as soon after the eighth day of January as such refunds can be processed.

The full amount of such deposit shall be refunded to every licensee who has satisfactorily cleaned the Christmas tree lot for which a license has been issued as soon as such refund can be processed. All costs and expenses of cleaning in excess of the amount of said deposit shall be billed to the licensee who shall be obligated to pay same in full. The city manager or his duly delegated subordinate officer shall submit vouchers in support of the costs of cleaning Christmas tree lots separately for each of the lots. The city shall make such vouchers a part of the permanent records with respect to the license and deposit to which they apply.

The City Council shall, from time to time as it deems necessary, by resolution set, determine and state the charges for use of city personnel and equipment for the cleaning operations to be performed hereunder. (Prior code § 20-9)

## Chapter 5.32 CLOSING-OUT SALES AND SIMILAR SALES

Sections:

- [5.32.010 Definitions.](#)
- [5.32.020 Permit required.](#)
- [5.32.030 Application for permits--Information and inventory to be shown.](#)
- [5.32.040 Investigation of applicant for permit.](#)
- [5.32.050 Issuance or denial of permit.](#)
- [5.32.060 Hearing upon denial of issuance of permit.](#)
- [5.32.070 Permit fee.](#)
- [5.32.080 Scope of permit--Renewals.](#)
- [5.32.090 Sales at location described in permit only--Purchase of goods during sale prohibited.](#)
- [5.32.100 Revocation of permit--Generally.](#)
- [5.32.110 Revocation of permit--Complaint.](#)
- [5.32.120 Loss of identity of goods.](#)
- [5.32.130 Display of permit--Duplicate of application and stock list to be kept available for inspection.](#)
- [5.32.140 Records to be kept--Revision of stock list.](#)
- [5.32.150 Exemptions from chapter.](#)

### **5.32.010 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Advertise, advertisement, advertising, publish and publication" means any and all means, whether oral, written, lettered or printed, used for conveying to the public notice of the conduct of a sale as defined herein, or notice of intention to conduct such sale, including but not limited to oral or written announcements by proclamation or outcry, newspaper advertisement, magazine advertisement, handbill, written or printed notice, printed display, billboard display, poster and radio or television announcement.

"Inspector" means an inspector appointed by or authorized by the city council.

"Permit" means a permit issued pursuant to this section.

"Permittee" means any person to whom a permit has been issued pursuant to this section.

"Sale" means any sale of, or any offer to sell, to the public, or any group thereof, goods, wares or merchandise on order, in transit or in stock, in connection with a declared purpose as set forth by advertising that such sale is anticipatory to or to avoid the termination, liquidation, revision, windup, discontinuance, removal, dissolution or abandonment of the business or that portion of the business conducted at any location; and

All sales advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business or that portion thereof being conducted at any location will cease, be removed, be interrupted, discontinued or changed; and

All sales advertised to be "adjuster's sale," "adjustment sale," "assignee's sale," "bankrupt sale," "benefit of trustee's sale," "benefit of administrator's sale," "benefit of creditor's sale," "building coming down sale," "closing sale," "closing out sale," "creditors' committee sale," "damaged goods sale," "end sale," "executor's sale," "final days sale," "fire sale," "forced out sale," "forced out of business sale," "insolvent sale," "insurance salvage sale," "last days sale," "lease expires sale," "lease expiring sale," "liquidation sale," "loss of lease sale," "mortgage sale," "outselling sale," "receiver's sale," "removal sale," "reorganization sale," "salvage sale," "selling out sale," "smoke sale," "smoke and water sale," "trustee's sale," "quitting business sale," "wholesale closing out sale," "we quit sale," "we give up sale," "fixtures for sale," or advertised by any other expression or characterization closely similar to any of the foregoing and calculated to convey the same meaning; and

All sales advertised in a manner calculated to indicate that the goods, wares or merchandise to be sold, or any part thereof, have been involved in any business failure or have been derived from a business which has failed, been closed, discontinued or liquidated; and

All sales accompanied by notices or advertising indicating that the premises are available for purchase or lease or are otherwise to be vacated; and

All sales accompanied by advertising indicating a business emergency or failure affecting the seller or any previous holder of the goods to be disposed of. (Prior code § 9-1)

### **5.32.020 Permit required.**

No person shall hereafter publish or conduct any sale of the type here defined without first obtaining a permit therefor from the city council. (Prior code § 9-2)

### **5.32.030 Application for permits--information and inventory to be shown.**

No permit to conduct a sale as defined herein shall be granted except upon written application to the city council, signed and verified before a person authorized to administer oaths, by the person who intends to conduct such sale, and each application shall set forth and contain the following information:

- A. Description, by street location and kind of building of the location at which such sale is to be held;
- B. The nature of the occupancy, whether by ownership, lease or sublease, and if by lease or sublease the effective date of the termination of such tenancy;
- C. A copy of all advertisements proposed to be used in connection with such sale, and a statement of the means or methods of advertising to be used in advertising such sale;
- D. The facts in regard to the insurance, bankruptcy, insolvency, assignment, mortgage, foreclosure,

administration, receivership, trusteeship, removal, executorship removal, or other cause advertised to be the reason for the proposed sale;

E. An inventory or statement, in such form and in such detail as the city council may require, setting forth the amount and description of goods, wares and merchandise to be sold at such sale, and, when required by the city council, the date of acquisition of such goods, wares or merchandise, and the persons from whom obtained and the place from which such goods were last taken.

The City Council may require that all goods, wares and merchandise listed upon the inventory or statement shall be so described in detail by manufacturer's name and lot number, the individual number of articles so numbered, colors, sizes and otherwise, that the identity of such goods with the goods listed on such inventory can be readily determined. (Prior code § 9-3)

#### **5.32.040 Investigation of applicant for permit.**

Upon the filing of the application for a permit, the city council may make or cause to be made an examination, audit or investigation of the applicant and his affairs, in relation to the proposed sale. (Prior code § 9-4)

#### **5.32.050 Issuance or denial of permit.**

If the City Council finds that the statements in the application are true, that the inventory is complete, that the advertising set forth is not false, fraudulent, deceptive or misleading in any respect, and that the methods to be used by the applicant in conducting the sale are not such as, in the opinion of the city council will work a fraud upon the purchasers, the city council shall issue to the applicant a permit to conduct such sale in accordance with the provisions of this chapter, otherwise the city council shall deny the application and refuse the permit. The city council may refuse a permit because of the insufficiency of the information set forth in the application, but in such event the city council shall grant the applicant permission to file an amended application. (Prior code § 9-5)

#### **5.32.060 Hearing upon denial of issuance of permit.**

No application, however, shall be denied unless an opportunity for a hearing has been given the applicant by a ten days' notice in writing, personally served on applicant or mailed to applicant's place of business as set forth in the application in the manner prescribed by the Code of Civil Procedure for service or civil pleadings after complaint is served. (Prior code § 9-6)

#### **5.32.070 Permit fee.**

No application for any permit shall be accepted by the city council for filing unless accompanied by a filing fee in the amount of fifty dollars (\$50.00) no part of which shall be refundable. (Prior code § 9-7)

#### **5.32.080 Scope of permit--renewals.**

Any permit issued under the provisions of this chapter shall authorize the one type of sale named in the application, at the place named therein, for a period of not more than sixty (60) calendar days, and shall permit the sale of goods only which are set out in the application, all of which goods throughout the duration of the sale must be definitely separated from any other goods displayed at, or within the store or place of

business, and all advertising, signs or notices referring to, or calling attention to the sale, must be confined to the display, or displays, of goods involved in the sale; provided, however, that the city council may, upon a verified application therefor, renew the permit for a period of not to exceed thirty (30) days, upon the payment of a renewal fee in the amount of twenty-five (\$25.00) dollars. Such verified petition for renewal shall set forth a complete list of goods listed in the original application and remaining unsold, and shall not contain any goods, wares or merchandise not named in such original application. Upon receipt of such application for renewal the city council shall cause an investigation to be made at once, and if satisfied of the truth of the statements therein contained, the city council shall grant such renewal, which shall be endorsed and signed as provided for the original permit. The city council may renew any original permit in the manner above provided not to exceed two times, upon the payment of the sum of twenty-five (\$25.00) dollars for each such renewal; provided, however, that the city council may not issue permits or renewals which will allow the conduct of any sale, or sales, of any kind, or kinds, named in this section, at any one location for more than one hundred twenty (20) calendar days in any one twelve (12) month period. (Prior code § 9-8)

**5.32.090 Sales at location described in permit only--purchase of goods during sale prohibited.**

A permit required by this chapter shall be valid only for the advertising, representation and sale of the particular goods, wares or merchandise described in the original application therefor, and at the particular time, and particular place stated therein, and by the particular applicant, and any renewal, replenishment or substitution of such goods, wares or merchandise, or change of such time or place for such sale, or change of person conducting the sale, shall be unlawful and shall render such permit void. No person in contemplation of conducting any such sale or special sale, or during the continuance of such a sale, shall order any goods, wares or merchandise for the purpose of selling them at such sale, and any unusual purchase, or additions to the stock of such goods, wares or merchandise, within sixty (60) days before the filing of such application for a license to conduct such a sale shall be presumptive evidence that such purchase or additions were made in contemplation of such sale and for the purpose of selling them at such sale. (Prior code § 9-9)

**5.32.100 Revocation of permit--generally.**

The City Council shall have the power to revoke at any time any permit granted in accordance with this section whenever any such sale or special sale is being conducted in violation of any of the provisions of this section or in such manner as to deceive or defraud the public, or if

- A. The holder of any such permit has made any material misstatement in the application for such permit;
- B. He has been guilty of any fraudulent practice, or practices, in the conduct of the sale authorized by such permit;
- C. He has failed to include in the inventory required by the provisions of this section the goods, wares or merchandise required to be contained in such inventory;
- D. He has added, caused to be added, or permitted to be added any goods, wares or merchandise not described in the original inventory;

E. He has violated any of the provisions of this section or of the laws pertaining to advertising. (Prior code § 9-10)

**5.32.110 Revocation of permit--complaint.**

No permit shall be revoked for any cause enumerated in the preceding section, until a written complaint has first been filed with the city council setting forth in ordinary, concise language the charge made against the permittee. Such complaint shall be verified by the oath of the person making the charge, such verification to be in the form prescribed by the Code of Civil Procedure for verified pleadings in civil actions. Service of such complaint and notice of hearing shall be in the form and manner prescribed by the Code of Civil Procedure for service of complaints and notices. (Prior code § 9-11)

**5.32.120 Loss of identity of goods.**

Any removal of any goods, wares or merchandise inventoried and described in the original application form from the place of sale mentioned in such application shall cause such goods to lose their identity as the stock of any of the sales defined herein, and no permits thereafter will be issued for the conducting of a sale of any such goods, wares or merchandise in such manner as to identify them with the store, store name, store owner or location referred to in the original application. (Prior code § 9-12)

**5.32.130 Display of permit--duplicate of application and stock list to be kept available for inspection.**

Upon commencement and throughout the duration of any sale, as herein defined, the permit issued by the city council shall be prominently displayed near the entrance to the premises. A duplicate original of the application and stock list pursuant to which such permit was issued, shall at all times be available to the city council or to its inspector and investigators, and the permittee shall permit such inspector and investigators to examine all merchandise in the premises for comparison with such stock list. (Prior code § 9-13)

**5.32.140 Records to be kept--revision of stock list.**

Suitable books and records shall be kept by the permittee and shall at all times be available to the inspector and investigators. At the close of business each day the stock list attached to the application shall be revised and those items disposed of during such day shall be so marked thereon. (Prior code § 9-14)

**5.32.150 Exemptions from chapter.**

The provisions of this chapter shall not apply to or affect the following persons:

- A. Persons acting pursuant to an order or process of a court of competent jurisdiction;
- B. Persons acting in accordance with their powers and duties as public officers such as sheriffs and marshals;
- C. Any publisher of a newspaper, magazine or other publication, who publishes any such advertisement in good faith, without knowledge of its false, deceptive or misleading character, or without knowledge that the provisions of this section have not been complied with. (Prior code § 9-15)

## Chapter 5.36 DANCES AND DANCEHALLS

Sections:

- [\*\*5.36.010 Definitions.\*\*](#)
- [\*\*5.36.020 Permit required.\*\*](#)
- [\*\*5.36.030 Grounds for issuing or denying permit.\*\*](#)
- [\*\*5.36.040 License fees to be paid.\*\*](#)
- [\*\*5.36.050 Dance hall regulations.\*\*](#)
- [\*\*5.36.060 Floor space.\*\*](#)
- [\*\*5.36.070 Night club, cabaret or social club regulations generally.\*\*](#)
- [\*\*5.36.080 Booths and conduct in night clubs.\*\*](#)
- [\*\*5.36.090 Police and fire protection.\*\*](#)

### **5.36.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

A. "Public dances" means a gathering of persons in or upon any premises where dancing is participated in, either as the main purpose for such gathering or as an incident to some other purpose, and to which premises the public is admitted.

B. "Public dance hall" means a place where dancing is conducted either for profit or not, and to which the public is admitted either with or without charge, or to which the public is allowed to participate in the dancing either with or without charge. (Prior code § 10-1)

### **5.36.020 Permit required.**

It is unlawful for any person to open, conduct or carry on or to participate in the opening, conducting or carrying on of a public dance in any public place in the city unless a permit to do so has been granted by the city council. A violation of this section shall be an infraction. (Prior code § 10-2)

### **5.36.030 Grounds for issuing or denying permit.**

In recommending the granting or denying of any permit under this chapter and in granting or denying the same, particular consideration shall be given to the peace, order, safety and moral welfare of the public. (Prior code § 10-3)

### **5.36.040 License fees to be paid.**

In addition to the permit required under the provisions of this chapter, it is unlawful for any person to open, conduct or maintain any of the activities, businesses or operations herein referred to without having paid the license fees required under any license regulations of the city. A violation of this section shall be an infraction. (Prior code § 10-4)

### **5.36.050 Dance hall regulations.**

The following regulations for the conduct of all public dances and the operation of all public dance halls or places in which a public dance is held are adopted and the violation thereof by any person conducting any public dance, under a permit or otherwise, shall be a misdemeanor:

A. Lighting. The hall, ballroom or other public place in which any dance is being held shall be kept well-lighted.

B. Minors Not to be Admitted. Except as provided in subsection K of this section, no person under the age of eighteen (18) years shall be admitted unless accompanied by his parent, guardian or other person having the care and custody of such person.

C. Age of Instructors Giving Lessons in Private. No person conducting, maintaining or carrying on a public dance, public dance hall or dancing academy shall permit any instructor who is under twenty-one (21) years of age to give instructions in dancing to persons of the opposite sex in any private room, booth, alcove or enclosure, every part of which is not clearly visible at all times from the main dance floor located on the same floor in such dancing academy or public dance hall.

D. Allowing Minors to Enter. Except as provided in subsection K of this section, no person, parent or guardian shall permit any person under the age of eighteen (18) years unaccompanied by such parent or guardian to enter, be in or dance in, nor shall such infant enter, be in or dance in any public dance hall or club dance.

Nothing in this section shall be construed to prevent an infant from being in any bona fide cafe or other place where meals are regularly served, but wherein no intoxicated liquor is served, and where a public dance is being held; provided, that such infant does not participate in the dancing therein.

E. Alcoholic Beverages. No vinous, spirituous or other alcoholic beverage shall be permitted on the premises where any such dance is being conducted or in premises directly connected therewith; provided, that this restriction shall not apply to places where food is served and liquor sold under authority of the state liquor control board.

F. Intoxicated Persons. No person under the influence of intoxicating liquor shall be admitted or allowed to remain at any public dance.

G. Return Check. No return check shall be issued.

H. Hours. No dancing shall be permitted between the hours of two a.m. and nine a.m. next ensuing.

I. Posting of Regulations. A copy of these regulations shall be kept posted in a conspicuous location in the hall, ballroom or other public place wherein the dance is being conducted and at all times during the continuance of the dance. Any person removing the same except upon authority of the proprietor thereof shall be guilty of a misdemeanor.

J. Application of Subsections H and I. The provisions of subsections H and I shall be construed to apply to public dances given by the management of hotels, to public charitable exhibitions or entertainment given by any association or society, and to public dances given by fraternal, patriotic or social organizations, even

though no admission fee is charged.

K. Special Permit for Dances to be Attended by Minors. Notwithstanding other provisions of this section, the city council may grant a special permit for public dances in a public dance hall at which minors under the age of eighteen (18) years may be admitted subject to the following limitations:

1. No person twenty-one (21) years of age or older shall be permitted to dance at such dance hall at such times minors under the age of eighteen (18) years are admitted.
2. No alcoholic beverages are sold or available in or upon such facilities of premises in which dance is conducted.
3. No minor under the age of eighteen (18) shall be admitted after the permittee has received a notice signed by the parent or guardian of any such infant requesting that such infant not be allowed to enter or attend such public dance or public dance hall.
4. Such other conditions, rules and regulations as the city council may establish at or subsequent to the granting of the special permit in addition to all other applicable provisions of this section. (Prior code § 10-5)

#### **5.36.060 Floor space.**

No permit shall be issued hereunder for the conduct of any public dance hall, dancing club or public dance at any establishment having less than the following prescribed area set aside and reserved exclusively for dancing:

- A. Two hundred (200) square feet of dance floor where the seating capacity of the establishment is not more than fifty (50) persons;
- B. Three hundred (300) square feet of dance floor where the seating capacity of the establishment is not more than seventy-five (75) persons;
- C. Four hundred (400) square feet of dance floor where the seating capacity of the establishment is in excess of seventy-five (75) persons. (Prior code § 10-6)

#### **5.36.070 Night club, cabaret or social club regulations generally.**

It is unlawful for any person operating a cabaret, night club or social club in the city, or any agent, employee or representative of such person, to permit any breach of peace therein or any disturbance of public order or decorum by any tumultuous, riotous or disorderly conduct or otherwise, or to permit such cabaret, night club or social club to remain open or patrons to remain upon the premises between the hours of two a.m. and nine a.m. next ensuing, or to violate any of the regulations referred to in subsections A, B and C of Section [5.36.050](#). (Prior code § 10-7)

#### **5.36.080 Booths and conduct in night clubs.**

It is unlawful for any person operating a cabaret, night club or social club in the city, or any agent, employee

or representative of such person, to erect, construct, maintain or cause or permit to be constructed or maintained within such cabaret, night club or social club any private rooms, booths or compartments or any closed stalls or any alcoves of any nature, so arranged that the entire inner portion of the same shall not at all times be visible or to permit any conduct in such place prejudicial to public morals. (Prior code § 10-8)

**5.36.090 Police and fire protection.**

If, in the judgment of the chief of police or chief of the fire department, the public welfare and safety require the continuous attendance at any of the places of business or activities referred to in this chapter during the time the same are being carried on, they may require the appointment of special police officers or firemen for the purpose of preserving order and the enforcement of any and all police and fire regulations pertinent to such operations; provided, however, that the presence of such special police officers or firemen shall not relieve that management or any of its employees from responsibility for any violation of law or city ordinance. The compensation of the special officers or firemen provided for herein shall be paid for by the management; provided, that such compensation shall not exceed the normal compensation paid to such policemen and firemen for similar work in the city. (Prior code § 10-9)

## Chapter 5.40 FORTUNE TELLING

Sections:

- [\*\*5.40.010 License required.\*\*](#)
- [\*\*5.40.020 Compliance with license.\*\*](#)
- [\*\*5.40.030 License application.\*\*](#)
- [\*\*5.40.040 Investigation.\*\*](#)
- [\*\*5.40.050 Issuance of license.\*\*](#)
- [\*\*5.40.060 Separate license for each person.\*\*](#)
- [\*\*5.40.070 Bond termination.\*\*](#)
- [\*\*5.40.080 License cancellation.\*\*](#)
- [\*\*5.40.090 Advertising restricted.\*\*](#)
- [\*\*5.40.100 License fee.\*\*](#)
- [\*\*5.40.110 Exceptions.\*\*](#)

### **5.40.010 License required.**

Every person advertising by sign, circular, handbill, newspaper, periodical, magazine, or other publication, or by any other means whatsoever, the telling of fortunes, forecasting of futures or furnishing any information not otherwise obtainable by the ordinary process of knowledge, for or without pay, by means of any occult or psychic power, faculty or force, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, mediumship, seership, prophecy, augury, astrology palmistry, necromancy, mindreading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, crystal gazing, oriental mysteries or magic of any kind or nature, or engaging in, practicing or carrying on any art, profession or business, the advertisement of which is regulated by this chapter, shall pay the license fee required by Section [5.40.100](#) and shall procure a license in the manner prescribed in this chapter. (Prior code § 21-31(a))

### **5.40.020 Compliance with license.**

No person shall commence, engage in, carry on or advertise that he or she will engage in or carry on any trade, calling, profession, or occupation specified in Section [5.40.010](#) without first having procured a license as required by the licensing provisions of this section or without complying with any and all regulations of such trade, calling, profession or occupation contained in this chapter or any other ordinance of the city; and the carrying on of any trade, calling, profession or occupation mentioned in this chapter, without first having procured such a license when required so to do, or without complying with any and all regulations of such trade, calling, profession or occupation contained in this chapter, shall constitute a separate violation of this chapter for each and every day that such trade, calling, profession or occupation is so advertised, engaged in or carried on. (Prior code § 21-31(b))

### **5.40.030 License application.**

Every person desiring to practice a profession, art or business specified in Section [5.40.010](#) shall make application to the business license department. The applicant shall provide the following:

- A. Name and address of the applicant;
- B. Address of the proposed location for the conduct of the proposed profession, art or business;
- C. Record of conviction for violations of the law, excluding minor traffic violations;
- D. Two copies of a photograph, one-inch by one-inch in size, taken within two years of the application for submission to the police department;
- E. The fingerprints of the applicant on a suitable form to be provided by the police department;
- F. Address, city and state, and approximate dates when this applicant practiced a similar business, either alone or in conjunction with others;
- G. Such other and further information as the business license inspector may find necessary to process the application. (Prior code § 21-31(c))

**5.40.040 Investigation.**

- A. The business license inspector shall make, or cause to be made, an investigation of each application in order to verify the facts contained in the application or the supporting data.
- B. After conducting said investigation, the business license inspector shall submit the application and the results of the investigation to the business license department, who shall conduct a hearing on the matter of the application. (Prior code § 21-31(d))

**5.40.050 Issuance of license.**

- A. At the conclusion of the hearing, the business license department shall approve the issuance of the license if it shall find:
  - 1. All the information contained in the application or supporting data is true;
  - 2. No information has been brought to the attention of the business license department as a result of the investigations which would require the said department to refuse such license.
- B. The business license department shall thereafter issue the license when:
  - 1. The required fee has been paid; and
  - 2. There shall have been posted with the city clerk a surety bond in the principal sum of ten thousand dollars (\$10,000.00) executed as surety by a good and sufficient corporate surety authorized to do a surety business in this state and as a principal by the applicant which shall have been approved by the city attorney as to form, which bond shall have been given to insure good faith and fair dealing on the part of the applicant and as a guarantee of indemnity for any and all loss, damage, injury, theft, or other unfair dealing suffered by any patron of the applicant within the city during the term of the license. (Prior

code § 21-31(e))

**5.40.060 Separate license for each person.**

Every natural person actively carrying on, conducting, or engaging in any of the professions, arts, businesses or callings for which a license is required, and enumerated in Section [5.40.010](#) shall file a separate application, separate photograph and fingerprints and pay a separate license fee as required by the licensing provisions of this title and post a separate bond as provided in Section [5.40.050](#) regardless of whether or not such natural person is practicing such profession, art, or pursuit on behalf of or for any firm, corporation, copartnership, association, society or any other such organization. (Prior code § 21-31(f))

**5.40.070 Bond termination.**

A. The liability on any bond deposited with the city as required by Section [5.40.050](#) may be terminated upon the filing with the city clerk by the surety on the bond of a written notice to the city wherein shall be stated that the surety intends to terminate the liability upon the bond, said termination to become effective thirty (30) days from and after the day upon which the notice of intention to terminate liability is filed with the city clerk; provided, however, that in no case shall the termination of liability by the surety on any bond affect any liability incurred prior to the date of termination thereof.

B. Upon the termination of liability by the surety upon any bond as provided in this chapter, the license of the principal of the bond shall be automatically revoked. (Prior code § 21-31(g))

**5.40.080 License cancellation.**

Upon the discovery of any false or misleading statement in the application or any misrepresentation by the applicant in procuring the license, or upon the failure, neglect, or refusal of the applicant to promptly, voluntarily and without notice, furnish and file a new bond when the surety on any bond has terminated its liability, and cause the same to be approved by the city manager as to sufficiency of sureties and by the city attorney as to form, or in case of death, bankruptcy or removal from the city of any one or both of the sureties on bond, then and in that event, the business license department, may, upon five days' notice to the applicant, cancel and annul the license; whereupon the applicant shall be amenable to the penalties prescribed in this title, from and after the date of the cancellation, as though in this title, the license had never been granted. (Prior code § 21-31(h))

**5.40.090 Advertising restricted.**

A. No person shall announce or advertise in any newspaper, magazine or other publication, or by handbill, pamphlet or poster, that any such person practices or engages in a calling, occupation, profession or art specified in Section [5.40.010](#), or print, publish or circulate or permit to be printed, published or circulated any newspaper, magazine, handbill or other publication containing any such advertisement or announcement; provided, however, that any person, holding a license from the city to engage in, practice or carry on any of the callings, occupations, professions or arts may advertise in newspaper, magazines or other publications or handbills, pamphlets, posters or cards only the name, address, telephone number and hours of business of such person, together with the name or names of the calling, occupation, profession or art carried on, engaged in or practiced.

B. Nothing in this chapter shall be deemed to prohibit any bona fide church or religious organization from publishing or announcing notices of the meetings or services of such church or religious organization, nor to prohibit any minister, missionary, medium or worker of such church or religious organization from having printed or from using a business card in the ordinary form of business cards. (Prior code § 21-31(i))

**5.40.100 License fee.**

The license fee for fortune-telling shall be five hundred dollars (\$500.00), subject to the provisions of this chapter. (Prior code § 21-31(j))

**5.40.110 Exceptions.**

A. The provisions of this chapter shall not apply to any person solely by reason of the fact that he is engaged in the business of entertaining the public by demonstrations of mindreading, mental telepathy, thought conveyance or the giving of horoscopic readings, at public places and in the presence of and within the hearing of other persons and at which no questions are answered, as part of such entertainment, except in a manner to permit all persons present at such public place to hear such answers, when not conducted in connection with the business of telling fortunes. Nothing in this subsection, however, shall be construed as exempting any person from the payment of the applicable license fee, if any, required to be paid by the licensing provisions of this chapter.

B. No person shall be required to pay any fee or take out any license for conducting or participating in any religious ceremony or service when such person holds a certificate of ordination as a minister, missionary, medium, healer or clairvoyant from any bona fide church and holding regular services and having a creed or set of religious principles that is recognized by all churches of like faith; provided, further, that the fees, gratuities, emoluments and profits thereof shall be regularly accounted for and paid solely to or for the benefit of the church or religious association; provided, further, that the person holding a certificate of ordination from such bona fide church or religious association, as set forth in this subsection, shall before practicing the profession specified in this chapter, file with the business license board a certified copy of this certificate of ordination with his name, age, and street address in this city where he intends to carry on the business. Such bona fide church or religious association, as defined in this subsection, may, however, pay to its ministers, missionaries, mediums or workers a salary or compensation based upon a percentage basis; provided, the agreement between the church and the minister, missionary, medium or worker, is embodied in a resolution and transcribed in the minutes of such church or religious association.

C. No person shall be required to pay any fee or take out any license for carrying on the art of reading tea leaves in any bona fide, regularly established restaurant, where no charge for such readings is made. (Prior code § 21-31(k))

## **Chapter 5.44 GARAGE SALES**

Sections:

- [\*\*5.44.010 Permit required--Fee.\*\*](#)
- [\*\*5.44.020 Regulations.\*\*](#)
- [\*\*5.44.030 Violation of permit procedure.\*\*](#)

### **5.44.010 Permit required--fee.**

Garage and yard sales are not permitted unless a valid permit has first been issued by the city licensing department. The fee for said permit shall be three dollars (\$3.00). (Prior code § 17-52)

### **5.44.020 Regulations.**

The on-site sale of miscellaneous household items of personal property accumulated by the occupant(s) of a residence as a normal matter of course and not acquired or consigned for the purpose of resale may be held on any building site occupied by a residence, provided that the required permit has been issued. Said permit shall be in force for a period of three consecutive days, and only three such permits may be issued to any individual or address during any twelve (12) month period.

Individuals conducting such sales shall observe the following regulations:

- A. Items for sale shall not in any way obstruct access by emergency vehicles.
- B. No signs or devices shall be placed on any private property except that one double-faced sign not to exceed five square feet in area (twenty-four (24) inches by thirty (30) inches) may be displayed at the site of the sale during the period of time that the subject permit is in effect.
- C. No signs or devices used in connection with a garage or yard sale shall be placed on any utility pole or public right-of-way.
- D. A copy of the garage or yard sale permit shall be displayed at the site of the sale.

All items available for sale shall be subject to inspection upon request by the license department and the police department, and any violations of these regulations shall result in immediate termination of the garage or yard sale by an appropriate authority. (Prior code § 17-53)

### **5.44.030 Violation of permit procedure.**

Any person who refuses to purchase a permit for a garage sale or yard sale, or who conducts a fourth garage or yard sale within any twelve (12) month period, shall be guilty of an infraction as set forth in Chapter [1.10](#). (Ord. 96-1155 § 17, 1996; prior code § 17-54)

## Chapter 5.48 HANDBILLS

Sections:

- [\*\*5.48.010 Handbill defined.\*\*](#)
- [\*\*5.48.020 Distribution of handbills on public property.\*\*](#)
- [\*\*5.48.030 Distribution of handbills on private property.\*\*](#)
- [\*\*5.48.040 Distribution of handbills on vehicles.\*\*](#)
- [\*\*5.48.050 Hours of distribution.\*\*](#)
- [\*\*5.48.060 Handbills and signs on private buildings and walls.\*\*](#)
- [\*\*5.48.070 Handbills and signs on public places and objects.\*\*](#)
- [\*\*5.48.080 Removal of--Costs.\*\*](#)
- [\*\*5.48.090 Charges for removal of handbills and signs.\*\*](#)
- [\*\*5.48.100 Fees and charges constitute a valid and subsisting debt.\*\*](#)
- [\*\*5.48.110 Violation--Penalty.\*\*](#)

### **5.48.010 Handbill defined.**

"Handbill," for the purposes of this chapter, includes any printed or written commercial advertising matter contained in or in the form of, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or any other printed matter or literature. (Prior code § 3-1)

### **5.48.020 Distribution of handbills on public property.**

A. It is unlawful for any person, either directly or indirectly, to deposit, place, throw, scatter or cast any handbill in or on any public thoroughfare, park, ground or other public place within the city. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to any person willing to accept the handbill.

B. No person who distributes any handbill on a public sidewalk or in a public park shall neglect to remove any handbill which is distributed by that person or another person also distributing copies of the same handbill, which handbill is then thrown, cast or deposited on the ground by another person within one hundred (100) feet from the location of the particular distribution by said person. (Prior code § 3-1.1)

### **5.48.030 Distribution of handbills on private property.**

A. No person shall, for commercial purposes, distribute, deposit, throw, place or attach any handbill to, in or upon any porch, yard, steps, door or mailbox located upon any premises not in the possession of or under the control of the person distributing the said handbill, which premises has posted thereon in a conspicuous place, a sign of at least twelve (12) linear inches in area bearing the words legibly and prominently, "No Advertising," unless the person distributing the handbills has first received the written permission of the person occupying or having possession of such premises authorizing him to do so.

B. It is unlawful for any person, either directly or indirectly, for commercial purposes, to distribute, deposit or place any handbill in or upon any private yard, door, steps, porch or any other private property unless the

handbill is firmly secured in place by a rubber band or is designed to hang securely on a doorknob in order to prevent the handbill from falling to the ground and creating litter.

C. The provisions of this section shall not be deemed to prohibit the placing of a political handbill, a religious handbill, or a newspaper on the door or in front of and immediately adjacent to the door of any private residence. (Prior code § 3-1.2)

#### **5.48.040 Distribution of handbills on vehicles.**

It is unlawful for any person either directly or indirectly, to distribute, deposit or place any handbill in or upon any automobile or other vehicle unless the handbill is firmly secured in place to prevent the handbill from falling to the ground and creating litter. (Prior code § 3-1.3)

#### **5.48.050 Hours of distribution.**

It is unlawful for any person to distribute any handbills between the hours of nine p.m. of any day and eight a.m. of the following day. (Prior code § 3-1.4)

#### **5.48.060 Handbills and signs on private buildings and walls.**

It is unlawful for any person to paint, mark, write on, post or otherwise affix or attach any handbill or sign to or upon any building, wall or part thereof, or upon any private property without the consent of the owner, agent or occupant thereof. (Prior code § 3-1.5)

#### **5.48.070 Handbills and signs on public places and objects.**

It is unlawful for any person to paint, mark, write on, post or otherwise affix or attach any handbill or sign to or upon any sidewalk, crosswalk, curb, curbstone, street lamp post, fence, barrier, barricade, hydrant, tree, shrub, tree stake or guard, electric light or power or telephone or telegraph pole or upon any drinking fountain, street sign, traffic sign, phone booth, or any other public property or private utility property. (Prior code § 3-1.6)

#### **5.48.080 Removal of--costs.**

A. Any handbill or sign found posted or otherwise affixed upon any public or utility property contrary to the provisions of this section may be removed by any company, utility, organization or individual owning or responsible for maintaining that property, or any employee of the city.

B. For the purposes of this subsection, there shall be a presumption that:

1. The person listing property for sale, lease or rent is the person responsible for posting a sign advertising the property for sale, lease or rent;
2. The candidate seeking office is the person responsible for posting a sign promoting the candidate for public office;
3. The person in charge of property used for a yard or garage sale is the person responsible for posting a sign advertising a yard or garage sale;

4. The owner of property used for a commercial activity or event is the person responsible for posting a sign advertising the subject commercial activity or event;

5. The person whose name, telephone number or address appears as the sponsor of an activity or event is the person responsible for posting a sign advertising the subject activity or event; and

6. The person whose name, telephone number or address appears as the person to contact on any handbill or sign posted is the person responsible for having posted the same.

C. For purposes of this subsection, the person presumed to be responsible for posting a handbill or sign on public or utility property may rebut such presumption by declaring under penalty of perjury or swearing under oath that the person did not cause, authorize, allow or permit the posting of the sign on public or utility property.

D. Nothing in this section shall apply to the painting of house numbers upon curbs done in accordance with regulations of the city.

E. Nothing in this section shall prohibit the installation of signs on public or utility property provided the sign is a part of a program sponsored by a city department and such signs and locations are approved prior to installation and provided such signs are removed after their purpose is served. (Prior code § 3-1.7)

#### **5.48.090 Charges for removal of handbills and signs.**

A. The person responsible for any illegal posting contrary to the provisions of this section shall be liable for the cost incurred in the removal and billing thereof, and the finance department is authorized to effect the collection of said cost incurred by the city.

B. A service charge of twenty dollars (\$20.00) shall be levied for removal of the first handbill or sign regardless of size.

C. A service charge of one dollar and fifty cents (\$1.50) shall be levied for each additional sign removed.

D. An additional service charge of five dollars (\$5.00) shall be levied for each sign that is attached or affixed using glue or paste.

E. The fees specified in this section are subject to revision by council resolution pursuant to Chapter [2.64](#). (Prior code § 3-1.8)

#### **5.48.100 Fees and charges constitute a valid and subsisting debt.**

A. All fees and charges levied by the city pursuant to this section shall be due and payable upon presentation of a written invoice.

B. All fees and charges for such services pursuant to this section shall constitute a valid and subsisting debt in favor of the city and against the person responsible for posting or affixing the handbill or sign to public or utility property. If an amount remains unpaid reasonable and practical attempts have been made by the city to

obtain payment, a civil action may be filed with the appropriate court for the amount due and payable, together with any penalties, and related charges and fees accrued due to non-payment, and all fees and charges required to file and pursue such civil action. (Prior code § 3-1.9)

**5.48.110 Violation--penalty.**

Any person violating any provisions of this chapter deemed guilty of a misdemeanor. (Prior code § 3-1.10)

## **Chapter 5.52 MAGAZINES AND NEWSPAPERS**

Sections:

**5.52.010 Permit to sell.**

**5.52.010 Permit to sell.**

It is unlawful for any person to sell any newspaper, magazine, periodical or other printed publication, on any street, lane, avenue or public place in the city without first having obtained therefor a permit and badge to do so from the city manager.

Upon application of any person desiring to sell newspapers, magazine, periodicals or other printed matter or publications upon the public streets or places in the city, the city manager shall refer the same to the chief of police for investigation and approval, and the chief of police shall return the application with his report thereon to the city manager within forty-eight (48) hours after the time same is referred to him, and it shall be the duty of the city manager to grant such applicant a permit to sell papers on the public streets or places in the city if the chief of police recommends the granting of such permit; provided, however, that the applicant has been a resident of the city for not less than thirty (30) days prior to the filing of such application. No charge shall be made for such permit but the city manager shall furnish each such person a badge which must be worn by the applicant at all times while selling such papers upon public streets or places in the city, and he shall collect for such badge the sum of one dollar (\$1.00). Permits issued hereunder are not transferable. Any such permit so granted may be revoked by the city manager upon request of the chief of police and for good cause. A violation of this section shall be an infraction. (Prior code § 21-7)

## **Chapter 5.56 OIL WELLS**

Sections:

[\*\*5.56.010 Oil drilling unlawful.\*\*](#)

[\*\*5.56.020 Disposition of city funds derived from hydrocarbon recovery.\*\*](#)

**5.56.010 Oil drilling unlawful.**

The drilling, boring or otherwise sinking of an oil or gas well, or oil or gas wells, or the maintenance, pumping or operation of any oil well or oil wells or gas well or gas wells in the city is declared to be a nuisance and is declared to be unlawful. It is unlawful for any person to drill, bore or otherwise sink or maintain, pump or operate or cause to be drilled, bored or otherwise sunk, or maintained, pumped or operated, or to aid in the drilling, boring or otherwise sinking, or maintaining, pumping or operating of any gas or oil well or wells for the purpose of procuring oil, gas or other hydrocarbon substances within any portion of the city. It is unlawful for any person to commence the construction or to construct or maintain any derrick, or any oil well apparatus in the city for the purpose of drilling for or maintaining any oil or gas well in the city; except, however, the oil wells now constructed or under construction or in actual operation in the city. (Ord. 95-1139 § 2, 1995; prior code § 21-10)

**5.56.020 Disposition of city funds derived from hydrocarbon recovery.**

Any and all funds derived, acquired, awarded or given to the city from or for hydrocarbon recovery (including but not limited to drilling, platform fees, royalties, bonuses, etc.) shall be deposited in the park and recreation facilities fund for the acquisition, maintenance, and improvement of available excess school or other properties for open space and parkland purposes. (Prior code § 21-10.1)

**Chapter 5.60  
PAWNBROKERS, SECONDHAND DEALERS AND JUNK DEALERS**

Sections:

- [\*\*5.60.010 Definitions.\*\*](#)
- [\*\*5.60.020 Permit required.\*\*](#)
- [\*\*5.60.030 Application for permit.\*\*](#)
- [\*\*5.60.040 Prerequisite to issuance of permit--Permit prerequisite to issuance of license.\*\*](#)
- [\*\*5.60.050 Revocation or suspension of permit.\*\*](#)
- [\*\*5.60.060 Junk dealer's daily report.\*\*](#)
- [\*\*5.60.070 Metals purchased by junk dealers to be kept for three days.\*\*](#)
- [\*\*5.60.080 Junk collector's license number to appear on dealer's report.\*\*](#)
- [\*\*5.60.090 Report blank specifications.\*\*](#)
- [\*\*5.60.100 Reports to be filed--Inspection of reports.\*\*](#)
- [\*\*5.60.110 Reports to be written in legible English.\*\*](#)
- [\*\*5.60.120 Failure to file report.\*\*](#)
- [\*\*5.60.130 Records to be kept--Inspection of records.\*\*](#)
- [\*\*5.60.140 Signs required.\*\*](#)
- [\*\*5.60.150 Limitation on sale of goods obtained by pawnbroker or secondhand dealer.\*\*](#)
- [\*\*5.60.160 Limitation on sale of goods received by junk collector.\*\*](#)
- [\*\*5.60.170 Exceptions to Sections 5.60.130 through 5.60.150.\*\*](#)
- [\*\*5.60.180 Chapter inapplicable to secondhand articles properly reported.\*\*](#)
- [\*\*5.60.190 Hours of operation.\*\*](#)
- [\*\*5.60.200 Joint operations deemed separate businesses.\*\*](#)
- [\*\*5.60.210 Chapter not to affect license provisions.\*\*](#)

**5.60.010 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

"Junk collector" is a person not having a fixed place of business in the city, who goes from house to house or from place to place gathering, collecting, buying, selling or otherwise dealing in any old rags, sacks, bottles, cans, paper, metal or other articles commonly known as junk.

"Junk dealer" is a person having a fixed place of business in the city and engaged in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in, either at wholesale or retail, of any old rags, sacks, bottles, cans, papers, metal or other articles commonly known as junk.

"Pawnbroker" is a person engaged in, conducting, managing or carrying on the business of loaning money, for himself, or for any other person, upon personal property, personal security, pawns or pledges, or the business of purchasing articles of personal property and reselling or agreeing to resell such articles to the vendors or their assignees, at prices agreed upon at or before the time of such purchase.

"Pawn-shop" is any room, store or place in which any such business is engaged in, carried on or conducted.

"Secondhand dealer" is a person engaged in, conducting, managing or carrying on the business of buying, selling or otherwise dealing in secondhand goods, wares or merchandise, and making two or more sales of secondhand goods, wares or merchandise during any one calendar month and whether or not such business and such sales are carried on in connection with a regular retail or other business. (Prior code § 23-1)

#### **5.60.020 Permit required.**

It is unlawful for any person to engage in, conduct, manage or carry on the business of pawnbroker, secondhand dealer, junk dealer or junk collector without first applying for and receiving a permit therefor, in writing, from the chief of police in the manner provided in this chapter. (Prior code § 23-2)

#### **5.60.030 Application for permit.**

Any person desiring to obtain the permit required by the preceding section shall file an application in writing with the chief of police specifying by street and number the place where such business is proposed to be conducted or carried on, or in the case of a junk collector who has no fixed place of business, then such application shall specify by street and number his residence. Such application shall be signed by the applicant and shall contain the address of such applicant. (Prior code § 23-3)

#### **5.60.040 Prerequisite to issuance of permit--permit prerequisite to issuance of license.**

No permit to conduct or carry on any business mentioned in Section [5.60.010](#) shall be granted by the chief of police to a person who fails or neglects to comply with the laws or ordinances and regulating the business for which such permit is sought. A license shall not be issued to any person to conduct or carry on the business of pawnbroker, secondhand dealer or junk collector until the chief of police shall have granted a permit therefor as provided in this chapter. (Prior code § 23-4)

#### **5.60.050 Revocation or suspension of permit.**

In the event that any person holding a permit to conduct or carry on the business of pawnbroker, secondhand dealer, junk dealer or junk collector shall violate or cause or permit to be violated any of the provisions of this chapter or any provision of any other ordinance or of any law relating to or regulating any such business, or shall conduct or carry on such business in an unlawful manner, or shall cause or permit such business so to be conducted or carried on, it shall be the duty of the chief of police, in addition to the other penalties provided by this chapter, to revoke the permit issued for conducting or carrying on such business. If the permit of any person to conduct or carry on any business under the provisions of this chapter shall be revoked, no permit shall be granted to such person to conduct or carry on any such business within six months after such revocation. (Prior code § 23-5)

#### **5.60.060 Junk dealer's daily report.**

Every junk dealer, or anyone engaged in the business of purchasing scrap metals for the purpose of reselling same, or for the purpose of smelting or refining same, who has a fixed place of business, shall on each day before the hour of ten a.m. make out and deliver to the chief of police, on a blank form to be obtained by such junk dealer, from the office of the chief of police for that purpose, a full, true and complete report of all goods,

wares and merchandise purchased or received during the day preceding the filing of such report. Such report shall show the hour of the day when each article was purchased or received, and the true name and license number only if same purchased from a junk collector licensed by the city, if from anyone else, address, as nearly as the same is known to or can be ascertained by such junk dealer, or anyone engaged in the business of purchasing scrap metals for the purposes of smelting or refining same, of the person by whom such article was sold or delivered, together with a description of such person. The description to be given of every such person, other than a city licensed junk collector, shall show the style of dress, height, age, sex, complexion, color of mustache or beard, or both, where the same are worn, or if neither is worn such fact shall be noted. Such report shall also show the amount purchased, and a complete description of each article purchased or received. (Prior code § 23-8)

**5.60.070 Metals purchased by junk dealers to be kept for three days.**

Every junk dealer, or anyone engaged in the business of purchasing scrap metals for the purpose of reselling or for the purposes of smelting or refining same, shall retain, and keep on their premises, in a separate place designed for that purpose, all metals such as copper, brass or other metals, purchased by such dealers, in the manner following: the entire purchase of each day shall be put and kept in such designated separate place, and the day's purchase shall be kept in its original condition, for a period of three days after purchase or receipt of such copper, brass or other metals, and shall be at all times open to the inspection of the police department. (Prior code § 23-9)

**5.60.080 Junk collector's license number to appear on dealer's report.**

Every junk dealer, or anyone engaged in the business of purchasing scrap metals for the purpose of reselling or refining same, shall insert on the daily report to the chief of police the license number of the junk collector, for the purpose of identification, from whom any goods, wares or merchandise were purchased during the day preceding the filing of such report. (Prior code § 23-10)

**5.60.090 Report blank specifications.**

Blanks to be obtained from the office of the chief of police shall bear a caption providing blank spaces in which shall be written or printed the date of such report, the name and place of business of the person, firm or corporation making the same, and the hour of the day when the same is received at the office of the chief of police. Such blanks shall be so printed and subdivided as to contain spaces with proper captions for the furnishing of the information required by this chapter. A copy of this section shall be printed upon each blank or upon the back thereof. (Prior code § 23-11)

**5.60.100 Reports to be filed--inspection of reports.**

The chief of police shall file in some secure place in his office, all reports received pursuant to the terms of this chapter, and the same shall be open to inspection only by members of the police department of the city or upon an order of a court of competent jurisdiction made for that purpose. (Prior code § 23-12)

**5.60.110 Reports to be written in legible english.**

Every report and record required by the terms of this chapter to be filed or kept, shall be written or printed entirely in the English language in a clear and legible manner. (Prior code § 23-13)

**5.60.120 Failure to file report.**

It is unlawful for any person engaged in conducting, managing or carrying on the business of pawnbroker, secondhand dealer or junk dealer or junk collector, or for any agent or employee in such person to fail, refuse or neglect to file any report in the form, in the manner, at the time, and in all respects in accordance with the requirements of this chapter, or to fail, refuse or neglect to keep in a record or records in the form and in the manner required by this chapter, or to fail, refuse or neglect to exhibit to the chief of police or any police officer of the city immediately upon demand for the privilege of such inspection, any such record or any goods, wares or merchandise or things pledged to or purchased or received by such person. (Prior code § 23-14)

**5.60.130 Records to be kept--inspection of records.**

Every pawnbroker, secondhand dealer, junk dealer and junk collector shall keep a complete record of all goods, wares, merchandise or things pledged to or purchased or received by him which record shall contain all of the matters required to be shown in the reports referred to and described in Chapter 9 of the Business and Professions Code of the state. Every such record and all goods, wares, merchandise and things pledged or purchased or received by any such pawnbroker, secondhand dealer, junk dealer or junk collector shall be open, at all times during business hours, to the inspection of the chief of police or any police officer of the city. (Ord. 96-1155 § 25, 1996; prior code § 23-16)

**5.60.140 Signs required.**

Every pawnbroker, secondhand dealer, junk dealer or junk collector shall maintain on the premises where such business is located, a sign plainly printed in the English language of sufficient size so that the same may be easily read from the sidewalk in front of the place of business, stating that he is a pawnbroker, or secondhand dealer, or junk dealer, or junk collector. Where the business is conducted in an office building the sign shall be placed at the door to the office. Where the business is conducted in a department of any building the sign shall be placed at the entrance of the department. (Prior code § 23-10)

**5.60.150 Limitation on sale of goods obtained by pawnbroker or secondhand dealer.**

It is unlawful for any pawnbroker or secondhand dealer to sell or otherwise dispose of any article or thing within thirty (30) days after such article or thing has been purchased or received by such pawnbroker or secondhand dealer. (Ord. 96-1155 § 26, 1996; prior code § 23-17)

**5.60.160 Limitation on sale of goods received by junk collector.**

It is unlawful for any junk dealer or junk collector to sell or otherwise dispose of any article or things within three days after such article or thing has been purchased or received by such junk dealer or junk collector. (Prior code § 23-18)

**5.60.170 Exceptions to sections 5.60.130 through 5.60.150.**

The provisions contained in Sections [5.60.130](#) through [5.60.150](#) shall not be deemed to apply to the purchase or sale by junk dealers or junk collectors of rags, bottles, other than milk or cream bottles, secondhand sacks, other than cement sacks, barrels, cans, shoes, lamps, stoves or household furniture, with the

exception of sewing machines and musical instruments, or scrap iron, when bought and sold for scrap, or the purchase or sale by secondhand dealers of household furniture, with the exception of sewing machines, all musical instruments and typewriters, (Ord. 96-1155 § 27, 1996; prior code § 23-19)

**5.60.180 Chapter inapplicable to secondhand articles properly reported.**

The provisions of this chapter shall not apply to the receipt or sale of a secondhand article by any person that receives or purchases such secondhand article from any other person when such other person has made the required report to the police department and shall have held the articles for the length of time as provided in Section [5.60.150](#). (Prior code § 23-20)

**5.60.190 Hours of operation.**

It is unlawful for any person engaged in conducting, managing or carrying on the business of pawnbroker, secondhand dealer, junk dealer or junk collector, or for any agent or employee of any such person, to accept any pledge of or to loan any money upon personal property, or to purchase or receive any goods, wares or merchandise, or any article or thing, or in any manner whatsoever to engage in or conduct any such business between the hours of twelve midnight on Saturday and the hour of seven a.m. of the following Monday, or between the hour of seven p.m. of any day, other than Saturday or Sunday, and the hour of seven a.m. of the following day. (Prior code § 23-21)

**5.60.200 Joint operations deemed separate businesses.**

If any person shall engage in, conduct, manage or carry on, at the same time, more than one of the businesses defined and referred to in this chapter, such person shall be deemed to be engaged in, conducting, managing and carrying on such business separate and apart from the other such business, and such person shall comply in all respects with the provisions of this chapter relating to each such business and it shall be unlawful for any such person to fail, refuse or neglect to do so. (Prior code § 23-22)

**5.60.210 Chapter not to affect license provisions.**

This chapter shall not repeal or amend any license provisions or any provisions of the license provisions of this code except as herein specifically provided. (Prior code § 23-23)

**Chapter 5.64  
PEDDLERS AND SOLICITORS**

Sections:

- [\*\*5.64.010 Definitions.\*\*](#)
- [\*\*5.64.020 Business license required.\*\*](#)
- [\*\*5.64.030 Limitations on manner of solicitations.\*\*](#)

**5.64.010 Definitions.**

As used in this chapter:

"Individual" means only a natural person.

"Person" means and includes any natural person, firm, partnership, corporation, company, association, society, organization, church congregation, assembly or league and shall include any receiver, trustee, assignee, agent, employee or other similar representative thereof.

"Solicit" or "solicitation" shall mean the selling or offering for sale of any property, real or personal, tangible or intangible, whether of value or not, including but not limited to goods, books, pamphlets, tickets, rights to admission to any amusement, show, entertainment, lecture or other enterprise not regularly carried on for private profit or gain by the person for or by whom the solicitation is being made at a fixed place of business within the city, publications or brochures. This section shall apply to any solicitation conducted door to door, in any place of public accommodation, in any place of business open to the public generally on the city streets and sidewalks, in the public parks, or in any public place, and conducted by:

- A. Oral or written request; or
- B. The local distribution, circulation, posting or publishing of any handbill, written advertisement or other local publication. (Prior code § 17-29.1)

**5.64.020 Business license required.**

No person, directly or indirectly, shall make any solicitation or authorize any other person to make any solicitation within the city until such person shall have first obtained a business license from the city as provided in this chapter. (Prior code § 17-29.2)

**5.64.030 Limitations on manner of solicitations.**

No person to whom a registration statement is issued pursuant to this section or any of its employees, agents or solicitors shall:

- A. Solicit between the hours of seven p.m. and nine a.m.;
- B. Solicit at any house, apartment or other dwelling or any business premises to which is affixed a sign indicating "No Solicitors" or similar indication that no solicitation contact is desired by the occupant thereof;

C. Persistently and importunately request any business from any member of the public after such member of the public expresses the desire not to contribute;

D. Intentionally and deliberately obstruct the free movement of any person on any street, sidewalk or other public place or any place open to the public generally. (Prior code § 17-29.3)

**Chapter 5.68  
POOL-ROOMS, BOWLING ALLEYS AND SHOOTING GALLERIES**

Sections:

- [\*\*5.68.010 Poolrooms and billiard rooms--Hours of operation.\*\*](#)
- [\*\*5.68.020 License.\*\*](#)
- [\*\*5.68.030 Operation in connection with other established business.\*\*](#)

**5.68.010 Poolrooms and billiard rooms--hours of operation.**

A. Defined. Every public place or room in the city which is used principally for the purpose of playing pool or billiards is declared to be a poolroom or billiard parlor within the meaning of the terms of this section.

B. Hours of Operation. It is unlawful for any person owning, operating or conducting any poolroom or billiard parlor within the city and for any agent, servant or employee of any such owner to permit such pool hall or billiard parlor to remain open to the public or to permit any persons except the owners thereof and necessary employees to remain therein or to be present therein between the hours of two a.m. and six a.m. of any day. For any establishment wherein a poolroom or billiard room constitutes only a part of the total business operation of the establishment, that section shall then apply only to that portion of the establishment devoted to pool or billiards; provided, such poolroom or billiard room portion can be separated from the remaining portion of business operation during closed hours by a barrier which impedes ingress to such poolroom or billiard room portion of the establishment. (Prior code § 21-13)

**5.68.020 License.**

No license to keep, maintain, carry on or operate any billiard, bagatelle or pool table or any box ball or bowling alley or any shooting gallery shall be issued to any person except upon a permit previously granted by the city council authorizing the issue of such license to such person, and specifying the kind of license that shall be issued thereunder and the location where such business shall be carried on; provided, that whenever, in the opinion of a majority of the city council, it would be prejudicial to the public welfare or dangerous to good government or injurious to the peace, quiet and well being of the citizens of the city to have an increase in the number of places of such business then engaged in the business in this section provided, it shall be lawful for the city council to deny any further applications for such a license.

Provided further, that no license for any of the businesses herein provided shall be transferred without a permit from the city council; provided further, that the city council shall have power and authority to revoke such permit and license in case the business granted thereunder is conducted in a manner prejudicial to the best interests of the city or in case the proprietor thereof allows riotous or disorderly conduct in his place of business. (Prior code § 21-14)

**5.68.030 Operation in connection with other established business.**

If three or more pool or billiard tables are located within an establishment in conjunction with any other established business, whether or not the pool or billiard tables are coin-operated, a permit granted by the city council is required and this portion of the establishment must be licensed as a separate business operation.

(Prior code § 21-14.1)

## Chapter 5.72 AUTOMOBILES FOR HIRE AND TAXICAB OPERATIONS

Sections:

[5.72.010 Purpose.](#)

[5.72.020 Definitions.](#)

[5.72.030 Franchise or Permit Required for Automobile For Hire and Taxi cab Service.](#)

[5.72.040 Permit Required for Automobile for Hire and Taxicab Drivers.](#)

[5.72.045 Taxicab Franchise](#)

[5.72.050 Application for Automobile for hire and Taxicab Service Permit.](#)

[5.72.060 Issuance of Automobile for Hire and Taxicab Service and Automobile for Hire and Taxicab Driver Permits.](#)

[5.72.070 Grounds for Denial or Revocation of Automobile for Hire and Taxicab Service Permit.](#)

[5.72.080 Conditions of Approval.](#)

[5.72.090 Transfers.](#)

[5.72.100 Permit Fees.](#)

[5.72.110 Requirements Applicable to Automobile for Hire and Taxicab Drivers and Service Operators.](#)

[5.72.120 Taxicab Stands.](#)

[5.72.130 Taximeters - Required.](#)

[5.72.140 Revocation of Permits.](#)

[5.72.150 Suspension.](#)

[5.72.160 Appeal Procedures.](#)

[5.72.170 Exemptions.](#)

### **5.72.010 Purpose.**

The purpose of this Chapter is to provide rules and regulations governing the operation and permitting of automobile for hire and taxicab companies, and automobile for hire and taxicab drivers. The further purpose of this Chapter is to serve as the taxicab and automobile for hire transportation service policy of the City of Hermosa Beach as required to be adopted by California Government Code Section 5307.5(b). (Ord. 98-1180 § 3-10-98)

### **5.72.020 Definitions.**

As used in this Part, the following terms shall have the meanings set forth below:

Automobile for hire shall mean every motor-propelled vehicle, or pedal powered taxi (Pedicab), other than taxicabs, used for the transportation of passengers for hire from one location within the City to another location within the City or beyond, at rates per mile, per trip, per hour, per day, per week, or per month.

Automobile for hire service shall mean a business which provides automobiles or pedal powered taxi for hire for transportation service to persons within the City.

City Manager means the City Manager of the City of Hermosa Beach or a designee thereof.

Driver means any person driving a taxicab either as owner or under the direction, employment, control, or service of the owner as herein defined.

Owner means every person having control, whether by a ten percent (10%) or greater ownership interest, lease or otherwise of any taxicabs for hire.

Person means and includes both singular and plural, and means and includes any individual, firm, corporation, association, partnership, or business entity, exclusive of public agencies.

Taxicab means any vehicle designed to carry not more than eight (8) persons, excluding the driver, and which is used to provide taxicab service as defined in this Part.

Taxicab service means any public passenger transportation service utilizing taxicabs and available for hire on call or demand over the public streets of the City where the service is not provided over a defined route, but is between such points and over such routes as may be directed by the person(s) hiring the same, and irrespective of whether the operations extend beyond the area of the corporate limits of the City. The term "taxicab service" shall include the act of picking up any passenger in the City, but shall not include the sole act of delivering any passenger to a location within the City. (Ord. 98-1180 § 3-10-98)

#### **5.72.030 Franchise or permit required for automobile for hire and taxicab service.**

It is unlawful for any person to engage in the business of operating or causing to be operated any automobile for hire or taxicab service within the City without having a franchise or a permit to do so pursuant to the provisions of this Chapter. The City Council may in its discretion issue one or more exclusive franchises for the provision of taxicab services within the City upon finding that franchising is necessary to assure reliable, safe and quality taxicab service to City residents and to eliminate undue congestion, disorganization and hazards associated with a deregulated taxicab environment. In such event, upon issuance of one or more franchises, the City shall not accept new or renewal applications for permits to operate a taxicab service and it shall be unlawful for any person other than the franchisee(s) to engage in the business of operating or causing to be operated any taxicab service within the City. (Ord. 03-1226, §2, February, 2003)

#### **5.72.040 Permit required for automobile for hire and taxicab drivers.**

It is unlawful for any person to drive an automobile for hire or taxicab for hire in the City without having a permit to do so pursuant to the provisions of this Chapter. (Ord. 98-1180 § 3-10-98)

#### **5.72.045 Taxicab franchise.**

One or more exclusive franchises may be issued in accordance with a competitive procedure and criteria formulated by the City Manager or his designee. Prospective franchisees shall provide such information as is requested by the City to evaluate their qualifications, corporate stability and financial capability to provide exclusive taxicab services. Criteria for eligibility for issuance of a franchise may include, among other things, demonstrated quality and safety of service, operation of a minimum number of taxicabs, age and condition of taxicabs, a minimum level of insurance, minimal financial qualifications, and the proposed amount of the

franchise fee payable to the City. A franchise agreement entered into pursuant to this Chapter shall be for a limited term and may include payment by the franchisee of a franchise fee as consideration for the rights granted under the franchise. (Ord. 03-1226, § 3, Feb. 2003)

**5.72.050 Application for automobile for hire and taxicab service permit.**

Any person desiring to obtain a permit to operate a taxicab service under this part, or to renew a permit, shall submit a written application to the City Manager on an application form provided by the City Manager.

Applications shall be signed under penalty of perjury and shall contain the following:

A. The legal name, actual street address and phone number of the applicant If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. Additionally, the names and addresses of all directors, any stockholder holding ten (10) percent or more the shares of the corporation, and the name and address of an officer who is duly authorized to accept service of legal process shall be included. A corporate applicant shall also provide a Certificate of Domestic Stock Ownership. If the applicant is a partnership, the names and addresses of each general partner shall be stated. If one (1) or more of the partners is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply. If the applicant is a cooperative, member stock-type operation, service organization, or association, the application shall include the names, addresses and business phone number of each of the officers, directors and each stockholder owning any portion of any stock organization or association as well as the address to which notice, when required, is to be sent or mailed, and the names of every individual authorized to accept service of process on behalf of the applicant. If the automobile for hire to taxicab service is advertised to the public and operates under a name other than the name of the applicant, that name shall be included as well.

The applicant shall give all fictitious business names used in Los Angeles County in the last five (5) years;

B. The street address from which the applicant conducts or will conduct the automobile for hire or taxicab service business, as well as the location at which the vehicles will be garaged and where dispatch will be conducted. A person may not use a post office box, mailbox, message service, or other similar device as the actual street address of the business for purposes of this chapter. A post office box, mailbox, message service, or other similar device can be used as the mailing address of the business for business purposes only;

C. Number of vehicles to be operated under the permit;

D. The make, type, year, manufacturer, and passenger seating of the vehicles to be used by the applicant, together with evidence satisfactory to the City Manager that each taxi or auto for hire proposed to be utilized has been safety inspected within a period of time satisfactory to the City Manager, and otherwise complies in all respects with any and all applicable laws, rules, and regulations;

E. The proposed color scheme, insignia or other distinguishable characteristics of the taxicab or auto for hire to be used, including the type of illuminated sign to be mounted on the top of the vehicle, if any, and legend thereon;

F. Evidence satisfactory to the City Manager of having procured comprehensive general liability and automobile liability insurance which will insure and indemnify the applicant and the passengers riding in the taxicab against liability or financial loss resulting from injury occurring to persons or passengers from the operation of such vehicles in an amount not less than \$100,000 for bodily injury to any person, \$300,000 for any one accident and \$50,000 for any property damage. (Ord. 98-1182 §1, 07/28/98)

1. The policy insurer must be either a carrier licensed by the State of California to sell commercial automobile liability in the State of California and be an admitted carrier member of the California Insurance Guarantee Fund, or maintain an AM Best rating of "A" or better for non-admitted carriers (with proof of licensing or rating to be provided by applicant.)
2. The policy shall be primary and not contributing to any other insurance maintained by the City;
3. The policy shall name the City, the City Council, its officers, agents, and employees as additional insureds;
4. The policy shall provide the City Manager with thirty (30) days prior notice of any cancellation or modification of the policy.
5. As a condition of the permit, the permittee agrees to indemnify, defend, and save harmless the City, its agents, officers and employees from and against any and all liability, expense, including defense costs and legal fees and claims for damages of any nature whatsoever, including, but not limited to, bodily injury, death, personal injury, or property damage arising from or connected with the permittee's activities, including any worker's compensation suits, liability or expense, arising from or connected with services performed by or on behalf of the permittee by and person pursuant to this permit.

G. Legal and registered ownership of the vehicles to be used by the applicant.

H. Prior experience of the applicant in the auto for hire or taxicab business including the details of any prior denial, revocation or suspension by any public agency of any type of taxicab service or taxicab driving permit, license or certificate;

I. The names of each driver to be employed who will operate a taxicab or auto for hire in the City, a copy of any and all current licenses of each driver necessary to operate a taxicab or auto for hire;

J. A statement by the applicant that no driver employed or to be employed has been convicted of driving under the influence of alcohol or drugs within the previous five (5) years;

K. Rates to be charged to the public throughout the term of any permit issued;

L. Unless otherwise provided by law, evidence that the applicant has procured workers compensation insurance covering any and all drivers to be employed by the applicant should a taxicab service permit be issued.

M. Evidence satisfactory to the City Manager establishing that the applicant has complied and currently complies with the provisions of California Government Code Section 5307.5 (b) (3), or any successor provision thereto, pertaining to pre-employment and periodic testing of drivers for controlled substances and alcohol, and with provisions therein pertaining to payment for drug and alcohol testing programs and related reporting requirements. The applicant shall also provide evidence satisfactory to the City Manager that each driver to be utilized in the City has tested negative for drugs and alcohol no more than one (1) month prior to employment or within the previous six (6) months, whichever is later.

N. The names, addresses and telephone numbers of no less than two (2) individuals who may be contacted twenty-four (24) hours a day, seven (7) days a week by the City in case of an emergency.

O. An explanation of how the permittee will provide service to people with disabilities which make it difficult to use conventional taxicabs.

P. Such further information pertinent to the operation of the proposed taxicab or automobile for hire service, including but not limited to the business backgrounds of the officers and directors, certified business financial statements, and lease arrangements as either the City Manager or the Police Chief may require.

Q. A public convenience and necessity proposal which must contain the following information:

1. Provisions demonstrating the need and necessity of an automobile for hire or taxicab service, including an estimate of the need for the automobile for hire or taxicab service in the City. This shall include, but not be limited to, any survey, study or other preparation of facts which demonstrates the need for a taxicab or auto for hire service in such operating area.
2. The history of the organization, and the manner in which it is organized including, without limitation, the date of formation, the business commencement date(s), and all business locations in California during the last five (5) years.

R. Any other information that the City Manager deems necessary. (Ord. 98-1182 §1 07-28-98; Ord. 98-1180 § 3-10-98)

**5.72.060 Issuance of taxicab service or automobile for hire service, and taxicab driver or automobile for hire driver permits.**

Upon the furnishing of all of the information required by Section [5.72.050](#) and payment of the required fee, the City Manager shall determine whether or not the applicant has satisfied all requirements of this Chapter. The City Manager may initiate an investigation of facts for each application with the appropriate City or County agencies including, but not limited to, the City's Police Department. If the City Manager finds that all requirements of this part have been satisfied, an annual taxicab service or auto for hire service permit shall be issued. The permit shall be deemed to authorize use of only those drivers and taxicabs/automobiles described in the application.

An application which is not complete shall be returned to the applicant along with a list of the deficiencies. The

application shall be deemed abandoned if, within fourteen (14) calendar days from the first class mailing of any notice from the City, the application is not received by the City with all of its defects entirely corrected.

A taxicab or auto for hire driver's permit shall be issued to each qualified driver listed in the taxicab or auto for hire service application and to each qualified driver subsequently listed with the City by the taxicab or auto for hire service applicant. Such permit shall be valid so long as the driver continues to satisfy all requirements of this Chapter and the driver's taxicab or auto for hire service employer maintains a current taxicab or auto for hire service, or until the taxicab or auto for hire driver's permit may be revoked as provided herein.

Different drivers may be utilized by a permitted taxicab or auto for hire service provided all driver information required as part of the taxicab or auto for hire service permit application process is provided to the City Manager in writing at least ten (10) days prior to such driver commencing to operate any taxicab or auto for hire in the City. Use of any additional or different taxicab or auto for hire shall require City's prior written consent. Any applicant denied a taxicab or auto for hire service permit, or renewal of same, shall be notified in writing of such denial and the grounds upon which such denial is based. (Ord. 98-1180 § 3-10-98)

**5.72.070 Grounds for denial or revocation of taxicab or automobile for hire service permit.**

A taxicab or auto for hire service permit may be denied or revoked on the following grounds:

- A. Failure to maintain vehicles in good and safe order and in compliance with all laws;
- B. Any false, misleading or fraudulent statement made on an application submitted under this part;
- C. Failure to pay any fees as required under this Chapter;
- D. Repeated and persistent violations by the permittee or the permittee's drivers of the traffic laws of the City, County or State;
- E. Employment of a driver providing taxicab or auto for hire services within the City who does not have a valid taxicab or auto for hire driver's permit or renewal thereof issued pursuant to this Chapter;
- F. Employment of a driver providing taxicab or automobile for hire services within the City who does not have a valid California Driver's License as required by law;
- G. Repeated and persistent poor safety record, and/or a record of complaints, with respect to the operation of the automobile for hire or taxicab service within the City or other operating areas outside the City;
- H. Charging rates in excess of the amounts stated in the permit application;
- I. Failure to procure, post or maintain in effect approved comprehensive automobile liability insurance as required under Section [5.72.050\(F\)](#) of this Chapter; A temporary lapse in insurance coverage may result in immediate suspension pursuant to Section [5.72.150](#) below. Repeated or continued failure to maintain the insurance required under this Chapter will result in revocation pursuant to Section [5.72.140](#).
- J. Commission of, by either an applicant, his or her agent or employee, or any person connected or

associated with the applicant as a partner, director, officer, stockholder, associate or manager, a crime involving moral turpitude which is substantially related to the business activity for which the license is sought or issued;

K. Failure to comply with all applicable health, zoning, fire, building and safety laws of the State of California and the City for buildings, structures, premises or equipment located within the City and used to conduct the automobile for hire or taxicab service activity;

L. Commission or assistance in the commission, of, by either an applicant, his or her agent or employee, or any person connected or associated with the applicant as a partner, director, officer, stockholder, associate or manager, any act or act of omission which would be grounds for disciplinary action pursuant to this Chapter;

M. Resulting detriment to the public health, safety or welfare due to the establishment of the automobile for hire or taxicab service;

N. Violation by the applicant, or any of his or employees or agents, of any rule or regulation adopted by any governmental entity with respect to the applicant's operation of an automobile for hire or taxicab service in other operating areas or within the City;

O. Determination by the City Manager that the permit is not justified by public convenience and necessity. In making this determination, the City Manager may take into account all facts which it deems pertinent and proper, including but not limited to, whether:

1. The applicant has complied with all of the provisions of the City's Municipal Code;
2. The applicant is financially responsible and under efficient management;
3. The applicant is capable of providing safe and prompt taxicab or auto for hire service;
4. The proposed insignia and color scheme for the applicant's taxicabs or automobile for hire do not conflict with any existing permittee operating within the City so as to deceive or tend to deceive the public. Upon such finding, the applicant may amend such application to designate a different color scheme or insignia;
5. The applicant has presented evidence sufficient to justify operation of a specified number of taxicabs or autos for hire in the City;
6. The applicant has sufficient liability insurance coverage to operate a taxicab or auto for hire service;

P. Failure to comply with the requirements of Section [5.72.110](#) of this Chapter.

Q. Violation of, or failure to satisfy any requirements contained in any of the provisions of this Chapter. (Ord. 98-1180 § 3-10-98)

**5.72.080 Conditions of approval.**

A. Right to Condition Permit. The City Council may condition any permit at any time in order to ensure that the automobile for hire or taxicab operation will comport with the public health, safety, and welfare. Further, the City Council may condition such permit where it finds that grounds for denial or revocation of the permit exist or that the manner in which the business has been conducted or operated is detrimental to the public health, safety and welfare. The permittee shall sign an affidavit affirming his or her acceptance of the conditions.

B. Application to Change Conditions. The City Council may change, modify or eliminate any conditions previously placed on the permit upon its own motion or upon written request of the permittee if it finds that the reasons for the original imposition of such conditions have been cured or no longer exist. Applications to change conditions shall be noticed and set for public hearing in a manner consistent with Sections [5.72.140](#) and [5.72.150](#) of this Chapter. (Ord. 98-1180 § 3-10-98)

**5.72.090 Transfers.**

No permit issued under this Chapter shall be sold, transferred, assigned, mortgaged or otherwise conveyed without the consent of the City Manager, and any sale, transfer, assignment, mortgage or otherwise conveying any such permit without consent and approval of the City Manager shall render the permit automatically void. (Ord. 98-1180 § 3-10-98)

**5.72.100 Permit fees.**

A. Every person engaging in or carrying on the business of taxicab or auto for hire service, shall pay an annual vehicle permit fee as established by resolution of the City Council. Required fees shall be paid at the time an application for a permit or renewal thereof is submitted under this Chapter.

B. Every vehicle permit issued under this Chapter shall terminate at the expiration of one year from the date of its issuance unless revoked prior to said termination. Any renewal of a permit issued under this Chapter shall be pursuant to the same requirements, procedures, provisions and regulations set forth in this Chapter for an original permit, except as otherwise herein provided. A person holding a taxicab or auto for hire vehicle permit may not drive a taxicab or auto for hire without also possessing a current taxicab or auto for hire driver's permit and otherwise satisfying all requirements of this Chapter pertaining to City approval of taxicab and auto for hire drivers. Every taxicab or auto for hire vehicle permittee shall provide written notification to the City Manager upon the termination of any taxicab or auto for hire driver possessing a City taxicab or auto for hire driver's permit. (Ord. 98-1180 § 3-10-98)

**5.72.110 Requirements applicable to taxicab and automobile for hire drivers.**

Every taxicab and auto for hire driver and/or service operator shall be jointly and severally responsible for all of the following requirements.

Each taxicab and auto for hire service operator:

A. Shall maintain, at all times in full force and effect, insurance as required by Section [5.72.050\(F\)](#) of this Chapter.

B. Shall maintain, at all times, a valid business license to operate a taxicab or automobile for hire service within the City of Hermosa Beach.

Each taxicab and auto for hire driver:

A. Shall keep an accurate, legible record of all passengers carried, the pick up and drop off points, and the date and time carried. This record shall be available for up to one year for review by the City Manager.

B. Shall not, when otherwise available for hire, refuse to transport anyone requesting a ride except under the following circumstances:

1. The transportation requested is such that the driver may not legally accept such passenger;
2. The driver has reasonable cause to believe that the proposed passenger will refuse to pay or cannot pay the fare; or
3. The proposed passenger is disorderly, engaged in the commission of any crime, or is otherwise unfit to be transported as a passenger.

C. Shall wear a photo I.D. badge identifying the driver's association with a permitted taxicab or auto for hire service;

D. Shall keep the taxicab or auto for hire in good mechanical condition and in compliance with any and all applicable rules and regulations;

E. Shall charge only those rates as submitted on the application or such rates as have been approved by the City Manager in writing;

F. Shall display in full view of passengers in both the front and the rear seat, in letters and figures which are clearly legible and not less than one-quarter (1/4") inch high (1) a schedule of rates to be charged and (2) a notice that a schedule of customary rates from the City's major points of interest is available upon request. The schedules shall have printed thereon the name of the taxicab or auto for hire permittee under which the taxicab or auto for hire is permitted to operate and the business address and telephone number where comments or complaints regarding the taxicab or auto for hire service may be directed;

G. Shall keep the taxicab or auto for hire in a clean and sanitary condition;

H. Shall participate in periodic testing for controlled substances and alcohol, shall report the results thereof, as specified in Government Code Section 53075.5 (b) (3), shall test negative for drugs and/or alcohol as required in said Code Section, and shall carry in his or her vehicle a certificate of compliance with the provisions described in this subsection;

I. Shall not permit any person to operate a taxicab unless such person is authorized to operate a taxicab pursuant to this part;

J. Shall not stop for or accept any passenger except at such areas as may be authorized by the City; or where the taxicab or auto for hire driver has driven a passenger to a particular location and is waiting for such passenger; or when picking up a passenger who has contacted the taxicab or auto for hire driver's employer and requested taxicab or auto for hire service;

K. Shall drive passengers to their point of destination by the most direct practical route, unless specifically directed otherwise by such passengers;

L. Shall, when engaged, provide current passengers with exclusive right to use of the passenger compartment, without picking up additional passengers, unless otherwise expressly permitted by the City;

M. Shall immediately report the fact of any revocation of any permit required to operate a taxicab or auto for hire within the City.

N. Shall surrender the taxicab or auto for hire driver's permit to the City if no longer employed by a City-permitted taxicab or auto for hire service;

O. Shall fulfill the following equipment requirements;

1. Automobiles for hire and taxicab equipment.

- a. A trunk device which will permit the opening of the trunk lid from the inside of the trunk;
- b. A permanent fixture to display the taxicab or auto for hire driver's permit in prominent view of the passengers;
- c. Prominent signs giving the name and telephone number of the taxicab or auto for hire permittee and the taxicab or auto for hire number on the sides of the vehicle. The taxicab or auto for hire number shall also be conspicuously displayed on the rear portion and inside the vehicle.
- d. No fewer than four (4) working doors, except that handicapped accessible mini-van may be used;
- e. A fire extinguisher;
- f. Four (4) flares;
- g. At least two (2) emergency reflectors;
- h. Spare tire and jack;
- i. Windows which patrons can open from inside and;
- j. Working headlights, taillights, turn-signals, back-up lights, and brake lights, including the "cyclops" or third brake light, if the car has been manufactured in 1988 or later.

2. Taxicab equipment. In addition to the equipment requirements of Subsection (1) above, every taxicab

into which passengers are accepted for transportation within the City shall have the following equipment:

- a. A taximeter, as defined in this chapter;
- b. A radio transmitter and receiver capable to two (2) way communication with a dispatcher;
3. Prohibited Equipment. No automobile for hire or taxicab shall be equipped with scanners or other devices which can be used to intercept radio signals and dispatches sent to specific destinations.
4. Equipment Waiver Conditions. Notwithstanding the provisions of the Chapter, the City Council, following application, notice and public hearing, may waive any equipment requirement upon a showing of good cause by any applicant or permittee. Such waiver shall be specified on the permittee's permit and any applicable vehicle permit.

P. Shall maintain a valid California Driver's License at all times;

Q. Shall perform a yearly inspection of all vehicles operating within the City as part of his or her automobile for hire or taxicab service. Such inspection shall be made by a certified automotive repair dealer. Each automobile for hire or taxicab permittee shall provide the City with written confirmation, signed by that repair dealer, that the vehicles have been inspected and are in good working order within ten (10) days of the inspection. Automobiles for hire or taxicabs which have been inspected pursuant to the requirements of the City or County of Los Angeles taxicab regulations may submit proof of such inspections in lieu of the inspection required herein.

The taxicab or auto for hire driver's permit of any taxicab or auto for hire driver found to have violated any provision of this Chapter, may be revoked as provided herein. (Ord. 98-1180 § 3-10-98)

#### **5.72.120 Taxicab stands.**

- A. At its discretion, the City Council may permit the City Manager to locate, designate, and approve taxicab stands, which shall be available for the exclusive use of City-approved taxicabs.
- B. Established taxicab stands shall be in operation twenty-four (24) hours of every day, unless otherwise provided by the City Manager.
- C. No taxicab shall remain standing unless it is attended by a driver, except when necessary to assist passengers in loading or unloading. (Ord. 98-1180 § 3-10-98)

#### **5.72.130 Taximeters - Required.**

- A. Except as otherwise provided by law, each taxicab shall be equipped with a taximeter that has been inspected and certified by the county division of weights and measures. Each taximeter shall have affixed to it written or other evidence that such taximeter has been so inspected and is currently certified.
- B. Except as otherwise provided by law, it is unlawful for any person operating a taxicab to operate such vehicle unless it has approved rates conspicuously posted for passenger observation, and unless it is

equipped with a taximeter of such type and design as approved by a county division of weights and measures. It shall be the duty of every permittee hereunder using any taximeter to, at all times, keep such meter accurate. Such meters shall be subject to inspection from time to time by any police officer of the City or any authorized inspector delegated to this purpose. Upon the discovery of any inaccuracy of a taximeter, the permittee shall remove or cause to be removed any vehicle equipped with such taximeter from the streets of the City until such taximeter has been correctly adjusted and certified by the county division of weights and measures. (Ord. 98-1180 § 3-10-98)

#### **5.72.140 Revocation of permits.**

In the event the City Manager has reasonable cause to believe that grounds exist to revoke any permit issued hereunder as provided herein, a written notice of intent to revoke shall be served by first-class mail upon the permit holder. Unless timely appealed, the revocation shall be effective as of midnight on the date specified in the notice which shall not be less than twenty-one (21) calendar days thereafter.

The notice shall state the grounds for revocation and shall be served upon the permittee by delivering the same personally or by mailing by first class mail addressed to the permittee at his or her place of business or residence. Any taxicab or auto for hire service operator or driver having a permit revoked shall not be eligible to apply for another permit for six (6) months after the effective date of such revocation.

The City Manager, at his or her discretion may, instead of revocation provide a permit holder with an opportunity to cure certain violations, or may place certain conditions on the permit as provided for in Section [5.72.080](#) of this Chapter. (Ord. 98-1180 § 3-10-98)

#### **5.72.150 Suspension.**

Any permit described under this Chapter may be immediately suspended if deemed necessary due to an immediate threat to the public health, safety or welfare, or a lack of insurance as required by this Chapter. Repeated failure to maintain insurance as required by this Chapter will result in revocation pursuant to Section [5.72.140](#).

Any suspension pursuant to this Section shall not exceed fifteen (15) days pending a hearing in a manner consistent with Section [5.72.160](#) of this Chapter. (Ord. 98-1180 § 3-10-98)

#### **5.72.160 Appeal procedures.**

Any taxicab or auto for hire service permit applicant denied a permit pursuant to this Part, or any permittee in receipt of a notice of intent to revoke, may appeal such denial or intent to revoke to the City Council by filing with the City Manager a written notice of appeal within ten (10) business days of the date of permit denial or of service of the notice of intent to revoke. The City Council may hear appeals directly or in its sole discretion may appoint a hearing officer to hear any appeal and make a recommendation to the City Council. Upon receipt of a timely, written request for appeal, the City Clerk shall set a hearing to occur within forty-five (45) days before the Council or its designated hearing officer and shall provide written notice of same by first class mail to the appellant. The City Council shall sustain or overrule with conditions, the denial or intended revocation upon written findings within thirty (30) days of the conclusion of the hearing. (Ord. 98-1180 § 3-10-

98)

**5.72.170 Exemptions.**

This Chapter shall not apply to any public transportation service being performed pursuant to a contract with the City or with any other public entity in this state. (Ord. 98-1180 § 3-10-98)

## Chapter 5.74 MASSAGE THERAPY BUSINESS

Sections:

- [\*\*5.74.005 Applicability\*\*](#)
- [\*\*5.74.010 Definitions\*\*](#)
- [\*\*5.74.020 Massage therapy business location--conditional use permit required.\*\*](#)
- [\*\*5.74.030 Massage therapy business--business license required.\*\*](#)
- [\*\*5.74.040 Business license application.\*\*](#)
- [\*\*5.74.050 Investigation of application for business license.\*\*](#)
- [\*\*5.74.060 Conditions for issuance of business license.\*\*](#)
- [\*\*5.74.070 Conduct of massage therapy business.\*\*](#)

### **5.74.005 Applicability.**

Except as specifically provided in this Chapter, this Chapter shall apply to every Massage Therapy Business and its Responsible Massage Therapist(s) as defined in this Chapter.

### **5.74.010 Definitions.**

Certified Massage Therapist. A person who is State certified by the Massage Therapy Organization under subdivision (b) or (c) of California Business and Professions Code Section 4601 as may be amended, and who administers massage for compensation and is practicing consistent with the qualifications established by his or her certification.

Certified Sole Massage Proprietorship or Proprietor. Any Sole Proprietorship where the owner is a Certified Massage Therapist and is the only person employed by that business to provide massage therapy services.

Massage Therapist. Any person providing massage therapy services for compensation in compliance with all of the requirements of this Chapter, including but not limited to a Responsible Massage Therapist, Certified Massage Therapist, or non-certified massage therapist.

Massage Therapy Business. An establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the State, other than by the Massage Therapy Organization, as part of a medical clinic. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and does not occupy more than 25% of the gross floor area of the establishment. This definition also specifically excludes Adult Massage as defined in Section 17.04.060.

Responsible Massage Therapist. An on-premises Massage Therapist who has procured a business license as required under this Chapter and is identified in the business license as a person responsible for the routine on-premises conduct, management or supervision of the massage therapy business as set forth in this Chapter.

Sole Massage Proprietorship or Sole Massage Proprietor. Any massage therapy business where the owner is both the Responsible Massage Therapist and only person employed by that business to provide massage therapy services.

**5.74.020 Massage therapy business location--conditional use permit required.**

Before any location and building may be used for the purposes of a massage therapy business, a Conditional Use Permit shall be obtained pursuant to Chapter 17.40 of the Zoning Code.

**5.74.030 Massage therapy business--business license required.**

A. Every person owning or operating a massage therapy business in the City as defined in this section shall procure a business license as set forth in this Chapter, including an owner, manager or operator of a massage therapy business who does not practice massage therapy, and every designated Responsible Massage Therapist that will be responsible for managing or operating the business.

B. The massage therapy business shall at all times be managed or supervised by at least one (1) on-premises Responsible Massage Therapist who has procured a business license for such purpose as set forth in this Chapter.

C. Individual massage therapists that are non-managerial employees of a licensed massage therapy business and are not Responsible Massage Therapists shall not be required to obtain a massage therapy business license to engage in a massage therapy practice in the City.

D. Individual massage therapists that are independent contractors providing service at a massage therapy business and sole massage proprietors shall obtain a massage therapy business license as set forth in this Chapter.

**5.74.040 Business license application.**

Every person desiring to obtain a business license as required by this Chapter shall make an application to the City Finance Department. The applicant shall provide all of the following:

A. The full name, residence address, business address, and telephone numbers of the applicant, and the name under which the proposed business is to be conducted;

B. The full name, business address, residence address, and telephone numbers of any copartners, excluding limited partners, of the applicant;

C. The full name, residence address, business address, and telephone numbers of the property owner, in which the business is to be located, and the written consent of said owner to the operation of the business or a copy of the lease for the premises executed by the owner evidencing such consent;

D. Applicant's height, weight, color of eyes and hair, age, and date and place of birth;

E. A two-inch square photograph of the applicant taken within sixty (60) days immediately prior to the date the

application is filed;

F. A statement in writing by the applicant that he or she certifies, under penalty of perjury, that all information contained in the application is true and correct;

G. Such other identification and information as the Police Chief may require in order to discover the truth of the matters set forth in the application, including the right to take fingerprints, any additional photographs or to confirm the height and weight of the applicant;

H. Record of any conviction of violation of law, excluding minor traffic violations;

I. The nature, name and place of applicant's business or employment during the five (5) years immediately preceding the date of the filing of the application;

J. Designated Responsible Massage Therapist(s) shall also provide all of the following:

1. An annual certificate from a medical doctor stating that the applicant and any other massage therapist or massage technician employed or permitted to work by the applicant has, within sixty (60) days prior thereto, been examined and found to be free of any contagious or communicable disease;

2. Evidence of training and maintenance of certification to practice CPR and First Aid from the American Heart Association, Red Cross, or the State of California; and

3. Evidence of completion of a minimum of five hundred (500) hours of training in the theory, method, profession, and work of massage therapy from an approved school, evidenced by a diploma or certificate of graduation from an approved school as defined in subdivision (a) of Business and Professions Code Section 4600.

K. If the applicant submits satisfactory evidence that the individual is (1) a Certified Massage Therapist or a Certified Sole Massage Proprietor, or (2) that all persons providing massage therapy service at the business, including the Responsible Massage Therapist(s), are State certified, then the applicant shall not be required to provide the information in subsections G through J above.

#### **5.74.050 Investigation of application for business license.**

Upon receipt of a complete application, it shall be forwarded to the Chief of Police who shall conduct an appropriate investigation to determine whether said license shall be issued in accordance with this chapter and shall provide said report to the Finance Department.

#### **5.74.060 Conditions for issuance of business license.**

The City shall issue or renew the business license only when all of following conditions are met:

A. A completed written application form has been filed;

B. The required application fee has been paid;

- C. The applicant has complied with all provisions of this Chapter and of the Municipal Code;
- D. The building and facilities are found to contain all of the elements necessary to comply with Section [5.74.070](#) and to comply with all of the health, zoning, fire, building and safety requirements and standards of the State of California and of the City;
- E. The applicant has not made any false, misleading or fraudulent statement in the application or in any report or record filed therewith;
- F. The applicant has not had a permit or license for a similar type business revoked by the City or any other jurisdiction within the past three years; and
- G. A determination has been made by the Chief of Police that the applicant and any employee, agent, partner, director, officer, shareholder, associate, manager or any other person connected with the business for which the applicant is requesting a business license hereunder:
  - 1. Has not been convicted in a court of competent jurisdiction of a violation of Penal Code Sections 266l, 315, 316, 318, or 647(b);
  - 2. Has not been convicted in any other State of any offense which, if committed or attempted in this State, would have been punished as one or more of the above mentioned offenses; and
  - 3. Is not required to register under the provisions of Penal Code Section 290.

H. If the applicant submits satisfactory evidence that the individual is (1) a Certified Massage Therapist or (2) a Certified Sole Massage Proprietor, or that all persons providing massage therapy service at the business, including Responsible Massage Therapists, are State certified, then subsection G of this Section shall not apply, only to the extent that the information requested pertains to the person who is a Certified Massage Therapist.

#### **5.74.070 Conduct of massage therapy business.**

Every massage therapy business shall at all times be conducted in accordance with all of the following requirements:

- A. The massage therapy business shall have at least one Responsible Massage Therapist on the premises during all operating hours;
- B. Minimum lighting shall be provided in accordance with the Uniform Building Code;
- C. All instruments used in massage shall be cleaned and disinfected;
- D. Hot and cold running water, soap or detergent, and sanitary towels or air dryer shall be available on the premises;
- E. Dressing facilities shall be provided for patrons;

- F. Separate enclosed cabinets or containers shall be provided for storage of clean and soiled towels and linen;
- G. Clean and sanitary towels and linens (washed in hot water a minimum of 140 degrees Fahrenheit) shall be provided for each patron of the business; and
- H. Standard or portable massage tables or a mat suitable for shiatsu or acupressure shall be used. Foam pads more than four inches thick or with a width of more than four feet may not be used. Beds, mattresses, and water beds may not be used nor be present anywhere on the premises. (Ord. 09-1303,§1, Nov. 10, 2009; Ord. 97-1173 §2, 08/12/97)

**Title 6  
Animals**

**Chapters:**

- [\*\*6.04 Animals Generally\*\*](#)
- [\*\*6.08 Dogs\*\*](#)
- [\*\*6.12 Cats\*\*](#)
- [\*\*6.16 Retail Sale of Dogs and Cats\*\*](#)

## Chapter 6.04 ANIMALS GENERALLY

Sections:

- [\*\*6.04.010 Definitions.\*\*](#)
- [\*\*6.04.020 Duties of animal control supervisor.\*\*](#)
- [\*\*6.04.030 Enforcement provisions.\*\*](#)
- [\*\*6.04.040 Household pets.\*\*](#)
- [\*\*6.04.050 Permit required to keep nonhousehold animals.\*\*](#)
- [\*\*6.04.060 Permit.\*\*](#)
- [\*\*6.04.070 Appeals.\*\*](#)
- [\*\*6.04.080 Unlawful to permit nonhousehold animals to endanger persons.\*\*](#)
- [\*\*6.04.090 Unlawful to permit nonhousehold animals on public property.\*\*](#)
- [\*\*6.04.100 Animal nuisances.\*\*](#)
- [\*\*6.04.110 Violations of animal regulations.\*\*](#)

### **6.04.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Animal control officer" is a person appointed by the city manager to function as a deputy of the animal control supervisor.

"Animal control supervisor" is the person appointed by the city manager to carry out and enforce the provisions of this chapter and resolutions of the city council adopted pursuant thereto.

"Household pets" includes dogs, cats, canaries, parrots and other similar animals and birds usually and ordinarily kept as household pets.

"Nonhousehold animals" includes but is not limited to horses, cows, sheep, goats, pigs, rabbits, pigeons, chickens, pheasants, guinea hens, ducks, geese, turkeys and any other domestic, domesticated, exotic or wild animal, bird poultry, fowl, reptile, and bees or other insects, other than those usually and ordinarily kept as household pets. (Prior code § 4-1)

### **6.04.020 Duties of animal control supervisor.**

It shall be the duty of the animal control supervisor to make investigation concerning household and nonhousehold pets within the city, take up and deliver to the currently contracting pound all animals at large and unrestrained as described in this chapter, and in all other respects to enforce the provisions of this chapter and the resolutions of the city council adopted pursuant thereto. (Prior code § 4-1.1)

### **6.04.030 Enforcement provisions.**

A. Authority of Animal Control Supervisor. In addition to other authority provided by law for making arrests, the animal control supervisor and appointed deputies are designated as public officers and are authorized to

make arrested according to provisions of Sections 858.5 and 853.6 of the Penal Code of the state of California for the purpose of enforcing and carrying out the provisions of this chapter.

B. Enforcement Policy. It shall be the duty of the animal control supervisor to enforce the provisions of this chapter through the citation procedure against any person who violates any term of the provisions of this chapter and against any owner of an animal who allows or permits such animal to violate any term or provision of this chapter. (Prior code § 4-1.2)

#### **6.04.040 Household pets.**

Pursuant to the use permitted in residential zones, no more than two adult (six months or older) dogs or two adult cats, or a combination thereof amounting to no more than two shall be permitted as household pets in a residential dwelling. Any person keeping or maintaining more than two adult dogs or two adult cats or a combination of both shall make application for a permit to keep and maintain such animals, following the procedures set forth in Section [6.04.060](#). The application fee for said permit shall be fifty dollars (\$50.00). (Prior code § 4-2)

#### **6.04.050 Permit required to keep nonhousehold animals.**

It is unlawful for any person owning, possessing or having the custody or control of any animal other than household pets to keep, harbor, possess or maintain any such animal within the city without first obtaining a written permit. A violation of this section shall be an infraction.

Exceptions: The provisions of this chapter shall not apply to the temporary keeping of nonhousehold animals in bona fide educational or medical institutions for the purpose of instruction or study, provided such animals are securely confined and are properly cared for in a manner satisfactory to the animal control supervisor. (Prior code § 4-3)

#### **6.04.060 Permit.**

A. Application. Any person desiring to keep, harbor, possess or maintain any nonhousehold animal as required under the provisions of this chapter shall make application for such permit in writing, addressed, and file the same with the general services department on a form to be supplied by that office. Each application shall be accompanied by an application fee, payable to the city, of an amount fixed by resolution of the city council, which shall be retained by the city to cover its costs in connection with the processing of such application and which shall not be refunded. Such application shall state the kind of animal for which the permit is desired, the location of the premises where the same is to be kept or maintained, and the manner in which the applicant proposes to keep the same, giving details as to enclosures, tethers, cages or other means which the applicant proposes to employ in the event the permit is granted and their distance from the nearest dwelling or other structure used for human habitation.

B. Hearing--Granting or Denial of Permit. Upon the filing of the application and the necessary accompanying reports, notices shall be posted in all directions for a distance of at least three hundred (300) feet from the place where such animals or fowl are proposed to be kept, and not more than fifty (50) feet apart, and shall notify the public that comments must be received by the general services director within ten days of the date

appearing on the notice. Comments must be in writing, and must be specific. In addition, the general services department will conduct a neighborhood survey and report their findings in writing to the general services director within ten days of the date appearing on the notice.

If a permit is granted, the general services director may prescribe such terms and conditions in connection with any permit, including but not limited to the following:

1. That the animal is at all times kept or maintained in a safe manner and that it is at all times confined securely so that the keeping of such animal will not constitute a danger to human life or the property of others, and that the animal shall not be kept within thirty-five (35) feet of any residence or other building used for human habitation or within one hundred (100) feet of any school building, hospital building, or similar institutional building;
2. That adequate safeguards are made to prevent unauthorized access to such animal by members of the public;
3. That the health or well-being of the animal is not in any way endangered by the manner of keeping or confinement;
4. That the keeping of such animal does not constitute a nuisance and will not harm the surrounding neighborhood;
5. That the keeping of such animal will not create or cause offensive odors or constitute a danger to public health;
6. That the quarters in which the animal is kept or confined are adequately lighted and ventilated and are so constructed that they may be kept in a clean and sanitary condition;
7. That the applicant for such special permit prove his ability to respond in damages for bodily injury or death of any person or persons or for damage to property owned by any other person which may result from the ownership, keeping or maintenance of such animal. Proof of liability to respond in damages may be given by filing with the animal control supervisor a certificate of insurance stating that the applicant is, at the time of his application, and will be during the period of such special permit, insured against liability to respond to such damages, or by posting with the animal control supervisor a surety bond conditioned upon payment of such damages during the period of such special permit. Such certificate of insurance or bond shall provide that no cancellation of the insurance or bond will be made unless ten (10) days' written notice is first given to the animal control supervisor.

It is unlawful for any person to whom any such permit may be issued to fail or refuse to comply with any of the terms and conditions so imposed.

C. Number of Animals Allowed. In no event shall a permit be issued for the keeping of more than two (2) wild or nonhousehold animals or more than five (5) domestic fowl (chickens, ducks or geese) at any single

location.

D. Endorsement. Before any permit becomes effective the same must be accepted in writing by the permittee by the endorsement of the permittee accepting the permit upon the terms and conditions subject to which the same is granted, and agreeing to comply with and observe each and all of its terms and conditions.

E. Revocation. All permits issued under this chapter shall be temporary only and may be revoked by the general services department at any time without cause or liability should the department find that the keeping of such animal within the city unduly menaces, threatens or endangers lives or property or the life or property of any person. (Prior code § 4-4)

#### **6.04.070 Appeals.**

Upon the granting or denial of a permit or revocation, the applicant and all parties expressing concern shall be notified of the decision by the general services director in writing.

Appeals shall be in writing, including specific items of disagreement with the general services director's decision or findings. Appeals shall be filed with the city clerk's office within fifteen (15) days of the issuance of the report of decision and findings. The fee for appeals shall be an amount fixed by resolution of the city council. The filing of an appeal with the city clerk shall stay the decision of the general services director until the appeal has been acted on. When an appeal is filed, the general services director shall forward the record of the case to the city council. The city council shall conduct a public hearing. Such hearings shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its decision and findings within sixty (60) days of the closing of the hearing, unless good cause is shown for an extension of time. The council may incorporate by reference the findings of the general services director. Within thirty (30) days of the final decision on the administrative process, the city council shall mail notice to the appellant and applicant. A copy of this notice shall be included in the general services director's files. (Prior code § 4-4.1)

#### **6.04.080 Unlawful to permit nonhousehold animals to endanger persons.**

It is unlawful for any person owning, possessing or having the custody or control of any nonhousehold animal to allow or permit such animal to be or to run at large, or permit it to run loose or be tethered, or caged, in or on or within the premises of such person or in, on or within any premises in the city in such a manner as to endanger the life or limb of any person lawfully entering such premises. (Prior code § 4-5)

#### **6.04.090 Unlawful to permit nonhousehold animals on public property.**

It is unlawful for any person owning, possessing or having the custody or control of any nonhousehold animal to permit or allow the same to go loose, free, unrestrained or restrained, in any way in, along or upon any public street, sidewalk, way or place or any public park, playground, public beach or municipal pier within this city. (Prior code § 4-6)

#### **6.04.100 Animal nuisances.**

A. Defiling Property. It is unlawful for the owner or person having custody of any dog or other animal to permit,

either wilfully or through failure to exercise due care or control:

1. Any such dog or animal to commit any nuisance, and to allow such nuisance to thereafter remain, upon any public or private property not owned or possessed by the owner or person in control of said animal, except that the person who owns, harbors, keeps or has charge or control of a dog (other than a sightless person who has charge or control of a guide dog) shall immediately and securely enclose all feces deposited by such dog in a bag, wrapper or other container and dispose of the same, all in a sanitary manner;
2. Any person (other than a sightless person with a guide dog) who has charge or control of a dog in a location other than of the property of such person or the property of the owner of the dog shall have in his or her possession, carried in full view, a suitable wrapper, bag or container (other than articles of personal clothing) for the purpose of complying with the requirements of this subsection. Failure of such person to carry such wrapper, bag or container when in charge or control of a dog in a location other than on the property if such person or the property of the owner of the dog or animal shall constitute a violation of this subsection.

For the purpose of this section a "nuisance" committed by a dog or animal shall mean defecation by said animal.

B. Violation. Violation of subsection (A) of this section shall be an infraction. (Ord. 00-1209 §2, 2000; Ord. 95-1138 §1, 1995; prior code §4-31)

#### **6.04.110 Violations of animal regulations.**

Violations of the provisions of this chapter shall be a misdemeanor enforceable as provided in Chapter [1.04](#). (Ord. 14-1348 §4, 2014)

## Chapter 6.08 DOGS

Sections:

- [\*\*6.08.010 Dog Kennel Defined\*\*](#)
- [\*\*6.08.020 Dogs at Large; in Places where Food is Sold: Prohibited\*\*](#)
- [\*\*6.08.030 Vicious Dogs Running at Large\*\*](#)
- [\*\*6.08.040 Dogs Running on Property of Owners\*\*](#)
- [\*\*6.08.050 License Required\*\*](#)
- [\*\*6.08.060 Duration of License - License Fees\*\*](#)
- [\*\*6.08.070 Penalty for Failure to Pay License Fee\*\*](#)
- [\*\*6.08.080 Licenses for Dogs Attaining the Age of Four Months\*\*](#)
- [\*\*6.08.090 License Forms\*\*](#)
- [\*\*6.08.100 License Tags\*\*](#)
- [\*\*6.08.110 Impoundment of Unlicensed Dogs - Disposal\*\*](#)
- [\*\*6.08.120 Report of Impounded Dogs to be Posted\*\*](#)
- [\*\*6.08.130 Redemption of Impounded Dogs - Redemption Fees\*\*](#)
- [\*\*6.08.140 License Not Required: Nonresidents; Dogs under 4 Months\*\*](#)
- [\*\*6.08.150 Dog Kennel License\*\*](#)
- [\*\*6.08.160 Vaccination Required\*\*](#)
- [\*\*6.08.170 Re-vaccination\*\*](#)
- [\*\*6.08.180 Veterinarian's Certificate of Vaccination\*\*](#)
- [\*\*6.08.190 Certificate of Vaccination Required for License\*\*](#)
- [\*\*6.08.200 Right of Entry of Enforcing Officers\*\*](#)
- [\*\*6.08.210 Redemption of Impounded Dog\*\*](#)
- [\*\*6.08.220 Vaccination of Impounded Dog\*\*](#)
- [\*\*6.08.230 Procedure when Impounded Dog Suspected of Rabies\*\*](#)
- [\*\*6.08.240 Interfering with an Animal Control Officer\*\*](#)
- [\*\*6.08.250 Violation - Penalty\*\*](#)

**6.08.010 Dog kennel defined.**

A "dog kennel" means any place, house or shelter in which dogs are kept or boarded for hire or reward, and from which dogs are bought or sold and from which dog supplies, foods or materials are sold and for which dogs are kept for veterinary treatment for which a fee is charged. (Prior code § 4-7)

**6.08.020 Dogs at large prohibited--dogs in places where foods are sold.**

It is unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to run at large on any public street, alley, lane, park or other public place or in or upon any unenclosed lot or premises in the city unless such dog be restrained by a substantial chain or leash not exceeding six feet in length and be in the charge, care, custody or control of a competent person; provided, however, that no such dog shall be allowed or permitted on any beach or in any store, market, restaurant, cafe, lunchroom, soda fountain, bakery

or kindred establishments wherein vegetables, meats and other foods for human consumption are served, sold or kept for sale. A violation of this section shall be an infraction. (Prior code § 4-8)

**6.08.030 Vicious dogs running at large.**

It is unlawful for any person owning, possession or having custody or control of any dangerous or vicious dog to allow or permit such dog to be or go at large within the city.

A. Suspension or Revocation of License. The city council shall have the right and power to suspend and revoke any dog license issued under the provisions of this chapter if at any time it appears to the council or if the council at any time finds that any dog described or referred to in any dog license, or for which any dog license is or may be issued, is vicious, dangerous and apt to bite or injure any person.

B. Impoundment. Whenever any dog, in either the written opinion of the poundmaster or the council, filed with the animal control officer, is vicious, dangerous and apt to bite or injure any person, and is permitted to go at large or is kept in such manner as to constitute an apparent menace to any person, such dog may be immediately impounded by the poundmaster or his duly authorized agents, representatives or assistants.

C. Notice of Hearing. As soon as it is reasonably possible after any such dog is so impounded, or a written opinion is filed with the animal control officer, the owner of such dog, the persons harboring such dog, the persons to whom a license for such dog was issued, or any person whose name appears therein, shall be notified (either personally or by registered mail addressed to such person at the address shown in such license) of the fact of such impounding or of the filing of such opinion and that such person or any person interested may appear at a hearing before the council at a meeting to be specified in such notice (and which is to be held within not more than ten days from the date of such notice) and show cause, if any, why such dog should not be destroyed. Such notification shall also contain or have attached thereto a copy of any opinion so filed.

D. Hearing. Upon such hearing the council shall hear all persons who appear and desire to be heard and shall thereupon decide whether such dog shall be released, destroyed or otherwise disposed of. Its decision after such hearing shall be final and conclusive.

E. Refund of License Fee. In the event the council after such hearing orders such dog destroyed or otherwise removed from the city or revokes the license for such dog, the council shall also, at the same time, order the refunding of the pro rata portion of the license fee paid for the license for such dog for the remainder of the license period ensuing after the date of such order.

F. Right and Power to Protect Public. The city council finds and determines that the reservation of the right and power made in this section is necessary in order to protect the public peace, health and safety of its inhabitants, not only on account of physical danger from vicious and dangerous dogs, but also because of the suppression and combatting of the menace of rabies.

A violation of this section shall be an infraction. (Prior code § 4-8.1)

**6.08.040 Dogs running on property of owner.**

Subject to the limitations provided in the preceding section, nothing herein contained shall be construed to prevent owner or custodian of any male or female dog from permitting the same to be at large upon property owned or controlled by such owner or custodian; provided, such property be enclosed in such manner as to prevent such dog from escaping therefrom. (Prior code § 4-9)

**6.08.050 License required.**

It is unlawful for any person to keep, harbor or possess any dog within the city without first having obtained a license to do so, and a violation of this section shall be an infraction. (Prior code § 4-10)

**6.08.060 Duration of license--license fees.**

A. Every person owning, harboring or controlling any dog within the city shall before the first day of October of each year apply for an procure a license and license tag for each such dog and shall pay to the city an amount fixed by resolution of the city council.

1. Exception. For dogs owned by senior citizens of the city aged sixty (60) or over, showing proof of age, the license fee shall be fifty (50) percent of the rate established by this section.
2. Exception. Seeing eye dogs shall be licensed, but no fee shall be charged.

B. The person applying for said license shall submit proof that the dog for which the application is made has been spayed or neutered by a licensed veterinarian. (Ord. 96-1155 §§ 10, 11, 1996; prior code § 4-11)

**6.08.070 Penalty for failure to pay license fee.**

For failure to pay license fee within thirty (30) days after October 1st, the city shall add a penalty of one-half of the regular license fee and the amount of such license fee and penalty imposed by this chapter shall be deemed a debt to the city and any person failing to obtain the license shall, in addition to the penal provisions herein, be liable in an action in the name of the city in any court of competent jurisdiction for the amount of the license fee or penalty due hereunder. (Prior code § 4-12)

**6.08.080 Licenses for dogs attaining age of four months.**

In the event that a dog is brought into the city after October first of any year, or becoming four months of age following such date, the time for calculating penalties shall not commence until thirty (30) days after such dog is brought within the city limits or has attained the age of four months.

In the event that a dog is brought in the city six months or more after October first of any year, or becomes four months of age six months or more following such date, license fee shall be one-half the regular fee, and penalty if due shall be in addition to such one-half of the regular license fee. (Prior code § 4-13)

**6.08.090 License forms.**

The finance department is authorized and directed to cause to be printed annually such number of dog license forms as may be necessary, setting forth the year for which such license is issued, the description of the dog for which each license is issued, the name and address and telephone number of the owner or person who

shall keep or harbor each dog, and the amount of the license fee paid. All such blank dog licenses shall be in printed book form and shall have corresponding stubs. (Ord. 96-1155 § 12, 1996; prior code § 4-14)

#### **6.08.100 License tags.**

The finance department shall likewise procure metal tags bearing inscriptions showing the year for which the same shall be issued and the number thereof, and such number shall correspond with the number on the dog license issued. Such tags shall be firmly attached on the collar of each dog for which each license is issued in such a manner that the same shall be readily visible in order to identify a lost, injured or impounded dog. (Ord. 96-1155 § 13, 1996; prior code § 4-15)

#### **6.08.110 Impoundment of unlicensed dogs--disposal.**

Any dog permitted to run at large in violation of the provisions of this chapter shall be taken in charge by the contractor employed by the city to enforce the terms of this chapter and which contractor shall by such employment become the poundmaster of the city. Such dog so taken while running at large without a license shall be kept by the poundmaster for a period of five days, at which time, unless redeemed as provided by this division, such dog shall be humanely disposed of by the poundmaster; provided, however, that no dog shall be sold or given away by the contractor unless the license fee and penalties due the city for such dog shall have first been paid. (Prior code § 4-16)

#### **6.08.120 Report of impounded dogs to be posted.**

The contractor, acting as poundmaster of the city, upon impounding any dog found running at large, shall immediately file a report containing a brief description of the dog. (Ord. 96-1155 § 14, 1996; prior code § 4-17)

#### **6.08.130 Redemption of impounded dogs--redemption fees.**

A. For the first, second and third redemptions of the dog, increasing fees in amounts set by resolution of the city council shall be paid to the city.

B. In all cases, if the animal has been impounded at the contracting animal shelter facility, said fee shall be paid prior to payment of the appropriate impound fees to the poundmaster. Any license required by such dog shall be purchased from the city prior to the redemption of an impounded dog if said license has not been previously obtained or is not in full force and effect. (Prior code § 4-18)

#### **6.08.140 Dogs under four months and dogs of nonresidents not required to have license.**

Nothing in this chapter contained shall be construed to prohibit the keeping of dogs under four months of age without having obtained a license therefor, nor to prevent nonresidents visiting the city from keeping a dog therein for a period of not to exceed thirty (30) days without the payment of a license fee as herein provided. (Prior code § 4-19)

#### **6.08.150 Dog kennel license.**

The dog license tax required to be paid shall not apply to any person conducting or maintaining a dog kennel in the city, but every person conducting or maintaining such dog kennel shall pay to the license collector a special business license tax as provided by Title [5](#), relating to business licenses, or as fixed by the city

council, upon the filing of an application for permit to maintain such kennel. (Prior code § 4-20)

**6.08.160 Rabies vaccination required.**

Every person keeping, harboring or having a dog over the age of four months in the city shall cause such dog to be vaccinated with rabies vaccine within a period of thirty (30) days from the date of harboring, keeping or having such dog within the city, or from the date the dog attains the age of four months; provided, however, that this provision shall not apply so as to require the vaccination of any dog which has been vaccinated with a chick embryo vaccine by a person licensed by the state or of any other state or nation to practice veterinary medicine where such vaccination has been completed within the period of time as hereinafter prescribed in this section. If chick embryo vaccine was used in such vaccination, it must have been completed within two years prior to the date such dog was kept, harbored or brought into the city. If tissue phenolized vaccine was used, such vaccination must have been completed within one year prior to the date such dog was kept, harbored or brought into the city. (Prior code § 4-21)

**6.08.170 Revaccination.**

A. Chick Embryo Vaccine. Every person keeping, harboring or having a dog in the city which has been vaccinated with chick embryo vaccine shall cause such dog to be revaccinated within a period of not more than thirty (30) months after such prior vaccination.

B. Tissues Phenolized Vaccine. Every person keeping, harboring or having a dog in the city which has been vaccinated with tissue phenolized vaccine shall cause such dog to be re-vaccinated with rabies vaccine within a period of not more than one year after such prior vaccination. (Prior code § 4-22)

**6.08.180 Veterinarian's certificate of vaccination.**

Every person practicing veterinary medicine in the city who vaccinates a dog with rabies vaccine shall issue to the person keeping, harboring or having such dog a certificate which is signed by the veterinarian and which states thereon the name and description of the dog, the date of such vaccination and type of vaccine used and shall send a duplicate copy thereof to the contracting pound service. (Prior code § 4-23)

**6.08.190 Certificate of vaccination prerequisite to issuance of dog license.**

Every person applying for a dog license, whether to the contracting pound service of the city or to the city clerk, must exhibit a certificate issued by a person licensed by the state or any other state or nation to practice veterinary medicine, which certificate shall show that the dog for which the license shall be issued has been vaccinated in accordance with the provisions of this division. A license for such dog shall not be issued unless and until such a certificate is so exhibited. (Prior code § 4-24)

**6.08.200 Right of entry of enforcing officers.**

Any officer or employee of the contracting pound service, any police officer of the city or of any city in the county, shall have the right to enter upon any private or public property in the city in order to examine or capture any dog thereon or therein; provided, however, that no such officer or employee shall have the right to enter a house which is in use as a residence without first having secured a search warrant therefor. (Prior code § 4-27)

**6.08.210 Redemption of impounded dogs.**

No dog so impounded shall be released to any person except where there had been a performance of the following conditions:

- A. There has been presented to the poundmaster a current license for such dog issued by the contracting pound service or by the city clerk, or if the person keeping, harboring or having such dog is not a resident of the city, such nonresident person has presented to the poundmaster a current license conforming to this division for such dog issued by any other municipality in the county or by the county;
- B. Where the person keeping, harboring or having such dog is a resident of the city, there has been paid to the poundmaster the license fee for a city dog license as provided by law;
- C. There has been paid to the poundmaster the impounding, collection and other fees as provided by law;
- D. There has been paid to the poundmaster a reasonable fee as determined by the poundmaster for the vaccination of such dog; provided, however, that such fees shall not exceed five dollars (\$5.00); or there has been shown to the satisfaction of the poundmaster that such dog has been vaccinated with rabies vaccine within the time periods according to the other requirements as prescribed by this chapter;
- E. The poundmaster has determined that such dog does not have and is not reasonably suspected of having rabies. (Prior code § 4-28)

**6.08.220 Vaccination of impounded dogs.**

Within seventy-two (72) hours after the receipt of the vaccination fee, or as soon thereafter as possible, and except as provided in the following section, the poundmaster shall cause the dog for whom the fee has been paid to be vaccinated with chick embryo vaccine by a person licensed by the state to practice veterinary medicine. After the dog has been vaccinated, the poundmaster shall release such dog to the person keeping, harboring or having such dog or to the person making application for the release of such dog. (Prior code § 4-29)

**6.08.230 Procedure when impounded dog suspected of having rabies.**

If the poundmaster suspects that any dog so impounded has rabies he shall hold such dog for inspection by a health officer of the county. In the event that such health officer shall determine that such dog is afflicted with rabies, it shall be disposed of or confined for such time as the health officer shall direct. In the event that such health officer suspects that such dog may develop rabies, it shall be confined for such time as the health officer shall direct. Whenever such health officer shall determine that such dog does not have rabies, it shall be released in accordance with the provisions of this division. (Prior code § 4-30)

**6.08.240 Interfering with an animal control officer.**

No person shall willfully resist, delay or obstruct an animal control officer in the exercise of any duty required by the regulations and requirements of the animals and fowl code. (Prior code § 4-31)

**6.08.250 Violation--penalty.**

A violation of the provision of this chapter is a misdemeanor unless by ordinance it is made an infraction. Any violation of the provisions of this chapter is punishable pursuant to the provisions of Chapter [1.10](#), as provided by Government Code Section 36900, Section 36901. (Prior code § 4-32)

## Chapter 6.12 CATS

Sections:

[\*\*6.12.010 Voluntary Licensing.\*\*](#)

[\*\*6.12.020 Unauthorized Removal of Identification Tag Unlawful.\*\*](#)

### **6.12.010 Voluntary licensing.**

The department of animal care and control is authorized to establish a voluntary cat registration system as follows:

- A. Upon payment of the fee prescribed herein, the department shall issue an identification tag to each cat owner or person having custody or control thereof for each cat, said tag to be worn at all times by the cat for which issued. Should a cat come into the custody of the department and the cat has displayed a valid identification tag issued by the department, then the department shall, within twelve (12) working hours from the time of impounding, notify the registered cat owner that said cat is in the custody of the department.
- B. A record of the name and address of the cat owner and a description of the cat, as well as the identification number assigned thereto, shall be maintained by the department on each cat registration, and such other information that the director may deem proper.
- C. The registration fee shall be in an amount fixed by resolution of the city council per cat so registered. Registration shall be valid for the life of the cat. The fee may be reduced to fifty (50) percent if a certificate of spaying or neutering is presented upon application for registration hereunder.
- D. There shall be no charge to have the cat owner's address change entered upon the department's records.
- E. There shall be a fee in the amount fixed by resolution of the city council for the duplication of a lost cat tag.
- F. There shall be a fee in an amount fixed by resolution of the city council to have a change in ownership entered upon the records. (Prior code § 4-40)

### **6.12.020 Unauthorized removal of identification tag unlawful.**

An authorized person shall not remove from any cat any collar or harness or other device to which is attached any identification tag. Unauthorized removal of such identification tag shall be subject to penalties as provided under Chapter [1.10](#). (Prior code § 4-41)

**Chapter 6.16  
RETAIL SALES OF DOGS AND CATS**

Sections:

[\*\*6.16.010 Findings.\*\*](#)

[\*\*6.16.020 Retail Sale of Dogs and Cats.\*\*](#)

**6.16.010 Findings.**

- A. Existing state and federal laws regulate dog and cat breeders, as well as pet stores that sell dogs and cats. These include the Lockyer-Polanco-Farr Pet Protection Act (California Health & Safety Code section 122125 et seq.); the Polanco-Lockyer Pet Breeder Warranty Act (California Health & Safety Code section 122045 et seq.); the Pet Store Animal Care Act (California Health & Safety Code section 122350 et seq.); and the Animal Welfare Act (“AWA”) (7 U.S.C. § 2131 et seq.).
- B. The Lockyer-Polanco-Farr Pet Protection Act requires pet dealers (i.e. retail sellers of more than fifty (50) dogs or cats in the previous year; not including animal shelters and humane societies) to have a permit, maintain certain health and safety standards for their animals, sell only healthy animals, and provide written spay-neuter, health, animal history and other information and disclosures to pet buyers. If after fifteen (15) days from purchase a dog or cat becomes ill due to an illness that existed at the time of sale, or if within one (1) year after purchase a dog or cat has a congenital or hereditary condition that adversely affects the health of the dog or cat, an owner is offered a refund, another puppy or kitten, or reimbursement of veterinary bills up to one hundred and fifty percent (150%) of the purchase price of the puppy or kitten.
- C. The Pet Store Animal Care Act requires every pet store that sells live companion animals and fish to formulate a documented program consisting of routine care, preventative care, emergency care, disease control and prevention, veterinary treatment, and euthanasia.
- D. The Polanco-Lockyer Pet Breeder Warranty Act offers protection similar to that of the Lockyer-Polanco-Farr Pet Protection Act, except that it applies only to dog breeders who sold or gave away either three litters or 20 dogs in the previous year.
- E. The Animal Welfare Act requires, among other things, the licensing of certain breeders of dogs and cats. These breeders are required to maintain minimum health, safety and welfare standards for animals in their care. The AWA is enforced by the United States Department of Agriculture (“USDA”).
- F. According to The Humane Society of the United States, American consumers purchase dogs and cats from pet stores that the consumers believe to be healthy and genetically sound, but in reality, the animals often face an array of health problems including communicable diseases or genetic disorders that present immediately after sale or that do not surface until several years later, all of which lead to costly veterinary bills and distress to consumers.
- G. A review of state and USDA inspection reports from more than 100 breeders who sold animals to the nation’s largest retail pet store chain revealed that more than 60 percent of the inspections found serious

violations of basic animal care standards, including sick or dead animals in their cages, lack of proper veterinary care, inadequate shelter from weather conditions, and dirty, unkempt cages that were too small.

H. A 2005 undercover investigation of California pet stores revealed that nearly half of the pet shops visited displayed animals that showed visible signs of illness, injury, or neglect, and nearly half of the stores also sold animals showing clear symptoms of psychological distress.

I. According to The Humane Society of the United States, hundreds of thousands of dogs and cats in the United States have been housed and bred at substandard breeding facilities known as “puppy mills” or “kitten factories,” that mass-produce animals for sale to the public; and many of these animals are sold at retail in pet stores. Because of the lack of proper animal husbandry practices at these facilities, animals born and raised there are more likely to have genetic disorders and lack adequate socialization, while breeding animals utilized there are subject to inhumane housing conditions and are indiscriminately disposed of when they reach the end of their profitable breeding cycle.

J. According to USDA inspection reports, some additional documented problems found at puppy mills include:

1. Sanitation problems leading to infectious disease.
2. Large numbers of animals overcrowded in cages.
3. Lack of proper veterinary care for severe illnesses and injuries.
4. Lack of protection from harsh weather conditions.
5. Lack of adequate food and water.

K. While “puppy mill” puppies and “kitten factory” kittens were being sold in pet stores across the Los Angeles area during the past year, more than 35,000 dogs and 67,000 cats were euthanized in Los Angeles city and county shelters.

L. The homeless pet problem notwithstanding, there are many reputable dog and cat breeders who refuse to sell through pet stores and who work carefully to screen families and ensure good, lifelong matches.

M. Responsible dog and cat breeders do not sell their animals to pet stores. The United Kennel Club (UKC), the second oldest all-breed registry of purebred dog pedigrees in the United States and the second largest in the world, asks all of its member breeders to agree to a Code of Ethics which includes a pledge not to sell their puppies to pet stores. Similar pledges are included in Codes of Ethics for many breed clubs for individual breeds.

N. Within the past year, there has been significant community activity across the Los Angeles metropolitan area to convince local pet store operators to convert from puppy sales to a humane business model offering adoptable homeless dogs and cats to their customers.

O. Across the country, thousands of independent pet stores as well as large chains operate profitably with a

business model focused on the sale of pet services and supplies and not on the sale of dogs and cats. Many of these stores collaborate with local animal sheltering and rescue organizations to offer space and support for showcasing adoptable homeless pets on their premises.

P. While the City Council recognizes that not all dogs and cats retailed in pet stores are products of inhumane breeding conditions and would not classify every commercial breeder selling dogs or cats to pet stores as a “puppy mill” or “kitten factory,” it is the City Council’s belief that puppy mills and kitten factories continue to exist in part because of public demand and the sale of dogs and cats in pet stores.

Q. The City Council finds that the retail sale of dogs and cats in pet stores that operate or choose in the future to operate in the City of Hermosa Beach must be consistent with the City’s goal to be a community that cares about animal welfare.

R. The City Council believes that eliminating the retail sale of dogs and cats in pet stores in the City will promote community awareness of animal welfare and, in turn, will foster a more humane environment in the City.

S. The City Council believes that elimination of the retail sale of dogs and cats in pet stores in the City will also encourage pet consumers to adopt dogs and cats from shelters, thereby saving animals’ lives and reducing the cost to the public of sheltering animals.

#### **6.16.020 Retail sale of dogs and cats.**

A. Definitions. For purposes of this Chapter, the following definitions shall apply:

1. “Animal shelter” means a municipal or related public animal shelter or duly incorporated nonprofit organization devoted to the rescue, care and adoption of stray, abandoned or surrendered animals, and which does not breed animals.
2. “Cat” means an animal of the Felidae family of the order Carnivora.
3. “Dog” means an animal of the Canidae family of the order Carnivora.
4. “Existing pet store” means any pet store or pet store operator that displayed, sold, delivered, offered for sale, offered for adoption, bartered, auctioned, gave away, or otherwise transferred cats or dogs in the City of Hermosa Beach on the effective date of this Chapter, and complied with all applicable provisions of the Hermosa Beach Municipal Code.
5. “Pet store” means a retail establishment open to the public and engaging in the business of offering for sale and/or selling animals at retail.
6. “Pet store operator” means a person who owns or operates a pet store, or both.
7. “Retail sale” includes display, offer for sale, offer for adoption, barter, auction, give away, or other transfer any cat or dog.

B. Prohibition. No pet store shall display, sell, deliver, offer for sale, barter, auction, give away, or otherwise transfer or dispose of dogs or cats in the City of Hermosa Beach.

C. Exemptions. This Chapter does not apply to:

1. A person or establishment that sells, delivers, offers for sale, barters, auctions, gives away, or otherwise transfers or disposes of only animals that were bred and reared on the premises of the person or establishment;
2. A publicly operated animal control facility or animal shelter;
3. A private, charitable, nonprofit humane society or animal rescue organization; or
4. A publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue organization that operates out of or in connection with a pet store.

D. Adoption of Shelter and Rescue Animals. Nothing in this Chapter shall prevent a pet store or its owner, operator or employees from providing space and appropriate care for animals owned by a publicly operated animal control agency, nonprofit humane society, or nonprofit animal rescue agency and maintained at the pet store for the purpose of adopting those animals to the public. (Ord. 10-1307, 4/13/2010)

**Title 8**  
**Health and Safety Revised 9/16 Revised 10/16 Revised 10/17**

**Chapters:**

- [\*\*8.04 Health Code Adopted\*\*](#)
- [\*\*8.08 Alarm Systems\*\*](#)
- [\*\*8.12 Garbage Collection and Disposal Revised 10/16\*\*](#)
- [\*\*8.16 Hazardous Materials\*\*](#)
- [\*\*8.20 Mobile Source Air Pollution Reduction Program\*\*](#)
- [\*\*8.24 Noise Control\*\*](#)
- [\*\*8.28 Nuisances\*\*](#)
- [\*\*8.32 Rodent Control\*\*](#)
- [\*\*8.36 Sewage and Industrial Waste\*\*](#)
- [\*\*8.40 Smoking Revised 9/16\*\*](#)
- [\*\*8.44 Stormwater and Urban Runoff Pollution Control Regulations\*\*](#)
- [\*\*8.48 Miscellaneous Health Regulations\*\*](#)
- [\*\*8.52 Floodplain Management Regulations\*\*](#)
- [\*\*8.56 Water Conservation and Drought Management Plan\*\*](#)
- [\*\*8.60 Water Efficient Landscaping\*\*](#)
- [\*\*8.64 Ban on Polystyrene Food Service Ware\*\*](#)
- [\*\*8.68 Plastic Carryout Shopping Bags Revised 10/17\*\*](#)

**Chapter 8.04  
HEALTH CODE ADOPTED**

Sections:

- [\*\*8.04.010 Public Health Licensing Regulations and Health Code adopted.\*\*](#)
- [\*\*8.04.020 Copies filed.\*\*](#)
- [\*\*8.04.030 Division 1, Title 8 - amendments.\*\*](#)
- [\*\*8.04.040 Division 1, Title 11 - amendments.\*\*](#)
- [\*\*8.04.050 Civil remedies.\*\*](#)
- [\*\*8.04.060 Violations of health and safety regulations\*\*](#)

**8.04.010 Public health licensing regulations and health code adopted.**

Division 1 of Title 8 (Public Health Licensing) and Division 1 of Title 11 (the Health Code) of the Los Angeles County Code, as the same have been amended and are in effect on March 1, 1998, are hereby adopted by reference, subject to the amendments set forth herein, and shall henceforth collectively be known as the Health Code of the City of Hermosa Beach.

**8.04.020 Copies filed.**

A certified copy of Division 1 of Title 8 and Division 1 of Title 11, as adopted in Section [8.04.010](#), have been deposited with the City Clerk, and shall be at all times maintained by the Clerk for use and examination by the public.

**8.04.030 Division 1, title 8 - Amendments.**

A. Section 8.04.165 amended.

Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, Section 8.04.165 of Chapter 8.04 of Division 1 of Title 8 of the Los Angeles County Code is hereby amended to read as follows:

Section 8.04.165 Food Official Inspection Report.

"Food Official Inspection Report" means the written notice prepared and issued by the county health officer after conducting a routine inspection, and/or reinspection in the event a timely request for reinspection has been filed, of a food facility to determine compliance with all applicable federal, state, and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

B. Subsections A and B of Section 8.04.225 amended.

Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, subsections A and B of Section 8.04.225 of Chapter 8.04 of Division 1 of Title 8 of the Los Angeles County Code are hereby amended to read as follows:

A. "Grading" means the letter grade issued by the county health officer at the conclusion of the routine inspection, and/or reinspection in the event a timely request for reinspection has been filed, of a food establishment. The grade shall be based upon the scoring method set forth in this section resulting from the

Food Official Inspection Report and shall reflect the food establishment's degree of compliance with all applicable federal, state, and local statutes, orders, ordinances, quarantines, rules, regulations, or directives relating to the public health.

B. "Letter Grade Card" means a card that may be posted by the county health officer at a food establishment upon completion of a routine inspection, and/or reinspection in the event a timely request for reinspection has been filed, that indicates the letter grade of the establishment as determined by the county health officer using the scoring method set forth in this section. For the purposes of this provision, a food establishment shall include a food establishment operating in conjunction with a food processing establishment.

Upon completion of a routine inspection of a food establishment, the county health officer shall advise the owner or operator thereof, in writing, of the actual grading and basis therefor as determined by the health officer. The Letter Grade Card and/or Inspection Card shall be immediately posted by the health officer and shall remain posted unless and until reinspection is timely requested as provided herein. If reinspection is timely requested, posting shall be immediately suspended pending regrading following the reinspection.

Nothing in this Chapter shall prohibit the county health officer from creating and using a Letter Grade Card in combination with an Inspection Score Card. The county health officer, in his discretion, shall determine whether to post the Letter Grade Card, the Inspection Score Card, or both.

C. Section 8.04.275 amended.

Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, Section 8.04.275 of Chapter 8.04 of Division 1 of Title 8 of the Los Angeles County Code is hereby amended to read as follows:

Section 8.04.275 Inspection Score Card.

A. "Inspection Score Card" means a card that may be posted by the county health officer at a food establishment, upon completion of a routine inspection, and/or reinspection in the event a timely request for reinspection has been filed, that indicates the total numerical percentage score for the establishment as determined by the county health officer and as set forth in the Food Official Inspection Report. For the purposes of this provision, a food establishment shall include a food establishment operating in conjunction with a food processing establishment.

Upon completion of a routine inspection of a food establishment, the county health officer shall advise the owner or operator thereof in writing of the actual grading and basis therefor as determined by the health officer. The Inspection Score Card and/or Letter Grade Card shall be immediately posted by the health officer and shall remain posted unless and until reinspection is timely requested as provided herein. If reinspection is timely requested, posting shall be immediately suspended pending regrading following the reinspection.

Nothing in this Chapter shall prohibit the county health officer from creating and using an Inspection Score Card in combination with a Letter Grade Card. The county health officer, in his discretion, shall determine whether to post the Inspection Score Card, the Letter Grade Card, or both.

B. The county health officer, in his discretion, may immediately close any food establishment which, upon completion of the routine inspection or reinspection where applicable, achieves a total numerical percentage score less than seventy percent (70%) as set forth in Section 8.04.225. Nothing in this provision shall prohibit the county health officer from immediately closing any food establishment if, in his discretion, immediate closure is necessary to protect the public health.'

D. Section 8.04.402 added.

A new section 8.04.402 is hereby added to Chapter 8.04 of Division 1 of Title 8 to read as follows:

Section 8.04.402 Request for reinspection.

"Request for Reinspection" means a written request, filed with the office of the county health officer or a county health department inspector present on an inspected premises, within three (3) business days of a routine inspection of a food establishment conducted for purposes of preparing a Food Official Inspection Report, Grade Letter Card, and/or Inspection Score Card, therein requesting reinspection of such establishment, which request may not be made more than once in any twelve month period. A written acknowledgment of receipt of the reinspection request shall be provided. The request shall be accompanied by payment of a reinspection fee as established by the Board of Supervisors. Payment of such fee to a health inspector, as permitted herein, may only be made by check or money order, payable to the County of Los Angeles.

Reinspection shall be conducted not less than fourteen (14) calendar days following the timely filing of a request for reinspection and shall be limited in scope to those violations and areas and items of noncompliance identified during the prior routine inspection. Following reinspection, a revised Food Official Inspection Report shall be prepared and the establishment shall be regraded based upon the revised Report. The scores obtained with respect to areas and items which were found to be in compliance during the prior routine inspection, combined with scores obtained as a result of the reinspection, shall be the sole basis upon which a Letter Grade Card and/or Inspection Score Card may be prepared and posted following reinspection.

A request for reinspection may only be filed by the owner or operator of the food establishment of which such routine inspection was conducted. Said three (3) day period within which to request reinspection shall not commence unless and until posting following a routine inspection has occurred or the owner or operator has otherwise been provided written notice of the actual grading and basis therefor as determined by the county health officer following the routine inspection, whichever occurs first.

E. Subsections A, C and E of Section 8.04.752 amended.

Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, subsections A, C and E of Section 8.04.752 of Chapter 8.04 of Division 1 of Title 8 of the Los Angeles County Code are hereby amended to read as follows:

A. Subject to the provisions of Sections 8.04.225 and 8.04.275 of this Chapter, following a routine inspection,

or reinspection if timely requested, the health officer shall post at the inspected food establishment the Letter Grade Card, the Inspection Score Card, or both, as determined by the health officer, so as to be clearly visible to the general public and to patrons entering the establishment. "Clearly visible to the general public and to patrons" shall mean posted in the following order of priority:

1. Posted in the front window of the establishment within five (5) feet of the front door. If such posting is not reasonably possible in the determination of the health officer, then posting shall occur as provided in subsection 2, below.
  2. Posted in a display case mounted on the outside front wall of the establishment within five (5) feet of the front door. If such posting is not reasonably possible in the determination of the health officer, then posting shall occur as provided in subsection 3, below.
  3. Posted in such location as directed and determined in the discretion of the health officer to ensure the most effective notice to the general public and to patrons.
- C. Except as provided in Sections 8.04.225 and 8.04.275 of this Chapter, and subsection A of this Section, neither the Letter Grade Card nor the Inspection Score Card shall be defaced, marred, camouflaged, hidden or removed, and it shall be unlawful to operate a food establishment unless posting of either Card, or both Cards, as determined by the county health officer, has occurred. Unauthorized removal of the Letter Grade Card, the Inspection Score Card, or both, is a violation of this Chapter and may result in the suspension or revocation of the public health permit and shall be punishable as specified in Section 8.04.930.
- E. The Food Official Inspection Report upon which the Letter Grade Card, the Inspection Score Card, or both, are based and all subsequent reports issued by the county health officer shall be maintained at the food establishment and shall be available to the general public and to patrons for review upon request. The food establishment shall keep the Food Official Inspection Report and all subsequent reports until such time as the county health officer completes the next routine inspection, or reinspection pursuant to Section 8.04.402, of the establishment and issues a new Food Official Inspection Report.
- F. Section 8.04.755 amended.

Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, Section 8.04.755 of Chapter 8.04 of Division 1 of Title 8 of the Los Angeles County Code is hereby amended to read as follows:

**Section 8.04.755 Letter Grade Card and Inspection Score Card - Period of Validity.**

A Letter Grade Card, an Inspection Score Card, or both, shall remain valid until the county health officer completes the next routine inspection, or reinspection pursuant to Section 8.04.402, of the food establishment.

**8.04.040 Division 1, title 11 - Amendments.**

A. Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, Section 11.20.020 of Chapter 11.20 of Division 1 of Title 11 of the Los Angeles County Code is hereby amended to read as follows:

### 11.20.020 Apartment House.

"Apartment House" means any building or portion thereof which is designed, built, rented, leased, let, or hired out to be occupied, or which is occupied, as the home or residence of three (3) or more families living independently of each other and doing their own cooking in said building, and shall include flats and apartments.

B. Notwithstanding the provisions of Section [8.04.010](#) of this Chapter, Chapter 11.36 of Division 1 of Title 11 of the Los Angeles County Code, as the same has been amended and is in effect on December 14, 2010, is hereby amended to read as follows:

## PART 1 - GENERAL PROVISIONS

### ARTICLE 1 DEFINITIONS

#### 11.36.010 Definitions generally.

A. For the purpose of this chapter, the words and phrases set forth are defined and shall be construed as hereinafter set out, unless it is apparent from the context that any such word or phrase has a different meaning.

B. Whenever any word or phrase used in this chapter is not defined herein but is defined in state law or regulation or in another section of the Los Angeles County Code or Hermosa Beach Municipal Code, the definition set forth in such state law or regulation or other section of the Los Angeles County Code or Municipal Code is incorporated in this chapter as though set forth herein in full, and shall apply to such word and phrase used but not defined herein.

#### 11.36.020 Approved.

"Approved" means meeting the minimum standards set forth and declared acceptable by the county health officer, the department, the State Department of Health Services or the United States Food and Drug Administration.

#### 11.36.030 Blood borne pathogen.

"Blood borne pathogen" means any microorganisms that are present in human blood and that can cause disease in humans. Such pathogens include, but are not limited to, hepatitis B virus (HBV), hepatitis C virus (HBC) and human immunodeficiency virus (HIV).

#### 11.36.040 Blood borne pathogen standards.

"Blood borne pathogen standards" means any recognized law, ordinance, regulation or standard containing requirements or recommendations, which has been adopted by the department and is applicable to the control of blood borne pathogens in the conduct of any activities regulated by this chapter.

11.36.050 Body art.

"Body art" means to adorn the body through the permanent application of a tattoo or insertion of an object, such as jewelry, into a hole for display purposes. Body art is the collective term for any single activity or combination of activities defined herein and in Sections 17.04.050 of the Hermosa Beach Municipal Code as tattooing, body piercing or permanent make-up. It shall not include activities such as, or similar to, cutting of the skin or subcutaneous tissue, cutting or modification of cartilage or bone, implantation, branding, deep tissue penetration, threading, stapling or any other invasive procedure, whether or not such act would constitute the practice of medicine requiring licensure as a physician.

11.36.060 Body art activity.

"Body art activity" means any temporary or permanent application, process of application, sterilization, sanitization, cleaning, preparation, implementation or other procedure, utilized in the conduct of body art or any associated activity, which is necessary to the conduct of body art, as defined in this chapter.

11.36.070 Body art establishment.

"Body art establishment" means any permanent premises, business, location, facility, room, or any portion thereof, used or operated as a tattoo/body piercing studio as defined in Section 17.04.050 of the Hermosa Beach Municipal Code.

11.36.080 Body art technician.

"Body art technician" means a person that has completed an approved blood borne pathogen training course and is registered with the department to conduct body art activity, in a permitted body art establishment.

11.36.090 Body art technician independent operator.

"Body art technician independent operator" means a body art technician conducting body art activity at a permitted body art establishment, but who is not an employee of the owner of the body art establishment.

11.36.110 Body piercing.

"Body piercing" means to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the ear, lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear.

11.36.120 Client.

"Client" means any person who meets all legal requirements set forth in this chapter and has given informed consent to have body art activity performed upon his or her person.

11.36.130 Consent form.

“Consent form” means a document provided by the body art establishment or body art technician independent operator to each person requesting that any body art activity be performed upon his or her person.

11.36.140 Contaminated.

“Contaminated” means the presence or the reasonably anticipated presence of blood or other potentially infectious materials on a substance or in or on an item.

11.36.150 Contaminated waste.

“Contaminated waste” means any contaminated substance, including but not limited to any liquid or semi-liquid blood or body fluid or any material that would release potentially infectious material in a liquid or semi-liquid state if compressed, or any contaminated sharps, or any items that are caked with dried blood or other potentially infectious material and are capable of releasing these materials during handling.

11.36.160 County.

“County” means the County of Los Angeles

11.36.170 Department.

“Department” means the Los Angeles County department of public health.

11.36.180 Departmental regulations.

“Departmental regulations” means the regulations pertaining to body art activity and establishments promulgated by the department as currently written or as may from time to time be amended. When adopted by the department, these regulations are incorporated in and become part of this chapter.

11.36.190 Existing owner.

“Existing owner” means an owner of a body art establishment operating on the effective date of the ordinance codified in this chapter.

11.36.200 Exposure control plan.

“Exposure control plan” means a written plan that meets all requirements of Title 8 California Code of Regulations §§ 3203 and 5193, to minimize clients’ and employees’ risk of exposure to blood or potentially infectious material.

11.36.210 Exposure incident.

“Exposure incident” means a person’s eye, mouth, other mucous membrane, non-intact skin or blood coming in contact with potentially infectious material as a result of body art activity.

**11.36.220 Instrument.**

“Instrument” means approved equipment, devices, and components utilized to conduct body art activity, including but not limited to needles, needle bars, needle tubes, forceps, hemostats, tweezers, or other items used to insert pigment or dye, or to pierce, puncture or be inserted into any part of the human body, or to assist in such acts, for the intended purpose of making a tattoo or permanent hole. Such items also include studs, hoops, rings, or other decorative jewelry, materials or apparatuses.

**11.36.230 Manager.**

“Manager” means the owner or other person designated by the owner to be the owner’s on-site representative in a body art establishment, who shall meet the criteria and comply with the provisions set forth in Section 11.36.440.

**11.36.250 Owner.**

“Owner” or “operator” means the person, persons or legal entity having legal ownership of a business operating as a body art establishment. Any reference in this chapter to “owning” means having existing owner status.

**11.36.260 Permanent cosmetics or makeup.**

“Permanent cosmetics or makeup” means any application of pigment to or under the skin of a person for the purpose of permanently or semi-permanently changing the color or appearance of the skin. This includes, but is not limited to, permanent or semi-permanent eyeliner, eye shadow, or lip color.

**11.36.270 Permanent hole.**

“Permanent hole” means a hole produced by piercing or puncturing any part of the body with instruments intended to leave an opening in body tissue in which a device or apparatus may be inserted. Permanent hole includes any body part newly pierced or punctured which is undergoing a healing process, and any piercing or puncture whether or not removal of the device or apparatus from the perforation would result in fusing of the tissue structures.

**11.36.280 Potentially infectious material.**

“Potentially infectious material” means human body fluids, including but not limited to, semen, vaginal secretions, cerebrospinal fluid, synovial fluid, pleural fluid, pericardial fluid, peritoneal fluid, amniotic fluid, and any other body fluid that is visibly contaminated with blood such as saliva or vomitus, and all body fluids in situations where it is difficult or impossible to differentiate between body fluids.

**11.36.290 Registration.**

“Registration” means the process as set forth in Section 11.36.320 whereby persons wishing to be body art

technicians file a completed registration form with the department as a prerequisite to conducting body art activities in any jurisdiction wherein this chapter is in force. Registration by the department shall not mean the registered body art technician has demonstrated to the department's satisfaction that the bearer has a level of competency sufficient to practice in this field. Registration shall remain valid for no more than three years.

#### 11.36.300 Tattoo/tattooing.

"Tattoo" means to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment.

### **ARTICLE 2 GENERAL REQUIREMENTS**

#### 11.36.320 Registration.

- A. Every person conducting body art activity as defined in this chapter, or desiring to conduct such activity, on or after the effective date of the ordinance codified in this chapter, shall file with the department a completed registration form, accompanied by the applicable fee as set by law.
- B. No person may be registered unless he or she is at least 18 years of age.
- C. Every person registering with the department to conduct body art activities must comply with the provisions for registration established through departmental regulations.
- D. Failure to provide all information required by departmental regulations or submission of false or misleading information shall make the registration invalid.
- E. The registrant shall be deemed registered with the department as a body art technician upon provision of a certificate of registration to the registrant by the department. Until such time as a certificate of registration is issued, the person is not authorized to conduct body art activity.
- F. Any registration issued by the department certifying that a person is registered with the department as a body art technician is nontransferable and is valid only for the person to whom it is issued.
- G. Registration shall be valid for three years from date of issuance unless made invalid earlier due to the registrant's failure to comply with departmental regulations. Upon expiration, any person desiring to continue to conduct body art activity must renew his or her registration and provide all required documentation, as specified in this section.

#### 11.36.330 Permits.

- A. Every person owning a body art establishment shall obtain a public health facility permit pursuant to the provisions of Article 3 of this chapter.

B. Every person conducting body art activity shall obtain a public health operator permit pursuant to the provisions of Article 3 of this chapter.

11.36.335 Responsibility.

The City of Hermosa Beach may, in its discretion, undertake any and all activities of the Department set forth in this Chapter.

### **ARTICLE 3 PLAN REVIEW--PERMIT--REGISTRATION**

11.36.340 Plan review.

A person proposing to build or remodel a body art establishment shall submit to the department complete legible plans, drawn to scale, which shall include all specifications required under this chapter. The department will review the plans and approve or reject them within a reasonable time after submission. The City of Hermosa Beach shall not issue a building or other permit to build or operate a body art establishment or to remodel an existing body art establishment until it has received verification the department has completed such a plan review and given its approval. Nothing in this section shall require that plans or specifications be prepared by anyone other than the applicant.

11.36.350 Public health facility permit.

A. Each person owning a body art establishment shall obtain a public health facility permit by meeting the requirements enumerated in departmental regulations.

B. Upon review and verification that the owner has met the requirements enumerated in departmental regulations, the department shall issue a public health facility permit to the owner.

C. No person may conduct any body art activity in a body art establishment unless that facility has a valid public health facility permit issued by the department.

D. The department may at any time suspend or revoke the public health facility permit to operate as a body art establishment for failure to comply with any provision of this chapter.

E. If a public health facility permit has been suspended or revoked by the department pursuant to this chapter, the permit may be reinstated by the department provided the department is satisfied that the cause for the suspension or revocation no longer exists and the condition of the body art establishment now meets the requirements for issuance of such public health facility permit pursuant to this chapter. The department may require the owner of such a body art establishment to make any changes necessary to comply with this chapter, satisfy any fines imposed pursuant to this chapter and to submit plans and specifications reflecting any required changes, as a condition of reinstating the public health facility permit.

F. Any public health facility permit issued by the department to the owner of a body art establishment is nontransferable. The public health facility permit shall be valid for the approved facility only, and for the time

period indicated, unless suspended or revoked.

11.36.360 Public health operator permit.

A. In addition to registering as set forth in Section 11.36.320, persons operating as a body art technician or a body art technician independent operator, or intending to do so, shall obtain a public health operator permit by filing a completed application form with the department and paying the required fee, and providing proof of registration as a body art technician with the department. Each applicant must also provide the department with proof of successful completion of a blood borne pathogen training course that has been approved by the department.

B. Upon successful completion of the application process described in subsection A of this section, the department shall issue a public health operator permit to the applicant.

C. No person may conduct any body art activity unless that person has a valid public health operator permit issued by the department.

D. The department may at any time suspend or revoke the public health operator permit for failure to comply with any provision of this chapter.

E. If a public health operator permit has been suspended or revoked by the department pursuant to this chapter, the permit may be reinstated by the department provided the department is satisfied that the cause for the suspension or revocation no longer exist and that the body art technician has met the requirements for issuance of such public health operator permit pursuant to this chapter. The department may require the body art technician to take any steps necessary to comply with this chapter, and satisfy any fines imposed pursuant to this chapter as a condition of reinstating the public health operator permit.

F. Any public health operator permit issued by the department to a body art technician is nontransferable. The public health operator permit shall be valid for the approved body art technician only, and for the time period indicated, unless earlier suspended or revoked.

11.36.370 Posting requirements.

A. The public health facility permit issued to the owner of any facility operating as a body art establishment must be posted and exhibited at all times in an area that is visible to the public and clients of said establishment.

B. The public health operator permit issued to a body art technician must be posted and exhibited at all times in an area that is visible to the public and clients of any body art establishment in which the body art technician is conducting body art activity.

C. Every person registered with the department as a body art technician shall at all times prominently post the certificate of registration adjacent to his or her workstation in an area that is readily visible to clients from that location.

D. Every establishment permitted to conduct body art activity pursuant to this chapter shall have posted at all times a legible sign at least one inch in lettering, that provides the following information so as to be clearly visible to patrons entering the establishment: Any public health concerns regarding this establishment should be directed to the Los Angeles County Department of Health Services Office:

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(the program office address and telephone number to be provided by the county health officer).

E. Every establishment permitted to conduct body art activity pursuant to this chapter shall have posted at all times a legible sign in at least one inch lettering that provides the name of each body art technician conducting body art activities within the establishment in an area that is easily visible to the clients of said establishment.

F. Every establishment permitted to conduct body art activity pursuant to this chapter shall have posted at all times a legible sign in at least one inch lettering in each restroom directing attention to the need for persons using the toilet to thoroughly wash their hands after such use.

G. Every establishment permitted to conduct body art activity pursuant to this chapter shall have posted at all times a legible sign in at least two inch lettering at all workstations and cleaning rooms or areas, indicating that smoking is prohibited.

#### 11.36.380 Permit and registration--Reporting requirements.

Every person having a public health permit or registration with the department under the provisions of this chapter shall report to the department any changes in status to the business or activities made reportable by departmental regulations within 15 days of the change.

#### 11.36.390 Permit--Suspension and revocation and fines.

A. Any permit issued pursuant to this chapter may be suspended or revoked by the department and fines consistent with the provisions of this chapter may be imposed by the department for a violation of this chapter or any other violation of law or standard creating a risk to public health and safety, including any violation of the Los Angeles County Code, the California Health and Safety Code, Hermosa Beach Municipal Code, the blood borne pathogen standard, or the exposure control plan of the body art establishment at which body art activity is conducted, or any combination of such violations.

B. Whenever the department finds that a body art technician is not in compliance with the requirements of this chapter, or any law or standard affecting public safety, including but not limited to the Los Angeles County Code, the California Health and Safety Code, Hermosa Beach Municipal Code, blood borne pathogen standard, or the exposure control plan of the establishment at which body art activity is conducted, or any combination thereof, a written notice to comply shall be issued to the body art technician. The notice to comply shall include a statement of the deficiencies found, set forth the corrective measures necessary for

the body art technician to be in compliance with this chapter, provide a compliance date by which such corrective measures must be completed and inform the body art technician that failure to comply within the prescribed time may result in the imposition of any penalty provided for in this chapter, including suspension and/or revocation of any and all permits or registrations. The notice to comply shall also advise the body art technician of his or her right to an administrative review under the provisions of this chapter.

C. Whenever the department finds that an owner is not in compliance with the requirements of this chapter, or any law or standard affecting public safety, including but not limited to the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, or the exposure control plan of the establishment at which body art activity is conducted, or any combination thereof, a written notice to comply shall be issued to the owner. The notice to comply shall include a statement of the deficiencies found, set forth the corrective measures necessary for the owner to be in compliance with this chapter, provide a compliance date by which such corrective measures must be completed and inform the owner that failure to comply within the prescribed time may result in the imposition of any penalty provided for in this chapter, including suspension and/or registration of any and all permits or registrations. The notice to comply shall also advise the owner of his or her right to an administrative review under the provisions of this chapter.

D. A written request for an administrative review, as specified in subsections B and C of this section, above, must be made by the noticed person within 15 calendar days of the compliance date set forth in the notice to comply or any extension thereof later granted by the department. Failure to request an administrative review within the prescribed time shall be deemed a waiver of the right to an administrative review. The administrative review shall be held within 15 calendar days of the receipt of a written request for a review. Upon written request of an owner or body art technician or on its own motion, the department may advance or postpone the scheduled administrative review date, if good cause warrants such action.

E. In the case of an administrative review, the department shall issue a written notice of decision to the subject person within five working days of the administrative review or waiver. In the event of suspension or revocation of any permit or registration, the notice of decision shall specify the acts or omissions found to be violations of this chapter and, in the case of a suspension, shall state the extent of a suspension. The notice of decision shall also state the reasons the body art technician's public health operator permit or an owner's public health facility permit has been suspended or revoked and the terms upon which such permit may be reinstated or reissued, if any.

F. Notwithstanding any other provision of this chapter, if any immediate danger to the public health or safety is found or is reasonably suspected, unless the condition is corrected forthwith, the department may immediately suspend any permit or registration issued pursuant to this chapter, initiate a criminal complaint and/or impose any fine permitted by this chapter, pending a determination of an administrative review as provided herein. Immediate danger to the public health and/or safety shall include any condition, based upon inspection findings or other evidence, that can cause, or is reasonably suspected of causing, infection or disease transmission, or any known or reasonably suspected hazardous condition.

1. Whenever a public health operator permit or public health facility permit issued pursuant to this

chapter is immediately suspended or a fine is imposed as the result of an immediate danger to the public health or safety, the department shall issue to the permittee so suspended or fined, a written notice to comply setting forth the acts or omissions with which the permittee is charged, specifying the sections of the Los Angeles County Code, California Health and Safety Code, blood borne pathogen standard, or the exposure control plan of the establishment at which body art activity is conducted, or the combination of alleged violations, and informing the permittee of the right to an administrative review.

2. At any time within 15 calendar days of service of such notice to comply, the permittee affected may request, in writing, an administrative review by the department to show cause why the imposed suspension or fine is unwarranted. The administrative review shall be held within 15 calendar days of the receipt of a request. A failure to request an administrative review within 15 calendar days shall be deemed a waiver of the right to such review.

3. At any time prior to an administrative review or waiver thereof, the recipient of a notice to comply issued pursuant to this subsection F, may correct the deficiencies noted in the notice to comply and request a reinspection.

4. In the case of a request for reinspection as set forth in subsection F3, above, the department shall reinspect as soon as practical and, in no event, later than the end of the third business day following the request for reinspection. In the event the deficiencies noted in the notice to comply are corrected to the satisfaction of the health officer, the department has discretion to reinstate or modify any suspension of a permit and cancel or modify any fine imposed pursuant to this subsection F. If the department determines that the deficiencies noted in the notice to comply have been corrected, but the department elects not to reinstate the suspension or cancel the fine imposed pursuant to this subsection F, the department shall notify the permittee of this decision in writing. The permittee shall have 15 calendar days from receipt of said notification to seek an administrative review of this decision.

5. If upon reinspection, any deficiency noted in a notice to comply is not corrected to the satisfaction of the department, the department's decision regarding the deficiency may be the subject of an administrative review. The time for requesting such administrative review remains 15 days from service of the original notice to comply.

G. The department may, after an administrative review or waiver thereof, modify, suspend, or revoke or continue all such action previously imposed upon a public health operator permit or public health facility permit issued pursuant to this chapter or impose any fine allowed herein for violations of this chapter or any other laws or standards affecting public health and safety, including but not limited to the Los Angeles County Code, the California Health and Safety Code, the blood borne pathogen standard, or the exposure control plan of the establishment at which body art activity is conducted, or any combination thereof, or for interference with a county health officer's performance of duty.

H. A public health operator permit issued or a public health facility permit issued pursuant to this chapter may be reissued or reinstated, if the department determines that the conditions which prompted the suspension or

revocation no longer exist and any fine imposed pursuant to this chapter has been satisfied.

I. A body art technician whose public health operator permit is suspended or revoked shall cease all body art activity unless and until the permit is reinstated or reissued.

J. In the event a public health facility permit is suspended or revoked, the owner of the body art establishment shall cease to operate said facility as a body art establishment unless and until the public health facility permit is reinstated or reissued.

#### **ARTICLE 4 COMPLIANCE AND ENFORCEMENT**

11.36.400 Compliance with chapter provisions required.

A. The provisions of this chapter are in full force and effect within the City of Hermosa Beach.

B. Except as exempted under this chapter, every person who conducts a body art activity, as defined in this chapter, including any person owning or operating any business or establishment regulated by this chapter, must comply with the provisions of this chapter. Each person receiving services resulting from activities regulated by this chapter must also comply with the provisions of this chapter.

C. Any person who operates a body art establishment without a valid public health facility permit, any person conducting any body art activity without a valid public health operator permit, unless exempted pursuant to this chapter, or any person, who violates any law, ordinance or regulation governing any activity regulated by this chapter, or who, upon demand of the county health officer or City of Hermosa Beach, refuses or neglects to conform to a lawful order or directive of a county health officer or the City of Hermosa Beach pertaining to conduct regulated by this chapter, is guilty of a misdemeanor, punishable by fine of \$1,000.00, imprisonment in the county jail for a period not to exceed six months, or both. Each such act is punishable as a separate offense, and each subsequent day that an act continues constitutes a separate act punishable as a separate offense.

D. Operating a body art establishment in violation of any provision of this chapter constitutes a misdemeanor, punishable as provided herein and in Section [8.04.060](#) of the Hermosa Beach Municipal Code.

E. Except as specified in an approved variance issued pursuant to subsection F of this section, it is unlawful for any person to conduct any body art activity in any manner not conforming with the provisions of this chapter.

F. Any person seeking to conduct any activity or operate an establishment regulated by this chapter in a nonconforming manner must apply to the department for a variance. Such application must include a detailed description of the proposed nonconforming activity, including but not limited to describing all involved equipment, instruments, processes, procedures and methods. The application must also include any available documentation that verifies that the nonconforming activity, when conducted as proposed, provides adequate safeguards to the public health and safety. In addition, the person seeking a variance must provide a pre-

addressed envelope with postage paid. The application will be reviewed and approved or denied by the department, and the decision will be mailed to the applicant using the provided envelope. No person may conduct any activity or operate an establishment regulated by this chapter in a nonconforming manner without having an approved variance from the department in his or her possession.

#### 11.36.410 Communicable disease control.

If the department has reasonable cause to suspect a communicable disease is, or may be transmitted by any person conducting activities regulated by this chapter, or by any use of contaminated equipment, or by other unsanitary or unsafe conditions which may adversely impact the public health and safety, the department may do any or all of the following:

- A. Issue an order excluding from the permitted body art establishment any person responsible for transmitting a communicable disease, or reasonably believed to be responsible for transmitting a communicable disease, or reasonably believed to pose a substantial risk of transmitting a communicable disease, until the department determines there is no further risk to the public health and safety;
- B. Issue an order to immediately suspend the public health facility permit issued to the owner of the body art establishment until the department determines there is no further risk to the public health and safety;
- C. Issue an order to an owner, an employee or a client of a body art establishment, to provide information reasonably deemed necessary to prevent the spread of communicable disease.

#### 11.36.420 Health officer--Enforcement.

A. The county health officer may enter and inspect any body art establishment or enter and inspect any location suspected of conducting any activity regulated by this chapter, and, for purposes of enforcing this chapter, the county health officer may issue notices and impose fines therein and take possession of any sample, photograph, record or other evidence, including any documents bearing upon the body art establishment's or body art technician's compliance with the provision of the chapter. Such inspections may be conducted as often as necessary to ensure compliance with the provisions of this chapter. The county health officer shall prepare a written report of the results of the inspection and provide a copy of such report to the owner or body art technician, as appropriate. In the event any person is cited in the report for a violation of this chapter, the cited person will be provided a notice to comply by either personal service or by first class mail to the cited person's last known address or to his or her place of employment.

B. Based upon inspection findings or other evidence, the county health officer may do any of the following:

1. Impound any equipment, device or supply that is found to be unsanitary, lacking any required approval, or otherwise in such condition that it poses a substantial risk to endanger the public health and safety;
2. Attach a tag to any equipment, device or supply that is found to be unsanitary, lacking any required

approval, or is otherwise in such condition that it poses a substantial risk to endanger the public health and safety, which designates the tagged item as unauthorized for use. No person shall use the tagged item or move or remove the tag without authorization from the department. The department shall commence an administrative review within 30 days of an action impounding or tagging an item to assess the propriety of such action, or release said impounded item or remove the tag from said tagged item.

C. The department shall establish departmental regulations, a copy of which shall be made available at no charge, upon request. As determined necessary by the department, the department may, from time to time, amend the departmental regulations. A copy of amendments shall also be made available at no charge, upon request.

#### 11.36.430 Owner responsibility.

The owner of a body art establishment is responsible for any violation by any person who does any body art activity with the owner's consent in the owner's body art establishment whether such person is an employee or a body art technician independent operator. Any such body art activity done with the owner's actual or constructive knowledge is presumed to be done with the owner's consent.

#### 11.36.440 Manager--Requirements.

A manager must have successfully completed the blood-borne pathogen training required for registrants under this chapter, be familiar with the provisions of this chapter and be capable of communicating the provisions of this chapter to employees and clients of the body art establishment wherein he or she acts as manager. A manager shall be present in the body art establishment during business hours and at all times during which body art activity is conducted therein. The manager shall immediately identify himself or herself to any county health officer entering the body art establishment on official county business. In the owner's absence, the manager shall be authorized to accept on behalf of the owner any notice issued to the owner pursuant to the provisions of this chapter.

#### 11.36.450 Facilities held in common or shared.

A violation of any provision of this chapter occurring in an area of a facility held in common or shared by more than one body art establishment, which is related to the condition of the facility or any requirement for obtaining or maintaining a public health facility permit, shall be deemed a violation for which the owner of each such body art establishment is responsible.

#### 11.36.460 Noncompliance with county health officer--Injunctive relief.

Any act or failure to act which is a violation of this chapter may be the subject of a civil action to enjoin the person so acting or failing to act to conform his or her conduct to the provisions of this chapter. A civil action to enforce the provisions of this section may be brought by the county counsel, the district attorney city attorney or any person directly affected by said failure to comply with the provisions of this chapter. The filing and prosecution of such an action shall, in no way, limit the authority or ability to impose other requirements

of this chapter or penalties enumerated hereunder.

#### 11.36.470 Exemptions.

Reserved.

#### 11.36.480 Severability.

If any provision of this chapter or the application thereof to any person or circumstance is held invalid, the remainder of the chapter or the application of such provision to other persons or circumstances shall not be affected thereby.

### Part 2 OPERATIONS

## **ARTICLE 1 EXPOSURE CONTROL PLAN AND REPORTING**

#### 11.36.490 Exposure control plan.

The owner of every body art establishment shall provide a written exposure control plan, approved by the department, which shall be applicable to all those who perform body art activities within said establishment, describing how the requirements of this chapter will be implemented. The exposure control plan shall meet requirements established in departmental regulations.

#### 11.36.500 Reporting requirements--Complications.

All infections, complications or diseases resulting from the body art activity which become known to the owner or body art technician shall be reported to the department by the informed person within 24 hours of acquiring such knowledge. Should department offices be closed at such times as to make notification within 24 hours impossible, the informed person shall mail written notification to the department within 24 hours of acquiring such knowledge and follow this by providing the department with oral notification within five working days of acquiring the knowledge.

#### 11.36.510 Equipment and instruments.

All equipment and instruments utilized in conducting body art activity shall be used and maintained in accordance with departmental regulations.

#### 11.36.520 Record maintenance.

A. The owner of the body art establishment shall maintain records as required by departmental regulations.

B. Upon cessation of business, the owner of the body art establishment shall forward to the department copies of all records maintained pursuant to this chapter or other departmental policies. Said copies must be provided to the department within 30 calendar days of closure. The revocation of a public health facility permit issued to an owner of a body art establishment shall be deemed a cessation of business for purposes of this

subsection upon exhaustion or waiver of the rights to appeal such revocation.

## **ARTICLE 2 CLIENTS**

### 11.36.530 Application for body art procedure--Consent form.

A. All persons desiring a body art activity shall complete an application for body art activity and a consent form, which shall be provided by the establishment or body art technician independent operator and which must meet the requirements established in departmental regulations. It is the responsibility of the body art technician or body art technician independent operator to ensure the prospective client completes the form and initials it in such manner as to fully demonstrate that he or she has been informed of the risks and side effects directly and indirectly associated with the body art activities requested and gives his or her informed consent to have the contemplated activity performed.

B. The body art technician shall advise the client orally of all information contained on the application and consent form prior to the client completing and initialing the consent form and prior to commencing any body art activity. The body art technician shall explain all aftercare instructions. The client shall indicate receipt of oral and written aftercare instructions by initialing the consent form in the appropriate box or area. Upon completion of the body art activity, the body art technician shall repeat the after care instructions and precautions to the client, and the client shall initial and date at the appropriate place on the consent form to indicate this has occurred.

C. The establishment shall retain the original of the completed application for body art activity and consent form, and a copy shall be provided to the client.

### 11.36.540 Restricted clients.

Nipple and genital piercing shall not be performed on any person under 18 years of age. Tattoos and permanent cosmetics shall not be applied to any person under 18 years of age, except when authorized by a physician and performed with the consent and in the presence of the person's parent or guardian. Persons under 18 years of age may receive body piercing to body parts other than nipples or genitalia provided the body piercing is performed with the consent and in the presence of the person's parent or guardian. For any procedure restricted under this section to persons age 18 years of age or older or requiring the presence and consent of the person's parent or guardian, both the minor and his or her parent or guardian shall provide a valid picture identification, provide proof of parentage or legal guardianship and complete a consent form which conforms with the requirements established in departmental regulations.

Tattooing, permanent cosmetics, or body piercing shall not be performed on skin surfaces which have sunburn, rash, pimples, infection, open lesions, mole, or manifest any evidence of unhealthful conditions, without a physician's written statement authorizing the body art activity under such condition.

Body art activity shall not be performed on any person who, in the opinion of the body art technician, has impaired judgment due to use of drugs or alcohol or for any other reason.

### **ARTICLE 3 PROCEDURE**

11.36.550 Technician condition.

A. No body art technician whose judgment is impaired for any reason shall perform any body art activity while in such condition.

B. No body art technician affected with a rash, infection, boils, infected wounds, open sores, abrasions, keloids, weeping dermatological lesions, or acute respiratory infection shall conduct any body art activity or work in any area of a body art establishment in any capacity in which there is a likelihood that such person could contaminate instruments, equipment, or surfaces or come in contact with another person.

11.36.560 Procedures and preparation.

Body art activities shall be conducted in accordance with the sanitation and preparation procedures set forth in departmental regulations.

11.36.570 Hepatitis B vaccination status--Declination.

A body art technician shall make available upon request his or her hepatitis B vaccination information as required by departmental regulations.

### **ARTICLE 4 RESTRICTIONS**

11.36.580 Prohibited procedures and activities.

It is a violation of this chapter for any person to perform or conduct any activities or procedures upon any person that endanger the health or safety of that person, regardless of the consent of the recipient.

An invasive procedure or activity, whether or not such procedure or activity constitutes the practice of medicine under the applicable law, endangers the recipient's health and safety unless performed by a person possessing medical expertise. Such prohibited procedures and activities include but are not limited to activities or procedures requiring an injection, cutting of skin or subcutaneous tissue or bone, implantation, branding, deep tissue penetration, threading, stapling, suturing, stitching or pocketing of skin or tissue, or any procedure to reduce the size of or close an orifice, or remove or reduce the size of any skin, cartilage, tissue, organ, or appendage or placement of chemicals or substances onto the skin for purposes of scarring or keloid formation or insertion of chemicals or other solutions into or under the skin surface.

Any such procedure or activity shall be conducted only by a licensed medical doctor or by a person specifically authorized by law to conduct the procedure or activity and only when otherwise permitted by law. Such procedure or activity shall only be conducted at a facility approved for the conduct of such procedure or activity by the appropriate authority under the applicable laws. Further, no such procedure or activity shall be conducted by a body art technician unless he or she is specifically authorized by law to perform such procedure or activity.

It is a violation of this chapter for any person to use in the conduct of body art activity or dispense any drug, chemical, agent or device that requires a licensed medical practitioner's authorization or prescription for use, application or to dispense, without such medical practitioner's authorization or prescription.

## Part 5 EXPOSURE CONTROL TRAINING

### 11.36.590 Blood borne pathogen training course--Requirements

Any course taken by a person to fulfill the requirements set forth in this chapter relating to exposure control or blood borne pathogen training for registration with the department as a body art technician shall be approved by the department and meet the minimum requirements established in departmental regulations.

### 11.36.600 Blood borne pathogen training course--Examination.

Any person desiring to register with the department as a body art technician shall complete a blood borne pathogen training course approved by the department and demonstrate knowledge of the required subjects through submission of documentation of attendance and completion of the course, and provide proof that he or she achieved a passing grade of 70 percent or more on the final examination.

### 11.36.610 Blood borne pathogen training course--Provider.

A. Any person desiring department approval for purposes of this chapter of a training course curriculum for exposure control training or blood borne pathogen training shall make application to the department as follows: the applicant shall provide to the department a copy of a the course outline, a sample lesson plan, a statement of the examination method, a sample examination and any other documentation necessary for the department to evaluate the course to ensure the course complies with all applicable provisions of this chapter. Applicants shall be notified by the department within 30 days of application of the department's decision on the approval or rejection of the course.

B. The course instructor must possess a high level of expertise in all areas covered by the training program and be otherwise qualified to conduct the training.

## Part 6 CIVIL FINES

### 11.36.620 Civil fines.

In addition to any other penalty provided for under this chapter, consistent with the process set forth herein for notice and administrative review, the department may impose a fine on persons violating any provision of this chapter or any law, regulation or standard incorporated into this chapter. The department may impose a fine upon such violators in an amount not to exceed \$500.00 per violation, as appropriate. The imposition of such fines shall, in no way, limit the authority or ability to impose other requirements of this chapter or seek other remedies against alleged violators.

### 11.36.630 Amount.

In establishing the amount of the fine for each violation, the department will consider the following:

- A. The gravity and magnitude of the violation;
- B. The violator's previous record of complying or of failing to comply with the provision of this chapter;
- C. The violator's history in taking all feasible steps or in following all procedures necessary or appropriate to correct the violation; and,
- D. Any other considerations the department deems appropriate.

#### 11.36.640 Effect on permits.

- A. All fines imposed pursuant to this chapter must be satisfied in the manner prescribed by the department before a permit issued under this chapter to the violator may be reinstated or reissued.
- B. Failure to satisfy a fine imposed pursuant to this chapter in the manner prescribed by the department may result in suspension or revocation of the public health operator permit or public health facility permit issued to the violator.

#### Part 7 REPEAL PROVISION

##### 11.36.650 Repeal.

The provisions of this chapter shall remain in effect until the enactment of state laws or the promulgation of state regulations that control the conduct of body art activity, as defined herein. Upon the effective date of such enactment or promulgation, to the extent any provision of this chapter conflicts or is preempted by said enactment or promulgation, said conflicting or preempted provision is repealed in its entirety.

#### **8.04.050 Civil remedies.**

The violation of any of the provisions of the Chapter, Codes or Regulations hereby adopted shall constitute a nuisance and may be abated by the City through civil process by means of restraining order, preliminary or permanent injunction or in any other manner provided by law for the abatement of such nuisances.

#### **8.04.060 Violations of health and safety regulations.**

- A. It shall be unlawful for any person, firm, partnership or corporation to violate any provision or to fail to comply with any of the requirements of the Chapter, Codes, or Regulations hereby adopted. Any person, firm, partnership or corporation violating any provision of the Chapter, Codes or Regulations hereby adopted, or failing to comply with any of their requirements shall be deemed guilty of a misdemeanor unless the violation is classified as an infraction in accordance with the provisions of chapter [1.04](#). Violations of the provisions of this chapter, whether deemed misdemeanors or infractions, shall be punishable in accordance with the procedures of chapter [1.10](#). Each and every person, firm, partnership, or corporation shall be deemed guilty of a separate offense for each and every day or any portion thereof during which any violation of any of the

provisions of the Chapter, Codes or Regulations hereby adopted is committed, continued or permitted by such person, firm, partnership or corporation, and shall be deemed punishable therefore as provided herein.

B. Any person, firm, corporation or association violating any of the provisions of Los Angeles County Code, Title 11, Health and Safety, Division 1, Health Code, and Division 2, General Hazards, as amended and in effect on September 10, 1996, adopted by reference herein or violating any provision of any permit, license or exception granted thereunder or failing to comply with any of the requirements thereof shall be shall be punishable as a misdemeanor or infraction as provided in chapter [1.04](#). Each violation is a separate offense for each and every day during any portion of which such violation is committed, continued, or permitted by such person. (Ord. 07-1281, Sept. 2007)

## Chapter 8.08 ALARM SYSTEMS

Sections:

- [\*\*8.08.010 Systems requiring public safety response.\*\*](#)
- [\*\*8.08.020 Definitions.\*\*](#)
- [\*\*8.08.030 Alarm system requirements.\*\*](#)
- [\*\*8.08.040 Registration of alarm company operators.\*\*](#)
- [\*\*8.08.050 Permits required.\*\*](#)
- [\*\*8.08.060 Permits--Application--Fees.\*\*](#)
- [\*\*8.08.070 Right of inspection.\*\*](#)
- [\*\*8.08.080 Permits--Correction of information.\*\*](#)
- [\*\*8.08.090 Telephone device prohibited.\*\*](#)
- [\*\*8.08.100 Notification of tests.\*\*](#)
- [\*\*8.08.110 Permits--Revocation.\*\*](#)
- [\*\*8.08.120 Permits--Revocation--Notices and effective date.\*\*](#)
- [\*\*8.08.130 Appeals.\*\*](#)
- [\*\*8.08.140 Appeals--Hearing--Determinations.\*\*](#)
- [\*\*8.08.150 Charges for responding to false alarms--Billings--Exceptions.\*\*](#)
- [\*\*8.08.160 Fees and charges constitute a valid and subsisting debt.\*\*](#)
- [\*\*8.08.170 Malfunction repair.\*\*](#)
- [\*\*8.08.180 Applicability--Effective date--Maintenance of system.\*\*](#)
- [\*\*8.08.190 Violations of alarm system regulations.\*\*](#)
- [\*\*8.08.200 Automobile alarm systems.\*\*](#)

### **8.08.010 Systems requiring public safety response.**

The purpose of this chapter is to establish standards and controls of the various types of intrusion, holdup and other emergency signals from alarm systems that require public safety response or investigation, and for the businesses and persons installing and servicing said systems, in order to protect the public health, safety and welfare, and prevent false alarms. (Prior code § 17-55)

### **8.08.020 Definitions.**

For the purposes of this chapter, certain words and phrases shall be construed as set forth in this section, unless it is otherwise apparent from the context that a different meaning is intended.

"Alarm company operator" means that term as defined in Section 7590.2 of the Business and Professions Code for the state of California.

"Alarm system" means any mechanical, electrical or electronic device that is designed or used for the detection of an unauthorized entry into a building, structure or facility, to signal the commission of an unlawful act, to signal that heat, smoke or fire has been detected, or to signal that fire extinguishment equipment has been activated. It specifically does not include automobile alarms or auxiliary devices installed by a telephone

company or utility which is or may be utilized to report equipment damage or disruption of service.

"Audible alarm" means a device designed to notify persons in the vicinity of the protected premises by emission of an audible sound to signal a need for emergency response.

"Chief of police" means the director of public safety of the city.

"Direct dial device" means any system connected to a telephone line which upon activation, automatically dials a predetermined telephone number and transmits a message or signal indicating the need for an emergency response.

"False alarm" means an alarm signal activated by subscriber negligence or for any reason not of an emergency nature or when activated due to a malfunction of any segment of the alarm system and which necessitates a response by the fire or police department when, in fact, no emergency exists.

"Permittee" means any person holding an alarm system permit issued in compliance with the regulations set forth in this chapter.

"Silent alarm" means a device for the detection of unauthorized entry or illegal act upon the premises which does not generate an audible signal or sound on the premises when it is activated, but rather transmits a signal directly to the public safety communications center or to an alarm company central office. (Prior code § 17-55.1)

#### **8.08.030 Alarm system requirements.**

In addition to the permit or permits required by Section [8.08.050](#), the following requirements and prohibitions apply to permitted alarm systems:

A. Every person maintaining an alarm system shall provide the chief of police with a current listing of the names, addresses and telephone numbers of the persons to be notified to render service and repairs to the alarm system and additionally to secure the premises during any hour of the day or night that the alarm system is activated. The permittee, or designee, must be able to be present at the alarm location within forty-five (45) minutes of a request by the Hermosa Beach police department or communications center. The listing required by this section must be kept current by the person maintaining that alarm system.

B. No person shall install or maintain any audible alarm system which emits an audible sound for longer than ten minutes after activation. Any audible alarm that continues to emit a sound for longer than ten minutes or generates more than three false alarms in any twenty-four (24) hour period may be declared a nuisance by the chief of police, or designee. An alarm that has been declared a nuisance under this section may be disconnected by the chief of police or designee. A designee may include, but is not limited to, police department personnel, fire department personnel or other city personnel. Pursuant to this section, the permittee shall be charged for all costs incurred by or reasonably borne by the city in disconnecting the nuisance.

C. All alarm systems shall be equipped with an uninterruptible power supply in such a manner that the failure or interruption of normal electrical utility power shall not activate the alarm system. This power supply must be rechargeable and capable of at least four hours of operation. (Prior code § 17-55.2)

**8.08.040 Registration of alarm company operators.**

No person, individual, firm, company, association, organization, partnership, corporation or other entity shall engage in, conduct, or operate as an alarm company operator, or agent to an alarm company operator, as that term is defined in Section 7590.2 of the Business and Professions Code of the state of California, without registering its name and filing a copy of its state of California identification card and a copy of its city business license with the chief of police. (Prior code § 17-55.3)

**8.08.050 Permits required.**

A. It is unlawful for any person, individual, firm, company, association, organization, partnership, corporation or other entity to use, install or cause to be installed an alarm system on any premises within the city without having obtained an alarm system permit issued pursuant to this chapter. However, if the alarm system is installed by a licensed alarm company operator, the permit may be applied for within five business days of when the alarm system is installed and operational.

B. A separate alarm system permit shall be required for each premises on which an alarm system is used or installed. Each alarm system must have a permit, and multiple permits are required if multiple alarm systems are installed on one premises.

C. An alarm company operator, or agent to the alarm company operator, should inform its client that an alarm system permit is required by the city and is the responsibility of the client.

D. The alarm company operator or agent shall notify the chief of police, or designee, each time an alarm system is installed by said alarm company operator or agent. This notification shall be on a form prescribed by the chief of police. Such notice shall be delivered to the chief of police within five business days of when the alarm system is installed and operational.

E. Alarm system permits are nontransferable. Any change in ownership of an alarm system, premises upon which an alarm system is operated, or business that operates an alarm system, shall require a new alarm system permit for the operation of the alarm system, issued pursuant to this chapter. The application for an alarm system permit upon the transfer of property pursuant to this subsection shall be considered as an application for a new alarm system.

F. Pursuant to regulations promulgated by the chief of police necessary to protect against the dangers to be eliminated by this section, the chief of police may allow the installation and operation of an alarm system without a permit for the purposes of testing such alarm system and determining its suitability for use within the city. (Prior code § 17-55.4)

**8.08.060 Permits--application--fees.**

A. Application for alarm system permits shall be made to the police department of the city. The police

department shall prescribe the form of the application and request such information as it deems necessary to evaluate and act upon the application. All applications shall be submitted by the applicant under penalty of perjury. The chief of police, or designee, shall determine and set the conditions necessary for the installation and operation of alarm systems within the city.

B. An application for alarm system permit shall not be complete unless accompanied by a nonrefundable fee as prescribed in 2.64.040 in order to recover costs reasonably borne in processing said application. (Prior code § 17-55.5)

#### **8.08.070 Right of inspection.**

At the request of the chief of police, a city employee or agent may inspect any alarm system on the premises where it is intended to function prior to issuance of any permit for its installation and operation. The purpose of the inspection or inspections shall be to ensure that the alarm system will function as designed and complies with the provisions of this chapter. (Prior code § 17-55.6)

#### **8.08.080 Permits--correction of information.**

A. Whenever a change occurs relating to the written information required on the permit application, the applicant or permittee shall give written notice of such change to the police department within five calendar days.

B. Any changes in the information required by Section [8.08.030\(A\)](#), persons to be contacted, or persons responsible for the repair and servicing of the alarm system shall be given by the permittee, in writing, to the chief of police as soon as possible and in no event later than five calendar days from such change. (Prior code § 17-55.7)

#### **8.08.090 Telephone device prohibited.**

No person shall use any alarm system which is equipped with direct dial device which, when activated, automatically dials any telephone within the fire department, police department or the public safety communications center. (Prior code § 17-55.8)

#### **8.08.100 Notification of tests.**

Permittees shall notify the dispatcher at the public safety communications center prior to any service, test, repair, maintenance, adjustment, alteration or installation of any alarm system which would normally result in a police response. Any alarm received immediately following such notification shall not constitute a false alarm for the purposes of this chapter. (Prior code § 17-55.9)

#### **8.08.110 Permits--revocation.**

An alarm system permit may be revoked by the chief of police for any of the following reasons:

- A. Failure to observe any of the regulations, conditions of the permit, or other provisions of this chapter;
- B. False representations knowingly made upon any application or notice of change required by the provisions of this chapter;

- C. Where the permittee fails to pay the service charges billed;
- D. Any alarm system designated a nuisance by the chief of police. The chief of police may declare an alarm system at a specific location a nuisance if such alarm system actuates excessive false alarms. It is found and determined that more than four false alarms within any three consecutive calendar month period is excessive and thereby constitutes a public nuisance. The chief of police shall not consider any false alarm as a nuisance alarm if such false alarm occurs within thirty (30) days of the date the alarm system is installed and operational, or any false alarm generated by a violent act of God or nature and which was not the result of the negligence of the permittee, or permittee's agents, or a defect in the alarm system. (Prior code § 17-55.10)

#### **8.08.120 Permits--revocation--notices and effective date.**

A. A written notice of revocation, stating the reason for such revocation, shall be personally served upon or mailed to the permittee by certified mail addressed to the permittee at the permittee's address shown on the application or on the latest notice of change on file with the city. In the event the notice is mailed, service shall be deemed complete upon deposit in the United States mail. The effective date of the revocation of an alarm system permit shall be fifteen (15) days after the service of notice of revocation. During such fifteen (15) day period, the permittee may show cause, in writing, to the chief of police why the permit should not be revoked.

B. Whenever the revocation of an alarm system permit becomes effective, the permit shall be surrendered forthwith to the chief of police, and the alarm system shall forthwith be removed or deactivated. (Prior code § 17-55.11)

#### **8.08.130 Appeals.**

The action of the chief of police in revoking an alarm system permit may be appealed to the city council. Written notice of such appeal shall be filed with the city clerk within fifteen (15) days following the service of the notice of revocation. (Prior code § 17-55.12)

#### **8.08.140 Appeals--hearing--determinations.**

The city council shall hear and determine such appeal at its next regular meeting held not less than seven days following the filing of the notice of appeal. Written notice of the time and place of the hearing shall be served on the permittee in the same manner as provided in this section for the service of a notice of revocation. A majority vote of the whole council shall be required to reverse any revocation of an alarm system permit ordered by the chief of police. Should the council find that the revocation of the permit was appropriate, the permittee may be billed for all costs reasonably borne by the city in revoking the alarm system permit. (Prior code § 17-55.13)

#### **8.08.150 Charges for responding to false alarms--billings--exceptions.**

A. A service charge in an amount fixed by resolution of the city council shall be paid to the city by each subscriber or permittee of an alarm system, for each response made by the police or fire department to the location of a false alarm after the first three responses are made during the same calendar year.

B. The director of finance shall cause to be issued a monthly bill for the unpaid service charges accrued during the billing period and any prior periods. Such bill shall be due and payable within fifteen days after billing date.

C. Exceptions. No charge shall be assessed for false alarms occasioned by disaster, power failure or other causes clearly not within the control of the permittee. No charges shall be made for a false alarm occasioned by an alarm company or permittee test of the alarm system, provided that the police department has been notified before and after completion of said test. No charge will be assessed for false alarms that occur within thirty (30) days from the date when the alarm system was originally installed and became operational. However, the permittee may be charged the costs of disconnecting an alarm system declared a nuisance under Section [8.08.030\(C\)](#), regardless of the date of installation and operation.

D. The provisions of this section do not apply to any federal, state, county, or city agency, special district, or to the Hermosa Beach police department which may be engaged in the nonprofit installation and maintenance of tactical alarm systems utilized in crime suppression. (Prior code § 17-55.14)

**8.08.160 Fees and charges constitute a valid and subsisting debt.**

A. All fees and charges levied by the city pursuant to this chapter shall be due and payable upon presentation of a written invoice.

B. All fees and charges for such services pursuant to this chapter shall constitute a valid and subsisting debt in favor of the city and against the permittee for whom such services are rendered. If an amount remains unpaid after reasonable and practical attempts have been made by the city to obtain payment, a civil action may be filed with the appropriate court for the amount due and payable, together with any penalties, any related charges and fees accrued due to nonpayment, and all fees and charges required to file and pursue such civil action.

C. Fees and charges shall be levied for recovering city costs for notification and collection of delinquent accounts and in amounts established by resolution of the city council and shall be collected as provided herein. (Prior code § 17-55.15)

**8.08.170 Malfunction repair.**

After any false alarm caused by a malfunction of the alarm system equipment, an alarm system permittee shall cause the alarm system to be repaired so as to eliminate such malfunction before reactivating the alarm. No permittee shall reactivate such alarm or cause the alarm to be reactivated, until such repairs have been made and the alarm is in proper operating condition. (Prior code § 17-55.16)

**8.08.180 Applicability--effective date--maintenance of system.**

A. The provisions of the preceding sections relating to permits and fees for installation and operation of alarm systems are applicable only to those installations made after the effective date of Ordinance No. 89-984.

B. The provisions of the preceding sections relating to false alarms shall be in full effect as to all new and existing alarm systems on the date that the ordinance codified in this chapter takes effect.

C. It shall be the obligation of the permittee to maintain any alarm system in good repair. (Prior code § 17-55.17)

**8.08.190 Violations of alarm system regulations.**

Violations of the provisions of this chapter are subject to the administrative penalty provisions of chapter 1.10.(Ord. 07-1281, Sept. 2007)

**8.08.200 Automobile alarm systems.**

The installation of automobile alarm systems is not subject to the provisions of Sections [8.08.010](#) through [8.08.190](#) pertaining to permit application and fees.

In order to protect the public health, safety and welfare, a police officer may deactivate, or cause to be deactivated, any audible automobile alarm which has sounded for more than five continuous minutes, when the person in control of the vehicle has not responded to the alarm. A police officer may reasonably enter any such vehicle pursuant to this chapter to silence the alarm, or may cause the vehicle to be impounded pursuant to Section 22651.5 of the California Vehicle Code if the alarm cannot be silenced within forty-five (45) minutes of the police officer's arrival. (Prior code § 17-56)

**Chapter 8.12  
SOLID WASTE COLLECTION AND DISPOSAL Revised 10/16**

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**8.12.010 Definitions.**

A. For the purposes of this chapter, the words, terms and phrases as defined in this section shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning is intended:

"Administrative Authority" means the City Manager, or his/her designee. (Ord. 13-1339, §3, March 12, 2013)

"Bulky goods or Bulky items" means oversized or overweight household articles placed curbside by a residential householder or owner, which oversized or overweight household articles have weights, volumes or dimensions which cannot be accommodated by solid waste containers for residential premises, such as stoves, refrigerators, water heaters, washing machines, and other small household appliances, furniture, sofas, mattresses, box springs, large rugs, and green waste. Bulky Items do not include car bodies, tires, Construction and Demolition Debris or items requiring more than two (2) persons to remove. Electronic waste may be collected as Bulky Items if provided for in a collection Agreement (Ord. 13-1339, §2, March 12, 2013)

"City manager" means the city manager of the city of Hermosa Beach ("city") or the city manager's designee.

"Collection" means the operation of gathering together within the city, and transporting by means of a motor vehicle to the point of disposal or processing, any solid waste or recyclables.

"Collector" means any person: (a) who has been awarded an exclusive contract to provide residential or commercial/industrial solid waste or recyclables collection services in the city, or (b) who has been issued a permit or nonexclusive contract to provide solid waste handling services to state facilities.

"Collector Agreement" or "Franchise Agreement" is an agreement between a Collector and the City to collect or dispose of Solid Waste in accordance with the provisions of this Chapter. (Ord. 13-1339, §2, March 12, 2013)

"Commercial/industrial business owner" means any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others commercial/industrial premises, whether or not it is the holder of the title or the owner of record of the commercial/industrial premises.

"Commercial/industrial collector" means a collector which collects solid waste and recyclables from commercial/industrial premises.

"Commercial/industrial premises" means all occupied real property in the city, except property occupied by federal, state or local governmental agencies which do not consent to their inclusion, and except residential premises as defined in this section, and includes, without limitation, wholesale and retail establishments,

restaurants and other food establishments, bars, stores, shops, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, construction and demolition sites, a multiple dwelling containing five or more dwelling units, and any other commercial or industrial business facilities, structures, sites, or establishments in the city.

"Construction site" or "demolition site" means any real property in the city in, on or from which a building or structure is being fabricated, assembled, erected or demolished, and which produces construction or demolition solid waste which must be removed from the property, and requires the use of commercial refuse containers.

"Construction or demolition waste" means any solid waste or debris generated as the result of construction or demolition, including without limitation, discarded packaging or containers and waste construction materials, whether brought on site for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

"Disposal" or "Dispose" means the ultimate disposition of solid waste collected by contractor at a landfill or otherwise in full regulatory compliance. "Exclusive solid waste handling services" means any action by the city council, whether by franchise, contract, license, permit or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises, has the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the city. (Ord. 13-1339, §2, March 12, 2013)

"Electronic Waste" means electronic equipment, including stereos, televisions, computers and monitors, VCRs, microwaves and other similar items commonly known as "brown goods" and "e-waste".(Ord. 13-1339, §2, March 12, 2013)

"Franchisee" or "franchised private collector" means a collector that has been authorized to collect solid waste under this chapter and pursuant to the terms of a collector agreement. (Ord. 13-1339, §2, March 12, 2013)

"Green waste" or "yard waste" means leaves, grass clippings, brush, branches and other forms of organic materials generated from landscapes or gardens, separated from other solid waste. (Ord. 13-1339, §2, March 12, 2013)

"Hazardous Waste" means all substances defined as Hazardous Waste, acutely Hazardous Waste, or extremely Hazardous Waste by the State of California in Health and Safety Code §25110.02, §25115, and §25117 or in the future amendments to or recodifications of such statutes or identified and listed as Hazardous Waste by the US Environmental Protection Agency (EPA), pursuant to the Federal Resource Conservation and Recovery Act (42 USC §6901 et seq.), all future amendments thereto, and all rules and regulations promulgated there under. (Ord. 13-1339, §2, March 12, 2013)

"Holiday" means:

New Year's Day;

Memorial Day;

Independence Day;

Labor Day;

Thanksgiving Day;

Christmas Day.

"Holiday" also means any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of that collector's employees, provided the holiday is established or recognized by resolution of the city council.

"In the city" or "within the city" means within the limits of the city as such limits exist on the effective date of this chapter or may thereafter exist by virtue of the annexation of territory to or detachment of territory from the limits of the city.

"Manure" means the waste droppings from any animal.

"Person" means any individual, association, firm, partnership, corporation or any other group or combination thereof acting as a unit.

"Processing" means the reduction, separation, recovery and conversion of solid waste.

"Public agency" means any governmental agency or department thereof, whether federal, state or local.

"Recyclables" or "Recyclable Materials" means solid waste that has some potential economic value, and is set aside, handled, packaged, or offered for collection in a manner different from other solid waste in order to allow it to be processed for recycling. (Ord. 13-1339, §2, March 12, 2013)

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

"Recycling container" means a container which is provided to residential premises for use in collecting and moving recyclables to curbside for collection by the collector, or a container which is provided to commercial/industrial premises for use by the collector in collecting and moving recyclables.

"Residential collector" means a collector which collects solid waste and recyclables from residential premises.

"Residential householder" means any person or persons holding or occupying residential premises in the city, whether or not the owner of the residential premises.

"Residential owner" means the owner of any residential premises within the city.

"Residential premises" means any residential dwelling unit within the city, including, without limitation, multiple unit residential complexes, such as rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing, and mobilehome parks, except any multiple or multi-family dwelling containing five or more dwelling units. (Ord. 13-1339, §2, March 12, 2013)

"Resource recovery" means any use of solid waste collected pursuant to this chapter, except for landfill disposal or transfer for landfill disposal. "Resource recovery" includes, but is not limited to, transformation, composting and multi-material recycling.

"Solid Waste" means all discarded putrescible and non-putrescible solid, semisolid, and liquid wastes, including construction or demolition waste, bulky items, recyclable materials, and green waste, or any combination thereof which are permitted to be disposed of in a Class III landfill, and which are included in the definition of "Non-hazardous Solid Waste" set forth in the California Code of Regulations. Solid waste may also be referred to as garbage, rubbish and refuse throughout this chapter and the terms may be used interchangeably. Solid Waste must be generated by and at the physical location where the waste is collected. (Ord. 13-1339, §2, March 12, 2013)

"Solid waste container" means any vessel, tank, receptacle, box or bin permitted to be used for the purpose of holding solid waste for collection.

"Solid waste enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste handling services.

"Solid waste handling services" means the collection, transportation, storage, transfer or processing of solid wastes for residential or commercial/industrial users or customers.

"Standard commercial/industrial solid waste container" means a state-of-the-art bin or solid waste container used in connection with commercial/ industrial premises with a two-, three-, four-, six- or eight-cubic yard capacity, designed for mechanical pick-up by collection vehicles and equipped with a lid, or where appropriate for the commercial/ industrial premises being served, a fifteen (15), twenty-five (25), thirty (30), forty (40) or fifty (50) cubic yard roll-off box or compactor, and shall include other types of containers suitable for the storage and collection of commercial/industrial solid waste if approved in writing by the city manager.

B. Nothing contained in this section shall be deemed to preclude the city and any solid waste enterprise from incorporating into any agreement for exclusive solid waste handling services definitions relating to their respective contractual rights and obligations which may differ from or augment those set forth herein. (Ord. 95-1132 § 1, 1995: prior code § 27A-1)

**8.12.020 Mandatory service.**

- A. All solid waste collected from residential or commercial/industrial premises for a fee, service charge, or other consideration, shall be collected by a solid waste enterprise under the provisions of an exclusive contract awarded by the city council ("authorized collector").
- B. No person, firm, corporation or solid waste enterprise, other than those referenced in subsection A of this section, shall negotiate or contract for, undertake to receive, collect or transport solid waste from within the city for a fee, service charge or other consideration therefor, except as specifically provided herein.
- C. Except as otherwise provided in this chapter, each residential owner and commercial/industrial business owner shall utilize the services of the authorized collector for the collection of solid waste from the residential or commercial/industrial premises held or occupied by such owner and shall pay for such services the fees approved by the city council. No residential or commercial/industrial business owner shall enter into an agreement for solid waste handling services with any person, firm, or corporation other than the authorized collector, except as otherwise provided in this chapter.
- D. Nothing in this chapter shall prevent a commercial/industrial business which has its own recycling or resource recovery program for recyclables generated by such business and not utilizing a solid waste enterprise which provides collection services for a fee, service charge or other consideration, from continuing such recycling or resource recovery program, and the recyclables included in such program are excepted from the exclusive contract between the city and the authorized collector. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.1)

**8.12.030 Authorization by city council--contract requirement.**

The city council may authorize, by contract, a solid waste enterprise to provide solid waste handling services for residential, commercial/ industrial users or customers. In the sole discretion of the city council, the solid waste handling services may be authorized on an exclusive or non-exclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the city.

No person shall collect or dispose of solid waste or recyclables in the city unless that person has entered into a contract (the "collector agreement") with the city, except as otherwise specifically provided in this chapter. Any such contract shall be in addition to any business license or permit otherwise required by this code. No permit issued by any other governmental agency authorizing collection of solid waste or recyclables shall be valid in the city. Collectors operating in the city on the effective date of this chapter under a permit or a nonexclusive contract agreement may continue to operate only until the rights thereunder are terminated or revoked, or until such rights expire pursuant to the provisions of Section 49520 of the Public Resources Code. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2)

**8.12.040 Collector agreement--contents.**

The terms and provisions of any collector agreement for solid waste handling services may relate to or include, without limitation, the following subject matters:

- A. The nature, scope and duration of the agreement;
- B. The collection schedule, including the frequency, days and hours of collection;
- C. The applicable franchise fee, including the amount, method of computation, and time for payment;
- D. The applicable rates, fees and charges for regular, special and emergency collection services, including the method of setting and adjusting same, and the responsibility for billing and collecting same;
- E. Collection vehicles, including the permissible size and color, and any required identification, safety equipment, maintenance, inspection and operational requirements;
- F. The receipt, processing and reporting of customer inquiries and complaints;
- G. The collection of solid waste from publicly owned property and facilities;
- H. Performance standards for the collector's personnel and equipment;
- I. Solid waste and recycling containers, including size, repair or replacement, handling, placement, obligations of the collector to provide, and permissible charges therefor;
- J. Standards and procedures for periodic performance reviews by the city;
- K. Noise attenuation policies and procedures;
- L. The maintenance by the collector of an office for the conduct of business;
- M. Policies and procedures relating to the noncollection of solid waste, the composting of green waste, the collection of recyclables, and resource recovery;
- N. Requirements relating to comprehensive liability insurance and workers' compensation insurance;
- O. Requirements relating to the dissemination of information to the public concerning regular and special solid waste collection and recycling services;
- P. Actions or omissions constituting breaches or defaults, and the imposition of applicable penalties, liquidated damages, and other remedies, including suspension, revocation or termination;
- Q. Requirements relating to performance bonds and to indemnification;
- R. Requirements relating to affirmative action programs;
- S. Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits, and inspection of records;
- T. Requirements relating to the assignment, transfer and renewal of the agreement;

U. Requirements relating to compliance with and implementation of state and federal laws, rules or regulations pertaining to solid waste handling services, and to the implementation by the city of state-mandated programs, including, without limitation, the city's source reduction and recycling element and the city's household hazardous waste element;

V. Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the collector agreement and which will, in the judgment and discretion of the city council, best serve the public interest and protect the public health, safety and welfare. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.1)

**8.12.050 Collector franchise fee.**

Each collector shall pay a franchise fee in an amount determined by resolution of the city council or established in the collector agreement authorizing the collection of solid waste or recyclables. (Ord. 95-1132 § 2 (part), 1995: prior code § 27-2.2)

**8.12.060 Resolution of conflicts.**

In the event of any conflict between the provisions of a collector agreement which is authorized and approved by the city council and the provisions of this chapter, the provisions of the collector agreement shall control. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.3)

**8.12.070 Permits and licenses.**

Every collector shall obtain and maintain at all times during the collector's operations a business license issued by the city, and all applicable permits and licenses required by any public agency having jurisdiction. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.4)

**8.12.080 Transfer of collector agreement.**

No permit or collector agreement which is authorized by, subject to, or issued under the provisions of this chapter shall be transferred, delegated, sublet, subcontracted to or assigned to another person without the prior approval of the city council. This restriction includes the transfer of ownership or the majority of the ownership or control in the collector, and the transfer of a majority of stock in collector to another person. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.5)

**8.12.090 Revocation of permit or collector agreement.**

After a hearing as provided in this chapter, the city manager may revoke or suspend any collection permit or collector agreement for violation of a provision of this chapter or any other applicable law, ordinance or regulation of any public agency. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.6)

**8.12.100 Interim suspension.**

The city manager, without a hearing, may suspend a collector agreement or a permit for not more than sixty (60) days, if the city manager finds that continued operation by the collector will constitute a threat to the public health, safety or general welfare. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.7)

**8.12.110 Notice of hearing--revocation.**

The city manager shall mail notice of a hearing to revoke a collection permit or collector agreement to the collector not less than fifteen (15) days prior to such hearing. In the event of the revocation of a collector agreement or a permit, the city manager shall notify the collector in writing of the reasons therefor. Notification may be made in person or by mail. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.8)

#### **8.12.120 Appeals.**

Within fifteen (15) calendar days after notice by the city manager of revocation of a collection permit or collector agreement has been sent to the collector, the collector may file with the city clerk an appeal of such decision to the city council. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.9)

#### **8.12.130 Council action.**

The city council may either affirm the action of the city manager, send the matter back to the city manager for further consideration, or set the matter for hearing by the city council. If the city council sets the matter for hearing, it shall base its action upon the standards delineated in Section [8.12.090](#). Notice of such hearing shall be sent to the collector not less than fifteen (15) days prior to the hearing. (Ord. 95-1132 § 2 (part), 1995: prior code § 27A-2.10)

#### **8.12.140 Hours of collection.**

A. No collection within the City shall be made between the hours of six (6:00) p.m. and seven (7:00) a.m. the next day. Additionally, no collection shall be made from residential premises any time on Saturday or Sunday. Collection from commercial premises is permitted seven days per week during the permitted hours of collection.

B. No delivery or removal of containers by a collector may be made between the hours of six (6:00) p.m. and seven (7:00) a.m. the next day.

C. The City Manager may waive the requirements of this section when necessitated by conditions beyond the control of the collector. (Ord. 13-1339 §4, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.4)

#### **8.12.150 Resource recovery.**

Every collector shall, at all times, comply with city policies and programs with regard to solid waste recovery, reduction of solid waste and recycling of solid waste. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.5)

#### **8.12.160 Ownership of solid waste and recyclables.**

Subject to Public Resources Code Section 41950(c), at such time as the solid waste or recyclables are collected by the collector, the solid waste or recyclables are the property of the collector. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.6)

#### **8.12.170 Trespass.**

No person authorized to collect or transport solid waste or recyclables shall enter on private property beyond the extent necessary to collect the solid waste or recyclables, properly placed for collection. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.7)

**8.12.180 Worker's compensation insurance.**

A collector shall at all times provide, at its own expense, workers' compensation insurance coverage for all of its employees as required under State law and shall file and maintain a certificate with the City Manager showing said insurance to be in full force and effect. (Ord. 13-1339 §5, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.8)

**8.12.190 Collector's liability insurance.**

A. A collector must obtain comprehensive general and automobile liability insurance acceptable to the City Attorney insuring a collector against death, bodily injury, property damage and automobile liability arising out of or in any way connected with the collector's activities. The insurance shall be in an amount set forth in the franchise agreement or permit, name the City of Hermosa Beach and its officers, employees and agents as additional insureds, and state that it shall not be canceled or modified without first giving to City written notice as provided in the franchise agreement. Such insurance shall be primary and noncontributing with respect to any other insurance available to the City and will include a cross-liability clause requiring the insurer to protect each insured separately. A copy of the policy or certificate of insurance along with all necessary endorsements, in a form approved by the City Attorney, shall be filed with the City Manager before the hauler is authorized to collect or otherwise transport solid waste under the franchise agreement or permit.

B. Suspension, cancellation, or termination of the insurance by the provider without obtaining substitute insurance meeting the requirements of subsection A above shall be grounds for immediate suspension of the franchise agreement or permit until new insurance is provided, and a collector shall be liable to the City for any and all damages suffered by the City arising out of such suspension, cancellation or termination. (Ord. 13-1339 §6, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.9)

**8.12.200 City to be free from liability.**

Any collector or person who collects, transports, or disposes of solid waste or recyclables within the city shall indemnify, defend and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies, including interest, penalties and reasonable attorneys fees, that the city shall incur or suffer, which arise, result from or relate to the collection, transportation or disposal of solid waste or recyclables by that person. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.10)

**8.12.210 Office for inquiries and complaints.**

A. A collector shall maintain an office at some fixed location and shall maintain a telephone line at the office, listed in the current telephone directory and online at the collector's website, in the firm name by which it conducts business in the City, and shall, during the days and times provided for in the franchise agreement, have an employee or agent at said office to answer inquiries and receive complaints. In addition, inquiries and complaints may also be handled by email if provided for in the franchise agreement.

B. The collector shall maintain at the office a written log of all complaints/inquiries received. Such log shall contain the date and time the complaint was received, the name, address and telephone number of the

caller/complainant, a description of the complaint, the name of the employee recording the complaint and the action taken by contractor to respond to and remedy the complaint, or reason for not remedying the complaint, and any other information required under a franchise agreement. All inquiries and complaints shall be promptly answered or responded to and/or dealt with to the satisfaction of the City and as set forth in a franchise agreement. Such log of complaints shall be provided to the City quarterly and shall, along with other records pertaining to solid waste and recyclables collection and disposal be open to the inspection of the City at all reasonable times and shall be maintained for a period of one year, or as set forth in the franchise agreement. Compliance with the requirements of this section is a condition to any permit or collector agreement which is awarded by the City. (Ord. 13-1339 §7, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.11)

#### **8.12.220 Pre-collection practices.**

A. Approved Refuse Containers. It shall be the duty of every owner or occupant of a commercial/industrial premises or residential premises to maintain, in sanitary condition, at least one collector-provided refuse container; however, additional approved containers shall be provided as deemed necessary to contain all refuse generated from said location between days of collection. Containers shall be provided at collector's expense. Notwithstanding, a collector agreement may authorize owners or occupants to provide carts under designated circumstances.

B. Containers shall be marked, and meet the specifications, as set forth in the collector agreement. Unmarked containers and containers from other haulers may be removed by the collector in accordance with provisions set forth in the collector agreement.

C. Storage of Containers. All residential and commercial structures constructed after 1973 shall be required to provide an enclosure for the storage of solid waste containers. All residential and commercial structures constructed prior to 1973 shall have two calendar years from the date of adoption of this chapter (March 8, 1977) to provide solid waste container enclosures in accordance with the provisions stated herein. Where such enclosures have been constructed, all containers shall be placed therein.

1. Residential. Storage facilities for residential premises shall include an area sufficient for three, thirty-five (35) gallon capacity refuse containers. Such storage facilities shall be provided in any one of the following ways:

- a. Attached to the outside of the structure on privately owned property, enclosed on all sides by suitable screening of not less than four feet in height or similar type of structure so that the same shall not be open to public view, one side of which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base and shall be adequately ventilated; or
- b. Constructed within the building structure; or
- c. A separate structure enclosed on all sides by suitable screening of not less than four feet in height or similar type of structure so that the same shall not be open to public view, one side of

which may be opened as a gate. Such storage facilities shall have a concrete, asphalt or similar base and shall be adequately ventilated; or

- d. Within an accessory building such as a garage or storage shed, or within a primary structure in a service porch-type area.

A collector agreement may set forth the circumstances where commercial containers may be used in place of residential containers for certain residential premises that operate in a commercial manner (for example group residential, assisted living facilities, residential hotels or motels).

D. Containers shall not be placed for collection any earlier than 5:00 p.m. the day prior to the designated collection day. (Ord. 13-1339 §8, March 12, 2013)

#### **8.12.230 Post-collection practices.**

A. Removal of Refuse Containers. Any person who places refuse container(s) for collection in an alley or upon a curbside shall remove all containers from the area where the collection was made by ten (10:00) a.m. of the morning following the regular day of collection. Containers not timely removed as set forth above may be removed by the city or collector, impounded and disposed of in a manner considered appropriate by the administrative authority (Ord. 13-1339 §9, March 12, 2013)

B. Maintenance of Abutting Street or Alley. Prior to and following collection, it shall be the duty of every property owner placing refuse at curbside or in an alley for collection, to maintain the sanitary condition of the street or alley abutting his property from the property line to the curbside or from the property line to the center line of the alley. (Prior code § 27A-4)

#### **8.12.240 Residential premises--care of containers.**

Upon collection, all solid waste containers shall be replaced, by the collector, upright, where found, with the lids replaced, and all recycling containers shall be replaced in an upright position, at the location where found by the collector. (Ord. 13-1339 §10, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.12)

#### **8.12.250 Disposal and status of solid waste.**

The collector shall collect and dispose of all solid waste generated and presented for collection in conformity with the provisions of this chapter, except as otherwise provided in this chapter. Any such collection and disposal shall be in accordance with applicable federal, state and local laws and regulations and any controlling permit or collector agreement between the collector and the city. All solid waste collected by a collector shall be the exclusive property of the collector. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.13)

#### **8.12.260 Commercial/industrial frequency of collection.**

The commercial/industrial collector shall collect solid waste from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector, within the times approved by the City for commercial/industrial collection, subject to City approval should a disagreement occur. In no event shall such collection schedule permit the accumulation of solid waste in

quantities detrimental to public health or safety. (Ord. 13-1339 §11, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.14)

#### **8.12.270 Commercial/industrial containers.**

A. Every commercial/industrial business served by a collector shall use the standard commercial/industrial solid waste container or containers provided by the collector, which containers are compatible with the collector's collection equipment.

B. Every collector which provides any container or other equipment used for the storage of commercial/industrial solid waste shall provide containers on casters or hasps or locks upon request by the commercial/industrial business owner. (Ord. 13-1339 §12, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.15)

#### **8.12.280 Commercial/industrial--maintenance and placement of containers.**

Solid waste containers shall be maintained in a clean and sanitary condition by the collector. Every commercial/industrial business owner shall provide a solid waste container location on the commercial/industrial premises and shall keep the area in good repair, clean and free of refuse outside of the container. Every collector shall remove any solid waste or litter that is spilled or deposited on the ground as a result of the collector's emptying of the container or other activities of the collector. (Ord. 13-1339 §12, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.16)

#### **8.12.290 Commercial/industrial--care of containers.**

Upon collection of solid waste by the collector, all containers shall be replaced, upright, where found, with the lids closed. No person, other than the owner thereof, shall in any manner, break, damage, roughly handle or destroy containers placed on the premises of a commercial/industrial business owner. (Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.17)

#### **8.12.300 Commercial/industrial special circumstances.**

Except as otherwise provided in a collector agreement, if particular commercial/industrial business premises require collections at times, frequencies or in a manner such that the collector is unable to perform the collection in the normal course of business, or where unusual quantities of solid waste or special types of material are to be collected and disposed of, or where special methods of handling are required, or where the quantity of solid waste requires the use of multiple (more than three) containers, the collector and the commercial/ industrial business owner may make arrangements for such collection on mutually agreeable terms. If the business owner and the collector do not agree as to the methods for service provided for in this section, the City Manager shall determine the method of service. If the collector is unable or unwilling to provide such service, the City Manager may authorize the business owner to use another solid waste enterprise for such special service until the collector can provide such service in its normal course of business. (Ord. 13-1339 §12, March 12, 2013; Ord. 95-1132 § 6 (part), 1995: prior code § 27A-10.18)

#### **8.12.310 Vehicle and equipment standards.**

A. Vehicle Identification. No person may operate any vehicle for the collection of solid waste or recyclables

other than a collector who has a valid business license and solid waste collection collector agreement or permit and who has paid all required license, collector agreement, permit or other City charges. Each vehicle used by the collector shall have an identification number printed or painted in legible numbers not less than three inches in height in plain sight from four directions.

B. Vehicle Standards. Any vehicle utilized for the collection, transportation or disposal of solid waste and/or recyclables shall comply with the following standards:

1. Each vehicle shall be constructed and used so that no solid waste, oil, grease or other substance will blow, fall or leak out of the vehicle.
2. A broom and shovel shall be carried on each vehicle at all times.
3. Each vehicle shall comply with all applicable statutes, laws, or ordinances of any public agency, and in compliance with any requirements in the collector agreement or permit.
4. Each vehicle must be under fifteen years of age unless specifically authorized in writing by the City Manager.
5. Routine inspections by the California Highway Patrol shall be conducted annually and certified according to state law by the California Highway Patrol or by an independent contractor licensed by the California Highway Patrol, and certificates for the inspection shall be filed within thirty days of inspection with the City Manager.
6. All vehicles shall at all times be kept clean and sanitary, in good repair and well and uniformly painted to the satisfaction of the City Manager.
7. Each vehicle shall be equipped with watertight bodies fitted with close-fitting metal covers.
8. The collector's name or firm name and telephone number shall be printed or painted in legible letters not less than five inches in height on both sides of all of collector's vehicles used in the city.
9. High intensity fog lamps shall be maintained on any vehicle eighty (80) inches or wider, which shall consist of two red tail lamps in addition to the standard tail lamps. The fog lamps shall be used when visibility is less than fifty (50) feet.
10. All equipment shall be maintained at all times in a manner to prevent unnecessary noise during its operation.
11. As the collector replaces existing equipment, the type and make of the new equipment shall be subject to prior approval by the City Manager. All equipment shall also be subject to any requirements set forth in the collector agreement or permit. (Ord. 13-1339 §12, March 12, 2013)

C. Operation of Equipment. All persons operating solid waste collection and transportation equipment shall do so in compliance with all applicable federal, state and local laws and ordinances. Such vehicles shall not be

operated in a manner which results in undue interference with normal traffic flows. No such vehicle shall be parked or left unattended on the public streets. No such vehicle shall be parked overnight on a public street or thoroughfare in the city.

D. Compliance with Vehicle Standards. Any vehicle used in the collection or transportation of solid waste in the city shall, at all times, be maintained in accordance with all the standards set forth in subsection B of this section. The use of a vehicle which fails to comply with each of the standards set forth in said subsection is prohibited. A collector shall immediately remove any vehicle from collection service which fails, at any time, to conform to any of the standards recited in said subsection and shall not use that vehicle until it is repaired. Should the city manager give notification at any time to a collector that any of the collector's vehicles is not in compliance with the standards of this chapter, the vehicle shall be immediately removed from service by the collector. The vehicle shall not again be utilized in the city until it has been inspected and approved by the city manager. The collector shall maintain its regular collection schedule regardless of the repair of any vehicle.  
(Ord. 95-1132 §5, 1995: prior code § 27A-5)

#### **8.12.320 Prohibited activities. Revised 10/16**

- A. It is unlawful for any person to interfere with the collection, conveyance or disposal of solid waste by the city or its franchisee.
- B. No person, except the city or a franchised private collector with authorized permit, shall gather, collect or transport solid waste within the city and exact charges for such service.
- C. It is unlawful to deposit solid waste within or upon another person's property without the consent of the owner of said property.
- D. It is unlawful for any property owner or occupant to allow solid waste and debris to be scattered or accumulate upon public rights-of-way abutting his/her property.
- E. It is unlawful for any person to cause to be placed for collection any solid waste which does not conform to standards set forth in this chapter, or standards set forth in subsequent resolutions.
- F. It is unlawful for any person to place for collection any solid waste from outside the city.
- G. It is unlawful for any person to scavenge materials from any solid waste container.
- H. It is unlawful for any person other than an officer of the city, or the owner, or the employee of an authorized franchised private collector, to interfere in any manner with any residential or commercial containers, including recycling containers or to remove any residential or commercial containers including recycling containers from the location where the same was placed by the owner thereof.
- I. It is unlawful for any person to deposit, bury or burn solid waste in the city or to permit such activity to occur.
- J. It is unlawful for any person to cause or permit solid waste to accumulate at any place or premises under

his charge or control for a period in excess of one (1) week.

K. It is unlawful for any property owner to allow any portion of his property to become a breeding place for flies, wild rodents or other pests. (Ord. 16-1369 §1, 2016; Ord. 13-1339 §12, 2013: prior code § 27A-6)

#### **8.12.330 Litter.**

Any person who deposits or causes to be deposited any solid waste or recyclables on the public right-of-way or on private property within public view, except in a container provided therefor as herein specified, shall immediately clean up, contain, collect and remove same. (Ord. 95-1132 §6 (part), 1995: prior code § 27A-10.2)

#### **8.12.340 Transfer of loads on public streets.**

No person shall transfer solid waste or recyclables from one collection vehicle to another on any public street or road unless such transfer is essential to the method of operation and is approved by the city manager, or is necessary owing to mechanical failure or accidental damage to a vehicle. (Ord. 95-1132 §6 (part), 1995: prior code § 27A-10.3)

#### **8.12.350 Violations of garbage collection and disposal regulations.**

Violations of the provisions of this chapter shall be a misdemeanor enforceable as provided in Chapter [1.04](#). (Ord. 14-1348 §5, 2014: Ord. 07-1281, 2007)

#### **8.12.360 Mandatory collection fee.**

A. In order to protect the health, safety and welfare of the residents of the city, the charges (including bin rental where applicable) for collection of garbage, rubbish and other refuse shall be billed in advance either by the city or its franchisee to each owner(s) of record of all premises where refuse is produced or generated. Said billing shall be in the manner and frequency as established by the city either by resolution or by contract with its franchisee. The city may adopt such billing and collection procedures as are deemed necessary and appropriate.

1. If an owner of record fails to pay a service bill by the date set by the city council by resolution establishing such procedures or by contrast with its authorized franchisee, the owner of record will be sent a notification of such delinquency which shall include a penalty fine of ten (10) percent, and the owner of record shall be assessed an additional ten (10) percent penalty fine for every succeeding thirty (30) days of delinquency. Said notification shall be sent by the franchisee.

2. Each successive billing period established above shall include the accumulated unpaid charges in a delinquent account for collection and disposal of refuse, as well as the accumulated penalties. Those owners of record who receive such notice shall not invalidate any action taken by the franchisee or city under this section.

3. Should the owner of record fail or refuse to pay the fee assessed for collection of garbage, rubbish or other refuse as provided in this section, the individual in charge of such collection shall advise the city manager of such refusal. The failure to pay would, except for the provisions hereof, result in the

noncollection of garbage, rubbish or other refuse, which condition the council determines and declares would be a threat to the public health, safety and welfare and which condition, if permitted to exist, is declared to be a public nuisance. In the event of nonpayment, the city manager shall direct the contractor or franchisee to continue to provide service, and the past-due billings, including penalties and expenses and charges for collecting such billings, shall be assessed against the property as provided in this section. The franchisee shall continue to collect garbage, rubbish and refuse in cases of nonpayment when directed to do so by the city manager.

4. All costs incurred in collection of unpaid charges shall be recoverable by the city and charged against the property from which the garbage, rubbish or refuse was collected.

5. The city manager shall direct a notice to the property owner where unpaid charges are pending, at the address shown on the latest tax roll, setting a date, time and place for a hearing before the administrative appeals board of the city at which the board shall review all unpaid charges and make a recommendation to the city council whether such charges should be charged against the property. The city manager shall thereafter direct a notice to the owner(s) of record where unpaid charges are pending, setting a date, time and place for a public hearing before the city council at which the administrative appeals board's recommendation shall be considered and all unpaid charges shall be reviewed. Any property owners shall have the right to appear at the public hearings before the administrative appeals board and before the city council.

6. At the conclusion of its public hearing, the city council shall determine and approve, as an assessment against the property, all past-due billings and penalties due to the date of said hearing, together with the costs incurred in collecting the unpaid charges. If the total assessment determined and approved by the council is not paid within ten (10) days after the determination by the council, the delinquent account shall be submitted to the county assessor for inclusion as a special assessment against the parcel. The assessment shall be collected at the same time and in the same manner as county taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection and enforcement of county taxes shall be applicable to such special assessment.

7. The membership in terms of the administrative appeals board shall be established by resolution of the city council.

B. Alternative Billing Procedures--Payment by Tenant. Upon the written application of the owner of any premises, filed on a form supplied by the city manager or his designee, the city may bill the occupant of the premises where the occupant is other than the owner. In such case, it shall not be necessary to send a separate bill to the owner. The owner shall continue to be responsible for the payment of such bills even though no bill has been received, and delinquent accounts will still result in penalties and establishment of a lien against the property pursuant to the provisions of subsection (A) of this section.

1. The application shall set forth the address of the property, the name of the occupant, and the name

and address of the owner, and shall include a statement signed by the owner acknowledging continuing responsibility for payment of such bills in the event that the occupant fails to make timely payment in full.

2. The city manager shall approve such application unless there is at the time an unpaid balance due and owing on the account of the subject premises.

3. An application, once approved, shall remain in effect until such time as:

a. The owner withdraws the application; or

b. Ownership of the property is transferred, in which case the new owner may submit a new application; or

c. It is determined that the application included false or misleading information; or

d. The account is delinquent for two consecutive quarters, in which case the city manager shall not approve a new application for a period of one year after the date of revocation of the application.

4. If an occupant fails to pay a service bill, the owner shall be sent a notice indicating that the account is delinquent and a penalty has been assessed against the account pursuant to subsection A of this section.

5. A separate application is required to be filed for each premises for which a separate billing account is maintained.

#### C. Exemptions.

1. Under certain circumstances, residential premises may be granted an exemption from the mandatory provisions set forth herein. If those circumstances exist or if other cause exists to justify an exemption from the mandatory provisions, the owner of such residential premises shall apply to the city manager for an exemption. The following circumstances shall ordinarily constitute the basis for an exemption:

a. Residential premises upon which no habitable structures are located; or

b. Residential premises which will remain unoccupied for at least one full month, including property upon which habitable structures are being constructed or significantly remodeled; or

c. Such other special circumstances as determined by the city manager to warrant the granting of an exemption from the mandatory provisions of this section. In granting such exemption, the city manager shall be governed by written policies which the city council may from time to time adopt, relative to the circumstances under which an exemption may be granted.

2. Any property owner who applies for an exemption from the mandatory collection fee provisions shall provide adequate information supporting such request, and any misstatements or misrepresentations with respect to the justification for such exemption will void the application, if not yet approved, or the

exemption, if already granted, and subject the property owner to a fine in an amount to be established by the city council.

3. An exemption shall be valid only as to a specified service period, and new application must be made for an exemption for any subsequent period. (Ord. 13-1339 §12, 2013; prior code § 27A-8)

#### **8.12.370 Rates.**

The city council may, by resolution, establish rates to be charged to residential householders or owners and to commercial/industrial business owners for the collection of solid waste and recyclables. The city council may, by resolution, establish or adjust the rates charged by those collectors which, upon the effective date of this chapter, are operating in the city pursuant to permits or nonexclusive contract agreements. No collector shall charge any rate or fee which is greater or less than the permissible maximum or minimum rate established by the city council, unless otherwise authorized in this chapter. Every commercial/ industrial business owner and residential householder or owner shall pay the rates established from time to time by the city council for collection services rendered pursuant to this chapter in the manner set forth in Section [8.12.360](#). The city council shall establish such rate categories as may be appropriate for collection services provided by any commercial/industrial collector. (Ord. 95-1132 § 4, 1995: prior code § 27A-8.1)

#### **8.12.380 Residential householder exclusion.**

No provision of this chapter shall prevent residential householders from collecting and disposing of occasional loads of solid waste generated in or on their residential premises, or from composting green waste, or from selling or disposing of recyclables generated in or on their residential premises; provided, however, that no residential householder shall employ or engage any solid waste enterprise, other than the residential collector with a collector agreement, to haul or transport such materials to a transfer station or landfill. (Ord. 95-1132 § 5 (part), 1995: prior code § 27A-9.1)

#### **8.12.390 Gardener's exclusion.**

No provisions of this chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings and similar material not containing other solid waste when incidental to providing such gardening, tree trimming or similar services. (Ord. 95-1132 § 5 (part), 1995: prior code § 27A-9.2)

#### **8.12.400 Commercial/industrial exclusions.**

##### A. Source Separated Recyclables.

1. No provision of this chapter shall prevent a commercial/industrial business owner from selling to a buyer, for a monetary or other valuable consideration, any source separated recyclables, including without limitation, any saleable scrap, discard, reject, by-product, ferrous or non-ferrous metal, wornout or defective part, junk, pallet, packaging material, paper or other similar item generated in, on or by a commercial/industrial premises or business, and no longer useful to such commercial/industrial business but having market value, whether such buyer is a recycler, junk dealer, or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce; provided, however,

that such buyer is not engaged in the business of collecting solid waste for a fee or other charge or consideration, and that no such materials are transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200). "Source separated recyclables," within the meaning of this section, means recyclables separated on the commercial/ industrial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste, and having a market value.

2. No provision of this chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce and which is not engaged in the business of collecting solid waste or providing solid waste collection services for a fee or other charge, or consideration, from buying any materials referenced in this subsection for a monetary or other valuable consideration, and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200); nor shall any provision of this chapter prevent such recycler, junk dealer or enterprise which buys such materials from removing and transporting such materials to a destination for marketing in the stream of commerce. No such buyer shall buy or transport such materials without prior authorization from the city, as required by this code, whether in the form of a business license, a business permit, or a nonexclusive contract agreement.

B. Renovation, Rebuilding, Repairs. No provision of this chapter shall prevent a commercial/ industrial business owner from arranging for any worn, spent or defective equipment, or part thereof, used in such commercial/industrial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to such commercial/ industrial business owner; nor shall any provision of this chapter prevent any person engaged in the business of renovating, rebuilding, recharging, regenerating or otherwise restoring or repairing such equipment or part thereof, from transporting the same from or returning it to the commercial/industrial business, or from removing, transporting or disposing of any such equipment, or part thereof, replaced in connection with an equipment repair or service contract. (Ord. 95-1132 § 5 (part), 1995: prior code § 27A-9.3)

#### **8.12.410 Contractors' exclusions.**

No provision of this chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement or concrete installation from marketing any saleable items salvaged from such demolition or reconstruction, or from causing such salvageable items or demolition waste to be removed and transported from the premises on which such waste is generated, pursuant to the provisions of the demolition or construction contract; provided, however, that if a subcontractor is to be engaged to remove such demolition waste, the exclusive contract collector shall have the right of first refusal to provide such services. If the exclusive contract collector cannot guarantee that such services will be provided within a period of twenty-four (24) hours, then the city manager may authorize the licensed contractor or the owner of the premises to utilize the services of another duly authorized solid waste enterprise. (Ord. 95-1132 § 5 (part), 1995: prior code § 27A-9.4)

#### **8.12.420 Document destruction service.**

No provision of this chapter shall prevent any person engaged in the business of destroying or disposing of secret, confidential or sensitive documents from transporting or disposing of such documents by shredding, lumping, incinerating, or other means, as a part of such document destruction or disposal service. (Ord. 95-1132 § 5 (part), 1995: prior code § 27A-9.5)

## Chapter 8.16 HAZARDOUS MATERIALS

Sections:

- [\*\*8.16.010 Findings.\*\*](#)
- [\*\*8.16.020 Definitions.\*\*](#)
- [\*\*8.16.030 Standards--Administering agency.\*\*](#)
- [\*\*8.16.040 Designation of a hazardous material.\*\*](#)
- [\*\*8.16.050 All users, general information required.\*\*](#)
- [\*\*8.16.060 Users of hazardous materials--Disclosure required.\*\*](#)
- [\*\*8.16.070 Additional times disclosure required.\*\*](#)
- [\*\*8.16.080 Exemptions from disclosure.\*\*](#)
- [\*\*8.16.090 Disclosure of information to the public.\*\*](#)
- [\*\*8.16.100 Persons requesting access to disclosure forms--Record required.\*\*](#)
- [\*\*8.16.110 Information regarding hazardous waste.\*\*](#)
- [\*\*8.16.120 Identification.\*\*](#)
- [\*\*8.16.130 Fees.\*\*](#)
- [\*\*8.16.140 Approved key box location.\*\*](#)
- [\*\*8.16.150 Trade secrets.\*\*](#)
- [\*\*8.16.160 Trade secret information request--User notification.\*\*](#)
- [\*\*8.16.170 Violation--Penalty.\*\*](#)

### **8.16.010 Findings.**

- A. Health Hazards. Hazardous materials and wastes which are present may pose acute and chronic health hazards to individuals who live and work in this city if exposed to such substances as a result of fires, spills, industrial accidents or other types of releases or emissions.
- B. Informing Emergency Personnel. It is imperative that emergency service personnel be informed of the use and dangers of hazardous materials in the community in order to plan for and respond to potential emergencies and exposure to such materials.
- C. Basic Information. Basic information on the location, type and the health risks involved with hazardous materials used or stored in the city is not now available to firefighters, health officials, planners, elected officials and other emergency response personnel.
- D. Disclosure System. The system of disclosure set out in this code is necessary to provide the information required by firefighters, other emergency service personnel, health officials, planners, and elected officials to protect, without abridging the statutory privilege of trade secrecy, the health and welfare of this city.
- E. Addition of Chapter Provisions. It is recognized that the members of the community should be given basic information on the use and disposal of hazardous materials, and the addition of this chapter establishes an orderly system to provide such information. (Prior code §§ 14-1--14-5)

**8.16.020 Definitions.**

As used in this chapter, unless the context otherwise clearly indicates, the words and phrases used are defined as follows:

"Business plan" means the separate plan for each facility, site or branch of a business submitted to the fire department pursuant to Section [8.16.060](#).

"Carcinogen" refers to a substance which causes cancer. For the purposes of this chapter, carcinogens are those substances specified on the list developed by the United States Department of Health and Human Services in its second annual Report on Carcinogens.

"CAS number" means the unique identification number as assigned by the Chemical Abstracts Services to specific chemical substances.

"Chemical name" means the scientific designation of a substance in accordance with the International Union of Pure and Applied Chemistry or the system developed by the Chemical Abstracts Services.

"Common name" means a designation of identification such as a code name, code number or brand name used to identify a substance other than by its chemical name.

"Disclosure form" means the written information submitted to the fire department pursuant to Section [8.16.060\(E\)](#).

"Handle" means to use, generate, process, produce, package, treat, store, emit, discharge or dispose of hazardous material in any fashion.

"Handler" means any business which handles hazardous material.

"Hazardous material" means any substance or product:

1. For which the manufacturer or producer is required to prepare an MSDS for the substance or product pursuant to the Hazardous Substances Information and Training Act (Chapter 2.5, Part 1 of Division 5 of the California Labor Code commencing with Section 6360) or pursuant to any applicable federal law or regulation; or
2. Listed in California Health and Safety Code Section 25316; or
3. Which is listed as a radioactive material set forth in Chapter 1, Title 10, Appendix B, maintained and upgraded by the Nuclear Regulatory Commission; or
4. Which is listed as a legal carcinogen in Title 8, Subchapter 7, Group 16 of the California Administrative Code; or
5. Which the director of the Department of Food and Agriculture classifies as a pesticide; or

6. Which the Environmental Protection Agency classifies as a priority organic pollutant.

"Hazardous waste or extremely hazardous waste" means any material that is identified in:

1. California Health and Safety Code, Sections 25115 and 25117, and Title 22 of the California Administrative Code, Sections 66680 and 66684; or
2. The Code of Federal Regulations, Title 40, Sections 261.31 through 261.33.

"Health official" means the health officer of the county of Los Angeles or his deputy.

"MSDS" means a material safety data sheet prepared pursuant to California Labor Code, Section 6390 or pursuant to the regulations of the Occupational Safety and Health Administration of the United States Department of Labor.

"Physician" means any person who holds a valid certificate from the state of California to practice the healing arts.

"SIC code" means the identification number assigned by the Standard Industrial Classification Code to specific types of businesses.

"Storage or storing" means the containment of substances or materials in a manner which does not constitute disposal of such substances or materials.

"Use" includes the handling, processing or storage of a hazardous substance.

"User" means any individual, person, trust, firm, joint stock company, corporation, partnership, association, city, county, district and the state, or any department or agency thereof engaged in any activity involving the use or handling of a hazardous substance or waste. (Prior code § 14-6)

#### **8.16.030 Standards--administering agency.**

There is adopted by reference Chapter 6.95 of Division 20 of the California Health and Safety Code, commencing with Section 25500, establishing minimum statewide standards for business and area plans relating to the handling and release or threatened release of hazardous materials. The fire department of the city shall be the administering agency for the provisions of this chapter, and all other applicable statutes promulgated by the federal government or the state of California. When deemed necessary by the director of public safety, or fire chief, the city may adopt and enforce more restrictive regulations for the protection of its inhabitants. (Prior code § 14-7)

#### **8.16.040 Designation of a hazardous material.**

Any material may be added to the list of hazardous materials defined in Section [8.16.020](#) upon a finding by the director of public safety, the fire chief, or his authorized representative that the material, because of its quantity, concentration, physical or chemical characteristics, poses a significant present or potential hazard to human health and safety or to the environment if released. A material added to the list of hazardous

materials, pursuant to this article, shall be designated as either a hazardous material or waste. The director of public safety, the fire chief, or his authorized representative may use the Uniform Fire Code, Section 80 entitled "Hazardous Materials" as well as any other nationally recognized reference material to assist him in requiring types and amounts of hazardous materials to be disclosed. (Prior code § 14-8)

**8.16.050 All users, general information required.**

Upon request, all users shall provide the following information:

- A. Any information deemed necessary by the fire department for protection of the public health, safety or environment; and
- B. Any information requested by a physician in order to treat a patient. (Prior code § 14-9)

**8.16.060 Users of hazardous materials--disclosure required.**

- A. All users shall submit during the month of January of each year a completed disclosure form to the Hermosa Beach fire department.
- B. Any person who, for the first time during any calendar year, becomes a user or handler of any hazardous material, shall submit a completed disclosure form to the fire department within thirty (30) days of becoming a user or handler. Thereafter, said user shall comply with the provisions of subsection A of this section.
- C. The information required to be disclosed by the fire department shall include, but not be limited to, the following:
  1. A copy of the MSDS for every hazardous material used;
  2. CAS number;
  3. SIC code;
  4. United Nations identification number;
  5. A list of the chemical names and any common names of every hazardous material used;
  6. The maximum amount each hazardous material is handled or used at any one time over the course of the year;
  7. Specific information as to how and where hazardous materials are handled or used in order to allow fire and safety personnel to prepare adequate emergency response plans for the potential release of such hazardous materials. Clear and legible diagrams and annotated site maps for this purpose;
  8. The name, title and twenty-four (24) hour telephone number of a contact person, and an alternate, representing the business who can provide technical information and assistance in the event of a release or a threatened release of hazardous materials. The contact person shall have full facility access, site familiarity, and authority to make decisions for the business regarding incident mitigation, in conjunction

with the fire department;

9. An emergency response plan for a release or threatened release of a hazardous material;
10. The characteristics of all hazardous material disclosed including, but not limited to, the degree such material may be toxic, flammable, reactive and corrosive. (Prior code § 14-10)

**8.16.070 Additional times disclosure required.**

The fire department, when deemed necessary, may give written notice to users and handlers of the need for furnishing disclosure information within thirty (30) days of any:

- A. Significant change in the use or handling of a hazardous material; or
- B. New use or handling of a previously undisclosed hazardous material; or
- C. Change of business address; or
- D. Change of business ownership; or
- E. Change of business name; or
- F. Closure of business.

Any user who has previously filed a disclosure form pursuant to Section [8.16.060](#) shall submit to the fire department a new disclosure form containing the information required by this chapter. (Prior code § 14-11)

**8.16.080 Exemptions from disclosure.**

The following materials, persons or entities shall be exempt from the disclosure requirements of this chapter:

- A. Hazardous materials or substances contained in food, drug, cosmetic or tobacco products;
- B. Any person using or handling less than five hundred (500) pounds, fifty-five (55) gallons, or two hundred (200) cubic feet of standard temperature and pressure for compressed gas, whichever is the lesser, of a hazardous material per year shall not be required to disclose such use or handling unless the director of public safety, the fire chief, or his authorized representative has given written notice that the weight or volume limits placed on a specified hazardous material have been lowered because of public health concerns, or to meet the intent and requirement of Section 80 of the Uniform Fire Code;
- C. Any person, while engaged in the transportation of hazardous materials, including storage directly incidental thereto, provided that such materials are accompanied by shipping papers prepared in accordance with the provisions of 49 Code of Federal Regulations, Subchapter C;
- D. No MSDS shall be required for any hazardous material if such information is not available at the time disclosure is required; provided, however, that an MSDS shall be submitted to the fire department within fifteen (15) days after receipt by the user. (Prior code § 14-12)

**8.16.090 Disclosure of information to the public.**

The fire department shall maintain files of all disclosure forms received, and subject to the provisions of Section [8.16.150](#) relating to trade secrets, these files shall be open to the public during normal business hours. (Prior code § 14-13)

**8.16.100 Persons requesting access to disclosure forms--record required.**

A record of all persons who request access to the hazardous materials disclosure forms shall be kept. Such record shall include:

- A. Name, address and telephone number of person(s) requesting access, type of identification used for verification of identity (i.e. CDL, picture ID);
- B. Name and address of the person, business or governmental agency such person represents;
- C. Identification of the specific file(s) examined or requested to be copied;
- D. Reason why person has requested such information. (Prior code § 14-14)

**8.16.110 Information regarding hazardous waste.**

Upon request, the health officer will make available to the fire department and emergency response personnel information regarding hazardous wastes, extremely hazardous wastes, and underground tanks, when such information has been obtained. (Prior code § 14-15)

**8.16.120 Identification.**

When required by the director of public safety, or the fire chief, areas containing hazardous materials shall be identified. Such identification may include signs, color coding, posting lists of materials and material safety data sheets, or other notice deemed necessary. (Prior code § 14-16)

**8.16.130 Fees.**

A. A fee to defray the cost of implementing and maintaining the hazardous materials program shall be set by resolution of the city council.

B. Any user who fails to file a business plan within the times specified in Section [8.16.060](#) shall pay a late filing fee, established by resolution of the city council. Such late filing fee shall be in addition to other regularly assessed fees, and shall be submitted with the business plan.

C. A fee to defray the cost of providing disclosure information to a requesting individual, business or governmental agency shall be set by resolution of the city council. (Prior code § 14-17)

**8.16.140 Approved key box location.**

When required by the director of public safety, the fire chief, or his authorized representative, any user submitting a disclosure form may be required to install an approved key box for emergency utilization of MSDS, floor plans, site plans and access keys. The location of such key box shall be approved by the fire department. (Prior code § 14-18)

**8.16.150 Trade secrets.**

A user may designate some or all of the information on the disclosure form as a trade secret. As used herein, trade secret shall have the meaning given it by California Government Code, Section 6254.7 and California Evidence Code. Section 1060. Any information designated as a trade secret on the disclosure form, or otherwise obtained by the fire department or any of its employees, shall not be disclosed to anyone except:

- A. To an officer or employee of the city, county of Los Angeles, the state of California, or the United States of America, in connection with the official duties of such officer or employee under any law for the protection of health;
- B. To any persons under contract with the city and their employees if, in the opinion of the director of public safety or the fire chief, such disclosure is necessary and required for the satisfactory performance of a work contract;
- C. To any physician when such information is deemed necessary to treat a patient.

For the purpose of this chapter, fire and emergency response personnel and county health personnel operating within the jurisdiction of the city shall be considered employees of the city. (Prior code § 14-19)

**8.16.160 Trade secret information request--user notification.**

When the fire department receives a request for release of information to the public, and the fire department has been notified by the user that such information is a trade secret, the fire department shall give the user written notice by certified mail of such request. The fire department shall release the information thirty (30) days after the date of mailing said notice unless prior to the expiration of the thirty (30) days, the fire department is informed that the user has instituted an action in a court of competent jurisdiction for declaratory relief that said information is subject to protection or has obtained an injunction to prohibit disclosure of such information to the general public. The provision of this section shall not permit a user to refuse to disclose information required to be disclosed under the provisions of this chapter. (Prior code § 14-20)

**8.16.170 Violation--penalty.**

- A. Any officer or employee of the city, or former officer or employee, who by virtue of such employment or official position, has obtained possession of or has access to information, the disclosure of which is prohibited by this chapter, and who wilfully discloses the information in any manner to any person not entitled to receive it, shall be guilty of a misdemeanor, and shall be subject to the provisions contained in subsection D of this section.
- B. For the purposes of determining a violation, a contractor and any employee of such contractor who has been furnished information pursuant to the provisions of this chapter shall be deemed an employee of the city, and who knowingly and wilfully discloses such information, shall be guilty of a misdemeanor, and shall be subject to the provisions contained in subsection D of this section.

C. Any physician who has been furnished information or who has obtained information pursuant to Section [8.16.150](#) and who, knowing that the disclosure of the information is prohibited, knowingly and wilfully discloses the information, shall be guilty of a misdemeanor, and shall be subject to the provisions contained in subsection D of this section, unless such disclosure is necessary for the treatment of a patient or for the health and safety of the public.

D. Any person who violates or wilfully fails to comply with any provision of this chapter is guilty of a misdemeanor, and who upon conviction thereof shall be punished by a fine not to exceed five hundred dollars (\$500.00) or by imprisonment in the county jail for a period of up to six months, or both such fine and imprisonment, and each person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued, or permitted. (Prior code § 14-21)

## Chapter 8.20 MOBILE SOURCE AIR POLLUTION REDUCTION PROGRAM

Sections:

- [\*\*8.20.010 Intent.\*\*](#)
- [\*\*8.20.020 Definitions.\*\*](#)
- [\*\*8.20.030 Administration of vehicle registration fee.\*\*](#)
- [\*\*8.20.040 Legal construction.\*\*](#)

### **8.20.010 Intent.**

This chapter is intended to support the SCAQMD's imposition of the vehicle registration fee and to bring the city into compliance with the requirements set forth in Section 44243 of the Health and Safety Code in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles. (Prior code § 2-150)

### **8.20.020 Definitions.**

As applied in this chapter, the following words and terms shall be defined as follows:

"City" means the city of Hermosa Beach.

"Fee administrator" means the finance director of the city or his designee.

"Mobile source air pollution reduction programs" means any program or project implemented by the city to reduce air pollution from motor vehicles which it determines will be consistent with the California Clean Air Act of 1988 or the plan proposed pursuant to Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the California Health and Safety Code. (Prior code § 2-151)

### **8.20.030 Administration of vehicle registration fee.**

A. Receipt of Fee. The additional vehicle registration fees disbursed by the SCAQMD and remitted to the city, pursuant to this article, shall be accepted by the fee administrator.

B. Establishment of Air Quality Improvement Trust Fund. The fee administrator shall establish a separate interest-bearing trust fund account in a financial institution authorized to receive deposits of city funds.

C. Transfer of Funds. Upon receipt of vehicle registration fees, the fee administrator shall deposit such funds into the separate account established pursuant to subsection B of this section. All interest earned by the trust fund account shall be credited only to that account.

D. Expenditure of Air Quality Trust Fund Revenues. All revenues received from the SCAQMD and deposited in the trust fund account shall be exclusively expended on mobile source emission reduction programs as defined in Section [8.20.020](#). Such revenues and any interest earned on the revenues shall be expended within one year of the completion of the programs.

E. Audits. The city consents to an audit of all programs and projects funded by vehicle registration fee

revenues received from the SCAQMD pursuant to Section 44223 of the Health and Safety Code. The audit shall be conducted by an independent auditor selected by the SCAQMD as provided in Sections 44244 and 44244.1(a) of the Health and Safety Code. (Prior code § 2-152)

**8.20.040 Legal construction.**

The provisions of this chapter shall be construed as necessary to effectively carry out its purposes, which are found and declared to be in furtherance of the public health, safety, welfare and convenience. (Prior code § 2-153)

## Chapter 8.24 NOISE CONTROL

Sections:

- [\*\*8.24.010 Purpose and findings.\*\*](#)
- [\*\*8.24.020 Definitions.\*\*](#)
- [\*\*8.24.030 Prohibited noises--General standard.\*\*](#)
- [\*\*8.24.040 Specific prohibited noises.\*\*](#)
- [\*\*8.24.045 Amplified music on Pier Plaza.\*\*](#)
- [\*\*8.24.050 Construction.\*\*](#)
- [\*\*8.24.060 Use of sound amplification equipment on public property.\*\*](#)
- [\*\*8.24.070 Loud parties or gatherings.\*\*](#)
- [\*\*8.24.080 Barking dogs and other animal noises.\*\*](#)
- [\*\*8.24.090 Exemptions.\*\*](#)
- [\*\*8.24.100 Violations--Penalty.\*\*](#)
- [\*\*8.24.110 Enforcement.\*\*](#)
- [\*\*8.24.120 Additional remedies.\*\*](#)

### **8.24.010 Purpose and findings.**

The city is a densely developed community. Residential dwelling units are located in close proximity to one another and commercial activities often adjoin residential housing. This pattern of land use development makes it almost inevitable that everyday noise will be audible to one degree or another. The purpose of this chapter is to strike a balance between normal, everyday noises that are unavoidable in an urban environment and those noises that are so excessive and annoying that they must be curtailed in order to protect the comfort and tranquility of all persons who live and work in the city. (Ord. 07-1285 §1, 2007)

### **8.24.020 Definitions.**

The following words, phrases and terms as used in this chapter shall have the meanings indicated as follows:

"City manager" shall mean the city manager of the city of Hermosa Beach or the city manager's designee.

"Commercial purpose" means and includes the operation of a business for profit involving the sale or advertising of goods or services.

"Construction" shall mean any site preparation, assembly, erection, substantial repair, alteration or similar action on public or private property.

"Emergency machinery, vehicle or alarm" shall mean any machinery, vehicle or alarm used, employed, performed or operated in response to an emergency, including but not limited to work by private or public utilities when restoring utility service.

"Emergency work" shall mean any work performed for the purpose of preventing or alleviating the

physical trauma or property damage threatened or caused by an emergency, including but not limited to work by private or public utilities when restoring utility services.

"Motor vehicles" shall include any and all self-propelled vehicles as defined in the California Motor Vehicle Code, including all on-highway type motor vehicles subject to registration under this Code, all off-highway type motor vehicles subject to identification under said code and mini-bikes, motorized scooters and go-carts.

"Noncommercial purpose" means the use, operation or maintenance of any sound equipment for other than a commercial purpose. "Noncommercial purpose" shall mean and include personal, philanthropic, political and charitable purposes.

"Person" means a person, firm, association, co-partnership, joint venture, corporation or any entity, public or private in nature.

"Police chief" means the police chief of the city of Hermosa Beach or his or her designee.

"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound. Sound amplifying equipment shall not include standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed. Sound amplifying equipment as used in this chapter shall not include warning devices on authorized emergency vehicles, or horns or other warning devices on any vehicles used only for traffic safety purposes.

"Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

"Weekday" shall mean any day, Monday through Friday, which is not a legal holiday. (Ord. 00-1209, §3, 2000)

#### **8.24.030 Prohibited noises--General standard.**

Unless otherwise permitted in this chapter, no person shall make, permit to be made or cause to suffer any noises, sounds or vibrations that in view of the totality of the circumstances are so loud, prolonged and harsh as to be physically annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity. When considering whether a noise, sound or vibration is unreasonable within the meaning of this section, the following factors shall be taken into consideration:

- A. The volume and intensity of the noise, particularly as it is experienced within a residence or place of business;
- B. Whether the noise is prolonged and continuous;
- C. How the noise contrasts with the ambient noise level;

- D. The proximity of the noise source to residential and commercial uses;
- E. The time of day; and
- F. The anticipated duration of the noise. (Ord. 07-1285 §2, 2007)

**8.24.040 Specific prohibited noises.**

Notwithstanding any other provisions of this chapter, the following acts and the causing or permitting thereof, are declared and deemed to be in violation of this chapter:

- A. Placement of Stereo Speakers. The amplification of music or any other sound on private property, through speakers located either (1) outdoors, or (2) in one (1) or more windows or doorways, when such speakers are directed towards, and such music is plainly audible on, an immediately adjacent public right-of-way.
- B. Band or Orchestral Rehearsals. The conducting of or carrying on, or allowing the conducting or carrying on, of band or orchestral concerts or rehearsals or practices between the hours of 10:00 p.m. and 8:00 a.m. sufficiently loudly as to be plainly audible at the property line of the property from which the sound is emanating.
- C. Engines, Motors and Mechanical Devices Near Residential District. The sustained, continuous or repeated operation or use between the hours of 10:00 p.m. and 8:00 a.m. of any motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine, contrivance, or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at the property line of the property from which the sound is emanating.
- D. Motor Vehicles. Racing the engine of any motor vehicle or needlessly bringing a motor vehicle to a sudden start or stop.
- E. Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of 10:00 p.m. and 8:00 a.m. in such a manner as to cause noise disturbance, except for solid waste collection by a franchised collector.
- F. Non-Emergency Signaling Devices. Sounding or permitting the sounding of any electronically amplified signal from any bell, chime, siren, whistle or similar device, intended primarily for non-emergency purposes, from any place between the hours of 10:00 p.m. and 8:00 a.m., and in no event for more than ten (10) consecutive seconds in any hourly period outside those hours.
- G. Emergency Signaling Devices.
  - 1. The intentional sounding, or permitting the sounding, outdoors, of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle or similar emergency signaling device, provided, however, that testing of an emergency signaling device is permitted between the hours of 10:00 a.m. and

8:00 p.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty (60) seconds. Testing of the emergency signaling system shall not occur more than once in each calendar month.

2. Sounding or permitting the sounding of any exterior burglar or fire alarm unless such alarm is terminated within fifteen (15) minutes of activation.
3. Sounding or permitting the sounding of any motor vehicle alarm unless such alarm is terminated within five (5) minutes of activation.
4. Sounding or permitting the sounding of any motor vehicle alarm more than three (3) times of any duration in any twenty-four (24) hour period.

H. Leaf Blowers. The use or operation or allowing the use or operation of any portable machine powered with a combustion, gasoline or electric powered engine used to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces. (Ord.01-1213 §1, Feb. 2001)

I. Commercial establishments adjacent to residential property. Notwithstanding any provision of this code to the contrary, continuous, repeated or sustained noise from the premises of any commercial establishment which is adjacent to one or more residential dwelling units, including any outdoor area part of or under the control of the establishment, between the hours of 10:00 p.m. and 8:00 a.m. that is plainly audible from the residential dwelling unit's property line. (Ord. 00-1209, §3, 12-12-00)

J. Commercial establishments on Pier Plaza. property. Sustained amplified music from the premises of any commercial establishment on Pier Plaza that is plainly audible eighty (80) feet from the property line of the establishment. (Ord. 05-1251,§1,6/2005.

#### **8.24.045 Amplified music on Pier Plaza.**

All exterior doors and windows of a business establishment located on Pier Plaza shall be closed while amplified music is being played in the establishment. (Ord.05-1251 §2, 6/2005.

#### **8.24.050 Construction.**

A. Permissible hours of construction.

All construction shall be conducted between the hours of 8:00 a.m. and 6:00 p.m., Monday through Friday (except national holidays), and 9:00 a.m. and 5:00 p.m. Saturdays. Construction activity is prohibited at all other hours and on Sundays and national holidays. For purposes of this section, "construction" or "construction activity" shall include site preparation, demolition, grading, excavation, and the erection, improvement, remodeling or repair of structures, including operation of equipment or machinery and the delivery of materials associated with those activities.

B. Special circumstances. The building official may grant an exception to the provisions of this section in accordance with the procedures set forth below. Upon receipt of an application in writing therefore stating the

reasons for the request and the facts upon which such reasons are based, the building official may grant such permission if he or she finds that:

1. The work proposed to be done is in the public interest; or
2. Unusual hardship, injustice or unreasonable delay would result from adherence to the hours and days specified above.

Any person dissatisfied with the decision of the building official may forthwith appeal to the city council.

Construction, repair or excavation which qualifies as emergency work and which must be accomplished during prohibited hours during such hours as the offices of the city are closed or where such necessity requires immediate action prior to the time at which it would be possible to obtain the building official approval, may be performed provided that the persons doing such construction, repair or excavation obtain a permit therefor within one day after the office of the building official is first opened subsequent to the making of such construction, repair or excavation.

C. Utilities exemption. The provisions of this section do not apply to construction, repair or excavation by a public utility which is subject to the jurisdiction of the Public Utilities Commission and where such work is necessary for the immediate preservation of the public health, safety, or welfare and where such necessity makes it necessary to construct, repair or excavate during the prohibited hours.

D. City exemption. The provisions of this section do not apply to public works which are authorized by the City.

E. Owner exemption. Notwithstanding the provisions of Subsection A of this section, a property owner may engage in construction activity on his or her own property on Sundays and national holidays between the hours of 10:00 a.m. and 2:00 p.m. (Ord. 02-1223 §2, Oct. 2002)

#### **8.24.060 Use of sound amplification equipment on public property.**

A. Application required. It is unlawful for any person, other than personnel of law enforcement and government agencies, to install, use or operate within the city a loudspeaker or sound amplifying equipment in a fixed or movable position or mounted upon any sound truck for the purpose of giving instructions, directions, talks, addresses, lectures or transmitting music to any persons or assemblages of persons in or upon any street, alley, sidewalk, park, place or public property without first filing an application and obtaining a permit therefore as set forth in the following paragraphs.

B. Filing application. Every user of sound amplifying equipment shall file an application with the Chief of Police at least ten (10) days prior to each date or each consecutive number of days on which the sound amplifying equipment is intended to be used. The application shall contain the following information:

1. The name, address and telephone number of both the owner and responsible party for the property where the sound amplifying equipment shall be used;

2. The address where the sound amplifying equipment will be used;
3. The date(s) and day(s) on which the sound amplifying equipment will be used;
4. The times when the sound amplifying equipment will be used;
5. The type of activity and the estimated number of persons who will attend;
6. A general description of the sound amplifying equipment which is to be used;
7. Whether the sound amplifying equipment will be used for commercial or noncommercial purposes;
8. Other information deemed necessary by the Chief of Police or his designee to determine the levels, location and duration of the use of sound amplifying equipment.

C. Approval of permit. The Chief of Police shall approve the application unless he or she finds that:

1. The conditions of motor vehicle or pedestrian movement are such that use of the equipment would constitute a detriment to traffic safety; or
2. The issuance of the permit would be otherwise detrimental to the public health, safety or welfare; or
3. The issuance of the permit will substantially interfere with the peace and quiet of the neighborhood or the community; or
4. The applicant would violate the provisions of this code or of any other law.

D. Conditions of approval. The Chief of Police may impose such conditions on the operation to be conducted under the permit as he or she may deem necessary or proper to ensure that the city's noise regulations are followed and that the operation of the sound equipment will not invade the privacy of others. There shall be no conditions placed on any permittee as to the type of message or the content of the communication proposed to be amplified.

E. Appeals. Any person aggrieved by disapproval of an application may appeal to the city council within ten (10) calendar days from the date of notification of decision.

F. Permit fee. Prior to the issuance of the permit, a permit fee in an amount fixed by resolution of the City Council per day, or any portion thereof, shall be paid to the City. No fee shall be paid by any nonprofit organization. (Ord. 00-1209, §3, 12-12-00)

#### **8.24.070 Loud parties or gatherings.**

The following provisions apply to any party or other gathering of people on private property that is determined by a law enforcement officer at the scene to constitute a threat to public peace, health and safety or a violation of this Code or State law due to the magnitude of the crowd, the volume of noise, the level of disturbance to the surrounding neighborhood, unruly behavior, excessive traffic or destruction of property

generated by the party or gathering. The provisions of this section are inapplicable to a party or gathering authorized by a permit issued pursuant to Section [9.28.020](#). (Ord. 07-1285, §3, Aug. 2007)

A. The law enforcement officer at the scene shall take such actions and give such direction as is necessary to abate the violation or condition, and shall advise the responsible person orally and in writing that if additional law enforcement personnel or emergency service providers are called upon to respond on behalf of the city to abate the condition, the responsible person and the owner or occupant of the property shall be held liable for the cost to the city of providing such services. Such direction and advice shall be given to the person responsible for the party or gathering or to the owner or occupant of the property involved. If the condition is not voluntarily abated and if additional law enforcement personnel or emergency service providers are called upon to respond on behalf of the city in order to disperse the party or gathering, quell any disturbance, direct traffic, cite illegally parked vehicles or otherwise respond, then the cost to the city of such additional services shall be reimbursed to the city as provided in subsection 2. of this section.

B. The person or persons responsible for a party or gathering described in subsection (1) of this section, or the owner or occupant of the property on which the party or gathering is held, or, if any such person is a minor, the parents or legal guardian of the minor shall be jointly and severally liable for the following costs incurred by the city:

- (1) The actual cost to the city of law enforcement services and emergency services, excluding the initial response provided by a law enforcement officer, in order to abate any of the conditions described in subsection 1. of this section;
- (2) Damage to public property resulting from such law enforcement or emergency response; and
- (3) Injuries to any law enforcement or emergency service personnel involved in such law enforcement or emergency response.

C. The City Manager or his or her designee shall calculate all such costs. The person or persons specified above in subsection 2. of this section shall be billed by the City Manager or his or her designee for the total cost, and payment shall be due and payable within fifteen (15) days of the billing date. If the amount due is not paid, the city may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all applicable provisions of law. (Ord. 00-1209, §3, 12-12-00)

#### **8.24.080 Barking dogs and other animal noises.**

A. Barking dogs and other noisy animals. It is unlawful to keep, maintain, or cause or permit to be kept or maintained upon any premises in the city, or to permit or allow to be running at large, any dog or other animal which repeatedly barks, howls, whines, crows, or makes loud or unusual noises in such a manner as to either disturb the peace and quiet or interfere with the comfortable enjoyment of life and property of any person or persons. The owner or other person in control or custody of the dog or other animal in violation of this Section may be cited by a law enforcement officer at the scene upon a determination of a violation of this subsection A.

B. Evidence of a barking dog or other noisy animal. In making a determination whether a violation of subsection (A) of this section has occurred, evidence of the following shall be considered:

1. The nature, volume and frequency of the barking or other noise;
2. The time or times of day when the noise is heard by the complaining parties;
3. The apparent reasons or provocations for the dog or other animal to emit the noise, if any;
4. The location or locations on the property where the dog or other animal is kept;
5. The manner in which the dog or other animal is kept;
6. The number of persons complaining about the barking or other noise;
7. Any other relevant evidence concerning the alleged barking dog or other noisy animal problem.

C. Disposition of Barking Dog or Other Noisy Animal. Enforcement of this section may be initiated by issuance of a citation by a law enforcement officer or by way of complaint from any person alleging a violation of this section. Prior to commencing a prosecution for violation of this section, the city prosecutor may refer the affected parties to dispute resolution and/or afford the owner of the dog or other animal a reasonable opportunity to take one (1) or more of the following actions to abate the noise:

1. Train or retrain the dog or other animal to cease creating a violation;
2. Keep the dog or other animal indoors during specified hours, or other similar measures be taken, to eliminate the violation; or
3. Remove the dog or other animal from the city permanently, or for a specified period of time after which time the animal may be returned as long as steps have been taken such that the violation will not recur.

D. Recovery of Law Enforcement Costs. The animal owner or custodian who has received one (1) citation pursuant to this section after having been given a reasonable opportunity to abate the noise pursuant to subsection (C) of this section shall be liable for the following costs incurred by the city:

1. The actual cost to the city of law enforcement services responding to any subsequent calls complaining of a violation of this section;
2. Injuries to any city personnel or law enforcement officers responding to any such calls.

The police department shall accurately compute the cost of providing such services in accordance with the schedule of rates and charges for personnel and equipment contained in the law enforcement services agreement and advise the city manager of such costs as well as any other costs of injuries to personnel resulting from the law enforcement response. The city manager shall bill said costs to the animal owner or custodian. Payment shall be due and payable within thirty (30) days of the billing date. If the amount due is not

paid, the city may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all applicable provisions of law.

E. The remedies set forth in this section are not exclusive and may be used in addition to those set forth elsewhere in this Code or by law. (Ord. 00-1209 §3, 2000)

#### **8.24.090 Exemptions.**

The following activities shall be exempt from the provisions of this chapter:

A. Emergency Exemption. The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work. For the purposes of this section, "emergency" means a condition that constitutes an immediate threat to public safety, health or welfare or to property.

B. Warning Devices. Warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens and train horns.

C. Outdoor Activities. Activities conducted on public playgrounds, fully licensed and approved child day care facilities within residential areas as permitted by law, and public or private school grounds, including but not limited to school athletic and school entertainment events.

D. Outdoor Gatherings, Public Dances, Shows and Sporting Events. Provided the events are conducted pursuant to a permit issued by the city manager. (Ord. 00-1209, §3, 2000)

#### **8.24.100 Violations--Penalty.**

Violations of the provisions of this chapter shall be a misdemeanor enforceable as provided in Chapter [1.04](#). (Ord. 14-1348 §6, 2014: Ord. 07-1281, 2007)

#### **8.24.110 Enforcement.**

Nothing in this chapter shall preclude the city manager from seeking to obtain voluntary compliance by way of warning, notice or informational materials. (Ord. 00-1209, §3, 2000)

#### **8.24.120 Additional remedies.**

A. Motor Vehicle Alarms--Deactivation. In addition to the remedies set forth in this chapter, the police department may undertake such procedures as are reasonably necessary to deactivate a motor vehicle alarm generating noise in violation of this chapter. If the police department is unable to deactivate the alarm, the law enforcement officer may cause the motor vehicle to be removed according to the procedure set forth in Section 22651.5 of the California Vehicle Code.

B. Motor Vehicle--Removal. Any costs associated with the removal or storage of a motor vehicle pursuant to subsection (A) of this section and any costs incurred by the city in connection therewith shall be paid by the registered owner of the motor vehicle.

C. Operation or Maintenance of Other Machinery. The operation or maintenance of any device, instrument,

equipment, vehicle or machinery in violation of any provisions of this chapter, and persistent animal noise in violation of this chapter, shall be deemed and is declared to be a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction. (Ord. 00-1209, §3, 2000)

## Chapter 8.28 NUISANCES

Sections:

- [\*\*8.28.010 Purposes of chapter.\*\*](#)
- [\*\*8.28.020 Enumeration of nuisances.\*\*](#)
- [\*\*8.28.030 Nuisances generally.\*\*](#)
- [\*\*8.28.040 \(repealed--Ord. 00-1209\)\*\*](#)
- [\*\*8.28.050 Applicability of chapter.\*\*](#)
- [\*\*8.28.060 Permits generally.\*\*](#)
- [\*\*8.28.070 Abatement procedure.\*\*](#)
- [\*\*8.28.080 Recovery of nuisance abatement costs.\*\*](#)
- [\*\*8.28.090 Failure to report.\*\*](#)
- [\*\*8.28.100 Summary abatement by city official.\*\*](#)
- [\*\*8.28.110 Other remedies \(Nuisances\)\*\*](#)

### **8.28.010 Purposes of chapter.**

The intent of the city council in adopting this chapter and the purpose thereof is to protect the inhabitants of the city against all forms of nuisances, public or private, not specifically prohibited by state law, growing out of any action, activity, condition, circumstances or situation permitted to exist within the city and caused or produced by any person, beast or fowl, reptile or insect, or by any mechanical or other contrivance, and which is injurious to health, or detrimental to the public safety, morals or general welfare, or is indecent, or offensive to the senses or an obstruction to the free use of property to such an extent as to interfere with the comfortable enjoyment or life or property by the entire community or neighborhood, or by any considerable number of persons. (Prior code § 20-1)

### **8.28.020 Enumeration of nuisances.**

The following are expressly declared to be nuisances, and any person maintaining or permitting such nuisances or any of them to be maintained or to exist on his premises whether as owner, lessee or otherwise, shall be guilty of a misdemeanor punishable as hereinafter provided and each and every day in which the nuisance shall be permitted to be continued shall constitute a separate offense:

#### A. Nuisances affecting public safety:

1. Keeping Reptiles or Insects. Keeping or maintaining snakes or other reptiles, or bees or other insects within the city, unless a permit therefor has been obtained from the city council, on application regularly filed, setting forth the location and manner in which such reptiles or insects are to be kept.

#### B. Nuisances affecting health:

1. Foodstuffs or Materials Dangerous to Public Health. The keeping or maintaining of decayed or unwholesome food, sold or offered for sale to the public; or the accumulations of manure, rubbish or debris or animal or vegetable matter of any kind or character from which foul smells or odors emanate or

which provide or are likely to provide a breeding place for vermin, insects or rodents of any kind; or the pollution of any well, cistern, stream, creek or other body of water, by sewage, industrial wastes or other substances, which are or may reasonably be expected to become detrimental to the public health, or the keeping or maintaining or permitting to be kept or accumulated on any private property, ponds or pools of stagnant or waste water, oil or industrial wastes, or permitting or allowing of noxious weeds and other rank growth or vegetation on private property; or the production of dense smoke, noxious fumes, gas, soot, cinders or smog by any commercial manufacturing or industrial or other organizations, through furnaces or other facilities utilized by such industrial or manufacturing plant or other operation, when such smoke, noxious fumes, gas, soot, cinders or smog are in such quantities as are in excess of the amount necessary in the reasonable operation of such plants, or the production by any person or persons through any means, of dense smoke, noxious fumes, gas, soot, cinders, smog or other obnoxious substances which are or may reasonably be expected to become detrimental to the public health or which unnecessarily interfere with the health, comfort or safety of any person.

2. Unhealthy Occupancy or Use. Notwithstanding any other provisions of city or state codes, the occupancy or use of any premises, commercial or residential, in such numbers or manner as to constitute an unhealthy environment.

3. Actions Damaging the Use or Enjoyment of Property. Harboring or permitting any premises or permitting individuals or groups using or visiting such premises in a manner which adversely affects the use or enjoyment of surrounding properties or uses thereof.

4. Maintaining Premises Detrimental to Property of Others. Maintaining any condition of premises which is detrimental to the property of others, including, but not limited to, keeping or depositing on the premises, or scattering over the premises, any of the following:

a. Lumber, junk, trash, debris or an accumulation of substantial quantities of loose earth, rocks or pieces of concrete;

b. Abandoned, discarded, unused or deteriorating materials, objects or equipment, such as furniture, bedding, machinery, packing boxes, cans or containers;

c. Stagnant water, untilled excavations, any earth or sand which has eroded and sloughs onto an adjoining sidewalk or street;

d. Any fence, structure or vegetation which is unsightly by reason of its condition or its inappropriate location;

e. Abandoned, wrecked, dismantled or inoperative vehicles, or parts thereof, including automobiles, trucks, motorcycles, bicycles, boats, trailers or similar vehicles; or

f. Barbed-wire fences or limbs of trees, shrubs, hedges or vegetable growth so situated or located as to endanger persons traversing streets or sidewalks in the immediate area thereof.

"Premises," as used herein, means and includes real property, landscaping, plantings, trees, bushes, fences, buildings, structures, improvements, fixtures and the exterior storage of personal property, equipment, supplies or vehicles. (Ord. 96-1150 § 3, 1996; prior code § 20-2)

### **8.28.030 Nuisances generally.**

In addition to all nuisances specifically enumerated in Section [8.28.020](#), this chapter shall apply to any and all conditions which reasonably constitute a nuisance within the intent expressed in Section [8.28.010](#). (Prior code § 20-2.1)

### **8.28.040 (Repealed by Ord. 00-1209, §4, 12-12-00)**

### **8.28.050 Applicability of chapter.**

This chapter shall apply to all the activities, circumstances, operations, situations and conditions hereinabove enumerated and includes all the structures, objects, things, materials or substances described or enumerated, and such structures, objects, things, materials or substances are declared to be nuisances when tolerated, used, kept or maintained or permitted to be tolerated, used, kept or maintained in the manner or under the conditions prohibited hereby or in any manner which creates or may be reasonably expected to create or produce a clear and present danger of injury or damage to person or property, or annoyance or discomfort to persons of ordinary and normal sensibilities. (Prior code § 20-3)

### **8.28.060 Permits generally.**

Wherever in this chapter a permit is required for the doing of any of the acts or things enumerated in this chapter, the city council, the chief of police, the health officer, department head or other authorized officials shall require a written application to be filed, giving sufficient information concerning the subject matter thereof so as to permit such official to obtain a clear understanding of applicant's proposal, with such details as may be necessary for such officers to determine whether there is a clear and present danger of the thing, act or operation covered by the application adversely or detrimentally affecting the public health, morals, safety or general welfare or of unduly hindering the normal flow of pedestrian or vehicular traffic or unduly or unnecessarily disturbing the peace, quiet or comfort of the community or of unduly or unnecessarily interfering with the normal conduct, operation or trade, of businesses or industrial establishments, and if in his opinion, such clear and present danger does appear, then such application shall be denied; otherwise, it shall be granted, provided that no permit under the provisions of this chapter shall be denied solely by reason of the identity of the applicant or the purpose of the activity or enterprise proposed providing the purpose is lawful. (Prior code § 20-4)

### **8.28.070 Abatement procedure.**

A. Determination by Director--Resolution of Intent to Conduct Hearing. Whenever the director of community development finds that a nuisance exists on any property within the city, the city council may, by resolution, declare its intent to conduct a public hearing to determine whether the same constitutes a public nuisance. Said resolution shall indicate the council's intent to commence abatement proceedings, as herein provided, and shall describe the premises involved by the street address or other description as is reasonably

necessary to identify the same.

B. Posting of Notice of Hearing. At least fifteen (15) days prior to the date set for the public hearing, the director of community development shall cause to be conspicuously posted upon the premises:

1. A certified copy of such resolution; and
2. At least two notices of the time and place of hearing before the council, which notices shall be entitled: "NOTICE OF HEARING TO ABATE NUISANCE" and shall be substantially in the following form:

"Notice is hereby given that on the \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_, the City Council of the City of Hermosa Beach passed a resolution declaring its intention to conduct a public hearing to determine whether that (those) certain (premises) (building(s)) (structure(s)) located upon that certain real property situated in the City of Hermosa Beach, State of California, known and designated as (address) in said City, more particularly described as (legal description), constitute(s) a public nuisance which must be abated. If said (premises) (building(s)) (structure(s)), in whole or in part, are found to constitute a public nuisance, and are not abated within the time specified by the City Council, the same will be abated by the City, in which case the cost of such abatement will be assessed upon and against the land on which said (premises) (building(s)) (structure(s)) (is) (are) located and that the cost thereof will constitute a lien upon such land until paid. Said nuisance consists of the following:

(Description)

All persons having any objections to or interest in said matter are hereby advised to attend a meeting of the City Council of the City of Hermosa Beach, to be held in the Council Chamber, City Hall, Civic Center, located at 1315 Valley Drive in the City of Hermosa Beach, California, on the \_\_\_\_ day of \_\_\_\_ 20\_\_\_\_, at the hour of (a.m.) (p.m.) of said day, when their evidence relating to said matter will be heard and given due consideration.

DATED:

By Order of the City Council

City Manager

Proof of service of such notice and resolution shall be made by affidavit and filed with the city clerk.

C. Service of Notice of Hearing. In addition to posting the resolution and notice described above, the director of community development shall cause to be served upon the owner of each of the affected premises a certified copy of the resolution and notice at least fifteen (15) days before the time fixed for the hearing before the council. Service of said notice and resolution shall be by depositing a copy of said notice and resolution in the course of transmission of the United States Postal Service, enclosed in a sealed envelope, with the postage thereon fully prepaid. Said envelope shall be registered or certified, and shall be addressed to said owner at the last known address of said owner as reflected on the current tax rolls of the city. The service is

complete at the time of its deposit in the United States Postal Service. Proof of service of such notice and resolution shall be made by affidavit and filed with the city clerk.

"Owner" as used herein shall mean any person having or claiming to have any legal or equitable interest in or to be free relating to said premises, as disclosed by a title search to be conducted under the supervision of the City Attorney, using an acceptable title company.

D. Hearing by City Council. Unless the nuisance has already been abated, the city council, at the time stated in the notice, shall hear and consider all relevant evidence, including, but not limited to, testimony from owners, witnesses, parties interested and staff reports relative to the matter; said hearing may be continued from time to time. Upon the conclusion of the hearing, the city council may, based upon said evidence, determine whether the premises, or any part thereof, as maintained, constitutes a nuisance. If it is determined that the same does constitute a nuisance, the council may order the same abated, within a reasonable time.

E. Resolution of Abatement. The city council's decision shall be by resolution, which shall contain the informal findings of the council upon which such determination of nuisance is based, shall order the abatement of the nuisance, shall describe the needed corrections and/or repair necessary to abate the nuisance, and shall contain the time within which the nuisance is to be abated. A copy of the resolution ordering the abatement of the nuisance shall be served upon the owner of the affected premises, and other persons having an interest therein, in accordance with the provisions of paragraph c hereof. Any property owner shall have the right to have the nuisance, as declared, abated, provided the same is completed prior to the expiration of the period of time set forth in said resolution. The time set for abatement, upon good cause shown, may be extended for a reasonable time by the council.

F. Final Notice. Upon expiration of the time specified for abatement, the city attorney shall notify the owner of the affected premises, and other persons having an interest therein, by registered or certified mail, of such expiration, and inform such person that such abatement must be completed or a further appeal made to the city council within ten days from the date of mailing.

G. City Abatement. If the nuisance is not abated within the time set forth in the resolution ordering abatement, or such later date as may be determined by the city council, the city attorney shall affirm and attest to the director of community development that the proceedings set forth hereunder have been legally conducted and are concluded, whereupon the director of community development is empowered to cause the nuisance to be abated by city forces or private contract. Upon obtaining an abatement warrant, the director of community development is expressly authorized to enter upon the premises for the purpose of abating such nuisance in the manner herein provided. (Ord. 96-1150 § 4, 1996: prior code § 20-5)

#### **8.28.080 Recovery of nuisance abatement costs.**

A. Report of Cost of Abatement. The director of community development shall keep an accounting of the cost, including incidental expenses, of abatement of nuisances under Section [8.28.070](#) or [8.28.100](#) of this chapter for each separate lot or parcel of land where the abatement work has been done and shall render an itemized report in writing to the city council showing the cost of abatement, less any salvage value, if applicable;

provided, that before said report is submitted to the city council for confirmation, a copy of the same shall be posted for at least fifteen (15) days upon the property upon which the nuisance was situated, together with a notice of the time when said report shall be submitted to the city council for confirmation; a copy of said report and notice shall be served upon the owner of said property, in accordance with the provisions of Section [8.28.070\(C\)](#) of this chapter, at least fifteen (15) days prior to the submittal of the report to the council for confirmation; proof of such posting and service shall be made by affidavit and filed with the city clerk.

The term "incidental expenses" shall include, but not be limited to, the actual expenses and costs of the city in the preparation of notices, specifications and contracts, and in inspecting the work, and the costs of the printing and mailings required hereunder.

B. Report--Hearing and Proceedings. At the time and place fixed for receiving and considering said report, the city council shall hear and pass upon the report of the director of community development, together with any objections or protests, which must be in writing, submitted by any of the persons liable to be assessed for the cost of abating such nuisance. Thereupon, the city council may make such revision, correction or modification to said report as it may deem just, after which, by resolution, the report as submitted, or as revised, corrected or modified, shall be confirmed. The hearing may be continued from time to time. The decision of the city council shall be final and conclusive.

C. Assessment of Costs Against Property--Special Assessment. The amount of the cost of abatement of such nuisance upon any lot or parcel of land, including incidental expenses, as confirmed by the city council, shall constitute a special assessment against the respective lot or parcel of land to which it relates, and after its recording, as thus made and confirmed, shall constitute a lien on said property in the amount of such assessment. After confirmation of the report of the cost of abatement, notice of the assessment shall be mailed, by certified mail, to the owner of each property to be assessed, if the property owner's identity can be determined from the county assessor's or county recorder's records. The notice shall specify that the property may be sold after three years by the tax collector for unpaid delinquent assessments. A copy of the report shall be transmitted to the assessor and tax collector of the county of Los Angeles, whereupon it shall be the duty of said assessor and tax collector to add the amount of such assessment or assessments to the next regular bill of taxes levied against the said respective lots and parcels of land for municipal purposes, and thereafter said amounts shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure under foreclosure and sale in case of delinquency as provided for ordinary municipal taxes.

D. Assessment of Costs Against Property--Lien. The city may collect abatement and related administrative costs by a nuisance abatement lien. After confirmation of the report of the cost of abatement, and prior to recordation of the lien, notice of the lien shall be provided to the owner of record of the parcel of land on which the nuisance is maintained, based on the last equalized assessment roll or the supplemental roll, whichever is more current. The notice shall be served in the same manner as summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. If the owner of record, after diligent search cannot be found, the notice may be served by posting a copy thereof

in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Section 6062. A nuisance abatement lien shall be recorded in the county recorder's office in the county in which the parcel of land is located and from the date of recording shall have the force, effect, and priority of a judgment lien.

A nuisance abatement lien authorized by this section shall specify the amount of the lien, the name of the agency on whose behalf the lien is imposed, the date of the abatement order, the street address, legal description and assessor's parcel number of the parcel on which the lien is imposed, and the name and address of the recorded owner of the parcel. In the event that the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified above shall be recorded by the city.

A nuisance abatement lien may be foreclosed by an action brought by the city for a money judgment. The city may recover from the property owner any costs incurred regarding the processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien. (Ord. 96-1150 § 5, 1996: prior code § 20-6)

#### **8.28.090 Failure to report.**

Every person who fails to report to the health officer, department head or other authorized official at the time and in the place stated in the notices required by this chapter, shall be guilty of a misdemeanor. (Prior code § 20-7)

#### **8.28.100 Summary abatement by city official.**

Nothing herein contained shall prohibit the health officer or department head from summarily abating a nuisance which, in their judgment, may immediately jeopardize the public health or safety, but in the event of the necessity of such summary abatement, such officers shall use the utmost caution to guard against any unnecessary damage to the person or to the property involved, and if circumstances permit, shall before proceeding with such abatement, endeavor to contact the owner of the premises involved by telephone or telegraph advising him of the intention to summarily abate such nuisance. (Prior code § 20-8)

#### **8.28.110 Other remedies (nuisances).**

Nothing in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil action to abate a nuisance as an alternative to or in conjunction with the proceedings herein set forth or to initiate a criminal action against the responsible party for the maintenance of a nuisance. Further, nothing in this chapter shall be deemed to prevent the imposition of the administrative penalty provisions of chapter [1.10](#) as an option to redress violations of the provisions herein. (Ord. 07-1281, Sept. 2007)

## Chapter 8.32 RODENT CONTROL

Sections:

- [\*\*8.32.010 Rodent or pest harborage.\*\*](#)
- [\*\*8.32.020 Ratproofing for grain storage.\*\*](#)
- [\*\*8.32.030 Ratproofing of structures used for housing food for consumption.\*\*](#)
- [\*\*8.32.040 Notice to ratproof structures constituting rat harborage.\*\*](#)
- [\*\*8.32.050 Ratproofing requirements.\*\*](#)
- [\*\*8.32.060 Violations of rodent control regulations\*\*](#)

### **8.32.010 Rodent or pest harborage.**

It is unlawful for any person to maintain any building, lot, premises, vehicle or any place in such an unsanitary condition as to permit the breeding or harboring therein or thereon of flies, rats, bedbugs, cockroaches, lice, fleas or any vermin. It is unlawful for any person to permit an accumulation of rubbish material that may serve as a harborage for rats unless such material be elevated not less than eighteen (18) inches above the ground with a clear intervening space thereunder. (Prior code § 27-1)

### **8.32.020 Ratproofing for grain storage.**

No person shall use any building or structure or portion thereof for the storage, handling, preparation or sale of any grain products, which, in the opinion of the health officer, is or is likely to become infested with rats unless such building or structure or portion thereof be ratproofed. (Prior code § 27-2)

### **8.32.030 Ratproofing of structures used for housing food for consumption.**

No person shall use any building or structure or portion thereof for a slaughterhouse, packing house or bakery, or for the manufacture, preparation, storage, handling or display of any food or food product for human or animal consumption which, in the opinion of the health officer, is or is likely to become infested with rats unless such building or structure or portion thereof be ratproofed. (Prior code § 27-3)

### **8.32.040 Notice to ratproof structures constituting rat harborage.**

When determined by the health officer, or his duly authorized representative, that any building or structure constitutes a rat harborage, he may serve upon the person in charge or control thereof a notice in writing to ratproof so much of such building or structure as he deems necessary, within the time stated in such notice. (Prior code § 27-4)

### **8.32.050 Ratproofing requirements.**

"Ratproofing," as required in this chapter, shall be interpreted to mean a continuous masonry foundation of the size and depth required by the city building code, and the other requirements for a new building of the same occupancy relative to clearance beneath wood joists, well covering adjacent to the top foundations, and protection of roof and foundation openings. (Prior code § 27-5)

### **8.32.060 Violations of rodent control regulations.**

Violations of the provisions of this chapter are subject to the administrative penalty provisions of chapter [1.10](#).

(Ord.07-1281, Sept. 2007)

## Chapter 8.36 SEWAGE AND INDUSTRIAL WASTE

Sections:

- [\*\*8.36.010 Definitions.\*\*](#)
- [\*\*8.36.020 Tidelands and submerged lands and waters covered by chapter.\*\*](#)
- [\*\*8.36.030 Prohibited discharges.\*\*](#)
- [\*\*8.36.040 Ocean waters containing sewage or industrial waste.\*\*](#)
- [\*\*8.36.050 Violations of chapter deemed nuisance--Abatement procedure.\*\*](#)
- [\*\*8.36.060 Removing manhole covers; Discharging surface or stormwaters into public sewer--unlawful connections.\*\*](#)

### **8.36.010 Definitions.**

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Effluent of industrial waste" means the liquid or solution discharge from a treatment plant which violates any of the standards prescribed by this chapter for "effluent of treated sewage."

"Effluent of treated sewage" means the liquid or solution discharged from a sewage treatment plant which:

1. Contains more than 0.5 E coli per cubic centimeter;
2. Contains paratyphoid A or B bacteria;
3. Contains any sewage plant grease whether noticeable as a gray metallic scum, or as gray pebble or shell-like specks or froth, or in any other form;
4. Contains oil, tar, feces or other substance which alone or in combination when emptied into the waters of the Pacific Ocean discolors the ocean waters or destroys or impairs the transparency of such ocean waters;
5. Has of itself, or causes the waters of the Pacific Ocean or the tidelands or submerged lands of this city to have an odor or sewage smell;
6. Has, or contains, or transports, or empties into the waters of the Pacific Ocean, or on the tidelands or submerged lands, any suspended solid matter produced by sewage treatment processes commonly known and referred to as sewage sludge;
7. Contains chemicals, substances or gases, which, when emptied into the waters of the Pacific Ocean, injuriously affects, destroys, or impairs the reproduction, growth or health of marine life.

"Industrial waste" means any and all liquid or solid waste substance, not sewage, from any producing, manufacturing or processing operation of whatever nature.

"Marine life" includes fish, crustaceans, plankton and all forms of animal and plant life indigenous to the waters of the ocean in Santa Monica Bay.

"Sewage" means any and all waste substance, liquid or solid, associated with human habitation, or which contains or may be contaminated with human or animal excreta or excrement, offal or any feculent matter. (Prior code § 28-1)

#### **8.36.020 Tidelands and submerged lands and waters covered by chapter.**

Tidelands and submerged lands and the waters of the Pacific Ocean covered by this chapter are as described in and contemplated by an act of the legislature of the state entitled, "An Act granting to the City of Hermosa Beach the tidelands and submerged lands of the State of California within the boundaries of the said City." (Prior code § 28-2)

#### **8.36.030 Prohibited discharges.**

It is unlawful for any person to discharge, or to cause or permit sewage or industrial waste or the effluent of treated sewage or industrial waste to be discharged on or upon any tidelands or submerged lands within the city, or to discharge or cause or permit sewage or industrial waste or the effluent of treated sewage or industrial waste to be discharged into the waters of the Pacific Ocean. (Prior code § 28-3)

#### **8.36.040 Ocean waters containing sewage or industrial waste.**

It is unlawful for any person to cause or permit ocean waters containing sewage or industrial waste or the effluent of treated sewage or industrial waste:

- A. To be discharged or to flow on or upon any tidelands or submerged lands within the city; or
- B. To mingle, intermix with, or to otherwise pollute the waters of the Pacific Ocean. (Prior code § 28-4)

#### **8.36.050 Violations of chapter deemed nuisance--abatement procedure.**

Every violation of this chapter shall be deemed and is hereby declared to be a nuisance and may be abated as such. Actions for the abatement of such nuisances shall be instituted by or on behalf of the city in any court of competent jurisdiction and shall be maintained and prosecuted in accordance with the provisions of this code. (Prior code § 28-5)

#### **8.36.060 Removing manhole covers; Discharging surface or stormwaters into public sewer--unlawful connections.**

It is unlawful for any person, including any public official or employee, not otherwise specifically authorized by law, to remove or cause to be removed a manhole cover from a public sewer carrying domestic sewage or industrial waste for the purpose of entering the sewer, or to discharge, deposit or cause to be discharged or deposited, surface, drainage or storm waters into a public sewer, unless specific permission is first obtained from the owners and operators of the public sewer or from the officer of the owners and operators of such public sewer authorized to grant such permission. It shall also be unlawful for any person, including any public official or employee, or any person otherwise authorized by law to enter public sewers carrying sanitary sewage or industrial waste, to construct or authorize construction of a connection to a public sewer or to

remove a manhole cover, for the purpose of permitting or causing to be discharged into said public sewer, flood, surface or storm waters. (Prior code § 28-6)

## Chapter 8.40 SMOKING Revised 9/16

Sections:

- [\*\*8.40.010 Smoking defined.\*\* Revised 9/16](#)
- [\*\*8.40.020 Prohibition of smoking in public places.\*\* Revised 9/16](#)
- [\*\*8.40.030 Posting of signs.\*\*](#)
- [\*\*8.40.040 Enforcement.\*\*](#)
- [\*\*8.40.050 Violations of smoking regulations.\*\* Revised 9/16](#)
- [\*\*8.40.060 Other applicable laws.\*\*](#)

### **8.40.010 Smoking defined. Revised 9/16**

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

"Electronic smoking device" means an electronic device that can be used to deliver an inhaled dose of nicotine, or other substances, including any component, part, or accessory of such device, whether or not sold separately. This definition includes any such device, whether manufactured, distributed, marketed, or sold as an electronic cigarette, an electronic cigar, an electronic cigarillo, an electronic pipe, an electronic hookah, or any other product name or descriptor, including any component, part or accessory of such device, whether or not sold separately. "Electronic smoking device" does not include any product specifically approved by the United States Food and Drug Administration for use in the mitigation, treatment, or prevention of disease, where such product is marketed and sold solely for such an approved purpose.

"Employee" means any person who is employed or retained as an independent contractor by any employer in consideration for direct or indirect monetary wages or profit, or any person who volunteers his or her services for an employer.

"Employer" means any person, partnership, corporation, association, nonprofit or other entity who or which employs or retains the services of one (1) or more employees.

"Outdoor dining area" means any unenclosed area located on private or public property made available to or customarily used by the general public that is designed, established or regularly used for consuming food and/or beverages, or where food or beverages are served whether or not for compensation. This includes but is not limited to restaurants, hotels, bar standing and seating areas, cafeterias, clubs, luncheonettes, taverns, cocktail lounges, sandwich stands, soda fountains, cafes and coffee shops.

"Outdoor place of employment" means any unenclosed area under the legal or de facto control of an employer that an employee or the general public may enter in the normal course of operations, but regardless of the hours of operation.

"Public place" means any indoor or outdoor public place, including, but not limited to, any public buildings, streets, sidewalks, plazas, beaches, bus shelters, parking lots, parks, picnic areas, piers, playgrounds, sports fields, walking paths, hiking trails, bike paths, and outdoor skateboard parks. "Public place" includes

any place being used for a public event, including but not limited to a farmer's market, parade, craft fair, festival, or any other event open to the general public.

"Smoking" means the release of gases, particles, or vapors into the air as the result of combustion, electrical ignition, or vaporization and/or inhaling, exhaling, burning or carrying any lighted, heated or ignited cigar, cigarette, cigarillo, pipe, hookah, electronic smoking device, or any plant product intended for human inhalation. (Ord. 16-1367 §1, 2016: Ord. 11-1328, §2, 2011; prior code § 14-1/2-4)

#### **8.40.020 Prohibition of smoking in public places. Revised 9/16**

A. In addition to all places where smoking is prohibited under state or federal law, in which case those laws apply, no person shall smoke in, and smoking areas shall not be established or designated in, all of the following areas:

1. Outdoor dining areas;
2. Public places;
3. Outdoor places of employment;
4. All city-owned vehicles; and
5. Within five (5) feet of the entrance, divider, opening or doorway to any outdoor dining area where smoking is prohibited by this chapter.

B. No employer, owner, operator, manager, employee or other person having control of a place of employment or a public place shall knowingly permit smoking in an area in which smoking is prohibited by law. This subsection does not require the physical ejection of any person from the business or the taking of steps to prevent smoking under circumstances that would involve a significant risk of physical harm.

C. No employer, owner, operator, manager, employee or other person having control of an outdoor dining area, restaurant, snack shop or alcohol beverage establishment (on-sale) shall place matchbooks or ashtrays on tables or otherwise make matchbooks, matches, ashtrays or receptacles for smoking waste available to patrons.

D. Nothing in this chapter prohibits any person or employer with legal control over any property from prohibiting smoking on any part of such property, even if smoking is not otherwise prohibited in that area.

(Ord. 16-1367 §2, 2016: Ord. 11-1328 §3, 2011; Ord. 06-1267 §1, 2006; Ord. 98-1175 § 1, 1998: Ord. 94-1111 § 1, 1994: Ord. 93-1091 § 1, 1993: prior code § 141/2-5)

#### **8.40.030 Posting of signs.**

"Smoking" or "No Smoking" signs, whichever are appropriate, with letters of not less than one (1) inch in height or the international "No Smoking" symbol (consisting of a pictorial representation of a burning cigarette enclosed in a red circle with a red bar across it) shall be clearly, sufficiently and conspicuously posted in every building or other place where smoking is regulated by this chapter, by the owner, operator, manager or

other person having control of such building or other place. (Prior code § 141/2-6)

#### **8.40.040 Enforcement.**

- A. Chief of Police. Enforcement of this chapter shall be implemented by the chief of police.
- B. Complaint. Any person who desires to register a complaint under this chapter may initiate enforcement with the chief of police.
- C. Duty to Inform. Employers, owners, operators, managers or employees of same shall be required to orally inform persons violating this chapter of the provisions thereof. The duty to inform such violator shall arise when such employer, owner, operator, manager or employee of the same becomes aware of such violation.
- D. Civil Action. Any aggrieved person may enforce the provisions of this chapter by means of a civil action.
- E. Injunction. Any person who commits, or proposes to commit, an act in violation of this chapter may be enjoined therefrom by any court of competent jurisdiction. An action for injunction under this subsection may be brought by any aggrieved person, by the city attorney, or by any person or entity which will fairly and adequately represent the interests of the protected class.
- F. Costs and Fees. In any action brought to enforce the provisions of this chapter, the prevailing party shall be awarded costs and reasonable attorneys' fees. (Ord. 11-1328, §4, 2011; prior code § 14-1/2-7)

#### **8.40.050 Violations of smoking regulations. Revised 9/16**

Violations of the provisions of this chapter shall be an infraction enforceable as provided in Chapter [1.04](#).  
(Ord. 16-1367 §3, 2016: Ord. 14-1348 §7, 2014: Ord. 07-1281, 2007)

#### **8.40.060 Other applicable laws.**

This chapter shall not be interpreted or construed to permit smoking where it is otherwise restricted by other applicable laws. (Prior code § 141/2-9)

**Chapter 8.44  
STORMWATER AND URBAN RUNOFF POLLUTION CONTROL REGULATIONS**

Sections:

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**8.44.010 Title.**

This chapter shall be known as the "City of Hermosa Beach Stormwater Management and Discharge Control Ordinance." (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

**8.44.020 Findings.**

A. The Congress of the United States (hereinafter "Congress") has determined that pollutants contained in stormwater and dry weather runoff are responsible for the environmental degradation of oceans, lakes, rivers, and other waters of the United States.

B. Congress, in 1987, amended the Clean Water Act of 1972 to reduce pollutants discharged into the waters of the United States by extending National Pollutant Discharge Elimination System (hereinafter "NPDES") requirements to regulate stormwater and dry weather runoff discharge into municipal storm drain systems.

C. Stormwater and dry weather runoff flows from individual properties onto streets, then through storm drains to coastal waters along the city of Hermosa Beach.

D. The City of Hermosa Beach is a co-permittee under the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4" (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board--Los Angeles Region, which also serves as a NPDES permit under the Federal Clean Water Act. As a co-permittee, the city is required to maintain adequate legal authority within its respective jurisdiction to control pollutant discharges and to require the use of control measures to prevent or reduce the discharge of pollutants into the MS4 to achieve water quality standards.

E. In order to control, in a cost-effective manner, the quantity and quality of stormwater and dry weather runoff to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential.

F. It is the intent of this chapter to simplify and streamline the Hermosa Beach Municipal Code with respect to stormwater low impact development provisions for new development and redevelopment projects by incorporating the substantive elements of the stormwater provisions of Chapter 15.48, Green Building Standards, into this chapter.

G. The city of Hermosa Beach is small in geographic area, comprising 1.4 square miles. Accordingly, it is reasonable to simplify the determination of the stormwater quality design volume for new development and redevelopment projects by adopting a single design storm depth applicable to all project sites within the city while meeting the intent of the Municipal NPDES Permit. The stormwater quality design volume is defined by the Municipal NPDES Permit as the greater of either the runoff from the 0.75 inch, twenty-four (24) hour rain event or the eighty-fifth percentile, twenty-four (24) hour storm as determined from the Los Angeles County eighty-fifth percentile precipitation isohyetal map. According to the referenced map, the largest eighty-fifth percentile, twenty-four (24) hour rain event within the city of Hermosa Beach is approximately 0.77 inches. Thus to simplify regulatory requirements and streamline the project review process, the city of Hermosa Beach has determined to define the stormwater quality design volume as the runoff from the 0.8 inch, twenty-four (24) hour rain event for all new development and redevelopment projects subject to low impact development requirements of Section [8.44.095](#). (Ord. 15-1351 §1 (part), 2015; Ord. 02-1224U §1, 2002)

#### **8.44.030 Purpose and intent.**

A. The purpose of this chapter is to comply with the Federal Clean Water Act, the California Porter-Cologne Water Quality Control Act, and the Municipal NPDES Permit where the city has jurisdictional authority by:

1. Reducing pollutants in stormwater discharges to the maximum extent practicable;
2. Regulating illicit connections and illicit discharges and thereby reducing the level of contamination of stormwater and dry weather runoff into the MS4; and
3. Regulating nonstormwater discharges to the MS4.

B. This chapter is also intended to provide the city with the legal authority necessary to implement and enforce the requirements contained in 40 CFR Section 122.26(d)(2)(i)(A) through (F) and in the Municipal NPDES Permit to the extent they are applicable in the city, to control discharges to and from those portions of the MS4 over which it has jurisdiction as required by the Municipal NPDES Permit, and to hold dischargers to the MS4 accountable for their contributions of pollutants and flows.

C. This chapter also sets forth requirements for the construction and operation of certain "commercial and industrial facilities," "new development," and "redevelopment" projects, and other activities (as further defined herein), which are intended to ensure compliance with the stormwater mitigation measures prescribed in the current version of the Municipal NPDES Permit, which is on file in the office of the city clerk of this city. This chapter authorizes the authorized enforcement officer to define and adopt applicable best management

practices (BMPs) and other stormwater pollution control measures, to grant emergency self-waivers from Municipal NPDES Permit requirements, as provided herein, to cite infractions, and to impose fines pursuant to this chapter. Except as otherwise provided herein, an authorized enforcement officer shall administer, implement, and enforce the provisions of this chapter. (Ord. 15-1351 §1 (part), 2015: Ord. 02-1224U §1, 2002; Ord. 01-1211 §1, 2001)

#### **8.44.040 Definitions.**

Except as specifically provided herein, any term used in this chapter shall be defined as that term is defined in the current Municipal NPDES Permit, or if it is not specifically defined in the Municipal NPDES Permit, then as such the term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following definitions apply to this chapter only:

"Authorized enforcement officer" means the city manager, public works director, community development director, fire chief or police chief, or the designees of those individuals.

"Automotive service facilities" means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539.

"Best management practices (BMPs)" means practices or physical devices or systems designed to prevent or reduce pollutant loading from stormwater or nonstormwater discharges to receiving waters, or designed to reduce the volume of stormwater or nonstormwater discharged to the receiving water. Examples of BMPs may include public education and outreach, proper planning of development projects, proper cleaning of catch basin inlets, and proper sludge or waste-handling and disposal, among others.

"City" means the city of Hermosa Beach.

"Commercial development" means any development on private land that is not heavy industrial or residential. The category includes, but is not limited to: hospitals, laboratories and other medical facilities, government facilities, educational and religious institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses, and other light industrial complexes.

"Construction" means any construction or demolition activity, clearing, grading, grubbing, excavation, or any other activity that results in land disturbance. Construction does not include routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety (including fire prevention); clearing and grubbing of vegetation for landscape maintenance which is not associated with a larger construction project; interior remodeling with no outside exposure of construction material or construction waste to stormwater; mechanical permit work; or sign permit work. See "Routine maintenance" definition below. Where clearing, grading, or excavating of underlying soil takes place during a repaving operation, Construction General Permit coverage is required if one (1) acre or more is disturbed or the activities are part of a larger plan of construction.

"Construction General Permit" means the NPDES General Permit for Stormwater Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002), adopted September 2, 2009, and any successor permit to that permit.

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

"Development" means any construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly adjacent" means situated within two hundred (200) feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Discharge" means when used without qualification the "discharge of a pollutant."

"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.

"Discharging directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

"Discretionary project" is defined in the same manner as Section 15357 of the "Guidelines For Implementation Of The California Environmental Quality Act" contained in Title 14 of the California Code of Regulations, as amended, and means a project which requires the exercise of judgment or deliberation when the city decides to approve or disapprove a particular activity, as distinguished from situations where the city merely has to determine whether there has been conformity with applicable statutes, ordinances, or regulations.

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

"Dry weather runoff" means surface water flow produced by nonstormwater resulting from residential, commercial, and industrial activities involving the use of potable and nonpotable water.

"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 Section 30107.5). Areas subject to stormwater mitigation requirements are areas designated as significant ecological areas by the Hermosa Beach Coastal Land Use Plan; 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 Water Quality Control Plan--Los Angeles Region--Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties as supporting the rare, threatened, or endangered species (RARE) beneficial use; and an area identified by the city as environmentally sensitive.

"Good housekeeping practices" means common practices related to the storage, use, or cleanup of materials, performed in a manner that minimizes the discharge of pollutants. Examples include, but are not limited to, purchasing only the quantity of materials to be used at a given time, use of alternative and less environmentally harmful products, cleaning up spills and leaks, and storing materials in a manner that will contain any leaks or spills.

"Hillside" means property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five (25) percent or greater and where grading contemplates cut or fill slopes.

"Illicit connection" means any human-made conveyance that is connected to the MS4 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.

"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 all nonstormwater discharge except authorized nonstormwater discharges; conditionally exempt nonstormwater discharges; and nonstormwater discharges resulting from natural flows specifically identified in the Municipal NPDES Permit.

"Infiltration" means the downward entry of water into the surface of the soil.

"Inspection" means the entry and conducting of an on-site review of a facility and its operations, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection include, but are not limited to:

1. Pre-inspection documentation research;
2. Request for entry;
3. Interview of facility personnel;

4. Facility walk-through;
5. Visual observation of the condition of facility premises;
6. Examination and copying of records as required;
7. Sample collection (if necessary or required);
8. Exit conference (to discuss preliminary evaluation); and
9. Report preparation, and if appropriate, recommendations for coming into compliance.

"Low impact development (LID)" means building or landscape features designed to retain or filter stormwater runoff.

"Municipal NPDES Permit" means the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4" (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board--Los Angeles Region, and any successor permit to that permit.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances (consisting of 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, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the Clean Water Act that discharges to waters of the United States;
2. Designed or used for collecting or conveying stormwater;
3. Which is not a combined sewer; and
4. Which is not part of a publicly owned treatment works (POTW) as defined in 40 Code of Federal Regulations 122.2.

"New development" means land disturbing activities; structural development, including construction or installation of a building or structure; demolition of existing development and construction of a new building or structure; creation of impervious surfaces; and land subdivision.

"Nonstormwater discharge" means any discharge to an MS4 or from the MS4 into a receiving water that is not composed entirely of stormwater.

"NPDES Permit" means any waste discharge requirements issued by the California Regional Water Quality Control Board--Los Angeles Region or the State Water Resources Control Board as an NPDES Permit pursuant to California Water Code Section 13370 (other than the Municipal NPDES Permit).

"Parking lot" means land area or a facility for the temporary parking or storage of motor vehicles used for business, for industry, for commerce, for government, for nonprofit enterprises or for personal use, with a parking lot size of five thousand (5,000) square feet or more, or with twenty-five (25) or more parking spaces.

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

1. Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets, hazardous or toxic substances, fertilizers, pesticides, slag, ash, and sludge);
2. Metals such as cadmium, lead, zinc, copper, silver, nickel, chromium; and nonmetals such as phosphorus and arsenic;
3. Petroleum hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease);
4. Excessive eroded soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;
5. Animal wastes (such as discharge from confinement facilities, kennels, pens, and recreational facilities); and
6. Substances having characteristics such as pH less than six (6) or greater than nine (9), or unusual coloration or turbidity, or excessive levels of fecal coliform, or fecal streptococcus, or enterococcus.

"Project" means all development, redevelopment, and land disturbing activities.

"Redevelopment" means the creation, addition, or replacement of impervious surfaces on an already developed site. Redevelopment includes, but is not limited to, the following activities that meet the minimum standards set forth in this definition: (1) the expansion of a building footprint, an addition, or replacement of a structure; (2) development of a structure, including an increase in impervious area; (3) replacement of impervious surface that is not part of a routine maintenance activity; and (4) land disturbing activities related to structural or impervious surfaces. 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 safety.

"Regional Board" means the California Regional Water Quality Control Board--Los Angeles Region.

"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. (SIC Code 5812, Establishments primarily engaged in the retail sale of prepared food and drinks for on-premises or immediate consumption. Caterers and industrial and institutional food service establishments are also included in this industry.)

"Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

"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. Includes road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts;
4. Update existing lines (including replacing existing lines with new materials or pipes) and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity; and
5. Repair leaks.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

"Runoff" means any runoff including stormwater and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow either contaminated with pollutants or uncontaminated, and nuisance flows.

"Significant ecological area" (SEA) 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 Hermosa Beach Coastal Land Use Plan. Areas are designated as SEAs if they possess one (1) 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; and
8. Sensitive coastal resource areas defined in California Public Resources Code Section 30116 as: "[s]pecial marine and land habitat areas, wetlands, lagoons, and estuaries as mapped and designated in Part 4 of the coastal plan."

"Simple LID BMP" means a BMP constructed above ground on a single-family residential home that can be readily inspected by a homeowner or inspector. Simple LID BMPs do not require an operation and maintenance plan per the Municipal NPDES Permit. Examples of such BMPs include, but are not limited to, vegetated swales, rain barrels and above ground cisterns, rain gardens, and pervious pavement.

"Site" means the 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.

"Source control BMP" means any schedule of activities, prohibition of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

"Storm event" means a rainfall event that produces more than 0.1 inch of precipitation in twenty-four (24) hours unless specifically stated otherwise.

"Stormwater" means stormwater runoff and surface runoff and drainage related to precipitation events (pursuant to 40 Code of Federal Regulations Section 122.26(b)(13); 55 Federal Register 47990, 47996 (Nov. 16, 1990)).

"Stormwater runoff" means that part of precipitation (rainfall or snowmelt) which travels via flow across a surface to the MS4 or receiving waters from impervious, semi-pervious or pervious surfaces. When all other factors are equal, runoff increases as the perviousness of a surface decreases.

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and dry weather runoff pollution (e.g., canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media

adsorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

"Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process. (Ord. 15-1351 §1 (part), 2015: Ord. 01-1211 §§2, 3, 4, 2001; Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

#### **8.44.050 Construction and application.**

This chapter shall be construed to assure consistency with the requirements of the federal Clean Water Act and the California Porter-Cologne Water Quality Control Act, and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and the Municipal NPDES Permit, and any amendment, revision or reissuance thereof. (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

#### **8.44.060 Prohibited activities.**

A. Illicit Discharges and Connections. It is prohibited to establish, use, maintain, or continue illicit connections to the MS4, or to commence or continue any illicit discharges to the MS4. This prohibition against illicit connections is expressly retroactive and applies to connections made in the past but excludes permitted improvements to real property over which uncontaminated stormwater runoff flows.

B. Littering. It is prohibited to throw, deposit, place, leave, maintain, keep, or permit to be thrown, deposited, placed, left, or maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles or accumulations, in or upon any street, alley, sidewalk, walk street, driveway, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any private plot of land in the city, so that the same might be or become a pollutant or be discharged to or through the MS4. No person shall throw or deposit litter in any fountain, pond, lake, stream, or other body of water within the city. This subsection shall not apply to refuse, rubbish, garbage or recyclables deposited in containers, bags, or other appropriate receptacles which are placed in designated locations for regular solid waste pick up and disposal.

C. Disposal of Landscape Debris. It is prohibited to intentionally dispose of leaves, dirt, or other landscape debris into the MS4.

D. Nonstormwater Discharges. All nonstormwater discharges into the MS4 are prohibited unless those flows are: in compliance with a separate NPDES Permit; pursuant to a discharge exemption by the Regional Board, the Regional Board's Executive Officer, or the State Water Resources Control Board; associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property); natural flows as defined in the Municipal NPDES Permit; conditionally exempt nonstormwater discharges as defined in accordance with the Municipal NPDES Permit; or authorized as a temporary nonstormwater discharge by U.S. Environmental Protection Agency (USEPA) pursuant to Sections 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Prohibited discharges include, but are not limited to:

1. The discharge of wash waters to the MS4 when gas stations, auto repair garages, or other type of

automotive service facilities (including those located at automotive dealerships) are cleaned;

2. The discharge of wastewater to the MS4 from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations;

3. Discharges to the MS4 from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;

4. Discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances (e.g., motor vehicle parts), and uncovered receptacles containing hazardous materials;

5. The discharge of chlorinated/brominated swimming pool water and filter backwash or swimming pool water discharges that contain any detergents, wastes, or algaecides, or any other chemicals including salts from pools commonly referred to as "salt water pools" in excess of applicable water quality objectives;

6. Discharges of runoff from the washing of toxic materials from paved or unpaved areas to the MS4;

7. Discharges to the MS4 from washing impervious surfaces in industrial/commercial areas which results in a discharge of runoff to the MS4, unless specifically required by the state's, or the city's, or Los Angeles County's Health and Safety Codes and conducted utilizing BMPs specified in the Municipal NPDES Permit, or permitted under a separate NPDES Permit;

8. Discharges from the washing out of concrete trucks, pumps, tools, and equipment into the MS4;

9. Discharges to the MS4 of any pesticide, fungicide, or herbicide, banned by the USEPA or the California Department of Pesticide Regulation;

10. The disposal of hazardous wastes into trash or recycling containers used for municipal solid waste disposal, or placed for removal by municipal solid waste disposal or permitted collector, where such disposal causes or threatens to cause a direct or indirect discharge to the MS4;

11. Discharge of any food or food processing wastes; and

12. Discharge of any fuel and chemical wastes, animal wastes, garbage, batteries, and other materials that have potential adverse impacts on water quality.

E. Discharges in Violation of the Municipal NPDES Permit. Any discharge that would result in or contribute to a violation of the Municipal NPDES Permit, either separately or in combination with other discharges, is prohibited. Liability for any such discharge shall be the responsibility of the person(s) causing or responsible for the discharge, and such person(s) shall defend, indemnify, and hold harmless the city from all losses, liabilities, claims, or causes of actions in any administrative or judicial action relating to such discharge.

F. Industrial Activities. No person shall conduct any industrial activity in the city without obtaining all permits

required by state or federal law, including a NPDES General Industrial Activity Stormwater Permit when required. Persons conducting industrial activities within the city shall refer to the most recent edition of the Industrial/Commercial Stormwater Best Management Practices Handbook, produced and published by the California Stormwater Quality Association, for specific guidance on selecting BMPs for reducing pollutants in stormwater discharges from industrial activities. (Ord. 15-1351 §1 (part), 2015: Ord. 02-1224U §§6 – 10, 2002; Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

#### **8.44.070 Exempted discharges and conditionally exempted discharges.**

Discharges from those activities specifically identified in, or pursuant to the Municipal NPDES Permit as being exempted discharges or conditionally exempted discharges shall not be considered a violation of this chapter; provided, that any applicable BMPs developed pursuant to the Municipal NPDES Permit are implemented to minimize any adverse impacts from such identified sources and that required conditions outlined in the Municipal NPDES Permit are met prior to discharge. (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

#### **8.44.080 Good housekeeping provisions.**

Owners and occupants of property within the city shall implement best management practices to prevent or reduce the discharge of pollutants to the MS4 to the maximum extent practicable. Treatment and structural BMPs shall be properly operated and maintained to prevent the breeding of vectors. Implementation includes, but is not limited to:

A. Septic Waste. No person shall leave, deposit, discharge, dump, or otherwise expose or create the potential to expose any chemical or septic waste to precipitation.

B. Use of Water. Runoff of water used for irrigation purposes shall be minimized to the maximum extent practicable. Runoff of water from the conditionally exempt washing down of paved areas shall be minimized to the maximum extent practicable utilizing BMPs specified in the Municipal NPDES Permit including sweeping and collection of debris for trash disposal. Conditionally exempt nonstormwater discharges of roadway/driveway wash water only include those discharges resulting from use of high pressure, low volume spray washing, using only potable water with no cleaning agents. Conditionally exempt nonstormwater discharges of roadway/driveway wash water do not include hosing of any driveway or roadway with a garden hose with a pressure nozzle. Water used for irrigation purposes is also subject to Chapter [8.56](#).

C. Storage of Materials, Machinery, and Equipment. Machinery or equipment that is to be repaired or maintained in areas susceptible to or exposed to stormwater shall be placed in a manner so that leaks, spills and other maintenance-related pollutants are not discharged to the MS4.

D. Removal and Disposal of Oil, Chemicals, Debris, or Other Pollutionable Materials from Industrial/Commercial Motor Vehicle Parking Lots. Industrial/commercial motor vehicle parking lots with more than twenty-five (25) parking spaces that are located in areas potentially exposed to stormwater shall be swept regularly (including use of absorbent material if necessary) or other equally effective measures shall be utilized, to remove oil, chemicals, debris, or other pollutionable materials from such parking lots.

E. Food Wastes. Food wastes generated by nonresidential food service and food distribution sources shall be properly disposed of and in a manner so such wastes are not discharged to the MS4.

F. Best Management Practices. BMPs shall be used in areas exposed to stormwater for the removal and lawful disposal of all fuels, chemicals, fuel and chemical wastes, animal wastes, landscape debris, garbage, batteries, and hazardous, toxic, or other materials which have potential adverse impacts on water quality. (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

#### **8.44.090 Requirements for industrial/commercial and construction activities.**

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Regional Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES Permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the director of community development prior to the issuance of any grading, building, or occupancy permits, or any other type of permit or license issued by the city.

B. Stormwater runoff containing sediment, construction materials, or other pollutants from the construction site and any adjacent staging, storage, or parking areas shall be reduced to the maximum extent practicable. The following shall apply to all construction projects within the city, regardless of project size, and shall be required from the time of land clearing, demolition, or commencement of construction until receipt of a certificate of occupancy:

1. Sediment, construction wastes, trash and other pollutants from construction activities shall be reduced to the maximum extent practicable;
2. Structural controls such as sediment barriers, plastic sheeting, detention ponds, filters, berms, 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;
3. All excavated soil shall be located on the site in a manner that minimizes the amount of sediment running onto the street, drainage facilities, or adjacent properties. Soil piles not actively in use shall be bermed or covered with plastic or similar materials until the soil is either used or removed from the site;
4. No washing of construction or other vehicles is permitted adjacent to a construction site. No water from the washing of construction vehicles or equipment on the construction site is permitted to run off the construction site and enter the MS4;
5. Solid waste receptacles must be situated at convenient locations on construction sites and must be maintained in such a manner that trash and litter and construction waste does not accumulate on the site nor migrate off site. Receptacles must be securely covered at the end of each business day and during rain events; and

6. Erosion from slopes and channels must be controlled through the effective combination of BMPs.

C. The owner or authorized representative of the owner must certify in a form acceptable to the director of community development, or designee, that BMPs to control runoff from construction activity at all construction sites as required under this chapter will be implemented prior to the issuance of any demolition, building or grading permit.

D. In addition to the provisions of subsections (B) and (C) of this section, construction sites covering less than one acre must implement an effective combination of erosion and sediment control BMPs from the Municipal NPDES Permit to prevent erosion and sediment loss, and the discharge of construction wastes, to the satisfaction of the community development director, or designee.

E. In addition to the provisions of subsection (B) of this section, construction sites covering one (1) acre or more must adhere to the requirements set forth in the Municipal NPDES Permit and the Construction General Permit. A Stormwater Pollution Prevention Plan (SWPPP) shall be developed by a Qualified SWPPP Developer (QSD) for construction sites one (1) acre or more consistent with the Municipal NPDES Permit. Such plans must be submitted to the director of community development, or designee, for review and approval prior to the issuance of building or grading permits. The SWPPP must include all elements required by the Construction General Permit. SWPPPs must be prepared in accordance with their calculated risk level per the Construction General Permit. BMPs selected for erosion and sediment control shall be detailed in the SWPPP. BMPs shall be selected from the Municipal NPDES Permit, as applicable, and, at a minimum, shall include those BMPs specified in Attachments A, C, D, and/or E of the Construction General Permit (or any equivalent attachments in a later amended Permit) based on the project type or risk level. Selected BMPs must be selected, designed, implemented, and maintained in accordance with the BMP technical standards presented in the latest version of the California Stormwater Quality Association (CASQA) Stormwater Best Management Practices Handbook for Construction; or Caltrans Stormwater Quality Handbook, Construction Site Best Management Practices Manual and addenda.

F. Roadway paving and repair projects must implement at a minimum the BMPs listed in the Municipal NPDES Permit for such projects. Roadway paving or repair projects one (1) acre or more in size shall also abide by the Construction General Permit, and implement all necessary BMPs as required for coverage under the Construction General Permit. (Ord. 15-1351 §1 (part), 2015: Ord. 02-1224U §13, 2002)

#### **8.44.095 Low impact development requirements for new development and redevelopment projects.**

A. Projects Required to Comply. All new development and the following types of redevelopment projects are required to comply with the new development and redevelopment project performance criteria set forth in the Municipal NPDES Permit:

1. All redevelopment projects, including single or multifamily residential projects, adding or replacing more than five thousand (5,000) square feet of impervious surface area;
2. Industrial parks or sites with five thousand (5,000) square feet or more of surface area;

3. Commercial malls or sites with five thousand (5,000) square feet or more of surface area;
4. Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) with five thousand (5,000) square feet or more of surface area;
5. Retail gasoline outlets with five thousand (5,000) square feet or more of surface area;
6. Restaurants (SIC 5812) with five thousand (5,000) square feet or more of surface area;
7. Parking lots with five thousand (5,000) square feet or more of impervious surface area or with twenty-five (25) or more parking spaces (cumulative on the project site);
8. Any redevelopment project located in or directly adjacent to or discharging directly into a significant ecological area (as defined herein), where the development will:
  - a. Discharge stormwater and dry weather runoff that is likely to impact a sensitive biological species or habitat; and
  - b. Create two thousand five hundred (2,500) square feet or more of impervious surface area.

B. The following do not constitute new development or redevelopment and are not required to comply with the new development and redevelopment project performance criteria set forth in the Municipal NPDES Permit:

1. Routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, original purpose of facility, or emergency redevelopment activity required to protect public health and safety;
2. Discretionary permit projects or phased project applications which have been deemed complete by the effective date of this chapter; and
3. Discretionary permit projects with a valid vesting tentative map.

C. Where redevelopment results in an alteration to more than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, the entire project must comply with the new development/redevelopment project performance criteria in the Municipal NPDES Permit.

D. Where redevelopment results in an alteration to less than fifty (50) percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must comply with the new development/redevelopment project performance criteria in the Municipal NPDES Permit, and not the entire development.

E. Street and road construction of five thousand (5,000) square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets

(December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, alleys, and highways, and also applies to streets, roads and alleys within larger projects.

F. Incorporation of Low Impact Development Program Requirements into Project Plans.

1. New development and redevelopment projects are required to control pollutants and runoff volume from the project site by minimizing the impervious surface area through effective site design and use of water permeable surfaces (e.g., permeable paving or landscaping) to the extent it is technically feasible on not less than fifty (50) percent of exterior surface areas excluding building footprints, and controlling runoff through infiltration, bioretention, and/or rainfall harvest and use, in accordance with the standards set forth in the Municipal NPDES Permit.
2. An application for a new development or a redevelopment project identified in subsection (A) of this section shall incorporate into the project plans a stormwater mitigation plan ("SWMP"), which includes those BMPs necessary to control stormwater pollution from the completed project. Structural or treatment control BMPs (including, as applicable, post-construction treatment control BMPs) set forth in project plans shall meet the design standards set forth in the Municipal NPDES Permit.
3. Hillside new development or redevelopment projects identified in subsection (A) of this section shall implement mitigation measures where applicable to:
  - a. Conserve natural areas;
  - b. Protect slopes and channels from erosion;
  - c. Provide storm drain system stenciling and signage;
  - d. Divert roof runoff to vegetated or other permeable areas before discharge unless the diversion would result in slope instability; and
  - e. Direct surface flow to vegetated or other permeable areas before discharge unless the diversion would result in slope instability.
4. New Development/Redevelopment Project Performance Criteria. Post-construction treatment control BMPs are required for all new development and redevelopment projects identified in subsection (A) of this section unless alternative measures are allowed as provided in the Municipal NPDES Permit. BMPs must be implemented to retain on-site the stormwater quality design volume (SWQDv), defined as runoff from the 0.80 inch, twenty-four (24) hour rain event.
5. BMPs shall meet the design specifications and on-site retention potential described in the Municipal NPDES Permit.

For projects unable to retain one hundred (100) percent of the SWQDv on-site due to technical

infeasibility as defined in the Municipal NPDES Permit, the projects must implement alternative compliance measures in accordance with the Municipal NPDES Permit.

6. The following categories of projects which otherwise do not require compliance with this section, but which the director of community development, or designee, has determined may potentially have adverse impacts on post-development stormwater quality, shall be designed to include post-construction treatment control BMPs to mitigate the adverse impacts on post-development stormwater quality to the maximum extent practicable and must implement a site-specific plan to mitigate post-development stormwater. Projects where one or more of the following project characteristics exist are deemed to potentially have adverse impacts on post-development stormwater quality:

- a. Vehicle or equipment fueling areas;
- b. Vehicle or equipment maintenance areas, including washing and repair;
- c. Commercial or industrial waste handling or storage;
- d. Outdoor handling or storage of hazardous materials;
- e. Outdoor manufacturing areas;
- f. Outdoor food handling or processing;
- g. Outdoor animal care, confinement, or slaughter; or
- h. Outdoor horticulture activities.

G. Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in subsection (A) of this section or projects listed in subsection (F)(6) of this section until the director of community development, or designee, confirms that the project plans comply with the applicable stormwater mitigation plans, BMP requirements and enumerated design criteria requirements set forth in this chapter.

H. Issuance of Certificates of Occupancy. As a condition for issuing a certificate of occupancy for new development or redevelopment projects identified in subsection (A) of this section or projects listed in subsection (F)(6) of this section, the director of community development, or designee, shall require facility operators and/or owners to build all the stormwater pollution control BMPs and structural or treatment control BMPs that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the Municipal NPDES Permit and other applicable regulatory requirements.

Project owners shall provide an operation and maintenance plan, monitoring plan if required by the director of community development, or designee, and verification of ongoing maintenance provisions for LID practices, structural or treatment control BMPs, and hydromodification control BMPs including but not limited to: final

map conditions, legal agreements, recorded covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/or other legally binding maintenance agreements to the satisfaction of the director, or designee. These maintenance records must be kept on site for treatment BMPs implemented on single-family residences.

I. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

1. The transfer or lease of a property subject to a requirement for maintenance of structural and/or treatment control BMPs shall include conditions requiring the transferee and its successors and assigns to either (a) assume responsibility for maintenance of any existing structural or treatment control BMP, or (b) replace an existing structural or treatment control BMP with new control measures or BMPs meeting the then-current standards of the city and the Municipal NPDES 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 structural or treatment control BMPs at least once a year and retain proof of inspection by the city for a minimum of five (5) years.
2. For residential properties where the structural or treatment control 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 stormwater management facilities 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 structural or treatment control 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.

J. California Environmental Quality Act. Provisions of this section shall be complimentary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act (CEQA). (Ord. 15-1351 §1 (part), 2015: Ord. 01-1211 §5, 2001)

**8.44.100 Inspection authority.**

- A. Authority to Enforce. The city's authorized enforcement officers and designees thereof, are authorized and directed to enforce all provisions of this chapter.
- B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever an authorized enforcement officer has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, an authorized enforcement officer may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the officer by this chapter; provided, that: (1) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (2) if such

building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant. In the event the owner and/or occupant refuses entry after such request has been made, the officer may seek assistance from any court of competent jurisdiction in obtaining such entry.

C. Authority to Carry Out Inspections, Conduct Samplings, and Establishing Sampling Devices. An authorized enforcement officer may carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the Municipal NPDES Permit, including the prohibition of nonstormwater discharges into the MS4 and receiving waters. With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determine the concentrations of pollutants in stormwater and/or nonstormwater runoff. The inspections provided for herein may include but are not limited to:

1. Inspecting efficiency or adequacy of construction or post-construction BMPs;
2. Inspection, sampling, and testing any area runoff, soils in areas subject to runoff, and/or treatment system discharges;
3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;
4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary; and
5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

D. Requirement to Sample or Monitor. Any authorized enforcement officer may order that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to stormwater pollution or contamination, illicit discharges, and/or discharge of nonstormwater to the MS4, undertake such monitoring activities and/or analyses and furnish such reports as the officer may specify. All costs incurred for such activity shall be borne by the party ordered to do the sampling. In the event the owner or operator of a facility subject to a monitoring and/or analyses order fails to conduct required monitoring and/or analyses and furnish the required reports in the form required, an authorized enforcement officer may cause such monitoring and/or analyses and the cost, therefore, including the reasonable additional administrative costs incurred by the city, shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property. If the invoice is not paid within sixty (60) days of the issuance thereof, the costs shall be a lien upon and against the property and continue in existence until the same shall be paid. If the lien is not satisfied by the

owner of the property within three (3) months after the completion by an authorized enforcement officer of the required monitoring and/or analyses and reports, the property may be sold in satisfaction thereof in a like manner as other real property is sold under execution.

E. Facility Inspections. The director of public works, or designee, may periodically inspect every commercial and industrial facility as defined under the Municipal NPDES Permit at least twice during the term of the Municipal NPDES Permit and as often as necessary to insure compliance with this chapter as the director of public works, or designee, deems appropriate. (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

**8.44.110 Violations of stormwater and dry weather runoff pollution control regulations.**

A. Violations.

1. Violations of the provisions of this chapter are subject to the administrative penalty provisions of Chapter [1.10](#). Each day that a violation continues shall constitute a separate offense.
2. Concealment. Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

B. Public Nuisance.

1. In addition to being subject to the administrative penalty provisions:
  - a. Any action or inaction or condition caused or permitted to exist in violation of:
    - i. Any of the provisions of this chapter; or
    - ii. Any requirement of either the Municipal NPDES Permit, the Construction General Permit, an approved stormwater mitigation plan, an approved SWPPP with respect to a property, the Industrial General Permit; or
  - b. Any false certification or verification, or any failure to comply with a certification or verification provided by a project applicant or the applicant's successor in interest; or
  - c. Any failure to properly operate and maintain any structural or treatment control BMP on a property in accordance with an approved stormwater mitigation plan or the Municipal NPDES Permit, is hereby determined to be a threat to the public health, safety and welfare, is declared and deemed a public nuisance, and may be abated or restored by the authorized enforcement officer, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city. Nuisance abatement is governed by Chapter [8.28](#).
2. The cost of public nuisance abatement and restoration shall be assessed against the property, as set forth in Chapter [8.28](#).
3. If any violation of this chapter constitutes a seasonal or recurring nuisance, either the community

development director or public works director, or their designee, shall so declare and provide notice to the address of the property via certified mail. The failure of any person to take appropriate annual or seasonal precautions required by the notice shall constitute a public nuisance and a violation of this chapter.

C. Enforcement Procedure for Public Nuisance.

1. For the first failure to comply with any provision contained in this chapter that will be prosecuted as a nuisance, rather than enforced pursuant to the city's administrative penalty provisions, an authorized enforcement officer shall issue to the violator a written notice which includes the following information: (a) a description of the violation being committed; (b) a specified time within which the violation must be corrected or within which the violator may file a written response to the officer disputing the existence of a violation; and (c) a description of the penalties which may be imposed for continued noncompliance.
2. If the violator demonstrates that the violation does not exist, or has been corrected, no further action need be taken. If, however, the violation exists and is not corrected within the prescribed time, the authorized enforcement officer may thereafter pursue any of the enforcement remedies described below in this section.
3. Notice is only required under this section in the first instance for failure to comply with any provision of this chapter and is not required for subsequent violations of the same or substantially similar activity.
4. Notice under this provision is not required before the city may pursue an administrative penalty under Chapter [1.10](#).

D. Civil Actions. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, as appropriate, any or all of the following remedies:

1. A temporary and/or permanent injunction;
2. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection;
3. Costs incurred in removing, correcting, or terminating the adverse effects resulting from violation; and
4. Compensatory damages for loss, damage or destruction of water quality, wildlife, fish, or aquatic life.

E. Administrative Enforcement Powers. In addition to the other enforcement powers and remedies established by this chapter, the authorized enforcement officers have the authority to utilize the following administrative remedies:

1. Cease and Desist Orders. When an authorized enforcement officer finds that a violation of this

chapter has taken place or is likely to take place, the officer may issue an order to cease and desist such discharge, or practice, or operation likely to cause such violation and direct that those persons not complying shall: (a) comply with the requirement, (b) comply with a time schedule for compliance, or (c) take appropriate remedial or preventive action to prevent a specified violation from recurring.

2. Notice to Clean. Whenever an authorized enforcement officer finds any oil, earth, debris, grass, weeds, dead trees, rubbish, refuse, waste, container or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in pollutants entering the MS4 or a nonstormwater discharge to the MS4, he or she may give notice to the owner or occupant of the adjacent property to remove such oil, earth, debris, grass, weeds, dead trees, rubbish, refuse, waste, container or other material, in any manner that the officer may reasonably direct. The recipient of such notice shall undertake the activities as described in the notice.

F. Permit Revocation. To the extent the city makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this Code.

G. Remedies. Remedies specified in this chapter are in addition to and do not supersede or limit any and all other remedies, civil, or criminal, including remedies under the Federal Clean Water Act and/or Porter-Cologne Act. The remedies provided for in this section shall be cumulative and not exclusive.

H. Citizen Reporting. Members of the public are encouraged to report possible violations of this chapter to the city's public works department. (Ord. 15-1351 §1 (part), 2015: Ord. 07-1281, 2007)

#### **8.44.120 No taking.**

The provisions of this chapter shall not be construed or operated to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation. (Ord. 15-1351 §1 (part), 2015: Ord. 96-1165 §1, 1996; Ord. 94-1113, 1994)

**Chapter 8.48  
MISCELLANEOUS HEALTH REGULATIONS**

Sections:

- [8.48.010 Washroom--Public washrooms.](#)**
- [8.48.020 Washroom--Public hands washing facilities.](#)**
- [8.48.030 Water supply--Contamination generally.](#)**
- [8.48.040 Water supply--Storage and inlets.](#)**
- [8.48.050 Water supply--Notification to correct, cross connection.](#)**
- [8.48.060 Alcoholic beverages--Warning signs.](#)**

**8.48.010 Washrooms--public washrooms.**

Every person maintaining any toilet, washroom or bath or shower room for the use of employees or the public shall at all time keep the floors, walls, ceilings, lavatory, urinals and toilet bowl free from any accumulation of dirt, filth or corrosion. All lavatories shall be supplied with soap and individual towels with a receptacle for their disposal. All toilet rooms shall be provided with toilet paper. (Prior code § 21-17)

**8.48.020 Washrooms--public hand-washing facilities.**

In connection with every public toilet hereafter erected, there shall be maintained hand-washing facilities for the public and for employees. (Prior code § 21-18)

**8.48.030 Water supply--contamination generally.**

No person shall connect, cross-connect, maintain or install any device, receptacle, fixture, tank or any other form of installation in any building or on any premises, which is connected to any water line, pipe or conduit, which conveys or carries any water used for domestic or human consumption, if the plan, arrangement, connection, maintenance or installation is such as to make possible any contamination or pollution of such water supply. (Prior code § 21-19)

**8.48.040 Water supply--storage and inlets.**

No person shall install or allow to exist any inlet, discharging water supplied by any water supply used for domestic or human consumption in or into any tank, cistern, reservoir or receptacle for storage or use of water, unless such inlet discharges such water above the maximum possible high water level of such tank, cistern, reservoir or other receptacle for the storage or use of water. (Prior code § 21-20)

**8.48.050 Water supply--notification to correct, cross connection.**

Whenever the health officer, or his duly authorized representative, finds that any violation of this code exists, he shall notify such person to correct, discontinue or remove such cross connection, device, receptacle, fixture, tank, cistern, reservoir or any other such installation within any building or on any premises. (Prior code § 21-21)

**8.48.060 Alcoholic beverages--warning signs.**

A. Signs Concerning Dangers of Consuming Alcoholic Beverages During Pregnancy--Duty to Post. Any person or entity who owns, operates, manages, leases or rents a premises offering for sale or dispensing for

consideration to the public, alcoholic beverages including beer and wine shall cause a sign or notice to be posted or displayed on the premises as provided in this section. The sign or notice shall comply with the readability requirements specified herein and shall read substantially as follows:

**WARNING. DRINKING WINE, BEER AND OTHER ALCOHOLIC BEVERAGES DURING PREGNANCY CAN CAUSE BIRTH DEFECTS.**

In no event shall a sign as required herein be smaller than eight inches wide and eight inches long, nor shall any lettering thereon be less than one inch in height.

B. Placement. A sign or notice required by subsection A of this section shall be placed as follows:

1. Where the sale or dispensing of alcoholic beverages, including beer and wine to the public is primarily intended for consumption on the premises, at least one sign shall be so placed as to assure that it is readable from all locations at which said sale or dispensing occurs.
2. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one sign shall be placed to assure it is readable from all counter locations available to the public.
3. Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is primarily provided for consumption on the premises by the public at tables served by food or beverage service persons, at least one sign shall be placed to assure it is readable by the public entering the premises; provided however, that notices may be placed or displayed at each of the tables in a manner which will assure that the notices are readily visible and readable as materials provided to the public which list food and beverage prices.

C. Language. In the event of a substantial number of the public patronizing a premises offering for sale or dispensing for consideration, alcoholic beverages, including beer or wine, uses a language other than English as a primary language, any sign or notice required by subsection A of this section shall be worded in both English and the primary language or languages involved. (Prior code § 21-33)

**Chapter 8.52  
FLOODPLAIN MANAGEMENT REGULATIONS**

Sections:

- [\*\*8.52.010 Statutory Authorization.\*\*](#)
- [\*\*8.52.020 Findings of Fact.\*\*](#)
- [\*\*8.52.030 Statement of Purpose.\*\*](#)
- [\*\*8.52.040 Methods of Reducing Flood Losses.\*\*](#)
- [\*\*8.52.050 Definitions.\*\*](#)
- [\*\*8.52.060 Lands to Which This Chapter Applies.\*\*](#)
- [\*\*8.52.070 Basis for Establishing the Areas of special Flood Hazard.\*\*](#)
- [\*\*8.52.080 Compliance.\*\*](#)
- [\*\*8.52.090 Abrogation and Greater Restrictions.\*\*](#)
- [\*\*8.52.100 Interpretation.\*\*](#)
- [\*\*8.52.110 Warning and Disclaimer of Liability.\*\*](#)
- [\*\*8.52.120 Flood Damage Prevention Permit.\*\*](#)
- [\*\*8.52.130 Designation of Floodplain Administrator.\*\*](#)
- [\*\*8.52.140 Duties and Responsibilities of the Floodplain Administrator.\*\*](#)
- [\*\*8.52.150 Appeals.\*\*](#)
- [\*\*8.52.160 Standards of Construction.\*\*](#)
- [\*\*8.52.170 Standards for Utilities.\*\*](#)
- [\*\*8.52.180 Standards for Subdivisions and Other Proposed Development.\*\*](#)
- [\*\*8.52.190 Standards for Manufactured Homes.\*\*](#)
- [\*\*8.52.200 Standards for Recreational Vehicles.\*\*](#)
- [\*\*8.52.210 Coastal High Hazard Areas\*\*](#)
- [\*\*8.52.220 Floodways.\*\*](#)
- [\*\*8.52.230 Nature of Variances.\*\*](#)
- [\*\*8.52.240 Conditions for Variances.\*\*](#)
- [\*\*8.52.250 Criteria for Issuance of Variances.\*\*](#)

**8.52.010 Statutory Authorization.**

The Legislature of the State of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the City of Hermosa Beach does hereby adopt the following floodplain management regulations.

**8.52.020 Findings of Fact.**

A. The flood hazard areas of Hermosa Beach are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood-proofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses.

#### **8.52.030 Statement of Purpose.**

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions by provisions designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

#### **8.52.040 Methods of Reducing Flood Losses.**

In order to accomplish its purposes, this chapter includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

#### **8.52.050 Definitions.**

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

"A zone" see "Special flood hazard area".

"Accessory structure" means a structure of which the use is incidental to that of the main structure on the same lot. Where the wall of an accessory structure has a common wall or a portion of a common wall not less than four feet in length, such accessory structure shall be considered as a part of the main structure.

"Appeal" means a request for a review of the Floodplain Administrator's interpretation of any provision of this chapter.

"Area of shallow flooding" means a designated AO or AH Zone on the Flood Insurance Rate Map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" See "Special flood hazard area."

"Area of special flood-related erosion hazard?" is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the Flood Insurance Rate Map (FIRM).

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood"). Base flood is the term used throughout this chapter.

"Base flood elevation" (BFE) means the elevation shown on the Flood Insurance Rate Map for Zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a 1-percent or greater chance of being equaled or exceeded in any given year.

"Basement" means any area of the building having its floor subgrade - i.e., below ground level - on all sides.

"Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind

and water loads acting simultaneously in the event of the base flood.

"Building" see "Structure".

"Coastal high hazard area" means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1 V30, VE, or V.

"Development" means any man made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

"Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the date this chapter became effective.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

"Flood, flooding, or flood water" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that

includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

"Floodplain or flood prone area" means any land area susceptible to being inundated by water from any source - see "Flooding."

"Floodplain Administrator" is the Director of Public Works.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Flood-proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet flood-proofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory Floodway."

"Floodway fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Section [8.52.250](#) of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the City of Hermosa Beach will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are

necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long term storage or related manufacturing facilities.

"Governing body" is the City Council of the City of Hermosa Beach.

"Hardship" as related to Section [8.52.230](#) of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The City of Hermosa Beach requires that the variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Levee" means a man made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

"Levee system" means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "Basement" definition).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable non-elevation design requirements, including, but not limited to:
  - a. The flood openings standard in Section 8.52.160.C.4 ;
  - b. Anchoring standards in Section 8.52.160.A;
  - c. Construction materials and methods standards in Section 8.52.160.B; and
  - d. Standards for utilities in Section [8.52.170](#).

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the City of Hermosa Beach substantial damage/improvement procedures. See Section 8.52.140.B.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"New construction" for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of this chapter, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this chapter.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"One hundred year flood" or "100 year flood" - see "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

"Program deficiency" means a defect in a community's floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

"Public safety and nuisance" as related to Section [8.52.250](#) of this chapter, means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projection;
3. Designed to be self propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing State or Federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sand dunes" mean naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Sheet flow area" see "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a 1 percent or greater chance of flooding in any given year. It is shown on an FHBMR or FIRM as Zone A, AO, A1 A30, AE, A99, AH, V1 V30, VE or V.

"Start of construction" includes substantial improvement and other proposed new development and means the

date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure."

"V zone" see "Coastal high hazard area."

"Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and

frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

#### **8.52.060 Lands to Which This Chapter Applies.**

This chapter shall apply to all areas of special flood hazards within the jurisdiction of City of Hermosa Beach.

#### **8.52.070 Basis for Establishing the Areas of Special Flood Hazard.**

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Los Angeles County Flood Insurance Study (FIS)" dated July 6, 1998, with accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's), and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the City of Hermosa Beach by the Floodplain Administrator. The study, FIRM's and FBFM's are on file at the City of Hermosa Beach Public Works Department at 1315 Valley Drive, Hermosa Beach.

#### **8.52.080 Compliance.**

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards) shall constitute a misdemeanor. Nothing herein shall prevent the City of Hermosa Beach from taking such lawful action as is necessary to prevent or remedy any violation.

#### **8.52.090 Abrogation and Greater Restrictions.**

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and any other provision of law, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

#### **8.52.100 Interpretation.**

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes.

#### **8.52.110 Warning and Disclaimer of Liability.**

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions.

Flood heights may be increased by man made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of City of Hermosa Beach, any officer or employee thereof, the State of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

### **8.52.120 Flood Damage Prevention Permit.**

A flood damage prevention permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section [8.52.070](#). Application for a flood damage prevention permit shall be made on forms furnished by the City of Hermosa Beach. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section [8.52.070](#) or Section 8.52.140.C;
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be flood-proofed, as required in Section 8.52.160.C.3 of this chapter and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential flood-proofed building meets the flood-proofing criteria in Section 8.52.160.C.3.

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 8.52.160.C.2 of this chapter and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 8.52.140.E of this chapter.

### **8.52.130 Designation of Floodplain Administrator.**

The Director of Public Works is hereby appointed to administer, implement, and enforce this chapter by

granting or denying flood damage prevention permits in accord with its provisions.

#### **8.52.140 Duties and Responsibilities of the Floodplain Administrator.**

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to the following:

A. Permit Review.

Review all flood damage prevention permits to determine:

1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Hermosa Beach; and
5. All Letters of Map Revision (LOMR's) for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, "Answers to Questions About Substantially Damaged Buildings," develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining "Market Value."
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data.

When base flood elevation data has not been provided in accordance with Section [8.52.070](#), the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections [8.52.160](#) through [8.52.220](#).

NOTE: A base flood elevation may be obtained using one of two methods from the FEMA publication, FEMA 265, "Managing Floodplain Development in Approximate Zone A Areas –

A Guide for Obtaining and Developing Base (100-year) Flood Elevations" dated July 1995.

D. Notification of Other Agencies.

1. Alteration or relocation of a watercourse:

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the Federal Emergency Management Agency; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation changes due to physical alterations:

- a. Within 6 months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a Letter of Map Revision (LOMR).
- b. All LOMR's for flood control projects are approved prior to the issuance of building permits. Building Permits must not be issued based on Conditional Letters of Map Revision (CLOMR's). Approved CLOMR's allow construction of the proposed flood control project and land preparation as specified in the "start of construction" definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in corporate boundaries:

Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development.

Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 8.52.160.C.1 and Section [8.52.190](#) (lowest floor elevations);
2. Certification required by Section 8.52.160.C.3 (elevation or flood-proofing of nonresidential structures);
3. Certification required by Sections 8.52.160.C.4 (wet flood-proofing standard);
4. Certification of elevation required by Section 8.52.180.A.3 (subdivisions and other proposed development standards);

5. Certification required by Section [8.52.220](#) (floodway encroachments);
  6. Information required by Section 8.52.210.F (coastal construction standards); and
  7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.
- F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section [8.52.150](#).
- G. Remedial Action. Take action to remedy violations of this chapter as specified in Section [8.52.080](#).
- H. Biennial Report. Complete and submit Biennial Report to FEMA.
- I. Planning. Assure community's General Plan is consistent with floodplain management objectives herein.

**8.52.150 Appeals.**

The City Council of the City of Hermosa Beach shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Floodplain Administrator in the enforcement or administration of this chapter.

**8.52.160 Standards of Construction.**

In all areas of special flood hazards the following standards are required:

A. Anchoring.

All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and

4. Within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Flood-proofing.

1. Residential construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 Zones, elevated to or above the base flood elevation.
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.
- c. In an A zone, without BFE's specified on the FIRM [unnumbered A zone], elevated to or above the base flood elevation; as determined under Section 8.52.140.C.

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

2. Crawlspace Construction. This sub-section applies to buildings with crawl spaces up to 2 feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;
- b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
- c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
- e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.

f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:

- i. The interior grade of a crawl space below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
- ii. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;
- iii. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
- iv. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawl space. For velocities in excess of 5 feet per second, other foundation types should be used.

3. Nonresidential construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with Section 8.52.160.C or:

- a. Be flood-proofed, together with attendant utility and sanitary facilities, below the elevation recommended under Section 8.52.160.C.1, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of Section 8.52.160.C.3.a & b are satisfied. Such certification shall be provided to the Floodplain Administrator.

4. Flood openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For non-engineered openings:
  - i. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
  - ii. The bottom of all openings shall be no higher than one foot above grade;
  - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices

- provided that they permit the automatic entry and exit of floodwater; and
- iv. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow flood water to directly enter; or
- b. Be certified by a registered civil engineer or architect.
5. Manufactured homes. See Section [8.52.190](#).
6. Garages and low cost accessory structures.
- a. Attached garages.
- i. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of flood waters. See Section 8.52.160.C.4. Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 8.52.160.B.
- ii. A garage attached to a nonresidential structure must meet the above requirements or be dry flood-proofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
- b. Detached garages and accessory structures.
- i. "Accessory structures" used solely for parking (2 car detached garages or smaller) or limited storage, as defined in Section [8.52.050](#), may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
- (a) Use of the accessory structure must be limited to parking or limited storage;
- (b) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
- (c) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
- (d) Any mechanical and utility equipment in the accessory structure must be elevated or flood-proofed to or above the BFE;
- (e) The accessory structure must comply with floodplain encroachment provisions in Section [8.52.220](#); and
- (f) The accessory structure must be designed to allow for the automatic entry of flood waters in accordance with Section 8.52.160.C.4.
- ii. Detached garages and accessory structures not meeting the above standards must be

constructed in accordance with all applicable standards in Section [8.52.160](#).

#### **8.52.170 Standards for Utilities.**

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of flood waters into the systems; and
2. Discharge from the systems into flood waters.

B. On site waste disposal systems shall be located to avoid impairment to them, or contamination from them during flooding.

#### **8.52.180 Standards for Subdivisions and Other Proposed Development.**

A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than 50 lots or 5 acres, whichever is the lesser, shall:

1. Identify the Special Flood Hazard Areas (SFHA) and Base Flood Elevations (BFE).
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a Letter of Map Revision based on Fill (LOMR-F) to the Floodplain Administrator:
  - a. Lowest floor elevation
  - b. Pad elevation.
  - c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards.

#### **8.52.190 Standards for Manufactured Homes.**

A. All manufactured homes that are placed or substantially improved, on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred "substantial damage" as the result of a

flood, shall:

1. Within Zones A1 30, AH, and AE on the community's Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Within Zones V1 30, V, and VE on the community's Flood Insurance Rate Map, meet the requirements of Section [8.52.210](#).

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1 30, AH, AE, V1 30, V, and VE on the community's Flood Insurance Rate Map that are not subject to the provisions of Section [8.52.190](#) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the Floodplain Administrator.

#### **8.52.200 Standards for Recreational Vehicles.**

A. All recreational vehicles placed in Zones A1-30, AH, AE, V1-30 and VE will either:

1. Be on the site for fewer than 180 consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section [8.52.120](#) of this chapter and the elevation and anchoring requirements for manufactured homes in Section [8.52.190](#).

B. Recreational vehicles placed on sites within Zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of Section 8.52.200.A and Section [8.52.210](#).

#### **8.52.210 Coastal High Hazard Areas.**

Within coastal high hazard areas, Zones V, V1-30, and VE, as established under Section [8.52.070](#), the following standards shall apply:

A. All new residential and non-residential construction, including substantial improvement/damage, shall be

elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section [8.52.050](#) of this chapter. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Man made alteration of sand dunes which would increase potential flood damage is prohibited.

F. The Floodplain Administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with Section 8.52.210.A; and

2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

### **8.52.220 Floodways.**

Since floodways are an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within Zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than 1 foot at any point within the City of Hermosa Beach.

B. Within an adopted regulatory floodway, the City of Hermosa Beach shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If Sections 8.52.220.A & B are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections [8.52.160](#)

through [8.52.220](#).

#### **8.52.230 Nature of Variances.**

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section of the chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature.

A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the City of Hermosa Beach to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

#### **8.52.240 Conditions for Variances.**

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Sections [8.52.120](#) through [8.52.220](#) of this chapter have been fully considered. As the lot size increases beyond one half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of "historic structures" (as defined in Section [8.52.050](#) of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the "minimum necessary" considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the City of Hermosa Beach need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the City of

Hermosa Beach believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage, and
2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the Floodplain Administrator in the Office of the Los Angeles County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The Floodplain Administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

#### **8.52.250 Criteria for Issuance of Variances.**

A. In passing upon requests for variances, the City of Hermosa Beach shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see "Public safety and nuisance"), cause "fraud and victimization" of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 8.52.250.A through 8.52.250.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 8.52.240.A and the purposes of this chapter, the City of Hermosa Beach may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

**Chapter 8.56**  
**WATER CONSERVATION AND DROUGHT MANAGEMENT PLAN**

Sections:

- [\*\*8.56.010 Title\*\*](#)
- [\*\*8.56.020 Findings\*\*](#)
- [\*\*8.56.030 Purpose and Intent\*\*](#)
- [\*\*8.56.040 Definitions\*\*](#)
- [\*\*8.56.050 Applicability.\*\*](#)
- [\*\*8.56.060 Water Conservation and Drought Management Plan.\*\*](#)
- [\*\*8.56.070 Water Conservation Requirements.\*\*](#)
- [\*\*8.56.080 Drought Response Level 1 – Drought Alert Condition.\*\*](#)
- [\*\*8.56.090 Drought Response Level 2 – Drought Critical Condition.\*\*](#)
- [\*\*8.56.100 Drought Response Level 3 – Drought Emergency Condition\*\*](#)
- [\*\*8.56.110 Procedures for Declaration and Notification of Drought Response Level and Additional Water Conservation Measures.\*\*](#)
- [\*\*8.56.120 Exceptions\*\*](#)
- [\*\*8.56.130 Penalties and Remedies.\*\*](#)

**8.56.010 Title.**

This Chapter shall be known as the “City of Hermosa Beach Water Conservation and Drought Management Plan Ordinance.”

**8.56.020 Findings.**

- A. A reliable supply of potable water is essential to the public health, safety and welfare of the people and economy of the State, the southern California region and City of Hermosa Beach.
- B. The State of California, southern California region and the City of Hermosa Beach suffer from periodic water shortages, and a growing population, climate change, environmental concerns, periodic energy shortages, and other factors make the region highly susceptible to water supply reliability issues.
- C. An active water conservation program with conservation measures applicable to all sources and uses of water is essential to ensure a reliable supply of water for drinking, sanitation and fire protection, and to protect the public health, safety and welfare.
- D. A Water Conservation and Drought Management Plan is necessary to properly manage water supplies and mitigate the effects of water shortages within the City by reducing water consumption by residents, businesses and visitors, while minimizing the hardship caused to the general public to the greatest extent possible.
- E. Recycled water (including water reclaimed by the West Basin Municipal Water District, graywater to the extent allowed by law and capture of rainwater) is a valuable resource that can be used to offset imported and other water supplies and shall therefore be regulated under this Chapter.

**8.56.030 Purpose and intent.**

A. The purposes of this Chapter are to increase the conservation and efficient use of potable water, maximize the use of recycled water, and provide a drought management plan. The plan will reduce water consumption and extend available water supplies, minimize the effects and hardship of water shortages on the City and the general public to the greatest extent possible, and maximize the socioeconomic and environmental benefits associated therewith.

B. This Ordinance is intended solely to further the conservation of water. It is not intended to implement or supersede any federal, state, or local statute, Ordinance or regulation relating to protection of water quality or control of drainage or runoff.

C. This Ordinance does not modify, terminate or otherwise affect the water services or water rates of any person.

**8.56.040 Definitions.**

The terms in this Chapter relating to various uses of property shall be as defined in Title 17 (Zoning) and shall be broadly construed to achieve the purposes of this Chapter. In addition:

"Approval Authority" means the City Manager or his/her designee.

"Commercial" means commercial, industrial, or any other nonresidential business or use.

"Discretionary planning entitlement" means a land use permit or approval granted by the planning commission necessary to proceed with development.

"Existing" as used in this Chapter means, as applicable:

A. An existing building means a building that was constructed or had received all required approvals to commence construction on or prior to April 1, 2010.

B. An existing establishment means a business establishment that was in operation on or prior to April 1, 2010.

"Irrigation system" or "landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated through an automated system.

"New" means as applicable:

A. "New building" means a building that is constructed, or receives all required approvals to commence construction, after April 1, 2010.

B. "New establishment," "new business" or "new facility" mean a business establishment that initiates operation, or receives all required approvals to initiate operation, after April 1, 2010.

"Person" means any natural person or persons, corporation, public or private entity, governmental agency or institution, or any other user of water within the City.

"Positive action quick-release shutoff valve or nozzle" means a hand-held sprayer or similar device that quickly, automatically and absolutely stops the flow of water when the user stops exerting pressure. Water-efficient devices emit not more than three (3) gallons of water per minute.

"Pre-rinse dishwashing spray nozzle" means a hand-held device that uses a spray of water to remove food and grease from dishware, utensils and pans before placing them in the dishwasher that emits not more than 1.6 gallons of water per minute.

"Pressure washer" means a water conserving cleaning device that emits not more than three (3) gallons of water per minute.

"Recycled water" or "recycling system" means the capture, reclamation and reuse of non-potable water for beneficial use.

"Single pass cooling system" means equipment where water is circulated only once to cool equipment before the water is disposed.

"Water broom" means a water conserving sweeping device with spray jets that emit not more than three (3) gallons of water per minute.

"Water-efficient" means a water conserving fixture, device or system that complies with the water conservation standards of the most current edition of the California Plumbing Code or, if no standard applies, is EPA WaterSense labeled or its equivalent. In no case shall the fixture, device or system use more water than is indicated by the standard stated in this section.

"Water-efficient irrigation systems" means systems using water conserving devices, including but not limited to weather based controllers, drip/micro-irrigation systems with emitters that emit not more than two (2) gallons of water per hour, and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.

"Water-efficient dishwashing machines or systems" mean devices that use not more than one (1) gallon of water per rack.

"Water-efficient laundry washing machines" means machines have a water factor of 6.0 or less, wherein water factor means the number of gallons of water used per cycle, divided by the tub volume.

"Water-efficient toilet" means toilets using not more than 1.6 gallons per flush or urinals using not more than one (1) gallon per flush.

"Water recycling system" means a system that reclaims and reuses non-potable water.

**8.56.050 Applicability.**

This Chapter is applicable to every person, commercial business, or other water user in the use of any water within the City. The City Council may by Resolution exempt pilot programs or special programs of limited scope undertaken by the City or undertaken in conjunction with the City's water providers.

**8.56.060 Water conservation and drought management plan.**

This Chapter establishes a water conservation and drought management plan consisting of both permanent regulations designed to reduce water usage and increase the efficiency of water use on an ongoing basis, and three increasingly restrictive levels of drought response actions to be implemented in times of drought conditions.

**8.56.070 Water conservation requirements.**

The following water conservation requirements shall apply to all persons:

**A. Landscaping.**

1. Watering hours and duration. No lawn or landscaped area shall be irrigated or watered by any means between the hours of 9:00 a.m. and 6:00 p.m. on any day. Above-ground spray irrigation or watering shall not exceed fifteen (15) minutes per irrigation station or area. This provision shall not apply to drip irrigation systems, use of a hand-held bucket or similar container, use of a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, irrigation necessary to establish newly planted low water usage plants, or water expended for limited periods of time necessary for irrigation system maintenance or leak repair.
2. Over-watering: No lawn or landscaped area shall be irrigated or watered to the point where excess water ponds, sprays or runs off the lawn or landscaped area onto any walkways, sidewalks, driveways, streets, alleys or storm drains.
3. Irrigation during rainfall: No lawn or landscaped area shall be irrigated or watered during rainfall or within 24 hours after measurable rainfall.
4. Landscape maintenance: All lawns and landscaping shall be regularly maintained to reduce water use by such methods as aerating, thatching and mulching.
5. Landscape irrigation system maintenance: Landscape irrigation systems shall be regularly inspected, maintained and repaired to eliminate leaks, remove obstructions to water emission devices and eliminate over spraying.

**B. Pools and spas.** New pools and spas shall be equipped with a cover. Not later than July 1, 2012, all existing pools and spas shall be constructed, installed or equipped with a cover. Pools and spas shall be covered overnight and daily when use is concluded.**C. Water fountains and decorative water features.** No person shall operate a fountain or other decorative

water feature that does not recycle or re-circulate the water utilized by the device.

D. Cleaning. No person shall use water to wash or clean any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; however, use of water brooms or pressure washers or similar low flow technology, or water recycling systems to clean these surfaces, is permitted. In no case shall such water run off the property or drain onto any walkways, sidewalks, streets, alleys or storm drains.

E. Car washing. No person shall use water to wash or clean any motorized or un-motorized vehicle, including, but not limited to, an automobile, truck, boat, van, bus, motorcycle, trailer or similar vehicle, except by use of a bucket or similar container or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle. This subsection shall not apply to any commercial car washing facility that uses a water recycling system to capture or reuse water.

F. Waste and leaks. No person shall:

1. Cause, permit or allow water to leak from any exterior or interior pipe, hose or plumbing fixture.
2. Cause, permit or allow water to flow from any source on private or public property onto walkways, sidewalks, streets, alleys or storm drains, except as a result of rainfall or pumping excessive groundwater infiltration, such as by means of a sump pump.
3. The use of water for cleaning, washing and other uses shall be performed in an efficient manner to reduce waste and total water use.

G. All commercial establishments

1. Single pass cooling systems. Single-pass cooling systems shall not be installed in new commercial buildings. When single pass cooling systems in existing businesses are replaced, single pass cooling system shall not be installed as a replacement.

2. Toilets. New commercial establishments shall install and use only water-efficient toilets. All existing commercial establishments shall install and use only water-efficient toilets by January 1, 2014.

H. Eating and drinking establishments. The following provisions shall also apply to all restaurants, cafes, snack shops, bars, other eating and drinking establishments, and food catering businesses:

1. All establishments shall only provide drinking water to customers upon request.
2. All establishments shall install and use low-flow pre-rinse dishwashing spray nozzles by July 1, 2011.
3. All establishments shall use low-flow technologies for washing and cleaning floors and surfaces, such as using a hand-held bucket or similar container and mop, water brooms or pressure washers.
4. New establishments shall install and use water-efficient dishwashing machines or systems. When dishwashing machines in existing businesses are replaced, water-efficient dishwashing machines or

systems shall be installed. All existing establishments shall install and use only water-efficient dishwashing machines or systems by January 1, 2014.

I. Hotels and motels. The following provisions shall apply to all hotels, motels, hostels, bed and breakfast and similar temporary accommodation establishments:

1. All establishments shall provide customers the option of choosing not to have towels and linens laundered daily and shall prominently display notice of this option in each bathroom and sleeping room using clear and easily understood language.
2. All establishments that provide on-premises facilities for laundering towels or linens shall comply with Subsection J of this Section.
3. All establishments that provide food services shall comply with Subsection H of this Section.

J. Laundry businesses. New commercial laundry businesses shall install and use water recycling systems. When washing machines in existing businesses are replaced, water-efficient laundry washing or water recycling systems shall be installed. All existing laundry businesses shall install and use only water-efficient laundry washing machines or water recycling systems by January 1, 2014.

K. Commercial car wash facilities. New commercial conveyor-type car wash facilities shall install water recycling systems. All existing conveyor car wash systems shall install and operate only water recycling systems by January 1, 2012. All existing commercial car wash operations, including those accessory to another use, shall use high pressure, low volume wash systems, bucket or similar container, and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle, or similar low-flow device by January 1, 2012.

L. Exceptions. The provisions of this Section are not applicable to uses of water that are necessary to protect public health and safety or for essential governmental services when such uses of water cannot be reduced, such as for fire-fighting and other similar emergency services.

#### **8.56.080 Drought response level 1 – Drought alert condition.**

A. The City Council may by Resolution declare a Drought Alert condition and implement the Level 1 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of up to ten (10) percent is required in order to have sufficient water supplies available to meet anticipated demands.

B. Except as otherwise stated in this Chapter, during a Level 1 Drought Alert condition all persons using water shall comply with the following additional conservation measures:

1. Watering days and duration. Limit lawn and landscape watering or irrigation to no more than three (3) days per week. Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public

parks and facilities. The City Council may by Resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

**8.56.090 Drought response level 2 – Drought critical condition.**

- A. The City Council may by Resolution declare a Drought Critical condition and implement the Level 2 conservation measures set forth in this Section on the grounds that, due to water supply cutbacks caused by drought or reduction in supplies for other reasons, an overall consumer demand reduction of ten (10) to twenty (20) percent is required in order to have sufficient water supplies available to meet anticipated demands.
- B. During a Drought Critical condition all persons using water shall comply the following additional conservation measures:

1. Watering days and duration. Limit lawn and landscape watering or irrigation to no more than two (2) days per week, provided that the City Council may by Resolution limit lawn and landscape watering or irrigation to no more than one (1) day per week to achieve a reduction of up to twenty (20) percent.

Above-ground spray irrigation shall be limited to no more than fifteen (15) minutes per watering station or area; this limitation shall not apply to the use of recycled water to maintain public parks and facilities.

The City Council may by Resolution establish a schedule of permissible watering days. This provision shall not apply to commercial nurseries, drip irrigation systems, use of a hand-held bucket or similar container and/or a hand-held hose equipped with a positive action quick-release shutoff valve or nozzle.

**8.56.100 Drought response level 3 – Drought emergency condition.**

- A. The City Council may by Resolution declare a Drought Emergency condition and implement the Level 3 conservation measures set forth in this section on the grounds that overall consumer demand reduction of more than twenty (20) percent is required because the ordinary demands and requirements of water consumers cannot be satisfied without depleting water supplies to the extent that there would be insufficient water for human consumption, sanitation, and fire protection.

- B. During a Drought Emergency condition all persons using water shall comply with Sections [8.56.070](#) (Water Conservation Requirements) and the following additional mandatory conservation measures:

1. Irrigation and watering prohibition. No lawn or landscaping watering or irrigation shall be allowed. This subsection shall not apply to the following, provided that watering days and watering duration shall comply with Subsection B of Section [8.56.090](#):

- a. Irrigation or watering using recycled water.
- b. Irrigation necessary to establish new plantings of low water usage plants or commercial nurseries.
- c. Water efficient landscape irrigation systems using water efficient devices, including but not

limited to weather based controllers, drip/micro-irrigation systems with emitters that emit no more than two (2) gallons per hour and stream rotor sprinklers that meet a seventy (70) percent or greater efficiency standard.

d. Maintenance of trees and shrubs that are watered by using a bucket or other watering container, hand-held hose equipped with positive action quick-release shutoff valve or nozzle, or similar low-volume non-spray irrigation.

e. Maintenance of existing landscaping necessary for fire protection as specified by the Fire Chief.

f. Maintenance of existing landscaping on slopes exceeding ten (10) percent for erosion control.

g. Maintenance of landscaping within active public parks and playing fields, day care center play areas, and school grounds.

h. Public works projects.

i. Maintenance of plant materials identified to be rare, threatened or endangered or essential to the health of documented rare, threatened or endangered animals.

2. Cleaning surfaces. Water shall not be used to wash, clean or clear any sidewalks, walkways, patios, driveways, alleys, parking or similar areas, whether paved or unpaved; except commercial or industrial establishments may use water broom, pressure washer or similar low flow technology or water recycling systems when necessary to comply with health, safety, water quality or other regulations verified by the approval authority. Pressure washers may be used to clean surfaces in preparation for painting, construction, or occasional seasonal maintenance when other methods are not practical.

3. Car Washing. Vehicles shall not be washed, except at commercial car wash facilities that recycle water or use high pressure, low volume wash systems. Subject to Subsection E of Section [8.56.070](#), this provision shall not apply to car washes held as fund raising activities for bona fide community organizations, washing of garbage trucks, or washing of vehicles used to transport food and perishables, and washing of other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

4. Ornamental Ponds and Lakes. Ornamental ponds or lakes if empty shall not be filled, and if filled shall not be refilled or replenished.

5. Hotels and Motels: Mandatory Laundry Opt-Out. Hotels, motels, hostels, bed and breakfasts and similar establishments shall not provide daily towel and linen laundering service to customers, except upon a specific request.

**8.56.110 Procedures for declaration and notification of drought response level and additional water Conservation Measures.**

A. The City Council shall declare a Drought Response Level 1, 2 or 3 by Resolution in the manner required by law and City procedures.

B. The City Council shall declare the end to any Drought Response Level by the adoption of a Resolution in the manner required by law and City procedures.

**8.56.120 Exception.**

A. An exception to any water conservation requirement of this Chapter may be granted or conditionally granted in accordance with the following requirements.

1. Application. Any water user may file an application with the Community Development Department for an exception from one or more water conservation measures on a form provided by the City, including supporting documents and information demonstrating the grounds for the requested exception, accompanied by a fee set by Resolution of the City Council.

2. Findings. The approving authority may approve, conditionally approve or deny an application for an exception from water conservation measures. An application for an exception shall be denied unless the approval authority finds, based on the information provided in the application, supporting documents or such additional information as may be requested, all of the following:

a. That, due to special circumstances applicable to the property or its use, the strict application of this Ordinance would disproportionately impact the property or use when compared to similar types of uses or properties; and

b. That other water conserving measures to substantially off-set the proposed water use have been or will be employed as a condition of the approval, or the lack of such measures will not materially affect the ability of the City to achieve the purposes of this Chapter; and

c. That the exception does not constitute a grant of special privilege inconsistent with the limitations upon other residents and businesses.

3. Approval authority. The approval authority shall act upon any application no later than ten (10) days after receipt of a complete application, and may approve, conditionally approve, or deny the exception. The applicant requesting the exception shall be promptly notified in writing of any action taken. Unless otherwise specified at the time an exception is approved, the exception shall only apply during the period of the specific circumstances from which an exception is requested.

4. Appeals. An applicant may appeal the approval authority's decision, or any conditions placed on the approval, to the City Council within ten (10) days of the date of decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by Resolution of the City Council. The City Council shall review the appeal at the next available meeting that the item may be heard.

**8.56.130 Penalties and remedies.**

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter [1.10](#).

## **Chapter 8.60 EFFICIENT LANDSCAPING**

Sections:

- [\*\*8.60.010 Title.\*\*](#)
- [\*\*8.60.020 Purpose.\*\*](#)
- [\*\*8.60.030 Applicability.\*\*](#)
- [\*\*8.60.040 Definitions.\*\*](#)
- [\*\*8.60.050 Procedures.\*\*](#)
- [\*\*8.60.060 Standards for New Landscape.\*\*](#)
- [\*\*8.60.070 Standards for Small Landscape Areas.\*\*](#)
- [\*\*8.60.080 Existing Landscapes—Exceeding One Acre in Size.\*\*](#)
- [\*\*8.60.090 Penalties and Remedies.\*\*](#)

### **8.60.010 Title.**

This Chapter shall be known as the "City of Hermosa Beach Water Efficient Landscaping Ordinance."

### **8.60.020 Purpose.**

It is the policy of the State of California and City of Hermosa Beach to promote water conservation. The standards detailed in this Chapter are intended to promote the selection, planting and maintenance of landscaping that is water efficient and water conserving, while allowing flexibility in designing healthy, attractive and cost-effective landscapes.

### **8.60.030 Applicability.**

A. This Chapter is intended to implement, and shall be construed in a manner that is consistent with the Model Water Efficient Landscape Ordinance in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations, and any amendment thereto. "Consistent with" may also include more restrictive water conservation or water use efficiency measures.

B. This Chapter shall apply to all of the following within the City of Hermosa Beach:

1. "New construction" and "rehabilitated landscapes" for public and private development projects with a landscape area equal to or greater than 2,500 square feet, requiring a building permit, plan check, design review, or precise development plan.
2. "Small landscape areas" less than 2,500 square feet, excluding plantings in pots or moveable planters, in connection with a building permit, plan check, design review, or precise development plan, subject to Section [8.60.070](#).
3. Existing landscapes exceeding one (1) acre in size, subject to Section [8.60.080](#).

C. This Chapter shall not apply to registered local, state or federal historical sites, botanical gardens open to the public, or any other special types of landscape projects that are exempt under the state Model Efficient

Landscape Ordinance.

D. The City shall provide information to all owners of new single family residential homes regarding the design, installation, management and maintenance of water efficient landscapes.

E. The City may collaborate with another agency, such as a water purveyor, to implement some or all of the requirements contained in this Ordinance.

F. This Chapter shall be applied in conjunction with the water conservation requirements of Chapter [8.56](#).

Where conflicts in language may exist between this Chapter and Chapter [8.56](#) or any other provision of the Municipal Code, the language that requires the greater water conservation shall prevail.

#### **8.60.040 Definitions.**

The terms in this Chapter shall be broadly construed to achieve the purposes of this Chapter and may be supplemented by definitions and information in the Model Efficient Landscape Ordinance.

"Certificate of Completion" means the information and certifications that the landscape project has been installed and will operate in compliance with the approved Landscape Documentation Package as detailed in Section 492.2 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Discretionary planning entitlement" means a land use permit or approval granted by the Planning Commission necessary to proceed with development pursuant to Title 17 (Zoning).

"Evapotranspiration" (ET) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

"ETo" or "reference evapotranspiration" means a standard measurement of environmental parameters that affect the water use of plants expressed in inches per day, month or year. Calculation of the 'Maximum Applied Water Allowance' and 'Estimated Total Water Use' shall use the ETo values for Redondo Beach in Appendix A of the Model Water Efficient Landscape Ordinance as follows:

CITY	JAN	FEB	MAR	APR	MAY	JUN
Redondo Beach	2.2	2.4	3.3	3.8	4.5	4.7
JUL	AUG	SEP	OCT	NOV	DEC	ANNUAL
5.4	4.8	4.4	2.8	2.4	2.0	42.0

"ET adjustment factor" (ETAF) means a factor of 0.7 (0.7 or more but less than 0.8) that, when applied to ETo, adjusts for plant factors and irrigation efficiency.

"Homeowner-provided or homeowner-hired landscaping" means that landscaping installed for a single-family

dwelling by a private individual or a licensed contractor, regardless whether for the owner or the occupant. Such landscape shall be regulated in the same manner as new construction or rehabilitated landscape, as applicable to the situation.

"Hydrozone" means a portion of the landscape area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

"Landscape area" means the total area of the landscape project (planting areas, turf areas, and water features) in a landscape design plan that is subject to the "Maximum Applied Water Allowance" calculation. Landscape area includes "new construction landscape" and "rehabilitated landscape." Landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or impervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

"Landscape irrigation system" means an irrigation system with pipes, hoses, spray heads, or sprinkling devices that is operated by through an automated system.

"Landscape Documentation Package" means the project information, water efficient landscape worksheet, soil management report, landscape plan, irrigation plan and grading plan, prepared by the professionals and containing the information and certifications set forth in Sections 492.3 through 492.8 of the Model Water Efficient Landscape Ordinance, and as more specifically provided in this Chapter.

"Maximum applied water allowance" (MAWA) is the formula set forth below used to arrive at the annual water budget calculation and as further described in the Model Water Efficient Landscape Ordinance:

$$\text{MAWA} = (\text{ETo}) (0.62) [(0.7 \times \text{LA}) + (0.3 \times \text{SLA})]$$

MAWA = Maximum Applied Water Allowance (gallons per year)

Eto = Reference Evapotranspiration (42.6 inches per year)

0.7 = ET Adjustment Factor (ETAF)

LA = Landscape Area including Special Landscape Area (square feet)

0.62 = Conversion factor (to gallons per square foot)

SLA = Special Landscape Area (square feet)

0.3 = ET Adjustment Factor for Special Landscape Area

"Model Water Efficient Landscape Ordinance" means the regulations adopted by the State of California in Chapter 2.7 of Division 2 of Title 23 (Waters) of the California Code of Regulations.

"New landscape" means "new construction" and "rehabilitated landscape".

"New construction" means, subject to the exclusions in Section [8.60.030](#), a new building with a new landscape area or other new landscape area such as a park, playground or greenbelt without an associated building, equal to or greater than 2,500 square feet.

"Plant factor" means a factor that, when multiplied by the ET<sub>0</sub>, estimates the quantity of irrigation water thought to be necessary to maintain plant health within the City. The plant factor range is 0 to 0.3 for low water use plants, 0.4 to 0.6 for moderate water use plant, and 0.7 to 1.0 for high water use plants. Plant factors are defined and listed in the "Water Use Classifications of Landscape Species" ("WUCOLS") or equivalent documentation for plants not listed therein. "Rehabilitated landscape" means, subject to the exclusions in Section [8.60.030](#), any re-landscaping project when the modified landscape area is equal to or greater than 2,500 square feet, and is fifty (50) percent or more of the total landscape area, and the modifications are completed within one (1) year. Includes developer, owner, occupant, or homeowner hired or installed landscaping.

"Reference evapotranspiration" See "ET<sub>0</sub>."

"Turf" means a groundcover surface of grass with an irrigation water need of greater than thirty (30) percent of the ET<sub>0</sub>.

"Small landscape areas" means the new construction or rehabilitated landscape of less than 2,500 square feet, excluding plantings in pots or moveable planters, subject to the exclusions in Section [8.60.070](#).

"Special landscape area" (SLA) means an area of the landscape dedicated permanently and solely to edible plants (such as orchards or gardens), areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play (such as parks, sports fields, golf courses) where turf provides a playing surface.

"Water budget calculation." See "maximum applied water allowance."

"Water conserving plants" means species with a low plant factor. May also be referred to as water efficient or water wise plants.

"Weather based irrigation controller" means a device that automatically adjusts the irrigation schedule based on changes in the weather.

"Water Efficient Landscape Worksheet" means the worksheets required by Section 492.4 of the Model Water Efficient Landscape Ordinance.

"Water Use Classification of Landscape Species" ("WUCOLS"), University of California, Cooperative Extension, current edition, applicable to the City of Hermosa Beach, California..

#### **8.60.050 Procedures.**

This Chapter shall be implemented through the Landscape Documentation Package application process. The Planning Commission may impose additional measures or conditions on the approval of applications for

discretionary planning entitlements to further the purposes of this Chapter.

A. Application submittal. Prior to issuance of a building or related construction permit, the applicant shall submit a Landscape Documentation Package on forms supplied by the Community Development Department accompanied by a fee set by resolution of the City Council. The Package shall include:

1. A landscape design plan prepared by a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to the practice of landscape architecture, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.6 of the Model Efficient Landscape Ordinance.
2. An irrigation design plan prepared by a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system in accordance with the provisions of the California Business and Professions Code Section 5641 et seq. relating to design of irrigation systems, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.7 of the Model Efficient Landscape Ordinance.
3. A grading design plan prepared by a licensed civil engineer or other qualified professional as authorized by law, and shall comply with all of the requirements of and contain the certification of compliance set forth in Section 492.8 of the Model Efficient Landscape Ordinance.
4. A soils management plan completed by the applicant or his/her designee shall comply with all of the requirements of Section 492.5 of the Model Efficient Landscape Ordinance.
5. A Water Efficient Landscape Worksheet prepared by the applicant or his/her designee that complies with all of the requirements of Section 492.4 of the Model Efficient Landscape Ordinance.

B. Application review. The Community Development Director or his or her designee shall review the Landscape Documentation Package for compliance with this Chapter and approve, approve with conditions, or deny the application if the Director determines that the submittal does not comply with the requirements of this Chapter. Plans, worksheets, and related documents required by this Chapter and the construction permit process shall be modified consistent with approval of the Landscape Documentation Package.

C. Compliance verification.

1. Prior to a request for final landscape or final occupancy inspection, the preparer of the landscape design plan or irrigation design plan or the licensed landscape contractor shall inspect the installation and submit a Certificate of Completion certifying that the installation substantially conforms to the approved Landscape Documentation Package or modifications thereto approved by the City and documented on As-Built plans.
2. No building or other equivalent construction permit shall be issued unless and until the Certificate of

Completion required by Subsection (C)(1) of this Section has been included on the final landscape plan submitted for plan check approval.

3. No building or other equivalent construction permit shall be given a final landscape inspection or issued a permanent Certificate of Occupancy until the Community Development Department approves the Certificate of Completion. Upon a decision to deny the Certificate of Completion, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision.

D. Exceptions from standards.

1. Requests for exceptions shall be in writing and shall be submitted to the Community Development Director at the time the application is submitted to the City for review, or within a reasonable amount of time after the applicant determines or is informed that compliance with a requirement in this Chapter is infeasible. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation accompanied by a fee set by resolution of the City Council.

2. Exceptions to the standards set forth in Section [8.60.060](#) may be approved or conditionally approved by the Community Development Director or by the Planning Commission as part of the approval of a discretionary planning entitlement, upon making a finding based on substantial evidence that the exception will provide equivalent or greater water conservation than would be otherwise achieved by applying the standard.

E. Appeals. The decision of the Community Development Director may be appealed to the Planning Commission, and a decision of the Planning Commission may be appealed to the City Council, within ten (10) days of the decision. A written request shall be submitted to the City Clerk stating the grounds for the appeal accompanied by a fee adopted by resolution of the City Council. The City Council shall review the appeal at the next meeting that the item may be heard.

**8.60.060 Standards for new landscape.**

"New landscape" as defined in Section [8.60.040](#) shall be designed and managed to use the minimum amount of water required to maintain plant health. New landscape shall comply with all of the requirements in Sections 492.6 through 492.15 of the Model Efficient Ordinance and the following, whichever is more restrictive, unless an exception is granted pursuant to Section [8.60.050\(D\)](#).

A. Plant material.

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used.

2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this

## Chapter

3. 'Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar source acceptable the Community Development Director are prohibited, except for known non-fruiting, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) shall not be used.
4. The landscape area of projects proposing exclusively commercial or industrial uses shall be designed using exclusively water conserving plants. Single family residential, multi-family residential, mixed use and institutional use projects shall be designed with not more than twenty (20) percent of the total landscaped area in turf or high water use plants in the Water Use Classification for Landscape Species (WUCOLS). Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Public agencies shall be exempt from this requirement.
5. Turf shall not be allowed on slopes greater than twenty (20) percent. Where the toe of the slope is adjacent to an impermeable surface, alternatives to turf should be considered on slopes exceeding twenty (20) percent, meaning one (1) foot of vertical elevation change for every five (5) feet of horizontal length. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ET<sub>0</sub>).
6. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to maintain the required depth of mulch.
7. Species and landscape design shall complement and to the extent feasible in compliance with this Chapter be proportional to the surroundings and streetscape and incorporate deciduous trees to shade west and south exposures. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

### B. Water features, pools and spas.

1. Recirculating water systems shall be used for water features. Where available, recycled water shall be used as a source for decorative water features.
2. Pools and spas shall be equipped with a cover and covered overnight and daily when use is concluded.

### C. Grading and runoff. Landscape design shall minimize soil erosion and runoff.

1. Grading plans shall avoid disruption of natural drainage patterns to the extent feasible.
2. Grading plans shall demonstrate that normal rainfall and irrigation will remain within the property lines

and not drain onto impermeable surfaces, walkways, sidewalks, streets, alleys, gutters, or storm drains.

3. Plans and construction shall protect against soil compaction within landscape areas.
4. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches that require ongoing maintenance, shall be considered during project design. Plans and practices shall comply with Chapter [8.44](#).

D. Irrigation systems.

1. An automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour.
2. An average landscape irrigation efficiency of 0.71 shall be used for the purpose of determining Maximum Applied Water Allowance. Irrigation systems shall be designed, maintained, and managed to meet or exceed this efficiency. Landscapes using recycled water are considered Special Landscape Areas, where the ET Adjustment Factor shall not exceed 1.0.
3. The irrigation system shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, walkways, sidewalks, streets, alleys, gutters, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.
4. Narrow or irregularly shaped areas, including turf less than eight (8) feet in width in any direction, shall be irrigated with subsurface irrigation or low volume above-ground irrigation system.
5. Overhead irrigation shall not be permitted within two (2) feet of any impermeable surface. Drip, drip line, or other low flow non-spray technology shall be used.
6. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from sidewalks, pavement and impermeable surfaces.
7. All irrigation systems shall provide backflow prevention devices in accordance with the current edition of the California Building/Plumbing Code and check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines. Pressure regulators may be required if the pressure at the sprinkler head exceeds the manufacturer's recommended optimal operating pressure.
8. Reclaimed water and graywater irrigation systems shall be used when reasonably feasible and shall conform to the current edition of the California Building/Plumbing Code, and all other applicable local,

state and federal laws.

E. Irrigation system hydrozones.

1. The irrigation system shall conform to the hydrozones of the landscape design plan.
2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use where the plant factor of the higher water using plant is used for calculations. No hydrozone shall mix high and low water use plants.
3. Sprinkler heads and other emission devices shall be appropriate for the plant type within that hydrozone. Where feasible, trees shall be placed on separate valves from turf, shrubs and groundcovers.
4. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

F. Landscape and irrigation maintenance.

1. All landscape and related elements shall be designed and properly maintained to insure long-term health and shall maintain conformance with the requirements of this Chapter.
2. Irrigation scheduling shall be regulated by automatic irrigation controllers.
3. Watering hours and duration shall be scheduled compliant with the requirements of Chapter [8.56](#).
4. A regular maintenance schedule shall include, but not be limited to, routine inspection, adjustment and repair of the irrigation system, aerating and dethatching turf areas, replenishing mulch, fertilizing, pruning, weeding and removing any obstruction to emission devices.
5. Repair of all irrigation equipment shall be promptly undertaken, using the originally installed components, or equivalent or enhanced components compatible with the irrigation system.
6. Landscape areas shall be permanently maintained and kept free of weeds, debris and litter; plant materials shall be maintained in a healthy growing condition and diseased or dead plant materials shall be replaced, in kind, pursuant to the approved plans within thirty (30) days. Alternatively, diseased or dead plant materials may be replaced with plant materials that have low water needs, as rated in the current edition of the Water Use Classification of Landscape Species.
7. The use, storage and disposal of all landscape and lawn care products shall comply with all manufacturer's specifications and applicable laws, and minimize the discharge of pollutants to the environment.

G. Notwithstanding the requirements of this Section, landscape design and maintenance shall additionally

comply with the requirements of Chapters [8.44](#) and [8.56](#), Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

#### **8.60.070 Standards for small landscape areas.**

"Small landscape areas" as defined in Section [8.60.040](#) are subject to the provisions in this Section and are otherwise exempt from this Chapter

A. Procedures. Prior to issuance of a permit for construction, the applicant shall provide information substantiating compliance with this section to the satisfaction of the Community Development Director. The Planning Commission may impose additional measures or conditions on discretionary planning entitlements to further the purposes of this Chapter. No building or other equivalent construction permit shall be issued a permanent Certificate of Occupancy until the Community Development Director determines the project complies with the standards in this section. In the case of any decision to deny a permit issuance or certificate of occupancy, the applicant may modify and resubmit the application, apply for an exception from standards, or appeal the decision in accordance with Subsections D or E of Section [8.60.050](#).

B. Standards. Small landscape areas shall comply with the following standards. Provisions that are encouraged but not required are indicated with words such as 'should.'

1. Plant species and landscape design shall be adapted to the climate, soils, topographical conditions, and shall be able to withstand exposure to localized urban conditions such as pavement heat radiation, vehicle emissions and dust, and urban runoff. Water conserving plant and turf species shall be used. Where practical, such as in areas exceeding four hundred (400) square feet of contiguous landscape, plantings should be arranged by hydrozones.
2. Plant species or specifications shall comply with any official list of species, guidelines or regulations adopted by the City to the extent that such lists, guidelines or regulations do not conflict with this Chapter.
3. Plants listed in the current Invasive Plant Inventory for the southwest region by the California Invasive Plant Council or similar recognized authority acceptable to the Community Development Director are prohibited, except for known non-fruited, non-invasive, sterile varieties or cultivars. Plants known to be susceptible to disease or pests in this Climate Zone six (6) should not be planted.
4. The landscape area of projects proposing exclusively commercial, industrial or institutional uses shall be designed using exclusively water conserving plants. Turf may be used as a bio-swale or bio-filter or for functional purposes such as active recreational areas as determined by the Community Development Director. Turf shall not be allowed on slopes greater than twenty (20) percent. Deciduous trees should be used to shade west and south exposures.
5. Planted areas shall be covered with a minimum of two (2) inches of organic mulch, except in areas covered by groundcovers or within twenty-four (24) inches of the base of a tree, or where a reduced application is indicated. Additional mulch material shall be added from time to time as necessary to

maintain the required depth of mulch.

6. Landscaping shall not interfere with safe sight distances for vehicular traffic, the vision clearance in Section 17.46.060, height restrictions for hedges in 17.46.130, pedestrian or bicycle ways, or overhead utility lines or lighting.

7. Plans and construction shall protect against soil compaction within landscape areas. Stormwater best management practices to minimize runoff, to increase on-site retention and infiltration, and control pollutants shall be incorporated into project plans. Rain gardens, cisterns, swales, structural soil, permeable pavement, connected landscape areas, and other landscape features and practices that increase onsite rainwater capture, storage and infiltration, emphasizing natural approaches over technology-based approaches, should be considered during project design. No plan or practice shall conflict with Chapter [8.44](#).

8. No landscape plan or restriction of any type, including those applicable to common interest developments such as condominiums, shall prohibit or include conditions that have the effect of prohibiting native or water conserving plants.

9. When irrigation systems are installed, an automatic irrigation system using either evapotranspiration or soil moisture sensor data, with a rain shut-off sensor, shall be installed. Drip irrigation emitters shall emit no more than two (2) gallons per hour. Watering hours and duration shall be compliant with the requirements of Chapter [8.56](#).

10. All irrigation systems shall be designed to prevent water waste resulting in runoff, overspray, or similar conditions where irrigation water ponds or flows onto non-irrigated areas, sidewalks, walkways, streets, alleys, storm drains, adjacent property, or similar untargeted areas. Runoff to other permeable or impermeable surfaces shall not be allowed.

11. All landscape and related elements shall be properly maintained to insure long-term health and shall additionally comply with the requirements of Chapters [8.44](#) and [8.56](#), Title 17, any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive. The use, storage and disposal of all lawn and landscape care products shall comply with all manufacturer specifications and applicable laws, and minimize the discharge of pollutants to the environment.

#### **8.60.080 Existing landscapes—exceeding one acre in size.**

Existing landscapes installed before January 1, 2010 exceeding one (1) acre in size per site shall comply only with the provisions in this Section and are otherwise exempt from this Chapter. "Site" means all contiguous property under one ownership, regardless whether separated by public rights-of-way.

A. No irrigation system shall result in water waste due to leaks or runoff, overspray, or similar conditions where irrigation water flows onto walkways, sidewalks, streets, alleys, storm drains, adjacent property, or similar untargeted areas.

B. Landscape design and maintenance shall additionally comply with the requirements of Chapters [8.44](#) and [8.56](#), Title 17 (Zoning), any other applicable provisions of this code, and the requirements of a development permit, whichever is more restrictive.

C. The City shall administer programs that may include, but are not limited to, irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use, and provision of recommendations as necessary to reduce landscape water use to a level that does not exceed a Maximum Applied Water Allowance calculated as: MAWA = (0.8) (ET<sub>0</sub>)(LA)(0.62). Programs for landscapes without a water meter may include, but are not limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

**8.60.090 Penalties and remedies.**

Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter [1.10](#).

**Chapter 8.64  
BAN ON POLYSTYRENE FOOD SERVICE WARE**

Sections:

- [\*\*8.64.010 Purpose\*\*](#)
- [\*\*8.64.020 Definitions\*\*](#)
- [\*\*8.64.030 Food Packaging Prohibitions\*\*](#)
- [\*\*8.64.040 Exemptions\*\*](#)
- [\*\*8.64.050 Enforcement and Compliance\*\*](#)

**8.64.010 Purpose.**

The purpose of this Chapter is to establish standards and procedures to reduce adverse environmental and public health impacts and promote environmentally sustainable practices in the City of Hermosa Beach by prohibiting the use of certain disposable polystyrene food containers.

A. Polystyrene Food Service Ware, a lightweight petroleum-based plastic material, is commonly littered or blown out of trash receptacles and migrates to the storm drain system and eventually to the ocean and beaches. In the marine environment, this material breaks down into smaller pieces, which negatively impacts water quality and harms marine wildlife, which often mistakes polystyrene pieces for food.

B. Littered Polystyrene Food Service Ware, especially expanded foam, is difficult to clean up and may cumulatively result in increased litter. Reduction of polystyrene in the environment will advance compliance with federal, state and city clean water mandates including compliance with Total Maximum Daily Loads and other requirements of the National Pollutant Discharge Elimination System.

C. Education about and reduction of food-soiled Polystyrene Food Service Ware, which can be difficult to clean and recycle, may advance waste stream reduction and recycling efforts and reduce the presence of this non-biodegradable material in landfills.

D. Polystyrene Food Service Ware has been shown to pose human health impacts to workers and consumers and these impacts can be mitigated by reducing its use.

**8.64.020 Definitions.**

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

“City Facility” means any building, structure, property, park, open space, or vehicle, owned or leased by the City of Hermosa Beach, or its agents, agencies, or departments.

“City Contractor” means any person that enters into a written contract or verbal agreement to furnish products or services to or for the City of Hermosa Beach.

“City-Sponsored Event” means any event, activity or meeting organized or sponsored by the City of Hermosa Beach or any department of the City of Hermosa Beach.

“Disposable Food Service Ware” or “Disposables” means single-use, disposable products used for serving or transporting Prepared Food. This includes but is not limited to plates, bowls, trays, wrappers or wrapping, platters, cartons, condiment containers, cups or drink ware, or any other container in or on which Prepared Foods are placed or packaged for consumption, but excludes single-use disposable straws, cup lids, and utensils.

“Food Provider” means any Person or place that provides or sells Prepared Food within the City of Hermosa Beach to the general public to be consumed on the premises or for take-away consumption. Food Provider includes but is not limited to (1) a grocery store, supermarket, restaurant, drive-thru, cafe, coffee shop, snack shop, public food market, farmers’ market, convenience store, or similar fixed place where Prepared Food is available for sale on the premises or for take-away consumption, and (2) any mobile store, food vendor, caterer, food truck, vending machine or similar mobile outlet. Food Provider also includes any organization, group or individual that regularly provides Prepared Food to its members or the general public as a part of its activities or services.

“Person” means any person, business, corporation, or event organizer or promoter; public, nonprofit or private entity, agency or institution; or partnership, association or other organization or group, however organized.

“Polystyrene” means a thermoplastic petrochemical material utilizing the styrene monomer, including but not limited to polystyrene foam or expanded polystyrene, processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene), and clear or solid polystyrene (oriented polystyrene). The Recycle Code for polystyrene is ‘6’ or ‘PS,’ either alone or in combination with other letters. This definition applies to all Polystyrene Food Service Ware, regardless of whether it exhibits a Recycle Code.

“Polystyrene Food Service Ware” means Disposable Food Service Ware that contains or utilizes Polystyrene.

“Prepared Food” means any food or beverage that is (1) ready to consume without any further food preparation, alteration or repackaging; and (2) prepared, provided, sold or served by a Food Provider using any cooking, packaging or food preparation technique. Prepared Food may be eaten either on or off the Food Provider’s premises. Prepared Food does not include (1) any raw uncooked meat, poultry, fish or eggs, unless provided for consumption without further food preparation, and (2) fresh produce provided for consumption without food preparation or repackaging, including fruits, vegetables, and herbs, sold by grocery stores, supermarkets, food markets, farmers’ markets and other food vendors.

“Recycle Code” means a resin identification code placed on plastics to identify the material composition for separation of different types of plastics for recycling.

#### **8.64.030 Food packaging prohibitions.**

A. No Food Provider shall distribute or sell Prepared Food in any Polystyrene Food Service Ware at any location within the City of Hermosa Beach. Food Providers that distribute Prepared Food in Disposable Food Service Ware shall (1) distribute only Disposables that exhibit a Recycle Code other than No. 6 or PS, or (2)

maintain documentation onsite of the composition of the Disposable Food Service Ware. Documentation may include information from the supplier, manufacturer, or bulk packaging for the Disposables, and any other relevant information demonstrating that the disposable material is not polystyrene.

B. No Person shall distribute or sell Prepared Food in any Polystyrene Food Service Ware at City Facilities that have been rented, leased or are otherwise being used with permission of the City. This Subsection is limited to use of City facilities for which a Person has entered into an agreement with the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the utilization and/or distribution of Polystyrene Food Service Ware while using City facilities. The facility rental agreement shall indicate that the violating contractor's security deposit will be forfeited if the City Manager or his/her designee determines that Polystyrene Food Service Ware was used in violation of the rental agreement.

C. No Person shall use or distribute Polystyrene Food Service Ware at City-sponsored events, City-managed concessions and City meetings open to the public. This subsection shall apply to the function organizers, agents of the organizers, City Contractors, Food Providers and any other Person that enters into an agreement with one or more of the function sponsors to sell or distribute Prepared Food or otherwise provide a service related to the function.

D. The City of Hermosa Beach, its Departments, and its City Contractors, agents, and employees acting in their official capacity, shall not purchase or acquire Polystyrene Food Service Ware, or distribute it for public use.

#### **8.64.040 Exemptions.**

A. Food prepared or packaged outside the City of Hermosa Beach is exempt from the provisions of this Chapter, provided such food is not altered, packaged or repackaged within the City of Hermosa Beach limits unless otherwise stated.

B. Food provided by the Hermosa Beach School District under its official Food Service program.

C. Coolers and ice chests made of Polystyrene intended for reuse are exempt from the provisions of this Chapter.

D. The City Manager or his/her designee may exempt any Person from Section [8.64.030](#) following the operative date of this ordinance, as follows:

1. A request for an exemption shall be filed in writing with the City Manager or his/her designee and shall include documentation of the reason for the claimed exemption and any other information necessary for the City to make its decision. The City may require the applicant to provide additional information as necessary to make the required determinations.

2. The City Manager or his/her designee may approve the exemption for a maximum of one (1) year, with or without conditions, upon finding that compliance would create an undue hardship. Undue hardship

shall be construed to include but not be limited to situations where:

- a. There are no reasonable alternatives to Polystyrene Food Service Ware for reasons that are unique to the applicant; or
  - b. Compliance with the requirements of this Chapter would deprive a person of a legally protected right. The exemption may be extended for additional terms of up to one (1) year each, upon a showing of the continuation of the legal right.
3. The City Manager's written decision on the exemption is effective within ten (10) days of the decision. Decisions of the City Manager may be appealed to the City Council. Appeals shall be filed in writing with the City Clerk within ten (10) days of the decision and shall be accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing. The City Council shall make its decision within sixty (60) days of receiving the appeal.

E. Section [8.64.030](#) shall not apply to individuals bringing food for personal consumption at City Facilities, including but not limited to City parks and the beach, provided the facility is being used for individual recreation or similar purposes and such facility use is not part of a larger organized event that is otherwise governed by that Section.

F. Food Providers that are obligated to purchase or have purchased Polystyrene Food Service Ware under a contract entered into within the year prior to the operative date of this ordinance are exempt from the provisions of this Chapter for six (6) months following its operative date.

#### **8.64.050 Enforcement and compliance.**

A. This Chapter shall be enforced by the City Manager or his/her designee. Nothing in this Chapter shall be construed to create a private cause of action. The City Manager, or his/her designee, is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this Chapter including, but not limited to, inspecting any Food Provider's premises and requiring documentation of the composition of Polystyrene Food Service Ware material to verify compliance.

B. Violations of the provisions of this Chapter are subject to the administrative penalty provisions of Chapter [1.10](#).

C. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Chapter.

D. The remedies and penalties provided in this section are cumulative and not exclusive of one another.

E. All Food Providers required under this Code to have a business license shall certify compliance with this Chapter on the annual business license renewal application. (Ord. 12-1332, §2, Sept. 11, 2012)

**Chapter 8.68  
PLASTIC CARRYOUT SHOPPING BAGS Revised 10/17**

Sections:

- [\*\*8.68.010 Definitions.\*\* Revised 10/17](#)
- [\*\*8.68.020 Plastic single-use carryout bags prohibited.\*\* Revised 10/17](#)
- [\*\*8.68.030 Permitted bags.\*\* Revised 10/17](#)
- [\*\*8.68.040 Regulation of recyclable paper carryout bags.\*\* Revised 10/17](#)
- [\*\*8.68.050 Exemptions from mandatory reusable and recyclable bag charge.\*\* Revised 10/17](#)
- [\*\*8.68.060 Enforcement and violation-Penalties.\*\* Revised 10/17](#)
- [\*\*8.68.070 No conflict with federal or state law.\*\* Revised 10/17](#)

**8.68.010 Definitions. Revised 10/17**

The following definitions apply to this chapter:

"Affected retail establishment" means any retail establishment located within or doing business within the geographical limits of the city of Hermosa Beach, including vendors at city-sponsored events, city-owned facilities, and events held on city property.

"Customer" means any person purchasing goods from a retail establishment.

"Food provider" means any person or establishment in the city of Hermosa Beach that provides prepared food for public consumption on or off its premises and includes, without limitation, any shop, sales outlet, restaurant, area within a grocery store where food is prepared for public consumption, delicatessen, or catering truck or vehicle.

"Grocery store" means any retail establishment that sells groceries, fresh, packaged, canned, dry, prepared or frozen food or beverage products and similar items, and includes, without limitation, supermarkets, and convenience stores, including convenience stores at gasoline stations.

"Operator" means the person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.

"Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

"Pharmacy" means any retail establishment in which the profession of pharmacy is practiced by a pharmacist licensed by the state of California in accordance with the Business and Professions Code and where prescription pharmaceuticals are offered for sale, regardless of whether the retail establishment sells other retail goods in addition to prescription pharmaceuticals.

"Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Postconsumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing

and fabrication process.

"Produce bag" or "product bag" means any bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or to prevent such food items from coming into direct contact with other purchased items.

"Recyclable" means material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. "Recycling" does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

"Recyclable paper carryout bag" means a paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred (100) percent recyclable overall and contains a minimum of forty (40) percent postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard 06400; (4) is accepted for recycling in curbside programs in the city; (5) has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "recyclable" in a highly visible manner on the outside of the bag.

"Retail establishment" means any commercial retail facility that sells goods or provides merchandise directly to the ultimate consumer, including, but not limited to, food service providers, grocery stores, pharmacies, liquor stores, "mini-marts," clothing stores, newsstands, retail stores and vendors selling goods or merchandise from a kiosk. "Retail establishment" does not include dry cleaners or stores, as that term is defined by subsection (g) of Section 42280 of the California Public Resources Code.

"Reusable bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of one hundred twenty-five (125) uses, which for purposes of this subsection means the capability of carrying a minimum of twenty-two (22) pounds one hundred twenty-five (125) times over a distance of at least one hundred seventy-five (175) feet; (2) has a minimum volume of fifteen (15) liters; (3) is machine washable or made from a material that can be cleaned and disinfected; (4) does not contain lead, cadmium, or any other toxic material that may pose a threat to public health (a reusable bag manufacturer may demonstrate compliance with this requirement by obtaining a no objection letter from the federal Food and Drug Administration); (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; (6) bag care and washing instructions; (7) if made of plastic film, be at least 2.25 millimeters thick, measured according to the American Society of Testing and Materials (ASTM) Standard D6988-13; and (8) complies with Section 260.12 of Part 260 of Title 16 of the Code of Federal Regulations related to recyclable claims if the reusable grocery bag producer makes a claim that the reusable grocery bag is recyclable.

"Single-use plastic carryout bag" or "plastic carryout bag" means any bag made predominantly of plastic derived from petroleum, natural gas, or a biologically based source, such as corn or other plant sources,

which is provided to a customer at the point of sale. "Plastic single-use carryout bag" includes compostable and biodegradable bags but does not include: (1) a bag provided to a customer to hold prescription medication dispensed from a pharmacy; (2) a nonhandled produce bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a single-use carryout bag, recycled paper bag or reusable grocery bag; (3) a bag provided to contain an unwrapped food item; or (4) a nonhandled bag that is designed to be placed over articles of clothing on a hanger. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.020 Plastic single-use carryout bags prohibited. Revised 10/17**

No affected retail establishment shall provide plastic single-use carryout bags to customers for the purpose of carrying away goods from the point of sale. Nothing in this chapter prohibits customers from using bags of any type that they bring to the retail establishment themselves or from carrying away goods that are not placed in a bag, in lieu of using bags provided by the retail establishment. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.030 Permitted bags. Revised 10/17**

A. Affected retail establishments may provide or make available to a customer recyclable paper carryout bags for the purpose of carrying away goods or other materials from the point of sale, subject to the terms of this chapter. Nonrecyclable paper carryout bags shall not be provided to customers unless they meet the definition of reusable bag.

B. Affected retail establishments may make available plastic produce bags for the purpose of preventing food items from coming into direct contact with other purchased items.

C. Each affected retail establishment is encouraged to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags, and may provide incentives to customers to encourage use of reusable bags. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.040 Regulation of recyclable paper carryout bags. Revised 10/17**

Unless an exemption set forth in Section [8.68.050](#) applies:

A. Any affected retail establishment that provides a recyclable paper carryout bag to a customer shall charge the customer ten cents (\$0.10) for each bag provided.

B. No affected retail establishment shall rebate or otherwise reimburse a customer any portion of the 10 cents (\$0.10) charge required in subsection (A) of this section.

C. All affected retail establishments shall indicate on the customer receipt the number of recyclable paper carryout bags provided and the total amount charged for the bags.

D. All monies collected by an affected retail establishment under this chapter shall be retained by the establishment and shall be used only for the following purposes: (1) costs associated with complying with the requirements of this chapter; (2) actual costs of providing recyclable paper carryout bags; or (3) costs

associated with a retail establishment's educational materials or education campaign encouraging the use of reusable bags, if any. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.050 Exemptions from mandatory reusable and recyclable bag charge. Revised 10/17**

- A. All affected retail establishments must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags, or both, at the establishment's option, to any customer participating in either the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code or in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the Welfare and Institutions Code.
- B. No food provider shall be required to charge its customers for a bag provided for a customer's leftover food from sit-down restaurant dining.
- C. No affected retail establishment shall be required to charge its customers for paper product bags used to cover unwrapped food, such as baked goods, or used to hold prescription medication dispensed from a pharmacy. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.060 Enforcement and violation--Penalties. Revised 10/17**

- A. The city manager, or his or her designee, shall enforce the provisions of this chapter. Nothing in this chapter shall be construed to create a private cause of action. The city manager or his/her designee shall be authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this chapter, including, but not limited to, inspecting any affected retail establishment's premises to verify compliance.
- B. If the city manager, or his/her designee, determines that a violation of this chapter has occurred, he/she will issue a written warning notice to the operator of a retail establishment that a violation has occurred and the potential penalties that will apply for future violations.
- C. Any person that violates or fails to comply with any of the requirements of this chapter after a written warning notice has been issued for that violation shall be subject to the administrative citation procedures in Chapter [1.10](#).
- D. The city attorney may seek legal, injunctive, or other equitable relief to enforce this chapter.
- E. Each violation of this chapter shall be considered a separate offense.
- F. The remedies and penalties provided in this section are cumulative and not exclusive, and nothing in this chapter shall preclude any person from pursuing any other remedies provided by law. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

#### **8.68.070 No conflict with federal or state law. Revised 10/17**

Nothing in this chapter is intended to create any requirement, power or duty that is in conflict with any federal

or state law. (Ord. 17-1377 §2 (part), 2017: Ord. 15-1356 §2 (part), 2015)

**Title 9**  
**Public Peace, Morals and Welfare Revised 6/16**

**Chapters:**

- [\*\*9.04 Offenses Against Public Peace and Decency\*\*](#)
- [\*\*9.08 Offenses by or Against Minors\*\*](#)
- [\*\*9.12 Property Offenses\*\*](#)
- [\*\*9.16 Drug Paraphernalia\*\*](#)
- [\*\*9.20 Gambling\*\*](#)
- [\*\*9.24 Weapons\*\*](#)
- [\*\*9.28 Parties, Events and Gatherings on Private Property Revised 6/16\*\*](#)
- [\*\*9.32 Daytime Juvenile Curfews\*\*](#)
- [\*\*9.36 Graffiti Removal\*\*](#)
- [\*\*9.38 Drones, Unmanned Aircraft and Model Aircraft Revised 6/16\*\*](#)

**Chapter 9.04  
OFFENSES AGAINST PUBLIC PEACE AND DECENCY**

Sections:

- [\*\*9.04.010 Consumption of alcoholic beverage on street, playground or place open to the public.\*\*](#)
- [\*\*9.04.020 Nudity in public parks, playgrounds and beaches.\*\*](#)
- [\*\*9.04.030 Display of books, magazines and other publications in locations other than newsracks.\*\*](#)

**9.04.010 Consumption of alcoholic beverage on street, playground or place open to the public.**

A. No person shall drink any malt, spirituous or vinous liquor containing more than one-half (1/2) of one (1) percent of alcohol by volume, upon any street, sidewalk or parkway, park playground, or in any public place, or in any place open to the patronage of the public, which is not licensed for the consumption of such liquor.

B. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the posted parking lot immediately adjacent to any retail package off-sale alcoholic beverage establishment licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code of the state of California, or on any public sidewalk immediately adjacent to the licensed and posted premises. Any person violating any provision of this subsection shall be guilty of an infraction.

C. All licensees of retail package off-sale alcoholic beverages licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code of the state of California shall install and maintain signs not less than seventeen (17) inches by twenty-two (22) inches in size with lettering not less than one (1) inch in height on the licensed premises, clearly visible to the patrons of the establishment and to persons in or on any parking lot or public sidewalk immediately adjacent to the licensed premises, which notify all such persons that the provisions of subsections (A) and (B) of this section are applicable. Any licensee violating any provision of this subsection shall be guilty of an infraction.

D. As used in subsections (B) and (C) of this section, "posted premises" means those premises which are licensed under any retail package off-sale alcoholic beverage license and the parking lot immediately adjacent to the licensed premises on which clearly visible notices have been placed pursuant to the provisions of subsection (C) of this section.

E. The provisions of subsections (B) and (C) of this section shall not apply to a private residential parking lot which is immediately adjacent to the posted premises.

F. No person shall have in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, upon any street or walkstreet, sidewalk or parkway, park, playground, the beach, or in any other public place, or in any place open to the patronage of the public, which is not licensed for the consumption of such alcoholic beverage.

This subsection is enacted pursuant to the authority contained in California Business and Professions Code Section 25620(a), and shall not apply to individuals engaged in recycling. Any person violating any provision of this subsection shall be guilty of an infraction.

G. The above provisions of subsections (A) and (F) of this section shall not apply to fully enclosed city-owned public facilities (i.e., buildings) when a license has been obtained for the consumption of such liquor.

H. The above provisions of subsections (A) and (F) of this section shall not apply to outdoor city-owned public facilities when a license has been obtained for the consumption of such liquor and when a permit has been approved by the city council. Application for said permits may be made only by a qualified nonprofit organization.

Guidelines for said permits shall be adopted by resolution of the city council and authority for permit issuance may be delegated to a particular department of the city. If permit issuance is delegated to a particular department of the city, appeal may be made to the city council and a hearing held thereon. The decision of the city council shall be final.

I. Any person violating any provisions of subsection (A) of this section shall be deemed guilty of an infraction, except that a violation of subsection (A) of this section that occurs within the boundaries of and during the effective dates and times of the holiday safety enhancement zone shall be a misdemeanor pursuant to Section [1.04.060](#). (Ord. 14-1348 §8, 2014; Ord. 00-1209, §5, 12-12-00; Ord. 94-1119 § 1, 1994: prior code § 21-23)

#### **9.04.020 Nudity in public parks, playgrounds and beaches.**

A. Definition of Park. The term "park" includes every public park, roadside rest area, playground, zoological garden, ocean, beach or other recreational facility area, together with any parking lot, reservoir, pier, swimming pool, court, field, bridle path, train or other recreational facility or structure thereon, in the city.

B. Conduct Prohibited. Within the city, no person shall appear, bathe, sunbathe, walk or be in any public park, playground, beach or the waters adjacent thereto, in such a manner that the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any such person, or any portion of the breast at or below the upper edge of the areola thereof of any such female person, is exposed to public view or is not covered by an opaque covering.

C. Exceptions.

1. This section shall not apply to children under the age of ten (10) years.
2. This section shall not apply to live theatrical performances which are performed in a theater, concert hall, or other similar establishment located on public land. (Prior code § 21-32)

#### **9.04.030 Display of books, magazines and other publications in locations other than newsracks.**

A. Definitions. For the purpose of this section, the following words and phrases shall have the meanings as ascribed to them by this section:

"Harmful matter" means matter, taken as a whole, which to the average person, applying contemporary statewide standards, appeals to the prurient interest, and is matter which, taken as a whole, depicts or describes in a patently offensive way sexual conduct and which, taken as a whole, lacks serious literary, artistic, political or scientific value for minors.

"Knowingly" means being aware of the character of the matter.

"Matter" means any book, magazine, newspaper, video recording, or other printed or written material or any picture, drawing, photograph, motion picture or other pictorial representation or any statue or other figure, or any recording, transcription, or mechanical, chemical, or electrical reproduction or any other articles, equipment, machines or materials.

"Minor" means any natural person under eighteen (18) years of age.

"Person" means any individual, partnership, firm, association, corporation or other legal entity.

B. Display of Harmful Matter. Every person who for commercial purposes displays by any means, or causes to be displayed by any means, or permits to be displayed by any means, in any business, other than a public place from which minors are excluded, any harmful matter, shall place upon the harmful matter a device commonly known as a "blinder rack" in front of the harmful matter, so that the lower two-thirds (2/3) of the harmful matter is not exposed to view.

C. Minor Need Not View or Gain Control of Material. To commit a violation of subsection (B) of this section, it is not required that a minor have actually viewed or physically gained control of any book, magazine, or other publication or matter as defined in subsection (A) of this section.

D. Business Persons Responsible. The provisions of this chapter, with respect to the display, causing to be displayed or permitting to be displayed any book, magazine, or other publication as set forth in subsection (A) of this section, shall apply only to persons having proprietary interests in or managerial control of the ordinary and routine operation of the business wherein and at which time there occurs a violation of any of the provisions of this section.

E. Punishment. Every person who violates subsection (B) of this section is punishable by fine of not more than one thousand dollars (\$1,000.00), by imprisonment in the county jail for not more than one (1) year, or by both that fine and imprisonment. (Ord. 96-1155 § 23, 1996: Ord. 95-1125 § 1, 1995: prior code § 21-36)

**Chapter 9.08  
OFFENSES BY OR AGAINST MINORS**

Sections:

- [\*\*9.08.010 Curfew restrictions.\*\*](#)
- [\*\*9.08.020 Purchase of school books from minors.\*\*](#)
- [\*\*9.08.030 Motion picture regulations for minors.\*\*](#)
- [\*\*9.08.040 Violation--Misdemeanor.\*\*](#)

**9.08.010 Curfew restrictions.**

It is unlawful for any minor under the age of eighteen (18) years to loiter, idle, wander, stroll or aimlessly ride about in or upon any public street, avenue, road, curb area, alley, park, playground or other public ground, public place or public building, place of amusement or eating place, vacant lot or unsupervised place between the hours of ten p.m. on any day and sunrise of the immediately following day; provided, however, that the provisions of this section shall not apply when:

- A. The minor is accompanied by his or her parent or parents, legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen (18) years of age or older;
- B. The minor is upon an errand directed by his or her parent or parents or legal guardian or other adult person having the legal care or custody of the minor, or by his or her spouse eighteen (18) years of age or older;
- C. The minor is returning directly home from a public meeting, or a place of public entertainment, such as a movie, play, sporting event, dance or school activity;
- D. The presence of such minor in said place or places is connected with or required with respect to a business, trade, profession or occupation in which said minor is lawfully engaged. (Prior code § 18-3)

**9.08.020 Purchase of school books from minors.**

No person shall purchase or acquire by gift, bargain, exchange, or in any other manner, the necessary books of instruction used or prescribed for the use and belonging to or in the possession, custody or control of any pupil, under the age of twenty-one (21) years, regularly enrolled or attending any public school without first obtaining the authorization and consent in writing, of the parent or guardian of such pupil or the principal of the school at which such pupil is regularly enrolled or in attendance, to do so. (Prior code § 18-8)

**9.08.030 Motion picture regulations for minors.**

- A. No person conducting, managing or carrying on the business of a moving picture exhibition shall permit or allow any person under the age of fourteen (14) to attend any such moving picture exhibition after the hour of ten p.m. of any day, unless such infant be accompanied by a parent, guardian or other adult person, authorized by the parent or guardian.
- B. No person conducting, managing or carrying on the business of a moving picture exhibition shall permit or allow any such infant to enter or attend any such moving picture exhibition after the receipt of notice signed by

the parent or guardian of any such infant requesting that such infant be not allowed to enter or attend any such moving picture exhibition. (Prior code § 18-9)

**9.08.040 Violation--misdemeanor.**

A. Every person, other than a minor under the age of eighteen (18) years, violating any provisions of this chapter shall be guilty of a misdemeanor.

B. Every minor under the age of eighteen (18) years violating the provisions of this chapter shall be dealt with as provided by the Welfare and Institutions Code of the state relating to the prosecution of minors under the age of eighteen (18) years. (Prior code § 18-13)

## Chapter 9.12 PROPERTY OFFENSES

Sections:

- [\*\*9.12.010 Injury to signs.\*\*](#)
- [\*\*9.12.020 Shopping carts.\*\*](#)
- [\*\*9.12.030 Oily substances--Disposing of.\*\*](#)
- [\*\*9.12.040 Spilling products on certain pavements.\*\*](#)
- [\*\*9.12.050 Oily substances--Vehicles transporting oil products.\*\*](#)
- [\*\*9.12.060 Loitering on commercial or private property.\*\*](#)
- [\*\*9.12.070 Loitering in buildings or on property owned, leased or operated by the city.\*\*](#)
- [\*\*9.12.080 Loitering in public ways.\*\*](#)
- [\*\*9.12.090 Other remedies.\*\*](#)

### **9.12.010 Injury to signs.**

It is unlawful for any person wilfully or intentionally to injure, deface, mar, disfigure or remove any sign or signboard within the city, and a violation of this section shall be an infraction. (Prior code § 3-2)

### **9.12.020 Shopping carts.**

A. Removal Prohibited--Notice Posted on Shopping Carts. Without the prior written consent of the owner, it is unlawful for any person to remove, or cause to be removed, any shopping cart which is the property of the business establishment furnishing such carts for its customers' use from the parking lot or other premises of said business establishment if such cart has prominently and permanently affixed thereto a notice in substantially the following form:

Property of (owner's name). Removal of this cart from these premises without written permission of the owner is prohibited by law (HBMC Sec. 21-29).

B. Notice Posted on Premises. There shall be posted by the business establishment furnishing a parking lot and shopping carts for its customers' use prominently and conspicuously on the premises and the parking lot, a notice in substantially the following form:

REMOVAL OF SHOPPING CARTS FROM THESE PREMISES PROHIBITED BY LAW. (HBMC SEC. 21-29).

C. Applicability of Section. The provisions of this section do not apply to employees of the business establishment furnishing shopping carts for its customer's use while such employees are acting within the course and scope of their employment. (Prior code § 21-29)

### **9.12.030 Oily substances--disposing of.**

It is unlawful for any person to deposit, place, throw or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted, or in any manner disposed of, within the city, any crude petroleum, engine oil, oil sludge, tar or any substance containing tar, oil sludge, or any other matter containing oil or crude petroleum, or any oily substance, upon any lot of land or any portion thereof within the city. (Prior code § 21-

9)

**9.12.040 Spilling products on certain pavements.**

It is unlawful for any person to spill, pour, drop or place, or to permit the spilling, pouring, dropping or placing upon any asphalt or bituminous pavement laid upon any public street, court, alley or place within the city, and oil, petroleum, kerosene, benzine or other similar oil, or oily substance, or liquid, or any salt, rock salt, common salt, salt brine, acid, chemical, broken glass, or any injurious or destructive material which might damage such pavement. (Prior code § 21-11)

**9.12.050 Oily substances--vehicles transporting oil products.**

All oil delivery wagons or tanks shall have securely fastened under taps or faucets thereto attached an absolutely oil or watertight zinc-lined box or tray; and in filling any measure or other vessel from such taps or faucets such measure or other vessel must be held so that drip or overflow shall follow into the box or tray, and in carrying or removing such vessel or measure over or across any asphalt or bituminous pavement no drip or overflow from such measure or vessel shall be permitted to fall upon such pavement. No measure or other receptacle or vessel for holding oil shall be placed upon any asphalt or bituminous pavement. (Prior code § 21-12)

**9.12.060 Loitering on commercial or private property.**

No person shall linger, loiter, sit, stand or otherwise use for business or social purposes any parking or open space serving area on any commercial or private property in such a manner as unreasonably to violate the expressed wish of the owner, legal tenant or manager of such commercial or private property. (Prior code § 20-10)

**9.12.070 Loitering in buildings or on property owned, leased or operated by the city.**

It is unlawful for any person to loaf or loiter in any waiting room, lobby or other portion of any building or property owned, leased or operated by the city, or to remain in or on any such building or property owned, leased or operated by the city for a period of time longer than reasonably necessary to transact such business as such person may have to transact with any city officer, employee or department using or occupying such building or property owned, leased or operated by the city. (Prior code § 20-11)

**9.12.080 Loitering in public ways.**

No person shall loiter or stand in or upon any public highway, alley, sidewalk or crosswalk or other public way open for pedestrian travel or otherwise occupy any portion thereof in such a manner as unreasonably to annoy or molest any pedestrian thereon or as to obstruct or unreasonably interfere with the free passage of pedestrians. (Prior code § 20-12)

**9.12.090 Other remedies.**

Nothing in this chapter shall be deemed to prevent the city council from ordering the city attorney to commence a civil action to abate a nuisance as an alternative to or in conjunction with the proceedings herein set forth or to initiate a criminal action against the responsible party for the maintenance of a nuisance. (Ord. 96-1150 § 6 (part), 1996: prior code § 20-13 (part))



## Chapter 9.16 DRUG PARAPHERNALIA

Sections:

**9.16.010 Sale of drug paraphernalia.**

**9.16.010 Sale of drug paraphernalia.**

A. Sale of Drug Paraphernalia to Minors. It is unlawful for any person or persons as principal, clerk, agent or servant to sell any items, effects, paraphernalia or accessories which are designed or marketed for use with illegal cannabis or drugs, as defined by the Uniform Controlled Substances Act, without obtaining a license therefor attained through the city. Such licenses shall be in addition to any or all other licenses held by the applicant. The licensing fee shall be five hundred dollars (\$500.00) per annum.

B. Drug Paraphernalia License Application. Application to sell any item, effect, paraphernalia or accessories which are designed or marketed for use with illegal cannabis or drugs shall, in addition to all other requirements, be accompanied by affidavits by applicants and each and every employee authorized to sell such items that such person has never been convicted of a drug-related offense and served a term therefor in any penal institution or been imprisoned as a condition of probation for such offense. Any such conviction shall bar the applicant from obtaining a paraphernalia license.

C. Records. Every licensee shall keep a record of every item, effect, paraphernalia, accessory or object which is designed or marketed for use with illegal cannabis or drugs which is sold to a minor and this record shall be open to the inspection of any police officer at any time during the hours of business. Such record shall contain the name and address of the purchaser verified by the purchaser's presentation of a valid form of California identification, and quantity of the product, the date and time of the sale, and the licensee or agent of the licensee's signature. Such records shall be retained for not less than two years.

D. Regulations. The applicant shall comply with all applicable regulations of the department of business licensing and the police department. Any deviance from regulations of HBMC 21-30 shall be deemed an infraction.

E. Management.

1. It is unlawful for any person in charge or control of any business establishment wherein drug paraphernalia is displayed for sale, offered for sale or sold, to knowingly allow or permit a minor, not accompanied by one or both of his or her parents or by his or her legal guardian, to enter and remain within any room of such establishment where drug paraphernalia is displayed for sale, offered for sale or sold.

2. It is unlawful for any person in charge or control of a business establishment wherein drug paraphernalia is displayed for sale, offered for sale, or sold, to fail to display and maintain, or fail to cause to be displayed and maintained, at least one sign stating that a minor may not enter unless accompanied by one or both of his or her parents or by his or her legal guardian. Any such sign shall be

placed in a conspicuous location near each public entrance to such business establishment wherein such drug paraphernalia is displayed for sale, offered for sale, or sold, or near each public entrance to any particular room or rooms therein where such drug paraphernalia is displayed for sale or sold.

3. In the event a substantial number of the public invitees or patrons of a business establishment wherein drug paraphernalia is displayed for sale, offered for sale or sold, uses a language other than English as a primary language, any sign required pursuant to this section shall be worded in both English and the language or languages involved.

F. Minors. In the event a sign or signs have been posted as required by subsection E of this section, it is unlawful for a minor to enter any room of a business establishment wherein drug paraphernalia is displayed for sale, offered for sale or sold, unless said minor is accompanied by one or both of his or her parents or by his or her legal guardian.

G. Definitions.

1. "Minor" means a person under eighteen (18) years of age.

2. "Drug paraphernalia" includes any device designed primarily for use by individuals for the smoking or ingesting of marijuana, hashish, hashish oil, cocaine or any other controlled substance, as that term is defined in the Health and Safety Code of the state of California. A device "designed primarily for" smoking or ingesting is a device which has been fabricated, constructed, altered, adjusted or marked especially for use in the smoking or ingesting of marijuana, hashish, hashish oil, cocaine or any other controlled substance and is peculiarly adopted to such purposes by virtue of a distinctive feature or combination of features associated with drug paraphernalia, notwithstanding that it might also be possible to use such device for some other purpose. Drug paraphernalia devices also include, but are not limited to the following:

- a. Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes, with or without screens, permanent or otherwise, heads or punctured metal bowls;
- b. A device constructed so as to prevent the escape of smoke into the air and to channel smoke into a chamber where it may be accumulated to permit inhalation or ingestion of larger quantities of smoke than would otherwise be possible, whether the device is known as a "bong" or otherwise;
- c. A smokable pipe constructed with a receptacle or container in which water or other liquid may be placed into which smoke passes and is cooled in the process of being inhaled or ingested;
- d. Smokable pipe which contains a heating unit, whether the device is known as an "electric pipe" or otherwise;
- e. A device constructed so as to permit the simultaneous mixing and ingestion of smoke and nitrous oxide or other compressed gas, whether the device is known as a "buzz bomb" or otherwise;

- f. A canister, container or other device with a tube, nozzle, or other similar arrangement attached thereto so constructed as to permit the forcing of smoke accumulated therein into the user's lungs under pressure;
- g. A device for holding a cigarette, whether the device is known as a "roach clip" or otherwise;
- h. A spoon for ingestion through the nose;
- i. A straw or tube for ingestion through the nose or mouth;
- j. Paraphernalia, when displayed, grouped, advertised or promoted for sale, to include any item, whether useful for non-drug-related purposes or not, which is displayed, grouped with other items, advertised or promoted in a manner to reasonably suggest its usefulness in the growing, harvesting, processing, weighing, manufacturing, cutting, diluting, preserving, inhaling, injecting, or ingesting of marijuana, hashish, cocaine, or any controlled substance, and any item, whether useful for non-drug-related purposes or not, which is designated, decorated, or adorned in a manner to reasonably suggest its usefulness in the above manner. (Prior code § 21-30)

## Chapter 9.20 GAMBLING

Sections:

- [\*\*9.20.010 Draw poker--Keeping house used for draw poker.\*\*](#)
- [\*\*9.20.020 Draw poker--Permitting house to be used for draw poker.\*\*](#)
- [\*\*9.20.030 Keeping houses used for games of chance not mentioned in Penal Code.\*\*](#)
- [\*\*9.20.040 Permitting houses to be used for games of chance not mentioned in Penal Code.\*\*](#)
- [\*\*9.20.050 Playing or participating in games of chance not mentioned in Penal Code.\*\*](#)
- [\*\*9.20.060 Operating devices used for gambling.\*\*](#)
- [\*\*9.20.070 Operating mechanical devices used for gambling.\*\*](#)
- [\*\*9.20.080 Certain games of chance such as bingo prohibited.\*\*](#)
- [\*\*9.20.090 Participating in games prohibited by Sections 9.20.060 to 9.20.080.\*\*](#)
- [\*\*9.20.100 Permitting participation in games prohibited by Sections 9.20.060 to 9.20.080.\*\*](#)
- [\*\*9.20.110 Certain mechanical games prohibited.\*\*](#)
- [\*\*9.20.120 Gambling devices declared nuisance--Abatement.\*\*](#)
- [\*\*9.20.130 Destruction of gambling devices.\*\*](#)

**9.20.010 Draw poker--keeping house used for draw poker.**

It is unlawful for any person either as principal, agent, employee or otherwise to keep, conduct or maintain in the city any house, room, premise or place used, or held in part, as a gambling house, where that certain game played with cards commonly known as "draw poker" is played and carried on for money or any representative of value. (Prior code § 13-1)

**9.20.020 Draw poker--permitting house to be used for draw poker.**

It is unlawful for any person, either as principal agent, employee or otherwise, knowingly to permit any house, room, premise or place owned by him, or in his charge or control, in the city to be used in whole or in part as a gambling house or place where that certain game played with cards commonly known as "draw poker" is played for money or any representative of value. (Prior code § 13-2)

**9.20.030 Keeping houses used for games of chance not mentioned in Penal Code.**

It is unlawful for any person, either as owner, principal, agent, employee, licensee, lessee, mortgagee or otherwise, to keep, conduct, operate or maintain within the city any house, room, store, apartment, enclosure or place used in whole or in part as a place where any game dependent upon hazard or chance not mentioned in Section 330 or 330a of the Penal Code of the state is played, conducted, dealt, maintained, operated or carried on, either with cards, dice, billiard balls, pool balls, cues or mechanical devices, appliances or contrivances, or with any other device where the same is played, conducted, dealt, maintained, operated or carried on for money, chips, checks, slugs, tokens, credit or any other representative of value, or for any merchandise, or any other thing of value, or anything redeemable in or exchangeable for money, merchandise or any other thing of value. (Prior code § 13-3)

**9.20.040 Permitting houses to be used for games of chance not mentioned in Penal Code.**

It is unlawful for any person, either as owner, principal, agent, employee, licensee, mortgagee or otherwise, knowingly to permit any house, apartment, room, store, enclosure or place owned by him, or under his charge or control, in the city to be used in whole or in part for playing, conducting, dealing, operating or carrying on therein any game not mentioned in Section 330 or 330a of the Penal Code of the state, either with cards, dice, billiard balls, pool balls, cues, mechanical devices, contrivances, appliances or any other device, for money, checks, chips, slugs, credit or any other representative of value, or for any merchandise or any other thing of value or for anything redeemable or exchangeable for money. (Prior code § 13-4)

#### **9.20.050 Playing or participating in games of chance not mentioned in Penal Code.**

It is unlawful for any person to play or bet at, on or against any game not mentioned in Section 330 or 330a of the Penal Code of the state which is operated, played, conducted, dealt or carried on with cards, dice, billiard balls, pool balls, cues, mechanical contrivances, appliances or other device for money, checks, chips, credit, tokens or any other representative of value, or for any merchandise or any other thing of value, where the playing or operation thereof depends upon hazard or chance. (Prior code § 13-5)

#### **9.20.060 Operating devices used for gambling.**

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct, within the city, any clock, tape, slot or card machine, or any other machine, contrivance or device upon which money is paid, deposited or played upon chance or upon the result of the action of which money or any other article or thing of value is or may be staked, bet, hazarded, won or lost upon chance, or which machine shall not give the same return in market value each and every time such machine is operated. (Prior code § 13-6)

#### **9.20.070 Operating mechanical devices used for gambling.**

It is unlawful for any person, either as owner, lessee, agent, employee, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct, within the city, any machine, contrivance, appliance or mechanical device, upon the result of the action of which money or other valuable thing is or may be staked or hazarded and which is or may be operated or played by placing or depositing therein any coins, checks, slugs, balls or other article or device, or in any other manner, and by means of the action whereof, or as a result of the operation of which any merchandise, money or article representative of value, check or token redeemable in or exchangeable for money, or any other thing of value is won or lost, or taken from or obtained from such machine, when the result of the action or operation of such machine, contrivance, appliance or mechanical device, is dependent upon hazard or chance, or when the same return in market value shall not be obtained each and every time such machine is operated. (Prior code § 13-7)

#### **9.20.080 Certain games of chance such as bingo prohibited.**

It is unlawful in the city for any person, either as owner, lessee, manager, employee, agent or servant, to conduct, manage, carry on, maintain, operate, open, deal or deal in, or to cause or permit to be conducted, managed, carried on, maintained, operated, opened, dealt or dealt in, any game, operation or transaction wherein any prize, gift, rebate, compensation, reward, award, payment or gratuity consisting of any money, check, token, credit, goods, wares, merchandise, property or thing of value is or is to be given, awarded or

delivered, either directly or indirectly, and wherein chance is a determining favor or is any determining factor of the result of such game, operation or transaction which is conducted, carried on, maintained, operated or played by the throwing, tossing, dropping, depositing or placing of any ball, marker, object, thing or substance into any perforation, hole or indentation in or upon any surface, receptacle, container, object or thing having marked, designated or identified thereon by or with any figure, number, character, symbol, letter, design or mark by means of any device, apparatus or equipment, or by any means or in any manner, or by the drawing, selecting, choosing or removing from any receptacle or container any ball, disk, object, substance or material marked, designated or identified by or with any figure, number, character, symbol, letter, design or mark hereinabove referred to, corresponding to, duplicating, referring to or relating to, in whole or in part, directly or indirectly, any figure, number, character, symbol, letter, design or mark upon any card, paper, board, fabric, surface, object, substance or thing held, used, operated or maintained by any player or participant therein or by any person, where, by any predetermined or prearranged, or by any rule, method, scheme, design or procedure any person is found, declared or determined to be, or is, or is to be, the winner, donee, recipient or taker of such prize, gift, rebate, compensation, reward, award, payment or gratuity in the event that any such player or participant pays, deposits, expends, gives or pledges, either directly or indirectly, or agrees, promises or intends to pay, deposit, expend, give or pledge, either directly or indirectly, any money, checks, credit, property or thing of value, or makes or agrees to make any purchase for the privilege of playing or participating therein or of gaining admission to the place or premises where such game, operation or transaction is or is to be played, conducted, carried on, maintained or operated, or to any other place or premises.

Provided, however, that no provisions of this section shall be deemed or construed as prohibiting any act made unlawful by the provisions of Section 330 or of Section 330a or of Section 320 of the Penal Code or of any other code section or general law of the state, it being the intent of the city council to prohibit by this section all games, operations or transactions herein described, not prohibited by the provisions of any general law of this state, including all games, operations or transactions for profit commonly known as keno, tango, movie tango, bingo, beano, skill ball, fortune, quintain, fascination or inspiration and all games, operations or transactions similar to such enumerated games under whatever name they may be designated.

Exceptions: Nothing in this section shall prohibit the game of "bingo" if permitted pursuant to Chapter [5.12](#).  
(Prior code § 13-8)

**9.20.090 Participating in games prohibited by sections 9.20.060 to 9.20.080.**

It is unlawful in the city for any person to participate in, play, play in or engage in, either directly or indirectly, any game, operation or transaction prohibited by the provisions of Sections [9.20.060](#) to [9.20.080](#). (Prior code § 13-9)

**9.20.100 Permitting participation in games prohibited by sections 9.20.060 to 9.20.080.**

It is unlawful for any person owning, leasing, managing, controlling or having any interest in any property or premises lying within the incorporated territory of the city to cause or permit the maintenance or operation in or on such property or premises, having knowledge, or after reasonable notice of the existence thereof, of any

game, operation or transaction declared by the provisions of Sections [9.20.060](#) to [9.20.080](#) to be unlawful.  
(Prior code § 13-10)

**9.20.110 Certain mechanical games prohibited.**

A. Definitions. For the purposes of this section, the following terms are defined as hereinafter set forth:

1. "Pin game" means any table, cabinet or mechanism equipped for the playing of any game whereby any marble, ball, pellet or other moving object is propelled, released, rolled or shot along, over or above a surface set with pins, pegs or other obstructions or irregularities which deflect or impede the course of the moving object or which may divert or direct it beyond the control of the player.
2. "Marble game" means any table, cabinet or stand equipped for the playing of a game whereby marbles or balls are, with the aid of a mechanical plunger or other affixed device, propelled, released, shot or rolled so as to drop or come to rest in holes, slots, cups or traps, resulting in a score or tally being electrically or otherwise registered or shown which score or tally depends upon the course followed or point reached by the marble or ball or upon the contact points touched by it along its course, or upon any combination of such factors.
3. The phrase "any game similar to a marble game" shall mean: "balley-alley" and any other miniature mechanical bowling game device, by whatever name called; any table, cabinet or mechanical device equipped for the playing of any game whereby any marble, ball, pellet or any moving object is propelled, rolled, shot or released toward a goal, pin, set of pins or other objective by means of any plunger, ejector, mechanical bat, mechanical hand or by means of any other striking or releasing mechanism which is affixed or attached to the table or cabinet, or which is an integral part of the mechanical device or which is mechanically manipulated, controlled or guided, and which game is so contrived that, at the conclusion of the operation or play thereof the score or result of play thereof is visible or otherwise discernible so as to permit or make practicable the paying off or awarding of a prize or reward upon the operation or play of the game.
4. "Claw, hook or grab machine" means any amusement machine or device so designed that articles placed or heaped therein for the purpose of the game may be grabbed, hooked or otherwise displaced, recovered or removed by the operation of any connivance simulating in miniature a power-shovel, clam-shell, dragline or similar excavating tool or machine.
5. "Horse racing machine" means any mechanically operated amusement machine or device contrived to simulate in miniature the running of a horse race or any other race run by beasts, humans or machines, or which is contrived to put in motion any number of objects or symbols which then do, or appear to, run or move against each other in the manner of a miniature race, or which is designed to represent, by symbols, the running of any race and the order of the finish thereof.

B. Prohibited Maintenance. It is unlawful for any person to keep, maintain or possess in any place of business or in any place of public resort:

1. Any pin game, any marble game or any game similar to a marble game, any claw, hook or grab machine or any horse race machine, the operation of which game or machine is controlled, permitted or made available by placing therein a coin, plug, disk, key or token, or which is or may be let for use, operation or play upon the payment or delivery of anything of value thereof, or upon the making of any purchase;
2. Any mechanical device or mechanically operated contrivance for the playing of any game of chance, the use or operation of which is controlled, permitted or made available by placing therein any coin, plug, disk, key or token, or which is let for use, operation or play upon the payment or delivery of anything of value therefor, or upon the making of any purchase.

C. Applicability of Section. The provisions of this section shall not apply to the keeping, possessing or exhibiting of any such mechanical contrivance or device at or in any mercantile store in which such mechanical contrivances or devices are kept solely for sale and which mechanical contrivances or devices members of the public are not permitted or allowed to operate, manipulate or play except as incident to a demonstration for the purpose of sale. (Prior code § 13-11)

**9.20.120 Gambling devices declared nuisance--abatement.**

Any equipment, machine, contrivance, appliance, game, ticket, chance, share, interest, instrument, paper or article operated, used, kept, possessed, placed or maintained in violation of the provisions of the foregoing sections of this chapter or of:

- A. Section 330a of the Penal Code of the state; or
- B. Any section enumerated in Part 1, Title 9, Chapter 9 of the Penal Code of the state; or
- C. Any other part, title, chapter or section of the Penal Code of the state prohibiting gambling, games of chance, lotteries, pool selling or associated or kindred activities or operations; or
- D. Any amendments or supplements to the statutes and ordinances herein enumerated and any ordinance of the city and any statute of the state adopted as a substitute for or in place of any of the ordinances or statutes herein enumerated and any ordinance of the city and any statute of the state prohibiting possession of any contrivance, article or device, not covered hereby, used for gambling, lotteries, games of chance, pool selling or associated or kindred operations or activities, and passed subsequently to the adoption of this chapter are declared to be a nuisance and shall be subject to abatement as hereinafter provided. (Prior code § 13-12)

**9.20.130 Destruction of gambling devices.**

Any article declared by Section [9.20.120](#) to be a nuisance, as a result of the operation, use, keeping, possession, placing or maintaining which any person, firm or corporation has been convicted of or has pleaded guilty to any violation of any law of this state or of any ordinance of this city, shall be destroyed by the chief of police after such plea or after judgment of conviction becomes final. The contents of such machine shall be destroyed or, if money, shall be deposited in the general fund.

If any articles subject to destruction as herein provided are in the custody of any court within the city, the chief of police shall cause to be made an application to the judge of the court for an order releasing the articles to him for the purpose of complying with this section. (Prior code § 13-13)

## Chapter 9.24 WEAPONS

Sections:

[\*\*9.24.010 Firearms--Permit to discharge.\*\*](#)

[\*\*9.24.020 Threats with replica firearms.\*\*](#)

**9.24.010 Firearms--permit to discharge.**

It is declared unlawful for any person to discharge any gun, rifle, pistol, revolver, slingshot or air gun within the city without first obtaining a permit in writing from the chief of the police department. (Ord. 96-1155 § 21, 1996: prior code § 21-6)

**9.24.020 Threats with replica firearms.**

A. Definitions.

1. As used in this section, the term "replica firearm" shall include any device or object made of plastic, wood, metal or any other material which is a facsimile or toy version of, or is otherwise recognizable as a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm as that term is used under the provisions of Sections 12001 and 12002 of the State Penal Code.
2. For purposes of this section, the meaning of the term "firearm" shall be the same as the meaning of that term under the State Dangerous Weapons Control Laws and shall include air rifles, pellet guns or BB guns.

B. Every person who, except in self defense, in the presence of any other person, draws, exhibits or brandishes a replica firearm or who simulates a firearm in a rude, angry and threatening manner, or who in any manner, unlawfully uses the same in any fight or quarrel and causes the victim to reasonably believe that the person is actually in possession of an operable firearm is guilty of a misdemeanor. (Ord. 96-1155 § 22, 1996: prior code § 21-34)

**Chapter 9.28****PARTIES, EVENTS AND GATHERINGS ON PRIVATE PROPERTY Revised 6/16**

Sections:

[\*\*9.28.010 Parties advertised and open to the public prohibited.\*\*](#)

[\*\*9.28.020 Permits for special events on private property.\*\*](#)

[\*\*9.28.030 Social host liability for parties at which underage drinking occurs.\*\*](#) Revised 6/16

**9.28.010 Parties advertised and open to the public prohibited.**

It shall be unlawful for any person to conduct or hold in any residence any party, gathering, event or dance at which live or recorded music is provided which is open to the general public and: (1) for which admission is charged, or (2) for which brochures, posters or handbills advertising the party or dance are distributed or posted, or other advertisement made or published, or (3) at which a charge is made for refreshments. (Ord. 07-1285 §4, Aug 2007)

**9.28.020 Permits for special events on private property.**

A resident of the city may obtain from the police department a maximum of two (2) permits per calendar year per household in order to conduct a special event, party or gathering at the resident's residence pursuant to the provisions of this section.

A. A permit must be requested not less than ten (10) days prior to the date of the event on an application form provided by the police department. The application form shall be accompanied by a filing fee in an amount determined by resolution of the city council to recover the city's costs associated with processing the application and issuing the permit.

B. Upon receipt and review of a complete application and filing fee, the police department shall issue the permit; provided, that no more than two (2) permits are issued to the same residential address in a calendar year. The police department may impose conditions on the permit, in addition to those set forth below in this section, deemed necessary to protect against the event becoming a nuisance to the surrounding neighborhood due to the number of people in attendance, the amount of traffic to be generated, the type and volume of amplified music or entertainment to be utilized and other similar considerations. Conditions shall take into account the size of the residential property, the capacity of the street on which it is located, the availability of parking and the proximity to neighbors.

C. The following mandatory requirements and conditions shall apply to all permits issued pursuant to this section:

1. A permit will be issued only upon receipt of a deposit, in the form of cash or cashier's check, in the amount of five hundred dollars (\$500.00). The deposit, or any portion thereof, shall be forfeited to the city in order to recover any costs incurred to enforce the conditions of the permit in the event of a violation of the permit or the provisions of this section. Any unused portion of the deposit will be returned to the permittee within ten (10) days of the conclusion of the event. Should the city's costs of enforcement exceed the amount of the deposit, the remainder shall constitute a civil debt due and owing the city and

recoverable in any manner provided by law.

2. Amplified music and live entertainment shall be permitted notwithstanding the provisions of Chapter [8.24](#) for a maximum duration of four hours (start to finish) and shall cease no later than 11:45 p.m. on Friday and Saturday nights, and 9:45 p.m. on Sundays. The event shall conclude not later than 12:00 midnight on Friday and Saturday nights, and 10:00 p.m. on Sundays.
3. Noise emanating from the event shall not exceed ninety-five (95) dBA at the property line at any time during the event.
4. Permits shall be issued for events occurring only between 5:00 p.m. Fridays through 10:00 p.m. Sundays.
5. The permit will be issued only to a resident twenty-one (21) years of age or older. The permittee shall be physically on the property during the entire duration of the event.
6. Permits will be issued solely for events for which there is a specific invitation list. In no event will a permit be issued for parties, gatherings or events open or advertised to the general public.
7. Upon receipt of a permit, and at least seventy-two (72) hours prior to the event, the permittee shall notify all residents within a three hundred (300) foot radius of the property of the location, date and time of the event and the telephone number of the permittee.
8. Permits shall not be issued on St. Patrick's Day, July 4th, Cinco de Mayo and New Years Eve or on any other date where the Police Department determines that the number of permitted events or the scheduling of other activities in the city will exceed the capacity of the department adequately to protect public safety.

D. A permit issued pursuant to this section may be revoked and the event ordered concluded at any time during the course of the event by the highest ranking police officer on duty at the time upon determination that the event is causing a violation of state law or is violating one or more conditions of approval, or a determination that the event has become a threat to public safety. (Ord. 07-1285, §4, Aug. 2007)

#### **9.28.030 Social host liability for parties at which underage drinking occurs. Revised 6/16**

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

"Alcoholic beverage" shall have the same meaning as set forth in Section 12.20.010.

"Residence or other private property" shall mean a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function venue, and whether owned, leased, rented, or used with or without compensation.

"Responsible person" shall have the same meaning as set forth in Section [1.10.020](#) and shall also include the

person(s) who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering. A responsible person shall be subject to liability under this section regardless of whether he or she possesses prior knowledge of the event or is present at the event at which underage consumption or possession of alcoholic beverages occurs.

"Underage person" is any person under the age of twenty-one (21).

B. It shall be a civil violation of this chapter, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow in a residence or other private property any party, gathering or event at which underage persons consume or possess alcoholic beverages, except under the supervision of a parent or guardian in connection with a cultural or religious activity. In the event that such an unlawful party, gathering or event is hosted by a juvenile, the parents or guardians of that juvenile will be jointly and severally liable with said juvenile or juveniles for any penalties and costs incurred pursuant to this section. Violation of this section shall be subject to the administrative penalty provisions set forth in Chapter [1.10](#).

C. When a law enforcement, fire or other emergency response provider responds to a party, gathering or event at a residence or other private property within the city at which underage consumption or possession of alcoholic beverages occurs, all responsible persons shall be jointly and severally liable, in addition to any fines assessed pursuant to Chapter [1.10](#), for the city's costs of responding to that unlawful event and all subsequent unlawful events at the property involving underage consumption or possession of alcoholic beverages. Such costs are deemed to be costs incurred in the physical abatement of the public nuisance.

D. When a law enforcement, fire or other emergency response provider makes an initial response to a party, gathering or event at which underage consumption or possession of alcoholic beverages occurs, the official shall, in writing, notify any responsible person at the scene that:

1. The official has determined that a party, gathering or event at which underage consumption or possession of alcoholic beverages exists;
2. The responsible person(s) will be fined for violation of this chapter and billed for response costs if the condition is not abated and an additional response is required of law enforcement or emergency service providers to abate the nuisance; and
3. The responsible person(s) are entitled to request a hearing to appeal the fine and response costs.

This notice shall be given to all identified responsible persons at the time of the initial response.

E. If the condition is not voluntarily abated and additional law enforcement or emergency response personnel are called upon to respond on behalf of the city in order to abate the nuisance, the responsible person shall be liable for the city's costs incurred in the abatement of the nuisance, excluding the initial response provided by a law enforcement officer. The city manager or his designee shall calculate all such costs and bill the responsible person. Payment shall be due and payable within fifteen (15) days of the billing date. If the amount

is not paid, the city may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all applicable provisions of law.

F. In addition to the administrative penalties set forth in this section, the responding law enforcement, fire or emergency response providers may issue an order requiring the gathering to be disbanded and may cite and/or arrest any law violators under any other applicable ordinances and state statutes. (Ord. 16-1364 §2, 2016)

**Chapter 9.32  
DAYTIME JUVENILE CURFEWS.**

Sections:

- [\*\*9.32.010 Definitions.\*\*](#)
- [\*\*9.32.020 Prohibited Act.\*\*](#)
- [\*\*9.32.030 Exemptions.\*\*](#)
- [\*\*9.32.040 Infraction Penalty.\*\*](#)
- [\*\*9.32.050 Hearing requirement parental obligations to attend.\*\*](#)
- [\*\*9.32.060 Penalty may be set aside for first infraction.\*\*](#)

**9.32.010 Definitions.**

Unless the context clearly indicates otherwise, the terms used in this Chapter will be defined as follows:

“Establishment” means any privately owned place of business operated for a profit to which the public is invited, including without limitation, places of amusement or entertainment, retail stores and eating places.

“Guardian” means a person who, under court order, has legal charge or custody of a minor.

“Minor” means any person under eighteen (18) years of age.

“Public Street” means any public street, highway, road, avenue, sidewalk, alley, parkway or other right-of-way.

**9.32.020 Prohibited act.**

It shall be unlawful for any minor to be present in or remain in or upon any public street, public place, or any establishment, vacant lot or other unsupervised place during the hours of 8:30 a.m. and 1:30 p.m. of the same day on days when said minor’s school is in session. It shall also be unlawful for a parent or guardian of a minor to knowingly permit, or by insufficient control, allow a minor for whom they are responsible, to remain in any public place or on the premises of any establishment within the City during these daytime curfew hours.

**9.32.030 Exemptions.**

The provisions of this Chapter shall not apply under any one of the following circumstances:

- A. The minor has in his or her possession a written excuse from the minor’s parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of said minor, which excuse provides a reasonable explanation, as determined by the court, for the minor’ s absence from school;
- B. The minor is accompanied by his or her parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of the minor;
- C. The minor is upon an emergency errand directed by said minor’s parent(s), legal guardian(s), or other adult person(s) having the legal care or custody of the minor;

- D. The minor is going to or returning directly from a medical appointment;
- E. The minor has permission to leave campus and said minor has in his or her possession a valid, school-issued, off-campus permit;
- F. The minor is going to or returning directly from a public meeting, or place of public entertainment, such as a movie, play, sporting event, dance or school activity, provided such meeting, event or activity is a school-approved activity for the minor or is otherwise supervised by school personnel of said minor's school;
- G. The presence of the minor in said place or places is connected with or required by a school-approved or school-related business, trade, profession or occupation in which said minor is lawfully engaged;
- H. The minor, due to split sessions or year round school, is not required at the time he or she is found, to be in attendance at school;
- I. When the minor is exempt by law from compulsory education or compulsory continuation education;
- J. When the minor is authorized to be absent from his school pursuant to the provisions of California Education Code Section 48205 or any other applicable State or Federal law;
- K. The minor is emancipated pursuant to law;
- L. The minor is in a motor vehicle involved in interstate travel; or
- M. The minor is engaged in an activity protected by the United States or California constitutions.

**9.32.040 Infraction – Penalty.**

Violation of this Chapter shall constitute an infraction punishable by a fine as provided for in Chapter [1.10](#).

**9.32.050 Hearing requirement-parental obligation to attend.**

A minor cited for an infraction for violation of a provision of this Chapter must attend a court hearing on the infraction and must be accompanied at the hearing by all of the persons (or person) having the legal care or custody of said minor. If any such person fails to attend the hearing with the minor, and unless the interests of justice would otherwise be served, the court shall continue the hearing and shall issue a citation to said person directing said person to appear at the continued hearing with the minor.

**9.32.060 Penalty may be set aside for first infraction.**

Notwithstanding the provisions of this chapter, the court may set aside the fine imposed by this Chapter, or any portion thereof, if the fine is based on the minor's first infraction under this Chapter and provided the minor produces proof satisfactory to the court that the following has occurred during the period between the initial hearing on the infraction and any subsequent hearing set by the court:

- A. The minor has had no unexcused absences from school; and, as directed by the court, either or both of the following:

- B. The minor has performed ten (10) hours of court-approved community service during times other than said minor's hours of school attendance; and/or
- C. The minor's parent(s), legal guardian(s), or other adult person(s) who have the legal care or custody of said minor, has or have attended a parenting class or a series of parenting classes approved by the court. (Ord. 04-1244, Oct. 2004)

## Chapter 9.36 GRAFFITI REMOVAL

Sections:

- [\*\*9.36.010 Short title.\*\*](#)
- [\*\*9.36.020 Purpose.\*\*](#)
- [\*\*9.36.030 Definitions.\*\*](#)
- [\*\*9.36.040 Declaration of graffiti as a public nuisance.\*\*](#)
- [\*\*9.36.050 Permitting graffiti to remain prohibited.\*\*](#)
- [\*\*9.36.060 Notice to owners or possessors of private property.\*\*](#)
- [\*\*9.36.070 Removal by City with owner consent.\*\*](#)
- [\*\*9.36.080 Removal by City without owner consent.\*\*](#)
- [\*\*9.36.090 Signs required.\*\*](#)
- [\*\*9.36.100 Posting on City property.\*\*](#)
- [\*\*9.36.110 Reward.\*\*](#)
- [\*\*9.36.120 Remedies cumulative.\*\*](#)

### **9.36.010 Short title.**

This chapter of the Hermosa Beach Municipal Code may be referred to as the "Graffiti Removal Ordinance" of the City.

### **9.36.020 Purpose.**

The purpose of this chapter is to provide for the prompt abatement of graffiti from public and private properties in the city and to regulate the sale of materials used in acts of graffiti to minors.

### **9.36.030 Definitions.**

For the purpose of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Defacement" means the intentional altering of the physical shape or physical appearance of property without prior consent of the owner of the property.

"Graffiti" means any painting, marking, symbol, design, inscription or other defacement which is written, sprayed, painted, scratched, etched, engraved, or placed without the prior consent of the owner or person in possession thereof.

"Responsible adult" is a parent or guardian of an individual under eighteen (18) years of age and includes an agent of the parent or guardian, provided the agent is over the age of eighteen (18).

"Wide blade marker" means any marker, pen or similar implement which contains a fluid which is not soluble in water, or which cannot be removed with water after drying, and has a flat, pointed or angled writing surface of a width of four millimeters or greater.

**9.36.040 Declaration of graffiti as a public nuisance.**

The City Council finds and declares that appearance of graffiti on public and private properties within public view is obnoxious and constitutes a public nuisance, the abatement of which shall be provided as set forth herein.

**9.36.050 Permitting graffiti to remain prohibited.**

No person shall permit any graffiti that may be viewed from the public right-of-way or other public property to remain on any building, structure, tree, shrub, sidewalk or curb owned or possessed by such person.

**9.36.060 Notice to owners or possessors of private property.**

Whenever the City Manager, or his or her designee, determines that graffiti is being maintained upon the premises within the City in violation of Section [9.36.050](#) of this chapter, the City Manager, or his or her designee, shall send written notice to the owner or possessor of the premises of such condition and shall require that the graffiti be removed. The notice and order shall be sent to the owner as shown on the most recent equalized assessment roll and a copy shall be posted on the subject property. The notice shall state that the owner must remove the graffiti or consent to its removal by the city within fourteen (14) days from the date the notice was mailed.

**9.36.070 Removal by city with owner consent.**

Whenever the City Manager, or his or her designee, determines that graffiti is located on public or private property so that graffiti may be viewed by a person using any public right-of-way or other public property, the City Manager, or his or her designee, is authorized to provide for and use public funds, if necessary, to remove graffiti by City crews or contractor upon the following conditions:

A. Public Property. Whenever the City Manager or his or her designee determines that graffiti exists upon property owned by the city, it shall be removed as soon as possible. When the property is owned by a public entity other than the City, the removal of the graffiti is authorized after securing written consent of the public agency having jurisdiction over the property.

B. Private Property. Where the subject property is privately owned, the removal of graffiti is authorized after the City Manager, or his or her designee, secures the written consent of the owner of the property and the owner executes a release and waiver approved as to form by the City Attorney.

**9.36.080 Removal by city without owner consent.**

A. The City Manager may initiate proceedings to abate any graffiti maintained contrary to the provisions of this chapter without the consent of the owner only after the following has occurred:

1. The City Manager has determined that graffiti within public view exists on particular premises in the city;
2. A notice of such condition has been sent to the property owner pursuant to Section [9.36.060](#); and
3. The property owner has failed to either remove the graffiti or consent to its removal by the City within

the time period specified in the notice.

B. Prior to the City abating graffiti on private property without the consent of the owner, a hearing shall be conducted by the City Manager or his or her designee serving as hearing officer, at which time the property owner shall be given an opportunity to be heard regarding the proposed abatement. A notice of the time, place and subject of the hearing before the City Manager or his or her designee shall not less than ten (10) days prior to the hearing be sent personally or by first class United States mail to the owner's address as shown on the latest equalized tax assessment roll of the affected premises and shall be conspicuously posted on the affected premises. Proof of posting and serving of such notice shall be made by declaration under penalty of perjury filed with the hearing officer. The failure of any person to receive the notice shall not affect the validity of any proceedings under this chapter.

C. At the hearing, the hearing officer shall receive and consider all relevant evidence. Any interested person shall be given a reasonable opportunity to be heard in conjunction therewith. Based upon the evidence so presented, the City Manager shall determine whether a nuisance within the meaning of this chapter exists and whether an abatement is appropriate.

D. Within ten (10) days after the hearing, the City Manager, or his or her designee, shall give written notice of the decision to the owner and to any other person requesting the same personally or by first class United States mail, postage paid. If a nuisance is determined to exist and abatement is determined to be appropriate, the notice shall contain an order of abatement directed to the owner of the affected property or the person in the control and/or charge of the property, and shall set forth the nature of the graffiti, its location on the premises and the maximum number of days, time and manner for its abatement. The City Manager may impose such conditions as are reasonably necessary to abate the graffiti. The decision of the City Manager may be appealed to the City Council by the filing of a written request for appeal with the City Clerk within ten (10) days after the City Manager's notice of the decision to the owner. In the event of an appeal, the decision of the City Council shall be final.

E. If the City Manager's decision is not appealed and the nuisance is not abated within the time set by the order of abatement, the City Manager, or his or her designee, is authorized to enter upon the premises and to abate the graffiti nuisance through utilization of labor, equipment and materials as directed by the City Manager. The graffiti shall be removed as authorized herein, but the removal shall not involve the painting or repair of a more extensive area than is necessary for such removal. The City Manager shall then prepare a statement of the fact of such abatement and of the expense incurred in abatement and shall file the statement with the City Clerk. Such statement shall identify the premises including more than one lot, each separate lot, or all of the lots may be set forth in the same statement.

F. Upon completion of the work required to abate the graffiti, the cost to the City to perform such work shall be assessed against the property owner pursuant to the procedures set forth in Section [8.28.080](#) of this code.

### **9.36.090 Signs required.**

Any person doing business in the City displaying, selling or otherwise providing any of the substances

referred to in Section [9.36.090](#) shall prominently display at the location of sale and/or delivery a sign(s) clearly visible to employees and customers which states in writing, in both English and Spanish, "It is unlawful for any person to sell, lend, or give to any individual under the age of eighteen (18) years, aerosol spray paint cans or wide blade markers."

**9.36.100 Posting on city property.**

The City Manager or his or her designee is hereby authorized to post a notice at appropriate locations indicating that pursuant to California Penal Code Section 594.1 no person shall carry any aerosol can of paint or wide blade marker into or upon any city-owned building, grounds, park or other City facility without the permission of an authorized City officer.

**9.36.110 Reward.**

The City may pay to any person who provides information which leads to arrest and conviction of any person who applies graffiti to any public or private property in the City visible to the public a reward as established by City Council resolution. The amount of any reward paid pursuant to this section may be sought from the person arrested and convicted as restitution in addition to any other restitution associated with the removal of graffiti.

**9.36.120 Remedies cumulative.**

The remedies provided in this chapter are in addition to other remedies and penalties available under the Hermosa Beach Municipal Code and the laws of the State of California, including but not limited to California Civil Code Section 1714.1, California Penal Code Section 594 et seq. and California Vehicle Code Section 13202.6. (Ord. 06-1273, §1, October 2006)

**Chapter 9.38  
DRONES, UNMANNED AIRCRAFT AND MODEL AIRCRAFT Revised 6/16**

Sections:

- [\*\*9.38.010 Purpose and findings.\*\* Revised 6/16](#)
- [\*\*9.38.020 Definitions.\*\* Revised 6/16](#)
- [\*\*9.38.030 Operating permit required.\*\* Revised 6/16](#)
- [\*\*9.38.040 Operating requirements and restrictions.\*\* Revised 6/16](#)
- [\*\*9.38.050 Violations.\*\* Revised 6/16](#)
- [\*\*9.38.060 Exemptions.\*\* Revised 6/16](#)

**9.38.010 Purpose and findings. Revised 6/16**

The operation of unmanned aircraft such as model aircraft and civil unmanned aircraft systems ("UAS"), commonly known as drones, can at times pose a hazard to full-scale aircraft in flight and to persons and property on the ground. Imposing community-based safety requirements on the operation of model aircraft and imposing restrictions on the operation of both model aircraft and civil UASs consistent with federal aviation rules and state law is necessary to mitigate such risks and to protect the public from the hazards associated with the operation of unmanned aircraft. (Ord. 16-1363 §1 (part), 2016)

**9.38.020 Definitions. Revised 6/16**

The following words, phrases and terms as used in this chapter shall have the meanings indicated as follows:

"Civil UAS" shall mean an unmanned aircraft or unmanned aircraft system operated by any person for any purposes other than strictly hobby or recreational purposes, including, but not limited to, commercial purposes or in furtherance of, or incidental to, any business or media service or agency.

"Model aircraft" shall mean an unmanned aircraft or unmanned aircraft system operated by any person strictly for hobby or recreational purposes.

"Person" shall mean any individual, partnership, corporation, or joint venture.

"Public UAS" shall mean an unmanned aircraft or unmanned aircraft system operated by any public agency for government related purposes.

"Unmanned aircraft" shall mean an aircraft, including, but not limited to, an aircraft commonly known as a drone, that is operated without the possibility of direct human intervention from within or on the aircraft.

"Unmanned aircraft system" shall mean an unmanned aircraft and associated elements, including, but not limited to, any communication links and components that control the unmanned aircraft. (Ord. 16-1363 §1 (part), 2016)

**9.38.030 Operating permit required. Revised 6/16**

A. Generally. An operating permit shall be required for every unmanned aircraft and unmanned aircraft system operated in the city. No person shall operate an unmanned aircraft or unmanned aircraft system in the city

without first obtaining an operating permit and obtaining an identification number assigned by the city and submission of a copy of the certificate of aircraft registration/proof of ownership issued by the Federal Aviation Administration.

B. Applications. An application for a UAS operating permit shall be on a form provided by the city and show:

1. Name and phone number of the operator;
2. Make, model and serial or N-number of UAS to be permitted;
3. A description of proposed flight activity, including whether filming, taking of visual images and/or sound recording will occur;
4. Copy of certificate of aircraft registration/proof of ownership issued by the Federal Aviation Administration;
5. A signed statement certifying that the applicant knows how to operate the UAS and is aware of and agrees to operate it in full compliance with its operating instructions and with the provisions of this chapter and any other federal or state laws governing its operations;
6. A signed statement acknowledging that only the applicant may operate the UAS in the city;
7. A signed indemnification clause protecting the city from liability;
8. Such other information as may be requested by the city; and
9. Payment of an application filing fee in an amount as set forth in the city's master fee resolution. The filing fee for a UAS found to be operating in the city without a permit shall be tripled.

C. Placement. The permit sticker and identification number shall be placed on the body of the unmanned aircraft or unmanned aircraft system in a conspicuous location on the earth-facing surface of the device and in a manner clearly visible from the ground. Placement of stickers shall be subject to approval of the city or performed by the city.

D. Issuance of Permit. The permit will include a copy of the operating rules set forth in this chapter. Permits will be issued for a period of one (1) year and may be renewed annually upon filing of a renewal application and payment of a renewal fee as set forth in the city's master fee resolution. A permit shall not be issued if the applicant is found to have operated the UAS in violation of Section [9.38.040](#) or renewed if grounds exist for revocation.

E. Assignment. The permit is not assignable. No person other than the applicant may operate the UAS within the city.

F. Revocation. The permit may be suspended or revoked if the city manager, or his/her designee finds based on a preponderance of the evidence, after the permittee is afforded notice and an opportunity to be heard, that

the permittee has violated any provision of this chapter. A decision by the city manager may be appealed to the city council; the decision of the council shall be final. (Ord. 16-1363 §1 (part), 2016)

#### **9.38.040 Operating requirements and restrictions. Revised 6/16**

A. No person shall operate any model aircraft or civil UAS within the city in a manner that interferes with manned aircraft, and model aircraft shall always give way to any manned aircraft.

B. No person shall operate any model aircraft within the city beyond the visual line of sight of the person operating the model aircraft. The operator must use his or her own natural vision (which includes vision corrected by standard eyeglasses or contact lenses) to observe the model aircraft. People other than the operator may not be used in lieu of the operator for maintaining visual line of sight. Visual line of sight means that the operator has an unobstructed view of the model aircraft. The use of vision-enhancing devices, such as binoculars, night vision goggles, powered vision magnifying devices, and goggles or other devices designed to provide a "first-person view" from the model, do not constitute the visual line of sight of the person operating the model aircraft.

C. No person shall operate any model aircraft or civil UAS within the city other than during daylight hours defined as between official sunrise and official sunset for local time, unless proof of authorization to do so by the Federal Aviation Administration is provided to the city.

D. No person shall operate any model aircraft within the city more than four hundred (400) feet above the earth's surface, unless proof of authorization to do so by the Federal Aviation Administration is provided to the city.

E. Excluding takeoff and landing, no person shall operate any model aircraft or civil UAS within the city closer than twenty-five (25) feet to any individual, except the operator or the operator's helper(s).

F. No person shall operate any model aircraft or civil UAS within the city in a manner that is prohibited by any federal or state statute or regulation governing aeronautics, including but not limited to Public Utilities Code Section 24107 and Federal Aviation Rule 91.13.

G. No person shall operate any model aircraft or civil UAS within the city in violation of any temporary flight restriction or notice to airmen issued by the Federal Aviation Administration.

H. No person shall operate any model aircraft or civil UAS within the city to capture, record or transmit any visual image or audio recording of any person or private real property located in the city under circumstances in which the subject person or owner of the subject real property has a reasonable expectation of privacy (including, but not limited to, inside a private office and inside a hotel room). This provision is intended to supplement, rather than duplicate, the prohibition against trespassing into the air space above the land of another person in order to capture any type of visual image or sound recording of a person engaging in a private, personal, or familial activity in a manner that is offensive to a reasonable person, pursuant to California Civil Code Section 1708.8.

- I. Unless authorized by federal law, no person shall knowingly and intentionally operate any model aircraft or civil UAS on the grounds of, or less than three hundred fifty (350) feet above ground level within the airspace overlaying, a public school in the city providing instruction in kindergarten or grades one (1) to twelve (12), inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.
- J. Unless authorized by federal law, no person shall knowingly and intentionally use any model aircraft or civil UAS to capture images of public school grounds in the city providing instruction in kindergarten or grades one (1) to twelve (12), inclusive, during school hours and without the written permission of the school principal or higher authority, or his or her designee, or equivalent school authority.
- K. No person shall operate any model aircraft or civil UAS in a manner that interferes with firefighting, police activity or emergency response activity as detailed in California Penal Code Sections 148.2 and 402.
- L. No person shall operate any model aircraft or civil UAS within the airspace overlaying the civic center complex or a city park or the beach during a scheduled special event unless authorized to do so in the special event permit.
- M. No person shall operate any model aircraft or civil UAS within the city in a manner designed, intended or which serves to harass, stalk, vex, annoy, disturb, frighten, intimidate, injure, threaten, victimize or place in extreme mental or emotional distress any particular person, whether that person is located on public or private property. The conduct described in this subsection includes, but is not limited to, using a model aircraft or civil UAS to follow and film, video-record, live-stream or photograph a person who has not consented to such activity. (Ord. 16-1363 §1 (part), 2016)

#### **9.38.050 Violations. Revised 6/16**

It shall be unlawful for any person to violate or fail to comply with this chapter. Any person violating the provisions of this chapter shall be guilty of a misdemeanor and subject to the provisions of Chapter [1.04](#). Any UAS or model aircraft found to be operated in violation of this chapter may be impounded and held as evidence in any enforcement proceeding brought under this chapter. An impounded UAS or model aircraft will be returned at the conclusion of any enforcement proceeding upon payment to the city of an impound fee as set forth in the city's master fee resolution. (Ord. 16-1363 §1 (part), 2016)

#### **9.38.060 Exemptions. Revised 6/16**

The permit requirement set forth in Section [9.38.030](#) shall not apply to any civil UAS operated pursuant to and in compliance with the terms and conditions of a valid city-issued film permit or special event permit with Federal Aviation Administration authorization or any public UAS operated pursuant to, and in compliance with, the terms and conditions of any current and enforceable authorization granted by the Federal Aviation Administration. (Ord. 16-1363 §1 (part), 2016)

**Title 10**  
**Vehicles and Traffic Revised 2/16 Revised 4/17**

**Chapters:**

- [\*\*10.04 General Provisions\*\*](#)
- [\*\*10.08 Administration and Enforcement\*\*](#)
- [\*\*10.12 Traffic Rules\*\*](#)
- [\*\*10.16 Traffic Control Devices\*\*](#)
- [\*\*10.20 Pedestrians\*\*](#)
- [\*\*10.24 Trucks Routes\*\*](#)
- [\*\*10.28 Loading and Unloading\*\*](#)
- [\*\*10.32 Stopping, Standing and Parking Revised 2/16\*\*](#)
- [\*\*10.36 Parking Meters\*\*](#)
- [\*\*10.40 Speed Regulatons Revised 4/17\*\*](#)

## **Chapter 10.04 GENERAL PROVISIONS**

Sections:

- [\*\*10.04.010 Definitions.\*\*](#)
- [\*\*10.04.020 Short title.\*\*](#)
- [\*\*10.04.030 Applicability to bicycles and animals used for riding.\*\*](#)
- [\*\*10.04.040 Applicability to operators of government vehicles.\*\*](#)
- [\*\*10.04.050 Applicability to emergency vehicles.\*\*](#)

### **10.04.010 Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

"Alley" means any public right of way open for vehicular traffic less than twenty-one feet in width between property lines.

"Bicycle" means a light vehicle without a motor, having two wheels, handle bars and a seat or seats and propelled by the operator.

"Central traffic district" means all streets and portions of streets within the area described as follows:

1. All that area between 10th and 14th Streets from Palm Drive to and including Strand Walk;
2. All that area within one hundred (100) feet of each side of Pier Avenue from Valley Drive to Palm Drive.

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

"Curb" means the lateral boundary of the roadway whether such curb be marked by curbing construction or not so marked. The word "curb" as used in this chapter shall 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.

"Divisional island" means a raised island, an island area delineated by double parallel solid white or yellow lines or an area marked by raised traffic bars located in the roadway and separating opposite or conflicting streams of traffic.

"Holidays," within the meaning of this chapter, are New Year's Day, the first day of January; Dr. Martin Luther King, Jr. Day, the third Monday in January; the third Monday in February; Memorial Day, the last Monday in May; Independence Day, July 4th; Labor Day, the first Monday in September; Veteran's Day, November 11th; Thanksgiving Day; the day after Thanksgiving; Christmas, December 25th. If the first day of January, July 4th, or December 25th falls upon a Sunday, the Monday following is a holiday. If November 11th falls upon a Saturday, the preceding Friday is a holiday.

"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.

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

"Park" means to stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

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

"Parking meter" means a mechanical device installed upon a curb or sidewalk or other area, immediately adjacent to a parking space, for the purpose of controlling the period of time occupancy of such parking meter space by any vehicle.

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

"Pedestrian" means any person afoot.

"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.

"Public parking lot" means an area, owned, leased or rented, and maintained by this city for the purpose of providing off-street parking facilities to the general public.

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

"Stop or stand," when prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid collision with other traffic or in compliance with the directions of a police officer or official traffic-control device.

"Vehicle Code" means the Vehicle Code of the state.

Whenever any words or phrases used herein are not defined, but are defined in the Vehicle Code of the state, such definitions shall apply. (Ord. 96-1147 § 1, 1996; prior code § 19-1)

#### **10.04.020 Short title.**

This chapter shall be known and it shall be referred to as the traffic ordinance for all general purposes and in prosecution for the violation of any part thereof, designating the section or sections violated. It shall also be sufficient to designate any ordinance adding to, amending or repealing this chapter or any portion thereof as an amendment to or repeal of the traffic ordinance, designating the section or sections amended or repealed. (Prior code § 19-1.1)

**10.04.030 Applicability to bicycles and animals used for riding.**

Every person riding a bicycle or riding or driving an animal upon a street shall be granted all of the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions which by their very nature can have no application to such persons. (Prior code § 19-2)

**10.04.040 Applicability to operators of government vehicles.**

The provisions of this chapter shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city and it shall be unlawful for any operator of such vehicle to violate any of the provisions of this chapter except as otherwise permitted in this chapter or by the state Vehicle Code. (Prior code § 19-3)

**10.04.050 Applicability to emergency vehicles.**

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

The foregoing exemptions shall not, however, relieve the operator of any such vehicle from obligation to exercise due care for the safety of others or the consequences of his wilful disregard of the safety of others. (Prior code § 19-4)

## **Chapter 10.08 ADMINISTRATION AND ENFORCEMENT**

Sections:

- [\*\*10.08.010 Direction of traffic--Authority of police department.\*\*](#)
- [\*\*10.08.020 Direction of traffic by unauthorized persons--Exception.\*\*](#)
- [\*\*10.08.030 Compliance with lawful orders of officials directing traffic.\*\*](#)
- [\*\*10.08.040 Interference with police or authorized officers.\*\*](#)

### **10.08.010 Direction of traffic--authority of police department.**

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 chapter or the Vehicle Code of the state. (Prior code § 19-27)

### **10.08.020 Direction of traffic by unauthorized persons--exception.**

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 otherwise 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 by this chapter, any mechanical pushbutton signal erected by order of the city traffic engineer. (Prior code § 19-28)

### **10.08.030 Compliance with lawful orders of officials directing traffic.**

No person shall fail or refuse to comply with any lawful order, signal or direction of a traffic or police officer or a member of the fire department or a person authorized by the chief of police or by law. (Prior code § 19-29)

### **10.08.040 Interference with police or authorized officers.**

No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this chapter. The removal, obliteration or concealment of any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this chapter shall, if done for the purpose of evading the provisions of this chapter, constitute such interferences or obstruction. (Prior code § 19-30)

## Chapter 10.12 TRAFFIC RULES

Sections:

- [\*\*10.12.010 Driving through funeral processions or parades.\*\*](#)
- [\*\*10.12.020 Driving on sidewalks.\*\*](#)
- [\*\*10.12.030 Driving animals or vehicles over fresh pavement or markings.\*\*](#)
- [\*\*10.12.040 Operating, parking, on private property generally.\*\*](#)
- [\*\*10.12.050 Operating vehicles on private parking lots.\*\*](#)
- [\*\*10.12.060 Operating commercial vehicles on private driveway approaches.\*\*](#)
- [\*\*10.12.070 Washing or polishing vehicles on public streets or parking lots.\*\*](#)
- [\*\*10.12.080 Constructing, repairing vehicles on public streets or parking lots.\*\*](#)
- [\*\*10.12.090 Camping or sleeping in vehicles on public streets or public parking lots.\*\*](#)
- [\*\*10.12.100 Unauthorized painting of streets or curbs.\*\*](#)
- [\*\*10.12.110 Driving onto or from limited -access highways.\*\*](#)
- [\*\*10.12.120 Central traffic district--Limitations on certain freight vehicles.\*\*](#)
- [\*\*10.12.130 Central traffic district--Operation of advertising vehicles.\*\*](#)
- [\*\*10.12.140 Central traffic district--Driving animal-drawn vehicles.\*\*](#)
- [\*\*10.12.150 Removal of vehicles from streets and public parking lots.\*\*](#)
- [\*\*10.12.160 Public rights-of-way for exclusive use of pedestrians--Exceptions and restrictions.\*\*](#)
- [\*\*10.12.170 Operation of bicycles, skateboards and other wheeled devices in certain areas.\*\*](#)
- [\*\*10.12.180 Motorcycle operation restricted.\*\*](#)

### **10.12.010 Driving through funeral processions or parades.**

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 § 19-5)

### **10.12.020 Driving on sidewalks.**

No person shall ride, drive, propel or cause to be propelled any vehicle or animal across or upon any sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a sidewalk; provided, that such sidewalk area be substantially protected by wooden planks two inches thick, and written permission be previously obtained from the city street superintendent. 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 § 19-7)

### **10.12.030 Driving animals or vehicles over fresh pavement or markings.**

No person shall ride or drive any animal or any vehicle over or across any newly made pavement or freshly painted markings in any street when a barrier sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking or when any such device is in place indicating that the street or any portion thereof is closed. (Prior code § 19-8)

**10.12.040 Operating, parking, on private property generally.**

No person shall operate, drive or leave any vehicle in, over or upon any private property without express or implied permission of the owner thereof or the person entitled to the possession thereof for the time being or the authorized agent of either; except, that this section shall not apply to public or private parking lots. (Prior code § 19-9)

**10.12.050 Operating vehicles on private parking lots.**

No person shall operate or drive a vehicle in, on or across any private parking lot without the express or implied consent of the owner thereof or the occupant entitled to the possession thereof, provided that where entry is for the purpose of doing business on the premises such consent shall be implied. (Prior code § 19-9.1)

**10.12.060 Operating commercial vehicles on private driveway approaches.**

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 signs or markings are in place indicating that the use of such driveway is prohibited.

For the purpose of this section a "commercial vehicle" means a vehicle having a rated capacity in excess of one-half ton. (Prior code § 19-10)

**10.12.070 Washing or polishing vehicles on public streets or parking lots.**

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 or public parking lot in this city, when a charge is made for such service. (Prior code § 19-11)

**10.12.080 Constructing, repairing vehicles on public streets or parking lots.**

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased any vehicle or any part thereof upon any public street or public parking lot in this city. Temporary emergency repairs may be made upon a public street which will enable removal of the vehicle from the public street. (Prior code § 19-12)

**10.12.090 Camping or sleeping in vehicles on public streets or public parking lots.**

No person shall at any time camp or sleep in any vehicle parked upon any public street, alley or passageway or any public parking lot in this city. (Prior code § 19-12.1)

**10.12.100 Unauthorized painting of streets or curbs.**

No person, unless authorized by this city, shall paint any street or curb surface; provided, 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 § 19-13)

**10.12.110 Driving onto or from limited-access highways.**

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 § 19-16)

**10.12.120 Central traffic district--limitations on certain freight vehicles.**

No person shall operate any of the following vehicles in the central traffic district between the hours of seven a.m. and six p.m. of any day:

- A. Any freight vehicle more than eight and one-half feet in width, with load or any freight vehicle so loaded that any part of its load extends more than twenty (20) feet to the front or rear of such vehicle;
- B. Any vehicle carrying building material that has not been loaded or is not to be unloaded at some point within the central traffic district;
- C. Any vehicle conveying refuse, rubbish, garbage or dirt, except equipment of the city or its agents when performing contracted services or work.

The city traffic engineer may, by written permit, authorize the operation of any such vehicle for the purpose of making necessary emergency deliveries to or from points within the central traffic district. (Prior code § 19-17)

**10.12.130 Central traffic district--operation of advertising vehicles.**

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loudspeaking device upon any street or alley at any time within the central traffic district without first obtaining any necessary permits as may be required by this code or other ordinances of this city. (Prior code § 19-18)

**10.12.140 Central traffic district--driving animal-drawn vehicles.**

No person shall drive any animal-drawn vehicle into or within the central traffic district between the hours of four-thirty p.m. and six p.m. of any day without first obtaining any necessary permits as may be required by this code or other ordinances of this city. (Prior code § 19-19)

**10.12.150 Removal of vehicles from streets and public parking lots.**

Any regularly employed and salaried officer of the police department or regularly employed and salaried employee of this city engaged in enforcing parking laws and regulations may remove a vehicle from a highway or public parking lot under any of the following circumstances:

- A. When any vehicle is left unattended upon any bridge, viaduct or causeway, or in any tube or tunnel where the vehicle constitutes an obstruction to traffic;
- B. When any vehicle is parked or left standing upon a highway or public parking lot in such a position as to obstruct the normal movement of traffic or in such a condition as to create a hazard to other traffic;
- C. When any vehicle is found upon a highway or public parking lot and report has previously been made that the vehicle has been stolen or complaint has been filed and a warrant thereon issued charging that the vehicle has been embezzled;

- D. When any vehicle is illegally parked so as to block the entrance to a private driveway and it is impractical to move such vehicle from in front of the driveway to another point on the highway;
- E. When any vehicle is illegally parked so as to prevent access by fire-fighting equipment to a fire hydrant, and it is impracticable to move such vehicle from in front of the fire hydrant to another point on the highway;
- F. When any vehicle, except any highway maintenance or construction equipment, is left unattended for more than four hours upon the right-of-way of any freeway which has full control of access and no crossings at grade;
- G. When the person or persons in charge of a vehicle upon a highway or public parking lot are by reason of physical injuries or illness incapacitated to such an extent as to be unable to provide for its custody or removal;
- H. When an officer arrests any person driving or in control of a vehicle for an alleged offense and the officer is by this code or other law required or permitted to take, and does take, the person arrested before a magistrate without unnecessary delay;
- I. When any vehicle registered in a foreign jurisdiction is found upon a highway or public parking lot and if it is known to have been issued five or more notices of parking violations over a period of five or more days, to which the owner or person in control of the vehicle has not responded, the vehicle may be impounded until such person furnishes to the impounding law enforcement agency evidence of his identity and an address within this state at which he can be located and satisfactory evidence that bail has been deposited for all notices of parking violation issued for the vehicle. A notice of parking violation issued to such a vehicle shall be accompanied by a warning that repeated violations may result in the impounding of the vehicle. In lieu of requiring satisfactory evidence that such bail has been deposited, the impounding law enforcement agency may, in its discretion, issue a notice to appear for the offenses charged, as provided in Article 2 (commencing with Section 40500) of Chapter 2 of Division 17 of the Vehicle Code of the state of California. In lieu of either furnishing necessary evidence that such bail has been deposited or accepting the notice to appear, such person may demand to be taken without unnecessary delay before a magistrate within the county in which the offenses charged are alleged to have been committed and who has jurisdiction of the offenses and is nearest or most accessible with reference to the place where the vehicle is impounded;
- J. When any vehicle is found illegally parked and there are no license plates or other evidence of registration displayed, the vehicle may be impounded until the owner or person in control of the vehicle furnishes the impounding law enforcement agency evidence of his identity and an address within this state at which he can be located;
- K. When any vehicle is parked or left standing upon a highway or public parking lot for seventy-two (72) or more consecutive hours;
- L. When any vehicle is parked or left standing upon a highway or public parking lot in violation of any portion

of this code forbidding standing or parking and the use of a highway or public parking lot or a portion thereof is necessary for cleaning, repair or construction of the highway or public parking lot, or for the installation of underground utilities, and signs giving notice that such a vehicle may be removed are erected or placed at least twenty-four (24) hours prior to such removal;

M. Wherever the use of the highway or public parking lot or any portion thereof is authorized for a purpose other than the normal flow of traffic or for the movement of equipment, articles or structures of unusual size, and the parking of any vehicle would prohibit or interfere with such use or movement, and signs giving notice that such a vehicle may be removed are erected or placed at least twenty-four (24) hours prior to such removal;

N. Whenever any vehicle is parked or left standing where such parking is prohibited and removal of such vehicle has been authorized. No vehicle may be removed unless signs are posted giving notice of the removal. (Prior code § 19-20)

#### **10.12.160 Public rights-of-way for exclusive use of pedestrians--exceptions and restrictions.**

A. Designation by Resolution--Signing. Whenever any resolution of this city designates and describes any public right-of-way or portion thereof as a public right-of-way, the use of which is permitted only to pedestrian traffic and such use is prohibited to any vehicle or bicycle, the city traffic engineer shall erect and maintain appropriate signs on those streets affected by such resolution.

B. Exceptions and Restrictions on Use by Vehicles and Wheeled Devices. No vehicle, bicycle or any other form of locomotion on wheels shall be permitted except as provided hereinbelow:

1. Strand Walkway. See Sections 12.20.220 and 12.20.230 for exceptions and restrictions.
2. Restriction on Use by Commercial Vehicles. The streets and parts of streets established as public rights-of-way by resolution of the city council are declared to be streets, the use of which is prohibited by any commercial vehicle or by any vehicle exceeding a maximum gross weight limit of three tons. The provisions of this subsection shall not apply to passenger buses under the jurisdiction of the public utilities commission.
3. Temporary Operation of Vehicles by Permit. The city traffic engineer may, by written permit, authorize the temporary operation of vehicles upon such public rights-of-way when he has determined that such operation is necessary and would not be detrimental to the surface of the rights-of-way.
4. City-Owned Vehicles in Performance of Duties. The provisions of this section shall not apply to any city-owned vehicles or vehicles of agents of the city in the performance of any necessary duties above, upon or under the surface of such rights-of-way.
5. Emergency Vehicles. The provisions of this section shall not apply to any vehicle of the police or fire department, any public ambulance or other authorized emergency vehicle when any such vehicle is operated in the manner specified in the state Vehicle Code in response to an emergency call. (Prior code

§ 19-25)

6. EPAMDS. The prohibitions of this section shall apply to use of electric personal assistive mobility devices ("EPAMD") (as defined by Vehicle Code Section 313), except for the use of such devices by any person, who by reason of physical disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled parking placard issued pursuant to the California Vehicle Code.

C. No person shall stand, sit, lie or congregate on any walk street in such a manner as to interfere or impede the free flow of travel along the walk street. (Ord. 00-1209, § 7, 12-12-00)

**10.12.170 Operation of bicycles, skateboards and other wheeled devices in certain areas.**

A. Prohibited on Sidewalks in Commercial Zone - Exceptions. It is unlawful for any person to ride or operate any wheeled vehicle or device, propelled by human or motorized power, including bicycles, skateboards, roller skates and electric personal assistive mobility devices ("EPAMD") (as defined in Vehicle Code Section 313), on or over any sidewalk or part of a sidewalk within a commercial zone in the city, except:

1. Conveyances, including EPAMDs, by any person, who by reason of physical disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled parking placard issued pursuant to the California Vehicle Code;
2. The Strand walkway, subject to the requirements of Sections 12.20.220 and 12.20.230; and
3. EPAMDs operated by federal, state, or local government personnel in the performance of official duties.

B. Prohibited in City-Owned Parking Lots-- Exceptions. It is unlawful for any person to ride or operate any wheeled vehicle or device, propelled by human or motorized power, on or over any city-owned public parking lots, except:

1. Motorized vehicles;
2. Bicycles;
3. Conveyances for persons unable to walk.

C. Prohibited in Privately Owned Parking Lots--Requirements--Exceptions. It is unlawful for any person to ride or operate any vehicle or device, propelled by human or motorized power, on or over any privately-owned parking lots when properly posted, except:

1. Motorized vehicles;
2. Bicycles;
3. Conveyances for persons unable to walk.

As used in this subsection, "properly posted" means those privately-owned parking lots which have signs not less than eighteen (18) inches by twenty-four (24) inches in size and lettering not less than one-inch in height installed at each entrance to the lot and at least two additional signs at highly visible locations within the parking lot with the following wording:

SKATEBOARDING AND ROLLERSKATING PROHIBITED ON THESE PREMISES, VIOLATORS WILL BE CITED HBMC [10.12.170\(c\)](#)

D. Prohibited Use on Roadway. It is unlawful for any person to ride or operate any wheeled vehicle or device, propelled by human or motorized power, including bicycles, skateboards and rollerskates on any roadway within the city in a manner that violates any of the following regulations:

1. Any person riding or operating bicycles, skateboards and rollerskates upon a roadway shall ride or operate the bicycle, skateboard or rollerskate in the same direction as vehicles are required to be driven upon the roadway and shall remain as close as practicable to the right-hand curb or edge of the roadway.
2. All persons shall obey all applicable traffic regulation signs and signals.
3. No person shall weave in and out of traffic or operate a bicycle, skateboard, or rollerskate in a manner that is hazardous, impedes or interferes with the normal flow of traffic.

E. Violation--Penalty. Any person violating any provisions of this section shall be deemed guilty of an infraction. Each violation is punishable as follows:

1. A fine of twenty-five dollars (\$25.00) for the first violation;
2. A fine of fifty dollars (\$50.00) for the second violation within one year;
3. A fine of one hundred dollars (\$100.00) for each additional violation within one year. (Prior code § 19-26)

#### **10.12.180 Motorcycle operation restricted.**

The operation of motorcycles on public streets and public property, other than to gain access or egress to or from an approved public motorcycle parking location, shall be prohibited in the following areas:

- A. Within the area bounded by the north curbline of Eleventh Street, the west curbline of Hermosa Avenue, the south curbline of Thirteenth Street, and the Strand;
- B. Second Street and Twenty-second Street from Hermosa Avenue to the Strand;
- C. Tenth, Eleventh, Thirteenth, Fourteenth and Fifteenth Streets from Beach Drive to the Strand. (Prior code § 19-26.1)

## Chapter 10.16 TRAFFIC CONTROL DEVICES

Sections:

- [\*\*10.16.010 Authority to install.\*\*](#)
- [\*\*10.16.020 Signs to be in place and legible prior to enforcement of laws.\*\*](#)
- [\*\*10.16.030 Installation generally.\*\*](#)
- [\*\*10.16.040 Hours of operation.\*\*](#)
- [\*\*10.16.050 Lane marking.\*\*](#)
- [\*\*10.16.060 Signs indicating one-way streets or alleys.\*\*](#)
- [\*\*10.16.070 Distinctive roadway markings.\*\*](#)
- [\*\*10.16.080 Authority to remove, relocate and discontinue traffic-control devices.\*\*](#)
- [\*\*10.16.090 Obedience to traffic-control devices generally.\*\*](#)
- [\*\*10.16.100 Signs indicating turns at intersections.\*\*](#)
- [\*\*10.16.110 Restricted turn signs--Authority to install.\*\*](#)
- [\*\*10.16.120 Restricted turn signs--Compliance required.\*\*](#)
- [\*\*10.16.130 Right turns against stop signals.\*\*](#)
- [\*\*10.16.140 Erection of stop signs and yield signs.\*\*](#)
- [\*\*10.16.150 Regulation of speed by traffic signals.\*\*](#)
- [\*\*10.16.160 Obedience to signs and barriers--Unauthorized removal of signs and barriers.\*\*](#)
- [\*\*10.16.170 Unapproved signs and barriers.\*\*](#)

### **10.16.010 Authority to install.**

The city traffic engineer shall have the authority 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 chapter.

Whenever the Vehicle Code of the state requires, for the effectiveness of any provision thereof, that traffic-control devices be installed to give notice to the public of the application of such law, the city traffic engineer 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.

The city traffic engineer may also place and maintain or cause to be placed or maintained such additional traffic-control devices as he may deem necessary or proper to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this code or as may be determined by ordinance or resolution of the city council. (Prior code § 19-39)

### **10.16.020 Signs to be in place and legible prior to enforcement of laws.**

No provision of this chapter for which signs or markings are required shall be enforced against an alleged violator if, at the time and place of the alleged violation, an official sign or marking is not in place and sufficiently legible and visible to be seen by an ordinarily observant person. (Prior code § 19-40)

**10.16.030 Installation generally.**

When authorized by action of the city council, the city traffic engineer shall 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 profit life or property from exceptional hazard.

The city traffic engineer shall ascertain, determine and recommend 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 Planning Manual, part 8, issued by the division of highways of the state department of transportation.

Whenever the city traffic engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs visible to the principle flow of traffic unless such street name signs have previously been placed and are maintained at any such intersection. (Prior code § 19-41)

**10.16.040 Hours of operation.**

The city traffic engineer 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 code or in any other ordinances or resolution of this city. (Prior code § 19-42)

**10.16.050 Lane marking.**

The city traffic engineer is authorized to mark center lines 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 center line of the highway. (Prior code § 19-43)

**10.16.060 Signs indicating one-way streets or alleys.**

Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer 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 § 19-44)

**10.16.070 Distinctive roadway markings.**

The city traffic engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code of the state on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to drive on the left side of such marking or signs and markings. Such marking or signs and markings shall have the same effect as similar markings placed by the state department of transportation pursuant to provisions of the Vehicle Code of the state. (Prior code § 19-45)

**10.16.080 Authority to remove, relocate and discontinue traffic-control devices.**

The city traffic engineer is authorized to remove, relocate or discontinue the operation of any traffic-control device not specifically required by the Vehicle Code of the state or this code whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain. (Prior code § 19-46)

**10.16.090 Obedience to traffic-control devices generally.**

The operator of any vehicle or train shall obey the instructions of any official traffic-control device placed in accordance with this chapter, unless otherwise directed by a police officer or other authorized person, subject to the exceptions granted the operator of an authorized emergency vehicle when responding to emergency calls. (Prior code § 19-47)

**10.16.100 Signs indicating turns at intersections.**

The city traffic engineer is authorized to place markers, buttons or signs within or adjacent to intersections and indicating the course to be traveled by vehicles turning at such intersections, and the city traffic engineer is authorized to locate and indicate more than one lane of traffic from which drivers of vehicles may make right or left-hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

When authorized markers, buttons or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications. (Prior code § 19-48)

**10.16.110 Restricted turn signs--authority to install.**

The city traffic engineer 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 the signs may be removed when such turns are permitted. (Prior code § 19-49)

**10.16.120 Restricted turn signs--compliance required.**

Whenever authorized signs are erected indicating that no right, left or "U" turn is permitted, no driver of a vehicle shall disobey the directions of any such sign. (Prior code § 19-50)

**10.16.130 Right turns against stop signals.**

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.

The city traffic engineer shall post appropriate signs giving effect to this section where he determines that the making of right turns against a traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic. (Prior code § 19-51)

**10.16.140 Erection of stop signs and yield signs.**

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 or any railroad grade crossing at which vehicles are required to stop, the city traffic engineer shall erect and maintain stop or yield signs as follows:

A. Stop Signs. A stop sign shall be erected on each street intersecting such through street or portion thereof so designated and at those entrances of other intersections where a stop is required and at any railroad grade crossing so designated. Every such sign shall conform with and shall be placed as provided in the state Vehicle Code.

B. Stop or Yield Signs--Through Street or Through Highway. Every highway or portion thereof on which vehicular traffic is given preferential right-of-way, and at the entrances to which vehicular traffic from intersecting highways is required by law to yield right-of-way to vehicles on such through highway in obedience to either a stop sign or a yield sign, when such signs are erected. (Prior code § 19-52)

**10.16.150 Regulation of speed by traffic signals.**

The city traffic engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof. (Prior code § 19-53)

**10.16.160 Obedience to signs and barriers--unauthorized removal of signs and barriers.**

No person shall disobey the instructions or operate a vehicle contrary to the directions or provisions of any barrier or sign lawfully placed on any street by any person, public utility or by any department of this city, nor shall any unauthorized person move or alter the position of any such barrier or sign. (Prior code § 19-54)

**10.16.170 Unapproved signs and barriers.**

No person, public utility or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the city traffic engineer. (Prior code § 19-55)

## **Chapter 10.20 PEDESTRIANS**

Sections:

[\*\*10.20.010 Establishment and designation of crosswalks.\*\*](#)

[\*\*10.20.020 Crossing roadways in certain districts to be only at crosswalks.\*\*](#)

[\*\*10.20.030 Obeying pedestrian traffic signals.\*\*](#)

**10.20.010 Establishment and designation of crosswalks.**

The city traffic engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, marks or lines upon the surface of the roadway as follows:

A. Crosswalks shall be established and maintained at all intersections within the central traffic district and at such intersections outside such district and at other places within or outside such district where the city traffic engineer determines that there is a particular hazard to pedestrians crossing the roadway, subject to the limitation contained in subsection B of this section.

B. Other than crosswalks at intersections, no crosswalk shall be established in any block which is less than four hundred (400) feet in length and such crosswalk shall be located as nearly as practicable at midblock.

C. The city traffic engineer 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 § 19-112)

**10.20.020 Crossing roadways in certain districts to be only at crosswalks.**

No pedestrian shall cross a roadway other than by a crosswalk in the central traffic district or in any business district. (Prior code § 19-113)

**10.20.030 Obeying pedestrian traffic signals.**

Pedestrians shall obey the indication of special traffic signals installed for pedestrians only and shall disregard the indication of a vehicular traffic signal at any location where special pedestrian traffic signals are in place. (Prior code § 19-114)

## **Chapter 10.24 TRUCK ROUTES**

Sections:

- [\*\*10.24.010 Authority to designate.\*\*](#)
- [\*\*10.24.020 Designation by city council.\*\*](#)
- [\*\*10.24.030 Erection of signs.\*\*](#)
- [\*\*10.24.040 Certain trucks to use only truck routes--Exceptions.\*\*](#)

### **10.24.010 Authority to designate.**

Whenever any resolution of this city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic engineer is authorized to designate such street by appropriate signs as "truck routes" for the movement of vehicles exceeding a maximum gross weight limit of three tons. (Prior code § 19-108)

### **10.24.020 Designation by city council.**

Those streets and parts of streets established by resolution of the city council are declared to be truck routes for the movement of vehicles exceeding a maximum gross weight of three tons. (Prior code § 19-109)

### **10.24.030 Erection of signs.**

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 or by any vehicle exceeding a maximum gross weight limit of three tons, the city traffic engineer shall erect and maintain appropriate signs on those streets affected by such resolution. (Prior code § 19-110)

### **10.24.040 Certain trucks to use only truck routes--exceptions.**

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

B. The provisions of this section shall not apply to the following:

1. Passenger buses under the jurisdiction of the public utilities commission;
2. Any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility;
3. Any vehicle owned or operated by the city or its agents in the performance of a service or repair or for

other purposes requiring the use of the streets. (Prior code § 19-111)

## Chapter 10.28 LOADING AND UNLOADING

Sections:

- [\*\*10.28.010 Loading zones--Authority to determine and mark.\*\*](#)
- [\*\*10.28.020 Loading zones--Not to exceed certain length.\*\*](#)
- [\*\*10.28.030 Loading zones--To be indicated by yellow paint.\*\*](#)
- [\*\*10.28.040 Passenger loading zones to be indicated by white paint.\*\*](#)
- [\*\*10.28.050 Curb marking--Authority and meaning.\*\*](#)
- [\*\*10.28.060 Curb marking--Compliance required.\*\*](#)
- [\*\*10.28.070 Limitations on right to load and unload.\*\*](#)
- [\*\*10.28.080 Limitations on use of yellow loading zones.\*\*](#)
- [\*\*10.28.090 Limitation on use of passenger loading zone.\*\*](#)
- [\*\*10.28.100 Stopping, standing in alleys allowed only for purpose of loading or unloading.\*\*](#)
- [\*\*10.28.110 Bus zones--Authority to establish and determine locations.\*\*](#)
- [\*\*10.28.120 Bus zones--Normal locations.\*\*](#)
- [\*\*10.28.130 Taxicab stands.\*\*](#)

**10.28.010 Loading zones--authority to determine and mark.**

The city traffic engineer is authorized to determine and to mark commercial loading zones and passenger loading zones as follows:

A. Commercial loading zones may be located at any place in the central traffic district or any business district.

B. Passenger loading zones may be located in front of any hall or place used for the purpose of public assembly. (Prior code § 19-83)

**10.28.020 Loading zones--not to exceed certain length.**

In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes. (Prior code § 19-84)

**10.28.030 Loading zones--to be indicated by yellow paint.**

Loading zones shall be indicated by yellow paint upon the top of all curbs within such zones. (Prior code § 19-85)

**10.28.040 Passenger loading zones to be indicated by white paint.**

Passenger loading zones shall be indicated by white paint upon the top of all curbs in such zones. (Prior code § 19-86)

**10.28.050 Curb marking--authority and meaning.**

The city traffic engineer is authorized, subject to the provisions and limitations of this chapter, to place and, when required by this chapter, shall place the following curb markings to indicate parking or standing

regulations and such curb markings shall have the meanings set forth:

- A. Red: No stopping, standing or parking at any time, except as permitted by the State Vehicle Code and except that a bus may stop in a red zone marked or signed as a bus zone.
- B. Yellow: No stopping, standing or parking at any time between seven a.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials; provided, that the loading or unloading of passengers shall not consume more than three minutes, nor the loading or unloading of materials more than twenty (20) minutes.
- C. White: No stopping, standing or parking for any purpose other than loading or unloading of passengers or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three minutes and such restrictions shall apply between seven a.m. and six p.m. of any day except Sunday and holidays and except as follows:

1. When such zone is in front of a hotel or in front of a mailbox the restrictions shall apply at all times;
2. When such zone is adjacent to the entrance or exit of a theater the restrictions shall apply at all times, except when such theater is closed. (Prior code § 19-87)

#### **10.28.060 Curb marking--compliance required.**

When the city traffic engineer as authorized under the preceding section 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 such section. (Prior code § 19-88)

#### **10.28.070 Limitations on right to load and unload.**

The right granted under this division 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 (20) minutes.

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

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

Within the total time limits above specified 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 hereby. (Prior code § 19-89)

#### **10.28.080 Limitations on use of yellow loading zones.**

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in the preceding section. (Prior code § 19-90)

**10.28.090 Limitation on use of passenger loading zone.**

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose than the loading or unloading of passengers for such time as specified in Section [10.28.070](#). (Prior code § 19-91)

**10.28.100 Stopping, standing in alleys allowed only for purpose of loading or unloading.**

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 fifteen (15) feet or less in width.

When authorized signs are in place giving notice thereof, 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 greater than fifteen (15) feet in width. (Prior code § 19-92)

**10.28.110 Bus zones--authority to establish and determine locations.**

The city traffic engineer 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. (Prior code § 19-93)

**10.28.120 Bus zones--normal locations.**

Bus zones shall normally be established on the far side of an intersection. (Prior code § 19-94)

**10.28.130 Taxicab stands.**

The city traffic engineer shall establish taxicab stands and determine the locations thereof.

The curb surface within each taxicab stand shall be painted white and marked "Taxicab Stand" in red letters or shall be designated by signs of a type and size approved by the city traffic engineer.

No operator of any vehicle, other than a taxicab or automobile for hire, shall park such vehicle in such taxicab stand. (Prior code § 19-95)

**Chapter 10.32  
STOPPING, STANDING AND PARKING Revised 2/16**

Sections:

- [10.32.010 Applicability.](#)
- [10.32.020 Recreational parking areas--Authority to create.](#)
- [10.32.030 Chapter not relief from compliance with more restrictive laws.](#)
- [10.32.040 Compliance with signs and parking meters required.](#)
- [10.32.050 Signs to be maintained by city traffic engineer.](#)
- [10.32.060 Curb markings or signs--Compliance required.](#)
- [10.32.070 Areas where stopping and standing prohibited--Exceptions.](#)
- [10.32.080 Permit parking--Private driveway.](#)
- [10.32.090 No stopping zones generally.](#)
- [10.32.100 Parking parallel on left- hand side of one-way streets.](#)
- [10.32.110 Angle parking.](#)
- [10.32.120 Parking in excess of seventy-two consecutive hours prohibited.](#)
- [10.32.130 Parking for purpose of demonstrating vehicle.](#)
- [10.32.140 Parking on hills.](#)
- [10.32.150 Parking adjacent to schools.](#)
- [10.32.160 Parking on narrow streets.](#)
- [10.32.170 Vendors' wagons and pushcarts--Parking and standing.](#)
- [10.32.180 Vendors' wagons and pushcarts--Designation of standing location.](#)
- [10.32.190 Vehicles for hire not to park or stand without permit--Designation of standing locations.](#)
- [10.32.200 Compliance with permits for parking or standing--Revocation of same.](#)
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- [10.32.220 Emergency temporary parking signs--Compliance required.](#)
- [10.32.230 Parking commercial vehicles in residential districts.](#)
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- [10.32.250 Green curb markings.](#)
- [10.32.260 Time limit parking.](#)
- [10.32.270 Time limit parking, recreational parking area.](#)
- [10.32.280 Parking space markings.](#)
- [10.32.290 Limitation on number of vehicles per marked parking space.](#)
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- [10.32.310 Parking and standing on city property.](#)
- [10.32.320 Stopping and standing in certain hazardous places for purposes other than loading and unloading.](#)
- [10.32.330 Motorcycle parking regulation.](#)
- [10.32.340 Parking of oversized vehicles.](#) Revised 2/16
- [10.32.350 Car sharing permits.](#)
- [10.32.360 On-street disabled parking spaces.](#)

**10.32.010 Applicability.**

- A. The provisions of this chapter prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified, 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 regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility or cable television company franchised by the city while necessarily in use for construction or repair work, or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail. (Prior code §§ 19-56, 19-81)

**10.32.020 Recreational parking areas--authority to create.**

By resolution, the city council may from time to time establish specific geographical areas as recreational parking area, so designated by virtue of their proximity to recreational sites, including the beach, and thereby subject to heavy use and demand. Such designation may be limited to certain calendar periods. (Prior code § 19-56.1)

**10.32.030 Chapter not relief from compliance with more restrictive laws.**

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 state Vehicle Code or the laws of this city prohibiting or limiting the standing or parking of vehicles in specified places or at specified time. (Prior code § 19-57)

**10.32.040 Compliance with signs and parking meters required.**

When authorized signs, parking meters or curb markings are in place giving notice of parking restrictions, no operator of any vehicle shall stop, stand or park any vehicle adjacent to any such legible curb marking or parking meter or within the area marked by such signs in violation thereof. (Prior code § 19-58)

**10.32.050 Signs to be maintained by city traffic engineer.**

The city traffic engineer 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. (Prior code § 19-59)

**10.32.060 Curb markings or signs--compliance required.**

When curb markings or signs as provided in the preceding section 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 chapter. (Prior code § 19-60)

**10.32.070 Areas where stopping and standing prohibited--exceptions.**

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. Within any parkway;
- C. On either side of any street between the projected property lines of any public walk, public steps, streets or thoroughfare terminating at such street, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- D. In any area where the city traffic engineer determines that the parking or stopping of a vehicle would obstruct the flow of storm waters, thereby causing such waters to overflow or be diverted from their natural drainage course so as to endanger or damage property, when such area is indicated by appropriate signs;
- E. In any area where the city traffic engineer 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;
- F. In any area established by resolution of the council as a no parking area, when such area is indicated by appropriate signs or by red paint upon the curb surface;
- G. 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;
- H. In any area where the parking or stopping of any vehicle would constitute a traffic hazard or would endanger life or property;
- I. In any street or public parking lot where the use of such street or parking lot or a portion thereof is necessary for the cleaning, repair or construction of the street or parking lot or the installation of underground utilities or where the use of the street or parking lot or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or parking lot or any portion thereof is necessary for the movement of equipment, articles or structures of unusual size and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four (24) hours prior to the effective time of such no parking regulation;
- J. At any place within twenty (20) feet of any crosswalk 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;
- K. Within twenty (20) feet of the approach to any traffic signal, boulevard stop sign or official electric flashing device 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;
- L. Directly across the roadway from an entrance to any garage, driveway or parking area in such manner as to block vehicular egress from or ingress to such entrance when parking restriction is indicated by appropriate signs or by red paint upon the curb surface. (Prior code § 19-61)

M. Within any dedicated public right-of-way not designated as a public parking space, except on rights-of-way within the OS-O (Open Space Overlay) Zone upon approval of an encroachment permit. (Ord. 00-1197 §8, 01/11/00)

**10.32.080 Permit parking--private driveway.**

Parking in front of a private driveway shall be allowed only when a vehicle has prominently displayed on the front dashboard a valid parking permit which includes the address of the owner or lessee of the private property, at which the vehicle is to be parked. Permits are valid only at the address contained upon the permit, and is effective while the holder owns or leases the property for which the permit is issued. Permits may be revoked without notice or hearing if it is determined that parking authorized by the permit creates traffic safety or other public health and safety problems. Vehicles creating a traffic hazard may be towed pursuant to Section [10.12.150\(B\)](#).

Permit does not authorize parking on a sidewalk in violation of California Vehicle Code Section 22500(f).

Requirements to obtain a permit are:

- A. Proof of current residence at or ownership of the Hermosa Beach property for which the permit is requested, or a current business license at the location for which the permit is requested;
- B. Payment of fees as fixed by resolution of the city council;
- C. Verification that the applicant's registered vehicles have no outstanding parking violations;
- D. Driveway must be appurtenant to a legally established dwelling unit or legally established commercial use structure;
- E. The length of the vehicle utilizing the privileges granted by said permit, shall not extend beyond the width of the driveway at any point. The width of the driveway shall be that portion between the curb slopes, measured at the street level.

Exceptions:

1. Where signs are posted restricting parking for any other reason, i.e., No parking this side, etc.; or during certain hours;
2. Entrance to driveways on alleys;
3. Driveways to multiple-dwelling parking spaces or multiple commercial use parking spaces. (Prior code § 19-61.1)

**10.32.090 No stopping zones generally.**

The city traffic engineer shall designate authorized no stopping zones by placing and maintaining appropriate signs or markings indicating that stopping of vehicles is prohibited and indicating the hours and days when

stopping is prohibited.

During the hours and on the days designated on the signs, it is 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 city council as no stopping zones. (Prior code § 19-62)

**10.32.100 Parking parallel on left-hand side of one-way streets.**

Subject to other and more restrictive limitations, a vehicle may be stopped or parked within eighteen (18) inches of the left-hand curb, facing in the direction of traffic movement upon any one-way street unless signs or markings are in place prohibiting such stopping or standing.

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 or markings are in place permitting such standing or parking.

The city traffic engineer 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 of any one-way roadway of a highway having two or more separate roadways and shall erect signs giving notice thereof. (Prior code § 19-63)

**10.32.110 Angle parking.**

On any of the streets or portions of streets established by resolution of the council as angle parking zones or on any public parking lot where angle parking is required, when signs or pavement markings are in place indicating such angle parking, it shall be unlawful for the operator of any vehicle to park such vehicle except:

- A. At the angle to the curb indicated by signs or pavement markings allotting space to parked vehicles and entirely within the limits of such allotted space;
- B. With the front wheel nearest the curb or wheel stop within six inches of such curb or wheel stop. (Prior code § 19-64)

**10.32.120 Parking in excess of seventy-two consecutive hours prohibited.**

No person who owns or has possession, custody or control of any vehicle shall park such vehicle upon any street or alley or public parking lot for more than a consecutive period of seventy-two (72) hours. (Prior code § 19-65)

**10.32.130 Parking for purpose of demonstrating vehicle.**

No operator of any vehicle shall park any vehicle upon any street or public parking lot in this city for the principal purpose of advertising or displaying it for sale, unless authorized by resolution of the city council. (Prior code § 19-66)

**10.32.140 Parking on hills.**

No person shall park or leave standing any vehicle unattended on any street within any business or residence

district when upon a grade exceeding three percent without blocking the wheels of such vehicle by turning them against the curb or by other means. (Prior code § 19-67)

**10.32.150 Parking adjacent to schools.**

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

When official signs are erected prohibiting parking upon the side of a street adjacent to any school property, no person shall park a vehicle in any such designated place. (Prior code § 19-68)

**10.32.160 Parking on narrow streets.**

The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway does not exceed twenty (20) feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway exceeds twenty (20) feet, but does not exceed thirty (30) feet.

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 § 19-69)

**10.32.170 Vendors' wagons and pushcarts--parking and standing.**

Except as otherwise provided in Sections [10.32.180](#) to [10.32.200](#), no person shall stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or foodstuffs are sold, displayed, solicited or offered for sale or bartered or exchanged, or any lunch wagon or eating cart or vehicle, on any portion of any street within this city except that such vehicles, wagons or pushcarts may stand or park within a legal parking space 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 section shall not apply to persons delivering such articles upon order of or by agreement with a customer from a store or other fixed place of business or distribution. (Prior code § 19-70)

**10.32.180 Vendors' wagons and pushcarts--designation of standing location.**

No person shall park or stand on any street any lunch wagon, eating cart or vehicle or pushcart from which tamales, peanuts, popcorn, candy or other articles of food are sold or offered for sale without first obtaining a permit to do so from the city council. The city traffic engineer shall designate the specific location in which such cart shall stand. (Prior code § 19-71)

**10.32.190 Vehicles for hire not to park or stand without permit--designation of standing locations.**

No person shall park or stand any vehicle or wagon used or intended to be used in the transportation of persons or property for hire on any street while awaiting patronage for such vehicle or wagon without first obtaining a permit to do so from the city council. The city traffic engineer shall designate the specific location where such vehicle may stand. (Prior code § 19-72)

**10.32.200 Compliance with permits for parking or standing--revocation of same.**

In the event that the holder of any such permit is convicted in any court of competent jurisdiction for violating any of the provisions of Sections [10.32.170](#) to [10.32.190](#), such permit shall be forthwith revoked by the city council upon the filing of the record of such conviction with the city manager and no permit shall thereafter be issued to such person until six months have elapsed from the date of such revocation. (Prior code § 19-73)

**10.32.210 Emergency temporary parking signs--generally.**

Whenever the city traffic engineer shall determine that an emergency traffic congestion is likely to result from the holding of public or private assemblages, gatherings or functions or for other reasons, the city traffic engineer shall have power and authority to order temporary signs to be erected or posted indicating that the operation, parking or standing of vehicles is prohibited on such streets and alleys as the city traffic engineer 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 city traffic engineer shall cause such signs to be removed promptly thereafter.

To expedite handling of such emergency traffic conditions in the absence or nonavailability of the city traffic engineer, the chief of police may perform the functions authorized by this section. (Prior code § 19-74)

**10.32.220 Emergency temporary parking signs--compliance required.**

When signs authorized by the provisions of the preceding 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 § 19-75)

**10.32.230 Parking commercial vehicles in residential districts.**

No person shall park any commercial vehicle, excepting pickup trucks, panel trucks and like vehicles with a gross vehicle weight of less than four thousand (4,000) pounds, on a street in any residential district for a period of more than five hours except when such vehicle is parked in connection with and in aid of the performance of a service to or on a property in the block in which such vehicle is parked and additional time over and above such five-hour period is reasonably necessary to complete such service. (Prior code § 19-75.1)

**10.32.240 Parking of trailers, semitrailers, camper trailers and recreational trailers.**

A. No person shall park any trailer, semitrailer, camper trailer or recreational trailer upon any highway, street, alley or public way or upon any public place otherwise ordinarily used for vehicular parking unless the trailer, semitrailer, camper trailer or recreational trailer is at all times, while so parked, attached to a vehicle capable of moving the trailer, semitrailer, camper trailer or recreational trailer in a normal manner upon the highway, street, alley or public way.

B. The provisions of this section shall not apply to any trailer, semitrailer, camper trailer or recreational trailer which is:

1. In the process of being loaded or unloaded, but in no instance for a period that exceeds two hours;

2. Disabled in such a manner and to such an extent that it is impossible to avoid stopping and temporarily leaving, for a period not to exceed twenty-four (24) hours, the disabled trailer, semitrailer, camper trailer recreational trailer on that portion of the highway, street, alley or public way or upon any public place otherwise ordinarily used for vehicular parking;
3. Leased or owned by any permittee granted a permit for construction or repair work under any of the provisions of this code or by a public utility engaged in work for which no such permit is required, or a vehicle leased or owned by any contractor hired by such permittee or public utility, provided the trailer, semitrailer, camper trailer or recreational trailer is used in connection with such construction or repair work and is parked upon the construction or repair site, or within one hundred fifty (150) feet thereof as measured from the limits of the work area as specified in the permit, and only during the period of the actual construction; or
4. Leased or owned by a city department or a contractor or vendor hired by a city department for construction or repair work, or by a subcontractor thereof, provided such trailer, semitrailer, camper trailer or recreational trailer is used in connection with such construction or repair work and is parked upon the construction or repair site, or within one hundred fifty (150) feet thereof as measured from the limits of the work area, and only during the period of the actual construction or repair.

C. A violation of this section shall be an infraction punishable in accordance with the provisions of Chapter [1.10](#). (Prior code § 9-75.2)

**10.32.250 Green curb markings.**

Green curb marking shall mean no standing or parking for a period of time longer than fifteen (15) minutes at any time or as posted on authorized signs. (Ord. 99-1194 §1, 10/12/99; Prior code § 19-76)

**10.32.260 Time limit parking.**

When authorized signs or parking meters are in place giving notice thereof, no operator of any vehicle shall stop, stand or park any vehicle on the days or between the hours as established by resolution of the city council and as designated upon the sign or parking meter for a period of time longer than the time limit designated upon the sign or parking meter. (Prior code § 19-77)

**10.32.270 Time limit parking, recreational parking area.**

When authorized signs or parking meters are in place giving notice thereof within a "recreational parking area" as designated pursuant to Section [10.32.020](#) of this chapter, no operator of any vehicle shall stop, stand or park any vehicle on the days or between the hours as established by resolution of the city council and as designated upon the sign or parking meter for a period of time longer than the time limit designated upon the sign or parking meter. (Prior code § 19-77.1)

**10.32.280 Parking space markings.**

The city traffic engineer is authorized to install and maintain parking space marks to indicate parking spaces where authorized parking is permitted.

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.

Whenever the parking of vehicles is required within parallel parking spaces, a vehicle or combination of connected vehicles exceeding the dimensions of such a space may also occupy one (1) or more adjoining spaces; provided, that all other provisions of this chapter applicable to each such space shall be observed.

The requirement of parking within marked spaces 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 center line of the street and does not block traffic thereby. (Prior code § 19-78)

#### **10.32.290 Limitation on number of vehicles per marked parking space.**

Only one (1) motor vehicle at a time shall be permitted to park within parking space marks indicating authorized parking. (Prior code § 19-78.1)

#### **10.32.300 Limited curb parking spaces.**

Any person seeking to park his vehicle in a limited curb parking space, whose vehicle arrives at such parking space prior to any other vehicle and who proceeds beyond such space a distance not to exceed ten feet for the purpose of backing his vehicle therein, shall have the right-of-way over any person driving or attempting to drive any other vehicle directly into such limited curb parking space or who in any manner obstructs such limited curb parking space and the driver of such other vehicle shall yield the right-of-way to the driver who first arrived at such limited parking space.

For the purpose of this section, a "limited curb parking space" means an area open for lawful parking alongside of and adjacent to a curb, which area is not of sufficient length to permit two (2) or more vehicles to freely move for parking therein at the same time. (Prior code § 19-79)

#### **10.32.310 Parking and standing on city property.**

Whenever the city manager shall determine that the orderly, efficient conduct of the city's business requires that parking or standing of vehicles on city property be prohibited, limited or restricted, the city manager shall have the power and authority to order signs to be erected or posted indicating that the parking of vehicles is thus prohibited, limited or restricted.

When signs authorized by the provisions of this section are in place, giving notice thereof, no person shall park or stand any vehicle contrary to the directions or provisions of such signs. (Prior code § 19-80)

#### **10.32.320 Stopping and standing in certain hazardous places for purposes other than loading and unloading.**

Whenever the city traffic engineer has determined that parking shall be limited and authorized signs or marks are in place giving notice thereof, no person shall stop, stand or park a vehicle for any purpose other than loading or unloading of passengers or materials in any of the following places:

- A. At any curb where the grade of the street exceeds twelve (12) percent;
- B. At any place where the parking of vehicles would result in traffic congestion or particular hazard. (Prior code § 19-82)

**10.32.330 Motorcycle parking regulation.**

The parking of motorcycles on public streets and in public parking lots other than within certain designated areas shall be prohibited in the following locations:

- A. Within the area bounded by Tenth Street, the west curb line of Manhattan Avenue, Fourteenth Street between Manhattan Avenue and Hermosa Avenue, the east curb line of Hermosa Avenue between Fourteenth Street and Fifteenth Street, Fifteenth Street, and the Strand, all inclusive.

A reasonable number of designated public motorcycle parking areas shall be established within said boundaries by the city traffic engineer, and shall be suitably posted to that effect;

- B. Second Street and Twenty-Second Street, from Hermosa Avenue to the Strand. (Prior code § 19-82.1)

**10.32.340 Parking of oversized vehicles. Revised 2/16**

A. For purposes of this section, "oversized vehicle" shall mean any vehicle, as defined by Section 670 of the California Vehicle Code, or combination of vehicles, which exceeds twenty (20) feet in length or seven (7) feet in width, exclusive of projecting lights or devices allowed by Section 35109 or 35110 of the California Vehicle Code, as may be amended. "Oversized vehicle" does not include pickup trucks or sport utility vehicles, which are less than twenty-five (25) feet in length and eighty-two (82) inches in height.

B. Except as provided in this section, no person shall park or leave standing any oversized vehicle upon any public street or highway or in a public parking lot in the city.

C. The prohibitions contained in this section shall not apply to any of the following:

1. Oversized vehicles for which an oversized vehicle parking permit has been issued in accordance with this section;
2. Oversized vehicles parked or left standing as a result of a mechanical breakdown so as to allow the performance of emergency repairs on the vehicle for a period not to exceed seventy-two (72) hours;
3. 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;
4. Tow trucks and similar vehicles that are in the course of providing services;
5. Public or utility vehicles that are in the course of providing services;

6. Any public emergency vehicle; and
7. The parking of any oversized vehicle during the pendency of any state of emergency declared to exist within the city of Hermosa Beach.

D. Registration of Oversized Vehicles.

1. Each person registering an oversized vehicle with the city must file with the finance department a completed application containing the following:

- a. The name, address, and phone number of the registered owner of the designated oversized vehicle;
- b. The name, address, and phone number of the applicant for the registration;
- c. Proof of residency. Acceptable proof of residency must be current and must include the following:
  - i. California driver's license or California identification card and one (1) of the following:
    - (A) Property tax bill or public utility bill, showing the service address;
    - (B) Residential rental or lease agreement signed within the last thirty (30) days;
- d. Current registration from the California Department of Motor Vehicles, or equivalent agency in another state, for the oversized vehicle;
- e. The license number, make, and model of the designated oversized vehicle;
- f. Additional information the finance department may require; and
- g. The applicant's signature under penalty of perjury.

2. The city will issue oversized vehicle registration stickers to persons who meet the requirements listed above and pay a fee that will be set by resolution of the city council. Oversized vehicle registration stickers must be displayed on the street side of the bumper of an oversized vehicle so it is clearly visible from the street.

E. Oversized Vehicle Parking Permits.

1. The purpose of authorizing the issuance of oversized vehicle parking permits is to give owners of oversized vehicles the opportunity, for a limited time, to park the oversized vehicle on a public street or highway directly in front of, on the side of, or as close as possible to their own residence, and to allow an out-of-town visitor who owns an oversized vehicle to park on a public street or highway directly in front of, on the side of, or as close to the residence which the out-of-town visitor is visiting for a limited time period.

2. Oversized vehicle parking permits shall be issued by the community services division. The community services manager shall be responsible for establishing policies, administering procedures and disseminating information to the public regarding the distribution of oversized vehicle parking permits at City Hall.
3. Permits may be issued only to city of Hermosa Beach residents, and only for: (a) an oversized vehicle registered to the resident or (b) an oversized vehicle registered to an out-of-town guest who will be staying with a resident.

#### F. Issuance of Oversized Vehicle Parking Permits.

1. This subsection shall apply to oversized vehicles that are registered with the city.
2. The community services manager or designee is authorized to issue oversized vehicle parking permits, pursuant to the following:
  - a. Each person desiring an oversized vehicle parking permit shall file with the community services division a completed city oversized vehicle registration form containing the following:
    - i. The name, address, and phone number of the registered owner of the designated oversized vehicle;
    - ii. The name, address, and phone number of the applicant for the permit;
    - iii. Proof of residency. Acceptable proof of residency must be current and must include the following:
      - (A) California driver's license or California identification card and one (1) of the following:
        - (1) Property tax bill or public utility bill;
        - (2) Residential rental or lease agreement signed within the last thirty (30) days;
    - iv. Proof that the vehicle is currently registered with both the California Department of Motor Vehicles, or equivalent agency in another state, and the city of Hermosa Beach;
    - v. The license number, make, and model of the designated oversized vehicle;
    - vi. The dates for which the permit is requested;
    - vii. The dates and duration of any and all oversized vehicle parking permits issued to the applicant within the immediately preceding ninety (90) day period;
    - viii. Additional information the community services division may require; and

- ix. The applicant's signature under penalty of perjury.
3. Oversized vehicle parking permits issued and approved by the community services division shall include the license plate number of the designated oversized vehicle, the date of issuance, the day of its expiration and a prominent designation that it is a resident or a guest permit.
4. Permits shall be displayed in the lower driver's side of the windshield or nearest window of the oversized vehicle for which it has been issued so that it is clearly visible from the exterior of the vehicle.
5. An oversized vehicle parking permit shall be valid for a period not to exceed twenty-four (24) hours. An oversized vehicle parking permit will be valid from 12:00 p.m. one (1) day until 11:59 a.m. the next day. 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 section. An applicant may request no more than three (3) consecutive oversized vehicle parking permits (a total of seventy-two (72) hours of parking to load and unload) at one (1) time.
  - a. In no event shall any person, residence and/or designated oversized vehicle be issued more than twenty-four (24) oversized vehicle parking permits within any ninety (90) day period and no more than ninety-six (96) oversized vehicle parking permits in any calendar year.
  - b. In no event shall any person, residence and/or designated oversized vehicle be issued more than three (3) consecutive oversized vehicle parking permits at one (1) time for a vehicle registered to a resident's guest. In no event shall any person, residence and/or designated oversized vehicle be issued more than nine (9) oversized vehicle parking permits in any calendar year for a vehicle registered to a resident's guest.

G. Handicapped Oversized Vehicle Parking Permits. If an applicant for an oversized vehicle parking permit meets all of the requirements below, the community services division shall issue a handicapped oversized vehicle parking permit, which shall authorize parking of the designated oversized vehicle for up to one (1) year, so long as the permit holder continues to meet the requirements of this section during the term of the permit.

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 applicant provides a statement to the city that the oversized vehicle is the only vehicle owned by the applicant and is required to meet the daily transportation needs of the applicant.
3. On the oversized vehicle parking permit application form, the applicant requests an extended term of parking, not to exceed one (1) year. Handicapped oversized vehicle parking permits may be renewed on an annual basis.

Except as otherwise provided herein, the provisions of this section shall apply to oversized vehicles

displaying license plates or placards for disabled persons and disabled veterans.

H. Oversized vehicles parked in the city with a valid permit shall pay any applicable parking meter charges, and any vehicle occupying more than one (1) space shall pay the parking meter charge for all spaces occupied.

I. Violations of This Section.

1. Unless otherwise noted, any person who violates any provision in this section is guilty of an infraction and will be subject to citation.
2. Any vehicle parked in violation of this section is subject to towing.
3. No person shall display a fraudulent, forged, altered, or counterfeit oversized vehicle parking permit or permit number with the intent to avoid compliance with this section. Violation of this subsection is a misdemeanor.
4. No person shall forge, alter, or counterfeit an oversized vehicle parking permit. Violation of this subsection is a misdemeanor.
5. No person shall assign, transfer or use a permit for any consideration, monetary or otherwise.
6. No person shall misuse a permit or display a stolen permit. Any such misuse or display on a vehicle shall be cause for immediate ticketing and towing in addition to the penalty set forth above. Misused permits shall be confiscated by the impounding authority.
7. No person shall alter, deface, or intentionally conceal an expiration date or otherwise attempt to present false information as true and genuine, on the face of a permit which is displayed in a vehicle parked on a city street. (Ord. 16-1359 §1, 2016: Ord. 11-1325, 2011)

**10.32.350 Car sharing permits**

A. Notwithstanding the provisions of this chapter, the city may issue permits to vehicles participating in a car sharing program approved by the city council, allowing such vehicles to park in metered spaces without payment and without regard to time restrictions and in other legal parking spaces on the public right-of-way (including residential preferential parking districts), and only those city parking lots and city facilities designated in the permit without regard to time restrictions. In all zones that have a time limit of less than one (1) hour, car sharing vehicles must observe the time restriction. In no case shall vehicles park during times designated and posted for street sweeping.

B. Exclusions. The following restrictions additionally apply to car sharing permits:

1. Parking shall comply with all other signs or markings posted, authorized or designated by the city of Hermosa Beach restricting the parking, standing, stopping or leaving of vehicles.
2. Parking within public parking lots and parking structures shall comply with all time, payment and other

restrictions and requirements.

3. Vending from car sharing vehicles is prohibited except in conformance with the regulations applicable to all other vending vehicles.
4. This section is not applicable to parking, standing, stopping or leaving of vehicles in private parking spaces or private parking lots, parking spaces or lots owned by the Hermosa Beach City School District, or any other parking spaces or lots not under the jurisdiction of the city of Hermosa Beach. (Ord. 13-1338 §2, 2013)

#### **10.32.360 On-street disabled parking spaces**

A. Pursuant to California Vehicle Code Section 22511.7, the city council may by resolution designate on-street parking spaces in locations where curb parking exists for the exclusive use of a vehicle that displays either a special identification license plate issued pursuant to Vehicle Code Section 5007 or a distinguishing placard issued pursuant to Vehicle Code Sections 22511.55 or 22511.59. The designation may be of such duration as is determined appropriate by the city council.

B. Spaces designated pursuant to subsection (A) of this section shall be indicated by blue paint on the curb or edge of the paved portion of the street adjacent to the space. In addition, a sign shall be posted immediately adjacent to and visible from the space a sign consisting of a profile view of a wheelchair with occupant in white on a blue background. The sign shall clearly and conspicuously state the following: "Minimum Fine \$250"

C. Application for designation of an on-street disabled parking space shall be in writing and contain the information described in the "Guidelines for Requesting a Disabled Parking Space" published by the department of public works. The application shall be accompanied by an application processing fee set forth in the city's master fee resolution.

D. The city council may in its discretion designate an on-street disabled parking space only if it makes the following findings:

1. The applicant is a city resident who has been issued either a special identification license plate issued pursuant to Vehicle Code Section 5007 or a distinguishing placard issued pursuant to Vehicle Code Sections 22511.55 or 22511.59.
2. The applicant has no off-street parking available with reasonable accessibility.
3. Designation of the space would not create an undue hardship to other residents of the block.

E. On-street disabled parking spaces may be removed at any time by the director of public works upon a finding that the findings in subsection (D) of this section can no longer be made in an affirmative manner, the parking space is not being used for the purpose intended, or the applicant no longer qualifies for the space. A decision of the public works director to remove a disabled on-street space may be appealed to the city

council.

F. The public works department is authorized to promulgate regulations and guidelines to carry out the intent of this section. (Ord. 13-1340 §1, 2013)

## Chapter 10.36 PARKING METERS

Sections:

- [\*\*10.36.010 Parking meter zones established--Fifteen-minute spaces specified.\*\*](#)
- [\*\*10.36.020 Installation of meters--Specifications.\*\*](#)
- [\*\*10.36.030 Time of operation of meters.\*\*](#)
- [\*\*10.36.040 Operating meters.\*\*](#)
- [\*\*10.36.050 Parking permits for certain spaces.\*\*](#)
- [\*\*10.36.060 Preferential residential parking program.\*\*](#)
- [\*\*10.36.070 Termination of preferential residential parking areas.\*\*](#)
- [\*\*10.36.080 Using meters or parking spaces longer than posted time limits.\*\*](#)
- [\*\*10.36.090 Defacing or injuring meters.\*\*](#)
- [\*\*10.36.100 Allowing articles to lean against meters or meter stands.\*\*](#)
- [\*\*10.36.110 Expired meter prima facie evidence of violation--Each hour of illegal parking constitutes separate offense.\*\*](#)
- [\*\*10.36.120 Expired meter in recreational parking area prima facie evidence of violation--Each hour of illegal parking constitutes separate offense.\*\*](#)
- [\*\*10.36.130 Chapter not permission to violate other parts of this title.\*\*](#)
- [\*\*10.36.140 Enforcement.\*\*](#)
- [\*\*10.36.150 Exemption from Payment of Parking Meters for Specified Military Veterans.\*\*](#)

### **10.36.010 Parking meter zones established--fifteen-minute spaces specified.**

A. Parking meter zones are those streets or portions of streets or public parking lots established by Ordinance as zones within which the parking of vehicles may be controlled, regulated and inspected with the aid of parking meters. In the event that no parking meters are installed in any parking space within such parking meter zones, the maximum time for parking shall be as specified by this code or by Resolution of the City Council. Parking meter rates throughout the City shall be determined by Resolution of the City Council.

### B. Silver Meter Pole Zones Established.

The streets and City owned, leased and/or operated parking lots included within the following areas within the City are hereby designated, named and declared to be silver meter parking meter zones:

Bounded by the city border (Herondo Street) on the south, Manhattan Avenue on the east, The Strand on the west, 27th Street on the north.

- Pier Avenue bounded by Hermosa Avenue on the west, Pacific Coast Highway on the east.
- Lot D
- Lot F

- Lot G (The ten spaces on the city owned lot on the north side of 4th Street, east of Pacific Coast Highway, Lot G and legally described as "easterly 32' of Lot 3- Hurd's Ocean View Tract")

C. Yellow Meter Pole Zones Established. The streets and City owned, leased and/or operated parking lots included within the following areas within the City are hereby designated, named and declared to be yellow meter parking meter zones:

- Bounded by the city border (Herondo Street) on the south, Manhattan Avenue on the east, The Strand on the west, the city border (Neptune Avenue) on the north.
- Bounded by the city border (Herondo Street) on the south, Valley Drive on the east, Manhattan Avenue on the west, 2nd Street on the north.
- Lot D

D. Green Curb Parking Zone.

The Chief of Police is authorized to designate green zones throughout the city for limited time parking identified by green curb markings. The time limit for parking in the green curb zone shall be set forth on a sign immediately adjoining the zone. The green curb parking zones located on Pier Avenue and on Hermosa Avenue from 8th Street to 14th Street are hereby designated, named and declared to be green curb parking meter zones.

E. Parking Payment Center/Pay-By-Space Meter Zones Established

1. The streets and City owned, leased and/or operated parking lots included within the following areas within the City are hereby designated, named and declared to be parking payment center zones:

- a. Bounded by 11th Street on the south, 14th Court on the north, Hermosa Avenue on the east, and The Strand on the west.

2. Parking Payment Center/Pay-By-Space Meter lot locations as follows:

- a. Lot A located at 11th Street and Hermosa Avenue
- b. Lot B located between 13th Court and 13th Street
- c. Lot C located at the parking structure at 1301 Hermosa Avenue (Ord. 13-1340, §3, June, 2013)

#### **10.36.020 Installation of meters--specifications.**

The city traffic engineer shall cause parking meters to be installed and maintained in parking meter zones.

Parking meters shall be installed upon the curb or sidewalk or other area immediately adjacent to each parking space. Each meter shall be placed in such manner as to show or display by a sign or signal that the parking space adjacent thereto is or is not legally in use.

Each parking meter shall be set to display, after the operational procedure has been completed, a sign or signal indicating legal parking for that period of time conforming to the limit of parking time for the zone in which such parking meter is installed, and shall continue to operate from the time of the completion of the operational procedure until the expiration of the time fixed as the parking limit or a portion thereof for the part of the street upon which such meter is placed. Each meter shall also be so arranged that upon the expiration of the legal parking time it will indicate by a mechanical operation and by proper signal that the lawful parking period has expired. (Prior code § 19-97)

#### **10.36.030 Time of operation of meters.**

The provisions of this chapter relating to the operation of parking meters shall be effective on the days and between the hours as established by resolution of the city council and as designated by sign or legend upon each parking meter. (Prior code § 19-98)

#### **10.36.040 Operating meters.**

Except as provided in Section I0.36.050, immediately after occupancy of a parking meter space, the operator of a vehicle shall deposit a coin of the United States or insert credit/debit card in the parking meter and if necessary turn a crank, knob or handle or input desired duration up to the maximum time in accordance with the instructions posted on the face of the parking meter. Except as hereinafter provided in Section I0.36.050, no operator of any vehicle shall permit such vehicle to remain parked in any parking space during any time that the meter is showing a signal indicating that such space is illegally in use other than such time immediately after the original occupancy as is necessary to operate the meter to show legal parking. (Prior Code § 19-99; Ord. 13-1340, §4, June 2013))

#### **10.36.050 Parking permits for certain spaces.**

The city council may, by resolution, declare certain parking spaces may be occupied by vehicles contrary to the provisions of the preceding section; provided, that any vehicle so occupying such space shall have displayed thereon, in a visible location designated by the resolution, a valid parking permit issued by the city. Such resolution shall set forth the fee schedule for the parking permits, the period for which the permit shall be issued and the means by which the parking spaces shall be identified to the general public as permit parking spaces. (Prior code § 19-100)

#### **10.36.060 Preferential residential parking program.**

Prior to the establishment of any preferential residential parking area, the following shall occur:

A. Any party(s) desiring to create a preferential residential parking area, shall first contact the general services department to obtain an application to create a preferential residential parking area.

The application shall be submitted along with the following:

1. A written description of the streets to be restricted;
2. A petition requesting the restricting of the area, signed by at least sixty-six (66) percent of the occupied dwelling units within the proposed area;

3. Pay all necessary fees: four hundred (400) foot radius noticing fee (three bids obtained by the city, applicant shall pay the lowest bid).

B. Upon review of the application by the department, the department shall place the matter before the city council with recommendation, and schedule for public hearing for the purpose of determining whether a proper basis exists for creation of a preferential residential parking area. 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 residential parking area.

C. Upon closure of the public hearing, the city council shall make determination to grant or deny the application.

D. Upon granting of the application, the city council shall pass a resolution, establishing a preferential residential parking area pursuant to their direction.

E. Fees for the permits shall be established by the enabling resolution, and shall be set to defray all costs reasonably borne. (Prior code § 19-100.1)

#### **10.36.070 Termination of preferential residential parking areas.**

A. Upon receipt of a petition signed by two-thirds of the residents within the designated preferential residential parking area, the general services department may recommend to the city council that the preferential residential parking area may be dissolved.

B. Upon such recommendation by staff, the city council shall conduct a public hearing thereon, for the purpose of determining whether a proper basis exists for terminating such preferential residential parking area. 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 within the preferential residential parking area.

C. Such a determination shall be based upon a finding that the conditions as set forth in the introduction of Ordinance No. 91-1059 (page one, numbers 1 through 8), no longer exist or have diminished in degree to such an extent as to make unnecessary the maintenance of the area. (Prior code § 19-100.2)

#### **10.36.080 Using meters or parking spaces longer than posted time limits.**

Whenever authorized signs are in place giving notice thereof, it is unlawful for any person to stop or stand or park any vehicle for a period of time in excess of the parking time limit indicated by such sign. (Prior code § 19-101)

#### **10.36.090 Defacing or injuring meters.**

No person shall deposit or cause to be deposited in any parking meter any defaced or bent coin or any slug, device or metallic substitute for a coin of the United States, or deface, injure, tamper with, open or wilfully

break, destroy or impair the usefulness of any parking meter. (Prior code § 19-102)

**10.36.100 Allowing articles to lean against meters or meter stands.**

No person shall attach anything to or allow a bicycle, newsrack or any other article or thing to lean against a parking meter or a parking meter standard. (Prior code § 19-103)

**10.36.110 Expired meter prima facie evidence of violation--each hour of illegal parking constitutes separate offense.**

The parking or standing of any motor vehicle in a parking space, at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter and the owner or operator of such illegally parked vehicle will be subject to the penalty provided in Chapter [1.10](#). Each one-hour period of illegal parking after the first penalty has been invoked shall constitute a separate offense. (Prior code § 19-104)

**10.36.120 Expired meter in recreational parking area prima facie evidence of violation--each hour of illegal parking constitutes separate offense.**

The parking or standing of any motor vehicle in a parking space within a "recreational parking area" as designated pursuant to Section [10.32.020](#), at which space the parking meter displays the sign or signal indicating illegal parking, shall constitute a prima facie presumption that the vehicle has been parked or allowed to stand in such space for a period longer than permitted by this chapter and the owner or operator of such illegally parked vehicle will be subject to the penalty provided in Chapter [1.10](#). Each one-hour period of illegal parking after the first penalty has been invoked shall constitute a separate offense. (Prior code § 19-104.1)

**10.36.130 Chapter not permission to violate other parts of this title.**

No section of this chapter shall be construed as permitting any parking in violation of any other provisions of this title. (Prior code § 19-106)

**10.36.140 Enforcement.**

A. 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 chapter or the Vehicle Code.

B. Non-sworn civilian employees of the city charged with parking enforcement responsibilities are granted the authority of a peace officer in accordance with Section 836.5 of the California Penal Code for the limited purpose of enforcing parking control provisions of this chapter and the California Vehicle Code. They shall have the power to issue citations for violations of the parking control provisions of this chapter and the California Vehicle Code as granted under Section 836.5 of the California Penal Code.

C. Private security officers in the employ of a property owner who has entered into an agreement with the city and [which officers] have been designated to be limited purpose officers are granted the authority of a peace officer in accordance with Section 836.5 of the California Penal Code for the limited purpose of enforcing parking control provisions of this chapter and the California Vehicle Code on designated privately and publicly owned premises limited to handicapped and no parking restrictions. They shall have the power to issue citations for violations of the parking control requirements of this chapter and the California Vehicle Code when such violations occur on the privately owned premises for whose owners they are employed, as granted under Section 836.5 of the California Penal Code. Private security officers shall be deputized as city public service officers without compensation. (Prior code § 19-107)

**10.36.150 Exemption from payment of parking meters for specified military veterans.**

(A) Pursuant to California Vehicle Code section 22511.3 a veteran displaying special license plates issued under Vehicle Code Sections 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 may park his or her motor vehicle, weighing not more than 6,000 pounds gross weight, without charge, in a metered parking space.

(B) This section does not exempt a vehicle displaying special license plates issued under Section 5101.3, 5101.4, 5101.5, 5101.6, or 5101.8 from compliance with any other state law or City ordinance, including, but not limited to, vehicle height restrictions, zones that prohibit stopping, parking, or standing of all vehicles, parking time limitations, street sweeping, restrictions of the parking space to a particular type of vehicle, or the parking of a vehicle that is involved in the operation of a street vending business. (Ord. 13-1340, §2, June, 2013)

**Chapter 10.40  
SPEED REGULATIONS Revised 4/17**

Sections:

[\*\*10.40.010 Basic speed law.\*\*](#)

[\*\*10.40.020 Prima facie speed limits.\*\*](#) Revised 4/17

[\*\*10.40.030 Signs.\*\*](#) Revised 4/17

**10.40.010 Basic speed law.**

No person shall drive a vehicle upon a road at a speed greater than is reasonable or prudent having due regard for weather, visibility, the traffic on the road and road conditions, and in no event at a speed that endangers the safety of persons or property. (Ord. 05-1252, §1, 2005)

**10.40.020 Prima facie speed limits. Revised 4/17**

The prima facie speed limit that is most appropriate to facilitate the orderly movement of traffic and is a speed limit that is reasonable and safe is set forth in the chart below with reference to those streets or portions of streets so identified. No person shall operate any vehicle on the streets or street segments identified on the following chart at a speed in excess of the speed set forth on the following chart.

STREET	SEGMENTS	SPEED LIMIT (MPH)
Ardmore Ave.	North City Limit to Gould Ave.	30
	Gould Ave. to 21st St.	30
	21st St. to Pier Ave.	25
	Pier Ave. to 8th St.	25
	8th St. to 2nd St.	25
Artesia Blvd.	Pacific Coast Hwy. to East City Limit	35
Aviation Blvd.	Pacific Coast Hwy. to East City Limit	35
Gould Ave.	Ardmore Ave. to Manhattan Ave.	25
Hermosa Ave.	27th St. to 22nd St.	30
	22nd St. to 16th St.	30
	8th St. to Herondo St.	30
Herondo St.	Valley Dr. to Hermosa Ave.	30
Longfellow Ave.	Valley Dr. to Hermosa Ave.	25
Manhattan Ave.	North City Limit to Longfellow Ave.	25

	Longfellow Ave. to 27th St.	25
	Pier Ave. to 1st St.	25
Monterey Ave.	19th St. to Pier Ave.	25
	Pier Ave. to Herondo St.	25
Pacific Coast Hwy.	Artesia Blvd. to 16th St.	35
	16th St. to South City Limit	30
Pier Ave.	Pacific Coast Hwy. to Ardmore Ave.	25
	Ardmore Ave. to Monterey Blvd.	25
	Monterey Blvd. to Hermosa Ave.	25
Prospect Ave.	Artesia Blvd. to 21st St.	25
	21st St. to Aviation Blvd.	25
	Aviation Blvd. to 6th St.	25
	6th St. to South City Limit	25
Valley Dr.	North City Limit to Gould Ave.	25
	Gould Ave. to 21st St.	25
	21st St. to Pier Ave.	25
	Pier Ave. to 8th St.	25
	8th St. to 2nd St.	25
Second St.	Pacific Coast Hwy. to Valley Dr.	25
	Valley Dr. to Hermosa Ave.	25
Eighth St.	East City Limit to Pacific Coast Hwy.	25
	Pacific Coast Hwy. to Ardmore Ave.	25
Thirtieth St.	Pacific Coast Hwy. to Ardmore Ave.	25

The prima facie speed that is most appropriate to facilitate the orderly movement of traffic and is a speed limit that is reasonable and safe on all streets other than the streets listed above is twenty-five (25) miles per hour. No person shall operate a motor vehicle on any street in the city not listed in the chart above in excess of twenty-five (25) miles per hour. (Ord. 17-1375 §1, 2017: Ord. 05-1252 §1, 2005)

#### 10.40.030 Signs. Revised 4/17

The public works director is authorized and directed to install appropriate signs upon the streets in the city giving notice of the prima facie speed limit established in this section. (Ord. 17-1375 §1, 2017: Ord. 05-1252 §1, 2005)



**Title 12  
Street, Sidewalks and Public Places Revised 2/16 Revised 10/16**

**Chapters:**

- [\*\*12.04 Datum Plane\*\*](#)
- [\*\*12.08 Street, Sidewalk, Curb and Gutter Construction\*\*](#)
- [\*\*12.12 Street Excavations and Obstructions\*\*](#)
- [\*\*12.16 Encroachments Revised 2/16\*\*](#)
- [\*\*12.20 Beach and Strand Regulations Revised 10/16\*\*](#)
- [\*\*12.24 Municipal Pier\*\*](#)
- [\*\*12.28 Parks, Playgrounds and Other Public Areas Revised 10/16\*\*](#)
- [\*\*12.30 Special Events on Public Property Added 10/16\*\*](#)
- [\*\*12.32 Newsracks\*\*](#)
- [\*\*12.36 Trees\*\*](#)

## **Chapter 12.04 DATUM PLANE**

Sections:

[\*\*12.04.010 Reestablished\*\*](#)

[\*\*12.04.020 Street Grades\*\*](#)

**12.04.010 Reestablished.**

For the purpose of establishing and designating all official grades of all public streets, lanes, alleys, places or courts in the city, the datum plane of the city is reestablished and declared to be the level continuous with that of the surface of the ocean at mean low tide as same is determined by the published survey of Santa Monica Bay, California, surveyed and determined by the United States Coast and Geodetic Survey in 1893. (Prior code § 1-11)

**12.04.020 Street grades.**

The official grades of all public streets, lanes, alleys, places or courts in the city, now or hereafter dedicated to public use, shall be established, changed or modified with reference to the datum plane described in the preceding section and established as the datum plane of the city. (Prior code § 1-12)

**Chapter 12.08  
STREET, SIDEWALK, CURB AND GUTTER CONSTRUCTION**

Sections:

- [\*\*12.08.010 General Requirements\*\*](#)
- [\*\*12.08.020 Exceptions and Modifications\*\*](#)
- [\*\*12.08.030 Location of Curbs\*\*](#)
- [\*\*12.08.040 Delay of Construction--Agreement as to Future Construction.\*\*](#)
- [\*\*12.08.050 Construction or Cash Deposit Prerequisite to Final Approval.\*\*](#)
- [\*\*12.08.060 In Lieu Fee for Street Pavement\*\*](#)

**12.08.010 General requirement.**

Except as provided in Section [12.08.020](#), any owner, lessee or agent or any other person or persons constructing or arranging for the construction of: (a) any commercial or industrial building or residential dwelling structure, or addition thereto, exceeding four hundred (400) square feet in floor area, or (b) any accessory building greater than fifty percent (50%) of the square footage of the existing main building, shall provide for the construction of Portland cement concrete curbs, gutters and sidewalks, street pavement between the gutter and center line of the street fronting the property, and pavement between the edge of pavement and center line of any alley adjoining the property, in accordance with the standard specifications of the City Engineer. (Ord. 02-1219, §1, May 2002)

**12.08.020 Exceptions and modifications.**

The provisions of Section [12.08.010](#) may be modified by the city engineer under the following circumstances:

- A. Portland cement concrete curbs and gutters only shall be required where the topography is such that the installation of Portland cement concrete sidewalks would be impractical.
- B. Where parcels in the residential zones are divided into one-half acre or larger lots, the Portland cement concrete curb, gutter and sidewalk need not exceed a greater distance than the side yards or side and rear yards in the case of corner lots defined in the zoning code.
- C. Portland cement concrete curbs, gutters or sidewalks need not be installed where the street grade cannot readily be established by the city engineer, or where the street for practical reasons has not been graded to an established grade which would enable proper location of curbs, gutters or sidewalks provided that the applicable provisions of Section [12.08.040](#) are complied with. (Prior code § 29-11)
- D. Portland cement concrete curbs, gutters and sidewalks and street pavement already exist to the satisfaction of the City Engineer along all street and alley frontages adjoining the lot or lots on which the building or dwelling is to be constructed. (Ord. 02-1219 §1, May 2002)

**12.08.030 Location of curbs.**

Curbs, gutters and sidewalks shall be located within the street right of way at the locations and grades established by the city engineer. (Prior code § 29-12)

**12.08.040 Delay of construction--agreement as to future construction.**

Notwithstanding any other provisions of this chapter, the construction of curbs, gutters or sidewalks can be delayed:

- A. If there is less than thirty-five (35) percent of curb or sidewalk installed on the same side of the street in the block of which the property is a part; or
- B. If the city engineer determines that the conditions set forth in Section [12.08.020\(C\)](#) exist; provided, that the property owner signs an agreement with the city that the owner will construct curbs, gutters or sidewalks when thirty-five (35) percent of the footage on the same side of the street within the owner's block shall have curbs or sidewalks installed or agreed to be installed, or when the city engineer determines that the conditions set forth in Section [12.08.020\(C\)](#) have been sufficiently corrected to make possible the construction of curbs, gutters or sidewalks. The city clerk shall cause to be recorded a real property lien against the owner's property to secure the performance of the agreement. The property owner shall pay to the city a fee of ten dollars (\$10.00) for the costs of preparation of the agreement and preparation and cost of recording the release of the lien when standard curbs and/or sidewalks are constructed.

This section does not apply if the property is located on one of the suggested routes to school streets. The curbs, gutters and sidewalks are required to be constructed by the property owner at the time of development or improvement and shall not be delayed. (Prior code § 29-13)

**12.08.050 Construction or cash deposit prerequisite to final approval.**

The building inspector shall deny final approval and acceptance on final public utility connections to any building or dwelling until the Portland cement concrete curbs and gutter or Portland cement concrete curbs, gutters and sidewalks exist or are constructed or their construction is guaranteed by cash deposited with the city in a sum determined by the city engineer based upon the number of lineal feet of Portland cement concrete curb, gutters and sidewalks to be installed, except as set forth in Sections [12.08.020](#) and [12.08.040](#). (Prior code § 29-14)

**12.08.060 In lieu fee for street pavement.**

Any owner, lessee or agent or any other person or persons constructing or arranging for the construction of commercial or residential improvements as stipulated in Section [12.08.010](#) shall be allowed, at their discretion, to pay a fee in-lieu of constructing required street pavement between the edge of pavement and center line of street fronting the property. The fee amount shall be determined by the City Engineer and will be based upon the most recent unit prices for said work performed by competitive bidding for the City's Annual Street Improvement Program plus 30% for design, construction management, inspection and testing expenses. The City Engineer will maintain and annually update a list of costs per square foot for the following street pavement improvements:

- Asphalt removal and reconstruction
- Asphalt grind and 2" overlay

- Asphalt Cape Seal
- Asphalt Slurry Seal
- Concrete removal and reconstruction
- Concrete grind and 2" asphalt overlay

The City Engineer, or his designated representative, will determine the required method of repair.

All funds collected through this in-lieu fee shall be placed in the City's Capital Improvement Program Fund 301 to be used solely for street improvement purposes city-wide. (Ord. 09-1301, § 1; 10/13/2009)

## Chapter 12.12 STREET EXCAVATIONS AND OBSTRUCTIONS

Sections:

- [\*\*12.12.010 Permit to Remove Sand, Dirt or Gravel from Streets.\*\*](#)
- [\*\*12.12.020 Permit to Make Street Excavations--Bond Required.\*\*](#)
- [\*\*12.12.030 Cash Deposit in Lieu of Bond.\*\*](#)
- [\*\*12.12.040 Inspection and Approval of Work--Restoration by City at Permittee's Expense.\*\*](#)
- [\*\*12.12.050 Appeal from Action of Superintendent of Streets.\*\*](#)
- [\*\*12.12.060 Unlawful Deposits and Obstructions in Streets.\*\*](#)
- [\*\*12.12.070 Placing Wagons, Stands in Streets for Purposes of Sale or Display of Goods.\*\*](#)
- [\*\*12.12.080 Mixing cement and mortar in streets.\*\*](#)
- [\*\*12.12.090 Gates and Doors Opening on Streets.\*\*](#)

### **12.12.010 Permit to remove sand, dirt or gravel from streets.**

It is unlawful for any person to dig up, remove, cart hay or carry away, any sand, dirt or gravel from any public street, place, park or other public property within the city without first having obtained a permit from the city manager. (Prior code § 29-1)

### **12.12.020 Permit to make street excavations--bond required.**

It is unlawful for any person to break, lower, remove in any manner alter or disturb any street curbing or to make any excavations in any public street, alley or public place without first obtaining a permit so to do from the superintendent of streets, which permit shall be issued only under the following conditions:

- A. That an application be made therefor on forms provided by the superintendent of streets and properly completed and executed;
- B. That there shall be deposited with the superintendent of streets an amount of money, which in his opinion, will be sufficient to cover the cost of restoring the areas covered by such excavation to their original condition, or as may be required by him to conform to orders, rules, regulations or specifications adopted by the city council governing such matters, which deposit shall be applied towards the cost and the balance, if any, refunded to the applicant;
- C. That the applicant for such permit shall agree to reimburse the city for the actual cost of restoring the area covered by such excavation or curb alteration to a condition satisfactory to the superintendent of streets as above set forth, and to hold the city harmless against any claim for damages of any nature growing out of such excavation or curb alteration. (Prior code § 29-2)

### **12.12.030 Cash deposit in lieu of bond.**

In lieu of making deposits as required in Section [12.12.020](#), any person desiring to make a number of curb alterations or excavations in streets, alleys or public places within one year, may make a cash deposit of an amount, which, in the judgment of the superintendent of streets, will be sufficient to cover the excavations or curb alterations which such applicant may desire to make within a given period; provided, that in the case of

excavations or curb alterations by public utility companies operating under franchises or under the jurisdiction of the public utilities commission, permit may be granted without such deposits, but in such cases the city shall bill such companies for the actual cost to the city of restoring the area covered by such excavations or curb alterations to a condition satisfactory to the superintendent of streets. (Prior code § 29-3)

**12.12.040 Inspection and approval of work--restoration by city at permittee's expense.**

Nothing herein shall prohibit any person from doing all or any part of the work called for in the permit; provided, that all such excavations or curb alterations shall be subject to the inspection and approval of the superintendent of streets, and if the area covered thereby is not restored to a condition satisfactory to the superintendent of streets, he shall at the expense of the permittee proceed to do such work as may be necessary to restore the area to a condition satisfactory to him. (Prior code § 29-4)

**12.12.050 Appeal from action of superintendent of streets.**

Any person feeling aggrieved by any action of the superintendent of streets taken under the provisions of this chapter may appeal to the city council within thirty (30) days after the completion of the work, and its decision relating thereto shall be final and conclusive. (Prior code § 29-5)

**12.12.060 Unlawful deposits and obstructions in streets.**

It is unlawful for any person, firm or corporation to permit any obstruction of any kind or character to be or remain on any public street, alley, sidewalk or public place, or to deposit or permit to remain thereon any rubbish, trash, refuse, junk or like material. (Prior code § 29-6)

**12.12.070 Placing wagons, stands in streets for purposes of sale or display of goods.**

It is unlawful for any person to place or permit to be placed any wagon, cart, stand, box, table, counter or any other obstruction of any kind or any portion thereof on any public street, sidewalk, alley, park or other public place in the city for the purpose of dispensing, selling, bartering, delivering or giving away therefrom any food, refreshments, drinks or other goods, wares or merchandise.

A. Exception. Temporary use of the public sidewalk may be allowed for established local businesses for merchandise display and outside dining when authorized by the director of public works by special permit as part of a temporary event, such as a sidewalk sale.

A permit shall be obtained by each participating business, or a blanket permit may be obtained by a sponsoring organization specifically listing all participants. The participating businesses and the sponsoring organization shall take responsibility for compliance with the terms of said permit.

Fees, conditions and guidelines based on uniform, objective criteria, for obtaining such a permit shall be set by the city council, by resolution, with fees sufficient to cover the city's cost of issuing the permit. The director of public works will establish the standard conditions of said permit to protect the public health, safety and welfare.

B. Exception. Temporary use and closure of public streets may be allowed for specials events, street festivals, farmer's markets or street fairs when authorized by the city council by special permit as part of a

temporary special or promotional event.

A permit shall be obtained by each participating business or vendor, or a blanket permit may be obtained by a sponsoring organization specifically listing all participants. The participating businesses and the sponsoring organization shall take responsibility for compliance with the terms of said permit.

Fees, conditions and guidelines based on uniform, objective criteria, for obtaining such a permit shall be set by the city council, by resolution, with fees sufficient to cover the city's cost of issuing the permit. The director of public works will establish the standard conditions of said permit to protect the public health, safety and welfare. (Ord. 94-1107 § 1, 1994; Ord. 94-1100 § 1, 1994; prior code § 29-7)

**12.12.080 Mixing cement and mortar in streets.**

It is unlawful for any person to mix, make, place or pile, or to cause or permit to be mixed, made, placed or piled, or to permit to remain any mortar, plaster or lime, or any similar substance or mixture, upon the surface of any paved public street, alley or other public place, or to cause or permit the same to remain at any place in such a manner that the same will fall or leak upon the surface of any such paved public street, alley or other public place; and it unlawful for any person to cause or permit any mortar, plaster, lime or similar substance or mixture to fall or leak upon the surface of any such paved public street, alley or other public place in the city. (Prior code § 29-8)

**12.12.090 Gates and doors opening on streets.**

All gates, doors or fence openings constructed or maintained by any person upon any property abutting on any paved or improved public alley in the city shall be so constructed that the gates, doors or fence openings shall open or swing in and over the property upon which they are constructed.

It is unlawful for any person to construct or maintain, or to cause or permit to be constructed or maintained any gate, door or fence opening so that the same or any part thereof opens over or swings over any portion of any public alley in the city which is paved with asphalt, concrete pavement or is graded and improved in any other manner. (Prior code § 29-9)

## Chapter 12.16 ENCROACHMENTS Revised 2/16

Sections:

- [\*\*12.16.010 Definitions.\*\*](#)
- [\*\*12.16.020 Permit.\*\*](#)
- [\*\*12.16.030 Commencement of work without permit.\*\*](#)
- [\*\*12.16.040 Authority to grant.\*\*](#)
- [\*\*12.16.050 Residential encroachments.\*\*](#)
- [\*\*12.16.060 Commercial encroachments.\*\*](#)
- [\*\*12.16.070 Findings necessary to grant an encroachment.\*\*](#)
- [\*\*12.16.080 Requirements and conditions of approval\*\*](#)
- [\*\*12.16.090 Commercial outdoor dining.\*\*](#) Revised 2/16
- [\*\*12.16.100 Commercial encroachments--Retail display areas.\*\*](#)
- [\*\*12.16.110 Application procedure.\*\*](#)
- [\*\*12.16.120 Maintenance of encroachment.\*\*](#)
- [\*\*12.16.130 Nonconformance of encroachment.\*\*](#)
- [\*\*12.16.150 Revocation.\*\*](#)
- [\*\*12.16.160 Encroachment violation.\*\*](#)
- [\*\*12.16.170 Violation--Misdemeanor.\*\*](#)
- [\*\*12.16.180 Violations of encroachment regulations--Additional remedies.\*\*](#)
- [\*\*12.16.190 Fees.\*\*](#)

### **12.16.010 Definitions.**

As used in this chapter:

"Encroachments" are structures, objects, uses or landscaping owned by a private property owner and located on or over adjoining public right-of-way for the property owner's private use and enjoyment. Permissible encroachments are those which place a minimal burden on the right-of-way, are easily removable and do not materially alter the character of the right-of-way as open space, and include landscaping, fencing, movable personal property (such as furniture and planters), patios, decks, landscape irrigation and lighting systems and similar structures and objects, in accordance with the standards, conditions and requirements of this chapter. No building or structural element of a building (including walls, roofs, structural supports, balconies, stairwells, and the like) shall be permitted to encroach on or over a public right-of-way.

"Encroachment" means and includes any obstruction, tower, pole, pole line, pipe, wire, cable, conduit, wall, fence, balcony, deck, stand or building, or any structure or object of any kind or character which is placed in, along, under, over or across public right-of-way.

"Pedestrian walk street" is defined by council under a separate resolution.

"Person" includes any individual, firm, copartnership, joint venture, association, corporation, estate, trust,

business trust, any district, any city, any county including this county, and all departments and bureaus thereof except the city of Hermosa Beach.

Shall and May. "Shall" is mandatory; "may" is permissive.

"Structure" is as defined by the Uniform Building Code as 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. (Ord. 96-1161 §1, 1996; prior code § 29-31)

#### **12.16.020 Permit.**

An encroachment permit is required for any landscaping in excess of forty-two (42) inches in height, and any structure, object or use which is permitted by this chapter to encroach on or over a public right-of-way. The encroachment permit shall be in a form provided by the public works director and approved by the city attorney. Issuance of an encroachment permit is within the city's discretion and constitutes a privilege granted by the city as a convenience to an adjoining property owner and not a right. An encroachment permit is not a substitute for a building permit or a construction permit when either is otherwise required by this Code. (Ord. 96-1161 §2, 1996; prior code § 29-32)

#### **12.16.030 Commencement of work without permit.**

Any person who shall commence any work, for which a permit is required by this chapter, without first having obtained a permit shall stop work and apply for such permit. The fee for the permit shall be doubled. In addition, failure to stop constitutes a misdemeanor and is defined in this chapter. (Prior code § 29-33)

#### **12.16.040 Authority to grant.**

A permit to encroach into a planned or existing public right-of-way may be granted upon such terms and conditions as are deemed necessary. The authority to grant or deny such permit application is vested in the director of public works, unless otherwise specified. Approval of encroachments which deviate from the established guidelines can only be granted with city council approval in an appeal process. If the applicant for an encroachment permit is an officer or employee of the city, only the city council is authorized to issue the permit. (Ord. 96-1161 §3, 1996; prior code § 29-34)

#### **12.16.050 Residential encroachments.**

Approvals of all residential encroachments is vested with the director of public works and the rules and guidelines are set forth herein. Only the owner of record of real property is eligible to apply for and receive an encroachment permit for encroachments from adjacent residential property. (Ord. 96-1161 §4, 1996; prior code § 29-35)

#### **12.16.060 Commercial encroachments.**

The authority to grant or deny commercial encroachments is vested with the director of public works. Commercial encroachments shall comply with the requirements set forth in this chapter.

A. If a conditional use permit is required for the encroachment pursuant to this chapter, approval of the commercial encroachment shall be coordinated with the conditional use permit process.

B. Only the owner of record of real property is eligible to apply for and receive an encroachment permit for encroachments from adjacent commercial property, except that commercial outdoor dining encroachment permits authorized under Section [12.16.090](#) may be issued to a lessee, who shall not delegate or assign that responsibility.

C. Use of the public right-of-way for commercial uses shall be subject to the conditions set forth in Section [12.16.090\(A\)](#). (Ord. 12-1333 §1, 2012; Ord. 96-1161 §5, 1996; prior code § 29-36)

#### **12.16.070 Findings necessary to grant an encroachment.**

The director of public works, in granting approval of an encroachment permit application shall make a finding that the plans and application meet the guidelines and conditions of approval as set forth in Section [12.16.080](#), and the granting of such encroachment will not adversely affect the general plan of the city. Approval of encroachments which deviate from these established criteria can only be granted with city council approval in an appeal process. (Prior code § 29-37)

#### **12.16.080 Requirements and conditions of approval.**

Permitted encroachments shall comply with the following requirements and conditions:

A. General (Applicable to All Encroachments).

1. All construction shall conform to the requirements of the Uniform Building Code, the Municipal Code, and the Department of Public Works Standards and Policies.
2. Landscaping encroachments within the public right-of-way shall not exceed the building height limitation of the zone in which it is planted.
3. In the case of an encroachment occupying the public right-of-way enclosed by the extension of the two side property lines between the front property line and the existing or future sidewalk, a minimum of one-third of the encroachment area shall be landscaped in accordance with a landscape plan to be approved by the public works department in conjunction with the encroachment permit application.
4. Height of any encroachment shall be measured from the natural grade unless otherwise specifically approved by the director of public works by virtue of unusual topography or other extraordinary physical circumstances.
5. Encroachments shall not obstruct access to underground utilities nor significantly impair scenic vistas from neighboring properties.
6. Public right-of-way, through receipt of an encroachment permit, shall not satisfy required open space or any conditions of building or zoning that are normally provided on-site, except for providing required residential guest parking, pursuant to Sections [17.44.090\(C\)](#) and [17.44.110\(B\)](#) of the Zoning Ordinance, and for providing required parking approved by a parking plan granted pursuant to Section [17.44.210](#) of the Zoning Ordinance.

7. An encroachment shall not provide structural support for any structure located on private property.

B. Pedestrian walk street (applicable only to those streets):

1. Fences shall not exceed a maximum height of forty-two (42) inches.

2. Fences are allowed at a height of forty-two (42) inches maximum on top of retaining walls of masonry, block, brick or concrete. The fence height is measured from the natural grade. A retaining wall on public right-of-way shall not support any structure on private property.

3. Decks may be permitted to a maximum height of twelve (12) inches height above the existing natural grade and if they do not project into the public right-of-way more than half the distance between the property line and edge of existing or future sidewalk. Deck railings are permitted provided that they are of open construction and that deck and railing do not exceed a maximum height of forty-two (42) inches.

C. Vehicular Street (Applicable Only to Those Streets).

1. Fences shall not exceed a maximum height of forty-two (42) inches.

2. Encroachments shall not be placed over an existing or planned sidewalk.

3. Encroachment permits for new curb cuts for ingress/egress on Pier Avenue between Valley Drive and Hermosa Avenue shall not be granted. (Ord. 12-1333 §2, 2012; Ord. 09-1300 §6, 2009; Ord. 96-1161 § 6, 1996; Ord. 95-1144 §1, 1995; Ord. 93-1084 §1, 1993; prior code § 29-38)

**12.16.090 Commercial outdoor dining. Revised 2/16**

Use of the public right-of-way for commercial outdoor dining may be permitted subject to issuance of an encroachment permit in compliance with this chapter, and subject to the following conditions:

A. Every encroachment permit for commercial outdoor dining shall ensure the following:

1. Provides for and maintains an area of passage for pedestrian traffic;

2. Does not inconvenience pedestrian traffic;

3. Conforms to all applicable health codes and this Code;

4. Applicant is to pay all appropriate fees, including but not limited to rental fees;

5. Applicant is to maintain and keep in force at all times a policy of liability insurance, naming the city as an additional insured in the amount of one million dollars (\$1,000,000); and

6. Applicant is to pay restorative costs, if applicable, in an amount to be determined by the director of public works, plus administrative costs.

B. Pier Plaza. Encroachment for commercial outdoor dining on Pier Plaza shall comply with Section [12.16.060](#) and the design and operational standards adopted by resolution of the city council. Deviations from the standards set forth in this section may be allowed pursuant to a conditional use permit granted in compliance with Chapter [17.40](#).

1. Limited outdoor dining in compliance with this section shall be exempt from compliance with off-street parking standards in Chapter [17.44](#) if it meets the following standards:
  - a. The encroachment area does not exceed two hundred (200) square feet;
  - b. Use of the encroachment area is limited to the hours of operation of the adjacent food establishment, not to exceed 7:00 a.m. to 10:00 p.m.; and
  - c. Alcoholic beverages are not offered, sold or consumed within the encroachment area.

C. Commercial Zoning Districts, Excluding Pier Plaza and Specific Plan Area No. 11 (Upper Pier Avenue). Encroachments for commercial outdoor dining on sidewalks within commercial zoning districts, excluding Pier Plaza and Specific Plan Area No. 11 (Upper Pier Avenue), shall comply with Section [12.16.060](#) and the following design and operational standards and limitations:

1. The outdoor dining encroachment area shall be managed, operated, and maintained as an integral part of the adjacent food establishment. Food establishments include restaurants, snack shops, food and beverage markets, supermarkets, bakeries, delicatessens, or similar establishments that offer food or beverages, as determined by the director of public works in consultation with the community development department. Food establishment does not include temporary, mobile or freestanding food service providers or vendors.
2. The encroachment area shall be located adjacent to the building, and shall not be located within or separated from the establishment by landscaping, street furniture, parking spaces, drive aisles, alleys or streets, or other elements.
3. Encroachment areas along any street frontage shall be located at least ten (10) feet from any residential zone.
4. The encroachment area when located on sidewalks shall not exceed two hundred (200) square feet, shall not exceed five (5) feet in depth, and shall not occupy more than thirty (30) percent of the sidewalk width excluding curb. On pedestrian walk streets the encroachment area is not subject to the depth or width limitations but shall not exceed two hundred (200) square feet. Outdoor dining in compliance with this section shall be exempt from compliance with off-street parking standards in Chapter [17.44](#).
5. Use of the encroachment area shall be limited to the hours of operation of the adjacent food establishment, not to exceed 7:00 a.m. to 10:00 p.m.
6. The encroachment area is limited to sit-down food and beverage consumption for seated customers

only. Servingware used in the encroachment area shall be resistant to shattering or breaking into fragments (no glass, ceramic or similar materials).

7. Alcoholic beverages shall not be offered, sold or consumed within the encroachment area.

8. A clear, continuous pedestrian path not less than five (5) feet in width or more as deemed appropriate by the director of public works for pedestrian circulation outside of the encroachment area shall be maintained at all times. As used herein, "pedestrian path" means a continuous obstruction-free sidewalk area between the outside boundary of the encroachment area and any obstructions, such as street trees or planters, utility poles, street furniture, newsstands, bus benches, or curbs.

9. The layout of the encroachment area shall not impede ingress or egress, and shall be fully accessible to the physically disabled, as required by the California Building Code, Title 24, Disabled Access Standards, any other requirements of law, and the city fire marshal.

10. Barriers around the encroachment area shall not be provided unless required by the director of public works for public safety, such as protection from vehicles or in cases of surface or grade changes. Unless otherwise specified, required barriers need not be removed each evening, but shall be capable of being removed. If embedded into the pavement, barriers must be fixed through the use of recessed sleeves and posts, or by wheels that can be locked into place or weighted in place. Required barriers shall conform to requirements for the sight-impaired and shall be properly maintained. The height of any barrier shall not exceed three (3) feet, six (6) inches. All barriers must be able to withstand inclement outdoor weather, and one hundred (100) pounds per lineal foot of horizontal force at the top of the barricade when in their fixed positions.

11. The elevation of the encroachment area shall not be altered (e.g., no platforms or recesses). No modification to the surface of the right-of-way, such as resurfacing, texturing or borings for recessed sleeves, shall be made unless approved by the director of public works.

12. Furnishings shall be limited to sturdy chairs, benches and tables, and umbrellas sheltering tables. Furnishings shall be designed for outdoor use. No portion of an awning or umbrella shall be less than eight (8) feet above the sidewalk or extend outside the encroachment area. Awnings may extend up to four (4) feet from the building front or cover up to fifty (50) percent of the sidewalk width, whichever is less. A building permit shall be obtained prior to installation of an awning. No other objects, including but not limited to host/hostess podiums, bars or bar-height tables, light stands, signs, menu boards, service items or grills, are allowed. Furnishings shall not display prominent logos or advertising. All furnishings shall be maintained in good condition at all times.

13. All furnishings and barriers shall be maintained free of appendages or conditions that pose a hazard to pedestrians or vehicles, and ensure visually impaired pedestrians can detect the objects safely. No appendage shall extend outside the encroachment area. No persons including customers shall place anything within or near the encroachment area that could pose a tripping hazard or interfere with

accessibility, such as animals tied to signs or utility poles, bicycles, etc.

14. Approved furnishings and objects shall be removed from the encroachment area daily prior to close of business, but no later than 10:30 p.m., unless such furnishings are required to be bolted to the pavement or are approved to remain by the director of public works.

15. No entertainment, music, audio speakers, televisions or visual media of any type, whether amplified or unamplified, shall be located within the encroachment area.

16. The encroachment area, including surfacing, shall be maintained in a neat and clean manner, free of litter, food scraps, soiled dishes, and graffiti, at all times. The business shall actively monitor the area and promptly remove food serviceware, food scraps, litter and other trash. Trash receptacles shall be supplied in an easily accessible location on the subject property. Surfacing in and around the encroachment area shall be cleaned during the business day as needed and at the end of each business day. Cleaning and the use of water for cleaning the encroachment area shall comply with good housekeeping best management practices approved by the director of public works in accordance with Chapters 8.44 and 8.56. Under no circumstances shall debris or runoff be swept, washed, or blown into the sidewalk, gutter, storm drains or street. The director of public works may issue the encroachment permit only after determining that the request complies with the standards and provisions of this section and any other requirements applicable to the use set forth in the Municipal Code.

17. Use of the encroachment area shall not adversely affect the welfare of the nearby residents or commercial establishments.

18. The final location and configuration of the encroachment area shall be subject to approval by the director of public works, after determining that the request complies with the standards and provisions of this section and any other requirements applicable to the use set forth in the Municipal Code. The director may attach conditions to mitigate public health, safety and convenience impacts unique to the specific location.

19. The encroachment permit shall be valid for one (1) year and may be annually renewed.

20. Deviations from the standards set in this section may be allowed pursuant to a conditional use permit, granted in compliance with Chapter [17.40](#).

21. Specific Plan Area No. 11 (Upper Pier Avenue). Encroachments for commercial outdoor dining on sidewalks within the boundaries of the Specific Plan Area No. 11 zoning district (Upper Pier Avenue) are prohibited. (Ord. 16-1360 §1, 2016; Ord. 12-1333 §3, 2012; prior code § 29-39)

#### **12.16.100 Commercial encroachments--Retail display areas.**

Use of the Pier Plaza (including Loreto Plaza) public right-of-way for commercial outdoor retail display areas may be permitted subject to issuance of an encroachment permit in compliance with this chapter, and subject to the following conditions:

A. General Provisions. Every encroachment permit for commercial outdoor retail display areas shall ensure the following:

1. Provides for and maintains an area for passage of pedestrian traffic;
2. Does not inconvenience pedestrian traffic;
3. Conforms to all applicable health codes and this Code;
4. Applicant to pay all appropriate fees, including but not limited to rental fees;
5. Applicant to maintain and keep in force at all times a policy of liability insurance, naming the city as an additional insured in the amount of one million dollars (\$1,000,000.00); and
6. Applicant to pay restorative costs, if applicable, in an amount to be determined by the director of public works, plus administrative costs.

B. Retail Uses. The encroachment area shall be managed, operated, and maintained as an integral part of the adjacent retail establishment.

1. For purposes of this section, retail establishment generally means a commercial establishment that sells or offers a product available on site in the adjacent retail establishment. The following types of businesses are not eligible for encroachment permits:

- a. Businesses such as grocery, convenience, drug, and liquor stores, tobacco/smoke shops, secondhand stores, or adult businesses as defined in Section [17.04.060](#).
- b. Businesses where retail sales are secondary to the primary service function, such as beauty salons, personal services, or repair businesses, are not eligible for encroachment permits.
- c. Third party vendors, concessions, seasonal or other promoters, solicitors, or any other business, product or service promoted or offered by any entity or party other than the business owner to whom the encroachment permit was issued are not permitted within the encroachment area.

2. In addition, the following items or types of activities are not permitted within the encroachment area:

- a. Food or beverages of any type, whether pre-packaged or not.
- b. Alcoholic beverages or tobacco or smoking products or paraphernalia of any type.
- c. Hazardous or controlled substances or goods, or goods or services that cannot be sold to minors with or without parental permission.
- d. Adult paraphernalia of any kind.
- e. Display of information or signs about a product or service is not allowed; rather, products

available for sale at the business may be displayed.

- f. Products or services shall not be demonstrated within the encroachment area.
- g. Rental or sale of any used merchandise.

C. Design and Operational Standards and Limitations. Encroachments for commercial outdoor retail display areas shall comply with Section [12.16.060](#) and the following design and operational standards and limitations:

1. Encroachment areas shall be available for and located adjacent to ground floor retail businesses. The encroachment area on Pier Plaza shall not exceed thirteen (13) feet in depth. The encroachment area on Loreto Plaza shall not exceed five (5) feet in depth. The encroachment area shall not exceed the width of the tenant space frontage. The encroachment area for any tenant space fronting Pier Plaza is restricted to the Pier Plaza frontage only.
2. Barriers around encroachment areas on Pier Plaza with a maximum height of forty-two (42) inches shall be provided; provided, that barriers shall not be installed or allowed on Loreto Plaza. Each perimeter barrier shall use the same design and materials on all sides. Barriers shall be attractive with a quality appearance, made of new materials such as wood and wrought iron. Barriers shall be of a permeable design that allows for visibility of merchandise through the barrier. Chain-link fencing or other low quality materials are not permitted. The elevation of the encroachment area shall not be altered. No modification to the surface of the right-of-way, such as resurfacing, texturing or borings, shall be made.
3. Awnings may extend over the entire depth (maximum thirteen (13) feet on Pier Plaza and five (5) feet on Loreto Plaza) and width of the encroachment area. Awnings must be retracted to cover not more than fifty (50) percent of the encroachment area depth when the business is closed or the encroachment area is not in use. No portion of an awning shall be less than eight (8) feet above the paved surface. A building permit must be obtained prior to installation of an awning. Awnings shall not provide signage and shall be maintained in good repair at all times.
4. Use of the encroachment area shall be limited to the hours of operation of the adjacent retail establishment, not to exceed 7:00 a.m. to 11:00 p.m.
5. Outdoor retail displays/furnishings placed within the encroachment area shall be designed and limited as follows:
  - a. Tables or racks to display goods offered for sale may be placed in the encroachment area. Other furnishings such as umbrellas, shade canopies, light stands, planters or signs are not allowed. All furnishings within each individual encroachment area shall be of uniform design and materials. All furnishings shall be of sturdy construction and maintained in good condition at all times. Plastic merchandise display furnishings are not permitted unless of quality non-plastic appearance.
  - b. Tables, racks or display furnishings, and merchandise, shall not exceed five (5) feet in height;

provided, that six (6) new surfboards not to exceed seven (7) feet in height may be displayed vertically in a rack positioned against the exterior wall. Racks or shelf units individually or placed end-to-end or in any configuration shall not exceed six (6) feet in length.

c. Merchandise/displays shall be contained and adequately secured so that they do not become windborne, create litter or breakage, spill, drip, or create any health or safety impact.

d. All merchandise within the encroachment area, including any attached to the building, must be removed daily when the business is closed.

e. ATM machines, food service units, vending machines, podiums or stands from which to conduct sales, and similar furnishings are not permitted within the encroachment area.

f. No entertainment, music, audio speakers, televisions, or visual media of any type, whether amplified or unamplified, shall be located within the encroachment area.

6. The layout of the encroachment area shall not impede ingress or egress, and shall be fully accessible to the physically disabled, as required by the California Building Code, Title 24, Disabled Access Standards, any other requirements of law, and the city fire chief.

7. A clear, continuous pedestrian path not less than five (5) feet in width, or more as deemed appropriate by the director of public works for pedestrian circulation outside of the encroachment area, shall be maintained at all times. As used herein, pedestrian path means a continuous obstruction-free sidewalk area between the outside boundary of the encroachment and any obstructions, including but not limited to street trees or planters, utility poles and street furniture.

8. All outdoor retail displays and allowed objects shall be maintained free of appendages or conditions that pose a hazard to pedestrians or vehicles, and ensure visually impaired pedestrians can detect the objects safely. No appendage shall extend outside the encroachment area. No persons including customers shall place anything within or near the encroachment area that could pose a tripping hazard or interfere with accessibility.

9. The encroachment area shall be maintained in a neat and clean manner, free of litter and graffiti, at all times. The business shall actively monitor the area and promptly remove litter and other trash.

10. Surfaces in and around the encroachment area shall be swept during the business day as needed and at the end of each business day. Cleaning shall comply with good housekeeping best management practices approved by the director of public works in accordance with Chapters 8.44 and 8.56. Under no circumstances shall debris or runoff be swept, washed, or blown into the sidewalk, gutter, storm drains, or street.

11. The director of public works may issue the encroachment permit only after determining that the request complies with the standards and provisions of this section, any other requirements applicable to

the use set forth in the Municipal Code, and as follows:

- a. Information on the proposed retail uses and conduct of the use, the types of products to be displayed within the encroachment area, a dimensioned floor plan that clearly designates where each merchandise display will be located, and the design of barriers, awning and types of furnishings within the encroachment area shall be submitted with the encroachment permit application. Changes to the retail use, floor plan, furnishings, barriers and awnings must be submitted and approved in advance. Deviation from the approved plan may result in revocation of the encroachment permit.
  - b. Use of the encroachment area shall not adversely affect the welfare of the nearby residents or commercial establishments.
  - c. The type of retail uses that are allowed within the encroachment areas, the final location and configuration of the encroachment area, and the barriers, awnings and display furnishings within the encroachment area shall be subject to approval by the director of public works, after obtaining written concurrence of the community development department, and determining that the request complies with the standards and provisions of this section and any other requirements applicable to the use set forth in the Municipal Code. The director of public works may attach conditions to ensure the use and its design conform to these standards and mitigate public health, safety, access and convenience impacts unique to the specific location.
  - d. An encroachment permit granted pursuant to this section shall preclude issuance of any additional encroachment permit pursuant to Section [12.16.090](#).
  - e. The encroachment permit shall be valid for one (1) year and may be annually renewed.
  - f. The encroachment permit is issued to the business owner, does not create a vested right, and shall be revocable by the city at any time without a showing of cause or prior notice by the city. Upon a finding of noncompliance with any condition of granting an encroachment permit, or upon revocation of an encroachment permit, the encroachment permit shall not be renewed and a new encroachment permit shall not be granted for a period of one (1) year.
  - g. Upon termination of the encroachment permit, the permittee shall remove the barrier, return the pavement to its original condition, and remove all personal property and furnishings from the right-of-way.
12. Deviations from the standards set forth in this section may be allowed pursuant to a conditional use permit granted in compliance with Chapter [17.40](#). (Ord. 15-1349 §1, 2015; Ord. 12-1333 §4, 2012; Ord. 09-1300 §5, 2009; Ord. 97-1172 §1, 1997)

#### **12.16.110 Application procedure.**

- A. Filing. An application for an encroachment into a planned or existing public right-of-way shall be filed by the

owner of the property for which the encroachment is sought or by an authorized representative of the owner. Such application shall be made to the director of public works and shall be on forms furnished by the department of public works.

B. Filing Fee. A uniform fee, established by council under separate resolution, shall be required upon the filing and investigation of the application for encroachment or transfer of an encroachment permit to defray administrative costs incurred by the city in processing the application. Such fee shall be nonrefundable and shall include the costs of recordation of the encroachment, if granted.

C. Investigation. An investigation shall be conducted by all departments of the city having an interest in, or jurisdiction over, the matter. Upon the receipt of an application pursuant to the provisions of this chapter, the director of public works shall transmit the application to all affected departments for written reports of findings and recommendations. All such written reports shall be submitted to the director of public works for consideration when making a decision on the application.

D. Director of Public Works Findings and Decision. The director of public works shall make a written decision. Such decision shall recite the findings upon which the director bases his decision. If the decision is favorable to the granting of the encroachment, it shall set forth the conditions to be imposed. The conditions set forth in Sections [12.16.080](#) through [12.16.100](#) shall be attached to every permit approval.

E. Appeal. The decision of the director of public works shall be final ten (10) days after mailing a copy of his decision to the applicant. Within said ten (10) day period, the applicant may appeal the decision of the director of public works to the council to review; a denial of the application or any conditions attached to an approval other than those set forth in Section [12.16.080](#). Upon consideration of such appeal, the council may approve, modify, or disapprove the application for encroachment. The council may add, delete or modify the conditions attached to the encroachment permit. The action of the council shall be final.

F. Time Limit for Development. Any encroachment granted pursuant to the provisions of this chapter shall be developed and utilized within a period not to exceed six (6) months from and after the date of the granting of such encroachment, and, if not so developed and utilized, such encroachment automatically shall become null and void at the expiration of such six (6) month period.

G. Extension of Time. The permittee may apply in writing for one extension of time, not to exceed six (6) months, within which to develop and use such encroachment. The director of public works, after due consideration, shall either grant or deny the extension of time for such development and use. (Prior code § 29-41)

#### **12.16.120 Maintenance of encroachment.**

It shall be the responsibility of the adjacent property owner to maintain the encroachment in a condition satisfactory to the city. (Prior code § 29-42)

#### **12.16.130 Nonconformance of encroachment.**

No building permit shall be issued for construction of a new residential dwelling structure or addition thereto,

exceeding four hundred (400) square feet in floor area, or for the remodel of an existing residential dwelling structure valued at more than fifty (50) percent of the replacement cost of the existing structure, until the adjacent city right-of-way is determined to be in accordance with city standards.

Encroachments in existence on May 15, 1996, which do not conform to the standards set forth in Section [12.16.080](#) may remain as they exist as of May 15, 1996, whether or not a valid encroachment permit is obtained from the city as long as the encroachment is not expanded, increased or intensified, until the earlier of either of the following events:

1. The city revokes the encroachment permit or requires removal of the encroachment for any reason, including construction of public improvements, which requires access to the encroachment area;
2. The primary structure on the property benefiting from the encroachment is remodeled or reconstructed at a cost which exceeds fifty (50) percent of the replacement cost of the existing structure.

In either of the above events, the encroachment shall be removed and any replacement encroachment shall be subject to receipt of an encroachment permit and shall conform to the requirements of Section [12.16.080](#). (Ord. 02-1219 §3, 2002, Ord. 96-1161 §9, 1996)

#### **12.16.150 Revocation.**

The director of public works or the council may revoke any encroachment permit for noncompliance with the conditions set forth in granting such encroachment or if it is determined that such permit is not in the public interest. A written notice shall be mailed to the permittee of such revocation. Within ten days of mailing of such notice of revocation to the permittee, a written appeal of such action may be filed. Any such appeal shall be reviewed by the council, and its determination of the matter shall be final.

An encroachment permit shall expire and be of no further force and effect upon the removal of the primary building on the property. (Ord. 02-1219 §4, 2002; prior code § 29-45)

#### **12.16.160 Encroachment violation.**

It is unlawful for any person to construct or maintain, or cause to be constructed or maintained, any encroachment in violation of the provisions of this chapter. (Prior code § 29-46)

#### **12.16.170 Violation--Misdemeanor.**

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be fined in an amount not exceeding five hundred dollars (\$500.00) or be imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such. (Prior code § 29-47)

#### **12.16.180 Violations of encroachment regulations--Additional remedies.**

As an additional remedy, the construction or maintenance of any encroachment in violation of any provision of this chapter shall be deemed, and is declared to be, a public nuisance and may be subject to abatement

summarily by a restraining order or injunction issued by a court of competent jurisdiction. In addition, violations of the provisions of this chapter are subject to the administrative penalty provisions of Chapter 1.10. (Ord. 07-1281, 2007)

**12.16.190 Fees.**

All fees applicable pursuant to this chapter shall be set by resolution of the city council. (Prior code § 29-49)

**Chapter 12.20  
BEACH AND STRAND REGULATIONS Revised 10/16**

Sections:

- [12.20.010 Definitions.](#)
- [12.20.020 Compliance.](#)
- [12.20.030 At own risk.](#)
- [12.20.040 Alcoholic beverages--Violation--Penalty.](#)
- [12.20.050 Animals.](#)
- [12.20.060 Balls on beach and the Strand.](#)
- [12.20.065 Beach volleyball courts.](#) Added 10/16
- [12.20.070 Bathing.](#)
- [12.20.080 Beach equipment.](#)
- [12.20.090 Boating.](#)
- [12.20.100 Changing clothing.](#)
- [12.20.110 Fires.](#)
- [12.20.120 Fireworks.](#)
- [12.20.125 Smoking.](#)
- [12.20.130 Fishing-Safety practices.](#)
- [12.20.140 Flora.](#)
- [12.20.150 Glass or other sharp objects.](#)
- [12.20.160 Glass and rubbish--Deposit in receptacle.](#)
- [12.20.170 Hazardous areas--Designation.](#)
- [12.20.180 Inflated equipment.](#)
- [12.20.190 Lifeguards and police officers.](#)
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- [12.20.224 Designated in-line skating areas.](#) Revised 10/16
- [12.20.230 Wheeled vehicles or devices on strand walkway.](#)
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- [12.20.290 Signals of danger.](#)
- [12.20.300 Solicitation.](#) Revised 10/16
- [12.20.310 Destruction or mutilation of structures.](#)
- [12.20.320 Surfboards, surf mats and paddleboards--Use of.](#)
- [12.20.330 Tents.](#) Revised 10/16
- [12.20.340 Exceptions.](#)

**12.20.350 Obstructing free movement.****12.20.010 Definitions.**

As used in this chapter:

"Alcoholic beverage" means and includes alcohol, spirits, liquor, wine, beer and every liquid or solid containing one-half (1/2) of one (1) percent or more of alcohol by volume and which is fit for beverage purposes either alone or when diluted, mixed or combined with other substances.

"Beach" means that certain strip of land within the city lying between the westerly line of the Strand and the line of ordinary tide of the Pacific Ocean.

"Strand" means that certain strip of land used as a public walkway and lying between the oceanfront lot line and a line twenty-six (26) feet west and parallel with said oceanfront lot line.

"Vessel" means and includes every description of watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water. Vessel includes a raft, but does not include a surfboard, paddleboard or a standard surf mat. (Prior code § 5-1)

**12.20.020 Compliance.**

No person shall enter, be or remain on the beach or Strand unless he complies with all of the regulations set forth in this chapter and with all other applicable rules and regulations. (Prior code § 5-2)

**12.20.030 At own risk.**

A person exercising any of the privileges authorized by this chapter does so at his own risk without liability on the part of this city for any injury to person or property resulting therefrom. (Prior code § 5-3)

**12.20.040 Alcoholic beverages--Violation--Penalty.**

A. No person shall consume or drink any alcoholic beverage while on the beach or the Strand.

B. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on the beach or the Strand.

C. Violation Defined--Penalties. Any person violating any provisions of this section shall be deemed guilty of an infraction, except that a violation of subsection (A) of this section that occurs within the boundaries of and during the effective dates and times of the holiday safety enhancement zone shall be a misdemeanor pursuant to Section 1.04.060. (Ord. 14-1348 §9, 2014: prior code § 5-4)

**12.20.050 Animals.**

No person shall bring or maintain, under any circumstances or conditions, any dog, cat, domesticated animal or other animal or reptile of any kind on or upon the beach, or ride or lead a horse, mule, burro or donkey or other similar animal onto the beach or the Strand, or along the waters of the Pacific Ocean, and a violation of this section shall be an infraction. (Prior code § 5-5)

**12.20.060 Balls on beach and the Strand.**

A. No person shall cast, bat, toss, throw, kick or roll any ball, tube, boomerang, flying saucer or any similar object, or use any volleyball or other athletic equipment, or conduct or participate in any sport or game at any place upon or over the beach or the Strand outside of an area provided therefor.

Exception: This prohibition shall not apply to any activity which is part of a supervised sports event or recreational activity of the city, nor to any activity expressly approved by the park and recreation commission or the city council.

B. No person shall conduct or participate in any sand throwing, blanket throwing, or any sport that constitutes a hazard to any person on the beach or Strand.

C. No sport or throwing of missiles of any kind shall be permitted on the Strand walkway.

D. A violation of any provision of this section shall be an infraction. (Prior code § 5-6)

**12.20.065 Beach volleyball courts. Added 10/16**

A. The volleyball courts directly adjacent to the pier, between 10th Street and 15th Street, referred to as the commercial zone, may be reserved by the city for special events or city contracted classes.

B. All volleyball courts south of 10th Street and north of 15th Street are for general community use, may not be reserved, and will operate on a challenge basis. All persons using the volleyball courts shall comply with Section 8.24.030.

C. Any commercial group as defined in Section [12.30.040](#), nonprofit organization, or fitness instruction for compensation, shall obtain the proper special event, contract class, or outdoor fitness instruction permits and are limited to use of the volleyball courts or other facilities on the beach between 10th Street and 15th Street. (Ord. 16-1370 §1, 2016)

**12.20.070 Bathing.**

No person shall swim, bathe or immerse himself in the waters of the Pacific Ocean adjacent to the beach more than two hundred (200) yards from shore, except:

A. A person who is the owner of a vessel, or who acts at the request of such owner while engaged in servicing or repairing such vessel, and then only in the immediate area of such vessel;

B. A person engaged in the sport commonly known as aquaplaning, water skiing, or any derivation thereof, provided that such person is at all times wearing a safety belt as approved by the director of the Los Angeles County department of beaches;

C. A skin diver equipped with swim fins and a face plate if at all times he maintains within fifty (50) yards of himself a boat or a surf mat, paddleboard or surfboard upon which there is a rectangular flag twelve (12) by fifteen (15) inches, orange-red in color with a white diagonal stripe three (3) inches wide running from one

corner to the diagonally opposite corner. The flag shall be flown high enough so as not to touch the water;

D. No person shall swim, skin dive, or use self-contained underwater breathing apparatus in the waters of the Pacific Ocean within one hundred (100) feet of this city's municipal pier.

The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement. A violation of this section shall be an infraction. (Prior code § 5-7)

#### **12.20.080 Beach equipment.**

A. No person shall write upon, cut, mark, stain or otherwise deface, damage or move, remove, use or otherwise interfere with or commit other act or acts of vandalism on any of the umbrellas, backrests, blankets, pillows, robes, rugs or other beach equipment while same is upon the beach or on private property of any person whatsoever.

B. All beach equipment shall be removed from the beach during the nighttime.

C. A violation of this section shall be an infraction. (Prior code § 5-8)

#### **12.20.090 Boating.**

A. No person shall operate any vessel within three hundred (300) yards of the shoreline of the beach except when necessary in taking it to or from its lawful mooring place or when necessary in the case of emergency. The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement.

B. No person shall launch any motorized vessel from the beach.

C. A violation of this section shall be an infraction. (Prior code § 5-9)

#### **12.20.100 Changing clothing.**

A. No person shall change clothes for any reason in any washroom or toilet on any part of the beach.

B. No person shall use or permit to be used any vehicle or portion thereof at any place within the city as a room or space for changing clothes before or after bathing in the ocean, or for any other reason.

C. A violation of this section shall be an infraction. (Prior code § 5-10)

#### **12.20.110 Fires.**

No person shall build, light or maintain any fire upon any portion of the beach or strand at any time. (Prior code § 5-12)

#### **12.20.120 Fireworks.**

A. No person shall take or transport onto the beach or strand, or have in his possession thereon, or fire or discharge thereon, any firecracker, rocket or torpedo.

B. The use of safe and sane fireworks on the beach shall be deemed a violation of this regulation, and a violation of this subsection shall be an infraction. (Prior code § 5-13)

**12.20.125 Smoking.**

No person shall smoke on the beach. "Smoking" is as defined in Section 8.40.010. A violation of this section shall be an infraction. (Ord. 06-1267 §2, June 2006)

**12.20.130 Fishing--Safety practices.**

A. Every person carrying or using any fishing tackle, line, hook or other equipment on the beach or strand, or from or in the surf or on the waters of the Pacific Ocean within the city, shall at all times have due regard for the safety of other persons near or in the vicinity of such person.

B. No person shall fail or refuse to obey any reasonable command, order, instruction or direction of any lifeguards or police officers given in connection with or with reference to any such fishing and the related use of fishing tackles, lines, hooks or other equipment, or fail to remove same from the beach or strand or the surf or waters of the Pacific Ocean adjacent to the beach when requested to do so by any of such lifeguards or police officers.

C. A violation of this section shall be an infraction. (Prior code § 5-14)

**12.20.140 Flora.**

No person shall dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower, or any portion thereof anywhere on the beach or strand. A violation of this section shall be an infraction. (Prior code § 5-15)

**12.20.150 Glass or other sharp objects.**

No person shall place, throw, leave, keep or maintain any bottle, glass, crockery, sharp or pointed articles or thing in such a manner that any person on the beach or strand is or may be cut, pricked, or in any way injured thereby. A violation of this section shall be an infraction. (Prior code § 5-16)

**12.20.160 Glass and rubbish--Deposit in receptacle.**

A. No person shall throw, place or dispose of, any refuse, garbage, rubbish, trash, bottle, can or paper upon the beach or strand other than into a container authorized by this city and located thereon for that purpose.

B. No parent or guardian having the care, custody or control of any minor under the age of eighteen (18) shall permit or allow said minor to throw, place or dispose of any refuse, garbage, rubbish, trash, bottle, can or paper upon the beach or strand other than into a container authorized by this city and located thereon or therein for that purpose.

C. No person shall place any garbage or rubbish accumulating on any private premises in any public garbage or rubbish container or receptacle placed upon the beach or strand which has been furnished for the use of the general public. (Prior code § 5-17)

**12.20.170 Hazardous areas--Designation.**

Whenever any lifeguard finds that because of extra high surf, riptide or other hazardous conditions, it is unsafe for the average person to swim or bathe within a certain area of the waters of the Pacific Ocean adjacent to the beach, during the time such hazardous conditions exist such lifeguard may instruct all persons not to swim or bathe in such area. Every person shall comply with such instructions. (Prior code § 5-18)

**12.20.180 Inflated equipment.**

No person shall use in the Pacific Ocean adjacent to the beach any inflated equipment of any kind except a standards surf mat which is:

- A. Constructed of a durable material with a nonslippery surface; and
- B. So constructed that, when inflated for use, it will not fold in any direction; and
- C. Not smaller than twenty-four (24) inches by forty (40) inches; and
- D. Not larger than thirty (30) inches by sixty (60) inches; and
- E. Equipped with a safety rope. (Prior code § 5-19)

**12.20.190 Lifeguards and police officers.**

No person shall fail or refuse to obey any reasonable command, order, instruction or direction of any lifeguard or police officer given in connection with or with reference to the use, operation, manipulation or handling of any boat, surfboard, paddleboard or other surf or wave riding equipment or device, or fail or refuse to remove the same from the surf or waters of the Pacific Ocean adjacent to the beach when requested to do so by any of such lifeguards or police officers. (Prior code § 5-21)

**12.20.200 Lifesaving apparatus.**

No person shall unwind or remove or in any way tamper with a buoy or lifeline, or rope, reels or other paraphernalia connected with the lifesaving apparatus on any portion of the beach or strand or any lifeguard station or tower or similar facility except to use the same for the purpose for which they are intended, and only for the purpose of attempting to rescue or save any person in actual or apparent danger. (Prior code § 5-22)

**12.20.210 Loitering.**

No person shall loiter on any portion of the beach or Strand at any time during the hours of 12:00 midnight and 6:00 a.m. of the following day. (Prior code § 5-23)

**12.20.220 Motorized bicycles and motor vehicles.**

No pedal-powered motorized bicycle, or motorized vehicle of any kind other than those used for the purpose of protecting life or property, shall be ridden, pedaled, walked, carried onto or otherwise enter any portion or the Strand walkway or beach at any time. A violation of this section shall be an infraction. (Prior code § 5-24)

**12.20.224 Designated in-line skating areas. Revised 10/16**

The following areas are designated recreational areas in which in-line skating is permitted:

A. The Strand.

B. The bike path between 24th Street and the northern city limit. (Ord. 16-1370 §2, 2016; Ord. 98-1183, 1998)

**12.20.230 Wheeled vehicles or devices on strand walkway.**

A. Prohibited. It is unlawful for any person to ride or operate any wagon, box on wheels, or any other method of riding or locomotion on wheels, including use of an electric personal assistive mobility device ("EPAMD") (as defined by Vehicle Code Section 313) on any portion of the Strand walkway and the Pier Plaza, except for the following:

1. Roller skates;

2. Skateboards;

3. Pedal-powered, nonmotorized bicycles or tricycles with a width of not more than thirty-six (36) inches used for recreational purposes;

4. Conveyances, including EPAMDs, by any person, who by reason of physical disability, is unable to move about as a pedestrian and is in possession of a distinguishing disabled parking placard issued pursuant to the California Vehicle Code; and

5. EPAMDs operated by federal, state or local government personnel in the performance of official duties. (Ord. 04-1236 §3, February 2004)

B. Required to Yield Right-of-Way to Pedestrians. Under all circumstances, the rider or operator of a wheeled vehicle or device, including bicycles, skateboards and roller skates, on the Strand walkway shall yield the right-of-way to pedestrians, and due and proper care shall at all times be exercised by the rider or operator for the pedestrians.

C. Group Riding. When more than two persons in a group are riding or operating wheeled vehicles or devices, including bicycles, skateboards and roller skates, on the Strand walkway, no more than two shall ride side by side.

D. Racing--Trick riding. It is unlawful for any person riding or operating any wheeled vehicle or device to race any other such vehicle or device or person along the Strand walkway, or to indulge in any kind of trick or unsafe riding or operating.

E. Dangerous Speed--Penalty. It shall be deemed reckless and dangerous if any person rides or operates any wheeled vehicle or device permitted on the Strand walkway, including bicycles, skateboards and roller skates, in excess of ten miles per hour, at an unsafe speed under existing conditions, or operates such vehicle or device permitted on the Strand walkway in such a reckless, wanton or careless manner as to constitute unsafe riding or operating, and any person so operating or riding said vehicle or device shall be guilty of an infraction of the law as set forth in Sections 19c and 19d of the Penal Code of the state of California.

F. Designated Walk Zones. The city council by a majority vote, may designate certain areas of the Strand walkway as hazardous for bicycling and skateboarding, based on appropriate studies and/or staff recommendations, and may designate those areas as walk zones by amendment to this subsection and ordering the placement of appropriate signs, barricades, markings, flashing lights, delineations or devices signifying "Walk Zone Ahead" at least fifty (50) feet prior to the designated zone; and the placement of appropriate regulatory signs at the beginning of the walk zone such as, "Walk Bikes and Skateboards when Flashing." The end of the walk zone shall be designated by signs indicating "resume riding beyond this point." It is unlawful to ride a bicycle or skateboard when the following designated walk zone is in effect:

The Strand walkway between the centerline of 10th Street and 15th Street.

G. Parking. No person operating any wheeled vehicle or device on the Strand walkway shall park said vehicle or device in front of any entrance to the public beach or to public or private property, or in any way hinder, delay or obstruct the movement of pedestrians or emergency vehicles or other wheeled vehicles or devices upon the surface of said walkway.

H. Applicability of Traffic Regulations. Every person riding a bicycle on the Strand walkway shall be granted all the rights and be subject to all of the duties applicable to the driver of a vehicle by Title 10, except those provisions which by their very nature can have no application to such persons.

I. Violation. Violation of any provision of this section shall be an infraction. (Prior code § 5-24.5)

#### **12.20.240 Overnight camping.**

No person shall camp on or use for overnight sleeping purposes any portion of the beach or strand, or bring a house trailer or similar vehicle onto the beach or strand, and a violation of this section shall be an infraction. (Prior code § 5-25)

#### **12.20.250 Pollution of water.**

A. Oil Pollution. No person shall deposit, throw, divert or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted or in any manner disposed of within the city, any petroleum, refined petroleum, engine oil or any oily by-product thereof, or any tar or any product containing tar, or any oily substance into or upon the waters of the Pacific Ocean, or into or upon the waters of any lagoon, bay, inlet or tributary thereof; or shall deposit, throw, place, divert or in any manner dispose of, or cause or permit to be deposited, thrown, placed, diverted or in any manner disposed of, any crude petroleum, refined petroleum or any oily substance upon any beach, tideland, or submerged land or any portion thereof, within the city.

B. Indirect Oil Pollution. No person shall deposit, place, throw, divert, keep, maintain or in any manner dispose of, or cause or permit to be deposited, placed, thrown, diverted, kept, maintained or in any manner disposed of, any crude petroleum, refined petroleum, engine oil or any oily by-product thereof or any tar or any product containing tar, or any oily substance into, along or upon any land, premises or place within the city in such manner that the same, or any portion thereof, may run or be transferred or carried to, or be in any manner deposited upon or conveyed to any beach, tideland or submerged land, or any portion thereof, or into

or upon the waters of the Pacific Ocean, or into or upon the waters of any lagoon, bay, inlet or tributary thereof.

C. Discharge of Bilge Water Containing Petroleum Products. No person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship or barge used, or having been used, for the transportation in bulk of crude petroleum, refined petroleum, engine oil or any oily by-product thereof other than gasoline, distillate, tops or other similar volatile product, shall discharge, or cause or permit to be discharged, from such boat, vessel, ship or barge any ballast water, bilge water or waste water containing, or contaminated with, any such crude petroleum, refined petroleum, engine oil or oily by-product within the city unless such ballast water, bilge water or waste water is discharged into suitable and adequate settling basins, tanks or other receptacles.

No person owning, managing, controlling, operating, navigating or otherwise handling any boat, vessel, ship or barge using fuel oil for the generation of power, shall discharge, or cause or permit to be discharged, from such boat, vessel, ship or barge any bilge water or waste water containing, or contaminated with, any such fuel oil within the city, unless the same is discharged into suitable and adequate settling basins, tanks or other receptacles.

The provisions of this section, however, shall not be deemed nor construed to require any such ballast water, bilge water or waste water to be discharged into any such settling basin, tank or other receptacle if such ballast water, or waste water, before the discharging thereof, shall have been passed through, or treated by, some adequate oil separating device or process and such crude petroleum, refined petroleum, engine oil, oily by-product or fuel oil be separated or removed therefrom.

D. Other Pollution. No person shall deposit, throw, place or in any manner dispose of any dead animal or portion thereof, or any vegetable matter or animal matter, or any offal, night soil, manure, rubbish, trash, garbage or any decaying or putrid matter, material or substance, or any matter, material or substance which is or might become injurious to health or which is or might become a nuisance or offensive to the senses of any persons coming into proximity thereto, into the waters of the Pacific Ocean, or into the waters of any lagoon, bay, inlet or tributary thereof; or in, upon or along any beach, tideland or submerged land, or any portion thereof within the city, or to keep or maintain or cause or permit to be kept or maintained upon the premises or in or at any place in the city any article, substance or thing hereinabove in this section enumerated, in such a manner that any such article, substance or thing, or any portion thereof, may be transferred or carried to, or be in any manner deposited upon or conveyed to any beach, tideland, or submerged land, or any portions thereof, or into or upon the waters of the Pacific Ocean or into or upon the waters of any lagoon, inlet or tributary thereof. (Prior code § 5-26)

#### **12.20.260 Safety practices.**

A. Every person engaged in the operation, manipulation or handling of boats, surfboards and other surf and wave riding devices or equipment in and upon the beach or in or upon the waters of the Pacific Ocean adjacent to the same shall at all times have due regard for the safety of other persons in the vicinity.

B. It shall be the duty of lifeguards and police officers patrolling the beach and strand and safeguarding the lives and property upon the same to observe the manner in which all boating, fishing and wave riding devices and equipment are being handled and to issue such orders and commands, directions and instructions in connection with or with reference to the aforementioned activities as may be necessary to safeguard lives and persons or property near or in the vicinity of such persons so engaged. (Prior code § 5-27)

**12.20.270 Removal of sand.**

No person shall remove any sand or gravel from any part of the beach, and a violation of this section shall be an infraction. (Prior code § 5-28)

**12.20.280 Shooting.**

No person shall discharge or shoot any firearms, air gun, slingshot, or bow and arrow anywhere on the beach or strand. (Prior code § 5-29)

**12.20.290 Signals of danger.**

No person shall give or transmit a signal or cause or permit to be transmitted or given signals in any manner, which signal calls attention to a person drowning or in danger, if it appears that there is no reasonable cause for such signal or if such signal is given jokingly or for no other reason than to excite alarm. A violation of this section shall be an infraction. (Prior code § 5-30)

**12.20.300 Solicitation. Revised 10/16**

A. Except as provided in subsection (D) of this section, no person shall solicit, peddle, offer for sale or conduct or consummate the sale of any commodity, merchandise, wares, product or service on the beach or the Strand.

B. Except as provided in subsection (D) of this section, no person shall sell or offer for sale any foods, refreshments or beverages on the beach or the Strand.

C. No person shall distribute any handbills, advertising matter or literature on the beach or the Strand unless such material is personally delivered to persons who indicate a willingness to accept the same in hand.

D. The prohibitions contained in this section shall not apply to the sale of food, nonalcoholic beverages, or branded merchandise from an event producer on the beach allowed pursuant to a special event permit issued pursuant to Chapter [12.30](#) in connection with events located on the beach and as to which the city council determines that food and beverage sales are necessary and convenient to accommodate persons in attendance. (Ord. 16-1370 §3, 2016; Ord. 05-1249 § 1, 5/2005; Ord. 96-1151 §4, 1996; prior code § 5-31)

**12.20.310 Destruction or mutilation of structures.**

No person, other than a duly authorized person in the performance of his duties, shall:

A. Cut, break, injure, deface or disturb any building, monument, sign, fence, bench, structure, apparatus, equipment, or property on the beach or strand; or

B. Mark or place thereon or over any portion thereof any mark, writing or printing, or attach thereto any sign, card, display or similar device; or

C. Break, destroy or otherwise tamper with any electric light poles, globes, lights or other material or apparatus belonging to, or connected with, the electric lighting system of this city.

A violation of any provision of this section shall be an infraction. (Prior code § 5-32)

**12.20.320 Surfboards, surf mats and paddleboards--Use of.**

A. A person may surf not more than fifty (50) yards beyond the farthest breaking wave when such farthest breaking wave is more than one hundred fifty (150) yards from shore.

B. No person shall use, possess or operate in the waters of the Pacific Ocean adjacent to the beach any object commonly known as a surfboard, paddleboard or other similar device (but not including surf mats and belly boards) at such times when said waters are restricted for swimming and bathing only.

Such restriction shall be effective when a yellow flag having dimensions of not less than two (2) feet by two (2) feet and having a solid black circle in the center (commonly known as a "blackball flag") is prominently displayed from a lifeguard tower, lifeguard station, pier or similar structure. At such times as the blackball flag is displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean adjacent to the beach within two hundred (200) yards of the point of display of said blackball flag; provided, however, that where said blackball flag is displayed from consecutive operational lifeguard towers, lifeguard stations and similar structures then all waters of the Pacific Ocean adjacent to said beach shall be restricted to swimming and bathing only.

Such restrictions shall also be indicated by pairs of red flags put in place by lifeguards. At such times as said red flags are displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean adjacent to those areas of the beach lying between a given pair of such red flags.

C. No person shall use, possess or operate in the waters of the Pacific Ocean adjacent to the beach any object commonly known as a surf mat, paddleboard, belly board, surf-board or similar device except within two hundred (200) yards from shore or seventy-five (75) yards seaward of the point at which the average wave is breaking, whichever distance is greater, or when used by a skin diver to hold flag required by Section [12.20.070\(C\)](#).

D. No person shall bring or permit or allow in the waters of the Pacific Ocean adjacent to the beach any object commonly known as, or used as, a paddleboard or surfboard, within one hundred (100) feet of any person in the waters thereof who is not at that time using or possessing a similar object.

E. No person shall operate or otherwise use a surfboard in the waters of the Pacific Ocean within one hundred (100) feet of this city's municipal pier.

F. A person in violation of the restrictions set forth in this section shall not fail, refuse or neglect to leave the

waters of the Pacific Ocean adjacent to the beach when such restrictions are in force.

G. The distance from shore as specified above shall mean the distance measured at right angles to the tangent of the actual line between the water and the unsubmerged beach as it exists at the time of measurement. (Prior code § 5-33)

#### **12.20.330 Tents. Revised 10/16**

Except as may be permitted under a special event permit issued pursuant to Chapter [12.30](#), no person shall erect, maintain, use or occupy on the beach during the daylight hours any tent or other temporary covering or shelter unless such tent or other temporary covering or shelter shall have two (2) sides thereof entirely open, and unless there shall be an unobstructed view into such tent or other temporary covering or shelter from the outside thereof on at least two (2) sides thereof. A violation of this section shall be an infraction. (Ord. 16-1370 §4, 2016: prior code § 5-34)

#### **12.20.340 Exceptions.**

The provisions of this chapter are not applicable to acts performed:

- A. In an emergency, for the purpose of protecting life or property;
- B. By employees of the city or of the county of Los Angeles or other public body maintaining the beach, for the purpose of performing their duties;
- C. For the purpose of giving instruction, training or exhibitions, when specific permission to give such has been obtained from the city council or the park and recreation commission. (Prior code § 5-35)

#### **12.20.350 Obstructing free movement.**

No person shall stand, sit, lie or congregate on the Strand in such manner as to interfere with or impede the free flow of travel along the Strand. (Ord. 00-1209 §6, 2000)

## Chapter 12.24 MUNICIPAL PIER

Sections:

- [\*\*12.24.010 Changing clothing in washrooms or toilets on municipal pier.\*\*](#)
- [\*\*12.24.020 Permit to sell goods.\*\*](#)
- [\*\*12.24.030 Throwing bait or litter on pier.\*\*](#)
- [\*\*12.24.040 Casting of lines from pier.\*\*](#)
- [\*\*12.24.050 Writing on or cutting on pier.\*\*](#)
- [\*\*12.24.060 Diving off pier--Exception as to lifeguards.\*\*](#)
- [\*\*12.24.070 Skates, skateboards, bicycles and scooters prohibited on pier.\*\*](#)
- [\*\*12.24.080 Dogs, cats or other animals, on or off leash, prohibited on pier.\*\*](#)
- [\*\*12.24.090 Consumption of alcoholic beverages prohibited on pier.\*\*](#)
- [\*\*12.24.100 Swimming and surfing near pier prohibited.\*\*](#)
- [\*\*12.24.110 Trespassing on restricted portion of pier.\*\*](#)
- [\*\*12.24.120 Regulations for fish stalls on pier.\*\*](#)

### **12.24.010 Changing clothing in washrooms or toilets on municipal pier.**

It is unlawful for any person either to dress or undress in the washroom or toilets on the municipal pier or to change from clothing into bathing suits in such washrooms or toilets thereon, and a violation of this section shall be an infraction. (Prior code § 5-36)

### **12.24.020 Permit to sell goods.**

It is unlawful for any person to solicit any custom or trade, or peddle or sell tickets, goods, wares or merchandise upon any part of the municipal pier without first obtaining a permit and license from the city council to do so, which permit or license shall designate the kind of goods, wares or merchandise permitted to be sold thereunder, and exclude the right or privilege to sell on the pier any goods, wares or merchandise not named in the license or permit. A violation of this section shall be an infraction. (Prior code § 5-37)

### **12.24.030 Throwing bait or litter on pier.**

It is unlawful for any person to leave any fish, clam shells or other fish bait, or the remnants from cleaning any fish or any other debris upon the municipal pier, and every person bringing the same, or any luncheon, papers or fish bait upon the pier, shall keep the same in a receptacle or package and when leaving the pier shall remove the same from the pier and leave thereon no litter or debris of any kind. A violation of this section shall be an infraction. (Prior code § 5-38)

### **12.24.040 Casting of lines from pier.**

It is unlawful for any person on the municipal pier to cast a line with any weight, and/or hook, and/or bait attached thereto by swinging same above the railing on the pier or by swinging or casting the line overhead or sidearmed from a pole or from the hands; and it is unlawful for any person fishing from the pier to fish by means of more than two (2) fishing lines in use by him on the pier at the same time. A violation of this section shall be an infraction. (Prior code § 5-39)

**12.24.050 Writing on or cutting on pier.**

It is unlawful for any person to write, cut, mark, stain or otherwise deface any portion of the municipal pier, or any building or attachment thereon. A violation of this section shall be an infraction. (Prior code § 5-40)

**12.24.060 Diving off pier--Exception as to lifeguards.**

It is unlawful for any person or persons to either dive or jump from the pier or to push, shove or cause any person to fall, dive or jump from the pier; or to climb or be on the outside of the railing of the pier except members of the lifeguard service of a governmental agency or such other person as may be delegated by the lifeguard service, or any of its personnel, to assist them in rescuing or saving lives, or in the regular drills and training therefor under the supervision of the lifeguard service; and except for authorized persons in the maintenance and repair or construction of the pier or parts thereof; and except for such aquatic events or activities as are approved and authorized by the city. A violation of this section shall be an infraction. (Prior code § 5-41)

**12.24.070 Skates, skateboards, bicycles and scooters prohibited on pier.**

It is unlawful for any person to ride or drive any automobile, horse or other vehicle or animal on the pier unless authorized to do so by the city manager or his authorized representative and a permit obtained therefor; or to ride and/or park any skates, skateboard, bicycle, scooter or similar conveyance on the pier. A violation of this section shall be an infraction. (Prior code § 5-42)

**12.24.080 Dogs, cats or other animals, on or off leash, prohibited on pier.**

It is unlawful for the owner, or any other person having custody of, any dog, cat or other animal to permit the same to be on the pier, whether said animal is on leash or not, or whether in the custody of any person or not, and a violation of this section shall be an infraction. (Prior code § 5-43)

**12.24.090 Consumption of alcoholic beverages prohibited on pier.**

A. It is unlawful for any person to consume or drink any alcoholic beverage while on any part of the municipal pier.

B. No person who has in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, shall enter, be, or remain on any part of the municipal pier.

C. Any person violating any provisions of this section shall be deemed guilty of an infraction, except that a violation of subsection (A) of this section that occurs within the boundaries of and during the effective dates and times of the holiday safety enhancement zone shall be a misdemeanor pursuant to Section 1.04.060.

(Ord. 14-1348 §10, 2014: prior code § 5-44)

**12.24.100 Swimming and surfing near pier prohibited.**

It is unlawful to swim, operate or otherwise use a surfboard, skin dive, or use self-contained underwater breathing apparatus within an area described as one hundred (100) feet of either side of the pier, except for purposes otherwise authorized by this chapter. A violation of this section shall be an infraction. (Prior code §

5-45)

**12.24.110 Trespassing on restricted portion of pier.**

It is unlawful for any person to trespass or enter upon that portion of the municipal pier restricted against public use by any order of the city council, or to attempt to climb over any fence or barricade separating such restricted portion of the pier from the part thereof to which the public is admitted. A violation of this section shall be an infraction. (Prior code § 5-46)

**12.24.120 Regulations for fish stalls on pier.**

It is unlawful on the municipal pier for any person:

- A. To maintain or operate more than one (1) fish stall for fresh fish or one (1) fish stall for smoked and cured fish;
- B. To place or cast dead fish or parts thereof, garbage or any other refuse in the Pacific Ocean, or on its beach, unless it be placed or cast therein or thereon under supervision of the police department of the city;
- C. To keep or place any refuse, fish heads or garbage on such pier, excepting in clean and sanitary garbage cans provided with suitable covers;
- D. To use bait set lines or fish hooks which are to be used for commercial purposes;
- E. To use loud or boisterous language thereon for the solicitation of business or any other reason;
- F. To keep or store any boat thereon for a period of more than four (4) hours in any one (1) day or use the pier for the repair of boats excepting minor repairs;
- G. To sell other than fish for smoking purposes;
- H. To maintain their business, stall or other appliances appurtenant thereto, in an unclean or unsanitary condition;
- I. To keep tender boats on the pier, providing however, that one (1) tender boat and no more may be kept thereon;
- J. To maintain or operate a fish stall until the plans and equipment thereof shall have been approved by the local health officer.
- K. A violation of any provision of this section shall be an infraction. (Prior code § 5-47)

**Chapter 12.28  
PARKS, PLAYGROUNDS AND OTHER PUBLIC AREAS Revised 10/16**

Sections:

- [\*\*12.28.010 Park regulations generally.\*\*](#) Revised 10/16
- [\*\*12.28.020 Obstructing pathways in parks.\*\*](#) Revised 10/16
- [\*\*12.28.030 Permit requirement for outdoor fitness classes in city parks and on the beach.\*\*](#) Revised 10/16
- [\*\*12.28.040 Damaging trees and buildings.\*\*](#) Revised 10/16
- [\*\*12.28.050 Park reservations.\*\*](#) Revised 10/16
- [\*\*12.28.070 Rules and regulations.\*\*](#) Revised 10/16
- [\*\*12.28.080 Fees and charges.\*\*](#) Revised 10/16
- [\*\*12.28.090 Designated in-line skating areas.\*\*](#) Revised 10/16
- [\*\*12.28.100 Requirements for the use of publicly owned or publicly operated skateboard facilities.\*\*](#) Revised 10/16
- [\*\*12.28.110 Violation--Infractions.\*\*](#) Revised 10/16

**12.28.010 Park regulations generally. Revised 10/16**

Within the limits of any public park or playground, no person shall:

- A. Lead or let loose any cattle, horse, mule, goat, sheep, swine, dog or fowl of any kind; provided, that in this subsection shall not apply to dogs when led by a cord or chain, not more than six (6) feet long;
- B. Carry or discharge any firearms, firecrackers, rockets, torpedoes or any other fireworks, or air gun or slingshot;
- C. Cut, break, injure, deface or disturb any tree, shrub, plant, rock, building, cage, pen, monument, fence, bench or other structure, apparatus or property, or pluck, pull up, cut, take or remove any shrub, bush, plant or flower or mark or write upon any building, monument, fence, bench or other structure;
- D. Cut or remove any wood, turf, grass, soil, rock, sand or gravel;
- E. Distribute any handbills or circulars, or post, place or erect any bills, notice, paper or advertising device or matter of any kind; provided, however, the same may be personally delivered to persons who are willing to accept the same in hand;
- F. Swim, bathe, wade in, or pollute the water of any fountain, pond or stream;
- G. Make or kindle a fire except in picnic stoves provided for that purpose;
- H. Camp or lodge, except in municipal automobile camps designated as such by the city manager;
- I. Ride or drive any horse or other animal, or propel any vehicle, cycle or automobile elsewhere than on the roads or drives provided for such purpose;

- J. Sell or offer for sale any merchandise, article or thing, whatsoever, without the written consent of the city manager;
- K. Hitch, or fasten any horse, or other animal, except at a place especially designated and provided for such purpose;
- L. Ride or drive at a rate of speed exceeding fifteen (15) miles per hour, except upon the roads especially provided and set apart by the city manager for faster driving;
- M. Ride or drive any horse or animal not well broken and under perfect control of the driver;
- N. Practice, carry on, conduct or solicit for any trade, occupation, business or profession or circulate any petition of whatsoever kind or character without the permission of the city manager;
- O. Drive, or have any dray, truck, wagon, cart or other traffic vehicle carrying goods or regularly used or employed in carrying goods, merchandise, lumber, machinery, oil, manure, dirt, sand or soil or any article of trade or commerce, or any offensive article or material whatsoever, upon any road or drive except such as may be especially provided or designated for such use;
- P. Play, or engage in any game, excepting at such place as shall be especially set apart for that purpose;
- Q. Remain, stay or loiter, in any public park between the hours of 10:30 p.m. and 5:00 a.m. of the following day;
- R. Drive any truck, dray, wagon, cart or other traffic vehicle of more than one (1) ton capacity, carrying or regularly used or employed in carrying goods, wares, merchandise, lumber, machinery, oil, manure, dirt, sand, soil or any article of dirt or commerce along or upon any road or drive in any park or playground without first securing a permit to do so from the superintendent of streets;
- S. Deposit any paper, fruit, rubbish, debris or any waste material of any kind, except in such receptacles as may be located in such park thereof;
- T. Within the limits of any public park or playground, no person shall putt, pitch, chip or drive any golf ball, or any practice ball in any park or take part in the playing of any games or activities which involve hazardous or dangerous, thrown or otherwise propelled objects such as arrows, javelins or darts;
- U. Lead or let loose any dog on or off leash in Sea View (19th and Prospect) and Fort Lots-o-Fun (6th and Prospect) parks;
- V. Lead or let loose any dog on or off leash on active school grounds. (Ord. 16-1370 §5(B) (part), 2016; Ord. 96-1151 §3, 1996; Ord. 94-1110 §1, 1994; Ord. 93-1090 §1, 1993; prior code § 22-3. Formerly 12.28.030)

#### **12.28.020 Obstructing pathways in parks. Revised 10/16**

No persons shall assemble, collect or gather together in any walk, driveway, passageway or pathway in any

park or in other places set apart for the travel of persons or vehicles in or through any park or occupy the same so that the free passage or use thereof by persons or vehicles passing along the same shall be obstructed in any manner. (Ord. 16-1370 §5(B) (part), 2016; prior code § 22-2)

**12.28.030 Permit requirement for outdoor fitness classes in city parks and on the beach. Revised 10/16**

No person shall for compensation conduct physical fitness, sports, or athletic instruction or classes of any kind in a city park or on the beach without an outdoor fitness instruction permit or a contract class agreement. The community resources department is authorized to establish and promulgate regulations governing the process for grounds for approval or denial of and conditions to be imposed on issuance of outdoor fitness instruction permits, including the size and duration of classes and the specific locations and times of day for which permits will be issued for outdoor fitness and athletic instruction in city parks and on the beach. Permittees will be required to provide such insurance and indemnification of the city as are required by the regulations. The application and permit issuance fees for an outdoor fitness instruction permit may be established by resolution of the city council. (Ord. 16-1370 §5(B) (part), 2016; Ord. 13-1343 §1, 2013; prior code § 22-3.5. Formerly 12.28.040)

**12.28.040 Damaging trees and buildings. Revised 10/16**

No person shall:

- A. Cut, break, deface, mark or write upon, or in any manner injure or damage any public building, stadium, bleachers, grandstands, toilet and sanitary facilities, street tunnel, lighting standards or any fixtures, furniture or appurtenances attached thereto;
- B. Cut, break, deface or disturb any tree, shrub, plant, fence, bench or other structure, apparatus or property, or pluck, pull up, take or remove any shrub, bush, plant or flower within any parkway or other public area not designated as a public park;
- C. Tamper with, take, remove or carry away any machinery, equipment, motor vehicle, apparatus, furniture, or fixture of any kind from any public building, playground, park, yard, stadium, pier, strand or other area without permission from the custodian in charge of such buildings or premises. (Ord. 16-1370 §5(B) (part), 2016; prior code § 22-4. Formerly 12.28.050)

**12.28.050 Park reservations. Revised 10/16**

Park reservations shall be available year round to accommodate Hermosa Beach residents for informal or neighborhood gatherings. Reservations are optional and there shall be no charge except when the city incurs direct costs on behalf of the event. Reservations shall be submitted to the community resources department and can be made for the following parks only:

- A. Valley Park: Corner of Gould and Valley Drive;
- B. Bicentennial Park: 4th and Ardmore;
- C. Greenwood Park: PCH and Aviation;

D. South Park: 425 Valley Drive;

E. Clark Field: 861 Valley Drive;

F. Edith Rodaway Park: Prospect and Hollowell Avenue. (Ord. 16-1370 §5(B) (part), (C), 2016; Ord. 96-1155 §24, 1996; prior code § 22-5.4. Formerly 12.28.100)

#### **12.28.070 Rules and regulations. Revised 10/16**

Rules and regulations shall be established for the administration of this policy. Said rules and regulations may be amended for each event to address public safety concerns. All pertinent city ordinances shall be enforced. (Ord. 16-1370 §5(B) (part), 2016; prior code § 22-5.10. Formerly 12.28.160)

#### **12.28.080 Fees and charges. Revised 10/16**

All fees and charges may be changed by resolution of the city council. (Ord. 16-1370 §5(B) (part), 2016; prior code § 22-5.11. Formerly 12.28.170)

#### **12.28.090 Designated in-line skating areas. Revised 10/16**

The following areas are designated recreational areas in which in-line skating is permitted: any publicly owned or publicly operated skateboard facility, unless otherwise specifically excluded from this designation by resolution of the city council. (Ord. 16-1370 §5(B) (part), (D), 2016; Ord. 98-1183 §2, 1999. Formerly 12.28.044)

#### **12.28.100 Requirements for the use of publicly owned or publicly operated skateboard facilities.**

##### **Revised 10/16**

Every person riding a skateboard or in-line skating at a publicly owned or publicly operated facility that is designed and maintained for the purpose of recreational skateboard use must wear a helmet, elbow pads, and knee pads. (Ord. 16-1370 §5(B) (part), 2016; Ord. 98-1183 §3, 1998. Formerly 12.28.180)

#### **12.28.110 Violation--Infractions. Revised 10/16**

All violations of the provisions of this chapter shall be infractions. (Ord. 16-1370 §5(B) (part), 2016; prior code § 22-19 (part). Formerly 12.28.190)

**Chapter 12.30  
SPECIAL EVENTS ON PUBLIC PROPERTY Added 10/16**

Sections:

- [\*\*12.30.010 Special event regulations generally.\*\* Added 10/16](#)
- [\*\*12.30.020 Special event application required.\*\* Added 10/16](#)
- [\*\*12.30.030 Special event approval and permit issuance.\*\* Added 10/16](#)
- [\*\*12.30.040 Commercial groups--Permit required.\*\* Added 10/16](#)
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- [\*\*12.30.100 Tents.\*\* Added 10/16](#)

**12.30.010 Special event regulations generally. Added 10/16**

A. For purposes of this section, a "special event" shall mean any organized event, activity, celebration or function involving the use of the beach at which one hundred (100) or more persons are to be assembled, or use of outdoor city facilities, rights-of-way, or parkland at which twenty-five (25) or more persons are to be assembled.

B. No person shall organize or conduct a special event without first obtaining a permit to do so as prescribed by this section. In addition to the permit requirements prescribed by this section, certain special events occurring or planned to occur on summer days within the coastal zone may be required to obtain a coastal development permit.

C. On at least one (1) weekend during each summer season, the parks, recreation and community resources advisory commission shall recommend that no organized events be held on the beach.

D. To balance coastal access with beach events, the city council shall establish peak season event limits for the beach/Pier Plaza up to a maximum number of days used by events between the Saturday preceding Memorial Day through Labor Day. (Ord. 16-1370 §6 (part), 2016)

**12.30.020 Special event application required. Added 10/16**

A. Application for a special event permit shall be made on forms provided for that purpose by the community resources department, and shall contain the following information:

1. Name, address, telephone number and other identification information about the person or organization responsible for organizing the event, including its commercial/nonprofit status.
2. The proposed dates and hours of operation of the event, including the period required for setup and breakdown/cleanup.

3. An evaluation of the event impact on city facilities, coastal access, and city staff resources.
4. The estimated daily and total attendance at the event (including organizers, participants, spectators, volunteers and others), with an explanation as to the factual basis for the estimate.
5. A description of all organized activities proposed to take place during the event, and whether admission is to be charged.
6. A description or diagram showing the proposed location of the event, including all temporary facilities/structures/signage/equipment to be erected, ingress and egress, number and type of vehicles and whether existing structures/facilities are to be relocated or modified.
7. A parking plan showing the number of public parking spaces to be occupied by the event organizers, the location of satellite parking lots to be used for attendee parking, arrangements for shuttle bus transportation, and plans for publicizing the availability of off-site public parking.
8. An environmental protection plan showing proposed compliance with specified measures to reduce impacts and costs to the environment, the city, and the community. Such measures may include, but shall not be limited to:
  - a. Waste recycling and reduction.
  - b. Energy efficiency.
  - c. Protection of the marine environment.
  - d. Community education opportunities.
  - e. Monitoring and reporting compliance with the environmental protection plan.
9. Such other information determined by the community resources manager to be necessary to evaluate the proposed event.
10. An application fee in any amount determined by resolution of the city council.
11. A dated signature of the organizer or its authorized agent attesting to the truth, completeness and accuracy of the contents of the application. (Ord. 16-1370 §6 (part), 2016)

**12.30.030 Special event approval and permit issuance. Added 10/16**

- A. Special events are categorized as a Level I, II, or III event based on the number of participants, years of reoccurrence, location, time of the year, day(s) of the week, number of consecutive days, number of events in one (1) year, and any additional requests. The event levels may be further defined in a special events policy guide adopted by the city council.
- B. Special events applications must be submitted as follows:

1. Level III events: must be submitted no later than July 30th for the following calendar year.
2. Level II events: must be submitted at least ninety (90) days, but no more than one (1) year, prior to the event date.
3. Level I events: must be submitted at least thirty (30) days, but no more than one (1) year, prior to the event date.

C. The parks, recreation, and community resources advisory commission and city council will evaluate and recommend approval of Category III events and a "Nothing Weekend" first, and then recommend Category II events within the targets established in peak season event limits.

D. At the discretion of the community resources manager, applications may be submitted and approved after the application submittal deadline has passed, provided:

1. There are unforeseeable circumstances (memorial service, team victory celebration, need for minimal marketing/advertising).
2. The event does not exceed peak season or off season event limits.
3. The event can still meet all of the event approval findings (as noted in subsection (F) of this section).

E. Special events will be reviewed as follows:

1. Level III events: will be subject to a public hearing before both the parks, recreation, and community resources advisory commission and the city council. Event organizers for Category III events and any event that is new to Hermosa Beach are expected to be present at parks, recreation, and community resources advisory commission and city council hearings to review/approve special events.
2. Level II events: will be subject to approval by the parks, recreation, and community resources advisory commission and subject to appeal to the city council.
3. Level I events: will be reviewed and approved by the community resources manager and subject to appeal to the parks, recreation, and community resources advisory commission.

F. The community resources manager may issue a special events permit upon finding that:

1. The special event is considered by the appropriate level of review identified in subsection (E) of this section.
2. The applicant reimburses the city for all costs incurred by the city in connection with the event, including public safety, traffic control and monitoring.
3. The number of estimated attendees can be accommodated at the proposed location and surrounding area.

4. The applicant is capable and qualified to manage the event in a competent, professional manner in accordance with all conditions of approval.
5. Adequate provision has been made for satellite parking, shuttle transportation and traffic control.
6. Adequate provision has been made for security, crowd control, ingress and egress, and cleanup.
7. The total number of days required for the event shall not exceed sixteen (16) days.
8. The applicant provides required insurance, deposits, bonding and indemnification of the city.

G. The community resources manager may impose such conditions and operational rules and regulations on the special event permit as are necessary to minimize its impact on the community and to assure that it will not be a detriment to public health and safety. Such conditions include, but are not limited to:

1. Monetary deposits, bonds and other security as may be necessary to guarantee performance of all required conditions, cleanup and repair of any city property or facilities damaged as a result of the event.
2. Procurement of liability and other insurance policies to protect the applicant and attendees, naming the city and its officials and employees as additional insureds.
3. Limitations on the hours of operation and volume of public address systems and/or amplified music.

H. Any person may appeal a decision of the community resources manager as regards a special event permit application by filing an appeal in writing to the city clerk within ten (10) days of the decision. The appeal shall set forth the grounds upon which the appellant believes the decision is in error or contrary to applicable law. The city council shall consider and take action on the appeal at its next regular meeting following receipt of the appeal; provided, that it may continue its deliberations to a date certain with the consent of the applicant. The decision of the city council shall be final. (Ord. 16-1370 §6 (part), 2016)

#### **12.30.040 Commercial groups--Permit required. Added 10/16**

Permits shall be required for any commercial group requesting use of any outdoor area or public facility within the city. Any firm, association, partnership, business trust, corporation or company that is hosting a special event for the purposes of advertising or generating revenue for profit shall be considered a commercial group. Such permits shall be subject to a fee established by the city council, plus all costs incurred by the city on behalf of the event. (Ord. 16-1370 §6 (part), 2016)

#### **12.30.050 Nonprofit organizations--Permit required. Added 10/16**

Permits shall be required for any nonprofit group requesting use of any outdoor area or public facility within the city. Nonprofit groups may file a non-profit fee waiver or reduction request with the community resources manager, subject to approval by the city council. Such permits shall be subject to the applicable full, reduced or waived fee, plus all costs incurred by the city on behalf of the event. (Ord. 16-1370 §6 (part), 2016)

#### **12.30.060 Pass-throughs--Permit required. Added 10/16**

Permits shall be required for any group requesting use of any outdoor area or facility for a pass-through event within the city. A pass-through event is one in which neither the start nor finish occur within the city, but the event requests to utilizes city right-of-way to pass through the city. Such events shall be subject to a permit processing fee established by resolution of the city council, plus all costs incurred by the city on behalf of the event. (Ord. 16-1370 §6 (part), 2016)

### **12.30.070 Block party permits. Added 10/16**

Requests for permits for use of public rights-of-way for block parties may be made only by Hermosa Beach residents to the chief of police. All permit requests shall be subject to review and approval by the chief of police or his/her designee. Such permits are subject to a permit processing fee established by resolution of the city council. (Ord. 16-1370 §6 (part), 2016)

### **12.30.080 Commercial filming permits. Added 10/16**

As determined by the California Legislature in California Government Code Section 14998.1, motion picture production is an important industry to the economy of California and local governments in this state should accordingly provide an environment conducive to the undertakings of the motion picture industry. To that end, the city expresses its desire and intention to create and maintain an environment in the city conducive to motion picture production activities in all areas of the city.

In accordance with this purpose, film permits for nonpermanent filming activities may be issued for filming on or in any private or city-owned property in any area of the city, irrespective of zoning in the area in which the permit is issued; provided, that such transient activity to which the permit applies will not be unduly disruptive of neighboring land uses. The community resources department is vested with the authority to approve or deny film permits for nonpermanent filming activities in any area of the city and in making such determination to approve or deny a film permit application, to exercise its discretion to determine: (A) whether a particular filming activity is permanent or nonpermanent; (B) whether a particular filming activity would unduly interfere with or disrupt neighboring land uses so as to justify denial of the permit; and (C) mitigation measures to reduce any adverse impact on neighboring land uses. Conditions imposed under any permit shall reduce, to the extent the community resources department determines appropriate in light of both the neighbors' and permittees' concerns, any adverse impact on neighboring land uses.

A "nonpermanent" filming activity, for purposes of this section, is an activity under an approved permit which involves no more than fifteen (15) days of consecutive filming at a single location.

The city council may adopt or amend from time to time the filming policy and procedures, which shall be consistent with this section and shall act as guidelines to the community resources department in issuing or denying permits including appeal rights thereto, and which shall be incorporated by reference into any film permit which the community resources department may issue. All film permits shall be subject to imposition of fees which shall be set forth in the filming policy and procedures. (Ord. 16-1370 §6 (part), 2016)

### **12.30.090 Costs for repairs. Added 10/16**

The cost for repairs for any damage incurred as the result of activities related to a special event will be

deducted from the event deposit or shall be required to pay the cost of the repair if more than the deposit.  
(Ord. 16-1370 §6 (part), 2016)

#### **12.30.100 Tents. Added 10/16**

Tents and other temporary structures or equipment erected in conjunction with a permitted special event may remain overnight; provided, that a security guard is present at all times. (Ord. 16-1370 §6 (part), 2016)

## **Chapter 12.32 NEWSRACKS**

Sections:

[\*\*12.32.010 Newsrack defined.\*\*](#)

[\*\*12.32.020 Permit required for newsracks—application—condition—term—violation.\*\*](#)

[\*\*12.32.030 Requirements and limitations.\*\*](#)

**12.32.010 Newsrack defined.**

"Newsrack" means an unattended self-service or coin-operated dispenser used for the display and sale of newspapers or periodicals. (Prior code § 29-38)

**12.32.020 Permit required for newsracks—application—condition—term—violation.**

A. No person may install, use or maintain a newsrack upon a public sidewalk without a written permit. One permit may include any number of newsracks owned or leased by the permittee.

B. Application for a permit for a newsrack must be made to the director of public works, under the procedure stated below.

C. A permit may be issued for a newsrack without prior inspection of the location, but the use of the newsrack is conditioned upon observance of the requirements of this code.

D. A permit is valid for one year and may be renewed under the procedure for original applications.

E. Violations of the provisions of this chapter are subject to the administrative penalty provisions of chapter 1.10 (Ord. 07-1281, Sept. 2007)

**12.32.030 Requirements and limitations.**

A. No person shall install, use or maintain any newsrack which projects onto, into or over any part of the roadway of any public street, or which rests, wholly or in part, upon, along or over any portion of a roadway.

B. No person shall install, use or maintain any newsrack which in whole or in part rests upon, in or over any sidewalk or parkway when such installation, use or maintenance endangers 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 newsrack unreasonably interferes with or impedes the flow of pedestrian or vehicular traffic, the ingress into or egress from any residence, place of business, or any legally parked or stopped vehicle, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes or other objects permitted at or near said location, or when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

C. Any newsrack which in whole or in part rests upon, in or over any sidewalk or parkway shall comply with the following standards:

1. No newsrack shall exceed five feet in height, thirty (30) inches in width, or two feet in depth.

2. All newsracks shall have an automatic coin return.
3. Newsracks shall be placed only near a curb or adjacent to the wall of a building. Newsracks placed near the curb shall be placed no less than eighteen (18) inches nor more than twenty-four (24) inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six inches from the wall. No newsrack shall be placed or maintained on the sidewalk or parkway opposite another newsrack.
4. No newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack, or to any permanently fixed object.
5. Newsracks may be chained or otherwise attached to one another; however, no more than three newsracks may be joined together in this manner, and a space of no less than eighteen (18) inches shall separate each group of three newsracks so attached.
6. No newsrack or group of attached newsracks allowed under subsection C(5) of this section, shall weigh, in the aggregate, in excess of one hundred twenty-five (125) pounds when empty.
7. No newsrack shall be placed, installed, used or maintained:
  - a. Within three feet of any marked crosswalk;
  - b. Within fifteen (15) feet of the curb return of any unmarked crosswalk;
  - c. Within three feet of any fire hydrant or other emergency facility;
  - d. Within three feet of any driveway;
  - e. Within three feet ahead of and fifteen (15) feet to the rear of any sign marking a designated bus stop;
  - f. Within three feet of any bus bench;
  - g. At any location whereby the clear space for the passageway of pedestrians is reduced to less than six feet;
  - h. Within three feet of any area improved with lawn, flowers, shrubs or trees or within three feet of any display window of any building abutting the sidewalk or parkway or in such manner as to impede or interfere with the reasonable use of such window for display purposes.
8. No newsrack shall be used for advertising signs or publicity purposes other than that dealing with the display, sale or purchase of the newspaper or news periodical sold therein.
9. Each newsrack shall be maintained in a clean, neat condition and in good repair at all times.

10. Any person who places or maintains a newsrack on the streets of the city shall have his name, address and telephone number affixed thereto in a place where such information may easily be seen.

D. The number and placement of newsracks at specific locations shall be determined by the director of public works after taking into consideration the above standards.

E. Any newsrack which contains materials exclusively intended for adults only in accordance with Section 313 et seq. of the California Penal Code shall have the cover painted or be opaque. (Ord. 95-1125 § 10, 1995; prior code § 29-30)

## Chapter 12.36 TREES

Sections:

- [\*\*12.36.010 Definitions.\*\*](#)
- [\*\*12.36.020 Planting of Trees in Parkway.\*\*](#)
- [\*\*12.36.030 Maintenance of Trees in the Parkway.\*\*](#)
- [\*\*12.36.040 Prohibition of Damage, Destruction or Removal of Parkway Trees.\*\*](#)
- [\*\*12.36.050 Permit Requirement for Tree Removal.\*\*](#)
- [\*\*12.36.060 Prohibition of Attaching Objects to Parkway Trees.\*\*](#)
- [\*\*12.36.070 Protection of Parkway Trees During Construction\*\*](#)
- [\*\*12.36.075 Abatement of Nuisance Conditions.\*\*](#)
- [\*\*12.36.080 Remedies\*\*](#)
- [\*\*12.36.090 Violations.\*\*](#)

### **12.36.010 Definitions.**

As used in this chapter:

“Director” means the Public Works Director or his/her designee.

“Parkway” means that portion of the public right-of-way that is not paved as a street or sidewalk, including encroachment areas used as yards by abutting property owners.

“Property Owner” means the person or entity that owns the real property abutting and usually extending to the centerline of the immediately adjacent public-right-of-way, where a parkway tree is located. In the case where the parkway tree is located on the property line between two properties, then the “Property Owner” shall refer to both property owners.

“Public right-of-way” means any area owned by or dedicated to the City for highway purposes.

“Tree” means any perennial plant having a self-supporting woody main stem or trunk measuring at least five inches in circumference at a height of six feet above the ground, usually characterized by the ability to grow to considerable height or size and to develop woody branches. (Ord. 06-1261 §1, 2006; Prior code § 22-20)

### **12.36.020 Planting of trees in parkway.**

No person other than the City and the Property Owner shall plant a tree on any parkway. The Property Owner requesting to plant a tree in the parkway shall first obtain a permit from the Director. Only those species of trees specified on the City’s official list of approved parkway trees shall be planted in the parkway. Trees planted on the parkway by the Property Owner shall be planted in accordance with horticultural standards promulgated by the Director. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit. (Ord. 06-1261 §1, 2006; Prior code § 22-21)

**12.36.030 Maintenance of trees in the parkway.**

A. With the exception of those trees maintained by the City (as set forth in an inventory of City-maintained trees published by the Director), it is the duty of the Property Owner at his or her expense to cultivate, care for and provide for the complete maintenance of all trees on the parkway adjacent to their real property. Trees shall be maintained in accordance with horticultural standards promulgated by the Director, and shall be maintained in a manner as not to cause or constitute a nuisance. The Property Owner shall be liable for all damages or injuries incurred by any person or to any real or personal property arising from his or her failure to maintain parkway trees as required by this Section.

B. No person other than the City and the Property Owner, including but not limited to utility companies and others owning facilities or performing work in the public right-of-way, shall trim, prune or cut a tree without first obtaining a permit from the Director. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit. (Ord. 06-1261 §1, 2006; Prior code § 22-22)

**12.36.040 Prohibition of damage, destruction or removal of parkway trees.**

A. No person, including the Property Owner, shall willfully injure, deface, mutilate, poison or destroy a parkway tree.

B. No person shall place or maintain any stone, concrete, cement, asphalt, brick or other substance or object within the drip-line of a parkway tree so as to impede free access of water and air to the roots of the tree.

C. No person shall cause or allow any substance deleterious to tree life, including but not limited to oil, dye, brine or any other substance, to pour, flow or drip on any parkway tree or around the base of any such tree. (Ord. 06-1261 §1, 2006; Prior code § 22-23)

**12.36.050 Permit requirement for tree removal.**

A. No person, including the Property Owner, shall remove a parkway tree without first obtaining a permit from the Director except under exigent or emergency services. A permit to replace a tree may be issued if the tree is dead, otherwise constitutes a public nuisance or interferes significantly with the use and enjoyment of the immediately adjoining property. All work under a permit shall be performed within thirty days of the issue date of the permit, and shall be performed in accordance with the conditions and requirements set forth in the permit.

B. Applications for permits to remove a tree with a trunk diameter in excess of twelve inches (measured six feet above the ground) shall be referred to and decided by the Public Works Commission following a public hearing. Notice of the hearing shall be provided to the owners of all real property within a radius of three hundred feet of the subject tree. The decision of the Commission may be appealed to the City Council. Appeals shall be filed in writing within ten days of the final decision of the Commission. The City Council's decision shall be final.

C. A permit to remove a tree shall include imposition of a condition requiring replacement of the tree at the

same or a different location with a tree from the City's official list of approved parkway trees, unless the Director or the Commission find that replacement is physically impractical or infeasible. (Ord. 06-1261 §1, 2006; Prior code § 22-24)

#### **12.36.060 Prohibition of attaching objects to parkway trees.**

No person shall tack, nail, paste or otherwise attach by any means whatsoever any sign, notice, advertisement or any other printed matter, or place any board, platform or other object on a tree. No person shall attach any rope or wire to any tree for the purpose of maintaining or repairing the tree without first receiving a permit from the Director. (Ord. 06-1261 §1, 2006; Prior code § 22-25)

#### **12.36.070 Protection of parkway trees during construction**

During the construction, repair or renovation of any structure, utility facility or right-of-way improvement, the person responsible for such activity shall take all necessary precautions to protect parkway trees in the vicinity of the construction project. (Ord. 06-1261 §1, 2006; Prior code § 22-26)

#### **12.36.075 Abatement of nuisance conditions.**

The Property Owner shall abate any condition of a parkway tree determined by the Director to constitute a public nuisance. For purposes of this section, "tree" shall include shrubs and other vegetation in the parkway. Conditions constituting a nuisance include, but are not limited to, dead or diseased trees, trees constituting a danger to persons or property, trees impairing vehicular visibility, trees endangering utility wires, trees damaging the sidewalk pavement, or trees impairing pedestrian use of the sidewalk. The nuisance condition shall be abated in the manner prescribed by the Director. In the event the Property Owner fails or refuses to abate the nuisance, the provisions of Chapter 8.28 pertaining to abatement of public nuisances shall be applicable. (Ord. 06-1261 §1, 2006)

#### **12.36.080 Remedies.**

In addition to any other remedies provided for in this Code and State law, a person who damages, mutilates, removes or destroys a parkway tree shall be liable to the City for the full replacement cost of the tree. (Ord. 06-1261 §1, 2006; Prior code § 22-27)

#### **12.36.090 Violations.**

Violations of the provisions of this chapter shall be infractions, punishable in accordance with Chapter 1.10. (Ord. 06-1261 §1, 2006; Prior code § 22-28)

**Title 13  
PUBLIC SERVICES Revised 8/15**

**Chapters:**

[\*\*13.04 Sewer Connection Fees\*\*](#)

[\*\*13.08 Underground Utility Districts\*\*](#)

[\*\*13.12 Sewer Service Charge Revised 8/15 Revised 3/17\*\*](#)

## **Chapter 13.04 SEWER CONNECTION FEES**

Sections:

- [\*\*13.04.010 Short title.\*\*](#)
- [\*\*13.04.020 Purpose.\*\*](#)
- [\*\*13.04.030 Authority.\*\*](#)
- [\*\*13.04.040 Administration.\*\*](#)
- [\*\*13.04.050 Definitions.\*\*](#)
- [\*\*13.04.060 Fee required when--Credits.\*\*](#)
- [\*\*13.04.070 Calculation of the fee.\*\*](#)
- [\*\*13.04.080 Calculation of the fee rate.\*\*](#)
- [\*\*13.04.090 Payment of fee.\*\*](#)
- [\*\*13.04.100 Refunds.\*\*](#)

### **13.04.010 Short title.**

This chapter shall be known as the sewer connection fee ordinance for the city and may be cited as such.  
(Prior code § 28-7)

### **13.04.020 Purpose.**

The purpose of this chapter is to impose charges for the privilege of connecting a parcel within the city directly or indirectly, to the city's sewerage system as hereinafter defined or for increasing the quantity of wastewater attributable to a connected parcel, and to provide for collection of said charges. All properties shall discharge wastewater to city sewer lines. Funds derived under this article shall be deposited in the city's sewer fund. (Prior code § 28-8)

### **13.04.030 Authority.**

The city council is empowered to fix fees or charges for the privilege of connecting to its sewerage system.  
(Prior code § 28-9)

### **13.04.040 Administration.**

The director shall administer, implement and enforce the provisions of this chapter. Any powers granted to or duties imposed on the director may be delegated by the director to persons acting in the beneficial interest of, or in the employ of the city. (Prior code § 28-10)

### **13.04.050 Definitions.**

This chapter shall be construed according to the following definitions:

"Added burden" means any of the following:

A. A connection, direct or indirect, to the sewerage system for the first time, of any structure located on a parcel(s) of land within the city;

B. An existing connection from a parcel where the number of sewer units attributable to said parcel has been increased due to construction of additional dwelling units or change in land usage.

"Director" means the director of public works of the city or his duly authorized deputy or agent.

"Local governmental parcel" means any parcel which is not subject to this chapter and which is owned by the city; provided, that such parcel is used for a governmental rather than proprietary function and which use is for the direct benefit of the public in general and not for the benefit of a single class or classes of individuals.

"Parcel" means real property upon which an assessment is made.

"Person" means any individual, partnership, committee, association, corporation, public agency, and any other organization or group of persons, public or private.

"Sewage unit" means the average daily quantity of sewage flow from a single-family home measured in terms of flow.

"Sewerage system" means the entire network of wastewater collection and conveyance which are interconnected by means of sewers and owned in whole by the city.

"Unit of usage" means the basic unit of measure which quantifies the degree of use of a particular parcel (e.g., dwelling unit, square footage). Square footage of an improvement shall be based upon the gross exterior dimensions of the structure.

"User category" means the specific land use classification for a particular parcel which is defined in terms of its use (e.g., single-family home, restaurant).

"Wastewater" means the water-carried wastes of the community derived from human or industrial sources including wastewater of domestic origin and industrial wastewater. (Prior code § 28-11)

#### **13.04.060 Fee required when--credits.**

No person shall impose an added burden, as herein defined, to the sewage system from any parcel within the boundaries of the city until an application for sewer connection has been made and approved by the director and a connection fee has been paid to the city. Local governmental parcels shall not be subject to a connection fee under this chapter.

A. Any person imposing an added burden shall pay a connection fee in accordance with this chapter. With respect to discharges which constitute an increase in the quantity of wastewater attributable to a particular parcel or operation already connected, the connection fee shall be based on the increase in anticipated use of the sewerage system.

B. A credit shall be allowed with respect to new construction replacing a demolished building which had been connected to the sewerage system or with respect to a change in use of a building which had been connected to the sewerage system.

The credit for a demolished building shall be equal to the connection fee that would have been paid with respect to the most recently demolished building under the terms of this chapter and based on the current connection fee rate.

The credit for a change in use of a building which had been connected to the sewerage system shall be based upon the units of usage existing immediately prior to construction of the improvement or occurrence that brought about the increased use and the current connection fee rate.

If a demolished building or a building for which there was a former use had a prior connection fee application approved by the city, the credit provided for above shall be based upon the highest number of sewer units for which a connection fee application had been approved and the current connection fee rate.

It shall be the responsibility of the applicant to demonstrate to the reasonable satisfaction of the director the user category and the number of units of usage applicable to a demolished building or a building for which there was a former use, and whether or not such building was connected to the sewerage system. The credit provided for in the first paragraph of subsection B above shall be applicable only to the specific parcel upon which the demolition has occupied and may be allocable by the owner of such parcel if more than one building is being connected.

C. The city council finds that under certain circumstances the transfer to a different parcel of a business operation discharging wastewater does not impose any additional burden on the sewerage system.

A credit which shall be referred to as a relocation credit shall be allowed for the relocation to a different parcel of a business operation discharging wastewater upon the following requirements being met:

1. That essentially the same business operation has been transferred from one parcel to another and such operation was previously connected directly or indirectly to the sewerage system;
2. That the business operation was owned prior to the transfer by the same person now making claim to a relocation credit;
3. That the discharger has demonstrated to the satisfaction of the director that the business operation has been abandoned from the parcel from which the transfer has occurred or presented a certification in writing that such business operation will be abandoned within six months of the city approving an application for connection. Should the facility not be abandoned within the prescribed period, the relocation credit shall be revoked and a connection fee with respect to the parcel to which the business operation was transferred shall be due and payable as of the date said parcel was connected to the sewerage system. The connection fee shall equal the product of the number of sewer units upon which the relocation credit was based and the current connection fee rate;
4. That the director has made a determination that there is adequate capacity in the sewerage system to accommodate connection of the business operation to be transferred. In no case shall the credit provided for in subsections B or C of this section exceed the new connection fee.

D. The city council finds in the case when the discharger is required to construct/replace sewer facilities, the discharger shall pay a fee equal to the calculated fee rate minus a credit for the actual construction cost of the sewer facility. In no case shall the credit for the actual construction cost exceed the calculated fee rate. (Prior code § 28-12)

**13.04.070 Calculation of the fee.**

A. The connection fee for any parcel within the city's boundaries imposing an added burden to the sewerage system shall be based on anticipated use and shall equal the product of the estimated number of sewer units which will result from the added burden, as determined in subsection B of this section, and the connection fee rate determined pursuant to Section [13.04.080](#).

B. Calculation of the Number of Sewage Units. The number of sewage units (SU) shall be determined by the following formula:

$$\text{SU} = \frac{\text{FLOW}}{\frac{\text{(avg)}}{\text{(FLOW)}}}$$

(sfh)

Where:

FLOW = Estimated flow of  
avg wastewater which will  
enter the sewerage  
system from a user in  
gallons per day.

FLOW = Average flow of  
sfh wastewater from a single-  
family home in gallons per  
day.

C. The number of sewer units attributable to a parcel from which no industrial wastewater is discharged shall be calculated using mean loadings per unit of usage for each connecting parcel's user category as adopted from time to time by the city council. The mean loadings per unit of usage for flow in gallons per day, shall be based upon the best data currently available, including updated sampling information and data from other jurisdictions and publications including the board of directors of the Los Angeles County sanitation district. (Prior code § 28-13)

**13.04.080 Calculation of the fee rate.**

The estimated cost of the entire city sewer system divided by the estimated total number of sewer units in the city equals the cost of one sewer unit. This calculation, including an inflation factor, is performed once

annually. The connection fee rate shall be twenty-five (25) percent of the cost of a sewer unit. (Prior code § 28-14)

**13.04.090 Payment of fee.**

All fees shall be determined by and paid to the city's building and safety department. The fee shall be paid prior to building occupancy. The moneys collected shall be deposited with the city and credited to the sewer fund. (Prior code § 28-15)

**13.04.100 Refunds.**

In the event that any person shall have paid the applicable sewer connection fee and no installation shall have been commenced and the permit for such installation shall have been canceled or have expired, said person shall be entitled to a refund in an amount equal to one hundred (100) percent of the sewer connection fee paid by said person, minus one percent of said charge; however, the amount retained shall not be less than ten dollars (\$10.00), nor more than one hundred dollars (\$100.00). (Prior code § 28-16)

## Chapter 13.08 UNDERGROUND UTILITY DISTRICTS

Sections:

- [\*\*13.08.010 Definitions.\*\*](#)
- [\*\*13.08.020 Public Hearing by Council.\*\*](#)
- [\*\*13.08.030 Report by City Engineer \(or Other Designated City Official or Body\)\*\*](#)
- [\*\*13.08.040 Council May Designate Underground Utility Districts by Resolution.\*\*](#)
- [\*\*13.08.050 Costs for Conversion.\*\*](#)
- [\*\*13.08.060 Unlawful Acts After Creation of Underground Utility District.\*\*](#)
- [\*\*13.08.070 Exceptions--Emergency or Unusual Circumstances.\*\*](#)
- [\*\*13.08.080 Other Exceptions May Be Authorized.\*\*](#)
- [\*\*13.08.090 Notice to Property Owners and Utility Companies.\*\*](#)
- [\*\*13.08.100 Responsibility of Utility Companies.\*\*](#)
- [\*\*13.08.110 Responsibility of Property Owners to Provide Service Connection--Effect of Noncompliance.\*\*](#)
- [\*\*13.08.120 Responsibility of City.\*\*](#)
- [\*\*13.08.130 Extension of Time.\*\*](#)
- [\*\*13.08.140 Violation--Penalty\*\*](#)

### **13.08.010 Definitions.**

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

"Commission" means the Public Utilities Commission of the state of California.

"Person" means and includes individuals, firms, corporations, partnerships, and their agents and employees.

"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.

"Underground utility district" or "district" means that area in the city within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of Section [13.08.040](#).

"Utility" includes all persons or entities supplying electric, communication or similar or associated service by means of electrical materials or devices. (Prior code § 29-15)

### **13.08.020 Public hearing by council.**

The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within

designated areas of the city and the undergrounding installation of wires and facilities for supplying electric, communication or similar or associated service. The city manager shall notify all affected property owners as shown on the last equalized assessment roll, and utilities concerned, by mail of the time and place of such hearings at least fifteen (15) days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 96-1155 § 28, 1996; prior code § 29-16)

**13.08.030 Report by city engineer (or other designated city official or body).**

Prior to holding such public hearing, the city engineer or other designated city official or body 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 total costs to the city and affected property owners. Such report shall also contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Prior code § 29-17)

**13.08.040 Council may designate underground utility districts by resolution.**

If, after any such public hearing the city council finds that the public necessity, health, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Prior code § 29-18)

**13.08.050 Costs for conversion.**

In order to initiate conversion proceedings in the absence of a property owner petition submitted in accordance with State law, the city council shall determine that the city or a public utility has voluntarily agreed to pay over fifty (50) percent of all costs of conversion, excluding costs of users' connections to underground electric or communication facilities. (Ord. 00-1197, §9, 01/11/00)

**13.08.060 Unlawful acts after creation of underground utility district.**

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associate overhead structures therein as provided in Section [13.08.040](#), it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed by such resolution, except as said overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance 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 [13.08.110](#), and for such reasonable time required to remove said facilities after said work has been performed, and

except as otherwise provided in this chapter. (Prior code § 29-19)

**13.08.070 Exceptions--emergency or unusual circumstances.**

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period, not to exceed ten days, without authority of the council in order to provide emergency service. The council may grant special permission, on such terms as the council may deem appropriate, in cases of unusual circumstances, without discrimination as to any person or utility, to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures. (Prior code § 29-20)

**13.08.080 Other exceptions may be authorized.**

In any resolution adopted pursuant to Section [13.08.040](#), the city may authorize any or all of the following exceptions:

- A. Any municipal facilities or equipment installed under the supervision and to the satisfaction of the city engineer;
- B. Poles or electroliers used exclusively for street lighting;
- C. Overhead wires (exclusive of supporting structures) crossing any portion of a district within which overhead wires have been prohibited, or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited;
- D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of four thousand five hundred (4,500) volts;
- E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing over any public street;
- F. Antenna, 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. (Prior code § 29-21)

**13.08.090 Notice to property owners and utility companies.**

Within ten days after the effective date of a resolution adopted pursuant to Section [13.08.040](#), the city manager shall notify all affected utilities and all persons owning real property within the district created by said resolution of the adoption thereof. The city manager shall further notify the 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.

Notification by the city manager shall be made by mailing a copy of the resolution 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. (Prior code § 29-22)

**13.08.100 Responsibility of utility companies.**

If underground construction is necessary to provide utility service within a district created by any resolution 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. (Prior code § 29-23)

**13.08.110 Responsibility of property owners to provide service connection--effect of noncompliance.**

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 [13.08.100](#) and the termination facility on or within said building or structure being served;

B. In the event any person owning, operating, leasing, occupying or renting said property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to Section [13.08.040](#), the city engineer shall post written notice on the property being served and thirty (30) days thereafter may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property; or

C. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities referred to in Section [13.08.100](#) and the termination facility on or within said building or any person within the time provided for in the resolution 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.

D. The notice to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail on either of such persons, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of such premises at such premises, and the notice must be addressed to the owner thereof as such owner's name appears, and must be addressed to such owner's last known address as the same appears on the last equalized assessment roll, and when no address appears, to general delivery, City of \_\_\_\_\_ . If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within forty-eight (48) hours after the mailing thereof. If notice is given by mail to either the owner or occupant of such premises, the city engineer shall, within forty-eight (48) hours after the mailing thereof, cause a copy

thereof, printed on a card not less than eight inches by ten inches in size, to be posted in a conspicuous place on said premises.

E. The notice given by the city engineer to provide the required underground facilities shall particularly specify what work is required to be done, and shall state that if said work is not completed within thirty (30) days after receipt of such notice, the city engineer will provide such required underground facilities, in which case the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

F. If upon the expiration of the thirty (30) day period, the said required underground facilities have not been provided, the city engineer shall forthwith proceed to do the work; provided however, if such premises are unoccupied and no electric or communications services are being furnished thereto, the city engineer shall 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 said 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 such work upon such premises, which said time shall not be less than ten days thereafter.

G. The city engineer shall forthwith, upon the time for hearing such protests having been fixed, give a notice in writing to the person in possession of such premises, and a notice in writing thereof to the owner thereof, in the manner hereinabove provided for the giving of the notice to 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.

H. Upon the date and hour set for the hearing of protests, the council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

I. If any assessment is not paid within five days after its confirmation by the council, the amount of the assessment shall become a lien upon the property against which the assessment is made by the city engineer, and the city engineer, is directed to turn over to the assessor and tax collector a notice of lien on each of said properties on which the assessment has not been paid, and said assessor and tax collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of six percent per annum. (Prior code § 29-24)

### **13.08.120 Responsibility of city.**

City shall remove at its own expense all city-owned equipment from all poles required to be removed hereunder in ample time to enable the owner or user of such poles to remove the same within the time specified in the resolution enacted pursuant to Section [13.08.040](#). (Prior code § 29-25)

**13.08.130 Extension of time.**

In the event that any act required by this chapter or by a resolution 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. (Prior code § 29-26)

**13.08.140 Violation--penalty.**

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 punished by a fine not exceeding five hundred dollars (\$500.00) or by imprisonment not exceeding six months, or by both such fine and imprisonment. Each such person shall be deemed guilty of a separate offense for each day during any portion of which any violation of any of the provisions of this chapter is committed, continued or permitted by such person, and shall be punishable therefor as provided for in this chapter. (Prior code § 29-27)

**Chapter 13.12  
SEWER SERVICE CHARGE Revised 8/15 Revised 3/17**

Sections:

- [\*\*13.12.010 Charges levied.\*\*](#) Revised 8/15
- [\*\*13.12.020 Collection of charges.\*\*](#) Revised 8/15
- [\*\*13.12.030 ESUs for various land uses.\*\*](#) Revised 8/15
- [\*\*13.12.040 Use of funds.\*\*](#) Revised 8/15
- [\*\*13.12.050 Rebates.\*\*](#) Revised 3/17

**13.12.010 Charges levied. Revised 8/15**

An annual sewer service charge is levied upon each parcel of real property in the city of Hermosa Beach for the overall operation, maintenance and servicing of the city-owned sewer system as well as the funds deemed appropriate and necessary to pay for capital improvements and reserves. The charge was adopted in accordance with Article XIIID of the California Constitution (Proposition 218). Beginning July 1, 2015, the amount of the charge for each parcel shall be computed by multiplying one hundred fifteen dollars (\$115.00) by the number of equivalent sewage units ("ESUs") for the current land use of the parcel as shown in Section [\*\*13.12.030\*\*](#). Beginning July 1, 2016, and each July 1st through July 1, 2020, the sewer service charge shall be increased for inflation by the annual increase in the Consumer Price Index for Urban Wage Earners and Clerical Workers in the Los Angeles-Riverside-Orange County, CA Area (CPI), including all items as published by the U.S. Bureau of Labor Statistics as of March 1st of each year, not to exceed two (2) percent per year. (Ord. 15-1355 §1 (part), 2015)

**13.12.020 Collection of charges. Revised 8/15**

The sewer service charge shall be collected for each fiscal year on the tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the city. For any fiscal year that the sewer service charge is not collected on the tax roll, the city may collect all or a portion of the sewer service charge for such year on the tax roll in the following fiscal year or years. (Ord. 15-1355 §1 (part), 2015)

**13.12.030 ESUs for various land uses. Revised 8/15**

For residential parcels, the ESU and charge is calculated as follows:

LAND USE	ESU
Single-family	1.0
Condominiums	1.0
Multifamily (Charge is per unit)	0.6
Vacant parcels	0.5

For nonresidential parcels, the ESU is calculated by the following equation:

ESU = [Commercial Water Consumption GPD]/260 GPD (the same GPD as a single-family residential lot).

(Ord. 15-1355 §1 (part), 2015)

### **13.12.040 Use of funds. Revised 8/15**

The sewer service charge funds collected shall be used to cover the expenses for the overall operation, maintenance and servicing of the city-owned sewer system as well as to pay for capital improvements and reserves. The Hermosa Beach finance director, or designee, shall deposit all moneys representing charges collected by the county to the credit of the city's sewer fund. (Ord. 15-1355 §1 (part), 2015)

### **13.12.050 Rebates. Revised 3/17**

A. Property owners shall be eligible for an annual rebate of one hundred (100) percent of the sewer service charge paid per year for the dwelling unit in which the owner resides; provided, that the individual:

1. Is a senior citizen aged sixty-five (65) and older or is permanently disabled;
2. Has an annual household gross income of seventy-five thousand dollars (\$75,000) and under;
3. Has paid the charge in full on or prior to the date the charge would have been deemed delinquent if not paid; and
4. Has resided in the dwelling unit for which the rebate is sought as of the date the charge was levied against the dwelling unit.

For purposes of this section, a "permanently disabled" person is any person who has a physical or mental impairment that substantially limits one (1) or more of the major life activities, and who identifies himself or herself as permanently disabled.

B. Applications for a rebate shall be made on a form provided by the city, and shall be accompanied by (1) a signed affidavit declaring (a) household income and (b) age, or that the person identifies himself or herself as permanently disabled as the result of a physical or mental impairment that substantially limits one (1) or more of the major life activities, and (2) proof of payment of the charge in a form satisfactory to the city.

Applications for a rebate shall be made within one hundred eighty (180) days of the date the sewer service charge would have been deemed delinquent if not paid in full. The city manager, or his/her designee, may promulgate rules and regulations to effectuate the purpose of this section.

C. The rebates authorized under this section shall be provided from any of the city's nonrestricted funds.

(Ord. 17-1374 § 1, 2017)

**Title 15  
Buildings and Construction Revised 7/15 Revised 1/17**

**Chapters:**

- [\*\*15.04 Uniform Building Code Revised 1/17\*\*](#)
- [\*\*15.06 Residential Building Code Revised 1/17\*\*](#)
- [\*\*15.08 Housing Code\*\*](#)
- [\*\*15.12 Mechanical Code Revised 1/17\*\*](#)
- [\*\*15.16 Plumbing Code Revised 1/17\*\*](#)
- [\*\*15.20 Fire Prevention Code Revised 1/17\*\*](#)
- [\*\*15.24 Abatement of Dangerous Buildings\*\*](#)
- [\*\*15.28 Existing Building\*\*](#)
- [\*\*15.32 Electrical Code Revised 1/17\*\*](#)
- [\*\*15.36 Seismic Strengthening of Buildings Having Unreinforced Masonry Bearing Walls\*\*](#)
- [\*\*15.40 Numbering Buildings\*\*](#)
- [\*\*15.44 Report of Residential Building Records\*\*](#)
- [\*\*15.48 Green Building Standards Revised 7/15 Revised 1/17\*\*](#)
- [\*\*15.52 Energy Code Revised 1/17\*\*](#)

**Chapter 15.04  
UNIFORM BUILDING CODE Revised 1/17**

Sections:

- [\*\*15.04.010 Adoption of building code.\*\* Revised 1/17](#)
- [\*\*15.04.020 Board of appeals.\*\*](#)
- [\*\*15.04.030 Violations.\*\*](#)
- [\*\*15.04.040 Fees.\*\*](#)
- [\*\*15.04.050 Expiration of permits.\*\*](#)
- [\*\*15.04.060 Minimum dwelling unit size.\*\*](#)
- [\*\*15.04.070 Protection of private property during construction.\*\*](#)
- [\*\*15.04.080 Roof covering requirements.\*\* Revised 1/17](#)
- [\*\*15.04.084 Roof attachments.\*\*](#)
- [\*\*15.04.090 Skylights.\*\*](#)
- [\*\*15.04.100 Automatic sprinkler systems.\*\*](#)
- [\*\*15.04.110 Fire alarm systems.\*\*](#)
- [\*\*15.04.120 Determining fifty \(50\) percent increase in size or valuation.\*\*](#)
- [\*\*15.04.130 Assumption of risk for below-grade construction.\*\*](#)
- [\*\*15.04.140 Pedestrian protection during construction.\*\*](#)
- [\*\*15.04.150 Floodplain management regulation.\*\*](#)
- [\*\*15.04.160 Energy requirements for existing buildings that expand or remodel beyond fifty \(50\) percent.\*\*](#)
- [\*\*15.04.170 Enhanced construction waste reduction for existing buildings that expand or remodel beyond fifty \(50\) percent.\*\*](#)

\* **Editor's note:** For additional amendments to the UBC, see Ch. 17.62.

**15.04.010 Adoption of building code. Revised 1/17**

Except as hereinafter provided in this chapter, the California Building Code 2016 Edition (Part 2 of Title 24 of the California Code of Regulations), including Appendices F, G, and J, and not including Appendixes A, B, C, D, E, H, I and K, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the building code of the city of Hermosa Beach. A copy of the building code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the director of community development of the city of Hermosa Beach or his or her designee. (Ord. 16-1372 §1, 2016: Ord. 14-1344 §1, 2014: Ord. 13-1344U §1, 2013; Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 02-1225U §1, 2002; Ord. 95-1142 §1 (part), 1995: prior code § 7-1)

**15.04.020 Board of appeals.**

Section 1.8.8 of Chapter 1 of said building code is hereby amended to read as follows:

**SECTION 1.8.8****BOARD OF APPEALS**

**A. General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

**B. Limitations of authority.** The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

**C. Quorum for meetings.** Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the Council may prescribe by resolution, to employ at the cost and expense of said City such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142 §1 (part), 1995: prior code § 7-1.1)

**15.04.030 Violations.**

Notwithstanding the provisions of Section [15.04.010](#), Section 114 of Chapter 1 of said code shall be amended to read as follows.

**SECTION 114**

## VIOLATIONS

**A. Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

**B. Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**C. Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**D. Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

**E. Violation a misdemeanor.** Any person violating any of the provisions of this Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.04.020 of this Code.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 07-1281, 2007)

### **15.04.040 Fees.**

Notwithstanding the provisions of Section [15.04.010](#), Section 1.8.4 of said building code is hereby amended to read as follows:

#### SECTION 1.8.4

#### FEES

**A. General.** Fees shall be assessed in accordance with the provisions of this Section.

**B. Permit fees.** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building

plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

**C. Plan review fees.** When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be eighty (80) percent of the building permit fee.

The plan review fees specified in this Subsection are separate fees from the permit fees specified in Subsection 1.8.4.2 and are in addition to the permit fees.

Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

**D. Expiration of plan review.** Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**E. Fee refunds.**

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee

payment.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142, 1995; Ord. 95-1134 §1, 1995; prior code § 7-1.3)

#### **15.04.050 Expiration of permits.**

Notwithstanding the provisions of Section [15.04.010](#), Section 105.5 of Chapter 1 of the building code is hereby amended to read as follows:

### SECTION 105.5

#### EXPIRATION OF PERMITS

##### **105.5 Expiration.**

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void (1) if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or (2) if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced, or (3) if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit. Before such work can be recommenced, a new permit or a renewed permit as specified below shall be first obtained. No permit shall be renewed more than once.

**A.** Where work has not commenced within 180 days from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

**B.** Where work has commenced and is subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) No changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date, provided, however, that a renewed permit may be issued despite the passage of two years if construction has progressed and has been approved to the point where only a final inspection is required.

**C.** Where a project is not commenced or completed on the two year anniversary of the permit issuance date a new permit is required. The applicant shall pay a fee for the new permit based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the Codes and Ordinances in effect at the time the new applications are submitted.

**D.** Any permittee holding an active permit may apply in writing for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months. No permit shall be extended more than twice.

**E.** If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to obtain the demolition and removal of incomplete work on the property.

(Ord. 10-1315 (Exh. A), 2010; Ord. 09-1299 §2, 2009; prior code § 7-1.4)

#### **15.04.060 Minimum dwelling unit size.**

Notwithstanding the provisions of Section [15.04.010](#), Section 1208.4 of said building code is hereby amended to read as follows:

#### SECTION 1208.4

##### MINIMUM DWELLING UNIT SIZE

**1208.4.1 Multifamily dwellings.** All multifamily dwelling units, including duplexes and garage apartments, in the City shall have at least the following gross floor areas, exclusive of porches, garages, balconies, or other such accessory structures or architectural features:

1. One bedroom or less: Six hundred (600) square feet.
2. Two bedrooms: Nine hundred (900) square feet.
3. Three bedrooms: Twelve hundred (1200) square feet.
4. Three bedrooms and den, or four bedrooms: Fifteen hundred (1500) square feet.
5. More than four bedrooms: Eighteen hundred (1800) square feet.

**1208.4.2 Single-family dwellings.** All single-family dwellings in the City shall have at least the following gross floor areas exclusive of open porches, garages, balconies, or other such accessory structures or architectural features:

1. Two bedrooms or less: One thousand (1000) square feet.
2. Three bedrooms, or two bedrooms and den: Thirteen hundred (1300) square feet.
3. Four bedrooms, or three bedrooms and den: Sixteen hundred (1600) square feet.
4. More than four bedrooms: Nineteen hundred (1900) square feet.

**1208.4.3 Minimum hotel-motel unit size.** All hotels, motels or any structure which is intended for

occupancy by transients shall have rooms with a minimum unit size of at least two hundred (200) square feet, exclusive of bathrooms.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142, 1995: prior code § 7-1.5)

#### **15.04.070 Protection of private property during construction.**

Notwithstanding the provisions of Section [15.04.010](#), Section 3307 of said building code is hereby amended to read as follows:

#### **SECTION 3307**

#### **PROTECTION OF ADJOINING AND NEARBY PROPERTY AND PERSONS**

**3307.1** Adjoining and nearby public and private property and persons making lawful use of such property shall be protected from damage during construction, remodeling and demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. At the outset of construction activities or at the otherwise earliest time it is feasible in the opinion of the Building Official, a protective screen shall be erected to the satisfaction of the Building Official between the construction site and immediately adjoining properties, unless the Building Official determines that erection of a screen is not feasible or would serve no practical purpose.

**3307.2** The Building Official shall have the authority to stop the construction work at any time that in his or her opinion said construction work has caused, is causing, or is about to cause, damage to adjacent or nearby properties. Said work shall not recommence until the time that the necessary corrections have been made so that no further damage will occur to the affected property (unless the Building Official determines that the damage will be corrected as provided in Section 3307.3) and written approval is obtained from the Building Official that said work can recommence.

**3307.3** If construction work causes damage to adjacent or nearby properties, the Building Division shall withhold inspections of said work and stop work until (i) the damage to the affected property is repaired (or repair work has commenced and is continued to be performed with due diligence until completed), or (ii) the affected property owner is compensated the cost of repair, or (iii) a documented agreement satisfactory to the Building Official is executed to assure repair of the damage at a more appropriate phase of the construction. If there is a bona fide dispute between the owner of the damaged property and the party alleged to have caused said damage as to the cause of the damage, the method or scope of repair or the cost of the repair, work may resume and inspections provided only if the party performing the construction work posts a bond with the City in an amount that the Building Official reasonably determines is sufficient to pay the cost of repair.

Where there exists a bona fide dispute, the issues in contention are a civil matter beyond the

authority of the City to resolve.

**3307.4** The bond called for in Section 3307.3 shall be approved as to form by the City Attorney and held by the City until the dispute is resolved between the parties or by a court of competent jurisdiction. In the event that the aggrieved party does not submit proof to the City that an action has in fact been filed within one (1) year after the issuance of the Certificate of Occupancy, then the City shall, unless good cause is shown, release the bond. The City shall provide thirty (30) days' written notice to the aggrieved party of its intent to release the bond.

**3307.5** Prior to the commencement of any demolition of exterior walls or roofs, excavation that requires shoring, sandblasting or other exterior construction activities that require a building permit, the owner or contractor shall provide written notice to the property owners and occupants located within one hundred (100) feet of the construction site that construction will occur, along with a copy of this Section 3307. Said notice shall be provided to the affected property owners and occupants at least five (5) days prior to any construction taking place. The notice shall contain the following information:

1. Address where construction will occur;
2. Date(s) and approximate times construction will occur;
3. Name, address, telephone number and state license number of contractor;
4. Name, address and telephone number of the owner of the property on which construction is to occur.

If the owner or the contractor fails to provide the required notice, the Building Official shall have the authority to stop the work until the notice is provided, in addition to any other remedies provided by this Code.

**3307.6** Prior to approval of temporary shoring a geotechnical report shall be provided certifying that the temporary shoring has been installed according to the shoring plan and specifying the time period for the integrity of the temporary shoring.

(Ord. 14-1344 §2, 2014; Ord. 13-1344U §2, 2013; Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142, 1995; prior code § 7-1.6)

#### **15.04.080 Roof covering requirements. Revised 1/17**

Notwithstanding the provisions of Section [15.04.010](#), Sections 1504 and 1505 of said building code are hereby amended by adding thereto the following subsections:

#### **SECTIONS 1504 AND 1505**

**1504.9 Roof deck surfaces.** Only such sections of a roof which have been approved by the

Building Official to be used as deck space may be covered with materials designed to be "walking" or "decking" materials. All other portions of the roof shall be covered with traditional roofing materials such as rolled, gravel, built-up or composition roofing.

**1505.6 Class A roofs required.** The roof covering on any structure regulated by this Code shall be as specified in Table No. 1505.1 and as classified in Section 1505, except that the minimum roof-covering assembly shall be a Class "A" roofing assembly. Any new addition or reroofing of structures may match existing roof coverings if not exceeding 50% of the roof area of the entire structure, provided that no more than 50% of existing roof covering is replaced in any 60 month period.

The roof-covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification.

(Ord. 16-1372 §2, 2016; Ord. 14-1344 §3, 2014; Ord. 13-1344U §3, 2013; Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142, 1995; prior code § 7-1.9)

#### **15.04.084 Roof attachments.**

A. Purpose. The provisions of this section are intended to provide adequate access and clear pathways on roofs for firefighters and other emergency personnel.

B. Exceptions. Due to the wide variety of roof configurations and the evolving nature of solar collectors and other devices which may be placed on a roof, the building official may waive requirements of this section upon his or her determination that submitted plans offer equal or better alternative configurations.

C. Definitions. For the purposes of this section, certain terms shall be defined as follows:

1. "Clear path": A route free of obstacles that could adversely impact the ability of fire department personnel to conduct their fire fighting operations. Obstacles include but are not limited to mechanical equipment, antennas, exhaust ducts, vent pipes, skylights, electrical equipment, plumbing piping, chimneys or other similar rooftop structures.
2. "Flat roof": Any roof plane with a pitch of 1/2:12 or less.
3. "Pitched roof": Any roof plane with a pitch greater than 1/2:12.
4. "Non-occupied structures": Any structure classified as a "U" occupancy by the building code and not intended for human occupancy.
5. "Residential structure": RA one (1) or two (2) family dwelling unit, including accessory structures.
6. "Nonresidential structure": Any occupied structure that is not classified as a residential structure.
7. "Accessory structures (residential)": Structures commonly associated with residential property including patio covers, gazebos, decks, storage sheds, and free-standing garages and carports.

8. "Fire department access": Any area around the perimeter of a building with sufficient width to allow for the placement of a ladder that will provide access to the roof.

D. General Requirements. The following requirements shall apply to any equipment or materials installed upon a roof:

1. No equipment/materials shall be installed on or above an existing roof material without first obtaining a permit from the city.
2. Clear paths required by other sections of these guidelines shall be located over primary structural members of the building whenever possible.
3. Where existing structures or large pieces of equipment partially or totally obstruct a proposed clear path, the full width of the path shall continue around, and immediately adjacent to, the obstruction.
4. Equipment and materials installed on or above the structure's original roofing material shall be considered additional dead load and may require an evaluation of the roof structural system's ability to support the additional weight.
5. Equipment and materials shall be adequately anchored to the roof structure to prevent movement due to wind or seismic forces.
6. The proposed location for the new equipment/materials shall not interfere with the proper operation of other equipment or system components already installed on the roof.
7. The required access to and clearance around existing roof mounted equipment or system components for the purpose of maintenance of the said equipment or system components shall be maintained.
8. Installation of the new equipment/materials shall not disrupt the roof drainage system.
9. Adequate clearance shall be maintained around all roof vents to proper operation of the vents.
10. All equipment/materials installed on a roof must be maintained in accordance with approved plans.

E. Residential Structures. The following requirements shall apply to all one (1) and two (2) family structures based on the type of roof in the area where the equipment or material is to be installed:

1. Flat Roof. The following clear paths shall be maintained:
  - a. A minimum three (3) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.
  - b. A minimum four (4) foot wide clear path along the centerline of the longitudinal and/or transverse axis lines of the roof plane connecting the clear paths along the roof edges.

- c. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.
  - d. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.
2. Pitched Roof. The following clear paths shall be maintained:
- a. A minimum three (3) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.
  - b. A minimum three (3) foot wide clear path on either side of any ridge line and one and one half (1-1/2) feet on either side of a hip or valley line.
  - c. A minimum three (3) foot wide clear path connecting the roof edge path and the ridge path.
  - d. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.
  - e. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.

F. Nonresidential Structures. The following requirements shall apply to all structures not classified as residential:

1. Flat Roof. The following clear paths and other requirements shall be satisfied:
  - a. A minimum four (4) foot wide clear path shall be maintained around the perimeter of the roof.
  - b. Individual panel arrays shall not exceed one hundred fifty (150) feet by one hundred fifty (150) feet.
  - c. A minimum eight (8) foot wide clear path shall separate adjacent panel arrays. Alternate designs to the eight (8) foot clear path requirement can be found in the California Department of Forestry Solar Photovoltaic Installation Guidelines.
  - d. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.
2. Pitched Roof. The following clear paths and other requirements shall be satisfied:
  - a. A minimum four (4) foot wide clear path shall be maintained along the entire edge of any roof plane available to the fire department for access to the roof.
  - b. A minimum three (3) foot wide clear path on either side of any ridge line and a one and one half

(1-1/2) foot clear path on either side of a hip or valley line.

c. A minimum three (3) foot wide clear path connecting the roof edge path and the ridge path is required.

d. A minimum three (3) foot wide clear path to any skylight or other similar feature that could provide access through the roof for ventilation purposes.

e. A minimum three (3) foot wide clear path along the edge of the lower roof segment of a multi-level roof system.

G. Elevated Solar Panels. In addition to the requirements of Article 690 of the 2010 Edition of the California Electrical Code, the following shall apply to the installation of elevated solar photovoltaic systems:

1. Solar panels, support rack systems, electrical conduits or other piping shall not disrupt the existing roof drainage system.

2. Combustion air exhaust vents within one (1) foots, measured horizontally, of any solar panel shall be extended to a minimum of two (2) feet above any part of the solar panel within ten (10) feet of the exhaust vent.

3. Rack mounted solar panels shall be a minimum of six (6) inches above all other roof vents or the vents shall be extended to six (6) inches above the solar panels.

4. All electrical conduits within the photovoltaic system shall be labeled at ten (10) foot maximum intervals indicating the type of electrical voltage.

5. A placard shall be provide at each type of electrical power supply (batteries, wind generator, gas powered generator, solar power, etc.) indicating the location of all other power supplies and the location of the disconnect means for each power supply.

6. A disconnect switch shall be installed at the collector system where the conductors leave the collection system on the roof.

7. All components of the solar electrical generating system shall be marked (i.e., DC combiner box, inverter, disconnects, etc.)

H. Non-Elevated Solar Panels. In addition to the requirements of Article 690 of the 2010 Edition of the California Electric Code, the following shall apply to the installation of non-elevated solar photovoltaic systems:

1. Panels and related conduit and piping shall not disrupt the existing roof drainage system.

2. All components of the solar panel system located on the roof shall be of the same fire classification as required for a new roof (Class A).

3. Combustion air exhaust vents within one (1) foot, measured horizontally, of any solar panel shall be extended to a minimum of two (2) feet above any part of the solar panel within ten (10) feet of the exhaust vent.

4. All other vents shall extend six (6) inches minimum above the system or maintain a minimum one (1) foot clear area around the vent.

5. A disconnect switch shall be installed at the collector system where the conductors leave the collection system on the roof.

I. Landscaped Roofs. The following requirements shall apply to "green" or landscaped roofs:

1. Any watering system connected to the domestic water system of the building must include an approved backflow prevention device.

2. Landscape containers and related irrigating systems shall not disrupt existing roof drainage systems.

3. All components of the system shall be adequately anchored to prevent dislodging during high winds or seismic activity.

4. Combustion air exhaust vents and chimneys shall extend two (2) feet minimum above the system, including mature plant materials, that is within ten (10) feet measured horizontally from the exhaust vent.

5. All other vents shall extend six (6) inches minimum above the system, including mature plant materials, or maintain a minimum one (1) foot clear area around the vent. (Ord. 10-1315 (Exh. A), 2010)

**15.04.090 Skylights.**

Skylights shall conform to Sections 2606 and 2610 of said building code. (Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1142, 1995: prior code § 7-1.10)

**15.04.100 Automatic sprinkler systems.**

Notwithstanding the provisions of Section [15.04.010](#), the following subsections of Section 903, 904 and 905 of said building code are hereby amended to read as follows:

SECTION 903

**(F) 903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for Group A-2 occupancies.

**(F) 903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided for Group A-3 occupancies.

**(F) 903.2.6 Group M.** An automatic sprinkler system shall be installed in retail sales rooms classed

as Group M Occupancies.

**(F) 903.2.7 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 herein and Section R313 of the California Residential Building Code (Part 2.5 of Title 24 of the California Code of Regulations), shall be provided throughout all buildings with a Group R fire area.

## SECTION 904

**(F) 904.2.3.4 Expansion of existing buildings.** Any alteration or expansion of an existing building where: (1) the expansion exceeds 50 percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds 50 percent of the value of the existing structure as determined by the Building Official.

Table No. 9-A, Standpipe requirements of said Building Code is hereby amended to substitute the term "three (3) stories" wherever the term "four (4) stories" appears in said table.

## SECTION 905

**(F) 905.3.1 Building Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 20 feet below the highest level of fire department vehicle access.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 95-1142, 1995; prior code § 7-1.11)

### 15.04.110 Fire alarm systems.

Notwithstanding the provisions of Section [15.04.010](#), the following subsection is hereby added to Section 907 of said building code to read as follows:

## SECTION 907

**(F) 907.2.8.2.1 Group R, Division 1.** An automatic fire alarm system shall be installed in apartment houses 3 stories or more in height (mezzanines and lofts shall be considered as stories), or containing 16 or more dwelling units, and in hotels 3 or more stories in height or containing 20 or more guest rooms.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1 (part), 1999; Ord. 95-1142, 1995; prior code § 7-1.112)

### 15.04.120 Determining fifty (50) percent increase in size or valuation.

Whenever, it is required to determine whether there is an expansion in the size or valuation of an existing building of fifty (50) percent or more, the following rules shall apply. The size or valuation shall be deemed to exceed fifty (50) percent if:

- A. The expansion exceeds fifty (50) percent of the existing gross floor area; or
- B. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official. (Ord. 10-1315 (Exh. A), 2010)

**15.04.130 Assumption of risk for below-grade construction.**

Notwithstanding the provisions of Section [15.04.010](#), Appendix G of said building code is hereby amended by adding thereto a new Section G104.6 to read as follows:

**APPENDIX G**

**G104.6 Waiver required for below grade construction.** The building official shall require execution of a waiver before issuing a permit for construction of buildings or structures of any occupancy any portion of which is below street grade and/or does not meet the elevation requirements of Appendix G.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 05-1253 §4, 2005)

**15.04.140 Pedestrian protection during construction.**

Notwithstanding the provisions of Section [15.04.010](#), Chapter 33 of said building code is hereby amended by adding thereto a new Section 3306.10 to read as follows:

**3306.10 Fencing and Pedestrian Protection.** Fencing and pedestrian protection shall be required at all building and demolition sites as follows:

1. Prior to issuance of a demolition or building permit, a pre-demolition site inspection shall be performed verifying sewer cap and temporary toilet location and the capping of electrical, water and gas service to the property.
2. Prior to commencement of work, all new construction or demolition sites shall install minimum 6-foot high protective chain link fencing with slats or screening incorporated, or wood fencing consistent with Section 3306 of the California Building Code, and Table 3306.1 regardless of distance to the property line. Protective wood canopies shall be installed prior to commencement of work pursuant to the requirements of Section 3306 and Table 3306.1 of the CBC.
3. If scaffolding is used on any construction site, the exterior face of the scaffolding shall be covered with mesh screen, tarps or other material sufficient to mitigate dust and debris migration from the site.
4. A Pedestrian Protection Plan shall be approved identifying all areas of required pedestrian protection for the property, prior to the issuance of demolition or building permits. The Plan shall indicate all areas of pedestrian protection or indicate why such protection is not required (e.g., exempt due to distance of construction to property line). The Pedestrian Protection Plan shall be

prepared by a licensed contractor, engineer or owner-builder and indicate the proposed protection system to be installed and the method of installation. When conditions make installation of a pedestrian canopy impractical (e.g., a narrow street or alley) an alternative method may be shown on the plan such as pedestrian diversion through use of flag persons and barriers.

5. Any work encroaching into the public right-of-way or involving pedestrian diversion shall require Public Works Department approval of permits and pedestrian protection.

6. In addition to the remedies provided in the Building Code, violations of this Section shall result in revocation or suspension of a building permit pursuant to the procedures set forth in the Code.

(Ord. 14-1344 §4, 2014: Ord. 13-1344U §4, 2013: Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 06-1269 §3, 2006)

#### **15.04.150 Floodplain management regulation.**

Notwithstanding the provisions of Section [15.04.010](#), said building code is amended by requiring that all construction or other development within any area of special flood hazard, as determined in Section 8.52.060, is subject to the floodplain management regulations set forth in Chapter 8.52. (Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 06-1271 §3, 2006)

#### **15.04.160 Energy requirements for existing buildings that expand or remodel beyond fifty (50) percent.**

Notwithstanding the provisions of Section [15.04.010](#), the expansion or remodel of any existing building by more than fifty (50) percent as expansion is defined in Section [15.04.120](#) shall comply with Section A4.203.1 for residential construction and Section A5.203.1.1 for nonresidential construction of the CALGreen Code. (Ord. 14-1344 §5 (part), 2014: Ord. 13-1344U §5, 2013)

#### **15.04.170 Enhanced construction waste reduction for existing buildings that expand or remodel beyond fifty (50) percent.**

Notwithstanding the provisions of Section [15.04.010](#), the expansion or remodel of any existing building by more than fifty (50) percent as expansion is defined in Section [15.04.120](#) shall comply with Section A4.408 for residential construction and Section A5.408 for nonresidential construction of the CALGreen Code. (Ord. 14-1344 §5 (part), 2014: Ord. 13-1344U §5, 2013)

**Chapter 15.06  
RESIDENTIAL BUILDING CODE Revised 1/17**

Sections:

- [\*\*15.06.010 Adoption of California Residential Building Code.\*\* Revised 1/17](#)
- [\*\*15.06.020 Board of appeals.\*\*](#)
- [\*\*15.06.030 Violations.\*\*](#)
- [\*\*15.06.040 Fees.\*\*](#)
- [\*\*15.06.045 Work exempt from permit.\*\*](#)
- [\*\*15.06.050 Expiration of permits.\*\*](#)
- [\*\*15.06.060 Fire sprinklers.\*\*](#)

**15.06.010 Adoption of California Residential Building Code. Revised 1/17**

Except as hereinafter provided in this chapter, the California Residential Code, 2016 Edition (Part 2.5 of Title 24 of the California Code of Regulations), including Appendices A, B, C, G, K, O, and P, and not including Appendixes D, E, F, H, I, J, L, M, N, Q and R of said appendices, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the residential code of the city of Hermosa Beach. A copy of the residential code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official, or the director of community development of the city of Hermosa Beach, or his or her designee. (Ord. 16-1372 §3, 2016: Ord. 14-1344 §6, 2014: Ord. 13-1344U §6, 2013: Ord. 10-1315 (Exh. A), 2010)

**15.06.020 Board of appeals.**

Section 1.8.7 of Chapter 1 of said residential building code is hereby amended to read as follows:

**SECTION 1.8.7**

**BOARD OF APPEALS**

**A. General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of five (5) members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. The Building Official shall be an ex officio member of and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

**B. Limitations of authority.** The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

**C. Quorum for meetings.** Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the Council may prescribe by resolution, to employ at the cost and expense of said City such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

(Ord. 10-1315 (Exh. A), 2010)

#### **15.06.030 Violations.**

Notwithstanding the provisions of Section [15.06.010](#), Section R113 of Chapter 1 of said code is hereby amended to read as follows:

#### **SECTION R113**

#### **VIOLATIONS**

**R113.1 Unlawful acts.** It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, extend, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Code.

**R113.2 Notice of violation.** The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this Code, or in violation of a permit or certificate issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**R113.3 Prosecution of violation.** If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this Code or of the order or direction made pursuant thereto.

**R113.4 Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as prescribed by law.

**R113.5 Violation a misdemeanor.** Any person violating any of the provisions of this Chapter or said Building Code shall be deemed guilty of a misdemeanor and shall be punishable as set out in Section 1.04.020 of this Code.

(Ord. 10-1315 (Exh. A), 2010)

#### **15.06.040 Fees.**

Notwithstanding the provisions of Section [15.06.010](#), Section 1.8.3 of said residential building code is hereby amended to read as follows:

**1.8.3.1 General.** Fees shall be assessed in accordance with the provisions of this Section.

**1.8.3.2 Permit fees.** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and other permanent equipment. Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees above specified shall be quadrupled, but the payment of such quadrupled fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

**1.8.3.3 Plan review fees.** When a plan or other data are required to be submitted by this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be eighty (80) percent of the building permit fee.

The plan review fees specified in this Subsection are separate fees from the permit fees specified in Subsection 1.8.3.2 and are in addition to the permit fees.

Where plans are incomplete or changed or involve deferred submittals so as to require additional plan review, an additional plan review fee shall be charged at the rate indicated in the executive order.

**1.8.3.4 Expiration of plan review.** Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building

Official. The Building Official may extend the time for action by the applicant for a period not exceeding one hundred eighty (180) days upon request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

#### **1.8.3.5 Fee refunds.**

1. The Building Official may authorize the refunding of any fee paid hereunder which was erroneously paid or collected.
2. The Building Official may authorize the refunding of not more than eighty (80) percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code.
3. The Building Official may authorize the refunding of not more than eighty (80) percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than one hundred eighty (180) days after the date of fee payment.

(Ord. 10-1315 (Exh. A), 2010)

#### **15.06.045 Work exempt from permit.**

Notwithstanding the provisions of Section [15.06.010](#), paragraphs 1 and 5 of Section R105.2 of said residential code are hereby deleted and Section R105.1 is amended by adding thereto the following new paragraphs to read as follows:

1. A permit is required to install a free-standing shed. Storage area is limited to a six (6) foot ceiling height, one (1) two-gang 110v outlet and one (1) bare light bulb fixture for every 500 square feet, and no plumbing or heating/cooling devices are permitted.
2. A permit is required to construct a storage room. "Storage room" means an attached room, with or without a separate entrance, for the storage of goods customarily associated with the use. Such room shall not contain any plumbing or natural gas outlets, but may contain one (1) overhead or wall mounted light and one (1) two-gang 110v outlet for every 500 square feet. Such room shall not be used as an office, den, rumpus rooms, or for any habitation of any kind.
3. A permit is required to construct a utility room. "Utility room" means an attached or detached structure or space designed and used solely for one or more systems and appliances to support the functioning of the dwelling unit, such as heating, ventilation, air conditioning, water filtration, laundry, or utility or laundry sink. Plumbing fixtures shall be limited to those to support the functioning of the dwelling unit,

such as gas connections to heating appliances or dryers, water heater or washing machine supply.

(Ord. 14-1344 §7, 2014: Ord. 13-1344U §7, 2013)

#### **15.06.050 Expiration of permits.**

Notwithstanding the provisions of Section [15.06.010](#), Section R105.5 of said residential building code is hereby amended to read as follows:

#### SECTION R105.5

#### EXPIRATION OF PERMITS

##### **R105.5 Expiration.**

Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void (1) if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or (2) if the building or work authorized by such permit is suspended or abandoned for a period of 180 days at any time after the work is commenced, or (3) if the building or work authorized by such permit is not completed within two calendar years from the issuance date of the permit. Before such work can be recommenced, a new permit or a renewed permit as specified below shall be first obtained. No permit shall be renewed more than once.

A. Where work has not commenced within 180 days from the issuance date of a permit, a renewed permit valid for two years may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) no changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date.

B. Where work has commenced and is subsequently suspended or abandoned for a period exceeding 180 days, a renewed permit valid until the original expiration date may be obtained upon payment of a renewal fee equal to ten percent of the original permit fee provided that (1) No changes have been made or will be required in the original plans and specifications for such work and (2) the renewed permit is issued within two years of the original permit issuance date, provided, however, that a renewed permit may be issued despite the passage of two years if construction has progressed and has been approved to the point where only a final inspection is required.

C. Where a project is not commenced or completed on the two year anniversary of the permit issuance date a new permit is required. The applicant shall pay a fee for the new permit based on the valuation of the uncompleted work required for a plan check and a new permit and plans will be reviewed under the Codes and Ordinances in effect at the time the new applications are submitted.

D. Any permittee holding an active permit may apply in writing for an extension of the time within

which work under that permit may be continued when, for good and satisfactory reasons, he or she is unable to continue work within the time required by this Section due to circumstances beyond the control of the permittee. The Building Official may extend the time for action by the permittee for a period not exceeding six calendar months. No permit shall be extended more than twice.

E. If the owner or applicant fails to complete the project within the time required, the Building Official is authorized to obtain the demolition and removal of incomplete work on the property.

(Ord. 10-1315 (Exh. A), 2010)

**15.06.060 Fire sprinklers.**

Notwithstanding the provisions of Section [15.06.010](#), fire sprinklers shall be installed in residential buildings in accordance with the provisions of Section [15.20.080](#). (Ord. 10-1315 (Exh. A), 2010)

## **Chapter 15.08 HOUSING CODE**

Sections:

- [\*\*15.08.010 Adoption of Uniform Housing Code.\*\*](#)
- [\*\*15.08.020 Housing Advisory and Appeals Board.\*\*](#)
- [\*\*15.08.030 Violations.\*\*](#)
- [\*\*15.08.040 Removal of Housing Advisory Appeals Board Members Prior to Expiration of Term.\*\*](#)

### **15.08.010 Adoption of uniform housing code.**

Except as provided in this Chapter [15.08](#) and elsewhere in this Title [15](#), that certain Code designated as the "Uniform Housing Code, 1997 Edition," published by the International Conference of Building Officials, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this Chapter as though set forth in this Chapter in full, subject, however, to the amendments, additions and deletions set forth in this Chapter, and said Code shall be known as the Housing Code of this City.

Whenever the term "jurisdiction" appears in said Code it shall mean and refer to the City of Hermosa Beach. Whenever the term "Building Official" appears in said Code, it shall mean and refer to the Director of Community Development of the City of Hermosa Beach or his or her designee.

### **15.08.020 Housing advisory and appeals board.**

Notwithstanding the provisions of Section [15.08.010](#), Section 203.1 of the Housing Code is hereby amended to read as follows:

#### **SECTION 203.1**

In order to provide for the final interpretation and application of the provisions of this Code, including requirements governing alterations, additions and repair of structures intended for human habitation and buildings and structures accessory thereto, and in order to hear appeals from the local application of any rule or regulation adopted by the State Housing and Community Development Commission there is hereby established a Housing Advisory and Appeals Board. Said Board shall be the same Board of Appeals as specified in Section 108.8 of the Building Code as amended by Section [15.04.020](#) of this Code.

Appeals to the Board shall be processed in accordance with the provisions contained in Section 1201 of said Code.

Copies of said section shall be made freely accessible to the public by the Building Official.

If the Board determines after a hearing that because of local conditions or factors, it is not reasonable for a rule or regulation of the State Housing and Community Development Commission to be applied in the City of Hermosa Beach, the rule or regulation shall have no application within this City and a copy of the determination of said Board, together with a report of the local conditions upon which the determination is

based, shall be filed with the State Department of Housing and Community Development.

**15.08.030 Violations.**

Notwithstanding the provisions of Section [15.08.010](#), Section 204 of the Housing Code is hereby amended to read as follows:

**SECTION 204**

Any person violating any of the provisions of this Chapter or said Housing Code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.010 through Chapter 1.10 of the Hermosa Beach Municipal Code.

**15.08.040 Removal of housing advisory appeals board members prior to expiration of term.**

Notwithstanding the provisions of Section [15.08.010](#), Section 205 of the Housing Code is hereby amended to read as follows:

**SECTION 205**

Any member of the Board may be removed prior to the expiration of his or her term by the affirmative vote of four (4) of the five (5) Councilmembers, provided however that no member of the Board may be so removed during the first ninety (90) days following any municipal election at which a member of the City Council is elected.

## **Chapter 15.12 MECHANICAL CODE Revised 1/17**

Sections:

- [\*\*15.12.010 Adoption of mechanical code.\*\*](#) Revised 1/17
- [\*\*15.12.020 Board of appeals.\*\*](#)
- [\*\*15.12.030 Mechanical permit fees.\*\*](#)
- [\*\*15.12.040 Violations.\*\*](#)

### **15.12.010 Adoption of mechanical code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Mechanical Code, 2016 Edition (Part 4 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the mechanical code of the city of Hermosa Beach. A copy of the mechanical code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official or the director of community development of the city of Hermosa Beach, or his or her designee. (Ord. 16-1372 §4, 2016: Ord. 14-1344 §8, 2014: Ord. 13-1344U §8, 2013: Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: prior code § 7-4)

### **15.12.020 Board of appeals.**

Notwithstanding the provisions of Section [15.12.010](#), Section 108.8 of Chapter 1 of said mechanical code is hereby amended to read as follows:

#### **SECTION 108.8**

**General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to mechanical design, construction and maintenance and public health aspects of mechanical systems and who are not employees of the jurisdiction. Said Board shall be the same Board of Appeals specified in Section 1.8.8 of the Building Code as amended by Section [15.04.020](#) of this Code.

The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official.

**Limitations of authority.** The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

**Quorum for meetings.** Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 95-1142 (part), 1995: prior code § 7-4.1)

#### **15.12.030 Mechanical permit fees.**

Notwithstanding the provisions of Section [15.12.010](#), Section 108.4 of said mechanical code is hereby amended to read as follows:

#### SECTION 108.4

**A. Permit fees.** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

**B. Plan review fees.** When a plan or other data are required to be submitted pursuant to Section, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) per cent of the mechanical permit fee.

(Ord. 10-1315 (Exh. A), 2010: Ord. 95-1142 (part), 1995: prior code § 7-4.3)

#### **15.12.040 Violations.**

Any person violating any of the provisions of this chapter or the current adopted mechanical code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1281, 2007)

**Chapter 15.16  
PLUMBING CODE Revised 1/17**

Sections:

- [\*\*15.16.010 Adoption of plumbing code.\*\* Revised 1/17](#)
- [\*\*15.16.020 Plumbing permit fees.\*\*](#)
- [\*\*15.16.030 Board of appeals.\*\*](#)
- [\*\*15.16.040 Reserved.\*\*](#)
- [\*\*15.16.050 Installation of garbage grinders.\*\*](#)
- [\*\*15.16.060 Abandoned sewers and sewage disposal facilities.\*\*](#)
- [\*\*15.16.070 Retrofitting existing commercial kitchens with grease recovery systems.\*\*](#)
- [\*\*15.16.080 Maintenance and annual inspection of grease recovery systems in commercial kitchens.\*\*](#)
- [\*\*15.16.090 Violations.\*\*](#)

**15.16.010 Adoption of plumbing code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Plumbing Code, 2016 Edition (Part 5 of Title 24 of the California Code of Regulations) including Appendices and including the installation standards contained in Appendix I, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the plumbing code of the city of Hermosa Beach. A copy of the plumbing code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "administrative authority" or "building official" appears in said code, it shall mean and refer to the building/code enforcement official or the director of community development of the city of Hermosa Beach or his or her designee. (Ord. 16-1372 §5, 2016: Ord. 14-1344 §9, 2014: Ord. 13-1344U §9, 2013)

**15.16.020 Plumbing permit fees.**

Notwithstanding the provisions of Section [15.16.010](#), Section 108.4 of Chapter 1 of said plumbing code is hereby amended to read as follows:

**SECTION 108.4**

**A. Permit fees.** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council.

**B. Plan review fees.** When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be equal to eighty (80) percent of the mechanical permit fee.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 95-1142 §1 (part), 1995: prior code § 24-2.4)

**15.16.030 Board of appeals.**

Notwithstanding the provisions of Section [15.16.010](#), Section 108.8 is hereby added to said plumbing code to read as follows:

**SECTION 108.8****BOARD OF APPEALS**

**A. General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretations of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to plumbing design, construction and maintenance and public health aspects of plumbing systems and who are not employees of the jurisdiction. Said Board shall be the same Board of Appeals specified in Section 1.8.8 of the Building Code as amended by Section [15.04.020](#) of this Code.

The Building Official shall be an ex officio member and shall act as secretary to said Board but shall have no vote upon any matter before the Board. The Board of Appeals shall be appointed by the governing body and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official.

**B. Limitations of authority.** The jurisdiction of the Board of Appeals shall be limited to claims that this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

**C. Quorum for meetings.** Three (3) members of said Board shall constitute a quorum. The Board shall elect one of its members to act as chairman.

Not less than three (3) days prior to a meeting of said Board, written notice shall be given to each member personally, or by registered mail, provided, however, that any meeting of said Board shall be legal for any purpose if the written consent of all members of said Board to such meeting is executed and filed in the records of such Board.

Such Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such practicing architects, competent builders, attorneys and structural engineers as said Board in its discretion may deem reasonable and necessary to assist in its investigation and in making its findings and decisions.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 95-1142 §1 (part), 1995: prior code § 24-2.5)

**15.16.040 Reserved.****15.16.050 Installation of garbage grinders.**

Notwithstanding the provisions of Section [15.16.010](#), Section 419 of said plumbing code is hereby added to read as follows:

**SECTION 419**

**419 Installation of garbage grinders.** In new buildings and all buildings remodeled or altered which are designed, equipped and used for residential purposes or for the storing or sheltering of food or foodstuffs for human consumption, including fruits, vegetables and meats, which are to be sold at retail at stores, clubs, hotels, restaurants, schools or other food establishments or at wholesale, or which are prepared at food manufacturing or processing plants, including slaughterhouses, and all buildings where foods for human consumption are prepared, sold, handled, stored or served in any manner whatsoever, shall be equipped with an approved type of garbage grinder, properly connected to the kitchen sink or sewer drain, which grinder and connections shall be of sufficient size to grind all garbage and food processing wastes produced in such building, and shall be suitably located so as to discharge such ground material by flushing it with water through the drain pipes into the sewer; provided, however, that if in operating any business as hereinabove described, packaged or canned goods are not opened on the premises, a garbage grinder for such canned or packaged food shall not be required; provided further that in all new buildings designed, constructed or used for single or multiple family use and buildings remodeled or altered for single or multiple use, an approved garage grinder shall be properly connected to the kitchen sink or sewer drain of each residential unit of such building. Each kitchen sink drain opening shall be so located and of sufficient size to accommodate a garbage grinder for the disposal of kitchen wastes.

If no changes in kitchen plumbing drainage are made in single or multiple family dwellings in the process of remodeling or alterations, a garbage disposal will not be required.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 95-1142 §1 (part), 1995: prior code § 24-2.8)

**15.16.060 Abandoned sewers and sewage disposal facilities.**

Notwithstanding the provisions of Section [15.16.010](#), Section 722.1.2 of said plumbing code is hereby amended to read as follows:

**722.1.2 Abandoned sewers and sewage disposal facilities.** Every abandoned building (house) sewer or part thereof shall be plugged or capped in an approved manner as designated by the Building Official. Before any person plugs and/or caps such sewer or sewage disposal facilities contemplated in this Section, he shall first post a cash bond with the City in an amount of not less than one hundred dollars (\$100.00) to guarantee capping of such sewers and/or sewage disposal facilities, such bond to be returned to the permittee upon completion and inspection to the

satisfaction of the Building Official.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 95-1142 §1 (part), 1995: prior code § 24-2.5)

**15.16.070 Retrofitting existing commercial kitchens with grease recovery systems.**

Notwithstanding the provisions of Section [15.16.010](#), Section 1014.1.1.1 is hereby added to Chapter 10 of said Plumbing Code to read as follows:

**1014.1.1.1** For the purposes of Section 1014.1.3, the following terms shall have the following meanings:

*Affected establishment* means all commercial and institutional food preparation and food service facilities which discharge wastewater or materials containing fat, oil or grease, whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between 0 and 65 degrees Celsius (32-150 degrees F) at an access in nearest proximity to the point of discharge into the wastewater treatment system, generally including but not limited to restaurants, bakeries, assisted living facilities, convalescent homes, butcher shops, cafes, delicatessens, ice cream parlors, hotels, and grocery stores.

Whenever an affected establishment, as defined above, changes use, or applies for a building, plumbing, electric, mechanical or any other permit issued by the City, that establishment may be required to submit a grease recovery analysis showing existing grease control devices. (Said analysis to consist of complete plumbing and mechanical schematics for the establishment.) Upon review of the analysis by the City or its agent(s), the establishment shall be required to upgrade or improve on its grease recovery system as deemed appropriate by the review. Said upgrades and improvements may include but are not limited to; in-ground interception tanks, improved roof top grease venting systems and absorbent padding and interior fry grease recovery systems.

*Grease* shall mean grease, or fatty or oily substances and other insoluble waste that turns or may turn viscous or solidifies with a change in temperature or other conditions.

*Grease removal system* means any system that meets the requirements of this Code and functions to remove grease from drain water prior to its entry into the public sewer system.

Notwithstanding the provisions of Section [15.16.010](#), Section 1014.1.1.2 is hereby added to Chapter 10 of said Plumbing Code to read as follows:

**104.1.1.2** The retrofit installation of an approved grease recovery system shall be required for all affected establishments. The affected establishment shall have the option to install any of the required grease recovery systems separately or in combination as prescribed in Chapter 10. Plans or specifications prepared by a licensed professional engineer or a licensed plumbing contractor, where required, and the manufacturer's installation and maintenance instructions shall be submitted

to the Community Development Department (CDD) for approval prior to installation. Any approvals and permits required for work in the public right-of-way shall be obtained from the Public Works Department.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 05-1250 §3, 2005)

**15.16.080 Maintenance and annual inspection of grease recovery systems in commercial kitchens.**

Notwithstanding the provisions of Section [15.16.010](#), Section 1014.1.4 is hereby added to Chapter 10 of said plumbing code to read as follows:

**1014.1.4**

*Maintenance and monitoring.* It is the responsibility of the owner or operator of every establishment required to have a grease removal system to maintain the system in a sanitary, safe, and efficient operating condition so as to prevent grease from flowing into the sewer system. A grease removal system shall not be considered properly maintained if for any reason it is not in good working condition or if sediment and/or grease accumulations total more than 25 percent of the operative fluid capacity. It is the owner or operator's responsibility to provide for removal of the accumulated grease and other waste contained in the system. Grease removed from such a system shall not be disposed of in the sanitary or the storm sewer.

*Inspection.* All owners/operators of establishments with grease recovery systems shall keep maintenance records and haulers manifests and shall allow City inspection of grease removal systems from time to time during normal business hours. Grease removal systems shall be readily accessible for inspection as per Section 203.0. All applicable records shall be available to the Building Official or his or her representative upon request. An annual inspection fee in an amount set forth in the City's Master Schedule of Service Charges and Fees shall be paid by the owner/operator at the time of business license renewal.

(Ord. 14-1344 §10, 2014: Ord. 13-1344U §10, 2013: Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 07-1281, 2007)

**15.16.090 Violations.**

Any person violating any of the provisions of this chapter or the current adopted plumbing code shall be deemed guilty of a misdemeanor and shall be punishable as set forth in Section 1.04.020. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1281, 2007)

**Chapter 15.20**  
**FIRE PREVENTION CODE Revised 1/17**

Sections:

- [\*\*15.20.010 Adoption of fire code.\*\* Revised 1/17](#)
- [\*\*15.20.020 Establishment and duties of bureau of fire prevention.\*\*](#)
- [\*\*15.20.030 Definitions.\*\*](#)
- [\*\*15.20.032 Repeal of Section 103.2 of fire code.\*\*](#)
- [\*\*15.20.034 Amendments to the fire code--Investigation.\*\*](#)
- [\*\*15.20.036 Additional amendments to the fire code.\*\* Revised 1/17](#)
- [\*\*15.20.040 District limits in which explosives and blasting agents storage is prohibited.\*\*](#)
- [\*\*15.20.050 District limits where flammable liquids storage in outside aboveground tanks is restricted.\*\*](#)
- [\*\*15.20.060 District limits where new bulk plants for flammable or combustible liquids are prohibited.\*\*](#)
- [\*\*15.20.070 Bulk storage of liquefied petroleum gases prohibited, where.\*\*](#)
- [\*\*15.20.080 Amendments to the fire code.\*\*](#)
- [\*\*15.20.090 Modifications.\*\*](#)
- [\*\*15.20.100 Appeals.\*\*](#)
- [\*\*15.20.110 New materials, processes or occupancies which may require permits.\*\*](#)
- [\*\*15.20.120 Fireworks prohibited.\*\*](#)
- [\*\*15.20.130 Penalties.\*\*](#)
- [\*\*15.20.140 Fire protection improvement fee--Purpose and applicability.\*\*](#)

**15.20.010 Adoption of fire code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Fire Code, 2016 Edition (Part 9 of Title 24 of the California Code of Regulations), is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the fire code of the city of Hermosa Beach. A copy of the fire code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Permits as required by provisions within this code may be issued for an identified period of time, subject, however, to the right of the fire chief or his or her designee to revoke said permit for misuse or violation of the terms of the permit. (Ord. 16-1372 §6, 2016; Ord. 14-1344 §11, 2014; Ord. 13-1344U §11, 2013; Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 02-1225U §1, 2002; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995; prior code § 12-1)

**15.20.020 Establishment and duties of bureau of fire prevention.**

The fire code as adopted and amended herein shall be enforced by the bureau of fire prevention in the fire department of the city of Hermosa Beach which is hereby established and which shall be operated under the supervision of the fire chief. (Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995; prior code § 12-2)

**15.20.030 Definitions.**

Notwithstanding the provisions of Section [15.20.010](#), Section 202 is hereby amended to add the following definitions:

**"Administrative Authority"** or **"Building Official"** shall mean and refer to the Director of Community Development of the City of Hermosa Beach or his or her designee.

**"Building Code"** shall mean the current edition of the Building Code, including any revisions, additions, and amendments.

**"Corporation counsel"** shall mean the attorney for the City of Hermosa Beach.

**"Fire Code Official"** shall mean the Fire Chief or his or her duly authorized representative.

**"Jurisdiction"** shall mean the City of Hermosa Beach.

**"May"** shall mean permissible; the word **"Shall"** is held to mean mandatory.

(Ord. 14-1344 §12, 2014: Ord. 13-1344U §12, 2013: Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-3)

**15.20.032 Repeal of Section 103.2 of fire code.**

Notwithstanding the provisions of Section [15.20.010](#), Section 103.2 is hereby repealed from Section 103. (Ord. 14-1344 §13, 2014: Ord. 13-1344U §13, 2013)

**15.20.034 Amendments to the fire code--Investigation.**

Notwithstanding the provisions of Section [15.20.010](#), Section 104 is hereby amended to add the following:

**SECTION 104**

**104.10 Investigations.** The Fire Department is authorized to promptly investigate the cause, origin and circumstances of each and every fire, explosion, unauthorized release of hazardous materials, or any other hazardous condition within the City. If it appears to the bureau of investigation that such fire is suspicious in origin, it is authorized to take immediate charge of all physical evidence relating to the cause of fire and to pursue investigation to its conclusion.

**104.10.1 Assistance from other agencies.** The Police Department and other public agencies are authorized to assist the Fire Department in its investigations when requested to do so.

**104.10.2 Technical assistance.** When there is a fire, explosion, hazardous materials incident or other potential life or serious property threatening situation, the fire code official can request the owner to or operator to hire a private fire protection or hazardous materials investigator, acceptable to the fire code official and at the expense of the owner or operator, to provide a full report of the incident, including, without limitation, such matters as origin, cause, circumstances or proposed

solution to the problem.

**104.11.4 Financial responsibility.** Any person who personally, or through another, willfully, negligently, or in violation of law, sets a fire, allows a fire to be set, or allows a fire kindled or attended by him/her to escape from his/her control, allows any hazardous material to be handled, stored, disposed of, or transported in a manner not in accordance with this Code, State law or nationally recognized Standards, allows any hazardous material to escape from his/her control, allows continuation of a violation of this Code is liable for the expense of fighting the fire or for the expenses incurred during a hazardous materials incident, and such expense will be a charge against that person.

Notwithstanding the provisions of Section [15.20.010](#), Section 105.7.13 is hereby amended to read as follows:

**105.7.13 Rooftop obstructions.** A construction permit is required to install or modify solar photovoltaic power systems, rooftop gardens or landscaped roofs.

Notwithstanding the provisions of Section [15.20.010](#), Section 109.4 is hereby amended to read as follows:

**109.4 Violation penalties.** Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the Fire Code Official, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$1,000 dollars or by imprisonment not exceeding 6 months, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Notwithstanding the provisions of Section [15.20.010](#), Section 307.1.1 is hereby amended to read as follows:

**307.1.1 Prohibited open burning.** Open flame, open burning, recreational burning, fires in outdoor fireplaces or portable fireplaces that is offensive or objectionable because of smoke emissions or when atmospheric conditions, local circumstances, or in very-high fire hazard severity zones make such fires hazardous shall be prohibited.

Notwithstanding the provisions of Section [15.20.010](#), Section 505.1 is hereby amended to read as follows:

**505.1 Address numbers.** Approved address numbers and letters must be placed on all new and existing buildings and units in such a location as to be plainly visible and legible from the street or road fronting such buildings and units. Numbers and letters must be at least four (4) inches in height for residential, six (6) inches in height for commercial, and twelve (12) inches in height for industrial buildings and units and may not be located on doors or other areas that can be obstructed from view. The numbers and letters must be in a color that contrasts with their background and must be in the City's approved numbering sequence. Residential, commercial and industrial buildings and units that are served by an alley must also have approved address numbers and

letters posted in a visible location near the primary door to the alley.

Notwithstanding the provisions of Section [15.20.010](#), Section 507.5.1.1 is hereby amended to read as follows:

**507.5.1.1 Hydrant for sprinkler systems and standpipe systems.** Buildings equipped with an automatic sprinkler system or a standpipe system installed in accordance with Section 903 or 905 shall have a fire hydrant within 80 feet of the Fire Department connection.

Exception: The distance may be permitted to exceed 80 feet where approved by the Fire Code Official.

Notwithstanding the provisions of Section [15.20.010](#), Section 605.11.3.2.1 is hereby amended to read as follows:

**605.11.3.2.1 Residential building smoke and heat ventilation.** Panels/modules installed on the roof of residential buildings must maintain clearance for Fire Department smoke and heat ventilation operations. If panels/modules are installed on both sides of a ridge, one side must have a minimum of 5 feet in distance from the ridge to the panels/modules. The opposite side may have panels/modules up to 3 feet from the ridge line.

Exceptions:

1. Where the building is protected throughout by a fire sprinkler system installed in accordance with the applicable NFPA Standard.
2. Where the building is provided with approved skylights and/or smoke and heat vents located in approved locations per the Fire Department.

Notwithstanding the provisions of Section [15.20.010](#), Section 901.4.7 is hereby amended to read as follows:

**901.4.7 Partial fire sprinkler systems.** Where in this Code or the Building Code a partial fire sprinkler system is required, the fire sprinkler system must be installed, modified or extended to protect the entire building or structure.

Notwithstanding the provisions of Section [15.20.010](#), Section 901.11 is hereby amended to read as follows:

**901.11 Problematic systems.** In the event of a failure of a fire protection system or two (2) or more alarms in a week where the fire code official finds no evidence of a situation requiring a response, the Fire Code Official is authorized to require the building owner or occupant to provide a fire watch until the system is repaired. Fire watch personnel must be provided with at least one (1) approved means for notification of the Fire Department and their only duty is to perform constant patrols of the protected premises and keep watch for fires.

Notwithstanding the provisions of Section [15.20.010](#), Section 1030.10 is hereby amended to read as follows:

**1030.10 Fire escape maintenance.** Fire escapes must be kept clear and unobstructed at all times, must be maintained in good working order at all times and must receive an annual inspection by a Los Angeles Fire Department Regulation 4 certified individual. The inspection records must remain on site for Fire Department review.

Notwithstanding the provisions of Section [15.20.010](#), Section 3304.8 is hereby amended to read as follows:

**3304.8 Fire retardant plastic sheeting and tarpaulins.** Fire retardant tarpaulins and sheeting must be used to barricade construction areas from occupied building spaces and to provide floor or wall protection in occupied buildings.

(Ord. 14-1344 §14, 2014: Ord. 13-1344U §14, 2013)

**15.20.036 Additional amendments to the fire code.\* Revised 1/17**

Notwithstanding the provisions of Section [15.20.010](#), the following provisions of the fire code are amended as follows:

Part 1. Subsection 503.1.1 is amended to read as follows:

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads must be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements of this section and must extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility. The Fire Code official has the authority to designate fire apparatus access roads on private property.

**Exceptions:**

1. The Fire Code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
  - 1.1. The building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3.
  - 1.2. Fire apparatus access roads cannot be installed because of location on property, topography, waterways, nonnegotiable grades or other similar conditions, and an approved alternative means of fire protection is provided.
  - 1.3. There are not more than two Group R-3 or Group U occupancies.
2. Where approved by the Fire Code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

Part 2. Subsection 503.2.1 Dimensions is amended to read as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 15 feet. (4572 mm).

**Exception:**

1. When serving only one Group R, Division 3 or Group U Occupancy the unobstructed width of the access road may be 12 feet (3658 mm).

Part 3. Subsection 505.1 is amended to read as follows:

**505.1 Address identification.** Approved address numbers and letters must be placed on all new and existing buildings and units in such a location as to be plainly visible and legible from the street or road fronting such buildings and units. Numbers and letters must be at least four (4) inches in height for residential, six (6) inches in height for commercial, and twelve (12) inches in height for industrial buildings and units and may not be located on doors or other areas that can be obstructed from view. The numbers and letters will be in a color that contrasts with their background and must be in the City's approved numbering sequence. Residential, commercial and industrial buildings and units that are served by an alley or a fire apparatus access roadway to the rear of the building must also have approved address numbers and letters posted in a visible location near the primary door to the alley or a fire apparatus access roadway.

Part 4. Subsection 605.11.1.2.2 Hip Roof Layouts is amended to read as follows:

**605.11.1.2.2 Hip Roof Layouts.** Panels and modules installed on Group R-3 buildings with hip roof layouts shall be located in a manner that provides a minimum 3-foot-wide (968 mm) clear perimeter around the edges of the roof. The access pathway shall be capable of supporting the firefighters accessing the roof.

Part 5. Subsection 605.11.1.2.3 amended to read as follows:

**605.11.1.2.3 Single ridge roofs.** Panels and modules installed on Group R-3 buildings with a single ridge roof layouts shall be located in a manner that provides a minimum 3-foot-wide (968 mm) clear perimeter around the edges of the roof. The access pathway shall be capable of supporting the firefighters accessing the roof.

Part 6. Subsection 605.11.1.2.5 is amended to read as follows:

**605.11.1.2.5 Allowance for smoke ventilation operations.** Panels and modules installed on Group R-3 buildings shall be located not less than 1 foot from the ridgeline, and shall be located on only one side of any ridge to allow for smoke ventilation operations on the opposing side.

**Exception:** Panels and modules shall be permitted to be located up to the roof ridge:

1. Where solar panels are located a minimum of 5 feet from the ridge on the opposing side.
2. Where alternative means of allowance for smoke ventilation operations have been approved by the fire chief.

Part 7. Subsection 903.2 is amended to read as follows:

**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.2 .

Part 8. Subsection 903.2.1 is amended to read as follows:

**903.2.1 Group A.** An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A occupancies as provided in this section. For Group A-1, A-2, A-3 and A-4 occupancies, the automatic sprinkler system shall be provided throughout the story where the fire area containing the Group A-1, A-2, A-3 or A-4 occupancy is located, and throughout all stories from the Group A occupancy to, and including, the levels of exit discharge serving the Group A occupancy.

**903.2.1 New structures.** An automatic sprinkler system must be provided throughout every new structure.

**Exception:** U Occupancies under 500 square feet.

Part 9. Subsections 903.2.1.1 through 903.2.1.7 are deleted in their entirety.

Part 10. Subsection 903.2.2 is amended to read as follows:

**903.2.2 Ambulatory care facilities.** An automatic sprinkler system shall be installed throughout the entire floor containing an ambulatory care facility where either of the following conditions exists at any time:

1. Four or more care recipients are incapable of self-preservation, whether rendered incapable by staff or staff has accepted responsibility for care recipients already incapable.
2. One or more care recipients that are incapable of self-preservation are located at other than the level of exit discharge serving such a facility.

In buildings where ambulatory care is provided on levels other than the level of exit discharge, an automatic sprinkler system shall be installed throughout the entire floor where such care is provided as well as all floors below, and all floors between the level of ambulatory care and the nearest level of exit discharge, including the level of exit discharge.

**903.2.2 Existing Structures.** Notwithstanding any applicable provisions of this Code, an automatic

sprinkler system shall be provided in an existing building when an addition or alteration occurs, and one of the following conditions exists:

1. When an alteration is 33% or more of the existing building area, and the resulting building area exceeds 2,000 square feet ( $465\text{ m}^2$ ) as defined in Section 202; or
2. When an addition exceeds 1,000 square feet ( $186\text{ m}^2$ ) and the resulting building area exceeds 2,000 square feet ( $465\text{ m}^2$ ) as defined in Section 202; or
3. An additional story is added above the second floor, regardless of fire areas or allowable area.
4. Any change in occupancy classification or when deemed necessary by the AHJ.

**Exception:**

1. When the cost of installing an approved automatic sprinkler system exceeds 5% of the alteration, with the approval of the Fire Code Official, the required automatic sprinkler system may be omitted.
2. U occupancies under 500 square feet.

Part 11. Subsection 903.2.3 is amended to read as follows:

**903.2.3 Group E.** An automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 12,000 square feet ( $1115\text{ m}^2$ ) in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

**Exception:**

An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has no fewer than one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 12,000 square feet ( $1115\text{ m}^2$ ) in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.
5. For public school state-funded construction projects see Section 903.2.19.

**903.2.3 Protection of Attached Garages.** Residential occupancies protected by an automatic sprinkler system in accordance with NFPA 13R or 13D must have automatic sprinkler systems installed in attached garages and in other areas as required by the Fire Code official.

Part 12. Subsections 903.2.4, 903.2.4.1, 903.2.5, 903.2.5.1, 903.2.5.2, 903.2.5.3, 903.2.5.4, 903.2.6, 903.2.6.1, 903.2.6.2, 903.2.7, 903.2.7.1, 903.2.8, 903.2.8.1, 903.2.8.3, 903.2.8.4, 903.2.9, 903.2.9.2, 903.2.10, 903.2.10.1 are deleted in their entirety.

Part 13. Subsection 903.4.2 is amended to read as follows:

**903.4.2 Alarms.** One exterior approved audible and visible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Part 14. A new Subsection 903.4.2.1 is added to read as follows:

**903.4.2.1 Where required:** Exterior audible and visible alarm notification shall be provided on NFPA 13, 13R, and 13D systems.

Part 15. A new Subsection 1031.10 is added to read as follows:

**1031.10 Fire Escape Maintenance.** Fire escapes must be kept clear and unobstructed at all times, must be maintained in good working order at all times, and must receive annual inspection by a certified individual. The inspection records must remain on-site for reviewed by the Fire Code Official.

**1103.2 Emergency Responder Radio Coverage in Existing Buildings** is hereby adopted without amendment.

Part 16. Subsection 5601.1.3 is amended to read as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, sale, use, handling, and use of "Safe and Sane" fireworks is prohibited.

**Exceptions:**

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.
3. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience and

pyrotechnic special effects in motion pictures, television, theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.

Part 17. Subsection 5601.7 is amended to read as follows:

**5601.7 Seizure of fireworks.** The Fire Code official and police authority are authorized to remove or cause to be removed or disposed of in an approved manner, at the expense of the owner, explosives, explosive materials or fireworks offered or exposed for sale, stored, possessed or used in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

Part 18. A new Subsection 5601.7.1 is added to read as follows:

**5601.7.1 Financial Responsibility.** See section 104.11.4 Financial Responsibility for cost recovery of enforcement of section 5609.1. Fireworks may be identified as hazardous waste by the State of California; violators shall be responsible for any disposal fees.

Part 19. Subsection B105.2 is amended to read as follows:

**B105.2 Buildings other than one- and two-family dwellings.** The minimum fire-flow and flow duration for buildings other than one- and two-family dwellings, is specified in Table B105.1.

**Exception:** A reduction in required fire-flow up to 50 percent, as approved, is allowed when the building is protected with an approved automatic sprinkler system installed in accordance with Section 903.1.1 or 903.1.2. The resulting fire-flow must not be less than 1,500 gallons per minute (5678 L/min) for the prescribed duration as specified in Table B105.1.

(Ord. 16-1372 §7, 2016)

\* Code reviser's note: Ord. 16-1372 adds the provisions of this new section as Section [15.20.032](#). The section has been editorially renumbered to prevent duplication of numbering.

**15.20.040 District limits in which explosives and blasting agents storage is prohibited.**

Notwithstanding the provisions of Section [15.20.010](#), Section 3301 is hereby amended to add the following:

Storage of explosives and blasting agents is prohibited for all property zoned for residential and commercial uses.

(Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995; prior code § 12-4)

**15.20.050 District limits where flammable liquids storage in outside aboveground tanks is restricted.**

Notwithstanding the provisions of Section [15.20.010](#), the limits referred to in Sections 3404.2.9.5.1 and 3406.2.4.4 of the fire code in which storage of flammable liquids in outside aboveground tanks is restricted,

are hereby established as follows: All property zoned for residential and commercial uses. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-5)

#### **15.20.060 District limits where new bulk plants for flammable or combustible liquids are prohibited.**

Notwithstanding the provisions of Section [15.20.010](#), the limits referred to in Section 3804.2 of the fire code, in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: All property zoned for residential and commercial uses. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-6)

#### **15.20.070 Bulk storage of liquefied petroleum gases prohibited, where.**

Notwithstanding the provisions of Section [15.20.010](#), the limits referred to in Section 3804.2 of the fire code, in which storage of liquefied petroleum gas is restricted, are hereby established as follows: All property zoned for residential and commercial uses. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999)

#### **15.20.080 Amendments to the fire code.**

Notwithstanding the provisions of Section [15.20.010](#), the following subsections of Section 903 of said fire code are hereby amended to read as follows:

#### SECTION 903

**(F) 903.2.1.2 Group A-2.** An automatic sprinkler system shall be provided for Group A-2 occupancies.

**(F) 903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided for Group A-3 occupancies.

**(F) 903.2.6 Group M.** An automatic sprinkler system shall be installed in retail sales rooms classed as Group M Occupancies.

**(F) 903.2.7 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 herein and Section R313 of the California Residential Building Code (Part 2.5 of Title 24 of the California Code of Regulations), shall be provided throughout all buildings with a Group R fire area.

Notwithstanding the provisions of Section [15.20.010](#), the following subsections of Section 904 of said Fire Code are hereby amended to read as follows:

#### SECTION 904

**(F) 904.2.3.4 Expansion of existing buildings.** Any alteration or expansion of an existing building where: (1) the expansion exceeds 50 percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds 50 percent of the value of the existing structure as determined by the Building Official.

**Table No. 9-A,** Standpipe requirements of said Building Code is hereby amended to substitute the term "three (3) stories" wherever the term "four (4) stories" appears in said table.

Notwithstanding the provisions of Section [15.20.010](#), the following subsection of Section 905 of said fire code is hereby amended to read as follows:

## SECTION 905

**(F) 905.3.1 Building Height.** Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 20 feet above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 20 feet below the highest level of fire department vehicle access.

Notwithstanding the provisions of Section [15.20.010](#), the following subsection is hereby added to Section 907 of said fire code to read as follows:

## SECTION 907

**907.2.8.2.1 Group R, Division 1.** An automatic fire alarm system shall be installed in apartment houses 3 stories or more in height (mezzanines and lofts shall be considered as stories), or containing 16 or more dwelling units, and in hotels 3 or more stories in height or containing 20 or more guest rooms.

Notwithstanding the provisions of Section [15.20.010](#), Section 105.1 of Appendix B of said Fire Code is hereby amended to read as follows:

## APPENDIX B

### **105.1 One- and two-family dwellings.**

The minimum fire-flow requirements for one- and two family dwellings not exceeding two (2) stories in height, shall be one thousand five hundred (1,500) gallons per minute (for other residential buildings, Table B105.1 shall be used). Exception: Fire flow may be reduced fifty (50) percent when the building is provided with an approved automatic sprinkler system.

The fire flow for buildings other than one- and two-family dwellings shall be not less than that specified in Table B105.1. Exception: The required fire flow may be reduced up to seventy-five (75) percent when the building is provided with an approved automatic sprinkler system, but in no case less than one thousand five hundred (1,500) gallons per minute.

In types I and 11-FR Construction, only the three (3) largest successive floor areas shall be used.

Notwithstanding the provisions of Section [15.20.010](#), Appendix C of said Fire Code is hereby amended by adding thereto the following section to read as follows:

## APPENDIX C

**C105.2.** The Fire Chief may require closer spacing between hydrants because of grades, steep inclines or other geographic problems, and accessibility.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-7)

### **15.20.090 Modifications.**

The fire chief or his designee shall have power to modify any of the provisions of the fire code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed, and the decision of the fire chief or his designee thereon, shall be entered upon the records of the department and a signed copy shall be furnished to the applicant. (Ord. 10-1315 (Exh. A), 2010: Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-8)

### **15.20.100 Appeals.**

Notwithstanding the provisions of Section [15.20.010](#), Section 108 of Chapter 1 of said fire code is hereby amended to read as follows:

**108.** Whenever the Fire Chief disapproves an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Code do not apply or that the true intent and meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Chief to the City Council within thirty (30) days from the date of the decision appealed.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-9)

### **15.20.110 New materials, processes or occupancies which may require permits.**

Notwithstanding the provisions of Section [15.20.010](#), Section 104.9 of Chapter 1 of said fire code is hereby amended to read as follows:

**104.9.** The Fire Chief, the Fire Department Plan Check Officer, and the Director of Community Development shall act as a committee to determine and specify what new materials, processes, or occupancies shall require permits in addition to those now enumerated in said Code after giving affected persons reasonable opportunity to be heard. The decision of the committee shall be final. The Fire Chief shall post such list in a conspicuous place in his department and distribute copies thereof to interested persons.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-10)

**15.20.120 Fireworks prohibited.**

Notwithstanding the provisions of Section [15.20.010](#), Sections 5601.2 and 5601.3 are added to read as follows:

**5601.2 Fireworks.** The manufacturing, possession, storage sale, use and handling of fireworks, including without limitation, "Safe and Sane" fireworks, is prohibited.

Exceptions:

1. Storage of fireworks in accordance with the requirements for low order explosives in Title 19, California Code of Regulations, Chapter 10.
2. Storage of fireworks 1.4G in accordance with Title 19, California Code of Regulations, Chapter 6.
3. Use and handling of fireworks for professional display in accordance with Title 19, California Code of Regulations, Chapter 6 and only with approval of the City Council.

**5601.3 Seizure of fireworks.** The Fire Code Official has the authority to seize, take and remove fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19, California Code of Regulations, Chapter 6 and California Health and Safety Code, Chapter 9.

(Ord. 14-1344 §15, 2014: Ord. 13-1344U §15, 2013: Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 99-1192 §1, 1999; Ord. 96-1166 §1, 1996)

**15.20.130 Penalties.**

Any person violating any of the provisions of this code shall be deemed guilty of a misdemeanor, punishable as provided by law. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense.

The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 07-1281, 2007; Ord. 99-1192 §1, 1999; Ord. 95-1143 §1 (part), 1995: prior code § 12-11)

**15.20.140 Fire protection improvement fee--Purpose and applicability.**

The purpose of the fire protection improvement fee is to mitigate the fire protection impacts caused by new development in the city by financing fire protection improvements in direct relation to the development's fair share of the construction costs of these improvements.

A. Fire Protection Improvement Fee. The fire protection improvement fee established by Ordinance No. 88-932 shall continue in effect at the rates set forth in subsection (C) of this section. The fee shall be paid prior to issuance of a building permit for any new structure or expansion of an existing structure as described in subsection (C) of this section in the city.

B. Fee Account. The revenues raised by payment of the fire protection improvement fee shall be placed in a separate and special fund and such revenues, along with any interest earnings on that fund, shall be used solely to pay for the improvements and apparatus described in subsection (D) of this section.

C. Amount of Fee.

1. Residential: nine cents (\$0.09) per square foot of net floor area.
2. Nonresidential: eleven and one-half cents (\$0.115) per square foot of net floor area.

The calculation of floor area shall include the floor area of all structures including the main structure and any accessory structures, including, but not limited to garages, structural decks, and balconies, and shall be measured from the outside of the walls or perimeter of said structures. For new projects, the net floor area shall be calculated as the total floor area of the new structure minus any floor area of any existing legally permitted structures demolished as part of the new project. For existing structures that add floor area, the fee shall be applied to the net increase in floor area.

D. Use of Fee. The fee shall be solely used to pay for:

1. Fire hydrants; riser connections from main to hydrant; necessary valves and attachments; repairs to public improvements necessitated by installation of hydrants, riser connections, valves and attachments; fire stations, training facilities, administrative offices, communications centers, and maintenance centers; and firefighting equipment, vehicles, apparatus, and appliances;
2. Reimbursement to the city for the development's fair share of those capital improvements already constructed by the city; and
3. Reimbursement to developers who have constructed public facilities where those facilities were beyond that needed to mitigate the impact of the developers' project.(Ord. 11-1323 §2, 2011)

## **Chapter 15.24 ABATEMENT OF DANGEROUS BUILDINGS**

Sections:

- [\*\*15.24.010 Adoption of Uniform Code for the Abatement of Dangerous Buildings.\*\*](#)
- [\*\*15.24.020 Purpose and Scope\*\*](#)
- [\*\*15.24.030 Section 202 amended--Abatement of dangerous buildings.\*\*](#)
- [\*\*15.24.040 Board of Appeals\*\*](#)
- [\*\*15.24.050 Dangerous Building\*\*](#)

### **15.24.010 Adoption of uniform code for the abatement of dangerous buildings.**

That certain Code designated as the "Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition," published by the International Conference of Building Officials, one copy of which is on file in the office of the City Clerk for public record and inspection, is hereby adopted by reference and made a part of this Chapter as though set forth in this Chapter in full, subject, however, to the amendments, additions and deletions set forth in this Chapter, and said Code shall be known as the Abatement of Dangerous Buildings Code of this City.

Whenever the term "jurisdiction" appears in said Code it shall mean and refer to the City of Hermosa Beach.

Whenever the term "Building Official" appears in said Code it shall mean and refer to the Director of Community Development of the City of Hermosa Beach or his or her designee.

### **15.24.020 Purpose and scope.**

Notwithstanding the provisions of Section [15.24.010](#), Section 102.2.1 of said Abatement of Dangerous Buildings Code is hereby amended to read as follows:

**102.2.1** The scope of this Code shall include the content of the City of Hermosa Beach Ordinance Number 94-1114 as though set forth in this Section in full.

### **15.24.030 Section 202 amended--Abatement of dangerous buildings**

Notwithstanding the provisions of Section [15.24.010](#), Section 202 of said Abatement of Dangerous Buildings Code is amended to read as follows:

#### Section 202 - Abatement of dangerous buildings

All buildings or portions thereof which are determined by after inspection by the Building Official to be dangerous as defined in this Code shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Section 401 of this Code or in Section 8.28 of the Hermosa Beach Municipal Code.

### **15.24.040 Board of appeals.**

Notwithstanding the provisions of Section [15.24.010](#), Section 205 of said Abatement of Dangerous Buildings Code is hereby amended to read as follows:

## SECTION 205.

**205.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of this Code, there shall be and is hereby created a Board of Appeals consisting of members who are qualified by experience and training to pass upon matters pertaining to building construction and who are not employees of the jurisdiction. Said board shall be the same Board of Appeals specified in Section 1.8.8 of the Building Code as amended by Section [15.04.020](#) of this Code.

The Building Official shall be an ex officio member and shall act as secretary to said board but shall have no vote upon any matter before the board. The board of appeals shall be appointed by the City Council and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant, with a duplicate copy to the Building Official.

Appeals to the board shall be processed in accordance with the provisions contained in Section 1201 of this Code. Copies of all rules or regulations adopted by the board shall be delivered to the Building Official, who shall make them freely accessible to the public.

**205.2 Limitations of authority.** The jurisdiction of the board of appeals shall be limited to claims that this Code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply or an equally good or better method of construction is proposed. The Board of Appeals shall have no authority to waive requirements of this Code.

### **15.24.050 Dangerous buildings.**

Notwithstanding the provisions of Section [15.24.010](#), Sections 302 (19) and 401.1.1 of the Abatement of Dangerous Buildings Code are hereby amended to read as follows:

**302 (19)** Whenever any building has at least one (1) unreinforced masonry bearing wall and is in existence without being retrofit after the date shown on Table A1-G of this Code.

**401.1.1** When the Building Official has determined that any building described in Section 302 (19) of this Code has not been abated as of the date shown in Table A1-G the Building Official shall commence proceedings to cause repair, vacation or demolition of the building.

**Chapter 15.28  
EXISTING BUILDINGS**

Sections:

**15.28.010 Adoption of Existing Building Code.**

**15.28.010 Adoption of existing building code.**

Except as hereinafter provided, the California Existing Building Code 2010 Edition (Part 10 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this Chapter in full. Said Code shall comprise the Existing Building Code of the City of Hermosa Beach. A copy of said Code shall be maintained in the office of the City Clerk, and shall be made available for public inspection while the Code is in force.

**Chapter 15.32  
ELECTRICAL CODE Revised 1/17**

Sections:

- [\*\*15.32.010 Adoption of electrical code.\*\* Revised 1/17](#)
- [\*\*15.32.020 Fees.\*\*](#)
- [\*\*15.32.030 Condominium installations.\*\*](#)
- [\*\*15.32.040 Underground service laterals required for new construction.\*\*](#)
- [\*\*15.32.050 Underground utilities for new buildings.\*\*](#)
- [\*\*15.32.060 Underground utilities for existing buildings.\*\*](#)
- [\*\*15.32.070 Responsibility for compliance.\*\*](#)
- [\*\*15.32.080 Appurtenances.\*\*](#)
- [\*\*15.32.090 Risers.\*\*](#)
- [\*\*15.32.100 Reserved.\*\*](#)
- [\*\*15.32.110 Existing underground areas.\*\*](#)
- [\*\*15.32.120 Application.\*\*](#)
- [\*\*15.32.130 Temporary power pole required on construction sites.\*\*](#)
- [\*\*15.32.140 Required connecting conduit to accommodate roof mounted alternative energy equipment.\*\*](#)

**15.32.010 Adoption of electrical code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Electrical Code, 2016 Edition (Part 3 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the electrical code of the city of Hermosa Beach. A copy of the electrical code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the City of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the director of community development of the city of Hermosa Beach or his or her designee. (Ord. 16-1372 §8, 2016; Ord. 14-1344 §16, 2014; Ord. 13-1344U §16, 2013; Ord. 10-1315 (Exh. A), 2010; Ord. 07-1289 (Exh. A), 2007; Ord. 07-1289U (Exh. A), 2007; Ord. 05-1256 §2, 2005; Ord. 02-1225U §1, 2002; Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995; prior code § 11-1)

**15.32.020 Fees.**

Notwithstanding the provisions of Section [15.32.010](#), Section 89.108.4.2 of said electrical code is hereby amended to read as follows:

**89.108.4.2** The fee for each permit shall be as set forth in the latest resolution adopted by the City Council. When a plan or other data are required to be submitted pursuant to this Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan

review fee shall be equal to eighty (80) percent of the mechanical permit fee.

For purposes of determining fees only, the following definitions shall apply:

**89.108.4.2.1 New general use branch circuits.**

1. The fees prescribed apply to new branch circuit wiring and the lighting fixtures, switches, receptacles, appliances or other utilization equipment permitted to be supplied by these branch circuits.
2. For the purposes of this Subsection, each ungrounded conductor of a multiwire branch circuit supplying one appliance may be counted as one circuit.
3. For the purposes of this Subsection, three-phase lighting branch circuits are counted as two (2) branch circuits.

**89.108.4.2.2 Adding outlets (to existing branch circuits) or temporary lights and yard lighting.**

1. Each outlet added to an existing branch circuit shall be counted as one unit and each lighting fixture connected thereto shall be counted as an additional unit except as modified in the following provisions of this Subsection.
2. An outlet shall mean a point or place on a fixed-wiring installation from which electric current is controlled, or is supplied to a lamp, lighting fixture, fan, clock, heater, range, motor, or other electrical appliance or equipment.
3. An outlet box for two (2) or more switches or receptacles shall be considered as one unit.

**89.108.4.2.3 Motors, transformers, heating appliances and miscellaneous equipment or appliances.**

1. The fees prescribed cover the inspection of the supply branch circuit and the utilization equipment supplied therefrom and the control equipment therefor.
2. Except where supplied by branch circuits rated over fifty (50) amperes, the fees required apply only to non dwelling occupancies. The fee for each motor, transformer, heating appliance, welder, rectifier, x-ray machine, storage battery system, infrared industrial heating appliance, cooking or baking equipment, studio effects lighting, and other miscellaneous equipment or appliances shall be given in the rating table of the resolution order.
3. Where fixed equipment is supplied by flexible cords to facilitate servicing or replacement, those fees shall also apply to each receptacle outlet installed for the supply of portable equipment rated larger than three (3) H.P., K.W., or K.V.A.
4. For any equipment or appliance containing more than one motor, or other current consuming

utilization components in addition to the motor or motors, the combined electrical ratings converted to K.V.A. of all shall be used to determine the fee. For the purpose of this subsection, one H.P. or one K.W. is equivalent to one K.V.A. The total ampere ratings of all receptacles installed on a factory fabricated wireway assembly for studio effects lighting may be used in computing the fees therefor.

5. The fees for a change of location or replacement of equipment on the same premises shall be the same as that for a new installation. However, no fees shall be required for moving any temporary construction motor from one place to another on the same site during the time of actual construction work after a permit has once been obtained for such motor and the fees required therefor have been paid.

**89.108.4.2.4 Required fire warning, communications and emergency control systems.** For the purposes of this Subsection, devices shall include all signaling equipment, stations, power equipment such as damper actuators or door holding device, and communication jacks or outlets.

**89.108.4.2.5 Service and switchboard sections.**

1. Fees shall be required for the installation, reinstallation, replacement or alteration of each service and each switchboard section.

2. For the purpose of this Subsection, a switchboard section means any portion of complete switchboard, distribution board, or motor control center which is pre-vented by the structural framework from being separated into smaller units.

3. The fees for services shad be determined from the ampacity of the set of service entrance conductors or the total ampere rating of the service equipment.

4. No fee need be paid for switchboard section which incorporates service equipment for which service fees were paid.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-2)

**15.32.030 Condominium installations.**

Where conductors serving a condominium pass through a condominium which they do not serve, as in the case of multifamily dwelling structures, said conductors shall be enclosed in an approved conduit or raceway.

(Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-3)

**15.32.040 Underground service laterals required for new construction.**

All new buildings and structures in the city shall provide underground electrical and communications service laterals on the premises to be served as hereinafter required. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289

(Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4)

### **15.32.050 Underground utilities for new buildings.**

All electrical, telephone, community antenna television system (CATV), and similar service wires or cables which provide direct service to new buildings and structures shall be installed underground in compliance with all applicable building and electrical codes, safety regulations and orders, and the rules of the Public Utilities Commission of the State of California. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.1)

### **15.32.060 Underground utilities for existing buildings.**

Existing overhead wires and/or new utility service shall be placed underground when one or more new dwelling units are created in an existing building and one or both of the following apply:

1. The expansion exceeds fifty (50) percent of the existing gross floor area; or
2. The cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official.

Exception: Undergrounding shall not be required if Southern California Edison deems in writing that such underground installation is infeasible based upon its service requirements or to the unavailability of necessary easements. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 96-1149 §1 (part), 1996: Ord. 95-1142 §1 (part), 1995: prior code § 11-4.2)

### **15.32.070 Responsibility for compliance.**

The developer and owner are jointly and severally responsible for complying with the requirements of this chapter and shall make the necessary arrangements with the utility companies for the installation of such facilities. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.3)

### **15.32.080 Appurtenances.**

For the purposes of this chapter, appurtenances and associated equipment, such as, but not limited to, surface mounted transformers, pedestal mounted terminal boxes and meter cabinets and concealed ducts in an underground system may be placed above ground if permitted by and in accordance with the rules of the State Public Utilities Commission. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.4)

### **15.32.090 Risers.**

Risers on poles and buildings are permitted and shall be provided by the developer or owner on the pole which services said property. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A),

2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.5)

**15.32.100 Reserved.**

**15.32.110 Existing underground areas.**

On streets where electrical and communications lines have been placed underground or where no overhead lines presently exist on or before July 1, 1977, said lines shall remain permanently underground and no additional electric or communications service facilities shall be added on said streets unless they are placed underground. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.7)

**15.32.120 Application.**

Section [15.32.040](#) of this city code of the city of Hermosa Beach shall not apply to utility lines which do not provide service in the area being developed. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 99-1192 §1 (part), 1999; Ord. 99-1192U §1 (part), 1999; Ord. 95-1142 §1 (part), 1995: prior code § 11-4.8)

**15.32.130 Temporary power pole required on construction sites.**

All construction sites for which temporary power must be supplied because there is no electrical service shall provide a temporary power pole prior to issuance of a building permit. Said power pole shall remain installed until the project has received final approval and electrical service has commenced. Generators are prohibited as a substitute for a temporary power pole. (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007: Ord. 05-1256 §3, 2005)

**15.32.140 Required connecting conduit to accommodate roof mounted alternative energy equipment.**

The installation of a conduit from the roof to the service panel shall be required to assist and encourage the installation of roof mounted energy collection/generation devices for new residential construction or additions or remodels where: (1) the expansion exceeds fifty (50) percent of the existing gross floor area; or (2) the cost of remodeling, expansion or improvement exceeds fifty (50) percent of the value of the existing structure as determined by the building official. Said electric service panel shall be of adequate size to provide capacity for the future addition of photovoltaic and solar thermal, or other equivalent alternative energy producing device(s). Solar panel installations and other roof attachments shall conform to the provisions of Section [15.04.084](#). (Ord. 10-1315 (Exh. A), 2010: Ord. 07-1289 (Exh. A), 2007: Ord. 07-1289U (Exh. A), 2007)

## Chapter 15.36

### SEISMIC STRENGTHENING OF BUILDINGS HAVING UNREINFORCED MASONRY BEARING WALLS

Sections:

- [\*\*15.36.010 Purpose of provisions.\*\*](#)
- [\*\*15.36.020 Scope--Exceptions.\*\*](#)
- [\*\*15.36.030 Definitions.\*\*](#)
- [\*\*15.36.040 Rating classifications.\*\*](#)
- [\*\*15.36.050 Compliance requirements.\*\*](#)
- [\*\*15.36.060 Administration.\*\*](#)

#### **15.36.010 Purpose of provisions.**

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings. The provisions of this chapter are intended as minimum standards for structural seismic resistance. The provisions are established primarily to reduce the risk of life, loss or injury. Compliance with these provisions will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings.  
(Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.1)

#### **15.36.020 Scope--exceptions.**

The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. Unreinforced masonry bearing wall buildings constructed of hollow concrete blocks or hollow clay tiles that do not exceed two stories in height may be strengthened using these provisions. Bonding of hollow concrete block or hollow clay tile walls shall be verified to the satisfaction of the building official. It shall be shown by testing that the tile or block units are of bearing type and the capacity of the wall in bearing and shear based on net area in contact through bed joints is not less than those allowed for solid brick.

When a permit for reroofing of any building regulated by this ordinance is applied for, the requirements for parapet bracing and tension wall anchors between the roof and all exterior walls shall be complied with.

Exceptions: This chapter shall not apply to:

- A. Detached one- or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes; or
- B. Essential or hazardous facilities as defined in Table 16-K of the building code. Such structures shall comply with the building code. (Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.2)

#### **15.36.030 Definitions.**

For the purposes of this chapter, the applicable definitions in the building code shall apply. In addition, the following definitions shall apply:

"High risk building" means any building, other than an essential or hazardous facility, having an occupant load

of three hundred (300) occupants or more as determined by Section 1002 of the building code.

Exceptions: A high risk building shall not include the following:

Any building having exterior walls braced with masonry crosswalls or woodframe crosswalls spaced less than forty (40) feet apart in each story. Crosswalls shall be full-story height with a minimum length of one and one-half times the story height;

Any building used for its intended purpose, as determined by the building official, for less than twenty (20) hours per week.

"Low risk building" means any building, other than an essential or hazardous facility, having an occupant load as determined by Section 1002 of the building code of less than twenty-five (25) occupants.

"Medium risk building" means any building, not classified as a high risk building or an essential or hazardous facility, having an occupant load as determined by Section 1002 of the building code of twenty-five (25) occupants or more, including buildings of greater than three hundred (300) occupants used less than twenty (20) hours per week. (Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.3)

#### **15.36.040 Rating classifications.**

The rating classifications identified in Table 7-V-1 are established and each building within the scope of this chapter shall be placed in one such rating classification by the building official. The total occupant load of the entire building as determined by Section 1002 of the building code shall be used to determine the rating classification.

Exception: For purposes of this chapter, portions of buildings constructed to act independently when resisting seismic forces may be placed in separate rating classifications. (Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.4)

#### **15.36.050 Compliance requirements.**

A. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such. If the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

B. The owner of a building within the scope of this chapter shall comply with the requirements set forth above by submitting to the building official for review:

1. Within two hundred seventy (270) days after service of the order, a structural analysis, which is subject to approval by the building official and which shall demonstrate that the building meets the minimum requirements of this chapter;
2. Within two hundred seventy (270) days after service of the order, the structural analysis and plans for

structural alterations of the building to comply with this chapter;

3. Within one hundred eighty (180) days after service of the order, plans for the installation of wall anchors in accordance with the requirements of this chapter; or

Within two hundred seventy (270) days after service of the order, plans for the demolition of the building.

C. After plans are submitted and approved by the building official, the owner shall obtain a building permit, then commence and complete the required construction or demolition within the time limits set forth in Table 7-V-2.

D. Owners electing to comply with subsection B(3) of this section are also required to comply with subsection B(2) or (4) of this section; provided, however, that the two hundred seventy (270) day period provided for in subsection B(2) or (4) shall commence from the date on which plans are submitted pursuant to subsection B(3) of this section and the time limit to complete structural alterations or building demolition shall be extended in accordance with Table 7-V-2. (Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.5)

#### **15.36.060 Administration.**

A. Order--Service.

1. The building official shall, in accordance with the priorities set forth in Table 7-V-1, issue an order as provided in this section to the owner of each building within the scope of this chapter.

2. Prior to the service of an order, a bulletin may be issued to the owner as shown upon the last equalized assessment roll or to the person in apparent charge or control of a building considered by the building official to be within the scope of this chapter. The bulletin may contain information the building official deems appropriate. The bulletin may be issued by mail or in person.

B. Order--Priority of Service. Priorities for the service of the order for buildings within the scope of this chapter shall be in accordance with the rating classification as shown on Table 7-V-1. Within each separate rating classification, the priority of the order shall normally be based upon the occupant load of the building. The owners of the buildings housing the largest occupant loads shall be served first. The building official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the date for otherwise required under this chapter.

C. Order--Contents. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll and upon the person, if any, in apparent charge to control of the building. The order shall specify that the building has been determined by the building official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall specify the rating classification of the building and shall be accompanied by a copy of Section [15.36.050](#), which sets forth the owner's alternatives and time limits for compliance.

D. Appeal from Order. The owner of the building may appeal the building official's initial determination that the building is within the scope of this chapter to the board of appeals, established by Section 105 of the building code. Such appeal shall be filed with the board within sixty (60) days from the service date of the order described in subsection C of this section. Any such appeal shall be given a written decision by the board within ninety (90) days, with the grounds thereof stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the building official pursuant to this chapter shall be made in accordance with the procedures established in Sections 104 and 105 of the building code.

E. Recordation. At the time that the building official serves the aforementioned order, the building official shall also file with the office of the county recorder a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.

If the building is either demolished, found not to be within the scope of this chapter, or is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the building official shall file with the office of the county recorder a form terminating the status of the subject building as being classified within the scope of this chapter.

F. Enforcement. If the owner or person in charge or control of the subject building fails to comply with any order issued by the building official pursuant to this chapter within any of the time limits set forth in Section [15.36.050](#), the building official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the building official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the board of appeals, the building official may order its demolition in accordance with the provisions of Section 102 of the building code.

**Table 7-V-1 Rating Classifications**

Type of Building	Classification	Occupant Load
Essential or Hazardous Facility	I	n/a
High Risk Building	II	>300
Medium Risk-A	III-A	100 to 300
Medium Risk-B	III-B	50 to 99
Medium Risk-C	III-C	25 to 49
Low Risk Building	IV	<25

**Table 7-V-2 Schedule of Seismic Strengthening of Unreinforced Masonry Buildings**

<sup>1</sup> Building Risk Classification	<sup>1</sup> Occupant load	<sup>2</sup> Install parapet bracing and wall anchors at roof	<sup>3</sup> Complete strengthening after parapet bracing	<sup>4,5</sup> Complete strengthening without parapet bracing being done first
II	>300	July 1, 1995	Jan. 1, 1998	Jan. 1, 1996
III-A	100 to 300	Jan 1, 1996	Jan 1, 1999	Jan 1, 1997
III-B	50 to 99	Jan 1, 1996	Jan 1, 2000	Jan 1, 1998
III-C	25 to 49	Jan 1, 1996	Jan 1, 2001	Jan 1, 1999
IV	<25	Jan 1, 1996	Jan 1, 2002	Jan 1, 2000

1. Building risk classifications are based on the building occupant load as determined by the Uniform Building Code.
2. Parapet bracing includes bracing the parapets on all walls of the building and installing tension anchors from the walls to the roof on all walls. See special requirements of work required when a reroofing permit is applied for.
3. Complete strengthening includes the remainder of the strengthening work as required by this chapter. Parapets and wall anchor installation were completed in an earlier phase.
4. Complete strengthening includes all strengthening required by this chapter, including parapet bracing and wall anchors.
5. All buildings regulated by this chapter, undergoing a change of occupancy, may be strengthened in accordance with those provisions. (Ord. 96-1150 § 2 (part), 1996: prior code § 7-5.6)

## **Chapter 15.40 NUMBERING BUILDINGS**

Sections:

- [\*\*15.40.010 Number to be Displayed.\*\*](#)
- [\*\*15.40.020 Location and Size of Numbers--Time Limitation for Placement.\*\*](#)
- [\*\*15.40.030 Street Numbering Map Adopted.\*\*](#)

### **15.40.010 Number to be displayed.**

Section 502 of the building code is amended to read as follows:

**502.** The entrance to each and every building, or section or subdivision thereof, in the city used for residence or business purposes shall have a number displayed thereon as hereinafter provided and designated by the City Engineer of the City. (Ord. 99-1192 §1 (part), 06/22/99; Ord. 95-1142 §1 (part), 1995; prior code §7-7)

### **15.40.020 Location and Size of Numbers--Time Limitation for Placement.**

Section 502.1 of the building code is amended to read as follows:

**502.1** The number of each such entrance shall be placed upon, or immediately above, or adjacent to the door closing such entrance, and the figures of such numbers shall be at least two (2) inches in height and of corresponding width. Such numbers shall be placed thereon as aforesaid within fifteen (15) days after receipt by the owner, occupant, lessee, tenant or subtenant of such building of a notice from the City Engineer of the numbers designated for such entrance, and all numbers other than the numbers provided for in this chapter for the respective entrances shall be removed from every such building by the owner, occupant, lessee, tenant or subtenant thereof within fifteen (15) days from the service of such notice designating the numbers to be placed thereon. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code §7-7.1)

### **15.40.030 Street numbering map adopted.**

Section 502.2 of the building code is amended to read as follows:

**502.2** The City Engineer shall furnish and designate such numbers in pursuance of the numbers shown, designated and provided for each lot in the city, on that certain map numbered 1001, new series, in the records of the City Engineer's office, such map having been heretofore approved and adopted by the City Council, and the same is hereby referred to and made a part of this chapter. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-7.2)

**Chapter 15.44  
REPORT OF RESIDENTIAL BUILDING RECORDS**

Sections:

- [\*\*15.44.010 Intent.\*\*](#)
- [\*\*15.44.020 Definitions.\*\*](#)
- [\*\*15.44.030 Report Required.\*\*](#)
- [\*\*15.44.040 Application--Contents of Report--Review of Records.\*\*](#)
- [\*\*15.44.050 Delivery of Report to Buyer or Transferee.\*\*](#)
- [\*\*15.44.060 Physical Examination of Property.\*\*](#)
- [\*\*15.44.070 Exceptions.\*\*](#)
- [\*\*15.44.080 Form--Time Limit for Delivery of Report.\*\*](#)
- [\*\*15.44.090 Nonliability of City.\*\*](#)
- [\*\*15.44.100 Penalty.\*\*](#)

**15.44.010 Intent.**

Pursuant to Article 6.5 (commencing with Section 38780 ), Chapter 10, Part 2, Division 3, Title 4, of the Government Code of the state of California, it is the intent of the City Council to assure that the grantee of a residential building within the city is furnished a report of matters of city record pertaining to the authorized use, occupancy and zoning classification of real property prior to sale or exchange. It is the further intent to assist in the protection of the buyer of residential properties against undisclosed restrictions on the use of the property. (Ord. 99-1192 §1 (part), 06/22/99; Ord. 95-1142 §1 (part), 1995: prior code § 7-8)

**15.44.020 Definitions.**

For the purposes of this chapter, the following terms are defined as follows:

"Owner" means any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any real property.

"Residential building" shall mean any improved real property designed, used or permitted to be used for dwelling purposes, situated in the City of Hermosa Beach, and shall include the building or structure located on said improved real property.

"Agreement of sale" means any agreement or written instrument which provides that any ownership or interest in title to any real property is to be transferred from one owner to another owner. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.1)

**15.44.030 Report required.**

At the time of entering into an agreement of sale or exchange of any residential building, the owner or his authorized representative shall obtain from the city a report of the residential building record showing the regularly authorized use, occupancy and zoning classification of such property. Said report shall be valid for a period not to exceed six months from date of issue. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.2)

**15.44.040 Application--contents of report--review of records.**

Upon application of the owner, or his authorized agent, and the payment to the city of a fee prescribed, plus the established fee for copies of the city code if requested by the applicant, the pertinent city records shall be reviewed, and an on-site inspection made of the property and the improvements thereon (including an interior inspection of the premises with the permission of the property owner) and a report of residential building records shall be delivered to the applicant which may contain the following information insofar as it is available:

- A. The street address or other appropriate description of subject property;
- B. The use permitted as indicated and established by permits of record;
- C. A statement of the zoning classification applicable to the property in question;
- D. A statement of the variances and use permits of record, if any, granted to that property, together with the conditions and restrictions of such permits;
- E. A statement as to whether there exists, or appears to exist, any illegality or permitted nonconformity in the structures on the property or the uses made thereof;
- F. Should the present use of the property and the use authorized by Zoning Ordinances in effect at the time of inspection disclose an apparent violation of the Zoning Ordinance, and the use which constitutes the apparent violation was not constructed pursuant to a building permit as noted in the records of the Community Development Department, such finding shall be noted on the report of residential building records.

Errors or omissions in said report shall not bind or stop the city from enforcing any and all building and zoning codes against the seller, buyer and any subsequent owner. Said report does not guarantee the structural stability of any existing building nor does it relieve the owner, his agent, architect or builder from designing and building a structurally stable building meeting the requirements of adopted building, plumbing and electrical codes. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.3)

**15.44.050 Delivery of report to buyer or transferee.**

The report of residential building record shall be delivered by the owner, or the authorized designated representative of the owner, to the buyer or transferee of the residential building prior to the consummation of the sale or exchange. The buyer or transferee shall execute a receipt therefor as furnished by the city, and said receipt shall be delivered to the building division, as evidence of compliance with the provisions of this chapter. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.4)

**15.44.060 Physical examination of property.**

Upon the verified request of the seller, a physical examination of the subject property shall be made by the Building Division, and a report thereon delivered to said seller. The report of residential building records shall include the following language: "Unless otherwise indicated in this report the inspection of the premises has

not included an inspection of the interior of the premises. The permission of the owner of the property is required for the city inspector to make an inspection of the interior premises. You have the right to require, as a condition of the purchase of the property, that the owner request an inspection by a city inspector of the interior of the premises. This report cannot offer maximum protection without an inspection of the interior of the premises. For further information concerning the nature of this report you should read and review Chapter [15.44](#) of the City Code of the Hermosa Beach. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.5)

#### **15.44.070 Exceptions.**

- A. The provisions of this chapter shall not apply to the first sale of a residential building located in a subdivision the final map for which has been approved and recorded in accordance with the Subdivision Map Act not more than two (2) years prior to the first sale.
- B. Residential report of building records shall not be required when exchange of real property is between immediate members of a family.
- C. Condominiums shall be required to have one residential report of building records per structure which is valid for one year. Interior inspections of condominiums may be requested and a prescribed fee will be charged for each unit inspected.
- D. The provisions of this chapter shall not apply to the first sale of a residential property sold within ninety (90) days after final approval is given. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.6)

#### **15.44.080 Form--time limit for delivery of report.**

- A. The Director of Community Development shall prepare standardized forms for the report of residential building records. Said report shall be delivered to the owner, or his authorized agent, by registered mail, within forty (40) calendar days of receipt of the application and fees.
- B. Should the city fail to deliver, or to attempt to deliver, said report within the aforementioned forty (40) days, the sale, if consummated, shall not be deemed in violation of this chapter. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.7)

#### **15.44.090 Nonliability of city.**

The issuance of the residential building record report is not a representation by the City of Hermosa Beach that the subject property or its present use is or is not in compliance with the law. Neither the enactment of this chapter nor the preparation of and delivery of any report required hereunder shall impose a liability upon the city for any errors or omissions contained in said report, nor shall the city bear any liability not otherwise imposed by law. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.9)

#### **15.44.100 Violation--penalty.**

- A. Anyone in violation of the provisions of this chapter shall be guilty of a misdemeanor, and upon conviction thereof, shall be punishable as provided by the provisions of Chapter 1.10 of the Municipal Code of the City of

Hermosa Beach.

B. No sale or exchange of residential property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter unless such failure is an act of omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter. (Ord. 99-1192 § 1 (part), 06/22/99; Ord. 95-1142 § 1 (part), 1995: prior code § 7-8.8)

**Chapter 15.48**  
**GREEN BUILDING STANDARDS Revised 7/15 Revised 1/17**

Sections:

[\*\*15.48.010 Adoption of CALGreen code.\*\*](#) Revised 1/17

**15.48.010 Adoption of CALGreen code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Green Building Standards Code (referred to herein as "CALGreen"), 2016 Edition (Part 11 of Title 24 of the California Code of Regulations) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. A copy of the CALGreen code shall be maintained in the office of the city clerk, and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the building/code enforcement official or director of community development of the city of Hermosa Beach or his or her designee. (Ord. 16-1372 §9, 2016: Ord. 14-1344 §17, 2014: Ord. 13-1344U §17, 2013)

**Chapter 15.52  
ENERGY CODE Revised 1/17**

Sections:

[\*\*15.52.010 Adoption of energy code.\*\*](#) Revised 1/17

**15.52.010 Adoption of energy code. Revised 1/17**

Except as provided in this chapter and elsewhere in this title, the California Energy Code, 2016 Edition (Part 6 of Title 24 of the California Code of Regulations including all Appendices) is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full. Said code shall comprise the energy code of the city of Hermosa Beach. A copy of the energy code shall be maintained in the office of the city clerk and shall be made available for public inspection while the code is in force.

Whenever the word "jurisdiction" appears in said code, it shall mean and refer to the city of Hermosa Beach.

Whenever the term "building official" appears in said code, it shall mean and refer to the director of community development of the city of Hermosa Beach or his or her designee. (Ord. 16-1372 §11, 2016; Ord. 14-1344 §19, 2014; Ord. 13-1344U §19, 2013)

**Title 16  
Subdivisions**

**Chapters:**

- [\*\*16.04 General Provisions\*\*](#)
- [\*\*16.08 Procedure\*\*](#)
- [\*\*16.12 Park and Recreation Area Dedication and Fees\*\*](#)
- [\*\*16.16 Vesting Tentative Maps\*\*](#)
- [\*\*16.20 Merger of Parcels\*\*](#)

## **Chapter 16.04 GENERAL PROVISIONS**

Sections:

- [\*\*16.04.010 Definitions.\*\*](#)
- [\*\*16.04.020 Statement of intent.\*\*](#)
- [\*\*16.04.030 Advisory agency.\*\*](#)

### **16.04.010 Definitions**

For purposes of this title:

"Block": Where the need for determination regarding lot merger under Section [16.20.030](#) occurs, the term "block" shall mean both sides of a street within the same zoning district uninterrupted by an intersecting or intercepting street (not including an alley).

"Design" refers to street alignment, grades and widths, alignment and widths of easements and rights-of-way for drainage and sanitary sewers, and minimum lot area and width; includes land to be dedicated for park or recreational purposes; and also refers to such specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to insure conformity to or implementation of applicable general or specific plans of the city.

"Improvement" refers to such street work and utilities to be installed, or agreed to be installed, by the subdivider on the land to be used for public or private streets, highways, ways and easements as are necessary for the general use of the lot owners in the subdivision and local neighborhood traffic and drainage needs as a condition precedent to the approval and acceptance of the final map thereof; and also refers to such specific improvements or types of improvements the installation of which, either by the subdivider, by public agencies, by private utilities, or by a combination thereof, is necessary or convenient to insure conformity to or implementation of applicable general or specific plans of the city.

"Vesting tentative map" means a map for a residential subdivision, as defined in the Hermosa Beach subdivision ordinance, that shall have printed conspicuously on its face the words "Vesting Tentative Map": At the time it is filed in accordance with Section [16.16.030](#), and is thereafter processed in accordance with the provisions thereof. (Prior code § 29.5-01)

### **16.04.020 Statement of intent**

The purpose of this title regulating the design and improvement of subdivisions and lot splits is to provide for the orderly division of land and buildings within the city.

Its regulations are to insure that the costs of land divisions and the burdens thereof are borne by the property owners and those interested in the land and not by the general public.

The fees and regulations provided herein may be changed from time to time to compensate for rising costs and technological changes.

No property in the city shall be divided for the purpose of sale, lease or other financial separation, except as governed by the provisions of this title and the provisions of Title 7, Division 2 of the Government Code of the state of California, otherwise known as the Subdivision Map Act. (Prior code § 29.5-1)

**16.04.030 Advisory agency.**

The city planning commission is designated as the advisory agency of the city council and charged with the duty of making investigations and reports on the design and improvement of proposed divisions of land. (Prior code § 29.5-2)

## Chapter 16.08 PROCEDURE

Sections:

- [\*\*16.08.010 Division of lots into more than four parcels--Condominium of two or more units--Tentative maps.\*\*](#)
- [\*\*16.08.020 Filing of tentative map with coastal zone conservation commission.\*\*](#)
- [\*\*16.08.030 Hearings on tentative maps.\*\*](#)
- [\*\*16.08.040 Final maps.\*\*](#)
- [\*\*16.08.050 Planned unit development \(PUD\).\*\*](#)
- [\*\*16.08.060 Requirements for approval of subdivision map.\*\*](#)
- [\*\*16.08.070 Grounds for denial of approval of subdivision map.\*\*](#)
- [\*\*16.08.080 Subdivision agreements and bonds--Improvement security.\*\*](#)
- [\*\*16.08.090 Fees.\*\*](#)
- [\*\*16.08.100 Sewer facilities use fees.\*\*](#)
- [\*\*16.08.110 Miscellaneous requirements.\*\*](#)
- [\*\*16.08.120 Division of lots which does not create more than four parcels \(lot splits\).\*\*](#)

**16.08.010 Division of lots into more than four parcels--condominium of two or more units--tentative maps.**

A. Each property owner applying for approval of divisions of land into more than four parcels or a condominium of two or more units shall file with the city planner an application which shall include the following:

1. Fifteen (15) copies of a tentative subdivision map, eighteen (18) by twenty-six (26) inches in size, drawn to a scale of not smaller than forty (40) feet to the inch, showing the proposed subdivision, drawn by a licensed surveyor or registered civil engineer, which shall show the following:
  - a. Names, addresses and telephone numbers of the property owners, the subdivider, the registered civil engineer or licensed surveyor who prepared the map,
  - b. The approximate dimensions, area and shape of each lot,
  - c. The record boundaries and area of the parcel to be subdivided,
  - d. The name, size and location of abutting streets and tracts,
  - e. The dimensions of all streets, ways and easements to be dedicated to the city public utilities, and location of all existing easements,
  - f. Legal description of property to be divided,
  - g. Source of water supply,

- h. Method of sewage disposal, including sizes and locations of existing mains serving proposed subdivisions,
  - i. Proposed public areas,
  - j. Location of existing buildings and all trees with a diameter in excess of six inches, and other improvements on the property to be divided,
  - k. Method of surface water disposal,
  - l. Location and depth of fill areas,
  - m. Applicant shall agree to provide any necessary easements for the proposed parcel or parcels,
  - n. North arrow, scale;
2. A grading plan showing existing and proposed contours at two-foot intervals.
- B. Upon receipt and acceptance of the application and tentative map or maps by the city planner, the tentative map shall be distributed as follows. One copy each to:
1. California Water Service Company;
  2. Hermosa Beach City School District;
  3. General Telephone Company of California;
  4. South Bay Union High School District;
  5. Southern California Edison Company;
  6. Southern California Gas Company;
  7. Los Angeles County Flood Control District;
  8. Where a state highway is involved, one copy shall be sent to the state division of highways;
  9. One copy shall be circulated to each city department head for study and recommendation. (Prior code § 29.5-3)

**16.08.020 Filing of tentative map with coastal zone conservation commission.**

The city planner shall transmit to the office of the California Coastal Zone Conservation Commission, South Coast Regional Commission, one copy of each tentative map, and such commission may, within fifteen (15) days thereafter, make recommendations to the planning commission regarding the effect of the proposed subdivision upon the California Coastal Zone Conservation Plan. (Prior code § 29.5-4)

**16.08.030 Hearings on tentative maps.**

Upon filing of the tentative map of any subdivision, the city planner shall cause the request to be placed upon the agenda of the planning commission acting as the advisory agency of the city council for hearing within thirty (30) days after the tentative map has been filed. The commission shall report on the map or maps of any subdivision submitted to it within fifty (50) days after the tentative map has been filed unless an extension of said period is mutually agreed to by the subdivider and the commission,

The report of the planning commission shall approve, approve with conditions, or disapprove for due cause, the proposed tentative map or maps of the subdivision.

The Planning Commission may require such public improvements on-site or off-site as are necessary for the health, general welfare, and safety of the community and/or the orderly development of the city.

The commission shall report its action on the tentative map or maps in writing to the subdivider within ten days of its decision.

If the subdivider is dissatisfied with any action of the planning commission with respect to the tentative map or the kinds, nature and extent of the improvements recommended by the planning commission to be required, he may appeal to the city council for a public hearing thereon by filing a written notice of appeal with the city clerk within ten days after such action.

If any action of the planning commission is appealed, the city manager shall schedule a hearing before the city council within two weeks after the appeal is taken or at its next succeeding regular meeting.

The City Council shall hold a public hearing, upon notice to the subdivider and the planning commission, and after due consideration sustain, modify, reject or overrule any recommendations or rulings of the planning commission, and shall make such findings as are not inconsistent with the intent of this article and the Subdivision Map Act of the State of California.

Upon conclusion of the hearing the city council shall declare its findings within seven days.

The time limits for acting and reporting on tentative maps as specified by this chapter may be extended by mutual consent of the subdivider and the planning commission or city council as the case may be. (Prior code § 29.5-5)

#### **16.08.040 Final maps.**

A. Final maps, consisting of an original and fifteen (15) copies and one reproducible "brown line" together with a letter from the city and/or county engineer attesting to the substantial conformance of the final map with the tentative map, shall be filed with the city clerk. The city council shall review and approve the final map within thirty (30) days of the filing, provided the map conforms to all of the requirements of this chapter and the State Subdivision Map Act of the State of California which were applicable at the time of the approval of the tentative map, and all conditions of approval of the tentative map shall have been met or guaranteed with surety bonds or other manner satisfactory to the city engineer and the city attorney to assure completion as required.

B. The time limit for the approval of a final map may be extended by mutual consent of the subdivider and the city council. If no action is taken within the prescribed time limit or within the time to which it has been extended by mutual consent, the map, if it conforms to all of the requirements above set out, shall be deemed to be approved, and it shall be the duty of the city clerk thereupon to certify approval.

C. The City Council shall at that time also accept or reject any or all offers of dedication and shall, as a condition precedent to the acceptance of any streets or easements, provide for the improvements of such streets or easements in accordance with standards established by local ordinance applicable at the time of approval of the tentative map pursuant to requirements provided by the Subdivision Map Act of the state of California.

D. The city council shall not deny approval of a final subdivision map if it has previously approved a tentative map for the proposed subdivision and if it finds that the final map is in substantial compliance with the previously approved tentative map. (Prior code § 29.5-6)

#### **16.08.050 Planned unit development (PUD).**

A. Lots less in area and width than the minimum specified within this chapter and not fronting on a public street may be approved when the proposed tentative tract or parcel map fall within the definition of a P.U.D.

B. Subdivision of Land and Tract Map Required. A tentative tract map shall be filed and shall show the precise location and designation of all lots upon which residential dwellings are to be developed; all lots to be owned in common which are designed to be developed and used exclusively for supplemental parking and vehicular and pedestrian access from a publicly dedicated street to individually owned lots; and all lots to be owned in common which are designed to be developed, reserved and used exclusively for open space and recreational uses. No building permit shall be issued for any lot within the boundaries of a planned unit development unless and until a final subdivision tract map has been recorded. A final tract map which deviates from the conditions imposed by the conditions of approval of a tentative tract map shall not be approved for recordation. In regard to division, sale or separation of lots or parcels of land, the following regulations shall apply:

1. Division of Lots or Parcels. In addition to the information required to be shown on the tentative and final tract maps, where lots or parcels of land are to be sold or separated in ownership from other property in the development, or applicable phase thereof, the respective maps shall also designate the boundaries of the lots or parcels of land to be sold or separated in ownership.

2. Sale or Separation of Lots or Parcels. Where lots or parcels of land are sold or otherwise separated in ownership, no dwelling unit or lot or parcel of land for a building shall be sold or encumbered separately from an undivided interest in the open space and the area designated as common vehicular and pedestrian access appurtenant to such dwelling unit or lot or parcel of land. Such undivided interest shall include either an undivided interest in the open space and area designated as common vehicular access or a share in the corporation or voting membership in an association owning the open space and area designated as common vehicular and pedestrian access.

C. Final Tract Map. The title page of the final recorded tract map or maps, as the case may be, shall contain the following statement pertaining to the sale or separation of lots upon which individual buildings or dwellings are to be developed:

"No lot in this Tract Map upon which residential dwellings or buildings are to be built, constructed, developed or otherwise occupied, shall be contracted to sell, sold, granted, deeded, conveyed, title transferred or otherwise separated in ownership, including subsequent heirs and owners in interest, or encumbered separately from an individual interest in lots appurtenant thereto so designated on this Tract Map for vehicular and pedestrian access, open space, and any other areas appurtenant thereto."

(Prior code § 29.5-7)

#### **16.08.060 Requirements for approval of subdivision map.**

The Planning Commission shall find that:

- A. The proposed subdivision would not create lots smaller than a forty (40) foot width and having less than four thousand (4,000) square feet;
- B. The proposed lots, after being divided, front on public streets and do not front on any alleys;
- C. The proposed subdivision will in no way be inconsistent with the prevailing lot pattern or reduce property values in the surrounding neighborhood area;
- D. The size of the proposed lots is not smaller than the prevailing lot size and lot frontage within the same zone and general plan designation within a three hundred (300) foot radius; provided, however, that all such lots used in the comparison shall be in the same neighborhood area;
- E. The granting of the subdivision would result in the creation of lots that would be of a size and configuration which would be in keeping with the standards of development specified by the zoning ordinance for the land use zone in which it is located;
- F. The creation of the proposed lots would be in conformity with the intent and purpose of the comprehensive general plan for the city;
- G. The tentative subdivision map complies with the requirements for approval set forth in the Subdivision Map Act of the state of California.

For purposes of this section "neighborhood area" is defined as the block or group of blocks, within the same zone and general plan designated area, being located within clearly defined common boundaries. Boundaries shall include arterial or collector streets, parks or open space designated areas (such as the "greenbelt"), or significant topographical features such as hillsides. (Ord. 95-1129 §§ 1, 2, 1995; prior code § 29.5-8)

#### **16.08.070 Grounds for denial of approval of subdivision map.**

The Planning Commission or the City Council shall deny approval of a tentative or final subdivision map if it

makes any of the following findings:

- A. That the proposed map is not consistent with the applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements is 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 the type of improvement is likely to cause serious public health problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public.

This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction and no authority is hereby granted to the city council or planning commission to determine that the public at large has acquired easements for access through or use of property within the proposed subdivision. (Prior code § 29.5-9)

#### **16.08.080 Subdivision agreements and bonds--improvement security.**

To assure the completion of required improvements after recordation of a final map, the city engineer shall require the submission of bonds sufficient to accomplish subject improvements. Should the subdivider fail to complete the required improvements within a reasonable time or in accordance with a written subdivision agreement signed by the subdivider and the city clerk, the city engineer shall cause said bonds to be forfeited and the improvements completed. (Prior code § 29.5-11)

#### **16.08.090 Fees.**

A. Generally. Fees in all cases shall be sufficient to cover the city's costs in processing tentative and final maps as established by resolution.

B. Tentative Maps. A filing fee fixed by resolution of the city council shall be submitted by the applicant to cover costs of filing and examination of tentative maps. This fee shall be nonrefundable. (Prior code § 29.5-12)

#### **16.08.100 Sewer facilities use fees.**

A. The construction of sewer facilities adequate to carry the sewage from a proposed subdivision to the

nearest trunk line shall be the sole responsibility of the subdivider.

- B. The city shall not be required to accept sewage outflow beyond the capacity of existing sewer lines.
- C. If in the opinion of the street superintendent a proposed subdivision will exceed the capacity of existing sewer lines, the subdivider will be required to provide adequate facilities prior to approval of a final map.
- D. Sewer use fees may be required in addition to construction of adequate sewer lines. (Prior code § 29.5-14)

**16.08.110 Miscellaneous requirements.**

- A. Water Service. The subdivider shall be responsible for obtaining adequate water service and shall present satisfactory assurance prior to approval of the final map.
- B. Drainage. All surface drainage shall be conducted to an approved storm drain, gutter or absorbed on site. No surface waters shall flow across a sidewalk or street intersection unless specifically approved by the city engineer.
- C. Conveyance of Portion of Subdivision. Conveyances of any part of a subdivision shall not be made by lot or block number, initial or other designation unless and until a final map has been recorded.
- D. Grading Plan. A grading plan may be required prior to approval of a tentative map where natural slope exceeds ten percent. (Prior code § 29.5-15)

**16.08.120 Division of lots which does not create more than four parcels (lot splits).**

Each property owner applying for approval of a subdivision of land into four parcels or less shall file with the building department an application to the board of zoning adjustment which shall include the following:

A. Ten copies of a tentative parcel map showing the land to be divided and its proposed division. The map shall be prepared by a licensed surveyor, or registered civil engineer. The map shall be eighteen (18) by twenty-six (26) inches, and shall be legibly drawn using a decimal or engineer's scale at a scale not smaller than one inch equals forty (40) feet and shall clearly show the following information:

1. The dimensions, total area and record boundaries of the total parcel together with a legal description of the total parcel,
2. The dimensions, area, legal description and boundaries of each proposed parcel,
3. The names, addresses and telephone numbers of the property owners, the subdivider, the registered civil engineer, or licensed surveyor who prepared the map,
4. The abutting streets and alleys and existing surface improvements and proposed dedications and improvements, if any,
5. The location of other existing easements,

6. Any and all improvements existing on the property in relation to the property lines and the proposed division,
  7. Applicant shall agree to provide any necessary easements for the proposed parcel or parcels,
  8. If necessary, the board of zoning adjustment shall establish the front of the lots and front setbacks,
  9. Such other information as the board determines is necessary for the board of zoning adjustment to consider properly the proposed division, including topographic data in hillside areas,
  10. Location of existing buildings and all trees with a diameter in excess of six inches, and other improvements on the property to be divided,
  11. Method of surface water disposal,
  12. Location and depth of fill areas;
- B. Hearings for lot splits shall be held by the board of zoning adjustment and shall be processed in the same manner as for tentative subdivision maps. (Prior code § 29.5-18)

## Chapter 16.12 PARK AND RECREATION AREA DEDICATION AND FEES

Sections:

- [\*\*16.12.010 Authority.\*\*](#)
- [\*\*16.12.020 Requirements.\*\*](#)
- [\*\*16.12.030 Standards.\*\*](#)
- [\*\*16.12.040 Choice of land or fees.\*\*](#)
- [\*\*16.12.050 Limitation on use of land or fees.\*\*](#)

### **16.12.010 Authority.**

This chapter is enacted pursuant to the authority granted by California Government Code Section 66477. The provisions of this chapter shall not apply to any subdivisions exempted from dedication requirements by California Government Code Section 66477. (Prior code § 29.5-13(a))

### **16.12.020 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. Such land dedication, or in-lieu fee or combination thereof, shall be used for parkland, park and recreational purposes. The dedication of five acres per one thousand (1,000) persons, or an in-lieu fee or a combination thereof, shall be imposed as condition of approval. (Prior code § 29.5-13(b))

### **16.12.030 Standards.**

A. Persons per household shall be based on the most recent available U.S. Census.

B. 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 land zoned for open space which would otherwise be required to be dedicated. Fair market value shall be determined at the time of filing the final map, in accordance with one of the following:

1. Fair market value shall be determined by an independent appraisal of open space zoned property in the city by a qualified real estate appraiser approved by the city; appraisal shall be at the subdivider's expense and may be accepted by the city council if found reasonable.
2. The city may accept an appraisal of open space zoned property when the appraisal is less than one year old.
3. The city and the subdivider may agree as to the fair market value.

C. Where private open space for parkland, park and recreational purposes, in excess of front setbacks and other open space zoning requirements, is provided in a proposed subdivision, and such space is to be privately owned and maintained by the future residents of the subdivision, partial credit, not to exceed fifty (50) percent of the parkland requirement, may be given for such excess open space against the requirements of land dedication or payment of fees in lieu thereof, if the planning commission or city council finds that it is

in the public interest to do so, subject to the following terms and conditions:

1. The subdivider shall submit for review and approval by the city a plan for installation of private recreation facilities to be used in common by residents of the subdivision.
2. The front setbacks and other open spaces required to be maintained by the zoning ordinance shall not be included in the private recreational facilities.
3. The use of the private recreational facilities shall be restricted for parkland, park and recreational purposes by recorded covenant which shall 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. (Prior code § 29.5-13(c))

**16.12.040 Choice of land or fees.**

A. The procedure for determining whether the subdivider is to dedicate land, pay a fee, or both, shall be as follows:

1. 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 parkland, park and recreational purposes or whether he desires to pay a fee in lieu thereof. If he desires to dedicate land for such purpose, he shall designate the area thereof on the tentative map as submitted.
2. 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.
3. Where dedication is provided, it shall be accomplished in accordance with the provision of the Subdivision Map Act. Where fees are provided, they shall be deposited with the city prior to approval of the final map.

B. Determination by the planning commission or city council as to whether to accept a land dedication or to require payment of a fee in lieu thereof, or a combination of both, shall be determined by consideration of the following:

1. Open space and recreational element of the city's general plan;
2. Topography, geology, access and location of land in the subdivision available for dedication;
3. Size and shape of the subdivision of land available for dedication.

C. The determination of the planning commission or city council as to whether land shall be so dedicated, or whether a fee shall be charged, or a combination thereof, shall be final and conclusive; provided, however, that any land proposed to be dedicated shall be approved as acceptable by the city. In accordance with California Government Code Section 66477(g), only the payment of fees may be required in connection with

subdivisions containing fifty (50) parcels or less. (Prior code § 29.5-13(d))

**16.12.050 Limitation on use of land or fees.**

The land and/or fees received by the city pursuant to this chapter shall be used only for the purpose of providing parkland, park and recreational facilities to serve the subdivision for which received, and the location of the land and amount of fees shall bear a reasonable relationship to the requirements for and use of the parkland, park and recreational facilities by the future residents of the subdivision. Any fees collected under this chapter shall be committed within five years after the payment of such fees or the issuance of building permits on one-half of the lots created by the subdivision, whichever occurs later. (Prior code § 29.5-13(e))

## Chapter 16.16 VESTING TENTATIVE MAPS

Sections:

- [\*\*16.16.010 Purpose.\*\*](#)
- [\*\*16.16.020 Consistency.\*\*](#)
- [\*\*16.16.030 Filing and processing.\*\*](#)
- [\*\*16.16.040 Fees.\*\*](#)
- [\*\*16.16.050 Expiration.\*\*](#)
- [\*\*16.16.060 Vesting on approval of vesting tentative map.\*\*](#)

### **16.16.010 Purpose.**

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. Except as otherwise set forth in the provisions of this section, the provisions of the subdivision ordinance and State Subdivision Map Act shall apply to the vesting tentative map ordinance. (Prior code § 29.5-16(A))

### **16.16.020 Consistency.**

No land shall be subdivided and developed pursuant to a vesting tentative map for any purpose which is inconsistent with the general plan and any applicable specific plan or not permitted by the zoning ordinance or other applicable provision of this code. (Prior code § 29.5-16(B))

### **16.16.030 Filing and processing.**

A vesting tentative map shall be filed in the same form and have the same contents, accompanying data and reports, and shall be processed in the same manner as set forth in the subdivision ordinance for a tentative map except as hereinafter provided.

- A. At the time a vesting tentative map is filed, it shall have printed conspicuously on its face, the words "Vesting Tentative Map."
- B. At the time a vesting tentative map is filed, a subdivider shall submit a complete application as set forth by planning commission resolution. (Prior code § 29.5-16(C))

### **16.16.040 Fees.**

Upon filing a vesting tentative map, the subdivider shall pay the fees required by the method of determining fees for the filing and processing of a tentative map. (Prior code § 29.5-16(D))

### **16.16.050 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 extension established by the subdivision ordinance for the expiration of the approval or conditional approval of a tentative map. (Prior code § 29.5-16(E))

**16.16.060 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 ordinances, policies, and standards described in the State Subdivision Map Act.

B. Notwithstanding subdivision, a permit, approval, extension, or entitlement may be made conditional or denied if any of the following are determined:

1. A failure to do so would place the residents of the subdivision or the immediate community, or both, in a condition dangerous to their health or safety, or both;
2. The condition or denial is required in order to comply with state or federal law.

C. The rights referred to herein shall expire if a final map is not approved prior to the expiration of the vesting tentative map as provided in Section [16.16.050](#). 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 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 C(1) of this section shall be automatically extended by any time used for processing a complete application for a grading permit or for design or architectural review, if such processing exceeds twenty (20) 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 C(1) of this section expires. If the extension is denied, the subdivider may appeal that denial to the legislative body within fifteen (15) days.
4. If the subdivider submits a complete application for a building permit during the period of time specified in subsections C(1) through (3) above, the rights referred to herein shall continue until the expiration of that permit or any extension of that permit. (Prior code § 29.5-16(F))

## Chapter 16.20 MERGER OF PARCELS

Sections:

- [\*\*16.20.010 Intent and purpose.\*\*](#)
- [\*\*16.20.020 Applicability.\*\*](#)
- [\*\*16.20.030 Requirements for merger.\*\*](#)
- [\*\*16.20.040 Determination of ownership.\*\*](#)
- [\*\*16.20.050 Notice of intention to determine status.\*\*](#)
- [\*\*16.20.060 Hearing date, fee, presentation of evidence--Planning commission determination.\*\*](#)
- [\*\*16.20.070 Waiver of Hearing\*\*](#)
- [\*\*16.20.080 Appeal\*\*](#)
- [\*\*16.20.090 Recordation of Decision.\*\*](#)
- [\*\*16.20.100 Effect of Non-merger.\*\*](#)
- [\*\*16.20.110 Development involving contiguous parcels subject to merger.\*\*](#)

### **16.20.010 Intent and purpose.**

The purpose of this section and the following sections relating to merger of parcels is to provide a procedure by which two or more contiguous parcels or units of land held by the same owner may be merged. This procedure is adopted pursuant to Sections 66541.10 through 66451.21, inclusive, of the California Government Code, and this code.

Any procedure found within this chapter which is inconsistent or not authorized under the California Government Code shall not be followed. If any such procedures conflict with or are not authorized by the Government Code, the rules and procedures established under the Government Code shall be followed when implementing this chapter. (Prior code § 29.5-19)

### **16.20.020 Applicability.**

A. The provisions set forth in this chapter for the merger of parcels shall be applicable to two or more contiguous parcels of land held by the same owner in the R-1 zone where:

1. The parcels were created under the provisions of this code regulating subdivisions or any prior state law or ordinance regulating the division of land or were not subject to any prior law regulating the division of land;
2. At least one of the contiguous parcels or units of land does not conform to standards for minimum parcel size to permit use or development under the city's zoning and/or subdivision ordinance.

### **16.20.030 Requirements for merger.**

A. Any two or more contiguous parcels or units of land held by the same owner which are subject to the merger provisions set forth as provided in Section [16.20.020](#) may be merged if the following requirements are satisfied:

1. The main structure is partially sited on the contiguous parcels; and
  2. The parcels are located in the R-1 zone as designated on the official Zoning Map of the City; and,
  3. With respect to at least one of the affected parcels, one or more of the following conditions exists:
    - a. Comprises less than four thousand (4,000) square feet in area at the time of the determination of merger;
    - b. Was not created in compliance with applicable laws and ordinances in effect at the time of its creation;
    - c. Does not meet current standards for sewage disposal and domestic water supply;
    - d. Does not meet slope stability standards;
    - e. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;
    - f. Its development would create health or safety hazards;
    - g. Is inconsistent with the applicable general plan and any applicable specific plan, other than minimum lot size or density standards.
- B. If the substandard parcels under consideration for merger: i) are similar or greater in size and width to more than 80% of the separately identified L.A. County Tax Assessor's parcels fronting on the same block, inclusive of the subject parcel, or ii) consist of not more than two parcels with a combined square footage of at least 7,000 square feet, then the contiguous parcels shall not be merged unless, in view of the particular factual circumstances, the integrity of the neighborhood will be harmed if the parcels are allowed to be separately developed. Where the subject parcels are located on a block with 5 parcels or less, the 80% analysis will be applied on a neighborhood rather than a block basis. For purposes of this paragraph, a "neighborhood" is a grouping of similar uses within the same zoning district bounded by topographical or other physical features, arterials or collector streets or other characteristics that give it a separate and distinct identity.
- C. The requirements set forth in Subsection A of this Section shall not be applicable if any of the conditions set forth in Section 66451.11(b)(A) through (E) of the California Government Code exist.
- D. If the merger of parcels results in the creation of a parcel that is at least eight thousand (8,000) square feet in size, the planning commission and/or city council, with the consent of the property owner, may process a lot line adjustment to redivide the parcel into separate parcels that are at least four thousand (4,000) square feet in size. If a merger of three or more lots results in the creation of a parcel of at least 7,000 square feet, but less than 8,000 square feet, the Planning Commission and/or City Council may, in lieu of merger, approve a lot line adjustment if the resulting lots are larger and fewer in number than the substandard lots and

consistent in size with the lots on the block or within the surrounding neighborhood.

**16.20.040 Determination of ownership.**

For purposes of determining whether contiguous parcels or units are held by the same owner, ownership shall be determined as of the date that notice of intention to determine status is recorded pursuant to Section [16.20.050](#).

**16.20.050 Notice of intention to determine status.**

Whenever the Director of Community Development has knowledge that real property may be merged pursuant to the merger provisions of this chapter, he or she shall:

A. Mail by certified mail to the then current record owner of the property a notice of the City's intention to determine whether the affected parcels should be merged pursuant to this chapter. Such notice shall state that:

1. The affected parcels may be merged pursuant to the merger provisions of Sections [16.20.010](#) through [16.20.100](#), inclusive, of this chapter;
2. A hearing will be conducted before the Planning Commission regarding the proposed merger, on a date specified in the notice, not less than thirty (30) days time from the date of the notice; and
3. That the notice of intention to determine status was filed for recording with the County Recorder's office on the same date such notice was mailed to the property owner.

B. Record the notice of intention with the County Recorder's office on the same date that the notice is mailed to the property owner.

**16.20.060 Hearing date, fee, presentation of evidence--planning commission determination.**

A. The hearing shall be conducted on the date specified in the notice of intention, but may be postponed or continued with the mutual consent of the Planning Commission and the property owner. Notice of the hearing shall be given in accordance with Section 17.68.050.B of this code, requiring notification to all property owners and residents within a 300-foot radius of the subject property.

B. At the hearing, the property owner and any other interested party shall be given the opportunity to present any evidence regarding the affected property's eligibility for merger pursuant to Sections [16.20.020](#) and [16.20.030](#).

C. At the conclusion of the hearing, or at a meeting thereafter, the Planning Commission shall by Resolution make a determination as to whether the affected parcels are to be merged. A copy of the Resolution shall be delivered to the owner by certified mail.

**16.20.070 Waiver of hearing.**

Where the affected parcels cannot be separately developed under the provisions of the Building Code or because one of the parcels has no legal access to a street or alley the property owner may elect to waive the

hearing provided for in Section [16.20.060](#) and consent to the merger. Upon receipt of a written waiver and consent from the property owner, the Director of Community Development shall record the notice of merger as provided in Section [16.20.090](#)

**16.20.080 Appeal.**

A. The property owners or any interested person may appeal a decision of the Planning Commission under this chapter within ten days of such decision, by filing an appeal with the City Clerk of the City. No appeal fee is required. The appeal shall be scheduled for hearing before the City Council within sixty (60) days of the filing of the appeal. Notice of the appeal shall be provided in Section 17.68.050.B of this code. Upon conclusion of the hearing, the City Council shall by Resolution make a determination as to whether the affected parcels are to be merged at a time not later than the next regularly scheduled City Council meeting after the hearing is held. The City Council may sustain, modify, or reject or overrule any recommendations or rulings of the Planning Commission and may make such findings as are consistent with the provisions of this chapter or the state Subdivision Map Act.

B. All decisions of the Planning Commission regarding the merger or non-merger of parcels shall be final, unless appealed from as prescribed in this section. In the event of an appeal, the City Council's decision shall be final.

**16.20.090 Recordation of decision.**

A. If the Planning Commission or City Council on appeal determines that the affected parcels are merged, the Director of Community Development shall within thirty (30) days of the adoption of the Resolution by the final decision making body file for record with the County Recorder's office a notice of merger specifying the names of the record owners and particularly describing the real property to be merged.

B. If the Planning Commission or City Council on appeal determines that the affected parcels are not to be merged, the Director of Community Development shall within thirty (30) days of the adoption of the Resolution by the final decision making body file for record with the County Recorder's office a release of the notice of intention and a notice of non-merger. The notices shall specify the names of the record owners and particularly describe the affected real property. Copies of the notices shall be mailed to the then current owner of record.

**16.20.100 Effect of non-merger.**

In the event of a final decision of non-merger, the affected parcels shall no longer be subject to merger under this chapter.

**16.20.110 Development involving contiguous parcels subject to merger.**

If a property meets the requirements for lot merger pursuant to this chapter, it shall be prohibited to separately sell or separate the two or more contiguous lots owned by the same person or legal entity that are subject to merger unless the property is released and cleared from lot merger pursuant to Section [16.20.080](#). No permits for the demolition, construction or addition to the structure or improvements on the property shall be issued by the Community Development Department until the lot merger hearing process pursuant to this chapter has

been concluded.

**Title 17**

**Zoning Revised 11/15 Revised 4/16 Revised 6/16 Revised 8/16 Revised 11/16 Revised 10/17**

**Chapters:**

- [\*\*17.02 Declaration of Purpose\*\*](#)
- [\*\*17.04 Definitions\*\* Revised 6/16 Revised 11/16 Revised 10/17](#)
- [\*\*17.06 Establishment of Zones\*\* Revised 11/16](#)
- [\*\*17.08 R-1 Single-Family Residential Zone\*\* Revised 6/16 Revised 10/17](#)
- [\*\*17.10 R-1a Two Dwelling Units Per Lot Zone\*\* Revised 6/16](#)
- [\*\*17.12 R-2 Two Family Residential Zone\*\* Revised 6/16](#)
- [\*\*17.14 R-2b Limited Multiple-Family Residential Zone\*\* Revised 6/16](#)
- [\*\*17.16 R-3 Multiple-Family Residential Zone\*\* Revised 6/16](#)
- [\*\*17.18 MHP Mobilehome Park Development District\*\* Revised 6/16](#)
- [\*\*17.20 R-P Residential Professional Zone\*\* Revised 6/16](#)
- [\*\*17.22 Condominiums, Stock Cooperatives and Community Apartments\*\*](#)
- [\*\*17.24 RPD Residential Planned Development\*\*](#)
- [\*\*17.26 C-1, C-2 and C-3 Commercial Zones\*\* Revised 4/16 Revised 11/16 Revised 10/17](#)
- [\*\*17.28 M-1 Light Manufacturing Zone\*\* Revised 10/17](#)
- [\*\*17.30 O-S Open Space Zone\*\*](#)
- [\*\*17.32 O-S-1 Restricted Open Space Zone\*\*](#)
- [\*\*17.34 O-S-2 Restricted Open Space Zone\*\*](#)
- [\*\*17.36 OS-O Open Space Overlay Zone\*\*](#)
- [\*\*17.38 Specific Plan Areas\*\* Revised 10/17](#)
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- [\*\*17.44 Off-Street Parking\*\* Revised 10/17](#)
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**17.70 Revocation and Expiration**

**17.72 Permits, Licenses, Restrictions and Covenants**

**17.74 Penalty**

## **Chapter 17.02** **DECLARATION OF PURPOSE**

Sections:

- [\*\*17.02.010 Purpose of Provisions\*\*](#)
- [\*\*17.02.020 Title for citation\*\*](#)
- [\*\*17.02.030 Interpretation of provisions\*\*](#)
- [\*\*17.02.040 Constitutionality\*\*](#)

### **17.02.010 Purpose of provisions.**

A precise land use plan for the city is adopted and established to serve the public health, safety and general welfare and to provide the economic and social advantages resulting from an orderly planned use of land resources. (Prior code Appx. A, § 100)

### **17.02.020 Title for citation.**

This title shall be known as the zoning ordinance. (Prior code Appx. A, § 101)

### **17.02.030 Interpretation of provisions.**

In interpreting and applying the provisions of this title they shall be held to be the minimum requirement for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this title to interfere with or abrogate or annul any easement, covenant or other agreement between parties. When this title imposes a greater restriction upon the use of buildings or land, or upon the height of buildings, or requires larger open spaces that are imposed or required by other ordinances, rules, regulations or by easements, covenants or agreements, the provisions of this title shall control. (Prior code Appx. A, § 1700)

### **17.02.040 Constitutionality.**

If any section, subsection, clause or phrase of this title is, for any reason, held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portions of this title; it being expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof, would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Prior code Appx. A, § 1701)

## **Chapter 17.04** **DEFINITIONS Revised 6/16 Revised 11/16 Revised 10/17**

Sections:

**17.04.010 Definitions not affected by headings.**

**17.04.020 Tenses.**

**17.04.030 Number.**

**17.04.040 General definitions.** Revised 6/16 Revised 11/16

**17.04.050 Commercial land use definitions.** Revised 10/17

**17.04.060 Adult use definitions.**

### **17.04.010 Definitions not affected by headings.**

Section headings contained herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of any section hereof. (Prior code Appx. A, § 200)

### **17.04.020 Tenses.**

The present tense includes the future, and the future the present. (Prior code Appx. A, § 201)

### **17.04.030 Number.**

The singular number includes the plural, and the plural the singular. (Prior code Appx. A, § 202)

### **17.04.040 General definitions. Revised 6/16 Revised 11/16**

"Accessory" means a building, part of a building or structure or use which is subordinate to, and the use of which is incidental to that of the main building, structure or use on the same lot. Where the wall of an accessory building has a common wall or a portion of a common wall not less than four (4) feet in length, such accessory building shall be considered as a part of the main building.

"Advertisement" means any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, email, Internet website or application, or any other form.

"Antenna" means any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of electromagnetic waves when such system is either external to or attached to the exterior of a structure. Antennas shall include devices having active elements extending in any direction, and directional beam-type array having elements carried by and disposed from a generally horizontal boom that may be mounted upon and rotated through a vertical mast or tower interconnecting the boom and antenna.

"Antenna--building-mounted" means any antenna, other than an antenna with its supports resting on the ground, directly attached or affixed to a building, tank, tower, building-mounted mast less than ten (10) feet tall above the roof ridge line and six (6) inches in diameter, or structure other than a wireless communications tower.

"Antenna--directional" (also known as a "panel" antenna) transmits and/or receives radio frequency signals in a directional pattern of less than three hundred sixty (360) degrees.

"Antenna--facade-mounted" means an antenna that is directly attached or affixed to any facade of a building or other structure. Also known as a building-mounted antenna.

"Antenna--ground-mounted" means an antenna with its support structure or base placed directly on the ground, the total height of which does not exceed fourteen (14) feet, including the height of the antennas.

"Antenna--omni-directional" (also known as stick, whip, or pipe antennas) means any antenna which transmits and/or receives radio frequency signals in a three hundred sixty (360) degree horizontal pattern and a compressed vertical plane. For the purpose of this article, omni-directional antennas have diameters between two (2) and six (6) inches, and measures between one (1) and eighteen (18) feet in height.

"Antenna--panel." See "Antenna--directional."

"Antenna--parabolic" (also known as a satellite dish antenna) means any device incorporating a reflective surface that is solid, open mesh, or bar-configured that is shallow dish, cone, horn, bowl, or cornucopia shaped and is used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern.

"Antenna--portable" means any device used to transmit and/or receive electromagnetic or radio frequency communication/signals in a specific directional pattern, located on a portable or moveable base designed to be placed either for temporary or long-term use at a given site.

"Antenna--roof-mounted" means an antenna directly attached or affixed to the roof, generally freestanding, of an existing building or structure other than a wireless communications tower.

"Antenna--vertical" means a vertical type antenna without horizontal cross-sections greater than one-half (1/2) inch in diameter.

"Antenna--whip." See "Antenna--omni-directional."

"Antenna array" means a structure attached to a wireless communications tower that supports a wireless communications antenna or antennas.

"Antenna array group" means more than two (2) sets of antennas by different service providers placed on a monopole, tower, building, or other support structure or on multiple poles, towers, buildings, or other support structures on the same parcel of land or on different parcels where the antennas are located within two hundred (200) feet from each other (also known as an antenna farm).

"Automobile wrecking" means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

"Block" means all property fronting upon one (1) side of a street between intersecting and intercepting streets, or between a street and a railroad right-of-way, waterway, terminus or dead-end street, or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts.

"Building" means a permanently located structure having a roof but excluding all forms of vehicles even though immobilized. Where this title requires, or where special authority granted pursuant to this title requires, that a use shall be entirely enclosed within a building, this definition shall be qualified by adding "and enclosed on all sides."

"Building height" means a vertical distance measured from grade, as determined as described herein, to the corresponding uppermost point of the roof, as shown in the examples at the end of Chapter [17.04](#).

Building, Main. "Main building" means the principal building on a lot or building site designed or used to accommodate the primary use to which the premises are devoted; where a permissible use involves more than one (1) structure designed or used for the primary purpose, as in the case of group houses; each such permissible building on one (1) lot as defined by this title shall be construed as constituting a main building.

"Building site" means: (a) the ground area of one lot, or (b) the ground area of two (2) or more lots when used in combination for a building or group of buildings, together with all open spaces as required by this title.

"Co-location" means a wireless telecommunications facility comprising a single wireless communications tower, monopole, or building supporting antennas owned or used by more than one wireless communications carriers. Co-location shall also include the location of wireless telecommunications facilities with other facilities such as water tanks, light standards, and other utility facilities and structures (see also "Wireless communications facility").

"Commercial use" means a use that involves the exchange of cash, goods, or services, barter, forgiveness of indebtedness, or any other remuneration in exchange for goods, services, lodging, meals, entertainment in any form, or the right to occupy space over any period of time.

"Commission" means the planning commission of the city.

"Day care home" or "family day care home" "means a home that regularly provides care, protection, and supervision for fourteen (14) or fewer children, in the provider's own home, for periods of less than twenty-four (24) hours per day, while the parents or guardians are away, and is either a 'large day care home' or a 'small day care home.'

"Day Care Home, Large" means a home that provides family day care for seven (7) to fourteen (14) children, inclusive, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.465 of the California Health and Safety Code.

"Day Care Home, Small" means a home that provides family day care for eight (8) or fewer children, including children under the age of ten (10) years who reside at the home, as set forth in Section 1597.44 of the California Health and Safety Code.

"Direct Broadcast Satellite Service" (DBS) is a system in which signals are transmitted directly from a satellite to a small home receiving dish which does not exceed eighteen (18) inches in diameter. The system

is commonly marketed as Digital Satellite System (DSS). DBS or DSS competes with cable television.

"Dump" means an area devoted to the disposal of refuse, including incineration, reduction or dumping of ashes, garbage, combustible or noncombustible refuse, offal or dead animals.

"Dwelling" means a building or portion of a building designed for residential purposes, including one-family, two-family and multiple dwellings, but shall not include hotels, boarding and lodging houses.

"Dwelling unit" or "apartment" means one or more rooms in a dwelling or apartment house or apartment hotel designed for occupancy by one family for living or sleeping purposes, and having only one kitchen.

All rooms comprising a dwelling unit shall have interior access through an interior doorway not containing a deadbolt lock to other parts of the dwelling unit with the exception of accessory living quarters, provided that where a dwelling unit occupies two stories, interior access shall be provided between stories by an open unenclosed stairway.

For the purpose of this section, "open stairway" means a stairway which has a minimum of one wall which is not more than forty-two (42) inches high opening into at least one room from which the stairway connects each floor.

If in the opinion of the director of building and safety the design of a dwelling has the potential to be converted to additional dwelling units, the director may require a deed restriction to be recorded prior to issuance of a building permit.

Dwelling, One-Family. "One-family dwelling" means a detached building designed for occupancy by one family containing one dwelling unit.

Dwelling, Two-Family. "Two-family dwelling" means a building designed for occupancy by two families living independently of each other, and containing two dwelling units.

Dwelling, Multiple. "Multiple dwelling" means a building, or a portion thereof, designed for occupancy by three or more families living independently of each other, and containing three or more dwelling units.

"Educational institution" means elementary, junior high, high schools, colleges or universities or other schools giving general academic instruction in the several branches of learning and study required to be taught and equivalent to the standards prescribed by the Education Code of the State of California or California Board of Education, including learning skills integrated with said education. Includes schools, academies institutes, or tutoring services which operate for a profit. Excludes business/trade schools which operate for a profit.  
(Ord.11-1319, §1 January, /2011; Ord.08-1294, §1, Sept. 2008; )

"Emergency shelters" means housing with minimal supportive services that limits occupancy by homeless persons to six months or less in any year, and does not deny occupancy due to a person's inability to pay.  
(Ord. 13-1342, §1,July 2013)

"Family" means two or more persons living together in a dwelling unit, sharing common cooking facilities, and possessing the character of a relatively permanent single bona fide housekeeping unit in a domestic bond of social, economic and psychological commitment to each other, as distinguished from a group occupying a boarding house, club, dormitory, fraternity, hotel, lodging house, motel, rehabilitation center, rest home or sorority.

"Federal Communications Commission" (FCC) was established by the Communications Act of 1934 as an independent United States government agency directly responsible to Congress. The Act, which has been amended over the years, charges the Commission with establishing policies to govern interstate and international communications by television, radio, wire, satellite and cable.

Garage, Private. "Private garage" means an accessory building or an accessory portion of the main building, having a roof, enclosed on all sides and designed or used only for the shelter or storage of vehicles owned or operated by the occupants of the main building.

Garage, Public. "Public garage" means a building enclosed on all sides other than a private garage used for the care, repair or equipping of automobiles, or where such vehicles are stored or kept for hire or sale.

"Grade" at any point on a lot is determined based on existing corner point elevations, taking into consideration significant variations relative to adjacent properties. In cases where there is significant variation in elevations between adjacent properties at corner points, the point of measurement shall be established based on the elevation at the nearest public improvement or an alternative point within 3 horizontal feet which, based on supporting evidence, represents existing unaltered grade. In the absence of supporting documentation the corner point elevation shall be established at 1/2 the difference between the adjacent elevation and the elevation on the property in question.

The determination of grade shall be made by the Community Development Director, based on all available evidence, and any disputes shall be referred to the Planning Commission.

For lots with convex contours (where the ground level arches upward along a property line) the "grade" of a lot may be based on a detailed topographical survey along the property line with spot elevations called out at a minimum of two (2) foot intervals.

"Guest house" or "accessory living quarters" means living quarters within a main building for the use of persons employed on the premises, or for temporary use by guests of the occupants of the premises. Such quarters shall have no kitchen facilities and shall not be rented or otherwise used as a separate dwelling unit. Guest houses and accessory living quarters are subject to the issuance of a conditional use permit and are not allowed in accessory buildings.

"Kitchen" means any room or space used or intended or designed to be used for cooking or the preparation of food. The installation of a cooking appliance constitutes a kitchen within the meaning of this definition, and where such a kitchen is installed or maintained in a room or suite of rooms said room or suite of rooms shall constitute a dwelling unit.

"Lot" means:

- A. A parcel of real property with a separate and distinct number or other designation shown on a plat recorded in the office of the county recorder as part of an approved subdivision having its principal frontage upon publicly dedicated street; or
- B. A parcel of real property delineated on a record of survey, lot split, or sub-parceling map approved by the city.

"Lot area" means the total horizontal area within the boundary lines of a lot or parcel. For the purpose of determining area in the case of an irregular, triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the line representing the lot depth of such lot shall be used as the rear lot line.

Lot, Corner. "Corner lot" means a lot situated at the intersection of two or more streets, which streets have an angle of intersection of not more than one hundred thirty-five (135) degrees.

"Lot coverage" means:

- A. That portion of a lot covered by the area within the foundation of the main building and all accessory buildings and structures,
- B. The area covered by cantilevers projecting from a building, and
- C. The area covered by decks and stairs more than thirty (30) inches above grade as that term is defined in Section [17.04.040](#).

The following shall not be included when calculating lot coverage:

- A. The area covered by architectural projections, eaves, and unenclosed balconies (i.e. balconies open on at least two sides and which may be under another balcony) that project five (5) feet or less from the face of a building,
- B. Non-structural stairs, patios, walkways, and planters which establish finish grade, and
- C. Fences and walls. (Ord. 00-1205, §4, 09/26/00)

"Lot depth" means the horizontal length of a straight line drawn from the midpoint of the front line and at right angles to such line connecting with a line intersecting the midpoint of the rear lot line and parallel to the front lot line. In the case of a lot having a curved front line the front lot line, for purposes of this section, shall be deemed to be a line tangent to the curve and parallel to a straight line connecting the points of intersection of the side lot lines of the lot with the front lot line.

Lot, Interior. "Interior lot" means a lot other than a corner lot or reversed corner lot.

Lot, Key. "Key lot" means the first lot to the rear of a reversed corner lot and whether or not separated by an alley.

Lot Line, Front. "Front lot line" means in the case of an interior lot, a line separating the lot from the street. In the case of a corner lot the front lot line shall be the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear. "Rear lot line" means a lot line which is opposite and most distant from the front lot line. For the purpose of establishing the rear lot line of a triangular or trapezoidal lot, or of a lot the rear line of which is formed by two (2) or more lines, the following shall apply:

1. For a triangular or gore-shaped lot a line ten feet in length within the lot and farthest removed from the front lot line and at right angles to the lot depth line shall be used as the rear lot line;
2. In the case of a trapezoidal lot the rear line of which is not parallel to the front lot line, the rear lot line shall be deemed to be a line at right angles to the lot depth line and drawn through a point bisecting the recorded rear lot line; and
3. In the case of a pentagonal lot the rear boundary of which includes an angle formed by two lines, such angle shall be employed for determining the rear lot line in the same manner as prescribed for a triangular lot.

In no case shall the application of the above be interpreted as permitting a main building to locate closer than five feet to any property line.

Lot Line, Side. "Side lot line" means any lot boundary line not a front lot line or a rear lot line.

Lot, Reversed Corner. "Reversed corner lot" means a corner lot, the side street line of which is substantially a continuation of a front lot line of the lot upon which the rear of said corner lot abuts.

Lot, Through. "Through lot" means a lot having frontage on two parallel or approximately parallel streets.

Lot Width. "Lot width" means the horizontal distance between the side lot lines measured at right angles to the lot depth line at a point midway between the front and rear lot lines.

"Lower income" means household income not exceeding eighty (80) percent of the "area (Los Angeles County) median income" published annually by the California Department of Housing and Community Development.

"Lower income multiple-family dwelling" means two (2) family dwelling and multiple dwelling, where all dwelling units are affordable to lower income households. This definition includes owner-occupied and rental dwelling units.

"Manufactured house" is a structure which is transportable and is built on a permanent chassis and designed

to be used as a dwelling with a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. A module is a unit of a manufactured house.

"Manufactured house" is synonymous with "mobile home" as defined in Section 5402(6) of the National Mobile Home Construction and Safety Standards Act of 1974 except that for the purpose of this definition a manufactured house shall only be a mobile home which is attached to a permanent foundation and is at least nineteen (19) feet in body width.

"Medical or residential care facility" means a nursing and convalescent home as licensed by State Department of Public Health, and includes residential care homes as licensed by State Department of Social Welfare Services, Community Care Licensing Division. This term also includes group living quarters housing persons placed by an authorized agency for rehabilitation purposes and is funded by or licensed by or is operated under the auspices of an appropriate federal, state or county governmental agency.

"Monopole" is a wireless communication facility which consists of a single-pole structure or spire, erected on the ground to support wireless communication antennas and appurtenances.

"Nonconforming building or structure" means a building, structure, or portion thereof, which was lawfully erected or altered and maintained, but which no longer conforms to the zoning standards of the zone in which it is located.

"Nonconforming use" means a use which was lawfully established and maintained but which, no longer conforms to the use regulations, or the lot area per dwelling unit regulations, of the zone in which it is located.

"Open space" means areas which are from ground to sky free and clear of any obstructions or obstacles unless otherwise specified within each zone classification.

Minor obstacles such as telephone and power lines or similar obstacles, and obstructions such as eaves or entryway overhangs, a maximum of thirty (30) inches wide, may encroach into open space areas in the R-1 zone.

#### Planned Development.

1. "Floor area ratio" means the amount of gross floor area, not including covered garages, of building permitted in relation to gross land area.
2. "Gross land area" means the area of a lot, expressed in square feet, including all easements, measured to the center line of all abutting streets, alleys and walkways.
3. "Open space" means the amount of gross land area, expressed in percentages, which must be kept open but may be used for various purposes such as walkways, driveways, landscaping and streets.
4. "Livability space" expressed as a percentage of the gross land area is a portion of the open space and

includes, but is not limited to, recreation space. This space is defined as that space which may be used by the occupants of the building for recreation, landscaping and balconies having a minimum width and length of ten (10) feet, and may be utilized as a part of any open space requirement.

5. "Recreation space" means the amount of usable livability space which must be provided for recreation, expressed as a percentage of gross land area. This space must be sufficiently large and so located as to permit use for normal recreation activities such as open air dining, court games, swimming, and grass lawns.

6. "Occupant car ratio" means the number of covered off-street parking spaces which must be provided, expressed in whole numbers or fractions per dwelling unit, figured to the next larger whole number.

7. "Total car ratio" means the number of occupant and visitor off-street parking spaces which must be provided, expressed as whole numbers.

"Public service use or facility" means a use operated or used by a public body or public utility in connection with any of the following services: water, waste water management, public education, parks and recreation, fire and police protection, solid waste management, transportation, or utilities.

"Public right-of-way" means and includes all public streets and utility easements, now and hereafter owner by the city, but only to the extent of the city's right, title, interest, or authority to grant a license to occupy and use such streets and easements for wireless communications facilities.

"Quasi-public use" means a use serving the public at large, and operated by a private entity under a franchise or other similar governmental authorization, designed to promote the interests of the general public or operated by a recognized civic organization for the benefit of the general public.

"Recyclable material" is re-usable material including but not limited to metals, glass, and paper, which are intended for re-use, re-manufacture, or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

"Related equipment" means all equipment ancillary to the transmission and reception of voice and data via radio frequencies. Such equipment may include but is not limited to cable, conduit, and connectors.

"Rest home," "convalescent home" or "guest home" means a home operated as a boarding home, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons; but in which are kept no persons suffering from a mental sickness, mental disease, mental disorder or mental ailment or from a contagious or communicable disease, and in which are performed no surgical or other primary treatments such as are customarily provided in sanitariums or hospitals or in which no persons are kept or served who normally would be admittable to a mental hospital.

"Satellite earth station" means a wireless communications facility consisting of more than a single satellite dish smaller than ten (10) feet in diameter that transmits to and/or receives signals from an orbiting satellite.

"School" means an elementary, junior high, high school, college or university or other schools giving general academic instruction in the several brands of learning and study required to be taught in the Education Code of the State of California.

"Single room occupancy facility" and "SRO facility" means a building containing more than six (6) SRO units, designed for occupancy of no more than two (2) persons, and which is intended, designed, or is used as a primary residence by its occupants.

"Single room occupancy unit" and "SRO unit" means a room that is used, intended or designed to be used by no more than two (2) persons as a primary residence, but which lacks either or both a self-contained kitchen or bathroom.

"Street" means a thoroughfare having a width of not less than twenty-one (21) feet, and dedicated to public use and which affords primary means of access to abutting property.

"Street line" means the boundary line between a street and the abutting property.

Street, Side. "Side street" means a street which is adjacent to a corner lot and which extends in the general direction of the line determining the depth of the lot.

"Structure" means anything constructed or erected which requires location on the ground or attached to something having a location on the ground, but not including fences or walls used as fences less than six (6) feet in height.

"Structural alterations" means any change in the supporting members of a building such as foundation, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in roof or exterior lines.

Trailer, Automobile. "Automobile trailer" means a vehicle without motor power, designed to be drawn by a motor vehicle and to be used for human habitation or for carrying persons and property, including a trailer coach and any self-propelled vehicle having a body designed for the same uses as an automobile trailer without motor power.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. For purposes of this definition, "target population" means adults with low-income having one (1) or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster

care system, individuals exiting from institutional settings, veterans, or homeless people. Supportive housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

"Trailer park," "trailer court" and "public camp," any or all of them shall mean any area or tract of land used or designed to accommodate two (2) or more automobile trailers or two or more camp parties, including tents or other camping outfits and including trailer camps as defined by state law.

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under federal, state or local housing program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six (6) months. Transitional housing is a residential use subject to the same regulations and procedures that apply to other residential uses of the same type in the same zone.

"Trellis" means any framework or structure of crossed wood or other suitable building material used to cover open space for aesthetic or shading purposes. For the purposes of usable open space calculations, the open areas between the trellis beams must be equal to or exceed the open space area required to remain open and uncovered as per the development standards for each multifamily residential zone district.

"Use" means the purpose for which land or building is arranged, designed or intended, or for which either land or building is or may be occupied or maintained.

"Wireless communications facility" means a wireless facility that transmits and/or receives electromagnetic signals. It includes antennas, microwave dishes, horns, and other types equipment for the transmission or receipt of such signals, wireless communications towers, or similar structures supporting said equipment, equipment buildings, parking area, and other accessory development.

"Wireless communications tower" means a structure more than ten (10) feet tall, built primarily to support one (1) or more wireless communications antennas.

"Yard" means an open space other than a court, on a lot, unoccupied and unobstructed from the ground upward, except as otherwise provided in this title.

Yard, Front. "Front yard" means an area extending across the full width of the lot and lying between the front lot line and a line parallel thereto, and having a distance between them equal to the required front yard depth as prescribed in each zone. Front yards shall be measured by a line at right angles to the front lot line, or by the radial line in the case of a curved front lot line. When a lot lies partially within a planned street indicated on a precise plan for such a street, and where such planned street is of the type that will afford legal access to such lot, the depth of the front yard shall be measured from the contiguous edge of such planned street in the manner prescribed in this definition.

Yard, Rear Line of Required Front. "Rear line of the required front yard" means a line parallel to the front lot

line and at a distance therefrom equal to the depth of the required front yard, and extending across the full width of the lot.

**Yard, Side.** "Side yard" means a yard between the main building and the side lot lines extending from the rear line of the required front yard, or the front lot line where no front yard is required, to the rear line of the main building, or the rear line of the rear-most main building if there is more than one (1), the width of which side yard shall be measured horizontally from, and at right angles to, the nearest point of a side lot line towards the nearest part of a main building. (Ord. 16-1371 §1.3, 2016; Ord. 16-1365 §1, 2016; Ord. 13-1342 §1, 2013; Ord. 07-1280 §5, 2007; Ord. 04-1238 §4, 2004; Ord. 01-1214 §4 (part), 2001; Ord. 00-1199 §4 (part), 2000; Ord. 96-1163 §1, 1996; Ord. 95-1130 §9(A), 1995; Ord. 95-1124 §4, 1995; Ord. 94-1121 §1, 1994; prior code Appx. A, §§ 203--223, 226--229, 229.1, 230--254, 259, 260, 266, 267, 271, 272, 278)

#### **17.04.050 Commercial land use definitions. Revised 10/17**

**Alcohol Beverage Establishment, Off-Sale.** "Off-sale alcohol beverage establishment" means retail sales of alcoholic beverages (beer, wine, spirits) in packaged containers for consumption off the premises. This definition includes liquor stores or grocery stores or food and beverage markets which sell alcohol.

**Alcohol Beverage Establishment, On-Sale.** "On-sale alcohol beverage establishment" means sale of alcoholic beverages (beer, wine, spirits) for consumption on the premises whether in conjunction with a restaurant, or as a bar or cocktail lounge or in conjunction with a nightclub (see definition of "restaurant").

"Animal hospitals" means establishments where animals receive medical and surgical treatment. This classification includes only facilities that are entirely enclosed, soundproofed, and air-conditioned. Grooming and temporary (maximum thirty (30) days) boarding of animals is included.

"Art/antiques/curios/gallery or shop" means retail sales or display of art objects, antique items, and/or various other objects or items typically used for decorating the home or yard or as gift items.

"Assembly hall" shall mean any building, or portion of a building, used for public or private gatherings. For example, and without limitation, "assembly hall" includes convention/meeting halls, business schools, funeral homes, gymnasium/health and fitness centers, educational institutions (K-12), game arcades with five (5) or more machines, miniature golf courses, large day spas, movie theaters, museums, music academies, religious institutions, and skating rinks, whether available for public or private use.

"Audio/video equipment and supplies, sales and repair" means the retail sales of typical household audio/video equipment, including but not limited to televisions, VCRs, radios, stereos, personal computers and accessories, and the sale of videocassettes, compact discs, laser discs, audio tapes, computer software, etc., and their related accessories--does not include the sale of musical instruments.

"Bakery" means the preparation of baked goods for primarily retail sales and may have incidental wholesale, for general distribution or consumption off-site. This classification includes incidental consumption of said goods on the premises.

"Banks and financial institutions" means financial institutions that provide services to individuals and businesses, including retail banking, collection services, loan services, and tax and investment services. These uses do not include check cashing businesses.

"Billiard or pool halls" means establishments that provide billiard tables for customer's use.

"Body piercing" means to puncture, perforate, or penetrate a human body part or tissue with an object, appliance, or instrument for the purpose of placing a foreign object in the perforation to prevent the perforation from closing. This includes, but is not limited to, creating such an opening in the lip, tongue, nose, eyebrow or navel for the purpose of inserting jewelry or other decorations. Body piercing does not include piercing of the ear lobe or outer portion of the ear.

"Bus station (not including terminal facilities)" means a facility providing the site and support services for bus transfers or loading and unloading. Does not include storage or long-term parking of buses.

"Business schools" means a commercial enterprise involving the teaching of business or related skills to adults. This definition does not include a school or educational institution giving general academic instruction, such as an elementary, junior high, high school or college.

"Catering business" means preparation and delivery of food and beverages for off-site consumption without provision for on-site pickup or consumption.

Clinic, Medical or Dental. "Medical or dental clinic" means a place that provides patient care services on an outpatient basis.

"Clothing and wearing apparel sales and service" means retail sales and service of clothing and wearing apparel. Typical uses include clothing stores, tailors, shoe stores, shoe repair stores, jewelry stores.

"Club" means an association of persons for some common nonprofit purpose but not including groups organized primarily to render a service which is customarily carried on as a business.

"Communication facilities" means commercial telecommunications transmission facilities and studios that create broadcasting or media content outside of an office environment, including but not limited to radio, television or Internet broadcasting facilities, audio rehearsal or recording studios, motion picture studios, sound stages, special effects studios, and similar uses. Excludes public utility and wireless communication facilities.

"Convention hall" means an enclosed building or structure used for public assembly for meetings, conventions or special events. This classification includes assembly halls.

"Copying and printing services and supplies" means businesses providing copying, printing, typesetting and related clerical services to individuals and businesses and/or the retail sales of supplies used for copying and printing. Typical uses include blueprinting shops, photocopying and typesetting services, and stationary stores. This classification does not include commercial publishing or printing businesses or retail sales and

service of copy machines.

Dancing, Customer. "Customer dancing" means provision of facilities and floor space for participant dancing including a dance studio or instructional dancing. The definition does not include "taxi" dancing where a fee is charged to dance with a particular person.

"Department store" means a retail business selling a variety of products, such as jewelry, clothing, appliances; this classification does not include the sale of products that are prohibited, or require a conditional use permit by this title in specified zones.

"Drugstore" means retail sales of prescription and nonprescription drugs.

Entertainment, Live. "Live entertainment" means the provision of live performances including without limitation all forms of music, theatrical or comedic performance, song, dance, or vocal entertainment by a disc jockey or announcer, participated in by one (1) or more employees, guests, customers, or any other person or persons. Acoustic, unamplified, nonpercussive background music provided accessory to an established on-site use during normal business hours by a maximum of two (2) persons without advertisement and without charge is excluded.

Entertainment, Special Performances. "Special performance entertainment" means temporary or short term live entertainment. Acoustic, unamplified, nonpercussive background music provided accessory to an established on-site use during normal business hours by a maximum of two (2) persons without advertisement and without charge is excluded.

"Equipment rental and/or repair (tools and/or lawn/garden equipment including small engines other than street vehicles)" means a business providing typical household tools and lawn/garden equipment for repair (such as sharpening, or repair of small motors or engines) or rental, including hand-operated machinery, power tools, lawn mowers, hedgers, etc., but excluding vehicles, trucks, and trailers licensed for street use.

"Florist or plant shop" means retail sales of flowers and plants and accessories with storage of merchandise inside a building; outside flower and plant displays permitted.

"Food and beverage market (maximum four thousand (4,000) square feet)" means retail sales of food and beverages, where a regular or substantial portion is for off-site preparation and consumption. Typical uses include groceries, convenience stores, delicatessens, health food stores, and/or produce markets. Includes incidental sales of prepared food for take-out consumption. Over four thousand (4,000) square feet is classified as a supermarket.

"Fortune tellers, psychics, astrologers" means businesses offering personal services to individuals based on the spiritual arts--does not include classes or seminars for groups.

"Funeral homes, including mortuaries" means establishments primarily engaged in the provision of services involving the care, preparation and/or disposition of human dead other than cemeteries.

"Furniture/furnishings, sales and display" means retail sales and/or display of various household and office furnishings including, but not limited to, carpet and floor coverings, drapes and window coverings, lighting fixtures, tables, desks, chairs, sofas, beds, wall coverings, bookshelves and patio furniture.

"Game arcade (or amusement arcade)" means any place having five (5) or more coin-operated, slug-operated or any type of amusement or entertainment machine, equipment or facilities for which payment is necessary for operation and which is the primary purpose of the business. These include pinball, video games, slot-car racing or other type of game entertainment, but do not include merchandise vending machines.

"Gun shop" means retail sales of guns, firearms, ammunition, etc., in accordance with the state and federal laws.

"Gymnasium/health and fitness center" means a facility, whether open to the public or a private club, which provides the indoor space, equipment and the supervision/training/teaching for physical activities including but not limited to sporting activities, exercising, martial arts, aerobic dancing, weight training, gymnastics and spas.

"Gymnasium/health and fitness center, limited" means a facility not exceeding six thousand (6,000) square feet of gross floor area, whether open to the public or a private club, which provides the indoor space, equipment and the supervision/training/teaching for physical activities including but not limited to sporting activities, exercising, martial arts, aerobic dancing, weight training, gymnastics and spas. In this Code, "gymnasiums/health and fitness center" includes this use type "gymnasium/health and fitness center, limited."

"Hardware/home improvement stores" means retail and/or service for hardware, building materials, tools, equipment, plumbing fixtures, tiles, paint, windows, etc.

"Hobby and craft supplies and service" means retail sales, service and provision of facilities for various types of crafts and hobbies engaged in by individuals typically for fun or relaxation but not for financial gain, including, but not limited to, photography, knitting, weaving, cooking, home brewing, collecting (e.g., stamps, baseball cards, coins, etc.), model trains and cars, stained glass, and other typical home arts and crafts. This classification does not include sport and recreation activities, or "hobbies" that involve heavy machinery or motor vehicles.

Hospital, General. "General hospital" means a facility licensed by the State Department of Public Health with a duly constituted governing body with overall administrative and professional responsibility and an organized medical staff which provides twenty-four (24) hour, inpatient care, including, but not limited to, medical, nursing, surgical, obstetric, laboratory, radiology, pharmacy and dietary services. Mental health care is limited to psychiatric outpatient services only. This definition does not include mental hospitals.

"Hotel" means one (1) or more buildings containing six (6) or more guest rooms, with such rooms being designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. No room may be used, rented or hired out by the same person or persons for a period

exceeding ninety (90) days per year, whether or not consecutive. Access to all rooms is provided through a common entrance; and the project shall include a registration lobby manned on a twenty-four (24) hour basis.

This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint.

The decision-making body shall have the authority to set any limitation on the number and/or type of kitchenette facilities provided in the guest rooms for projects located on parcels of greater than twenty thousand (20,000) square feet.

"Household appliances and office equipment, sales and repair (including large or major appliances and/or equipment)" means retail sales and/or repair of appliances and/or equipment such as refrigerators, washer-dryers, cooking and kitchen appliances, copy machines, micro-computers etc.

"Instruments (professional and/or scientific), sales" means small hand-operated specialized technical instruments used in professions or sciences. This definition does not include tools, machinery or musical instruments.

"Laboratories" means establishments providing medical or dental laboratory services; or establishments with less than two thousand (2,000) square feet providing photographic, analytical or testing services.

"Large Day Spa." An establishment that consists of more than three thousand (3,000) square feet of gross floor area, that offers a combination of non-medical personal services that may include hair, nail and skin care treatment or other services typically found in a beauty shop, and also massage therapy and similar treatment of the human body, and may also include spa tubs, pools, steam rooms, saunas or other related accessory facilities and uses. If massage therapy occupies more than twenty-five (25) percent of the gross floor area of the establishment the business shall be subject to requirements of massage therapy business pursuant to Chapter 5.74.

"Laundry business (including self-service) and dry-cleaning" means an establishment that provides laundry and/or dry-cleaning services, with the dry-cleaning performed off the premises. Definition does not include on-premises dry-cleaning.

Lumberyard, Retail. "Retail lumberyard" means retail sales of building materials, including lumber and ornamental brick and stone, provided all materials are stored within an enclosed seven (7) foot high masonry wall and open storage is limited to twenty (20) foot height.

"Massage therapy business" means an establishment offering massage, alcohol rub, fomentation, electric or magnetic treatment, or similar treatment or manipulation of the human body, unless such treatment or manipulation is administered by a medical practitioner, chiropractor, acupuncturist, physical therapist or similar professional person licensed by the state as part of a medical clinic. This definition excludes a gymnasium/health and fitness center, school, barber/beauty shop, or similar establishment where massage or similar manipulation of the human body is offered by an individual as an incidental or accessory service and

does not occupy more than twenty-five (25) percent of the area of the establishment. This definition also specifically excludes adult massage as defined in Section [17.04.060](#).

"Microbrewery" means a brewery that produces less than four thousand (4,000) barrels of beer per year limited to the manufacturing and wholesaling of beer produced on the premises.

Mini-Storage, Personal. "Personal mini-storage" means an establishment which rents storage space for personal use by the renter, and no materials of a hazardous nature, i.e., toxins, highly inflammable, and/or similar, are stored; nor shall there be warehousing of wholesale and/or retail materials and/or products.

"Miniature golf course" means participant golfing, limited to putting.

"Mobile recycling unit" means an automobile, truck, trailer or van, licensed by the Department of Motor Vehicles which is used for the collection of recyclable materials. A mobile recycling unit also means the bins, boxes or containers transported by trucks, vans or trailers, and used for the collection of recyclable materials.

"Monuments" means custom productions and sales of statues, tombstones and/or similar items.

"Motel" means one or more buildings containing guest rooms with such rooms being designed, intended to be used or are used, rented or hired out as temporary or overnight accommodations for guests, in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. No room may be used, rented or hired out by the same person or persons for a period exceeding ninety (90) days per year, whether or not consecutive. Such facilities are designed, and used for automobile tourists or transients and shall include a registration/checkout service on a twenty-four (24) hour basis.

This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint.

The decision-making body shall have the authority to set any limitation on the number and/or type of kitchenette facilities provided in the guest rooms for projects located on parcels of greater than twenty thousand (20,000) square feet.

"Motor vehicles and equipment sales and service" (including automobiles, trucks, motorcycles, boats, recreational vehicles and excluding tractor trucks):

A. Sales/Rental, New or Used. "New or used sales/rental" means sale or rental of motor vehicles including storage and incidental maintenance.

B. "General repair, service, installations of parts and accessories" means repair of motor vehicles. This classification includes auto repair shops, wheel and brake shops, tire sales and installation, auto upholstery installation, car stereo installation, window installation or tinting but excludes auto body repair and painting, vehicle dismantling or salvage and tire retreading or recapping.

C. "Body repair and painting" means repair or service of motor vehicles that involves body and fender repair,

and/or painting.

D. "Car washes" means washing, waxing or cleaning of automobiles, trucks and vehicles.

E. "Service stations" means establishments engaged in the retail sale of gas, diesel fuel, lubricants, parts and accessories. This classification includes incidental maintenance and repair of automobiles and light trucks, but excludes body and fender work or repair of trailers, tractors, heavy trucks or similar vehicles.

F. Parts and Accessories, Retail Sales. "Retail sales parts and accessories" means retailing of new or used motor vehicle parts and accessories, and related equipment parts and accessories for installation off-site. This classification does not include installation, repair or service of parts and accessories of motor vehicles or related equipment.

G. "Vehicle storage" means storage of operative or inoperative vehicles. This classification includes parking tow-aways, impound yards, and storage lots for automobiles, trucks, buses and recreational vehicles, but does not include vehicle dismantling.

"Movie theaters" means a facility that provides fixed seating for customers to view motion pictures, including accessory snack and/or food and beverage services.

"Music academy" means a school offering classes and curriculum primarily in the musical arts which includes the facilities for playing and practicing with musical instruments.

"Musical instruments, retail sales and repair" means retail sales and repair of musical instruments and accessories. This classification does not include musical training or practice.

"Nurseries" means establishments which primarily sell plants and landscaping/gardening supplies. All merchandise other than plants are kept within an enclosed building or a fully screened enclosure, and fertilizer of any type is stored and sold in package form only.

Office, General. "General office" means facilities where, as a primary use, the administrative activities of a business are performed, such as management, personnel and financial functions, preparation of reports, business communications, personal contact with clients, and similar activities; or professional, executive, management, administrative or similar services are provided to consumers within a commercial office environment. General office includes but is not limited to:

- A. Administrative and business offices providing consumer services, including but not limited to insurance, real estate, and travel services. It may include business offices of construction and similar contractors; provided, that equipment or materials storage or vehicle fleets are not maintained onsite.
- B. Government and public utility administrative offices. Excludes public service use or facility.
- C. Professional services offices, including but not limited to accounting, legal, advertising or public relations, management and similar consulting services, computer and Internet technology services,

design services, land development services, and offices for educational, scientific and research organizations.

D. Personal improvement services offices, including but not limited to counseling, tutoring and similar services. Excludes gymnasium/health and fitness center, educational institutions, medical office, beauty shops, massage therapy businesses, and similar uses.

E. Media production offices, including but not limited to offices for businesses specializing in computer aided video or audio media production and similar services, including the occasional use of unamplified live subjects integral to media production. Excludes communication facilities, live entertainment, and businesses utilizing live audiences.

"Parcel delivery terminal" means parcel and package delivery, pick-up, and storage services including the normal accessory services provided thereto.

"Permanent make-up" means the application of pigment to or under the skin of a person for the purpose of permanently or semi-permanently changing the color or appearance of the skin. This includes, but is not limited to, permanent or semi-permanent eyeliner or lip color.

"Pet grooming, no overnight kennels" means provision of bathing and trimming services for animals.

"Pet stores, including sales of pets" means retail sales and boarding of small animals for sale, provided such activities take place within an entirely enclosed building.

"Photography (equipment sale and service, film processing studio)" means an establishment providing retail sales, repair service, and/or film processing and developing services.

Printing and/or Publishing Business, Commercial. "Commercial printing and/or publishing business" means the commercial reproduction of books, magazines, newspapers, posters, etc., either for distribution or sale.

"Recyclable material" means re-usable material including but not limited to metals, glass and paper, which are intended for re-use, remanufacture or reconstitution for the purpose of using the altered form. Recyclable material does not include refuse or hazardous material. Recyclable material may include used motor oil collected and transported in accordance with Sections 25250.11 and 25143.2(b)(4) of the California Health and Safety Code.

"Recycling collection facilities" means a center for the acceptance by donation, redemption or purchase of recyclable materials from the public. Such a facility does not use power-driven processing equipment except as permitted by conditional use permit. Collection facilities may include the following:

A. Reverse vending machine(s);

B. Small collection facilities which occupy an area of not more than five hundred (500) square feet, and include:

1. A mobile unit,
2. Bulk reverse vending machines or a grouping of reverse vending machines occupying more than fifty (50) square feet,
3. Kiosk type units which may include structures,
4. Unattended containers placed for the recyclable materials;

C. Large collection facilities which may occupy an area of more than five hundred (500) square feet, may include permanent structures and is not appurtenant to a host use.

"Religious institutions" shall mean facilities operated by religious organizations for worship, or the promotion of religious activities, including churches, mosques, synagogues, temples, etc., and religious schools; and accessory uses on the same site, such as living quarters for ministers and staff, and child day care facilities where authorized by the same type of land use permit required for the religious facility itself. Other establishments maintained by religious organizations, including full-time educational institutions, hospitals and other potentially related operations (for example, a recreational camp) are classified according to their respective activities.

"Restaurant" means a bona fide public eating establishment (A) whose primary function is the sale or offering for sale of prepared food during all hours it is open for business, and (B) that prepares food on-site in a kitchen capable of refrigerating and preparing food from its component ingredients.

"Reverse vending machine(s)" means an automated mechanical device which accepts at least one (1) or more types of empty beverage containers including but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three (3) container types in a proportion commensurate with their relative redemption rates and to meet the requirements of certification as a recycling facility, multiple grouping of reverse vending machines may be necessary.

Secondhand Merchandise, Retail Sales. "Retail sales secondhand merchandise" means retail sales of previously used merchandise, such as clothing, household furnishings or appliances, sports/ recreational equipment. This classification does not include secondhand motor vehicles, parts, or accessories.

Skating Rink, Ice or Roller. "Ice or roller skating rink" means an establishment that provides the facilities for participant skating.

"Snack bar or snack shop" means an establishment with twenty-five (25) or less seats that is distinguished from a restaurant as it does not include waiter/waitress table service, except queuing, (intermittent delivery of purchased goods) and does not serve full meals or have a kitchen capable of serving meals but instead

serves snacks or nonalcoholic beverages for consumption on the premises or for take-out; specifically, items such as donuts and other baked goods, ice cream, yogurt, cookies, coffee, tea and juices are considered snacks.

"Sporting/recreational equipment sales, service and rental" uses include beach recreational equipment rental and sales bicycle shops, sporting goods stores, bait and tackle shops, etc.

"Supermarkets" means food markets, or combination food markets and department stores with over four thousand (4,000) square feet of floor area.

"Tattoo/tattooing" means to insert pigment, ink or dye under the surface of the skin of a person by pricking with a needle or otherwise, to permanently change the color or appearance of the skin or to produce an indelible mark or figure visible through the skin. Tattooing does not include application of permanent make-up that is performed as an incidental service in a beauty shop, day spa, or other service or retail establishment.

"Tattoo/body piercing studio" means any establishment where tattooing and/or body piercing takes place.

"Upholstering shop" means repair and upholstery replacement to household and office furnishings-- does not include motor vehicle upholstering or repair.

Wedding Chapel, Commercial. "Commercial wedding chapel" means an establishment which primarily provides the facilities and services for weddings on a commercial basis. This definition does not include churches and similar congregations where weddings are an ancillary use.

"Youth hostel" means one (1) or more buildings containing six (6) or more guest rooms, in which some or all offer dormitory style sleeping facilities. The sleeping facilities contained in such rooms are designed, intended to be used and are used, rented or hired out as temporary or overnight accommodations for guests in which daily services of linen change, towel change, soap change and general clean-up are provided by the management. Access to all rooms is provided through a common entrance and a registration lobby is located on the premises. This definition excludes jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed and detained under legal restraint.

(Ord. 17-1378 §1, 2017; Ord. 15-1350 §1, 2015; Ord. 14-1346 §1, 2014; Ord. 11-1329 §1, 2011; Ord. 10-1313 §2, 2010; Ord. 07-1280 §5, 2007; Ord. 06-1272 §4, 2006; Ord. 04-1241 §4, 2004; Ord. 97-1174 §2, 1997; Ord. 96-1157 §2, 1996; Ord. 96-1148 §1 (part), 1996; Ord. 95-1130 §9(C), 1995)

#### **17.04.060 Adult use definitions.**

"Adult bathhouse" means an establishment which provides the services of baths of all kinds, including all forms and methods of hydrotherapy, during which a regular or substantial portion of the services performed involves the display of specified anatomical areas or the occurrence of specified sexual activities. This definition does not apply to hydrotherapy treatment practiced by or under the supervision of a medical practitioner, medical doctor, physician, chiropractor or similar professional licensed by the state of California. An adult bathhouse is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult bookstore" means an establishment that has a regular or substantial portion of its stock-in-trade distinguished or characterized by specified sexual activities or specified anatomical areas, including, but not limited to, books, magazines, periodicals, photographs, films, motion pictures, video cassettes, slides or other verbal or visual representations that are characterized by a depiction or description of specified sexual activities or specified anatomical areas. An adult bookstore is considered a form of written and visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult business" means a business establishment in which a regular or substantial portion of its stock-in-trade material is specifically intended for the exclusive patronage of adults and/or is precluded from selling such material to minors and/or admitting minors into the premises of the business by Section 313 et seq. of the California Penal Code. "Regular or substantial portion" is defined as greater than twenty (20) percent of an establishment's stock-in-trade materials and/or services offered to patrons, for compensation or some form of gratuity. For the purposes of this title, "adult businesses" shall refer only to those establishments which involve forms of written or visual speech protected by the First Amendment, specifically adult bookstores, adult cabarets, adult motion picture theaters/arcades, and adult newsracks. This definition does not include businesses primarily characterized by activities not protected by the First Amendment, which specifically refers to adult bathhouses, adult massage parlors, adult motels/hotels, outcall services and sexual encounter establishments.

"Adult cabaret" means a nightclub, bar, restaurant or similar establishment featuring live performances in which a regular or substantial portion of such performances involve the exposure of specified anatomical areas and/or the depiction or description of specified sexual activities. An adult cabaret is considered a form of visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult massage" means any method of pressure on, or friction against, or stroking, kneading, rubbing, tapping, pounding, vibrating, manipulating, or stimulating the external genitalia, breasts or buttocks or the human body with the hands or with the aid of any mechanical, electrical apparatus, or other appliances or devices, with or without such supplementary aids such as rubbing alcohol, liniment, antiseptic, oil, powder, cream, lotion, ointment or similar preparations.

"Adult massage parlor" means an establishment in which a regular and substantial portion of its services involves adult massages. An adult massage parlor is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult motel/hotel" means an establishment offering public accommodations, for any consideration or gratuity, in which a regular or substantial portion of the material and/or services provided to patrons is distinguished or characterized by an emphasis on the depiction or description of specified sexual activities or specified anatomical areas. An adult motel/hotel is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Adult motion picture theater/arcade" means an establishment in which a regular or substantial portion of its stock-in-trade material, including but not limited to films, motion pictures, video cassettes, picture viewing machines, slide projections or similar photographic reproductions, features the exposure of specified anatomical areas or the depiction or description of specified sexual activities. An adult motion picture theater/arcade is considered a form of visual speech protected by the First Amendment, and as such, is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult newsrack" means any coin-operated machine or device which has a regular or substantial portion of its stock-in-trade material devoted to the depiction or description of specified sexual activities or specified anatomical areas. An adult newsrack is a permitted use in the C-3 zoning district only, subject to approval of a conditional use permit.

"Adult paraphernalia" means any instruments or devices that are designed for use in connection with specified sexual activities, including but not limited to the following:

- A. Any lotions, ointments, oils or similar preparations primarily intended to induce or enhance sexual arousal through external application;
- B. Any product for internal consumption that is primarily intended to induce or enhance sexual arousal;
- C. Any apparatus depicting the human body and/or specified anatomical areas intended to induce or enhance sexual arousal; and
- D. Any apparel primarily intended to accentuate specified anatomical areas in order to induce or enhance sexual arousal.

Adult paraphernalia is not a form of speech protected by the First Amendment.

"Bathhouse" means an establishment which provides hydrotherapy treatment practiced by, or under the supervision of a medical practitioner, medical doctor, physician, chiropractor or similar professional licensed by the state of California. If the establishment is not supervised by a licensed medical professional, it shall be defined as an adult bathhouse.

"Outcall service" means an establishment in which a regular or substantial portion of the services provided involves individuals leaving the premises upon request or by appointment to visit other premises for a period of time for the purpose of providing any service during which time specified anatomical areas are displayed or specified sexual activity occurs. An outcall service is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"R-rated" refers to any materials or services which include the display of specified anatomical areas but not the depiction or description of specified sexual activities.

"Sexual encounter establishment" means an establishment in which a regular or substantial portion of the materials and/or services provided involves, for any form of consideration or gratuity, public accommodations

which provides a place where two or more persons may congregate, associate or consort for the purpose of engaging in specified sexual activities or the exposure of specified anatomical areas. This definition does not include an establishment where a medical practitioner, psychologist, psychiatrist or similar professional person licensed by the state engages in sexual therapy. A sexual encounter establishment is not a form of speech protected by the First Amendment and is not a permitted adult use in the city.

"Specified anatomical areas" means and includes any of the following:

- A. Less than completely and opaquely covered human genitals, pubic region, buttocks, anus or female breasts below a point immediately above the top of the areolae; or
- B. Human male genitals in a discernibly turgid state, even if completely and opaquely covered.

"Specified sexual activities" means and includes any of the following:

- A. The fondling or other erotic touching of human genitals, pubic region, buttocks, anus or female breasts;
- B. Sex acts, normal or perverted, actual or simulated, including intercourse, oral copulation or sodomy;
- C. Masturbation, actual or simulated; or
- D. Excretory functions as part of or in connection with any of the activities set forth in subdivisions (1) through (3) of this section. ((Ord. 10-1313 § 2, 12/2010; Ord. 97-1174 § 2, 08/12/97; Ord. 96-1130 § 9(B), 1996; prior code Appx. A, §§ 284, 284.1--284.9, 285, 285.1--285.8)

## **Chapter 17.06 ESTABLISHMENT OF ZONES Revised 11/16**

Sections:

- [\*\*17.06.010 Names of zones.\*\* Revised 11/16](#)
- [\*\*17.06.020 Degree of restrictiveness.\*\*](#)
- [\*\*17.06.030 Establishment of zones by map.\*\*](#)
- [\*\*17.06.040 Division of zoning map.\*\*](#)
- [\*\*17.06.050 Changes in boundaries.\*\*](#)
- [\*\*17.06.060 Uncertainty of boundaries.\*\*](#)
- [\*\*17.06.070 Limitation of land use.\*\*](#)
- [\*\*17.06.080 Density limited by official zoning map.\*\*](#)

### **17.06.010 Names of zones. Revised 11/16**

In order to classify, regulate, restrict and segregate the uses of land and buildings, to regulate and restrict the height and bulk of buildings and to regulate the area of yards and other open spaces about buildings and to regulate the destiny of population, sixteen (16) classes of zones are by this ordinance established to be known as follows:

SPA	Specific Plan Areas
R-1	Single-family residential zone.
R-1A	Two dwelling units per lot zone.
R-2	Two-family residential zone.
R-2B	Limited multiple-family residence zone.
R-3	Multiple-family residential zone.
MHP	Mobilehome park development district.
R-P	Residential professional zone.
C-1	Limited business and residential.
C-2	General commercial district.
C-3	General and highway commercial district.
M-1	Light manufacturing zone.
RPD	Residential planned

development.

O-S Open space zone.

O-S-1 Restricted open space zone.

O-S-2 Restricted open space zone.

Where areas are shown upon the zoning map enclosed with an O, the areas thus shown are intended to approximate the future location for that type of land use indicated by the symbol therein enclosed within a circle. (See Chapter [17.42](#).) Uncircumscribed symbols within such designated areas represent classification. (Ord. 16-1371 §1.1, 2016; Ord. 12-1334 §2, 2012; Ord. 09-1300 §2, 2009; Ord. 96-1155 §34, 1996; prior code § 300)

#### **17.06.020 Degree of restrictiveness.**

"More restrictive uses" as employed in this title means the following:

A. Those uses first permitted in the R-1 zone are the most restrictive.

B. All other uses are less restrictive in the order they are first permitted in the zones in the sequence shown R-2, R-3, R-P, C-1, C-2, C-3 and M. (Prior code Appx. A, § 301)

#### **17.06.030 Establishment of zones by map.**

The location and boundaries of the various zones are such as are shown and delineated on the zoning map of the city of Hermosa Beach, a copy of which is on file in the clerk's office and by this reference made a part of this title. (Prior code Appx. A, § 302)

#### **17.06.040 Division of zoning map.**

The zoning map may, for convenience, be divided into parts and each such part may, for purposes of more readily identifying areas within such zoning map, be subdivided into units and such parts and units may be separately employed for purposes of amending the zoning map or for any official reference to the zoning map. (Prior code Appx. A, § 303)

#### **17.06.050 Changes in boundaries.**

Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of said map, or unit of a part of zoning map, which said amended maps, or part or units of parts, when so adopted, shall be published in the manner prescribed by law and become a part of this title. (Prior code Appx. A, § 304)

#### **17.06.060 Uncertainty of boundaries.**

Where uncertainty exists as to the boundaries of any zone shown upon a zoning map or any part or unit thereof, the following rules of construction shall apply:

A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.

- B. In the case of unsubdivided property, and where a zone boundary divides a lot, the location of such boundaries, unless the same are indicated by dimensions, shall be determined by use of the scale appearing on said zoning map.
- C. Where a public street or alley is officially vacated or abandoned, the area comprising such vacated street or alley shall acquire the classification of the property to which it reverts.
- D. Areas of dedicated streets or alley and railroad rights-of-way other than such as are designated on the zoning map as being classified in one (1) of the zones provided in this title, shall be deemed to be unclassified and, in the case of streets, permitted to be used only for purposes lawfully allowed and, in the case of railroad rights-of-way, permitted to be used solely for the purpose of accommodating tracks, signals, other operative devices and movement of rolling stock.
- E. Any property which, for any reason is not designated on the zoning map as being classified in any of the zones established hereby, or any property annexed to or consolidated with the city subsequent to the effective date of the ordinance codified in this chapter shall be deemed to be classified as R-1 zone until the same shall have been otherwise classified in the manner set forth in Chapter [17.66](#).
- F. The city council may, upon recommendation of the planning commission, invoke a classification other than R-1 (single-family residential) upon properties being annexed to or consolidated with the city by the adoption of an emergency interim ordinance. Formal proceedings, however, must be instituted within a reasonable length of time in order to properly amend the zoning ordinance in the manner set forth in Chapter [17.66](#) and repeal the emergency ordinance. (Prior code Appx. A, § 305)

**17.06.070 Limitation of land use.**

Except as provided in this title, no building shall be erected, reconstructed or structurally altered, nor shall any building or land be used for any purpose except as hereinafter specifically provided and allowed in the same zone in which such building and land is located. (Prior code Appx. A, § 306)

**17.06.080 Density limited by official zoning map.**

Where a number follows the zoning symbol on the zoning map, it shall represent the number of square feet of lot area required for each dwelling unit in lieu of the minimum area established in each zone. If no number follows the zoning symbol, the area prescribed in the chapter governing each zone shall apply. (Prior code Appx. A, § 307)

## **Chapter 17.08** **R-1 SINGLE-FAMILY RESIDENTIAL ZONE Revised 6/16 Revised 10/17**

Sections:

- [17.08.010 Purpose.](#)**
- [17.08.020 Permitted uses.](#)** Revised 10/17
- [17.08.025 Short term rentals prohibited.](#)** Revised 6/16
- [17.08.030 Development standards.](#)**
- [17.08.040 Development standards for small lots.](#)**

### **17.08.010 Purpose.**

This zone is intended to provide development standards for single-family dwellings; assure adequate access to schools, parks and other community service facilities; prohibit negative impacts from adjacent nonresidential uses; protect the residential character of each neighborhood; and otherwise encourage a high quality environment for family life and the preservation of residential property values. (Prior code Appx. A, § 4-1)

### **17.08.020 Permitted uses. Revised 10/17**

Subject to the restrictions hereinafter specified, only the following uses are permitted in an R-1 zone:

A. Accessory buildings:

1. Patio covers;
2. Bathhouse or greenhouse;
3. Swimming pool and/or spa;
4. Tool shed;
5. Garage;
6. Storage room for customary household-related items, and a maximum of four hundred (400) square feet in size.

B. Accessory living quarters shall be allowed within a main building only, subject to a conditional use permit in accordance with Chapter [17.40](#).

C. Day care homes, small (see Section [17.04.040](#)).

D. Day care homes, large, as an accessory use to a single-family detached dwelling if a day care permit is approved pursuant to Section [17.40.100](#).

E. Home Occupations. When conducted in accordance with the following requirements, and when a permit therefor, containing any conditions deemed necessary to ensure compliance with the requirements of this

chapter and with its purpose and intent, has been issued by the business license department; provided however, that any occupation may be excluded from certain or all zones, or portions thereof, if determined by the planning commission to be incompatible with neighboring residential uses.

The following requirements are severally and jointly stated as absolute requirements, and any home occupation not conforming to the following requirements shall not be permitted:

1. Such occupation shall be carried on only by occupants of a dwelling, and shall involve the use of not more than four hundred (400) square feet, not to exceed twenty-five (25) percent of the total area of the permitted buildings on the premises.
2. Inventory and supplies for such home occupation shall occupy not more than twenty-five (25) percent of the permitted area and shall be stored entirely within an enclosure or building.
3. No sale of goods is permitted on the premises.
4. No employees are allowed.
5. No signs are permitted.
6. No display of any kind shall be visible from the exterior of the premises.
7. Light, but not medium or heavy, business machines are allowed. The classification by the planning department shall be final.
8. No presses, data processing equipment, or any electrical or other equipment requiring specialized electrical installation, or requiring over one hundred twenty (120) volts of power to operate are allowed, nor shall any mechanical shop or electrical tools be permitted except those which are customary to home crafts.
9. No tools or equipment may be operated which make a sound audible from without the premises at a distance of twenty (20) feet from the property line, between the hours of 6:00 p.m. and 9:00 a.m. No activity or equipment which makes any loud or whining noise discernible from without the premises is permitted at any time.
10. No garaging or storing of vehicles bearing any advertising related to the home occupation is allowed upon the premises or in the street in the vicinity.
11. No foot or vehicle traffic may be generated to or from the premises except for traditional uses such as tutors and day care centers as approved by the planning director.
12. There shall be complete conformity to fire, building, plumbing, electrical, zoning and health codes and to all state and city laws and ordinances; except, where required parking spaces are not available, the planning commission may temporarily waive such requirements if they find:

- a. The garage, carport or space is not available solely because of temporary storage, and not because of construction and/or building improvement or modifications; and
- b. The temporary storage is not related to products, materials, etc., used for the conduct of the home occupation; and
- c. Such waiver to be effective only if no detrimental effects are caused to adjacent properties and no valid complaints were filed due to storage.

13. No structural alterations of the premises are permitted solely for the benefit of the business.

14. No professional offices are allowed, specifically including but not limited to the healing arts, law, accounting, real estate, clergy, insurance and similar professional or semi-professional offices, unless the person engaged in such home occupation maintains a principal licensed office in an area permitting such activity as a principal use.

15. No listing or advertising of the address of such home occupation for business purposes is permitted including display ads in telephone, business and city directories and in newspapers and magazines. The telephone number and address may be listed on business cards.

16. The term of any permit shall be for one year, or for such other period as shall be authorized by the city council.

17. It shall be a condition of any permit hereunder that the applicant shall agree that, in the event of amendment of this section to prohibit such or any home occupation in a zone in which the same is situated, that such home occupation shall not have the status of nonconforming use, and may be eliminated forthwith without provision for extended liquidation or amortization.

18. Prior to permit approval, the premises shall be inspected to determine compliance with all limitations and requirements, particularly subsection (E)(12) of this section.

F. Garage sales, subject to Chapter 5.44.

G. Group home for six (6) or fewer persons.

H. Elementary schools, grades K through 8th, conditional use permit required.

I. Day nursery, preschool, and/or after school child care with thirteen (13) or more children, conditional use permit required subject to Section [17.40.110](#).

J. Religious institutions, conditional use permit required subject to Chapter [17.40](#).

K. Residential or medical care facility for six (6) or fewer persons.

L. Second Units. The creation of second units on single-family lots is prohibited, pursuant to Government

Code Section 65852.2(c), based on the findings of the city council as contained in Ordinance No. 92-1080, which acknowledge that housing opportunities may be limited in the region, and further, makes certain findings of specific adverse impacts on the public health, safety and welfare that would otherwise result if second units were permitted.

M. Single-family dwelling, including mobilehomes.

1. An administrative permit may be granted for a second unit on lots of at least eight thousand (8,000) square feet, provided the gross floor space of the dwelling unit is limited to a maximum of six hundred forty (640) square feet, the existing residence meets R-1 parking requirements, and the existing and proposed units meet all other R-1 development standards and have two (2) parking spaces per unit. This provision is applicable only to the R-1 zone.

N. Supportive housing for six (6) or fewer persons.

O. Transitional housing for six (6) or fewer persons. (Ord. 17-1378 §2, 2017; Ord. 13-1342 §2, 2013; prior code Appx. A, § 4-2)

**17.08.025 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §2, 2016)

**17.08.030 Development standards.**

The following development standards shall apply in the R-1 zone:

- A. Building Height. Any building shall not exceed a maximum of twenty-five (25) feet in height.
- B. Front Yard. Every lot shall have a front yard setback equal to at least ten (10) percent of the depth of the lot; however, the maximum setback shall be ten (10) feet, and the minimum setback shall be five (5) feet.
- C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten (10) percent of the width of the lot, provided such side yard shall not be less than three (3) feet in width and need not exceed five (5) feet in width.
- D. Rear Yard. Every lot shall have a rear yard not less than five (5) feet from the property line. The second floor can be three (3) feet from the property line. On an alley, the rear yard requirement is a depth of three (3) feet from the property line on the first floor and one (1) foot from the property line on the second floor.
- E. Additional Yard Regulations. Refer to Chapter [17.46](#) for additional yard regulations.

F. Exterior Wall Covering. All dwellings shall be covered with an exterior material customarily used on conventional dwellings and the exterior covering material shall extend to the ground. Rolled siding shall be prohibited.

G. Mobilehomes. Mobilehomes shall have been constructed after September 15, 1971, and have been issued an insignia of approval by the California Department of Housing and Community Development or were constructed after July 1, 1976, and were issued an insignia of approval by the U.S. Department of Housing and Urban Development.

H. Off-Street Parking. Off-street parking requirements and regulations for the R-1 zone are as provided in Chapter [17.44](#).

I. Lot Area. The minimum lot area for newly created lots shall be four thousand (4,000) square feet.

J. Permissible Lot Coverage. All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot.

K. Building Placement.

1. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet; however, where a rear yard abuts a street or alley, the building may be located three (3) feet from the rear property line on the ground level, and one (1) foot from the rear property line on the upper stories.

2. The distance between any buildings used for human habitation shall be not less than eight (8) feet. The accessory building shall be not less than six (6) feet.

3. No buildings may be erected over any easement dedicated for public or utility uses except over those easements of record granted to Warren Gillelen.

4. No accessory building may be located closer than three (3) feet to any side or rear property line.

L. Open Space. There shall be a minimum of four hundred (400) square feet of usable open space with a minimum dimension of ten (10) feet. Twenty-five (25) percent of this open space may be provided in balconies or decks with a minimum dimension of ten feet. Required front, and/or side yards, driveways, turning areas, and parking areas shall be excluded from open space computation.

M. Sign Regulations. All signs in the R-1 zone shall conform to the requirements and regulations of this code. (Ord. 00-1199 §4 (part), 2000; Ord. 97-1170 § 1, 1997; prior code Appx. A, § 4-3)

#### **17.08.040 Development standards for small lots.**

Lots that are two thousand one hundred (2,100) square feet or less in area shall be subject to the development standards as contained in Section [17.08.030](#), with the exception of the following standards:

A. Open Space. There shall be a minimum of three hundred (300) square feet of usable open space with

minimum dimensions of seven (7) feet in length and width, and all of the required usable open space may be provided on balconies or decks; provided, that at least sixty (60) percent of usable open space is directly accessible to primary living areas (living rooms, family rooms, and kitchen and living room or family room combinations) and located on the same floor level as the accessible primary living area. The required front yard area may be included in the required amount of open space provided a minimum dimension of seven (7) feet in length and width is provided. When computing open space in conjunction with required side yard areas, only the area that exceeds the minimum required yard dimension may be counted toward open space and only if the overall dimension of the required yard and the excess area together has a dimension of seven (7) feet in length and width.

B. Lot Coverage. All buildings including accessory buildings shall not cover more than seventy (70) percent of the area of the lot;

C. Lots within ten percent (10%) of the lot size identified above (i.e., lots ranging from two thousand one hundred one (2,101) to two thousand three hundred ten (2,310) square feet) may also be considered for some or all of the lot coverage and/or open space exceptions for small lots, pursuant to the above, subject to review and approval by the planning commission if warranted by any of the following considerations:

1. To achieve a consistent and comparable amount of indoor living space with existing dwelling units in the immediate neighborhood;
2. To allow design flexibility in the application of the open space standard in conjunction with the remodeling and expansion of existing structures;
3. To allow an innovative design which otherwise is consistent with the goals and intent of the open space and development standards for the R-1 zone;
4. To address unusual lot configurations or topography, as compared with surrounding lot and development patterns. (Ord. 06-1270 §5, 2006)

## Chapter 17.10 R-1A TWO DWELLING UNITS PER LOT ZONE Revised 6/16

Sections:

**17.10.010 Permitted uses.**

**17.10.015 Short term rentals prohibited.** Revised 6/16

**17.10.020 Development standards.**

**17.10.030 Sign regulations.**

**17.10.010 Permitted uses.**

In an R-1A zone the following uses are permitted.

A. Any use permitted in the R-1 (one-family) residential zone;

B. Two-unit complex;

C. Condominium developments consistent with the provisions of the condominium ordinance of the city. (Prior code Appx. A, § 4.5-1)

**17.10.015 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §3, 2016)

**17.10.020 Development standards.**

The following development standards shall apply in the R-1A zone:

A. Building Height. Any building shall not exceed a maximum of twenty-five (25) feet in height. Refer to Chapter [17.22](#) for additional height requirements for condominiums.

B. Front Yard. Every lot shall have a front yard setback of ten (10) percent of lot depth or a maximum of ten (10) feet.

C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten (10) percent of the width of the lot, provided such side yard shall not be less than three (3) feet in width and need not exceed five (5) feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five (5) feet in depth. The second floor can be three (3) feet from the property line. On any alley the rear yard requirement is a depth of three (3) feet from the property line. On any alley the rear yard requirement is a depth of three (3) feet from the property line on the first floor and one (1) foot from the property line on the second floor.

E. Additional Yard Regulations. R-1A zones shall be subject to additional yard regulations as provided in Chapter [17.46](#).

F. Off-Street Parking. Off-street parking requirements and regulations for the R-1A zone are provided in Chapter [17.44](#).

G. Lot Area. The minimum area for new lots in the R-1A zone created by subdivision shall be six thousand seven hundred (6,700) square feet.

H. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be not less than three thousand three hundred fifty (3,350) square feet and a maximum number of units per lot shall be two (2).

I. Permissible Lot Coverage. All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot.

J. Placement of Buildings. Placement of buildings on any lot shall conform to the following:

1. No building may occupy any portion of the required yard.
2. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet; however, where a rear yard abuts a street or alley, the building may be located three (3) feet from the rear property line on the first floor and one (1) foot from the property line on the second floor.
3. The distance between any buildings used for human habitation shall be not less than six (6) feet. The distance between a main building and an accessory building shall be not less than six (6) feet.

K. Open Space. There shall be a minimum of four hundred (400) square feet of usable open space per dwelling unit.

1. Fifty (50) percent or more of the required open space shall be directly accessible to each unit and solely for private enjoyment and use by a specified unit.
2. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two (2) sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.
3. The minimum dimension of open space areas shall be ten (10) feet.
4. Common open space areas may include pools, spas, gardens, play equipment and courtyards (a minimum of twenty (20) feet wide). Twenty-five (25) percent may be in decks over non-living areas, and/or similar areas. Driveways, turning areas, parking areas and required front, rear, and side yard areas shall not be counted toward open space.

5. Private open space areas may include patios, pools, spas, and garden areas; twenty-five (25) percent may be in balconies and decks over non-living areas or over living areas of the same dwelling unit when accessible through the interior of the dwelling unit and over only the dwelling unit for which there is interior access.
6. Refer to Chapter [17.22](#) for additional requirements for condominiums.
7. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimensions of the required setback and the exceeding area together has a dimension of at least ten (10) feet in width and length.
8. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of one hundred (100) square feet in area as well as a minimum of ten-foot dimensions.
9. Decks, balconies or similar areas which extend over more than one dwelling unit shall have a minimum S.T.C. rating of fifty-eight (58). (Ord. 00-1199 §4 (part), 2000; prior code Appx. A, § 4.5-2)

**17.10.030 Sign regulations.**

All signs in the R-1A zone shall conform to the requirements and regulations of this code. (Prior code Appx. A, § 4.5-3)

## Chapter 17.12 R-2 TWO FAMILY RESIDENTIAL ZONE Revised 6/16

Sections:

- [\*\*17.12.010 Permitted uses.\*\*](#)
- [\*\*17.12.015 Short term rentals prohibited.\*\* Revised 6/16](#)
- [\*\*17.12.020 Development standards.\*\*](#)
- [\*\*17.12.030 Off-street parking.\*\*](#)
- [\*\*17.12.040 Lot area.\*\*](#)
- [\*\*17.12.050 Lot area per dwelling unit.\*\*](#)
- [\*\*17.12.060 Permissible lot coverage.\*\*](#)
- [\*\*17.12.070 Placement of buildings.\*\*](#)
- [\*\*17.12.080 Open space.\*\*](#)
- [\*\*17.12.090 Lot width.\*\*](#)
- [\*\*17.12.100 Sign regulations.\*\*](#)

### **17.12.010 Permitted uses.**

In an R-2 zone only the following uses that are hereinafter specifically provided and allowed are permitted, subject to the provisions of Chapter [17.44](#) governing off-street parking requirements:

- A. Any use permitted in the R-1 (one-family) residential zone;
- B. Attached, and/or detached multiple-family dwelling units;
- C. Condominium developments consistent with the provisions of the condominium ordinance of the city;
- D. Conditional uses as set forth in Chapter [17.40](#). (Prior code Appx. A, § 500)

### **17.12.015 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §4, 2016)

### **17.12.020 Development standards.**

- A. Building Height. Any building shall not exceed a maximum of thirty (30) feet in height. Refer to Chapter [17.22](#) for additional height requirements for condominiums.
- B. Front Yard. Every lot shall have a front yard setback equal to at least five (5) feet unless a greater than five (5) foot setback is indicated on the official zoning map of the city, in which case, the larger figure shall apply.
- C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten (10) percent of the width of

the lot, provided such side yard shall not be less than three (3) feet in width and need not exceed five (5) feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five (5) feet in depth. The second floor can be three (3) feet from the property line. On any alley the rear yard requirement is a depth of three (3) feet from the property line on the first floor and one (1) foot from the property line on the second floor.

E. Additional Yard Regulations. R-2 zones shall be subject to additional yard regulations as provided in Chapter [17.46](#).

F. Residential Planned Development (RPD-2). Upon application any property owner may cause a change of land use to RPD-2 whereupon the planning commission may, at its discretion and upon good cause shown, vary the provisions of subsections (A) through (E) of this section, subject to the final approval of the city council. (Ord. 00-1199, §4 (part), 2000); prior code Appx. A, § 501)

#### **17.12.030 Off-street parking.**

Off-street parking requirements and regulations for the R-2 zone are provided in Chapter [17.44](#). (Prior code Appx. A, § 502)

#### **17.12.040 Lot area.**

The minimum lot area for new lots in the R-2 zone created by subdivision or other means shall be four thousand (4,000) square feet. (Prior code Appx. A, § 503)

#### **17.12.050 Lot area per dwelling unit.**

The minimum lot area per dwelling unit shall be not less than one thousand seven hundred fifty (1,750) square feet. (Prior code Appx. A, § 504)

#### **17.12.060 Permissible lot coverage.**

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot. (Prior code Appx. A, § 505)

#### **17.12.070 Placement of buildings.**

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of the required yard.

B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet; however, where a rear yard abuts a street or alley, the building may be located three (3) feet from the rear property line on the first floor and one (1) foot from the property line on the second floor.

C. The distance between any buildings used for human habitation shall be not less than six (6) feet. The distance between a main building and an accessory building shall be not less than six (6) feet. (Prior code Appx. A, § 506)

### **17.12.080 Open space.**

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

- A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.
- B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two (2) sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.
- C. The minimum dimension of open space areas shall be seven (7) feet by seven (7) feet.
- D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.
- E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven (7) feet by seven (7) feet. For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.
- F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven (7) feet in width and length.
- G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven (7) foot dimensions.
- H. Decks, balconies or similar areas which extend over more than one (1) dwelling unit shall have a minimum S.T.C. rating of fifty-eight (58).
- I. Each development of five (5) or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas.  
(Ord. 00-1207, §4 (part), 2000; prior code Appx. A, § 507)

### **17.12.090 Lot width.**

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard; provided, that any lot existing on the effective date of the ordinance codified in this chapter and having a substandard width of less than thirty (30) feet can be utilized for a single-family dwelling only. (Prior code Appx. A, § 508)

### **17.12.100 Sign regulations.**

All signs in the R-2 zone shall conform to the requirements and regulations of this code. (Prior code Appx. A, § 509)

## Chapter 17.14 **R-2B LIMITED MULTIPLE-FAMILY RESIDENTIAL ZONE Revised 6/16**

Sections:

- [\*\*17.14.010 Permitted uses.\*\*](#)
- [\*\*17.14.015 Short term rentals prohibited.\*\* Revised 6/16](#)
- [\*\*17.14.020 Development standards.\*\*](#)
- [\*\*17.14.030 Off-street parking.\*\*](#)
- [\*\*17.14.040 Lot area.\*\*](#)
- [\*\*17.14.050 Lot area per dwelling unit.\*\*](#)
- [\*\*17.14.060 Permissible lot coverage.\*\*](#)
- [\*\*17.14.070 Placement of buildings.\*\*](#)
- [\*\*17.14.080 Open space.\*\*](#)
- [\*\*17.14.090 Lot width.\*\*](#)
- [\*\*17.14.100 Sign regulations.\*\*](#)

### **17.14.010 Permitted uses.**

In an R-2B zone, only the following uses that are hereinafter specifically provided and allowed are permitted, subject to the provisions of Chapter [17.44](#) governing off-street parking requirements:

- A. Any use permitted in the R-1 (one (1) family) residential zone;
- B. A two (2) family dwelling unit per lot; provided, that it is designed for families as a duplex or condominium; a detached one (1) family dwelling will be allowed if one (1) existed on the lot on the effective date of the ordinance codified in this chapter, provided all yard requirements are conformed to;
- C. Condominium developments consistent with the provisions of the condominium ordinance of the city;
- D. Conditional uses as set forth in Chapter [17.40](#). (Prior code Appx. A, § 550)

### **17.14.015 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §5, 2016)

### **17.14.020 Development standards.**

- A. Building Height. Any building shall not exceed a maximum of thirty (30) feet in height. Refer to Chapter [17.22](#) for additional height requirements for condominiums.
- B. Front Yard. Every lot shall have a front yard setback equal to at least five (5) feet unless a greater than five

(5) foot setback is indicated on the official zoning map of the city, in which case the larger figure shall apply.

C. Side Yards. Every lot shall have a side yard on each side of the lot equal to ten (10) percent of the width of the lot, provided such side yard shall not be less than three (3) feet in width and need not exceed five (5) feet in width.

D. Rear Yard. Every lot shall have a rear yard not less than five (5) feet in depth. The second floor can be three (3) feet from the property line. On any alley, the rear yard requirement is a depth of three (3) feet from the property line on the first floor and one (1) foot from the property line on the second floor.

E. Additional Yard Regulations. R-2B zones shall be subject to additional yard regulations as provided in Chapter [17.46](#).

F. Residential Planned Development (RPD-2). Upon application, any property owner may cause a change of land use to RPD-2 whereupon the planning commission may, at its discretion and upon good cause shown, vary the provisions of subsections (A) through (E) of this section, subject to the final approval of the city council.

G. Minimum Floor Area for Two (2) Family Dwellings. All dwellings hereafter constructed, enlarged or divided containing two (2) dwelling units shall provide a floor area of at least one thousand three hundred (1,300) square feet for one dwelling unit and at least seven hundred fifty (750) square feet for the second dwelling unit. (Ord. 00-1199, §4 (part), 2000; prior code Appx. A, § 551)

#### **17.14.030 Off-street parking.**

Off-street parking requirements and regulations for the R-2B zone are as provided in Chapter [17.44](#). (Prior code Appx. A, § 552)

#### **17.14.040 Lot area.**

The minimum lot area for new lots in the R-2B zone created by subdivision or other means shall be four thousand (4,000) square feet. (Prior code Appx. A, § 553)

#### **17.14.050 Lot area per dwelling unit.**

The minimum lot area per dwelling unit shall be not less than one thousand seven hundred fifty (1,750) square feet. (Prior code Appx. A, § 554)

#### **17.14.060 Permissible lot coverage.**

All buildings, including accessory buildings, shall not cover more than sixty-five (65) percent of the area of the lot. (Prior code Appx. A, § 555)

#### **17.14.070 Placement of buildings.**

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of a required yard.

B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet; however, where a rear yard abuts a street or alley, the building may be located three (3) feet from the rear property line on the ground floor level and one (1) foot from the rear property line on the upper stories.

C. The distance between any buildings used for human habitation shall be not less than six (6) feet. The distance between a main building and an accessory building shall be not less than six (6) feet. (Prior code Appx. A, § 556)

**17.14.080 Open space.**

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.

B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two (2) sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.

C. The minimum dimension of open space areas shall be seven (7) feet by seven (7) feet.

D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.

E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven (7) by seven (7) feet. For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.

F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven (7) feet in width and length.

G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven (7) foot dimensions.

H. Decks, balconies or similar areas which extend over more than one (1) dwelling unit shall have a minimum S.T.C. rating of fifty-eight (58).

I. Each development of five (5) or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners,

but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas.  
(Ord. 00-1207, §4 (part), 2000; Prior code Appx. A, § 507)

**17.14.090 Lot width.**

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard, provided that any lot existing on the effective date of the ordinance codified in this chapter and having a substandard width of less than thirty (30) feet can be utilized for a single-family dwelling only. (Prior code Appx. A, § 558)

**17.14.100 Sign regulations.**

All signs in the R-2B zone shall conform to the requirements and regulations of this code. (Prior code Appx. A, § 559)

## Chapter 17.16 R-3 MULTIPLE-FAMILY RESIDENTIAL ZONE Revised 6/16

Sections:

- [\*\*17.16.010 Permitted uses.\*\*](#)
- [\*\*17.16.015 Short term rentals prohibited.\*\*](#) Revised 6/16
- [\*\*17.16.020 Height.\*\*](#)
- [\*\*17.16.030 Front yard.\*\*](#)
- [\*\*17.16.040 Side yards.\*\*](#)
- [\*\*17.16.050 Placement of buildings.\*\*](#)
- [\*\*17.16.060 Area.\*\*](#)
- [\*\*17.16.070 Permissible lot coverage.\*\*](#)
- [\*\*17.16.080 Usable open space.\*\*](#)
- [\*\*17.16.090 Lot area per dwelling unit.\*\*](#)

### **17.16.010 Permitted uses.**

In an R-3 zone only the following uses are permitted as are hereinafter specifically provided and allowed, subject to the provisions of Chapter [17.44](#) governing off-street parking requirements:

- A. Any use permitted in the R-2 zone;
- B. Multiple dwellings;
- C. Single room occupancy facilities (maximum six (6) units). (Refer to Section [17.40.090](#) for additional requirements);
- D. Condominiums. (Refer to Chapter [17.22](#) for additional condominium requirements);
- E. A public parking area when developed as required by Chapter [17.44](#). (Ord. 13-1342 §3, 2013; prior code Appx. A, § 600)

### **17.16.015 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §6, 2016)

### **17.16.020 Height.**

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominately built higher than the

height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

A. No building shall exceed thirty (30) feet in height unless in compliance with subsections (B) and (C) of this section. Refer to Chapter [17.22](#) for additional height requirements for condominium projects located adjacent to walk streets.

B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30) feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section [17.58.040](#)):

1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;

2. The proposed development is located between, and adjacent to, two (2) or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;

3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;

4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:

- a. The style and pitch of the roof,

- b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),

- c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.

C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of existing buildings for determining if existing building on adjacent lots exceed thirty (30) feet. (Ord. 95-1136 §§ 1 (part), 2 (part), 1995; prior code Appx. A, § 601)

#### **17.16.030 Front yard.**

Every lot shall have a front yard as shown on the map entitled "Front Yard Requirements" and adopted as a part of this title. Refer to Chapter [17.22](#) for additional front yard requirements for condominiums. (Prior code

Appx. A, § 602)

**17.16.040 Side yards.**

A. Interior lots and corner lots shall have a side yard on each side of the lot of ten (10) percent of the width of the lot, provided such side yard shall be not less than three (3) feet in width and need not exceed five (5) feet in width.

B. Reversed corner lot shall have the following side yards:

1. Where the side lot line of the reversed corner lot adjoins another lot there shall be maintained a side yard not less than ten (10) percent of the width of the lot, provided such side yard shall be not less than three (3) feet in width and need not exceed five (5) feet in width.
2. On the street side, the side yard shall have a width of not less than the front yard setback required on the abutting lot to the rear or a width equal to ten (10) percent of the width of the reversed corner lot, whichever is the lesser. (Prior code Appx. A, § 603)

**17.16.050 Placement of buildings.**

Placement of buildings on any lot shall conform to the following:

- A. No building may occupy any portion of a required yard.
- B. Any buildings used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet. However, where a rear yard abuts a street or alley, the building may be located three (3) feet on the ground floor level, and one (1) foot on upper stories, from the rear property line.
- C. The distance between any building used for human habitation shall be not less than eight (8) feet. The distance between a main building and accessory building shall be not less than six (6) feet.
- D. No buildings may be erected over any easement dedicated for public utility uses except those easements of record granted to Warren Gillelen.
- E. No accessory building may be located closer than three (3) feet to any side or rear property line. (Prior code Appx. A, § 604)

**17.16.060 Area.**

The minimum required lot area shall be four thousand (4,000) square feet. (Prior code Appx. A, § 605)

**17.16.070 Permissible lot coverage.**

All buildings, including accessory buildings and structures, shall not cover more than sixty-five (65) percent of the area of the lot. (Prior code Appx. A, § 606)

**17.16.080 Usable open space.**

There shall be a minimum of three hundred (300) square feet of usable open space per dwelling unit.

- A. One hundred (100) square feet of the required open space shall be directly accessible to and at the same floor level of the primary living area of each unit.
- B. Each qualifying open space area may be covered up to fifty (50) percent but shall not be enclosed on more than two (2) sides by building walls or guardrails greater than forty-two (42) inches in height. A trellis may be allowed to cover an entire open area so long as the open areas between the trellis beams is equal to or exceeds the area required to remain open and uncovered.
- C. The minimum dimension of open space areas shall be seven (7) feet by seven (7) feet.
- D. Open space areas may include pools, spas, gardens, play equipment, decks over non-living areas, and decks over living areas of the same dwelling unit but shall not include driveways, turning areas, parking areas and required front, rear and side yard areas.
- E. Roof Decks. A maximum of one hundred (100) square feet of required open space may be provided on a roof deck, with minimum dimension of seven (7) feet by seven (7) feet. For the purposes of this section, "roof deck" is defined as the walkable or otherwise usable open space area located above the roof framing of the building, the only access to which is from the floors below.
- F. When computing open space in conjunction with yard areas, only an area which exceeds the minimum required yard area may be counted toward open space and only if the overall dimension of the required setback and the exceeding area together has a dimension of at least seven (7) feet in width and length.
- G. Circular, triangular, odd and/or unusual shaped open space areas shall have a minimum of forty-nine (49) square feet in area as well as minimum seven (7) foot dimensions.
- H. Decks, balconies or similar areas which extend over more than one (1) dwelling unit shall have a minimum S.T.C. rating of fifty-eight (58).
- I. Each development of five (5) or more units shall provide one hundred (100) square feet of common open space area or facility per unit in addition to required open space. The common open space area may include play area, pool, spa, recreation room, gym, garden and similar amenities for the common use of all owners, but shall not include driveways, turning areas, parking areas, and required front, rear and side yard areas.  
(Ord. 00-1207, §4 (part), 2000; Prior code Appx. A, § 507)

#### **17.16.090 Lot area per dwelling unit.**

The minimum lot area per dwelling unit shall be not less than one thousand three hundred twenty (1,320) square feet. (Prior code Appx. A, § 608)

## Chapter 17.18 MHP MOBILEHOME PARK DEVELOPMENT DISTRICT Revised 6/16

Sections:

- [\*\*17.18.010 Intent and purpose.\*\*](#)
- [\*\*17.18.020 Permitted uses.\*\*](#)
- [\*\*17.18.025 Short term rentals prohibited. Revised 6/16\*\*](#)
- [\*\*17.18.030 Principal permitted structures and accessory structures.\*\*](#)
- [\*\*17.18.040 Development standards.\*\*](#)
- [\*\*17.18.050 Development plans and review.\*\*](#)

### **17.18.010 Intent and purpose.**

It is the intent and purpose of the mobilehome park (MHP) zone to preserve one (1) of the housing alternatives presently available to the citizens of Hermosa Beach, thereby contributing to a diversity of housing types to meet the needs of the community. This section establishes procedures for the development and regulation of uses and structures within mobilehome parks. (Prior code Appx. A, § 6.5-1)

### **17.18.020 Permitted uses.**

- A. Mobilehome parks, meaning any area or tract of land where two (2) or more mobilehome lots are rented or leased to accommodate mobilehomes used for human habitation;
- B. Home occupations as permitted by local code. (Prior code Appx. A, § 6.5-2)

### **17.18.025 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §7, 2016)

### **17.18.030 Principal permitted structures and accessory structures.**

- A. Independent mobile homes, meaning a structure, transportable in one (1) or more sections, designed and equipped to contain not more than one (1) dwelling unit, and shall not include recreational vehicles, commercial coach or factory-built housing.
- B. Accessory structures incidental to mobile home units, including garages, carports and storage units.
- C. Independent accessory structures including common recreational facilities, a business office, and laundry facilities. (Prior code Appx. A, § 6.5-3)

### **17.18.040 Development standards.**

- A. Mobilehome Spaces. Each mobilehome space shall be of sufficient width and depth to meet the setback

requirements of Title 25 of the California Administrative Code as of 1982.

B. Mobilehome Units. All mobilehome units shall conform to the health and safety requirements set forth in Title 25 of the California Administrative Code as of 1982.

C. Interior Roadways. All interior roadways shall comply with the minimum requirements of Title 25 of the California Administrative Code as of 1982. (Prior code Appx. A, § 6.5-4)

**17.18.050 Development plans and review.**

A. The following development in the MPH zone shall be subject to the review and approval of the planning commission:

1. Redesign of an existing park involving relocation of spaces, new driveways or relocation of driveways providing access to and from the public right-of-way; and
2. Construction of new mobilehome park.

B. An application for site development plan approval shall provide the following information:

1. Grading plan;
2. Landscaping plan;
3. A complete site plan drawn to scale including:
  - a. Project layout,
  - b. Elevations of proposed structures,
  - c. Utility plan,
- d. Traffic circulation and parking plan with analysis of project and parking impacts both within the project and in relationship to adjacent areas,
- e. Project amenities,
- f. Proposed public improvements and/or dedications,
- g. Any project covenants, restrictions or conditions,
- h. Development standards,
- i. A certified land survey,
- j. Space layout plan.

The addition or deletion of spaces in an existing park in the MHP zone shall be subject to review and approval

by the planning commission. An application for the deletion or addition of spaces in an existing park in the MHP zone must be accompanied by the following information:

1. Project layout; and
2. Space layout plan. (Prior code Appx. A, § 6.5-5)

## Chapter 17.20 R-P RESIDENTIAL PROFESSIONAL ZONE Revised 6/16

Sections:

- [\*\*17.20.010 Permitted uses.\*\*](#)
- [\*\*17.20.015 Short term rentals prohibited.\*\*](#) Revised 6/16
- [\*\*17.20.020 Height.\*\*](#)
- [\*\*17.20.030 Front yard.\*\*](#)
- [\*\*17.20.040 Side yards.\*\*](#)
- [\*\*17.20.050 Placement of buildings.\*\*](#)
- [\*\*17.20.060 Area.\*\*](#)
- [\*\*17.20.070 Permissible lot coverage.\*\*](#)
- [\*\*17.20.080 Lot width.\*\*](#)
- [\*\*17.20.090 Lot area per dwelling unit.\*\*](#)

### **17.20.010 Permitted uses.**

In an R-P zone only the following uses are permitted:

A. Any use permitted in the R-3 zone, subject to the same regulations as provided in said R-3 zone. Refer to Chapter [17.22](#) for additional requirements of condominiums;

B. The following professional services, subject to the granting of a conditional use permit:

1. Accountants,
2. Attorneys,
3. Brokers,
4. Doctors, dentists and similar professional offices,
5. Engineers, architects, planners,
6. Private schools,
7. Real estate agencies. (Prior code Appx. A, § 700)

### **17.20.015 Short term rentals prohibited. Revised 6/16**

It shall be unlawful for any person to offer or make available for rent or to rent (by way of a rental agreement, lease, license or any other means, whether oral or written) for compensation or consideration a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days. It shall be unlawful for any person to occupy a residential dwelling, a dwelling unit or a room in a dwelling for less than thirty (30) consecutive days pursuant to a rental agreement, lease, license or any other means, whether oral or written, for compensation or consideration. (Ord. 16-1365 §8, 2016)

### **17.20.020 Height.**

Intent and Purpose. The intent and purpose of this section is to set a standard height limit for most projects in scale with existing development and to minimize view obstruction. However, to recognize that pre-existing development in some neighborhoods and/or clusters of lots are already predominantly built higher than the height limit, this section also allows some projects to exceed the height limit to enable property owners to enjoy the same rights to view, sunlight and air enjoyed by those property owners with the higher buildings. This section further sets forth the conditions and design criteria for determining whether a project is allowed to exceed the height limit.

A. No building shall exceed thirty (30) feet in height unless in compliance with Section [17.16.020\(B\)](#) and (C). Refer to Chapter [17.22](#) for additional height requirements for condominium projects located adjacent to walk streets.

B. The planning commission shall hold a public hearing and may grant or conditionally grant an exception to allow a multiple- or single-family building to exceed thirty (30) feet in height up to a maximum of thirty-five (35) feet in height when all of the following conditions are met to the satisfaction of the planning commission (subject to appeal to the city council pursuant to Section [17.58.040](#)):

1. An extension above the height limit is necessary to take advantage of a scenic view over surrounding structures which are already constructed above thirty (30) feet in height. Said structures already in excess of thirty (30) feet would otherwise significantly obstruct the proposed project's view potential;
  2. The proposed development is located between, and adjacent to, two (2) or more contiguous lots with buildings constructed in excess of the thirty (30) foot height limit;
  3. The structural extension above thirty (30) feet will not adversely impact the available views, and access to sunlight and air of adjacent and surrounding properties;
  4. If all the above conditions are satisfied, the following design features of the portion of the building above thirty (30) feet shall also be considered by the planning commission to determine if an exception should be granted:
    - a. The style and pitch of the roof,
    - b. The mass and bulk of the proposed structure above thirty (30) feet (in order to minimize bulk of the upper floor),
    - c. The architectural appearance, as exhibited by the type, style, and shape of the structure and the proposed exterior materials.
- C. Application and public hearing requirements for processing exceptions to the height limit shall be in accordance with procedures established by the city council. Applicants for exceptions shall provide detailed topographical surveys and spot elevations of existing buildings for determining if existing building on adjacent

lots exceed thirty (30) feet. (Ord. 95-1136 §§ 1 (part), 2 (part), 1995; prior code Appx. A, § 701)

**17.20.030 Front yard.**

Every lot shall have a front yard as shown on the map entitled "Front yard requirements" and adopted as a part of this chapter. (Prior code Appx. A, § 702)

**17.20.040 Side yards.**

A. Interior lots and corner lots shall have a side yard on each side of the lot of ten (10) percent of the width of the lots, provided such side yards shall be not less than three (3) feet in width and need not exceed five (5) feet in width.

B. Reversed corner lots shall have the following side yards:

1. Where the side lot line of the reversed corner lot adjoins another lot there shall be maintained a side yard not less than ten (10) percent of the width of the lot, provided such side yard shall be not less than three (3) feet in width and need not exceed five (5) feet in width.
2. On the street side, the side yard shall have a width of not less than the front yard set-back required on the abutting lot to the rear or width equal to ten (10) percent of the width of the reversed corner lot, whichever is the lesser. (Prior code Appx. A, § 703)

**17.20.050 Placement of buildings.**

Placement of buildings on any lot shall conform to the following:

A. No building may occupy any portion of a required yard.

B. Any building used for human habitation shall not be located closer to the rear property line than a distance of five (5) feet. However, where a rear yard abuts a street or alley, the building may be located three (3) feet on the ground floor level, and one (1) foot on upper stories, from the rear property line.

C. The distance between any buildings used for human habitation shall not be less than eight (8) feet. The distance between a main building and an accessory building shall not be less than six (6) feet.

D. No buildings may be erected over any easement dedicated for public utility uses except those easements of record granted to Warren Gillelen.

E. No accessory building may be located closer than three (3) feet to any side or rear property line. (Prior code Appx. A, § 704)

**17.20.060 Area.**

The minimum required lot area shall be four thousand (4,000) square feet. (Prior code Appx. A, § 705)

**17.20.070 Permissible lot coverage.**

All buildings, including accessory buildings and structures, shall not cover more than seventy (70) percent of the area of the lot; however, if the lot contains less than four thousand (4,000) square feet, or less than a forty

(40) foot width and is devoted to residential purposes, it shall be limited to not more than two (2) dwelling units. (Prior code Appx. A, § 706)

**17.20.080 Lot width.**

Every lot shall have a width of not less than forty (40) feet at the rear line of the required front yard; provided, that any lot existing on the effective date of the ordinance codified in this chapter and having a substandard width of less than thirty (30) feet can be utilized for a single-family dwelling only. (Prior code Appx. A, § 707)

**17.20.090 Lot area per dwelling unit.**

The minimum lot area per dwelling unit shall be the same for the R-3 zone, as set forth in Section [17.16.090](#). (Prior code Appx. A, § 708)

**Chapter 17.22**  
**CONDOMINIUMS, STOCK COOPERATIVES AND COMMUNITY APARTMENTS**

Sections:

- [\*\*17.22.010 Definitions\*\*](#)
- [\*\*17.22.020 Construction, maintenance and development--Residential--Applicability.\*\*](#)
- [\*\*17.22.030 Construction, maintenance and development--Residential--Purpose.\*\*](#)
- [\*\*17.22.040 Construction, maintenance and development--Residential--Conditional use permit required.\*\*](#)
- [\*\*17.22.050 Construction, maintenance and development--Residential--Declaration of covenants, conditions and restrictions.\*\*](#)
- [\*\*17.22.060 Construction, maintenance and development--Residential--Minimum design standards.\*\*](#)
- [\*\*17.22.070 Construction, maintenance and development--Commercial/industrial--Applicability.\*\*](#)
- [\*\*17.22.080 Construction, maintenance and development--Commercial/industrial--Findings and intent.\*\*](#)
- [\*\*17.22.090 Construction, maintenance and development--Commercial/industrial--Purpose.\*\*](#)
- [\*\*17.22.100 Construction, maintenance and development--Commercial/industrial--Standards for uses.\*\*](#)
- [\*\*17.22.110 Construction, maintenance and development--Commercial/industrial--Permits required--Application procedure.\*\*](#)
- [\*\*17.22.120 Construction, maintenance and development--Commercial/industrial--Covenants, conditions and restrictions.\*\*](#)
- [\*\*17.22.130 Construction, maintenance and development--Commercial/industrial--General design standards.\*\*](#)
- [\*\*17.22.140 Construction, maintenance and development--Commercial/industrial--Certification of occupancy.\*\*](#)
- [\*\*17.22.150 Conversions to residential--Findings and intent.\*\*](#)
- [\*\*17.22.160 Conversions to residential--Purpose.\*\*](#)
- [\*\*17.22.170 Conversions to residential--Conditional use permit required--Public hearing--Appeal.\*\*](#)
- [\*\*17.22.180 Conversions to residential--Public hearing--Notice.\*\*](#)
- [\*\*17.22.190 Conversions to residential--Information prerequisite to filing permit and/or tentative map application.\*\*](#)
- [\*\*17.22.200 Conversions to residential--Tenant assistance plan.\*\*](#)
- [\*\*17.22.210 Conversions to residential--Required documents and information on permit application.\*\*](#)
- [\*\*17.22.220 Conversions to residential--Declaration of covenants, conditions and restrictions.\*\*](#)
- [\*\*17.22.230 Conversions to residential--Structural pest report required prior to final map approval.\*\*](#)
- [\*\*17.22.240 Conversions to residential--Compliance with fire protection standards prior to final map approval.\*\*](#)
- [\*\*17.22.250 Conversions to residential--Approval of final map--Affidavit--Grounds for denial.\*\*](#)
- [\*\*17.22.260 Conversions to residential--Required findings for approval of application.\*\*](#)
- [\*\*17.22.270 Conversions to residential--Issuance of certificate--Fee.\*\*](#)

- [\*\*17.22.280 Conversions to residential--Availability of reports to public and prospective buyers--Posting.\*\*](#)
- [\*\*17.22.290 Conversions to residential--Compliance with city codes and general plan.\*\*](#)
- [\*\*17.22.300 Conversions to residential--General standards for preexisting buildings.\*\*](#)
- [\*\*17.22.310 Conversions to commercial/industrial--Commercial/industrial conversion project defined.\*\*](#)
- [\*\*17.22.320 Conversions to commercial/industrial--Applicability.\*\*](#)
- [\*\*17.22.330 Conversions to commercial/industrial--Purpose and intent.\*\*](#)
- [\*\*17.22.340 Conversions to commercial/industrial--Standards for uses.\*\*](#)
- [\*\*17.22.350 Conversions to commercial/industrial--Permits required--Application procedures.\*\*](#)
- [\*\*17.22.360 Conversions to commercial/industrial--Tenant assistance plan.\*\*](#)
- [\*\*17.22.370 Conversions to commercial/industrial--General design standards.\*\*](#)
- [\*\*17.22.380 Conversions to commercial/industrial--Covenants, conditions and restrictions.\*\*](#)
- [\*\*17.22.390 Conversions to commercial/industrial--Approval of final map--Affidavit--Grounds for denial--Required findings for approval.\*\*](#)

#### **17.22.010 Definitions.**

For purposes of this chapter:

"Apartment" means a rental or leased dwelling in a structure designed or used to house two or more families.

"Appliances" means electric- or gas-operated household devices such as stoves, fans, heaters, refrigerators, air conditioners, water heaters, dishwashers or any other devices used for cooking, heating, cooling or cleaning, and air circulation.

"Applicant" means the owner(s), developer(s) or subdivider(s) of a project, as their interests may appear.

"Association" means the organization of persons who own a lot, parcel, area, airspace or right of exclusive occupancy in a unit or condominium, and who have interests in the control of common areas of such project.

"Common area" means those portions of the project area which are designed, intended or used in common and not under the exclusive control or possession of owners or occupants of individual units in said project.

"Common garage" means a garage area for four or more vehicles that is completely enclosed only in its perimeter. Within this garage area, specified parking areas are designated but are not partitioned from one another by solid walls and separate doors. Contained within the garage area is a turning radius of at least twenty-three (23) feet for each parking space. A common garage may be provided at ground level or in a subterranean or semi-subterranean basement.

"Community apartment" means a community apartment is a project in which an undivided interest in the land is coupled with the right of exclusive occupancy of any apartment located therein.

"Condominium" means an estate in real property consisting of an undivided interest in common in a portion of

a parcel of real property together with a separate interest in space in a residential, industrial or commercial building on such real property, such as an apartment, office or store. A condominium may also include a separate interest in other portions of such real property. Such estate may, with respect to the duration of its enjoyment, be either: (i) an estate of inheritance, or perpetual estate; (ii) an estate for life; or (iii) an estate for years, such as a leasehold or subleasehold.

"Developer" means the owner or subdivider with controlling proprietary interest in the condominium project, or the person or organization making application to the city to build such a project.

"Floor area ratio" means the proportional relationship between the amount of gross floor area of the project and the land area of the project site.

"Gross floor area" means the total area occupied by a building or structure, excepting therefrom only the area of any inner courts, exterior corridors, open balconies, open stairways and designated garages. Such total area shall be calculated by measuring along the outside dimensions of the exterior surfaces of such building or total of each floor level.

"Lot" means a lot is a subdivided parcel as shown on a recorded subdivision or parcel map.

"Open space" means all land areas that are not occupied by buildings, structures, parking areas or driveways, streets or alleys.

"Organizational documents" means declarations of restrictions, management or operation of all or any part of a project.

"Parcel" means a building site, and may consist of one or more subdivided lots.

"Planned unit development" means a form of subdivision wherein the dwelling space as well as the land directly beneath a dwelling is owned individually and only the land surrounding the dwelling units is held in common ownership. No dwelling unit shall be vertically stacked so as to be over or under any other dwelling unit.

"Project" means the entire parcel of real property and buildings proposed to be used or divided, as land or airspace, into two or more lots or units as a condominium, community apartment, stock cooperative or planned unit or townhouse.

"Recreation space" means patios, decks, private and enclosed open space balconies. Such space must be directly accessible to a unit and must have a minimum dimension of seven feet.

"Stock cooperative" means a corporation formed or availed of primarily for the purpose of holding title to, either in fee simple or for a term of years, improved real property. All or substantially all of the shareholders of such corporation must receive a right of exclusive occupancy in a portion of real property, title to which is held by the corporation, which right of occupancy is transferable only concurrently with the transfer of the share or shares of stock in the corporation held by the person having such right of occupancy.

"Townhouse" means a design style with all elements of a dwelling unit stacked vertically, so no other unit is over or under the dwelling.

"Unit" the particular area of land or airspace that is designed, intended or used for exclusive possession or control of individual owners or occupiers, whether or not they have interests in common areas of said project.

"Walk street" means a street that is designed for pedestrian rather than vehicular usage, with vehicular access to property being solely from an alley. (Prior code Appx. A, § 7.2-1)

**17.22.020 Construction, maintenance and development--residential--applicability.**

Sections [17.22.030](#) through [17.22.060](#) apply to new construction of condominiums, community apartments, stock cooperatives, planned unit developments and residential portions of commercial planned developments. It is a supplement and an addition to the standards, and requirements of the zone in which the development is proposed, or exists, and to the general plan designation in which the development is proposed or exists. (Prior code Appx. A, § 7.2-2)

**17.22.030 Construction, maintenance and development--residential--purpose.**

The purpose of Sections [17.22.030](#) through [17.22.060](#) is to promote the following standards for condominiums and like developments.

A. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding neighborhood so that it promotes stability of and does not constitute a disruption to the established character of the neighborhood;

B. Provide for a high level of safety, compatibility and quality of the design of buildings, signs, parking areas, landscaping, luminaries and other site features. These may include functional aspects of the site development such as automobile and pedestrian circulation;

C. A comprehensive and integrated design, providing its own open space, off-street parking and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways and other areas for people should be separated from parking areas, driveways and other areas for automobiles;

D. A layout of structures and other facilities to effect conservation in street, driveway, curb cut and other public or quasi-public improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources such as sunlight, air circulation, view sheds and energy;

E. A design that maintains as much of the natural topography and environment as practical. Trees over six inches in diameter should not be removed unless it can be demonstrated that their removal is an unavoidable consequence of development and that any trees removed will be replaced by comparable landscaping. These determinations shall be made by the planning director;

F. A configuration and orientation which respects reasonable design limits imposed by the natural and

manmade environment. Structures should be situated to take advantage of view, topography, sun and wind, while at the same time not obstructing comparable advantages for adjacent properties. Structures should be situated to minimize or buffer any undesirable characteristics of the site such as street noise and nearby deleterious commercial or industrial uses;

G. The layout of units and open space within the project should establish, through the use of structure and manmade and landscape materials, a perceptible spatial transition from the public street, through semi-privacy of common areas, to the privacy of the unit. The environment of each condominium unit should be private and free from visual, audio and other intrusions.

H. Provision by the project sponsor of adequate private outdoor living space, storage space and parking space to meet the needs of long-term property owners.

I. Covenants, conditions and restrictions ensuring that potential problems, resulting from lack of continuous and centralized management, do not impact upon the public health, safety and welfare. (Prior code Appx. A, § 7.2-3)

**17.22.040 Construction, maintenance and development--residential--conditional use permit required.**

All condominiums, community apartments and stock cooperatives shall be subject to approval of a conditional use permit by the planning commission. (Prior code Appx. A, § 7.2-4)

**17.22.050 Construction, maintenance and development--residential--declaration of covenants, conditions and restrictions.**

The project covenants, conditions and restrictions shall be submitted with the filing of a tentative map or conditional use permit application and shall contain all of the following provisions:

A. Storage for Boats, Trailers and Recreational Vehicles. Storage of boats, trailers, recreational vehicles and other similar vehicles shall be prohibited in required parking spaces and/or where visible from the public right-of-way, and/or adjacent property.

B. Guest Parking. Guest parking spaces shall be used only for guest parking. No individual vehicle shall use a guest space for more than seventy-two (72) hours without the specific permission of the homeowners' association.

C. Conveyance of private open space. The surface area and appurtenant air space, deck, or balcony required by Section [17.22.060\(E\)\(1\)](#), including any integral portion of that patio, deck or balcony shall be described and conveyed in the declaration as an integral part of the unit. There shall be no overlap of the common area and this private open space.

D. Conveyance of Private Storage Areas. The surface and appurtenant airspace of private storage spaces required by Section [17.22.060\(F\)](#) shall be described and conveyed in the declaration as an integral part of the unit. There shall be no overlap of the common area and this private storage space.

E. Assignment and Use of Required Off-Street Parking Spaces. Required off-street parking spaces, except guest parking spaces, shall be permanently and irrevocably assigned to particular units within the project on the basis of the required parking per unit. To the maximum practicable extent the parking spaces assigned to each unit shall be contiguous to the unit. In no case shall the private storage area of one unit overhang or take its access from the required off-street parking space of another unit. All parking spaces shall be used solely for the purpose of parking motor vehicles, as defined in the Motor Vehicle Code of the State of California (Vehicle Code, Section 415). No parking spaces shall be used, rented or leased to any person except in conjunction with the occupancy of a unit within the project.

F. Right of Public Entry to Common Area. The city of Hermosa Beach, county of Los Angeles, State of California, and Government of the United States, and any department, bureau or agency thereof, shall have the right of access to the common areas of the project at all times for the purpose of preserving the public health, safety and welfare.

G. Television and Radio Antennas Including Dish Antennas. Individual television and radio antennas shall be prohibited outside of the owner's unit. The declaration shall provide either for a central antenna with connections to each unit via underground or internal wall wiring, or each unit shall be served by a cable antenna service provided by a company licensed to provide such service within the city.

H. Maintenance of Common Open Space.

1. Assessments. Provision shall be made for annual assessments for maintenance and special assessments for capital improvements. The amount of the annual assessment as well as the data and procedure for its increase shall be specified and shall be limited to the estimated yearly payment of real property taxes and maintenance and improvement expenses incurred with respect to the common area. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement upon the common area shall be specified. Both annual and special assessments must be fixed at a uniform rate for all units and may be collected on a monthly basis.

I. Approved Plans Binding on Association. The covenants, conditions and restrictions shall state that the final city-approved building plans, landscaping plans and utility plans are binding on the association. Planning commission approval must first be secured for any changes to said items, and any modification to any portion of the approved which involves the city must first be approved by the planning commission.

J. Condominium Association. All condominium projects are required to establish an operating homeowners association to have jurisdiction over all matters of common interest to the members of the particular association. Such homeowners' association shall comply with all requirements found in the California Corporations Code and any other applicable state and/or federal law.

K. Maximum Number of Units Allowed. The declaration shall specify the number of units in the project approved by the city, stated as the maximum allowed without city approval for additional units.

L. Rights of the City. The declaration shall specify that if, in the opinion of the city manager of the city (or an authorized representative), the association at any time fails to maintain the common areas or improvements thereon in accordance with standards of repair, maintenance and cleanliness specified in the declaration, the city may give written notice to the association and shall require that the association take appropriate corrective action within thirty (30) days of receipt of such written notice unless there exists a hazardous condition creating an immediate possibility of serious injury to persons or property, in which case the time for correction may be reduced to a minimum of five days. The association shall have the right, within ten days of receipt of such written notice of deficiency, to file an appeal with the city council of the city for public hearing before the city council to consider the reasonableness of the city's requirements as set forth in the written notice of deficiency. The decision of the city council on such appeal shall be binding upon all parties but may be appealed by the association through an appropriate action in any court having jurisdiction. If the association, within the time set forth in the notice of deficiency (subject to extension for such time as may be required to appeal the notice of deficiency to the city council) does not undertake and complete the corrective work required in the notice of deficiency, the city may undertake and complete such corrective measures against the association as a lien, in the same manner as set forth herein for the establishment of liens against association property. The remedy in this section allows the city to take action but does not require any action by the city. This remedy is cumulative in nature and does not prevent the city from exercising any other remedy civilly, criminally or administratively than it may possess under its police powers and the state of California. (Prior code Appx. A, § 7.2-5)

**17.22.060 Construction, maintenance and development--residential--minimum design standards.**

A. Minimum Lot Width. The minimum lot width shall be twenty-nine (29) feet.

B. Minimum Unit Sizes. The following shall be the minimum dwelling unit size (in gross floor area):

Square Feet

1. One bedroom 900
2. Two bedrooms 1,100
3. Two bedrooms and den 1,250
4. Three bedrooms 1,400
5. Three bedrooms and den 1,600
6. Every bedroom over four bedrooms, requires one hundred thirty (130) square feet of floor area.

Dens shall be differentiated from bedrooms by the fact that there are no closets.

C. Height. In addition to height restrictions found within the various zones, along walk streets the maximum height in the front half of the lot shall be twenty-five (25) feet. The walk street shall be considered the front of the lot, except on reversed corner lots, where the side yard adjacent to the walk street shall be considered the

front.

D. Setback. Front setback shall be a minimum of five feet.

E. Private Storage Space. Each unit within the project shall have at least two hundred (200) cubic feet of enclosed, weatherproofed and lockable storage space. Such space shall be for the sole use of the unit owner. Two of the storage space dimensions shall be of the minimum of two feet and three feet in size. At least half of the space must be accessible and contiguous to the ground floor level. Such space may be provided within individual storage lockers, cabinets or closets within the garage and/or under stairwells, or "over-the-hood" with no more than three feet overhang and a minimum forty-eight (48) inches clearance below. It is the intention of this standard to require space over and above that normally associated with day-to-day functions of the unit and it shall not be a substitute for normal linen and clothes closets or pantries customarily within dwelling units.

F. Utilities.

1. All utilities shall be underground.
2. Each utility service connection, including water supply, that is controlled by and consumed within the individual unit shall be separately metered
3. All meters, utility service connections and major roof chimneys, pipes or structures shall be integrated with the design of the building and screened architecturally and/or by landscaping.
4. Clothes washers, dishwashers, hot water heaters and any other appliances likely to be a potential source of water leakage or flooding shall be installed with built-in drip pans and appropriate drains, subject to the approval of the building director (except in the case of concrete slab floors on grade).
5. Each unit shall have its own circuit breaker panel for all electrical circuits and outlets which serve the unit. Such panel shall be accessible without leaving the unit. Each dwelling unit and common area shall have its own manually switchable circuit.
6. No plumbing fixtures shall be located in a common wall between two individual units. Each condominium unit shall have the necessary facilities installed (e.g., plumbing, electrical, venting, etc.) for washers and dryers.
7. No common vents or drain lines shall be permitted for contiguous units unless there is at least ten feet of pipe between the closest plumbing fixtures within the separate units.
8. All water supply lines within the project shall be isolated from wood, metal and other framing with pipe isolators specifically manufactured for that purpose and approved by the director of building and safety. All vertical drainage lines within the project shall be isolated from touching wood, metal and other framing and all drainage pipe shall be surrounded by building department approved insulation.

G. Sound Insulation. Wall and floor/ceiling assemblies separating units from each other or from public or quasi-public spaces, such as interior corridors, laundry rooms, recreation rooms, parking spaces, etc., shall provide airborne sound insulation, impact sound insulation, and isolation of vibration and sources of structure-borne noise (including shock mounting of mechanical equipment). The minimum wall insulation rating between units shall be 52 STC, and between floor/ceilings of stacked units, it shall be 58 STC.

H. Architecture and Building Layout.

1. The location and orientation of all buildings shall be designed and arranged to preserve natural features by minimizing the disturbance to the natural environment. Natural features such as trees, or slopes shall be delineated on the site plan and considered when planning the location and orientation of buildings, open spaces, underground services, walks, paved areas, playgrounds, parking areas and finished grade elevations.

2. All structures proposed to be constructed within a project shall conform to the following requirements:

a. Townhouse condominiums having dwelling units attached side-by-side shall avoid the long-row effect by being composed of not more than four dwelling units. Alternative designs which accomplish the same purpose may be approved by the planning commission;

b. Structures having dwelling units attached side-by-side shall break the facade by having an off-set in the front building line of at least two feet for every two dwelling units within such structure;

c. Stacked units shall provide architectural treatment that eliminates the long-row appearance;

d. Consideration shall be given to the effect of proposed development on the light, air, view and privacy of adjacent properties.

3. Landscaping.

a. A detailed landscape plan shall be approved by the planning director prior to issuance of any building permits.

b. All setback areas fronting on a public street and all common open space areas shall be landscaped and permanently maintained in an attractive manner.

c. An automatic landscape sprinkler system shall be provided. (Ord. 00-1207 §4 (part), 10/24/00; Prior code Appx. A, § 7.2-6)

**17.22.070 Construction, maintenance and development--commercial/industrial--applicability.**

This division applies to new construction of commercial and industrial condominiums. (Prior code Appx. A, § 7.2-7)

**17.22.080 Construction, maintenance and development--commercial/industrial--findings and intent.**

A. The city council finds that such condominium, stock cooperative and commercial planned development

projects are different from other types and forms of commercial and industrial land use ownership development and so require different zoning and subdivision regulations.

B. It is the expressed intent of the city to treat such projects differently from commercial rental structures and other like structures. The intent of this division is to further the city's general plan goal of providing a balanced mix of commercial stock in the city by regulating the placement and design of condominiums and like projects. (Prior code Appx. A, § 7.2-8)

**17.22.090 Construction, maintenance and development--commercial/industrial--purpose.**

The purpose of this division is to establish criteria for commercial and industrial condominiums:

A. Architectural unity and harmony should be achieved both within the project and the surrounding neighborhood so that it promotes stability of and does not constitute a disruption to the established character of the neighborhood;

B. Provide for a high level of safety, compatibility and quality of the design of buildings, signs, parking areas, landscaping, luminaries and other site features. These may include functional aspects of the site development such as automobile and pedestrian circulation;

C. A comprehensive and integrated design, providing its own open space, off-street parking, and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways, and other areas for people, should be separated from parking areas, driveways and other areas for automobiles;

D. A layout of structures and other facilities to effect conservation in street, driveway, curb cut and other public and quasi-public improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources such as sunlight, air circulation, view sheds and energy;

E. A design that maintains as much of the natural topography and environment as practical. Trees over six inches in diameter should not be removed unless it can be demonstrated that their removal is an unavoidable consequence of development and that any trees removed will be replaced by comparable landscaping;

F. A configuration and orientation which respects reasonable design limits imposed by the natural and man-made environment. Structures should be situated to take advantage of view, topography, sun, and wind, while at the same time not obstructing comparable advantages for adjacent properties. Structures should also be situated to minimize or buffer any undesirable characteristics of the site such as street noise and nearby deleterious commercial or industrial uses;

G. The layout of units and open space within the project should establish, through the use of structure and manmade and landscape materials, a perceptible spatial transition from the public street, through semiprivacy of common areas. The environment of each condominium unit should be free from visual, audio and other intrusions;

- H. Provision by the project sponsor of adequate parking space to meet the needs of long term property owners;
- I. Covenants, conditions and restrictions ensuring that potential problems, resulting from lack of continuous and centralized management, do not impact upon the public health, safety, and welfare. (Prior code Appx. A, § 7.2-9)

**17.22.100 Construction, maintenance and development--commercial/industrial--standards for uses.**

All commercial/industrial condominiums require a conditional use permit. The use restrictions for the zone in which the property is located shall apply. (Prior code Appx. A, § 7.2-10)

**17.22.110 Construction, maintenance and development--commercial/industrial--permits required--application procedure.**

All commercial and industrial condominiums shall meet the restrictions, submit the applications and secure the permits required by the applicable provisions of this chapter. (Prior code Appx. A, § 7.2-11)

**17.22.120 Construction, maintenance and development--commercial/industrial--covenants, conditions and restrictions.**

No tentative map or permit shall be approved upon the condition that a declaration of covenants, conditions and restrictions, containing the following provisions, be approved by the planning director and the city attorney prior to the approval of the final map:

A. Maintenance of Common Areas. Perpetual maintenance by the associated owners, in good sanitary and attractive condition, of all common areas and improvements, including landscaping areas, walls, driveways, parking areas, trash areas, and buildings, in accordance with plans and documents on file in the department of building and safety, city of Hermosa Beach. The management structure shall be in existence for the life of the building and that structure must clearly be delineated.

B. Maintenance of Fire Protection Equipment. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be maintained in operable condition at all times by the owner's association.

C. Right or Public Entry to Common Areas. The city of Hermosa Beach, county of Los Angeles, State of California and Government of the United States, and any department, bureau or agency thereof, shall have the right to access to the common area of the project at all times for the purpose of preserving the public health, safety and welfare.

D. Assessments. Provisions shall be made both for annual assessments for maintenance and special assessments for capital improvements. The amount of the annual assessments as well as the data and procedure for its increase shall be specified and shall be limited to the estimated yearly payment of real property taxes and maintenance and improvement expenses incurred with respect to the common area. The manner in which special assessments may be levied for the purpose of defraying, in whole or in part, the cost of any construction, reconstruction, repair or replacement of any capital improvement upon the common area

shall be specified. Both annual and special assessments must be fixed at a uniform rate for all units and may be collected on a monthly basis.

E. Remedies for Nonpayment of Assessments. The remedies which the association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment. In consideration for the city's approval of a condominium project, the declaration shall provide that the city may act as the agent of the association and may in the name of the association do any of the following in the event of abandonment of individual units of the project:

1. Do or perform any act that the association may do or perform;
2. In the event of default by the association according to its own bylaws and declarations, the city may, without otherwise complying with the provisions of the declarations, fix the annual assessment against each unit;
3. If the city, in its discretion, determines the association is not diligently attempting to collect the amounts owed the association, the city may, in the name of the association, take any legal steps to collect such amounts by actions of law as the city may determine to be necessary. It shall be specified that in the event the city should exercise any of the above specified remedies, any sums recovered from such suit or suits shall be applied first to cover the city's cost. The balance shall be applied against any amount which is then lawfully owing to other public or private entities. All remaining sums belong to the association.

F. Nonconforming Projects. If the condominium project has become nonconforming due to changes in the zoning ordinance or the general plan and if it is determined by the fire and building departments that three-fourths of the project has been destroyed or substantially damaged, the project shall not be rebuilt or reconstructed, unless it is done according to existing development standards. Further, if the fire and building departments find that the project has been damaged or destroyed to such an extent that a material part of the project has not been rendered unfit for its prior use and has not been repaired for a period of three years after such damage or destruction, then said nonconforming status would be lost and the project could only be reconstructed in conformity with existing zoning requirements. Any property owners affected by the findings of the fire and building departments may, within thirty (30) days after written notice of these findings, appeal to the city council.

G. Parking Spaces. All parking spaces shall be used solely for the purpose of parking motor vehicles, as defined in the Motor Vehicle Code of the State of California Vehicle Code, Section 415). When the intensity of use is increased through the addition of floor area or change in use, additional parking and loading shall be provided as required by Section 1150 of the city zoning code.

H. Approved Plans Binding on Association. The covenants, conditions and restrictions shall state that the final city approved building plans and landscaping plans are binding on the association. Any changes to these items must first secure the approval of the planning commission. Within thirty (30) days of submitting

covenants, conditions and restrictions to the Los Angeles County recorder, applicant shall provide the city with a certified copy of the covenants, conditions, and restrictions recorded with the Los Angeles County recorder. (Ord. 96-1146 § 1 (part), 1996; prior code Appx. A, § 7.2-12)

**17.22.130 Construction, maintenance and development--commercial/industrial--general design standards.**

The project shall conform to the following general design standards:

- A. General Plan. The project shall be consistent with the general plan.
- B. Architectural Unity and Harmony. Architectural unity and harmony should be achieved within the project between the project and the surrounding neighborhood so that it promotes the stability of and does not constitute a major disruption to the established character of the neighborhood.
- C. Landscaping. Provision of permanently maintained landscaping as approved by the planning commission shall be required.
- D. Lighting. The developer shall install on-site lighting in all parking areas, vehicular accessways and along major walk-ways of more than twenty-five (25) feet. Such lighting shall be directed onto driveways and walkways within the project, and away from dwelling units and adjacent properties, and shall be of a type approved by the building department.
- E. Residential Standards. A commercial planned development, where it includes residential units, shall meet the residential standards of Sections [17.22.040](#) through [17.22.060](#).
- F. Technical Standards.
  1. All condominium projects shall meet current state of California energy conservation standards. No commercial condominium project shall be required to provide setbacks, except as may be required by a precise plan. All commercial condominium projects shall be required to comply with this title. All condominium projects shall comply with the parking requirements stipulated in Chapter [17.44](#).
  2. All condominium projects shall comply with the fire, plumbing and electrical codes of the city.
  3. All industrial condominium projects shall be required to comply with Chapter [17.28](#).
- G. Compliance with Fire Protection Standards Prior to Final Map Approval. All condominium projects shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and if not, whether the installation of additional water service improvements should be required for fire protection purposes. The subdivider shall install such additional water service improvements as may be specified by the fire department, in accordance with city standards and specifications. Installation of required water service improvements shall be completed prior to approval of the final map unless an agreement for this subsequent installation is entered into between the subdivider and the city. A smoke detection system which rings a local alarm system and transmits a

signal to the fire department dispatch shall be provided. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Ord. 96-1146 §§ 1 (part), 2, 3, 1996; prior code Appx. A, § 7.2-13)

**17.22.140 Construction, maintenance and development--commercial/industrial--certification of occupancy.**

No condominium or planned unit development project may be occupied until a certificate of occupancy is issued by the building department. An occupancy certificate shall not be issued until all the requirements of Sections [17.22.070](#) through [17.22.140](#) and the conditional use permit are satisfied. (Prior code Appx. A, § 7.2-14)

**17.22.150 Conversions to residential--findings and intent.**

A. Effect Upon Community. Condominium conversions, community apartments and stock cooperative projects provide for individual ownership or its functional equivalent of separate dwelling units which usually are in close proximity to one another. The area surrounding the dwelling units is a common area that is normally managed and maintained by the individual owners of dwelling units in accordance with an owner's association agreement. These hybrid forms of ownership, that mix individual ownership and ownership in common, magnify the impact on public health, safety, welfare, convenience and economic prosperity of a large community when conditions of poor land use and site planning, mismanagement, neglect and blight are allowed to occur. Additionally, the conversion of existing apartment and other multiple-family dwelling structures into condominium conversions, community apartments or stock cooperative apartments has the potential of displacing long-term residents, particularly senior citizens and families with school-age children, who may be required to move from the community due to shortage of replacement rental housing.

B. Findings. The city finds and determines that condominium conversion, community apartment and stock cooperative projects differ from apartments in numerous respects and for the benefit of public health, safety and welfare, such projects should be treated differently from apartments.

C. Intent. The city council therefore states its expressed intent to treat such projects differently from apartments and like structures and to adopt regulations for the protection of the community, displaced tenants, and the purchasers of condominium conversions, community apartment projects and stock cooperative projects. The city seeks to avoid the unique problems that beset condominium conversion, stock cooperative and community apartment projects and it further seeks to provide and ensure a reasonable balance of rental and ownership housing in the city and a variety of individual choices of tenure, type, price and location of housing, and to maintain a supply of rental housing for low and moderate income persons and families. (Prior code Appx. A, § 7.2-15)

**17.22.160 Conversions to residential--purpose.**

The city has a responsibility to the health and welfare of its citizens and of the general public to properly regulate the creation of new ownership and group ownership housing units in the community created by condominium conversions, community apartments and stock cooperatives. The city does have jurisdiction over these forms of housing unit sale and creation and does hereby note its intention to exercise that

authority. Stock cooperatives, community apartments and condominium conversions may be approved and created in accordance with the provisions of Sections [17.22.170](#) though 17.22.300:

- A. To establish criteria for the conversion of existing multiple rental housing to condominium conversions, community apartments or stock cooperatives;
- B. To reduce the impact of such conversions, community apartments or stock cooperatives on area residents and also residents in rental housing who may be required to relocate due to the conversion, community apartment or cooperative process; to provide for procedures for timely notification of area residents as well as for project residents and adequate time and assistance for any required relocation of project residents;
- C. To assure that purchasers of conversions, community apartments or cooperative housing have been properly informed as to the physical condition of the structure which is offered for purchase, or as part of a cooperative project;
- D. To ensure that converted housing achieves a high degree of appearance, quality and safety and is consistent with the goals of the city, specifically those specified in the city's general plan;
- E. To provide reasonable balance of ownership and rental housing in Hermosa Beach and a variety of choices of tenure, type, price and location of housing, and maintain an adequate supply of rental housing for low and moderate income persons and families;
- F. To assure that ownership or group ownership units have design and amenities that would be attractive to more long-term residents and not be a more fragmented ownership form of rental housing. (Prior code Appx. A, § 7.2-16)

**17.22.170 Conversions to residential--conditional use permit required--public hearing--appeal.**

Condominium conversions, community apartments and stock cooperatives shall require a conditional use permit from the planning commission. Said permit if approved by the commission in a public hearing shall be subject to approval or denial by the city council. The actions of the planning commission in regard to a request for condominium conversion, community apartment or stock cooperative may be appealed in writing to the city council within ten days of the formal action by the commission. (Prior code Appx. A, § 7.2-17)

**17.22.180 Conversions to residential--public hearing--notice.**

The planning commission shall hold a duly noticed public hearing on a request for condominium conversion, stock cooperative or community apartment. Notice of said hearing shall be given pursuant to city council resolution and shall be given to existing project residents and residents and owners within three hundred (300) feet of the proposed project. (Prior code Appx. A, § 7.2-18)

**17.22.190 Conversions to residential--information prerequisite to filing permit and/or tentative map application.**

No tentative map or application for permit shall be received for filing unless it is accompanied by the following:

A. Notice of Intent. A notice of intent to convert shall be delivered to each tenant sixty (60) days prior to application for a permit. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the planning and environmental services department and shall contain not less than the following:

1. Name and address of current owner;
2. Name and address of the proposed subdivider;
3. Approximate date on which the tentative map is proposed to be filed;
4. Approximate date on which the final map or parcel map is to be filed;
5. Approximate date on which the unit is to be vacated by nonpurchasing tenants;
6. Tenant's right to purchase;
7. Tenant's right of notification to vacate;
8. Tenant's right of termination of lease;
9. Statement of no rent increase;
10. Provision of special cases;
11. Provisions of moving expense;

and other information may be required as deemed necessary.

B. Schedule of Rents. A schedule of rents for each unit showing charges occurring in the previous six-month period.

C. Tenant Assistance Plan. A proposed tenant assistance plan completed in accordance with Section [17.22.200](#). (Prior code Appx. A, § 7.2-19)

**17.22.200 Conversions to residential--tenant assistance plan.**

A tenant assistance plan must contain the following components:

A. Location of Replacement Rental Housing--Option to Purchase. A statement of method by which tenants will be assisted by the subdivider or his agents in finding comparable replacement rental housing within the area of the conversion, including professional relocation assistance to those who do not choose to purchase, and will be given first option to purchase units and methods of assistance in purchasing said units, including tenant purchase discounts;

B. Compliance with State Subdivision Map Act. A statement of the method by which the subdivider will comply with the requirements of Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the

Government Code). Such method must provide that no tenant shall be required to move from his or her apartment due to the proposed conversion until the expiration of the two-month period for exercise by the tenant of his or her right of first refusal pursuant to Section 66427.1(b) of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Said two-month period shall not commence as to any tenant until such tenant has received written notification of issuance of the final public report of the department of real estate and such tenant's right to contract for the purchase of his or her unit as a specified purchase price for sixty (60) days following the date of such notification;

C. Reimbursement for Moving Costs Incurred. A statement of a method by which the subdivider or his agents will reimburse each tenant within thirty (30) days for costs actually incurred in relocating from his apartment due to the planned conversion to a common ownership unit with a maximum of one and one-half times the unit's monthly rent, as well as for moving expenses actually incurred, not to exceed five hundred dollars (\$500.00);

D. Extension of Tenancy to Complete School Term. A statement of method by which the subdivider will assure that each tenant who attends, whose spouse attends or dependent child attends school at the time that the notice of termination of tenancy (as required by Section 66427.1 of the State Subdivision Map Act) is given will be granted an extension of tenancy as necessary to permit such person to complete the school year, semester, or quarter (whichever is the minimum school term) as he or she is enrolled in at such time. As used herein, "school" includes any public elementary school or secondary school, college, community college, university or vocational school;

E. Bond. No tentative map or permit shall be approved except upon the condition that a secured, written agreement satisfactory to the city council be entered into between the city and the subdivider for the benefit of each tenant, by which the subdivider covenants to carry out the terms of a tenant assistance plan, as finally approved by the council. Such agreement must be secured by a bond or bonds by one or more duly authorized corporate sureties in a total amount equal to one thousand dollars (\$1,000.00) multiplied by the total number of units, and the total amount of said bond or bonds shall be security for each and every obligation to any tenant undertaken by the subdivider in such agreement.

1. Release of Security. The security specified in this section shall not be released except with the consent of the planning director on behalf of the city. Such consent shall be given upon proof that the conversion has been completed except for partial early releases as hereinafter authorized. Prior to the full release, the applicant shall provide written certification to the homeowners association of the project that any pool or pool equipment (filters, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association shall be in operable working condition.

2. Partial Release of Security. Partial early releases may be granted, not more than once in each six-month period following approval of the final map, upon the submission of proof of entitlement to the planning director, in proportion to the number of units in which the tenants have either:

- a. Vacated,

b. Purchased without vacating,

c. Waived their rights pursuant to this section.

3. Special Agreement with Tenants. The rights of a tenant pursuant to the contract executed pursuant to this section shall not apply if knowingly waived by a tenant as follows:

a. A written agreement, signed by both the tenant and the subdivider or his agent, is executed by which the specifically described rights are expressly waived in return for such specifically described consideration as may be mutually agreed upon between the parties.

b. The agreement between the subdivider and the tenant is executed subsequent to the agreement under this section and specifically states that the tenant has read that agreement and is aware of his rights thereunder.

c. A copy of the executed agreement is promptly filed with the planning director;

F. Vacation of Units. Each nonpurchasing tenant not in default under the obligation of the rental agreement or lease under which he occupies his unit shall have not less than one hundred eighty (180) days from the date of receipt of notice of intent to find substitute housing and to relocate. After submittal of an application for a permit any prospective tenants shall be notified of the intention to convert or create a cooperative or community apartment prior to leasing or renting any unit, and all the provisions of this section shall not apply to that tenancy;

G. No Increase in Rents. A tenant's rent shall not be increased for one year from the time of the filing of the request for permit until relocation takes place or until the project is denied or withdrawn;

H. Special Cases. Any nonpurchasing tenant age sixty-two (62) or older or handicapped or with minor children in school shall be given at least an additional six months in which to find suitable replacement housing. If the comparable replacement housing rent is greater than the existing unit rent, then the applicant shall pay the differential up to a maximum of one hundred dollars (\$100.00) for up to six months. (Prior code Appx. A, § 7.2-20)

**17.22.210 Conversions to residential--required documents and information on permit application.**

A. Compliance. No tentative map or permit application shall be deemed filed until the applicant has complied with the requirements of this section.

B. Physical Report. In addition to the information required by other applicable sections, a report on the physical elements of all structures and facilities in the proposed conversion or cooperative shall be submitted with a conditional use permit application. Said report shall be prepared at the applicant's expense including the provisions of subsection B(1) below, which shall be prepared by the city or its designee. Said report shall include but not be limited to the following:

1. A report detailing the structural condition of all elements of the property including foundations,

electrical, plumbing, laundries, utilities, walls, ceilings, windows, recreational facilities, sound transmission of each building, mechanical equipment, parking facilities and appliances. Regarding each such element the report shall state the date or estimated date when such element was built, the condition of each element, when said element was replaced, the estimated date when said element will need to be replaced, the approximate cost of replacement, and any variation of the physical condition of said element from the current zoning and from the codes of the city;

2. A statement of proposed improvements and/or repairs to be made by applicant to achieve a high degree of appearance, livability and safety for the project, including improved accessibility to and within the project for senior citizens and the handicapped, and an estimate of any initial assessments anticipated for future repair and maintenance;
3. Submission of a current termite and pest and soils report may be required by the building department within thirty (30) days of the application date.

C. Declaration of Covenants, Conditions and Restrictions. A copy of the project's declaration of covenants, conditions and restrictions.

D. Special Project Information. Special project information including but not limited to:

1. Square footage and number of rooms in each unit;
2. Project common amenities and individual unit amenities;
3. Signed affidavit of notification of all present tenants of proposed conversion and of notification of all owners and residents within three hundred (300) feet of the project, and signed affidavit by applicant through deed restriction, waiving right to protest the formation of an underground utility district;
4. Ten sets of project plans; plans and documents certified as to accuracy by a licensed engineer or architect, showing the following information shall be submitted at the time of filing of the tentative map:
  - a. Site plan, including building (all four elevations), structures (including floor plans), yards, open space, landscaped areas, vehicular travel and parking areas, driveway approaches, recreational facilities, placement and design of trash facilities and utility services,
  - b. Parking plan, disclosing the location of all parking spaces, the dimensions thereof, the status of a garage, carport or uncovered space, dimensions of aisles and driveways, location of columns, walls and other possible obstructions, the designation of each space as assigned to a particular unit or as guest parking, and the location of each unit to which a space is assigned in a manner such that the walking distance between each unit and its assigned spaces may be readily determined,
  - c. A storage area plan, showing the location and dimensions of storage areas,
  - d. If a recreational vehicle storage area is to be provided, the site plan shall disclose the location

and dimensions of such area and screening by wall and/or landscaping, if any;

- e. Fifteen (15) sets of tentative map. (Prior code Appx. A, § 17.2-21)

**17.22.220 Conversions to residential--declaration of covenants, conditions and restrictions.**

No tentative map or permit shall be approved except upon the condition that a declaration of covenants, conditions and restrictions be approved by the planning director and the city attorney prior to the approval of the final map, providing the following:

- A. Perpetual maintenance, by the associated owners, in good sanitary and attractive condition of all common areas and improvements, including landscaping areas, walls, driveways, parking areas, trash areas and buildings, in accordance with plans and documents on file in the department of building and safety of the city. The management structure shall be in existence for the life of the building and said structure must be clearly delineated;
- B. Prohibition of the parking or storage of trailers, boats and recreational vehicles, except in such areas reserved for the storage thereof as may be provided in the plans and documents on file with the department of building and safety. Parking for each unit shall be assigned and designated, shall not be transferable, and cannot be separately sold or rented;
- C. As to the above requirements, a power of enforcement to the city, exercisable in the discretion of the council, and a prohibition against any relinquishment, amendment or deletion of such requirements without the consent of the council;
- D. There shall be no restriction or discrimination with regard to residency in the project on basis of age;
- E. All fire hydrants, fire alarm systems, portable fire extinguishers and other fire protection appliances shall be maintained in an operable condition at all times by the homeowners association. (Prior code Appx. A, § 7.2-22)

**17.22.230 Conversions to residential--structural pest report required prior to final map approval.**

No final map shall be approved for a conversion project until the applicant has filed with the planning director a current structural pest control inspection report issued on each structure and each unit within the structure by a licensed structural pest control operator, showing the subject premises to be free of evidence of termites, dry rot, fungi and/or damage therefrom. Such a report shall be deemed current for a period of not more than ninety (90) days following the date of the inspection. (Prior code Appx. A, § 7.2-23)

**17.22.240 Conversions to residential--compliance with fire protection standards prior to final map approval.**

Each conversion project shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and, if not, whether the installation of additional water service improvements should be required for fire protection purposes. The subdivider shall install such additional water service improvements as may be

specified by the fire department, in accordance with city standards and specifications. Installation of required water service improvements shall be completed prior to approval of the final map unless an agreement for the subsequent installation is entered into between the subdivider and the city. Smoke detectors shall be provided for each unit. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Prior code Appx. A, § 7.2-24)

**17.22.250 Conversions to residential--approval of final map--affidavit--grounds for denial.**

A. Affidavit Required. The findings required by Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code) shall not be made unless the subdivider or his agent files an affidavit or declaration under penalty of perjury including the following:

1. A current listing of tenants and rents for each unit;
2. An explanation of rent increases occurring since the filing of the tentative map, or a statement that no such increases have occurred;
3. A listing and explanation of any termination of tenancies for reasons other than the conversion, or a statement that no such termination has occurred;
4. A listing of special agreements pursuant to Section [17.22.200](#) or a statement that no such agreements have been executed;
5. A statement of the time and manner in which notice of the conversion was given or will be given pursuant to Section 66427.1(a) of the Subdivision Map Act (Title 7, Division 2 of the Government Code), and in which notice of a right of first refusal has been given or will be given pursuant to Section 66427.1(b) of said act.

B. Grounds for Denial. The findings required by Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code) shall not be made if, based on the subdivider's declaration and such other evidence as may be presented to the council, the council determines that the subdivider or his agent has engaged in any pattern or practice designed to avoid his obligations to the tenants under said section. (Prior code Appx. A, § 7.2-25)

**17.22.260 Conversions to residential--required findings for approval of application.**

The planning commission and the city council must make the following findings in order to approve a project and grant a permit:

- A. Proposed project is consistent with the general plan;
- B. All provisions of this title and referenced codes have been met;
- C. The overall design, physical condition and amenities of the project provide for livability and safety, and the project will not be a physical or financial burden to the city or neighborhood;

D. Project provides an adequate program of tenant purchase and relocation assistance. (Prior code Appx. A, § 7.2-26)

**17.22.270 Conversions to residential--issuance of certificate--fee.**

A condominium conversion, stock cooperative or community apartment certificate will be issued by the city upon city approval of a conditional use permit and map approval, and upon payment of the required fees as established by resolution of the city council. Said fee is an infrastructure fee toward the physical and service structure of the community from which the development benefits. (Prior code Appx. A, § 7.2-28)

**17.22.280 Conversions to residential--availability of reports to public and prospective buyers--posting.**

The applicant shall make available to the general public and shall provide all potential buyers with a copy of the physical report prior to executing any purchase agreement or other contract to purchase a unit or share in the project, and the developer shall give the purchaser sufficient time to review said reports and the covenants, conditions and restrictions. Said reports at time of sale shall also be posted conspicuously at all times in any and all sales offices and at the project site. (Prior code Appx. A, § 7.2-29)

**17.22.290 Conversions to residential--compliance with city codes and general plan.**

To achieve the purpose of this chapter, the planning commission shall require that condominium conversions, stock cooperatives and community apartments conform to the current requirements of the city codes, including building codes and Sections [17.22.020](#) through [17.22.060](#), and to the general plan of the city. (Prior code Appx. A, § 7.2-30)

**17.22.300 Conversions to residential--general standards for preexisting buildings.**

A. Building Structure and Safety. The building must comply with all current requirements of this chapter and all requirements of state laws and regulations pertaining to building structure and safety.

B. Sound Transmission Standards. Sound transmission between dwelling units shall meet the requirements applicable to new buildings.

C. Energy Insulation Standards. The building must comply with energy insulation standards of both the city and state applicable to new buildings to the extent that the following components are thereby required:

1. Insulation of attic areas;

2. Provision of weather stripping and other anti-infiltration treatment.

D. Separate Utility Shutoff Systems. The project shall provide for separate utility shutoff systems for each unit.

E. Laundry Facilities. The project shall provide laundry facilities.

F. Storage Space. Private lockable storage space of at least two hundred (200) cubic feet shall be provided for each unit.

G. Building Security Standards. The building must comply with building security regulations as applicable to new buildings. (Prior code Appx. A, § 7.2-31)

**17.22.310 Conversions to commercial/industrial--commercial/industrial conversion project defined.**

A "commercial/industrial conversion project" is a proposed conversion of an existing building in a commercial or manufacturing zone:

A. Used exclusively for commercial or industrial purposes, or both; or

B. Used exclusively for residential purposes as an existing apartment house, apartment hotel, hotel, multiple dwelling, or group dwelling; to a condominium or stock cooperative to be used exclusively for commercial or industrial purposes, or both. For purposes of this definition, the term "existing" means any building for which a certificate of occupancy was issued prior to the time of the application for conversion. (Prior code Appx. A, § 7.2-32)

**17.22.320 Conversions to commercial/industrial--applicability.**

Sections [17.22.310](#) through [17.22.390](#) apply to the conversion of residential, commercial and industrial buildings to commercial and industrial condominiums. (Prior code Appx. A, § 7.2-33)

**17.22.330 Conversions to commercial/industrial--purpose and intent.**

The purpose and intent of Sections [17.22.310](#) through [17.22.390](#) is to promote the standards for conversions to commercial and industrial condominiums and like developments as provided in Sections [17.22.150](#) and [17.22.160](#). (Prior code Appx. A, § 7.2-34)

**17.22.340 Conversions to commercial/industrial--standards for uses.**

Only those uses permitted in Section [17.22.100](#) are permitted under Sections [17.22.310](#) through [17.22.390](#). (Prior code Appx. A, § 7.2-35)

**17.22.350 Conversions to commercial/industrial--permits required--application procedures.**

A. Applicants shall secure the permits required and fulfill the conditions in Section [17.22.090](#). Additional requirements for conditional use permits application shall be a history of occupancy report including:

1. Rental rate history for the past five years;
2. Nature of existing tenant businesses and length of tenancy; and
3. Estimated sale prices of units.

B. Applicants shall comply with Sections [17.22.170](#) through [17.22.190](#), [17.22.210](#) and [17.22.230](#).

C. Compliance with Fire Protection Standards Prior to Final Map Approval. All condominium projects shall be subject to review by the fire department to determine whether the current water delivery system complies with the city's fire flow requirements as they would apply to new construction, and, if not, whether the installation of additional water service improvements should be required for fire protection purposes and those that

indicate a greater occupancy load or more intense use would be subject to upgrade of water services and fire flow requirements. The subdivider shall install such additional water service improvements as may be specified by the fire department, in accordance with city standards and specifications. Installation of required water service improvements shall be completed prior to approval of the final map unless an agreement for this subsequent installation is entered into between the subdivider and the city. A smoke detection system which rings a local alarm system and transmits a signal to the fire department dispatch shall be provided. A final report shall be submitted by the fire department by the time a final map is filed, or a permit becomes effective. (Prior code Appx. A, § 7.2-36)

**17.22.360 Conversions to commercial/industrial--tenant assistance plan.**

A tenant assistance plan must contain the following components:

A. Location of Replacement Rental Housing--Option to Purchase. A statement of method by which tenants will be assisted by the subdivider or his agents in finding comparable replacement rental housing within the area of the conversion, including professional relocation assistance to those who do not choose to purchase, and will be given first option to purchase units and methods of assistance in purchasing said units, including tenant purchase discounts.

B. Compliance with State Subdivision Map Act. A statement of the method by which the subdivider will comply with the requirements of Section 66427.1 of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Such method must provide that no tenant shall be required to move from his or her apartment due to the proposed conversion until the expiration of the two-month period for exercise by the tenant of his or her right of first refusal pursuant to Section 66427.1(b) of the State Subdivision Map Act (Title 7, Division 2 of the Government Code). Said two-month period shall not commence as to any tenant until such tenant has received written notification of issuance of the final public report of the department of real estate and such tenant's right to contract for the purchase of his or her unit at a specified purchase price for sixty (60) days following the date of such notification.

C. Reimbursement for Moving Costs Incurred. A statement of a method by which the subdivider or his agents will reimburse each tenant (who lived there at the time of filing of application to convert) within thirty (30) days for cost actually incurred in relocating from his unit due to the planned conversion to a common ownership unit. The tenant of any unit shall receive moving expenses equal to three months' rent. The moving expenses shall be due and payable at the time of moving. Relocation payments may be applied to down payments for those tenants purchasing units.

D. Extension of Tenancy to Complete School Term. A statement of method by which the subdivider will ensure that each tenant who attends, whose spouse attends or dependent child attends school at the time that the notice of termination of tenancy (as required by Section 66427.1 of the State Subdivision Map Act) is given, will be granted an extension of tenancy as necessary to permit such person to complete the school year, semester or quarter (whichever is the minimum school term) as he or she is enrolled in at such time. As used herein, "school" includes any public or private elementary school or secondary school, college, community college, university or vocational school.

E. Bond. No tentative map or permit shall be approved except upon the condition that a secured, written agreement satisfactory to the city council be entered into between the city and the subdivider for the benefit of each tenant, by which the subdivider covenants to carry out the terms of a tenant assistance plan, as finally approved by the council. Such agreement must be secured by a bond or bonds by one or more duly authorized corporate sureties in a total amount equal to one thousand dollars (\$1,000.00) multiplied by the total number of units, and the total amount of said bond or bonds shall be security for each and every obligation to any tenant undertaken by the subdivider in such agreement.

1. Release of Security. The security specified in this section shall not be released except with the consent of the planning director on behalf of the city. Such consent shall be given upon proof that the conversion has been completed except for partial early releases as hereinafter authorized. Prior to the full release, the applicant shall provide written certification to the homeowners' association of the project that any pool or pool equipment (filters, pumps, chlorinator) and any appliances and mechanical equipment to be owned in common by the association shall be in operable working condition.

2. Partial Release of Security. Partial early releases may be granted, not more than once in each six-month period following approval of the final map, upon the submission of proof of entitlement to the planning director, in proportion to the number of units in which the tenants have either:

- a. Vacated;
- b. Purchased without vacating;
- c. Waived their rights pursuant to this section.

3. Special Agreement with Tenants. The rights of a tenant pursuant to the contract executed pursuant to this section shall not apply if knowingly waived by a tenant as follows:

- a. A written agreement, signed by both the tenant and the subdivider or his agent, is executed by which the specifically described rights are expressly waived in return for such specifically described consideration as may be mutually agreed upon between the parties.
- b. The agreement between the subdivider and the tenant is executed subsequent to the agreement under this section and specifically states that the tenant has read that agreement and is aware of his rights thereunder.
- c. A copy of the executed agreement is promptly filed with the planning director.

F. Vacation of Units. Each nonpurchasing tenant not in default under the obligation of the rental agreement or lease under which he occupies his unit shall have not less than one hundred eighty (180) days from the date of receipt of notice of intent to find substitute housing and to relocate. After submittal of an application for a permit any prospective tenants shall be notified of the intention to convert or create a cooperative or community apartment prior to leasing or renting any unit, and all the provisions of this section shall not apply

to that tenancy.

G. No Increase in Rents. A tenant's rent or, if applicable, the percentage of gross sales agreed upon as compensation for occupancy, shall not be increased for one year from the time of the filing of the request for permit, unless one of the following conditions takes place:

1. Preconversion tenant relocates;
2. Project is denied or withdrawn.

H. Special Cases. Any nonpurchasing tenant age sixty-two (62) or older or handicapped or with minor children in school shall be given at least an additional six months in which to find suitable replacement housing. If the comparable replacement housing rent is greater than the existing unit rent, then the applicant shall pay the differential up to a maximum of one hundred dollars (\$100.00) for up to six (6) months.

I. Tenants Not Eligible for Moving Expenses. After filing application to convert, all new tenants shall be informed in writing of such, and shall not be eligible for moving expenses.

J. Coercion of Tenants by the Applicant. No conversion shall be approved if the applicant has engaged in retaliatory action regarding the tenants in order to coerce them into supporting the application for conversion. (Prior code Appx. A, § 7.2-37)

**17.22.370 Conversions to commercial/industrial--general design standards.**

The project shall comply with Section [17.22.130](#). Additionally, a minimum of two parking spaces per unit shall be required. Each unit shall have its own electric meter and shut-off system, and the same shall apply to gas when it is possible. No condominium or planned unit development project may be occupied until a temporary or permanent certificate of occupancy is issued by the building department. An occupancy certificate shall not be issued until all the requirements of Sections [17.22.310](#) through [17.22.390](#) are satisfied. Meter and shut-off system requirement is to be met within sixty (60) days of closing of escrow of each unit. (Prior code Appx. A, § 7.2-38)

**17.22.380 Conversions to commercial/industrial--covenants, conditions and restrictions.**

The project shall conform with Section [17.22.120](#) and where residential units are included in a commercial planned development, the project shall conform with Section [17.22.220](#). (Prior code Appx. A, § 7.2-39)

**17.22.390 Conversions to commercial/industrial--approval of final map--affidavit--grounds for denial--required findings for approval.**

All commercial/industrial condominium conversions shall meet the requirements of Sections [17.22.250](#) through [17.22.280](#) and [17.22.300](#) (with the exception of subsections (E) and (F)). (Prior code Appx. A, § 7.2-40)

## **Chapter 17.24** **RPD RESIDENTIAL PLANNED DEVELOPMENT**

Sections:

- [\*\*17.24.010 Purpose and intent.\*\*](#)
- [\*\*17.24.020 Permitted uses.\*\*](#)
- [\*\*17.24.030 Manner of approval.\*\*](#)
- [\*\*17.24.040 Preliminary development plan.\*\*](#)
- [\*\*17.24.050 Final development plan.\*\*](#)
- [\*\*17.24.060 Commission decision.\*\*](#)
- [\*\*17.24.070 Final approval by city council.\*\*](#)
- [\*\*17.24.080 Permits issued.\*\*](#)
- [\*\*17.24.090 Appeal.\*\*](#)
- [\*\*17.24.100 Term of residential planned development.\*\*](#)

### **17.24.010 Purpose and intent.**

The intent of this chapter is to provide greater variety and flexibility in land development for the most appropriate use of land through special methods of development in residential zones without creating an unreasonable imposition on existing or planned land uses in and around the neighborhood concerned. It is the further intent of this chapter to provide that a general statement of modified development criteria is to be made at the time of mapping any residential planned development, to provide guidance for property owners and developers in submitting proposed plans for approval.

The residential planned development may be permitted in any residential zone in accordance with the provisions of this chapter. The property owner at all times has the right to develop property in accordance with the then existing zone, or the property owner may utilize the flexibility in the development of land through this residential planned development procedure.

Notwithstanding the use of the residential planned development procedure, the property owner shall be required to comply with all applicable state law and local ordinances, such as environmental impact report requirements and the requirements of the California Coastal Zone Conservation Act of 1972.) (Prior code Appx. A, § 7.5)

### **17.24.020 Permitted uses.**

A. Single-Family Residential Planned Development (R-1PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the single-family residential zone (R-1):
  - a. Condominium.
2. Total floor area shall not exceed fifty (50) percent of the lot area.

3. Yard Requirements.

- a. Open space (as defined in Section [17.04.040](#)), and which includes that portion of land area set aside for open space must be at least thirty-five (35) percent of the lot.
- b. Recreation space (as defined in Section [17.04.040](#)), must be at least ten percent of lot area.

B. Two-Family Residential Planned Development (R-2PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the two-family residential zone (R-2):
  - a. Condominium;
  - b. Condominium units on parcels in excess of five thousand (5,000) square feet of lot area;
  - c. Separate dwellings on one lot where adequate permanent mutual access to front and rear of lot is provided for each dwelling;
  - d. Apartment buildings not exceeding six units per building on lots or parcels in excess of four thousand (4,000) square feet.
2. Total floor area shall not exceed eighty-five (85) percent of the lot area.

3. Yard Requirements:

- a. Open space (as defined in Section [17.04.040](#)), which includes that portion of land area set aside for recreation space and livability space, must be at least thirty-five (35) percent of the lot area.
- b. Recreation space as defined in Section [17.04.040](#), must be at least ten percent of lot area, but not-less than two hundred (200) square feet per unit.

C. Multiple-Family Residential Planned Development (R-3PD).

1. Under a residential planned development, the following uses may be allowed in addition to those listed in the multiple-family residential zone (R-3):
  - a. Single-family dwellings on half lots fronting on alleys where a specific plan for widening said alley to at least twenty-five (25) feet and landscaping same has been adopted;
  - b. Condominiums or the conversion of multiple dwellings to condominiums on parcels in excess of five thousand (5,000) square feet of lot area, where:
    - i. The maximum density does not exceed the general plan density of dwelling units per acre,
    - ii. The minimum dwelling unit size is one thousand (1,000) square feet,

- iii. No tandem parking is provided for project of four units or more,
  - iv. One visitor off-street parking space is provided for each six units,
  - v. Twenty-five (25) percent of the required recreation space is at ground level;
- c. Condominiums.
2. Total floor area shall not exceed one hundred twenty-five (125) percent of the lot area.
3. Yard Requirements:
- a. Open space (as defined in Section [17.04.040](#)), which includes that portion of land area set aside for recreation space and livability space, must be at least thirty-five (35) percent of the lot area.
  - b. Recreation space (as defined in Section [17.04.040](#)), must be at least ten percent of the lot area, or two hundred (200) square feet per dwelling unit.
- D. Off-Street Parking. Two spaces shall be provided for each dwelling unit.
- E. Density. Dwelling unit density shall not exceed general plan designation for the property in question.
- F. Under a residential planned development, the following may be required:
- 1. Permanent irrigation facilities in all landscaped areas;
  - 2. Access to public streets may be limited where vehicular and pedestrian safety so indicate;
  - 3. Reasonable limitations upon the size, length, width and bulk of structures may be imposed in order to protect topographical assets or enhance the residential planned development;
  - 4. Size of parking spaces may be varied where development warrants. (Prior code Appx. A, § 7.5-3)

**17.24.030 Manner of approval.**

Residential planned developments may be permitted in any residential zone when a conditional use permit for each such development is granted as provided in Chapter [17.56](#), as amended.

- A. General Requirements. Unless the planning commission shall specifically waive or modify the requirement, an applicant for a residential planned development shall prepare and submit for its consideration a preliminary development plan as a part of his application. The final development plan as set forth below shall be in substantial conformity with the preliminary development plan and any amendments thereto. The planning commission may refer the preliminary development plan to committee for review and recommendation.
- B. Permits. No permits shall be issued for the construction, erection or moving in of any building or structure, nor for grading other than of a general nature, nor for any use of land for which a land use permit is required by zoning regulations, except in conformance with the final development plan as approved by the planning

commission.

Exception. Developments may be permitted without prior approval of a final development plan if such developments are in full conformity with the most restrictive requirements of the zone in which the subject development is located. (Prior code Appx. A, § 7.5-4)

**17.24.040 Preliminary development plan.**

A. The preliminary development plan shall consist of the following, submitted in eight copies:

1. A plot plan of the proposed development, showing:
    - a. The boundaries of property,
    - b. Topography,
    - c. Approximate ground floor area and location of all buildings, and
    - d. General circulation pattern;
  2. A statement as to the architectural design and building heights proposed;
  3. Statistical information, including the following:
    - a. Acreage or square footage in the property,
    - b. Floor area ratio, open space, and recreation space,
    - c. Number, size and type of dwelling units,
    - d. Occupant car ratio and total car ratio,
    - e. A schedule for development, including a construction sequence for the land covered by the residential planned development, showing the order in which particular structures will be constructed,
    - f. Any other related information reasonably necessary to enable the planning commission to make appropriate findings;
  4. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development.
- B. Approval in principle of the preliminary development plan means that the land uses proposed and their interrelationship are generally acceptable. Approval is not an endorsement of precise location or extent of uses, or of engineering feasibility. Planning commission may not approve the preliminary development plan unless it finds that:

1. The preliminary development plan conforms to the general plan;
2. The character of the proposed development will enhance the surrounding neighborhood and is desirable and will promote stability;
3. Sufficient driveway widths are provided for traffic flow and maneuverability;
4. The development will not impose a burden on access traffic facilities, and increased densities will not generate traffic in such amounts as to overload the street network outside the proposed development;
5. Adequate provision has been made for maintenance of areas of parking, open space, landscaping and recreational facilities consistent with the anticipated population of the development;
6. The proposed development is not out of harmony with its surrounding neighborhood;
7. Provision has been made to provide adequate ingress and egress for fire-fighting equipment.

If a revised preliminary development plan is presented, it shall be processed in the same manner as the original plan or plans were processed. When approved, such revised preliminary development plan shall automatically supersede any previously approved preliminary development plan. (Prior code Appx. A, § 7.5-5)

#### **17.24.050 Final development plan.**

If the planning commission chooses to require significant modification before final approval, a final development plan may be required. Eight copies of a final development plan shall be submitted to the planning department, one copy of which shall be filed as a permanent record in the office of the planning department. The final development plan shall be subject to at least one public hearing with notice provided as prescribed in Chapter [17.68](#), as amended, and shall include:

- A. A plot of the proposed residential planned development, drawn to appropriate scale, showing:
  1. The boundaries of the subject property, topography, and a proposed grading plan,
  2. The width, location and names of all surrounding streets,
  3. The location, dimensions and uses of each existing structure on adjacent properties within fifty (50) feet of the boundary lines of the subject property,
  4. The location of each existing proposed structure in the development area, the use or uses to be contained therein, the number of stories, gross building and floor areas, approximate location of entrances thereof,
  5. Location and height of all walls, fences and screen planting, including a detailed plan for the landscaping of the development,
  6. Location and design of vehicle parking areas, including size and number of stalls and internal

circulation pattern,

7. All streets, curb cuts, driving lanes and illumination facilities for same,
  8. All pedestrian walks and open areas for the use of occupants and members of the public, and
  9. Types of surfacing such as paving, turfing or gravel, to be used at various locations;
- B. Schematic drawings and renderings to scale showing the architectural design of buildings and structures proposed to be constructed;
- C. Statistical information updated;
- D. Such information in revised form as was submitted with the preliminary development plan but has been changed with the approval of the planning commission;
- E. Any appropriate additional drawings or information as may be required by the planning commission. (Prior code Appx. A, § 7.5-6)

**17.24.060 Commission decision.**

Within four weeks after receipt of the final development plan, the planning commission shall consider said plan and shall approve, conditionally approve or disapprove the final development plan within a reasonable time thereafter.

The Planning Commission may impose those conditions which it considers necessary to protect the best interest of the city and to assure compliance with the general plan. The planning commission may require the conservation of open spaces or the dedication of scenic easements, Or both if the commission is of the opinion that either or both of these requirements will be necessary to insure the permanence of areas designated as open space.

No approval shall be given to a final development plan unless the planning commission specifically finds that such plan is in substantial conformity with the approved preliminary development plan.

When the commission's action is to approve a residential planned development, the commission shall, within ten days from the date of such action, forward to the city council a copy of said resolution, together with the complete file in the case. (Prior code Appx. A, § 7.5-7)

**17.24.070 Final approval by city council.**

Procedures for final approval by the city council shall generally be those set forth in Sections [17.66.110](#) through [17.66.140](#), as amended, pertaining to recommendations by the planning commission. (Prior code Appx. A, § 7.5-8)

**17.24.080 Permits issued.**

Upon final approval of the residential planned development by the city council, permits may be issued for grading, uses, buildings, and structures which are in substantial conformity with the approved final

- - - - - development plan and the conditions imposed, if any. Substantial conformity shall be determined by the planning commission. (Prior code Appx. A, § 7.5-9)

**17.24.090 Appeal.**

Any person may appeal the decision of the planning commission on any matter connected with the statement of development criteria, the preliminary development plan, or the final development plan, through procedures set forth in Chapters [17.54](#) through [17.58](#) as amended. (Prior code Appx. A, § 7.5-10)

**17.24.100 Term of residential planned development.**

If within six months after the final approval of the residential planned development the construction set forth therein is not begun, the residential planned development becomes null and void. The planning commission may extend the time to start construction upon a showing of good cause. (Prior code Appx. A, § 7.5-11)

## **Chapter 17.26** **C1, C2 AND C3 COMMERCIAL ZONES Revised 4/16 Revised 11/16 Revised 10/17**

Sections:

- [\*\*17.26.010 General provisions.\*\*](#)
- [\*\*17.26.020 Specific purposes.\*\*](#)
- [\*\*17.26.030 C-1, C-2 and C-3 land use regulations.\*\*](#) Revised 4/16 Revised 11/16 Revised 10/17
- [\*\*17.26.040 Similar use permitted.\*\*](#)
- [\*\*17.26.050 Standards and limitations.\*\*](#)
- [\*\*17.26.060 Restaurants with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier--Standards and limitations.\*\*](#)
- [\*\*17.26.070 Tattoo/body piercing studios--Standards and limitations.\*\*](#)

### **17.26.010 General provisions.**

In the C-zones, no building shall be erected, constructed, reconstructed, structurally altered, or shall any building or land be used for any purpose except as hereinafter specifically provided and allowed by this chapter. (Prior code Appx. A, § 8-1)

### **17.26.020 Specific purposes.**

A. In addition to the general purposes listed in Chapter [17.02](#) the specific purposes of the commercial zones are to:

1. Provide appropriately located areas consistent with the general plan for a full range of office, retail commercial, and service commercial uses needed by residents of, and visitors to, the city and region;
2. Strengthen the city's economic base, and also protect small businesses that serve city residents;
3. Create suitable environments for various types of commercial and compatible residential uses, and protect them from the adverse effects of inharmonious uses;
4. Minimize the impact of commercial development on adjacent residential districts;
5. Ensure that the appearance and effects of commercial building and uses are harmonious with the character of the area in which they are located;
6. Ensure the provision of adequate off-street parking and loading facilities;
7. Provide sites for public and semi-public uses needed to complement commercial development or compatible with a commercial environment;

B. The additional purposes of each zone are as follows:

1. C-1 Neighborhood Commercial Zone. To provide sites for a mix of small local businesses appropriate for, and serving the daily needs of nearby residential neighborhoods; while establishing land use

regulations that prevent significant adverse effects on abutting residential uses.

2. C-2 Downtown Commercial Zone. To provide opportunities for a limited range of office, retail, and service commercial uses specifically appropriate for the scale and character of the downtown -- a resident and visitor serving pedestrian-oriented shopping/entertainment district.

3. C-3 General Commercial Zone. To provide opportunities for the full range of office, retail, and service businesses deemed suitable for the city, and appropriate for the Pacific Coast Highway and Aviation Boulevard commercial corridors, including business not appropriate for other zones because they attract heavy vehicular traffic or have specific adverse impacts. (Ord. 95-1130 §1, 1995: prior code § 8-2)

**17.26.030 C-1, C-2 and C-3 land use regulations. Revised 4/16 Revised 11/16 Revised 10/17**

In the following matrix, the letter "P" designates use classifications permitted in commercial zones. The letter "U" designates use classifications permitted by approval of a conditional use permit. Use classification not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or this code. For definition of the listed uses see Section [17.04.060](#).

C-1, C-2 and C-3 ZONES, LAND USE REGULATIONS				
USES	C1	C2	C3	See Section
Adult businesses	-	-	U	<a href="#">17.40.050</a>
Adult paraphernalia, X-rated uses and materials, limited to no more than 20% of stock-in-trade	U	U	U	<a href="#">17.40.060</a>
Alcohol beverage establishments, on-sale	-	U	U	<a href="#">17.40.080</a>
Alcoholic beverage establishment, on-sale (excluding restaurant with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier)	-	U	U	<a href="#">17.40.080</a>
Alcohol beverage establishment, off-sale (closing at 11:00 p.m. or earlier)	P	P	P	
Alcohol beverage establishment, off-sale (open between 11:01 p.m. and 2:00 a.m.)	U	U	U	<a href="#">17.40.090</a>
Animal hospitals	-	-	P	

Aquariums, sales and supplies of marine life	P	P	P
Art/antiques/curios gallery or shop	P	P	P
Assembly halls	-	U	U <a href="#">17.40</a>
Audio/video equipment and supplies, sales and repair	P	P	P
Bakery	P	P	P
Banks and financial institutions	-	P	P
Barber/beauty shop	P	P	P
Billiard or pool halls	-	P	P
Books/news/magazines, sales	P	P	P
Bowling alley	-	-	P
Brick and stone (ornamental)	-	-	P
Bus station, not including terminal facilities	-	-	P
Cannabis delivery	-	-	- <a href="#">17.42.110</a>
Catering business	-	-	P
Clinic, dental and/or medical	P	P	P
Clothing and wearing apparel sales and service	P	P	P
Clubs, private	-	P	P
Commercial cannabis activities	-	-	- <a href="#">17.42.110</a>
Communication facility	-	-	U <a href="#">17.40.020</a>
Computer and Internet access center			U <a href="#">17.40.020</a>
Copying and printing services and supplies	P	P	P
Cultivation of cannabis or medical marijuana	-	-	- <a href="#">17.42.110</a>
Dancing, customer	-	P	P
Day nursery, preschool	U	U	U <a href="#">17.40.110</a>
Department stores	-	P	P
Detective agency	P	P	P
Drugstore	P	P	P
Emergency shelters	-	-	P <a href="#">17.40.220</a>

Entertainment, live	-	U	U	17.40.202
Entertainment, special performances	-	U*	U*	
Equipment (household tools and lawn/garden equipment including small engines) rental, and repair, other than street vehicles	-	-	P	
Florist or plant shop	P	P	P	
Food and beverage market (maximum 4,000 square feet floor area)	P	P	P	
Fortune tellers, psychics and astrologers	-	-	P	
Furniture/furnishings, sales and display	-	P	P	
Garden equipment, small, hand-operated, sales and rentals	-	P	P	
Gun shop	-	-	P	
Gymnasium/health and fitness center	-	P	P	
Hardware/home improvement store	-	P	P	
Hobby and craft supplies and service	P	P	P	
Hospitals, general, psychiatric out-patient only	-	-	U	<u>17.40.020</u>
Hotels, motels	-	P	P	
Household appliances/office equipment, sales and repair	-	P	P	
Instruments (professional and/or scientific), sales	P	P	P	
Interior decorating studio, store or shop	P	P	P	
Laboratories	-	P	P	
Laundry business and dry-cleaning (including self-service)	P	P	P	
Locksmith business	P	P	P	
Lumberyard, retail	-	-	P	
Massage therapy business	-	U	U	<u>17.40.160</u>
Medical marijuana dispensaries	-	-	-	<u>17.42.110</u>
Messenger service	P	P	P	

Monuments	-	-	P	
Motor vehicles and equipment, sales and service (including motorcycles, boats, non-tractor trucks, RVs)				
Sales/rental, new or used	-	-	U	17.40.202
General repair, service, installation of parts and accessories	-	-	U	<a href="#">17.40.020</a>
Body repair and painting	-	-	U	<a href="#">17.40.020</a>
Service station			U	<a href="#">17.40.030</a>
Parts and accessories, retail sales	-	P	P	
Car washes (self-service car wash)	-	-	U	<a href="#">17.40.030</a>
Vehicle storage	-	-	U	<a href="#">17.40.020</a>
Musical instruments, retail and repair	-	P	P	
Nurseries	-	-	U	<a href="#">17.40.020</a>
Offices, general	P	P	P	
Outdoor dining (accessory to food establishments on public right-of-way)	P	P	P	<a href="#">17.26.050(B)(5)</a> <a href="#">12.16.090</a>
Outdoor merchandise display, temporary outside dining, in conjunction with special event	U*	U*	U*	<a href="#">17.26.050(D)</a>
Outdoor retail sales/display areas (accessory to establishments on Pier Avenue public right-of-way--includes Loreto Plaza)	-	P	-	<a href="#">17.26.050(B)(7)</a> <a href="#">12.16.100</a>
Outdoor seating, limited (accessory to food establishments on private property)	P	P	P	<a href="#">17.26.050(B)(6)</a>
Parade, circus or carnival	-	U*	U*	
Parcel delivery terminal	-	-	P	
Parking lots and/or structures	P	P	P	
Pet grooming, no overnight kennels		P	P	
Pet stores, including sale of pets	-	-	P	
Photo engraving business	-	-	P	
Photography (equipment sales and service,	P	P	P	

film processing, studio)				
Printing and or publishing business, commercial	-	P	P	
Recycling, large or small collection facility	-	-	U	<a href="#">17.40.130</a> , <a href="#">17.40.140</a>
Residence; residential uses above ground floor commercial use(s), including condominium developments	U	-	-	<a href="#">17.40.020</a>
Restaurant, with drive-in, or drive-thru window, or with outdoor walk-up window on public right of way	-	U	U	<a href="#">17.40.020</a>
Restaurant with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier.	P	P	P	<a href="#">17.26.060</a>
Restaurant with on-sale alcoholic beverages limited to beer and wine, closing later than 10:00 p.m.	U	U	U	<a href="#">17.40.080</a>
Restaurant/cafe	P	P	P	
Restaurant/cafe with beer and wine (on-sale alcohol beverage establishment)	U	U	U	<a href="#">17.40.080</a>
Reverse vending machine(s)	U	U	U	<a href="#">17.40.120</a>
Secondhand merchandise, retail sales	-	P	P	
Single room occupancy facility (more than six units)	-	-	U	<a href="#">17.42.090</a>
Snack bar/snack shop	P	P	P	
Sporting/recreational equipment sales, service, and rental	P	P	P	
Supermarkets	-	P	P	
Surfboard manufacturing	-	-	U	<a href="#">17.40.020</a>
Tattoo/body piercing studios	-	P	P	<a href="#">17.26.070</a>
Ticket broker/sales	-	P	P	
Tobacco store	P	P	P	
Toy store	P	P	P	

Upholstering shop	-	-	P
Wedding chapel, commercial	-	-	P
Wireless communication facility	U	U	U
Youth hostel	-	U	U <a href="#">17.40.150</a>

\*Allowed by special permit by city council on public streets/right-of-way, pursuant to Section [12.12.070](#), and permitted by right on private property in conjunction with such a special permit.

(Ord. 17-1378 §3, 2017; Ord. 16-1371 §1.2, 2016; Ord. 16-1362 §2, 2016; Ord. 15-1349 §2, 2015; Ord. 14-1345 §1, 2014; Ord. 13-1342 §4, 2013; Ord. 12-1334 §1, 2012; Ord. 12-1333 §5, 2012; Ord. 10-1310 §1, 2010; Ord. 10-1313 §3, 2010; Ord. 09-1298, §§2, 3, 2009; Ord. 08-1292 §1, 2008; Ord. 06-1272 §5, 2006; Ord. 03-1232 §3, 2003; Ord. 01-1214 §4(2), 2001; Ord. 97-1174 §1, 1997; Ord. 96-1157 §1, 1996; Ord. 95-1130 §2, 1995; Ord. 94-1118 §1, 1995: prior code Appx. A, § 8-3)

#### **17.26.040 Similar use permitted.**

When a use is not specifically listed in this chapter, it shall be understood that the use is prohibited unless it is determined by the community development director that the use is similar to and not more objectionable than other uses listed.

It is further recognized that every conceivable use cannot be identified in this chapter, and anticipating that new uses will arise over time, this section authorizes the community development director to compare a proposed use and measure it against those listed for determining similarity. The director's determination shall not be final until confirmed by the city council as a consent calendar item on the council agenda following the director's determination.

In determination similarity the director shall make all of the following findings:

- A. The proposed use shall meet the intent of, and be consistent with the goals, objectives and policies of the general plan;
- B. The proposed use shall meet the stated purpose and general intent of the zone in which the use is proposed to be located;
- C. The proposed use shall not adversely impact the public health, safety and general welfare of the city's residents; and
- D. The proposed use shall share characteristics common with, and not be of greater intensity, density or generate more environmental impact, than those uses listed in the zone in which it is to be located. (Ord. 95-1130 §3, 1995: prior code Appx. A, § 8-4)

#### **17.26.050 Standards and limitations.**

Every use permitted or maintained in C zones shall be subject to the following:

- A. Parking. Parking shall be provided as specified by Chapter [17.44](#).
- B. Enclosures. All uses shall be conducted wholly within a building enclosed on all sides, except for the following:
  - 1. Outdoor uses may be permitted by conditional use permit for uses listed as stated in the permitted use list;
  - 2. Commercial parking lot;
  - 3. Uses incidental to a use conducted primarily within a building located on the premises; provided, that such incidental uses are not conducted in whole or in part on sidewalks, public ways or within any required front or rear yard; and provided, further, that such incidental uses are of a type which cannot be economically or practically conducted within buildings. Where incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities. All outdoor storage or activities shall be substantially screened from public visibility, public streets, parks or other public places, and properties;
  - 4. Temporary outdoor merchandise display and outside dining in conjunction with a temporary outdoor event such as a sidewalk sale, authorized by the city council by special permit as set forth in Section [12.12.070](#).
  - 5. Outdoor dining or seating located adjacent to a food establishment, authorized by an encroachment permit for use of the public right-of-way obtained pursuant to Section [12.16.090](#). Deviation from the standards in Section [12.16.090](#) may be allowed pursuant to a conditional use permit, issued in compliance with Chapter [17.40](#).
  - 6. Limited outdoor seating for the purposes of food consumption, accessory to food establishments on private property, shall be allowed with approval of a permit from the community development department, subject to the standards and limitations in this subsection. Food establishments include snack shops, restaurants, food and beverage markets, supermarkets, bakeries, or similar establishments that offer food or beverages, as determined by the community development director.
    - a. Administrative Permit Required.
      - i. Prior to the establishment of any limited outdoor seating area accessory to any food establishments on private property, an administrative permit shall be required pursuant to Chapter [17.55](#) except as otherwise stated in this section. An application shall be filed with the community development department in writing upon a form furnished by the department. The application shall include a site plan and drawings and information showing location, furnishings and seating arrangement in sufficient detail to demonstrate the compliance with this section, accompanied by a fee set by resolution of the city council.

- ii. The community development director may issue the administrative permit only after determining that the request complies with the standards and provisions of this section and any other requirements applicable to the use set forth in the Municipal Code; provided, that where limited outdoor seating is comprised of seating on private property and the public right-of-way, the standards applicable to limited outdoor seating on the public right-of-way in Section [12.16.090\(C\)](#) shall govern on the private property.
  - iii. The permit shall lapse, and be of no force and effect, and a new administrative permit shall be required for outdoor seating whenever there is a change in food establishment ownership, change in the nature or scope of the business, the permitted food establishment does not operate for a period of more than six (6) months, or the community development director determines, based on substantial evidence, that the food establishment operation no longer meets the standards set forth in subsection (B)(6)(b) of this section.
- b. Standards and Limitations. The location, design and operation of the limited outdoor seating area shall comply with all of the following:
- i. Outdoor seating shall be incidental and accessory to food establishments for patrons of the food establishment to consume food or beverages purchased during the hours that food or beverages are offered for sale, but not to exceed 7:00 a.m. to 11:00 p.m. in the C-3 zone and zones that allow C-2 uses, or 7:00 a.m. to 10:00 p.m. in the other zones where this use is permitted. Employee break areas physically separated and restricted from public use are regulated by subsection (B)(3) of this section.
  - ii. The outdoor seating area authorized by this subsection (B)(6) shall not exceed a total of two hundred (200) square feet of floor area per business or tenant space, and shall not contain more than one (1) seat per fifteen (15) square feet of area. Where the outdoor seating area is located on both private property and the public right-of-way, the cumulative outdoor seating area shall not exceed two hundred (200) square feet of floor area and shall not contain more than one (1) seat per fifteen (15) square feet of area. Seating shall not be reserved, and waiter/waitress table service shall not be provided. Additional parking is not required.
  - iii. The outdoor seating area shall be located proximate to the business providing the seating, such as adjacent to the building, within courtyards, or on balconies or decks, excluding any roof deck. Outdoor seating areas shall not be arranged so as to create food courts. Outdoor seating areas shall not reduce, be located within, or damage any required landscaped area.
  - iv. Alcoholic beverages shall not be offered, sold or consumed within the outdoor seating area.
  - v. No entertainment, music, speakers, televisions, or audio or visual media of any type, whether amplified or unamplified, shall be provided within the outdoor seating area or situated so as to be clearly visible to the outdoor seating area.

- vi. The location and use of the outdoor seating area shall not obstruct the movement of pedestrians, goods or vehicles; required parking spaces; driveways or parking aisles; entrances; legal signs; utilities or other improvements. A minimum four (4) foot wide pedestrian path shall be maintained, unless otherwise required by law. When located adjacent to parking spaces, driveways or parking lot aisles, a physical barrier such as curb or railing shall be provided.
  - vii. Furnishings shall be strictly limited to chairs, benches and tables, and single pole table umbrellas designed for outdoor use. Extraneous objects, such as portable shade canopies, podiums, heat lamps, and service objects, are not allowed. All furnishings and barriers shall be maintained free of appendages or conditions that pose a hazard to pedestrians and vehicles.
  - viii. All furnishings shall be maintained in good condition at all times. The area shall be supplied adequate solid waste management containers and maintained in a neat and clean manner, free of litter and graffiti, at all times.
  - ix. Any lighting provided for the use shall be extinguished no later than 11:00 p.m. in the C-3 zone and zones that allow C-3 uses, or 7:00 a.m. to 10:00 p.m. in the other zones where this use is permitted, and shall be high-efficiency, the minimum intensity necessary, fully shielded (full cutoff) and down cast (emitting no light above the horizontal plane of the fixture), not create glare or spill beyond the property lines, and the lamp bulb shall not be directly visible from within any residential unit.
  - x. The use of water for cleaning the area shall conform to Chapter 8.56, Water Conservation and Drought Management Plan, and shall be minimized and any runoff generated shall drain to the sewer system only and shall under no circumstances drain to the stormwater system.
  - xi. Noise emanating from the property shall be within the limitations prescribed by Chapter 8.24 and shall not create a nuisance to surrounding residential neighborhoods, and/or commercial establishments. The outdoor seating area shall not adversely affect the welfare of the residents or commercial establishments nearby.
  - xii. The design and use of the outdoor seating area shall conform to all building, fire, zoning, health and safety and other requirements of the Municipal Code and all other requirements of law.
- c. Conditional Use Permit. Any deviation from the standards listed in this subsection shall require a conditional use permit in compliance with Chapter [17.40](#).
7. Outdoor retail sales/displays located adjacent to a retail establishment, authorized by an encroachment permit for use of the public right-of-way obtained pursuant to Section [12.16.100](#). Deviation from the standards in Section [12.16.100](#) may be allowed pursuant to a conditional use permit, issued in compliance with Chapter [17.40](#).

C. Merchandise. No merchandise shall be sold other than at retail. Sale of repossessed merchandise or secondhand merchandise taken in by the seller as a trade-in on new merchandise is permissible, provided that such sales are conducted on the premises where such merchandise was originally sold, or any successor locations.

D. Signs. Signs for this section are regulated by Section [17.50.140](#).

E. Building Height.

1. In the C-1 zone, any building may have a maximum height of thirty (30) feet.
2. In the C-2 zone, no building shall exceed a maximum height of thirty (30) feet.
3. In the C-3 zone, no building shall exceed a maximum height of thirty-five (35) feet.

F. Front Yard Setback. No lot need provide a front yard except as may be required by a precise plan.

G. Alley Setback. Buildings shall conform with Section [17.44.130](#).

H. Rear and Side Yard Setback Adjacent to Residential Zones.

1. C-3 Zone. A minimum rear and/or side yard setback of eight feet shall be provided, and an additional two feet of setback shall be provided for each story over the first story for structures that abut residential zones, except where public rights-of-way, twenty (20) feet or greater in width, separate the commercial zone from the residential zone.
2. C-1 and C-2 Zones. A minimum rear and/or side yard setback of five feet shall be provided, except where public rights-of-way twenty (20) feet or greater in width, separate the commercial zone from the residential zone.
3. Existing Buildings. Existing commercial buildings that do not comply with the above setback requirement adjacent to residential zones shall not be considered "nonconforming buildings" under the terms of Chapter [17.52](#). Therefore, such buildings may be remodeled or expanded as long as any new constructions conforms with the above setback requirements.

I. Landscaping Adjacent to Residential Zones. The required rear and/or side yard area shall be landscaped and provided with an automatic watering system. Size, quantity and type of landscaping shall be subject to review and approval by the planning director. Landscaping shall be appropriately maintained, trimmed and void of weeds. (Ord. 15-1349 §3, 2015; Ord. 14-1345 §2, 2014; Ord. 12-1333 §5, 2012; Ord. 97-1171 §1, 1997; Ord. 94-1115 §1, 1994; Ord. 94-1100 §2, 1994; prior code Appx. A, § 8-5)

**17.26.060 Restaurants with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier-- Standards and limitations.**

Restaurants with on-sale alcoholic beverages limited to beer and wine that close at 10:00 p.m. or earlier,

pursuant to the list of permitted uses in Section [17.26.030](#), shall be subject to the following:

A. Alcoholic beverage service and its consumption shall be limited to those areas for said use designated on a floor plan and seating plan approved by the community development director, including compliance with the following:

1. No stand-up bar area shall be located within the area designated for alcoholic beverage service and its consumption on the approved floor plan and seating plan.
2. Not more than two (2) televisions, electronic, video or similar displays screens shall be located within or visible from any area designated for alcoholic beverage service and its consumption on the approved floor plan and seating plan.
3. The establishment shall demonstrate compliance with the requirements for food facilities with on-sale alcoholic beverages found at Chapter 8.04, including the provision of adequate toilet facilities.

B. The establishment shall obtain a business license appropriate to the intended use pursuant to Chapter 5.04. No establishment classified as a "snack bar or snack shop" pursuant to Section [17.04.050](#) shall be eligible to obtain a business license for an establishment that sells, offers to sell, or serves alcoholic beverages. (Ord. 09-1298 §4, 2009)

**17.26.070 Tattoo/body piercing studios – Standards and limitations.**

Every tattoo/body piercing studio shall be subject to the following in addition to all other requirements of law:

A. The exterior walls of any establishment in the C-2 zone shall be located more than one thousand (1,000) feet from the exterior walls of any other tattoo/body piercing establishment and the exterior walls of any establishment in the C-3 zone or zone that allows C-3 uses shall be located more than one thousand five hundred (1,500) feet from the exterior walls of any other tattoo/body piercing establishment.

B. The operator of the tattoo/body piercing establishment shall obtain and maintain in compliance all permits required by the County of Los Angeles, Department of Public Health.

C. Tattoo/body piercing establishments shall not operate between the hours of 10:00 p.m. and 10:00 a.m.

D. Live animals, except for service animals, shall not be allowed on the premises.

E. Once established, tattoo/body piercing establishments shall not be permitted to expand into another tenant space or building or otherwise on the site or any contiguous site, or to establish additional locations within the city.

F. Temporary or mobile establishments or events are not authorized by this section. (Ord. 10-1313 §4, 2010)

## Chapter 17.28 M-1 LIGHT MANUFACTURING ZONE Revised 10/17

Sections:

- [\*\*17.28.010 Specific purposes.\*\*](#)
- [\*\*17.28.020 Permitted uses. Revised 10/17\*\*](#)
- [\*\*17.28.025 Similar use permitted.\*\*](#)
- [\*\*17.28.030 Standards and limitations.\*\*](#)

### **17.28.010 Specific purposes.**

In addition to the general purposes listed in Chapter [17.02](#), the specific purposes of the light manufacturing zone is to:

- A. Provide appropriately located areas consistent with the general plan for a range of light manufacturing and warehousing and distribution uses and certain appropriate service commercial uses.
- B. Strengthen the city's economic base and employment base, but also protect existing small businesses that serve and employ city residents.
- C. Create and maintain suitable environments for various types of manufacturing and compatible uses, and protect them from the adverse effects of inharmonious uses.
- D. Minimize the impact of development in the M-1 zone on adjacent residential districts.
- E. Ensure that the appearance and effects of manufacturing and commercial buildings in the M-1 zone are harmonious with the character of the area which they are located.
- F. Ensure the provision of adequate off-street parking and loading facilities. (Prior code Appx. A, § 9-1)

### **17.28.020 Permitted uses. Revised 10/17**

In the following matrix, the letter "P" designates use classifications permitted and the letter "U" designates use classifications permitted by approval of a conditional use permit. Use classifications not listed are prohibited. Section numbers listed under "see section" reference additional regulations located elsewhere in the Zoning Ordinance or Municipal Code.

## M-1 ZONE, LAND USE REGULATIONS

**P = Permitted**

**U = C.U.P. Required (See Chapter [17.40](#))**

USE	See Section
Administrative offices accessory to a primary permitted use	P

(listed below), not exceeding twenty-five (25) percent of the gross floor area		
Artist studio	P	
Audio/visual recording studio	P	
Communication facilities	U	<a href="#">17.40.020</a>
Motor vehicle and equipment service: General repair, service, installation of parts and accessories Body repair and painting	U	Chapter <a href="#">17.40</a>
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials:  Coated, plated and engraved metal products Diecut paper, paperboard, cardboard Machinery equipment and supplies Surfboards	U	Chapter <a href="#">17.40</a>
Manufacturing, fabrication, assembly, testing, repair, servicing and processing of the following products and materials:  Apparel Audio/visual products Awnings Bakery products Communications equipment Confectionery and related products Electronic components, computers, and accessories Electric lighting and wiring equipment Stone and cut stone products Furniture and fixtures Glass products Household tools and hardware Jewelry, silverware, and plated ware Luggage Motor vehicle parts and accessories	P	

Musical instruments and parts		
Office and household machines and appliances		
Office products		
Paperboard containers and boxes		
Pharmaceutical products		
Photographic and optical goods, watches and clocks		
Hardware, plumbing, heating equipment and supplies		
Pottery and related products		
Professional, scientific and controlling instruments		
Toys, amusements, sporting and athletic goods		
Wooden containers		
Microbrewery	U	<a href="#">17.40.210</a>
Parking lots and/or structures	P	
Warehousing	P	
Wireless communication facility	U	<a href="#">17.40.170</a>
Wholesale distribution of the products and materials listed above, and including the following:	P	
Packaged groceries and related products		

(Ord. 17-1378 §4, 2017; Ord. 14-1346 §2, 2014; Ord. 04-1243 §4, Oct 2004; Ord. 02-1221 §4, July 2002; Ord. 01-1214 §4(3), 2001)

#### **17.28.025 Similar use permitted.**

When a use is not specifically listed in this chapter, it shall be understood that the use may be permitted if it is determined by the community development director that the use is similar to other uses listed.

It is further recognized that every conceivable use cannot be identified in this chapter, and anticipating that new uses will evolve over time, this section establishes the community development director with the authority to compare a proposed use and measure it against those listed for determining similarity subject to confirmation by the city council.

In determining similarity the director shall make all of the following findings:

- A. The proposed use shall meet the intent of and be consistent with the goals, objectives and policies of the general plan;
- B. The proposed use shall meet the stated purpose and general intent of the zone in which the use is

proposed to be located;

C. The proposed use shall not adversely impact the public health, safety and general welfare of the city's residents;

D. The proposed use shall share characteristics common with, and not be of greater intensity, density or general more environmental impact, than those uses listed in the zone in which it is to be located; and

E. The determination that the proposed used is similar must be confirmed by the city council. (Ord. 99-1193 §4 (part), 1999)

**17.28.030 Standards and limitations.**

Every use permitted or maintained in the M-1 zone shall be subject to the following:

A. Parking. Parking shall be provided as specified in Chapter [17.44](#).

B. Enclosures. All uses shall be conducted wholly within a building enclosed on all sides, except for the following:

1. Outdoor uses permitted by conditional use permit as stated in the permitted use list;

2. Commercial parking lots;

3. Uses incidental to a use conducted primarily within a building located on the premises; provided, that such incidental uses are not conducted in whole or in part on sidewalks, public ways or within any required front or rear yard; and provided further, that such incidental uses are conducted within buildings. Where incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities. All outdoor storage shall be substantially screened from public visibility, public streets, parks or other public places and property.

C. Signs. Signs for this section are regulated by Section [17.50.140](#).

D. Building Height. Any building may have a maximum of thirty-five (35) feet in height and have a maximum of two (2) stories. Oil and gas operations may exceed this height for a temporary period of time and to a height as set forth in an approved conditional use permit pursuant to Ordinance No. 85-803.

E. Front Yard Setback. No lot need provide a front yard except as may be required by a precise plan.

F. Alley Setback. Any building located on an alley shall maintain a distance of not less than three (3) feet from such alley.

G. Rear and Side Yard Setback Adjacent to Residential Zones. A minimum rear and/or side yard setback of eight (8) feet shall be provided, and additional two (2) feet of setback shall be provided for each story over the first story for structures that abut residential zones, except where public rights-of-way, twenty (20) feet or greater in width, separate the M-1 zone from the residential zone.

H. Landscaping Adjacent to Residential Zones. The required rear and/or side yard area shall be landscaped and provided with an automatic watering system. Size, quantity and type of landscaping shall be subject to review and approval by the planning director. Landscaping shall be appropriately maintained, trimmed and void of weeds. (Prior code Appx. A, § 9-3)

## **Chapter 17.30 O-S OPEN SPACE ZONE**

Sections:

- [\*\*17.30.010 Intent and purpose.\*\*](#)
- [\*\*17.30.011 Editor's Note: Vote of the people required.\*\*](#)
- [\*\*17.30.020 Permitted uses.\*\*](#)
- [\*\*17.30.030 Lot coverage.\*\*](#)
- [\*\*17.30.040 Height.\*\*](#)
- [\*\*17.30.050 Off-street parking limitation.\*\*](#)
- [\*\*17.30.060 Building setbacks.\*\*](#)
- [\*\*17.30.070 Signs.\*\*](#)
- [\*\*17.30.080 Landscaping.\*\*](#)
- [\*\*17.30.090 Planned development permit required.\*\*](#)

### **17.30.010 Intent and purpose.**

The O-S zone is intended to prohibit intensive urban development to those primary open space areas of the city which are necessary to assure permanent open space in and for public parks and recreation areas; and where such intensive urban development would adversely affect public use and natural environmental benefits. (Prior code Appx. A, § 9.5)

### **17.30.011 Editor's note: Vote of the people required.**

Ordinance No. passed by the electorate at the general election of November 4, 1986, provided as follows:

Section 1. Any proposed modification, amendment, or elimination of Open Space designated areas of the General Plan identified in Section 2 of this ordinance shall be prohibited without a vote of the electorate.

Section 2. The following General Plan designated areas shall remain as stated in Section 1 herein (above):

1. Valley Park (Gould Ave. & Valley Dr.);
2. South Park/Bicentennial (4th Street);
3. Greenwood Park (Aviation & PCH);
4. Fort Lots-of-Fun Park (6th Street);
5. Seaview Park (19th St. & Prospect);
6. Clark Stadium Recreation Center (Valley Dr. & 11th St.);
7. Ingleside Park (Ingleside & 33rd St.);
8. Moondust Park (N. of Meyer & S. of 2nd St.);

9. 8th & Valley Park;
10. Ardmore Ave. at 5th St. Park;
11. Hermosa View School site;
12. Prospect Heights School site;
13. South School site;
14. Hermosa Valley School site; and,
15. North School site. (Ord. 86-844 § 1 & §2, 11/04/86)

**17.30.020 Permitted uses.**

Primary open space comprises public and private areas devoted to recreational, leisure, cultural and aesthetic purposes, and includes the following uses:

- A. Public and private parks, including beach areas;
- B. Educational buildings and playgrounds;
- C. Recreation centers, public and private;
- D. Public utility structures and corridors;
- E. Riding, bicycling and hiking trails and pedestrian ways;
- F. Public governmental buildings;
- G. Historical monuments and areas of historical significance;
- H. Public malls and plazas;
- I. Public or privately owned land when the intensive use of said land would endanger the public health, safety or general welfare, including:
  1. Areas where natural topography may be so steep as to create a hazard and/or where the grading or development of the land would endanger public health or safety due to unstable geologic conditions, soil instability, erosion or flooding,
  2. Areas subject to severe seismic hazards, including surface ruptures from faulting or ground shaking,
  3. Areas subject to flooding or inundation from stormwater;
- J. Land which is substantially in its natural state; is of unique natural beauty (natural land forms, prominent features, landscapes, natural vistas) available to public access or view; or which is of particular historic,

cultural or scientific value;

K. Ocean or public water areas, said areas being restricted solely to recreation and navigation purposes;

L. Transit uses:

1. The accommodation of railroad tracks and maintenance of same,
2. Signals (and other operative devices),
3. The movement of rolling stock, freight, passengers,
4. Landscaping and related appurtenances. (Prior code Appx. A, § 9.5-1)

M. Wireless communication facility is a permitted use requiring a Conditional Use Permit and co-location with public governmental buildings or schools. (Ord. 01-1214 §4 part, 05/08/01)

**17.30.030 Lot coverage.**

Maximum building coverage of land area in the O-S zone shall not exceed ten percent. (Prior code Appx. A, § 9.5-2)

**17.30.040 Height.**

No building shall exceed a height of two stories or twenty-five (25) feet above the existing or finished grade, whichever is less. (Prior code Appx. A, § 9.5-3)

**17.30.050 Off-street parking limitation.**

No more than ten percent of land area shall be used for off-street parking required or not. (Prior code Appx. A, § 9.5-4)

**17.30.060 Building setbacks.**

All structures shall be set back from all lot lines not less than twenty (20) feet. (Prior code Appx. A, § 9.5-5)

**17.30.070 Signs.**

Total sign area shall not exceed one percent of land area and shall be wall or ground signs only. All new signs shall be reviewed by the improvement commission prior to their installation. (Prior code Appx. A, § 9.5-6)

**17.30.080 Landscaping.**

All yard or open areas shall be attractively landscaped with the possible exception of where such areas are used for court games, buildings or parking. All landscaped areas shall be permanently irrigated. (Prior code Appx. A, § 9.5-7)

**17.30.090 Planned development permit required.**

All new construction within an O-S zone shall be subject to obtaining a planned development permit under procedures set forth in Chapter [17.24](#). Sections [17.30.030](#) through [17.30.080](#) may be waived or modified where in the opinion of the planning commission topography and/or design considerations warrant such waiver

or modification. (Prior code Appx. A, § 9.5-8)

## Chapter 17.32 O-S-1 RESTRICTED OPEN SPACE ZONE

Sections:

- [\*\*17.32.010 Intent and purpose.\*\*](#)
- [\*\*17.32.020 Permitted uses.\*\*](#)
- [\*\*17.32.030 Permitted improvements.\*\*](#)
- [\*\*17.32.040 Area designated.\*\*](#)
- [\*\*17.32.050 Presence of dogs restricted.\*\*](#)

### **17.32.010 Intent and purpose.**

The O-S-1 zone is intended to restrict further the use of certain designated open space to assure permanent open space in and for public parks and recreation area. (Prior code Appx. A, § 9.51-1)

### **17.32.020 Permitted uses.**

Those uses permitted in the O-S zone, except that no structure, building or improvement shall be developed, constructed or erected unless specifically authorized as a permitted improvement herein. (Prior code Appx. A, § 9.51-2)

### **17.32.030 Permitted improvements.**

Improvements permitted in the O-S-1 zone shall be as follows:

A. Only nonbuilding public improvements relating to landscaping, beautification, erosion control and irrigation improvements by the city which are consistent with or necessary to maintain and assure permanent open space in and for public parks and recreation purposes or relating to anti-seawater intrusion wells as an existing use;

B. Improvements to only those two existing parking areas located within the greenbelt area across from Clark Stadium and City Hall consistent with or necessary to maintain and assure designated parking spaces, without expanding the existing parking area. Such improvements shall be of a nature and material designed to enhance and preserve the existing natural landscape. (Prior code Appx. A, § 9.51-3)

### **17.32.040 Area designated.**

The greenbelt area shall be designated and zoned O-S-1. (Prior code Appx. A, § 9.51-4)

### **17.32.050 Presence of dogs restricted.**

It is unlawful for any person to suffer or permit any dog, when harbored or controlled by him, to be within the greenbelt area unless such dog be restrained by a substantial leash or chain and be in the charge, care, custody or control of competent person, all pursuant to Section 6.08.020 or as said section of the code may be amended from time to time consistent with the terms herein. (Prior code Appx. A, § 9.51-5)

## **Chapter 17.34 O-S-2 RESTRICTED OPEN SPACE ZONE**

Sections:

- [\*\*17.34.010 Intent and purpose.\*\*](#)
- [\*\*17.34.020 Permitted uses.\*\*](#)
- [\*\*17.34.030 Permitted improvements.\*\*](#)

### **17.34.010 Intent and purpose.**

The O-S-2 zone is intended to restrict further the use of certain designated open space to assure permanent open space for public park purposes. (Prior code Appx. A, § 9.52-1)

### **17.34.020 Permitted uses.**

A public park: with landscaping, beautification, grass, trees, flowers, plants and other uses if specifically authorized as a permitted improvement in this chapter. (Prior code Appx. A, § 9.52-2)

### **17.34.030 Permitted improvements.**

Improvements in the O-S-2 zone shall be as follows:

- A. Only non-building public improvements relating to landscaping, beautification: grass, trees, flowers, plants, soil, unobtrusive park lighting, some benches to view the ocean, existing public utilities, one flag pole for the American Flag, and erosion and irrigation improvements to assure permanent open space for park purposes shall be permitted.
- B. No buildings, malls, plazas or structures, temporary or permanent in nature, shall be built, developed, constructed or erected on the Biltmore Site.
- C. Softscape shall include grass, trees, plants, soil, flowers and shall be artistically designed to cover all of the Biltmore Site.
- D. The use and improvements to the park are to ensure a natural, peaceful, serene and safe environment to improve and enhance the quality of life of Hermosa Beach. (Prior code Appx. A, § 9.52-3)

## **Chapter 17.36** **OS-O OPEN SPACE OVERLAY ZONE**

Sections:

- [\*\*17.36.010 Intent and purpose.\*\*](#)
- [\*\*17.36.020 Permitted uses.\*\*](#)
- [\*\*17.36.030 Use and development standards.\*\*](#)
- [\*\*17.36.040 Waiver.\*\*](#)

### **17.36.010 Intent and purpose.**

The OS-O zone is intended to limit the intensity of use of areas beyond limitations prescribed by the primary, or underlying zoning. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-1)

### **17.36.020 Permitted uses.**

A. Only the following uses shall be permitted:

1. Landscaping (hardscape/softscape);
2. Open vehicle and motorcycle parking (In designated areas per Section [17.36.030](#);
3. Walls and fences;
4. Barbecue/fire pits;
5. Bird baths;
6. Lighting;
7. Ponds;
8. Table/chairs;
9. Decks;
10. Fountains.

B. Prohibited uses:

1. Spas;
2. Swimming pools;
3. Furniture designed for indoors use;
4. Storage of any type;
5. Sheds;

6. Parking/storage of

- a. Nonregistered or expired registered vehicles;
- b. Commercial trucks;
- c. motorhomes;
- d. trailers;
- e. boats;
- f. campers, off of vehicles. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-2)

**17.36.030 Use and development standards.**

A. Landscaping. Landscaping shall be limited in height to a maximum of thirty-six (36) inches.

B. Fences/Walls.

1. A permanent barrier, between the parking area, and the remaining area shall be installed and maintained in good condition.

- a. Existing barrier walls may be deemed in compliance with this chapter by the city council.
- b. Barrier walls shall be a maximum of thirty-six (36) inches in height, and a minimum of twenty-four (24) inches in height, and a maximum of forty (40) feet from the rear property line.
- c. Barrier walls shall be of a solid material, permanent in nature, and nonmovable; chain link, chains, fencing on hinges, and removable metal poles are prohibited.

2. Perimeter fences/walls may be installed, and shall comply with all provisions of Section [17.46.110](#) pertaining to fencing, except that no fence shall be over thirty-six (36) inches in height.

C. Structures.

1. Decks shall have a maximum height of twelve (12) inches and all other permitted structures shall have a maximum height of thirty-six (36) inches, except tables and chairs which may be of standard height.

2. Ponds shall not exceed one and one-half feet in depth, and/or a diameter of ten feet.

D. Primary Zone. The portion of a lot with OS-O zoning shall not be used for calculation of allowable lot coverage, density, setbacks, open space and/or guest parking for development of the total lot.

E. Parking Areas.

1. Parking areas shall be paved and maintained in good condition and governed by 17.44.090(F).
2. Vehicular access shall be prohibited from walk-streets, except in locations leading to legally permitted enclosed parking. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-3)

**17.36.040 Waiver.**

At the time any public right-of-way is considered for vacation and the OS-O overlay zone is proposed, the city council may waive by resolution any OS-O use and development standard(s), if a hardship finding can be made. (Ord. 96-1153 § 2 (part), 1996: prior code Appx. A, § 9.53-4)

**Chapter 17.38**  
**SPECIFIC PLAN AREAS Revised 10/17**

Sections:

- [17.38.010 Plan Area No. 2 – Authority.](#)
- [17.38.020 Plan Area No. 2 – Location and description.](#)
- [17.38.030 Plan Area No. 2 – Purpose.](#)
- [17.38.040 Plan Area No. 2 – Permitted uses and density.](#)
- [17.38.050 Plan Area No. 2 – Development standards.](#)
- [17.38.060 Plan Area No. 3 – Authority.](#)
- [17.38.070 Plan Area No. 3 – Location and description.](#)
- [17.38.080 Plan Area No. 3 – Purpose.](#)
- [17.38.090 Plan Area No. 3 – Permitted uses.](#)
- [17.38.100 Plan Area No. 3 – Development standards.](#)
- [17.38.110 Plan Area No. 4 – Authority.](#)
- [17.38.120 Plan Area No. 4 – Location and description.](#)
- [17.38.130 Plan Area No. 4 – Purpose.](#)
- [17.38.140 Plan Area No. 4 – Permitted uses.](#)
- [17.38.150 Plan Area No. 4 – Development standards.](#)
- [17.38.160 Plan Area No. 4 – Development requirements.](#)
- [17.38.170 Plan Area No. 5 – Authority.](#)
- [17.38.180 Plan Area No. 5 – Location and description.](#)
- [17.38.190 Plan Area No. 5 – Purpose.](#)
- [17.38.200 Plan Area No. 5 – Permitted uses.](#)
- [17.38.210 Plan Area No. 5 – Development standards.](#)
- [17.38.220 Plan Area No. 6 – Authority.](#)
- [17.38.230 Plan Area No. 6 – Location and description.](#)
- [17.38.240 Plan Area No. 6 – Purpose.](#)
- [17.38.250 Plan Area No. 6 – Permitted uses.](#)
- [17.38.260 Plan Area No. 6 – Development standards.](#)
- [17.38.270 Plan Area No. 7 – Authority.](#)
- [17.38.280 Plan Area No. 7 – Location and description.](#)
- [17.38.290 Plan Area No. 7 – Purpose.](#)
- [17.38.300 Plan Area No. 7 – Permitted uses.](#)
- [17.38.310 Plan Area No. 7 – Residential development standards.](#)
- [17.38.320 Plan Area No. 7 – Commercial development standards.](#)
- [17.38.330 Plan Area No. 7 – Precise development plan.](#)
- [17.38.340 Plan Area No. 8 – Authority.](#)
- [17.38.350 Plan Area No. 8 – Location and description.](#)
- [17.38.360 Plan Area No. 8 – Purpose.](#)
- [17.38.370 Plan Area No. 8 – Permitted uses.](#)

- [\*\*17.38.380 Plan Area No. 8 – Residential development standards.\*\*](#)
- [\*\*17.38.390 Plan Area No. 8 – Commercial development standards\*\*](#)
- [\*\*17.38.400 Plan Area No. 8 – Precise development plan\*\*](#)
- [\*\*17.38.410 Plan Area No. 9 – Authority\*\*](#)
- [\*\*17.38.420 Plan Area No. 9 – Location and description\*\*](#)
- [\*\*17.38.430 Plan Area No. 9 – Purpose\*\*](#)
- [\*\*17.38.440 Plan Area No. 9 – Permitted uses\*\*](#)
- [\*\*17.38.450 Plan Area No. 9 – Development standards\*\*](#)
- [\*\*17.38.460 Plan Area No. 10 – Authority\*\*](#)
- [\*\*17.38.470 Plan Area No. 10 – Location and description\*\*](#)
- [\*\*17.38.480 Plan Area No. 10 – Purpose\*\*](#)
- [\*\*17.38.490 Plan Area No. 10 – Permitted uses\*\*](#)
- [\*\*17.38.500 Plan Area No. 10 – Development standards\*\*](#)
- [\*\*17.38.510 Plan Area No. 11 – Authority.\*\*](#)
- [\*\*17.38.520 Plan area No. 11 – Location and Description.\*\*](#)
- [\*\*17.38.530 Plan Area No. 11 – Purpose.\*\*](#)
- [\*\*17.38.540 Plan Area No. 11 – Uses.\*\* Revised 10/17](#)
- [\*\*17.38.550 Plan Area No. 11 – Development standards.\*\*](#)
- [\*\*17.38.560 Plan Area No. 11 – Procedures.\*\*](#)

#### **17.38.010 Plan area no. 2 authority**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California Planning and Zoning Law (California Government Code Section 65450 et seq.). (Prior code Appx. A, § 9.62-1)

#### **17.38.020 Plan area no. 2 location and description.**

The subject area is located between Barney Court and Meyer Court from the south city boundary, to the rear of the lots fronting on Second Street. (Prior code Appx. A, § 9.62-2)

#### **17.38.030 Plan area no. 2 purpose.**

The purpose of the specific plan area is to set forth the development requirements, standards and permitted uses for the subject area. (Prior code Appx. A, § 9.62-3)

#### **17.38.040 Plan area no. 2 permitted uses and density**

A. Any use permitted in the R-1 (one-family) residential zone;

B. Two units on a lot provided the units are detached;

C. The minimum lot area per dwelling unit shall be not less than two thousand (2,000) square feet. (Prior code Appx. A, § 9.62-4)

#### **17.38.050 Plan area no. 2 development standards.**

- A. A minimum of three off-street parking spaces shall be provided for each dwelling unit.
- B. Lot coverage shall not exceed fifty (50) percent.
- C. Lots with two street frontages shall have a unit facing each street.
- D. The maximum height shall be twenty-five (25) feet with a maximum of two stories.
- E. All other development standards shall be as set forth in Chapter [17.08](#), R-1 Single-Family Residential Zone.
- F. All other standards shall be as set forth in the city zoning ordinance. (Prior code Appx. A, § 9.62-5)

**17.38.060 Plan area no. 3 authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.63-1)

**17.38.070 Plan area no. 3 location and description.**

The subject property is fronting on First Street and First Place and is generally known as 603 First Street. The property consists of four lots, and has a total area of twenty-six thousand three hundred nineteen (26,319) square feet. Refer to map on file and available for inspection in the office of the planning director and the city clerk. (Prior code Appx. A, § 9.63-2)

**17.38.080 Plan area no. 3 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.63-3)

**17.38.090 Plan area no. 3 permitted uses.**

The permitted use shall consist of a maximum of eleven dwelling units. (Prior code Appx. A, § 9.63-4)

**17.38.100 Plan area no. 3 development standards.**

- A. Parking dimensions shall comply with Chapter [17.44](#), and a minimum of two parking spaces per unit plus one additional guest space shall be provided per dwelling unit.
- B. A minimum ten-foot building setback shall be provided along all property lines abutting a public street.
- C. The lot coverage required for the specific plan area shall not exceed thirty-two and six-tenths (32.6) percent.
- D.. All other standards including but not limited to open space, placement of building, setbacks other than noted above, and building height shall be governed by the Chapter [17.12](#), R-2 Two-Family Residential Zone, and Chapter [17.22](#), Condominiums, Stock Cooperative and Community Apartments.
- E. Any residential use shall be subject to an approval of a conditional use permit. (Prior code Appx. A, § 9.63-5)

#### **17.38.110 Plan area no. 4 authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law. (California Government Code Section 65450 et seq.) (Prior code Appx. A, § 9.64-1)

#### **17.38.120 Plan area no. 4 location and description.**

The subject property is fronting on 1st Street and has a side property line adjacent to the Ardmore Avenue public right-of-way. The site is twenty-four thousand two hundred fifty-one (24,251) square feet. The property is commonly known as 540 1st Street and is legally described as a portion of Lot 42, Block 78, Second Addition to Hermosa Beach Tract. (Prior code Appx. A, § 9.64-2)

#### **17.38.130 Plan area no. 4 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.64-3)

#### **17.38.140 Plan area no. 4 permitted uses.**

The specific plan area shall allow for a maximum of ten dwelling units. (Prior code Appx. A, § 9.64-4)

#### **17.38.150 Plan area no. 4 development standards.**

The development standards shall be similar to development standards for the R-2 zone with the following modifications:

- A. One guest parking space shall be provided per unit.
- B. A maximum of ten dwelling units shall be permitted.
- C. A minimum ten-foot setback shall be provided on 1st Street.
- D. The lot coverage required for the specific plan area shall not exceed thirty-two (32) percent of the overall area. (Prior code Appx. A, § 9.64-5)

#### **17.38.160 Plan area no. 4 development requirements.**

Any residential use shall be subject to approval of a conditional use permit. (Prior code Appx. A, § 9.64-6)

#### **17.38.170 Plan area no. 5 authority**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.65-1)

#### **17.38.180 Plan area no. 5 location and description.**

The subject property is fronting on 21st Street and generally known as 731, 737 and 739 21st Street. The property contains three lots, and has a total of twenty thousand six hundred five (20,605) square feet. Refer to the map attached to Ordinance No. 89-1009. (Prior code Appx. A, § 9.65-2)

**17.38.190 Plan area no. 5 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property. (Prior code Appx. A, § 9.65-3)

**17.38.200 Plan area no. 5 permitted uses.**

The permitted use shall consist of a maximum of eight attached or detached residential dwelling units. (Prior code Appx. A, § 9.65-4)

**17.38.210 Plan area no. 5 development standards.**

A. The maximum lot coverage shall not exceed thirty-five (35) percent.

B. A minimum of three parking spaces shall be required for each dwelling unit.

C. All other standards, including but not limited to open space, placement of buildings, setbacks, building height and parking, shall be governed by the zoning ordinance, Chapter [17.12](#), R-2 Two-Family Residential Zone, Chapter [17.22](#), Condominiums, Stock Cooperatives and Community Apartments, and Chapter [17.44](#), Off-Street Parking. (Prior code Appx. A, § 9.65-5)

**17.38.220 Plan area no. 6 authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.66-1)

**17.38.230 Plan area no. 6 location and description.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state of California and Zoning Law (California Government Code Sections 65450 et seq.). (Prior code Appx. A, § 9.66-1)

**17.38.240 Plan area no. 6 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject property, and to ensure development of the subject property in a manner compatible with the adjacent residential property located to the west. (Prior code Appx. A, § 9.66-3)

**17.38.250 Plan area no. 6 permitted uses.**

The permitted uses shall be as follows:

A. Attached and/or detached multifamily dwelling units, with a maximum density of thirty-three (33) units per acre, if approved by a conditional use permit subject to the provisions of Chapter [17.40](#);

B. Multiple dwelling units designed for, and limited to occupancy for senior citizens, with no maximum density, if approved by a conditional use permit subject to the provisions of Chapter [17.40](#); and if consistent with the general plan;

C. Service commercial uses subordinate and secondary to the primary use as a senior citizen housing

project, designed primarily for use by residents and guests of the project, if approved by a conditional use permit. (Prior code Appx. A, § 9.66-4)

**17.38.260 Plan area no. 6 development standards.**

A. All standards, including but not limited to open space, placement of buildings, setbacks, building height, and parking, shall be governed by Chapter [17.16](#), R-3 Multiple-Family Residential Zone, Chapter [17.22](#), Condominiums, Stock Cooperatives and Community Apartments, and Chapter [17.44](#), Off-Street Parking.

B. The Planning Commission may require conditions more restrictive than the above standards to address parking, setbacks, landscaping, architectural design, density and any other project characteristic to ensure the compatibility of a project with its surroundings, and to protect the health, safety and welfare of the citizens of Hermosa Beach.

C. The Planning Commission may waive requirements pertaining to density and parking only for a senior citizen housing project, designed for and limited to occupancy for senior citizens. (Prior code Appx. A, § 9.66-5)

**17.38.270 Plan area no. 7 authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Section 65450 et seq.) (Prior code Appx. A, § 9.67-1)

**17.38.280 Plan area no. 7 location and description.**

The subject area is located on the east and west sides of Pacific Coast Highway and is designated as commercial corridor on the official general plan map. (Prior code Appx. A, § 9.67-2)

**17.38.290 Plan area no. 7 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area, and to carry out the policies of the commercial corridor general plan area as stated in the land use element of the general plan. (Prior code Appx. A, § 9.67-3)

**17.38.300 Plan area no. 7 permitted uses.**

A. Commercial permitted uses shall be the same as those permitted in C-3 general commercial zone as contained in Section [17.26.040](#), and nonconforming uses shall be subject to the provisions of Chapter [17.52](#).

B. A property being exclusively used for residential purposes at the date of the adoption of the ordinance codified in this chapter shall be permitted to be continued as a residential use, maintaining its conforming status, and may be remodeled or redeveloped as a residential use as long as the density (number of dwelling units) is not increased.

C. Residentially developed properties or vacant properties can only be converted to commercial uses if the property fronts on Pacific Coast Highway or is an assemblage of properties which front on Pacific Coast Highway.

D. Properties with existing commercial uses or other than residential uses which do not front on Pacific Coast Highway may be used commercially, expanded, and/or remodeled, if the existing access is maintained.

E. Any residential use which shares a lot or parcel with a commercial use shall be considered a nonconforming use and subject to Chapter [17.52](#). (Prior code Appx. A, § 9.67-4)

F. Emergency shelters are permitted uses subject to the requirements of Section [17.40.220](#).

G. Single Room Occupancy Facilities (more than six units) are permitted uses subject to the requirements of Section [17.40.090](#). (Ord. 13-1342, §5, July 2013 - #F & #G)

**17.38.310 Plan area no. 7 residential development standards.**

In respect to height, yard, setback, open space and dimensional requirements, any residential project whether new or a remodel of an existing structure shall be subject to the provisions contained in the zoning ordinance of the city, depending on the applicable zoning district. The applicable residential zoning district shall be determined based on the nearest residential zoning district on the same block. (Prior code Appx. A, § 9.67-5)

**17.38.320 Plan area no. 7--commercial development standards**

A. Purpose and Intent. The standards and guidelines are designed to protect the health, safety and welfare of the citizens of Hermosa Beach and to encourage the development of high quality commercial development along Pacific Coast Highway in respect to its impact on residential projects, environmental impacts, circulation and appearance.

B. Standards. Two sets of standards apply in this specific plan area, first tier and second tier. Compliance with first tier standards allows the project to proceed with a building permit. If a project goes beyond any of the first tier standards the procedure for submittal and approval of a precise development plan shall be followed. Developments must be in compliance with second tier standards at all times.

Project sponsors are encouraged to discuss preliminary plans of proposed projects with the planning department before making any formal applications for building permits or precise development plans.

<b>First Tier</b>	<b>Second Tier</b>
<b>Maximum/</b>	<b>Maximum/</b>
<b>Minimum</b>	<b>Minimum</b>
<b>Requirements Requirements</b>	
1. Maximum height:	
East of P.C.H.	30 feet      35 feet
West of P.C.H.	30 feet      35 feet

- |            |                |                |
|------------|----------------|----------------|
| 2. Bulk    | Max. 1.0       | None           |
| F.A.R.*    |                |                |
| 3. Maximum | 10,000 sq. ft  | None           |
| size       | gross floor    |                |
| area       |                |                |
| 4. Minimum | 5% of lot area | 2% of lot area |
| landscape  |                |                |
| coverage   |                |                |

\*Gross floor area/lot area ratio (excludes parking structures).

(The required landscape buffer between commercial and residential zones shall not be included in this calculation.)

C. Requirements. The following requirements apply to all proposed projects:

1. Landscaping Specifications.
  - a. A minimum three-foot wide planter strip with raised six-inch curbing, or an area equivalent in size to a three-foot wide planter strip along the front of the lot, shall be provided along street frontage. A five-gallon shrub shall be provided for each twenty (20) square feet.
  - b. Landscaping Buffer from Residentially Zoned Property. A minimum five-foot wide planter strip landscaped with a minimum of one twenty-four (24) inch or fifteen (15) gallon size specimen tree provided for every ten feet of length.
  - c. Six-inch high raised concrete curbing shall be provided along the perimeter of all landscaped areas except on the side abutting building walls or fences.
  - d. All landscaped areas shall include an automatic irrigation system.
  - e. The landscape plan and irrigation system shall be reviewed and approved by the planning director.
2. The development, including the landscaping and the entire property grounds, shall be maintained in a neat and clean manner.
3. Setback from Residentially Zoned Property. A minimum of eight feet plus two feet for each additional story.
4. All other development standards shall be governed by the city zoning ordinance, including, but not limited to Chapter [17.26](#), Commercial Zones, and Chapter [17.44](#), Off-Street Parking; with the exception of Chapter [17.58](#), Precise Development Plans. (Prior code Appx. A, § 9.67-6)

**17.38.330 Plan area no. 7 precise development plan.**

A. Purpose. The purpose of this section is to set forth the procedures and guidelines for review of precise development plans, which are required when a proposed project exceeds any one of the first tier standards.

B. Guidelines for Planning Commission Review.

1. General Guidelines. To allow projects which exceed any of the first tier standards, the overall building and project design should be of a superior quality, be compatible with surrounding properties, and be designed in scale with the community. The planning commission shall consider the following in making this determination:

- a. The building should be designed with interesting architectural features and materials to enhance the overall project. A three-dimensional quality should be emphasized by the use of stepping architectural features to avoid massive flat building faces. Special attention should be given to the appearance of the building from the street.
- b. Landscaping should be utilized throughout the site in a manner which enhances the building and the site, and to mitigate the visual impacts of any flat and/or massive parts of the building.
- c. The project should be compatible with neighboring projects with respect to height, scale, bulk, proportion. This is not a prescription for similar architectural styles, although in some cases it may be desirable, nor a prescription to match existing buildings, as many existing buildings do not stand scrutiny under these guidelines.
- d. Architectural renderings and perspectives must be submitted to show the three-dimensional quality of the proposed building(s).

2. Height. To allow projects to exceed the first tier height limits, the building design should incorporate features to minimize and break up the visual impact and view impacts of the higher structures on neighboring residential areas and on the streetscape. The planning commission shall consider the following guidelines in making this determination:

- a. Limit Lot Coverage of Uppermost Level. The area of the portion of the structure which exceeds the first tier height limit should not cover a major portion of the lot area, and said over-height area should be compensated by a proportional area of the building which is at or less than the height limit.
- b. Flat roofs and flat tall vertical walls should be avoided. Stepped, variable or sloping roofs should be encouraged. The appearance of flat roofs and massive flat vertical walls should be avoided through the use of stepping or tiered architectural features.
- c. Greater Setbacks for Upper Levels. Progressing from the first floor to the uppermost story of the building setbacks from the rear property line should increase and exceed minimum requirements,

and the upper stories shall have tiered setbacks from the lower levels as viewed from the front.

3. Bulk. To allow projects which exceed the maximum floor area/lot area ratio (F.A.R.), the building design should incorporate features to minimize the appearance of bulk, and to compensate for the bulk of a building with attractive architectural features which enhance the building and which reduce the visual impact of large areas of flat vertical walls. The planning commission shall consider the following guidelines in making this determination:

- a. Avoid Box-Like Structures. Significant and attractive architectural features should be used to break up the bulky appearance of box-like structures.
- b. Building Step-Backs. Step-ins and step-outs should be used on the front of the building to break up the bulky appearance. This could accompany varying widths of the landscape planter area in the front of the building.
- c. Variable Heights. The roofline of the building should be designed with variable heights, and roof patterns or materials, to avoid the appearance of a flat building.

4. Landscaping. The objective of the landscaping requirement is to enhance the overall project including the streetscape, to complement the building design, to break up the impact of vast expanses of pavement, to buffer sound and visual impacts on neighboring residential areas, to provide shade for parking areas and to deflect direct sunlight into the interior of buildings. To allow less than the minimum five percent coverage, a landscaping plan must compensate for the loss of coverage by providing a superior design through the use of types, quantity, and location of plant materials to achieve the objectives described above.

C. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

1. Distance from existing residential uses in relation to negative effects;
2. Impact on ocean views from residential areas;
3. The amount of existing or proposed off-street parking in relation to actual need;
4. The combination of uses proposed, as they relate to compatibility;
5. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;
6. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
7. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;

8. Noise, odor, dust and/or vibration that may be generated by the proposed use;
9. Impact of the proposed use to the city's infrastructure, and/or services;
10. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;
11. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

D. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems.
2. The proposed development would have significant environmental adverse impacts which cannot be mitigated, and where the finding of overriding considerations cannot be made.

E. Appeal. The decision of the planning commission may be appealed to the city council by filing a written appeal within ten days of the planning commission's decision.

F. Term. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

G. Compliance. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan.

H. General Procedures and Submittal Requirements.

1. Application for precise development plan review shall be filed and approval given prior to the issuance of building permits.
2. Applications shall include detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations including perspective drawings to exhibit the required three-dimensional features, landscape plans and/or any other data found to be reasonably required.
3. Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.
4. Fees for submittals shall be set by policy of the city council. (Prior code Appx. A, § 9.67-7)

**17.38.340 Plan area no. 8 authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of

the state Planning and Zoning Law (California Government Code Section 65450 et. seq.). (Prior code Appx. A, § 9.68-1)

**17.38.350 Plan area no. 8 location and description.**

The subject area is located on the east and west side of Pacific Coast Highway and is designated as commercial corridor on the official general plan map. (Prior code Appx. A, § 9.68-2)

**17.38.360 Plan area no. 8 purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area, and to carry out the policies of the commercial corridor general plan area as stated in the land use element of the general plan. (Prior code Appx. A, § 9.68-3)

**17.38.370 Plan area no. 8 permitted uses.**

A. Commercial permitted uses shall be the same as those permitted in C-3 general commercial zone as contained in Section [17.26.040](#), and nonconforming uses shall be subject to the provisions of Chapter [17.52](#).

B. A property being exclusively used for residential purposes at the date of the adoption of the ordinance codified in this chapter shall be permitted to be continued as a residential use, maintaining its conforming status, and may be remodeled or redeveloped as a residential use as long as the density (number of dwelling units) is not increased and does not exceed thirty-three (33) units per acre.

C. Residentially developed properties or vacant properties can only be converted to commercial uses if the property fronts on Pacific Coast Highway or is an assemblage of properties which front on Pacific Coast Highway.

D. Properties with existing commercial uses or other than residential uses which do not front on Pacific Coast Highway may be used commercially, expanded and/or remodeled, if the existing access is maintained.

E. Any residential use which shares a lot or parcel with a commercial use shall be considered a nonconforming use and subject to Chapter [17.52](#). (Prior code Appx. A, § 9.68-4)

F. Emergency shelters are permitted subject to the requirements of Section [17.40.220](#).

G. Single Room Occupancy Facilities (more than six units) are permitted subject to the requirements of Section [17.40.090](#). (Ord. 13-1342, §6, July 2013 - #F & #G)

**17.38.380 Plan area no. 8 residential development standards.**

In respect to height, yard, setback, open space and dimensional requirements, any residential project whether new or a remodel of an existing structure shall be subject to the provisions contained in the zoning ordinance, depending on the applicable zoning district. The applicable residential zoning district shall be determined based on the nearest residential zoning district on the same block. (Prior code Appx. A, § 9.68-5)

**17.38.390 Plan area no. 8--commercial development standards.**

A. Purpose and Intent. The standards and guidelines are designed to protect the health, safety and welfare of

the citizens of Hermosa Beach and to encourage the development of high quality commercial development along Pacific Coast Highway in respect to its impact on residential projects, environmental impacts, circulation and appearance.

B. Standards. Two sets of standards apply in this specific plan area, first tier and second tier. Compliance with first tier standards allows the project to proceed with a building permit. If a project goes beyond any of the first tier standards the procedure for submittal and approval of a precise development plan shall be followed. Developments must be in compliance with second tier standards at all times.

Project sponsors are encouraged to discuss preliminary plans of proposed projects with the planning department before making any formal applications for building permits or precise development plans.

	First Tier	Second Tier
	Maximum/ Minimum	Maximum/ Minimum
	Requirements	Requirements
<b>1. Maximum height:</b>		
East of P.C.H.	25 feet	35 feet
West of P.C.H.	30 feet	35 feet
<b>2. Bulk</b>		
	Max. 1.0	None
	F.A.R*	
<b>3. Maximum size:</b>		
	10,000 sq. ft.	None
	gross floor area	
<b>4. Minimum landscape coverage:</b>		
	5% of lot area	2% of lot area
	landscape	
	coverage:	

\*Gross floor area/lot area ratio (excludes parking structures).

(The required landscape buffer between commercial and residential zones shall not be included in this calculation.)

C. Requirements. The following requirements apply to all proposed projects:

1. Landscaping Specifications.

- a. A minimum three-foot wide planter strip with raised six-inch curbing, or an area equivalent in size to a three-foot wide planter strip along the front of the lot, shall be provided along street frontage. A five-gallon shrub shall be provided for each twenty (20) square feet.
  - b. Landscaping Buffer from Residentially Zoned Property. A minimum five-foot wide planter strip landscaped with a minimum of one twenty-four (24) inch or fifteen (15) gallon size specimen tree provided for every ten feet of length.
  - c. Six-inch high raised concrete curbing shall be provided along the perimeter of all landscaped areas except on the side abutting building walls or fences.
  - d. All landscaped areas shall include an automatic irrigation system.
  - e. The landscape plan and irrigation system shall be reviewed and approved by the planning director.
2. The development, including the landscaping and the entire property grounds, shall be maintained in a neat and clean manner.
  3. Setback from Residentially Zoned Property. A minimum of eight feet plus two feet for each additional story.
  4. All other development standards shall be governed by the city zoning ordinance, including, but not limited to Chapter [17.26](#), Commercial Zones, and Chapter [17.44](#), Off-Street Parking; with the exception of Chapter [17.58](#), Precise Development Plans. (Prior code Appx. A, § 9.68-6)

#### **17.38.400 Plan area no. 8--precise development plan.**

A. Purpose. The purpose of this section is to set forth the procedures and guidelines for review of precise development plans, which are required when a proposed project exceeds any one of the first tier standards.

B. Guidelines for Planning Commission Review.

1. General Guidelines. To allow projects which exceed any of the first tier standards, the overall building and project design should be of a superior quality, be compatible with surrounding properties, and be designed in scale with the community. The planning commission shall consider the following in making this determination:
  - a. The building should be designed with interesting architectural features and materials to enhance the overall project. A three-dimensional quality should be emphasized by the use of stepping architectural features to avoid massive flat building faces. Special attention should be given to the appearance of the building from the street.
  - b. Landscaping should be utilized throughout the site in a manner which enhances the building and the site, and to mitigate the visual impacts of any flat and/or massive parts of the building.

- c. The project should be compatible with neighboring projects with respect to height, scale, bulk, proportion. This is not a prescription for similar architectural styles, although in some cases it may be desirable, nor a prescription to match existing buildings, as many existing buildings do not stand scrutiny under these guidelines.
  - d. Architectural renderings and perspectives must be submitted to show the three-dimensional quality of the proposed building(s).
2. Height. To allow projects to exceed the first tier height limits, the building design should incorporate features to minimize and breakup the visual impact and view impacts of the higher structures on neighboring residential areas and on the streetscape. The planning commission shall consider the following guidelines in making this determination:
- a. Limit Lot Coverage of Uppermost Level. The area of the portion of the structure which exceeds the first tier height limit should not cover a major portion of the lot area, and said over-height area should be compensated by a proportional area of the building which is at or less than the height limit.
  - b. Flat roofs and flat tall vertical walls should be avoided. Stepped, variable or sloping roofs should be encouraged. The appearance of flat roofs and massive flat vertical walls should be avoided through the use of stepping or tiered architectural features.
  - c. Greater Setbacks for Upper Levels. Progressing from the first floor to the uppermost story of the building setbacks from the rear property line should increase and exceed minimum requirements, and the upper stories shall have tiered setbacks from the lower levels as viewed from the front.
3. Bulk. To allow projects which exceed the maximum floor area/lot area ratio (F.A.R.) the building design should incorporate features to minimize the appearance of bulk, and to compensate for the bulk of a building with attractive architectural features which enhance the building and which reduce the visual impact of large areas of flat vertical walls. The planning commission shall consider the following guidelines in making this determination:
- a. Avoid Box-Like Structures. Significant and attractive architectural features should be used to break up the bulky appearance of box-like structures.
  - b. Building Step-Backs. Step-ins and step-outs should be used on the front of the building to break up the bulky appearance. This could accompany varying widths of the landscape planter area in the front of the building.
  - c. Variable Heights. The roofline of the building should be designed with variable heights, and roof patterns or materials, to avoid the appearance of a flat building.
4. Landscaping. The objective of the landscaping requirement is to enhance the overall project including

the streetscape, to complement the building design, to break up the impact of vast expanses of pavement, to buffer sound and visual impacts on neighboring residential areas, to provide shade for parking areas and to deflect direct sunlight into the interior of buildings. To allow less than the minimum five percent coverage, a landscaping plan must compensate for the loss of coverage by providing a superior design through the use of types, quantity and location of plant materials to achieve the objectives described above.

C. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

1. Distance from existing residential uses in relation to negative effects;
2. Impact on ocean views from residential areas;
3. The amount of existing or proposed off-street parking in relation to actual need;
4. The combination of uses proposed, as they relate to compatibility;
5. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;
6. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
7. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;
8. Noise, odor, dust and/or vibration that may be generated by the proposed use;
9. Impact of the proposed use to the city's infrastructure, and/or services;
10. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;
11. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

D. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems.
2. The proposed development would have significant environmental adverse impacts which cannot be mitigated, and where the finding of overriding considerations cannot be made.

E. Appeal. The decision of the planning commission may be appealed to the city council by filing a written

appeal within ten days of the planning commission's decision.

F. Term. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

G. Compliance. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan.

H. General Procedures and Submittal Requirements.

1. Application for precise development plan review shall be filed and approval given prior to the issuance of building permits.
2. Applications shall include detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations including perspective drawings to exhibit the required three-dimensional features, landscape plans and/or any other data found to be reasonably required.
3. Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.
4. Fees for submittals shall be set by policy of the city council. (Prior code Appx. A, § 9.68-7)

**17.38.410 Plan area no. 9--authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code Section 65450 et. seq.) (Prior code Appx. A, § 9.69-1)

**17.38.420 Plan area no. 9--location and description.**

The subject area is located on the east side of Prospect Avenue between 24th Street and Artesia Boulevard and located on the north side of 24th Street east of Prospect Avenue. (Prior code Appx. A, § 9.69-2)

**17.38.430 Plan area no. 9--purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area. (Prior code Appx. A, § 9.69-3)

**17.38.440 Plan area no. 9--permitted uses.**

A. Any use permitted in the R-1 single-family residential zone;

B. An attached or detached two-family dwelling unit per lot. (Prior code Appx. A, § 9.69-4)

**17.38.450 Plan area no. 9--development standards.**

A. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be not less than one thousand three hundred twenty (1,320) square feet.

B. Development standards shall be as set forth in Chapter [17.12](#), R-2 two-family residential zone, except as pertaining to lot area per dwelling unit as stated in subsection A of this section.

C. All other standards shall be as set forth in the zoning ordinance. (Prior code Appx. A, § 9.69-5)

**17.38.460 Plan area no. 10-authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law.

**17.38.470 Plan area no. 10-location and description.**

The subject area is located on the north side of Twenty-First Street between Ardmore Avenue and Pacific Coast Highway.

**17.38.480 Plan area no. 10-purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and permitted uses for the subject area.

**17.38.490 Plan area no. 10-permitted uses.**

A; Any use permitted in the R-1 One-Family Residential zone;

B. Attached and/or detached multiple-family dwelling units;

C. Condominium developments consistent with the Condominium Ordinance of the City.

**17.38.500 Plan area no. 10-development standards.**

A. Lot Area Per Dwelling Unit. The minimum lot area per dwelling unit shall be not less than three-thousand three hundred fifty (3,350) square feet and the maximum number of units per lot shall be four (4).

B. All other development standards shall be as set forth in Chapter [17.10](#), R- 1A Limited One-Family Residential zone.

C. All other standards shall be as set forth in the zoning ordinance.

**17.38.510 Plan area no. 11 – Authority.**

This specific plan area is an instrument for implementing the general plan pursuant to Article 8, Chapter 3, of the state Planning and Zoning Law (California Government Code §65450 et seq.). (Ord. 09-1300 §1, May 2009)

**17.38.520 Plan area no. 11 – Location and description.**

The subject area, known as 'Upper Pier Avenue', is located on the north and south sides of Pier Avenue between Valley Drive and Hermosa Avenue, within the downtown district. The area is designated as 'general commercial' on the official general plan map. (Ord. 09-1300, §1, May 2009)

**17.38.530 Plan area no. 11 – Purpose.**

The purpose of this specific plan area is to set forth the development requirements, standards and uses for the subject area for the following purposes:

- A. Create a pedestrian-oriented seaside village center of small-scale commercial establishments that attract and serve local residents, in addition to visitors.
- B. Protect the history and character of upper Pier Avenue and the city of Hermosa Beach.
- C. Retain a 'sense of place' with buildings of diverse character that have been constructed over time, reflecting use of local materials and changes in architecture and culture.

The SPA-11 zone is also intended to:

- A. Strengthen the city's economic base, and protect small businesses that serve city residents.
- B. Create a suitable environment for commercial uses and protect the available commercial land resources from change to noncommercial land uses and from the adverse effects of inharmonious uses.
- C. Minimize the impact of commercial development on adjacent residential districts.
- D. Ensure that the appearance and effects of commercial building and uses are harmonious with the character of a pedestrian-oriented seaside village.
- E. Ensure the provision of adequate off-street parking, loading and pedestrian amenities.
- F. Protect the environment, particularly air and ocean water quality, through green building, reduced greenhouse gas emissions, energy, materials and water conservation, water quality protection, and other sustainable measures. (Ord. 09-1300, §1, May 2009)

#### **17.38.540 Plan area no. 11 – Uses. Revised 10/17**

A. General. The following permitted and conditional uses are intended to be consistent with the purposes of this zone. Uses that support pedestrian activity should be prominent, including day time uses that serve the local residents and community.

For definitions of the listed uses see Section [17.04.050](#). "Pedestrian-oriented" means uses and activities that attract, accommodate and are highly visible to people who are walking. Most prominent on the ground floor are retail uses, restaurants or snack bars, and places for people to congregate, with offices, services and business services on second stories.

B. Permitted and Conditional Uses. The following use classifications are allowed subject to the requirements of this section and zone. In the following matrix, the letter "P" designates permitted use classifications. The letter "U" designates use classifications permitted by approval of a conditional use permit. Section numbers listed under "see section" reference additional regulations located elsewhere in the zoning ordinance or this code, and others may apply.

In addition to the requirements in Chapter [17.40](#) of this Code, no conditional use shall be approved in this Specific Plan Area unless the planning commission finds the use, and its location and design, are consistent with the purposes of this zone.

P = Permitted

U = Conditional Use Permit (CUP) required (See Chapter [17.40](#))

USES	P or U	SECTION
Alcohol beverage establishments, on-sale (not including restaurants closing before 10:00 p.m. serving only beer and wine)	U	<a href="#">17.40.080</a>
Alcohol beverage establishment, off-sale -- (closing at 11:00 p.m. or earlier)	P	
Alcohol beverage establishment, off-sale -- (open between 11:01 p.m. and 2:00 a.m.)	U	<a href="#">17.40.090</a>
Aquariums, sales and supplies of marine life	P	
Art/antiques/curios gallery or shop	P	
Assembly halls	U	<a href="#">17.40</a>
Audio/video equipment and supplies, sales and repair	P	
Bakery	P	
Banks and financial institutions	P	
Barber/beauty shop	P	
Books/news/magazines, sales	P	
Clinic, dental and/or medical	P	
Clothing and wearing apparel sales and service	P	
Copying and printing services and supplies	P	
Day nursery, preschool	U	<a href="#">17.40.110</a>
Dancing, customer	P	
Department stores (maximum 4,000 square feet of floor area on ground floor)	P	
Department stores (more than 4,000 square feet of floor area on ground floor)	U	<a href="#">17.40.020</a>
Drugstore	P	

Entertainment, live	U	<a href="#">17.40.020</a>
Florist or plant shop	P	
Food and beverage market (maximum 4,000 square feet of floor area on ground floor)	P	
Furniture/furnishings, sales and display	P	
Garden equipment, small, hand-operated, sales and rentals	P	
Hardware/home improvement store	P	
Hobby and craft supplies and service	P	
Household appliances/office equipment, sales and repair	P	
Interior decorating studio, store or shop	P	
Laundry business and dry-cleaning (including self-service)	P	
Locksmith business	P	
Massage therapy business	U	<a href="#">17.40.160</a>
Messenger service	P	
Musical instruments, retail and repair	P	
Offices, general	P	
Outdoor seating, limited (accessory to food establishments on private property)	P	<a href="#">17.26.050(B)(6)</a>
Outdoor uses on private property: dining, merchandise displays, entertainment, or special performances	U	<a href="#">17.40.020</a>
Parking lots and/or structures	U	<a href="#">17.40.020</a>
Pet grooming, no overnight kennels	P	
Photography (equipment sales and service, film processing, studio)	P	
Printing and or publishing business, commercial	P	
Restaurant (drive-in, drive-thru window, outdoor dining on public right-of-way or outdoor walk-up window on public right-of-way is not allowed)	P	
Restaurant with on-sale alcoholic beverages limited to beer and wine, closing at 10:00 p.m. or earlier	P	<a href="#">17.26.060</a>

Restaurant with on-sale alcoholic beverages, limited to restaurants with beer and wine closing later than 10:00 p.m. and restaurants with on-sale general alcoholic beverages	U	<a href="#">17.40.080</a>
Reverse vending machine(s)	U	<a href="#">17.40.120</a>
Secondhand merchandise, retail sales (pawn shops are prohibited)	P	
Snack bar/snack shop	P	
Sporting/recreational equipment sales, service, and rental	P	
Supermarkets (more than 4,000 square feet of floor area on ground floor)	U	<a href="#">17.40.020</a>
Ticket broker/sales	P	
Temporary outdoor uses in conjunction with special event: merchandise displays, dining, entertainment, special performances, parades	*	<a href="#">12.12.070</a>
Tobacco store	P	
Toy store	P	
Wireless communication facility	U	<a href="#">17.40.170</a>
Youth hostel	U	<a href="#">17.40.150</a>

\*Allowed by special permit approved by city council on public street/right-of-way pursuant to Section [12.12.070](#) and allowed on private property in conjunction with such special permit.

C. Similar Uses Permitted. Use classifications not listed as permitted or conditional uses shall be prohibited unless the community development director finds the use consistent with the purposes of the zone, and similar to and not more objectionable than other uses listed, as provided in Section [17.26.040](#).

D. Nonconforming Uses and Structures. Nonconforming uses and structures shall be subject to the provisions of Chapter [17.52](#), except as follows:

1. Residential Uses. Residential uses in existence on the effective date of this section codified in this chapter may continue, be remodeled or altered, provided that:
  - a. The number of dwelling units, floor area per unit, and number of bedrooms per unit shall not be increased.
  - b. The continuation or alteration of residential uses located on the second story shall remain limited

to the second story, and no new residential uses shall be located on the ground floor.

c. Alteration of buildings or portions of buildings used for residential uses shall conform to the standards of this zone, excluding Sections [17.38.550\(G\)](#) and (H).

2. Nonconforming Buildings (Excluding Residential Uses).

a. Structural Removal. Although not required, removal and replacement of building facades should conform to Section [17.38.550\(G\)](#) and (H) to the extent feasible. Modification or alteration of portions of a structure nonconforming to front yard requirements if completely removed shall comply with the requirement to place buildings close to the frontage line unless the community development director, or planning commission when a precise development plan is required determines this requirement to be infeasible.

b. Expansion shall conform to the requirements of this zone, including requirements to place buildings close to the frontage line.

c. Determination of compliance with this section shall be made by the community development director.

3. Nonconforming use limits other uses. Conforming uses may be established on lots or in buildings with nonconforming uses, unless the community development director or planning commission determines that said uses are incompatible. (Ord. 17-1378 §6, 2017; Ord. 14-1345 §3, 2014; Ord. 09-1300 §1, 2009)

**17.38.550 Plan area no. 11 – Development standards.**

A. Purpose. Development shall be sited, designed, operated and maintained in a manner that achieves and is consistent with the development standards and purposes of this zone. Provisions that are encouraged but not required are indicated with words such as should, encouraged, although not required, and if feasible.

B. Uses Conducted within Buildings or Enclosures. All uses shall be conducted wholly within a building enclosed on all sides, except for the following:

1. Outdoor uses may be permitted by conditional use permit as stated in Section [17.38.540\(B\)](#).

2. Uses incidental to a use conducted primarily within a building located on the premises, as determined by the community development director; provided, that such incidental uses are not conducted in whole or in part on sidewalks, public ways or within any required yard; and that such incidental uses are of a type which cannot be economically or practically conducted within buildings. Where incidental uses are not conducted within a building, no part of the area devoted to the incidental uses shall be considered as part of the required parking facilities. All uses shall be substantially screened from public visibility, public streets, parks or other public places, and public properties. Uses within the meaning of this section include but are not limited to parking stalls, parking attendant booths, solid waste and other enclosures.

3. Commercial parking lots pursuant to a conditional use permit as stated in Section [17.38.540\(B\)](#).

4. Temporary outdoor merchandise display or outside dining in conjunction with a temporary outdoor event such as a sidewalk sale authorized by the city council by special permit as set forth in Section [12.12.070](#).

C. Location of Uses in Buildings--Incentives. Pedestrian-oriented uses are strongly encouraged to locate on the ground floor, fronting Pier Avenue. Service, office and other non-pedestrian oriented uses are encouraged to locate on the second story. When there is a mix of uses on the ground floor, the pedestrian-oriented uses should be located so that the building facade, window displays and interior are highly visible to pedestrians on the public sidewalk. The planning commission may grant incentives to facilitate this pattern of uses pursuant to the procedures in this subsection.

1. Incentives. Deviation from one or more zoning standards that inhibit construction, alteration or expansion of a second story for non-pedestrian-oriented uses, or inhibit location of pedestrian-oriented uses on the ground floor may be granted. Deviation from parking requirements shall not be granted as an incentive.

2. Procedures.

- a. Applications for incentives filed with the community development department shall include a statement of incentives requested, statement of the specific relief that the incentive will provide, and fee adopted by the city.
- b. Procedures for the conduct of hearings, report of decision and findings, appeals, reapplication upon denial, and revocation shall be in accordance with Section [17.38.560\(B\)](#).

3. Findings.

- a. In granting incentives, the planning commission shall make all of the following findings:
  - i. The incentive(s) will facilitate the ability to locate pedestrian-oriented uses on the ground floor and/or offices or other non-pedestrian-oriented uses on the second story.
  - ii. Any deviation from zoning standards is to the minimum extent necessary.
  - iii. The incentives are consistent with the purposes of this zone.
  - iv. The project will not involve demolition or significant alteration of a building that significantly contributes to the character of upper Pier Avenue as determined by the commission.
  - v. The incentives will not conflict with the provisions of, or be detrimental to, the general plan.
  - vi. The incentives will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and this zone.

- b. The commission may place conditions on the granting of incentives to ensure that incentives granted will be implemented consistent with the findings of approval and do not otherwise constitute a grant of special privilege.

D. Conservation of Existing Buildings--Incentives. The conservation and continued use and reuse of existing buildings that are iconic of and contribute to the character of upper Pier Avenue as a small-scale, pedestrian-oriented village with diverse architectural character is encouraged through the granting of incentives by the planning commission.

Buildings need not be designated as historic landmarks pursuant to Chapter [17.53](#) in order to be eligible for the granting of incentives.

1. Incentives. Deviation may be granted from zoning standards, including parking requirements and in-lieu fees, that inhibit ability to retain, restore or reuse an existing building determined by the planning commission to be worthy of retention. Deviation from parking requirements may include:

- a. A parking credit for the existing or prior use may be granted when a non-restaurant use less than five thousand (5,000) square feet of gross floor area is changed to a restaurant use.
- b. Parking spaces for office uses located on a second story may be located not more than one-quarter (1/4) mile walking distance from the site, and/or on property not under the same ownership as such office use. Where the parking is located off-site, the owners shall file with the community development department a covenant approved by the city and recorded by the office of the Los Angeles County Recorder for the improvement and maintenance of the required parking facilities for the use specified.
- c. Building sites where buildings will exceed gross floor area to building site area ratio of one to one (1:1) may pay an in-lieu fee for all the required on-site parking spaces.
- d. Other parking modifications or reduction of in-lieu parking fees.

2. Procedures.

- a. Applications for incentives filed with the community development department shall include a statement of incentives requested, statement of the specific relief that the incentive will provide, evidence that the building is worthy of retention, and fee adopted by the city.
- b. Procedures for the conduct of hearings, report of decision and findings, appeals, reapplication upon denial, and revocation shall be in accordance with Section [17.38.560\(B\)](#).

3. Findings.

- a. In granting incentives, the planning commission shall make all of the following findings:
  - i. The conservation of the existing building will contribute to the character of upper Pier Avenue

and advance the purposes of this zone set forth in Section [17.38.530](#), or the building has been designated by a state or federal agency or the city council as a landmark pursuant to Chapter [17.53](#).

ii. The project will not result in significant alteration of the building. "Significant alteration" means changes or modifications that adversely alter, affect or destroy exterior architectural features or the essential elements that make the building worthy of protection.

iii. Any deviation from zoning standards is to the minimum extent necessary.

iv. The incentives are consistent with the purposes of this zone.

v. The incentives will not conflict with the provisions of, or be detrimental to, the general plan.

vi. The incentives will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and this zone.

b. The commission may place conditions on the granting of incentives to ensure that the project and incentives granted will be implemented consistent with the findings of approval. The granting of parking incentives may be accompanied by reasonable requirements to provide additional pedestrian or other transportation amenities. The future significant alteration of the building shall not be approved by the city unless and until any fees waived or reduced by the city pursuant to this section have been paid. Parking incentives granted shall not be credited toward any future use of the property. An affidavit evidencing such conditions approved by the city and recorded by the office of the Los Angeles County Recorder shall be filed with the community development department.

4. Any waiver or reduction of in-lieu parking or other fees shall be in the form of a recommendation to the city council, which shall make the final determination pursuant to Section [17.38.560\(B\)](#).

E. Height and Number of Stories. Buildings shall be oriented and designed so as to improve the pedestrian environment and not overwhelm the sidewalk.

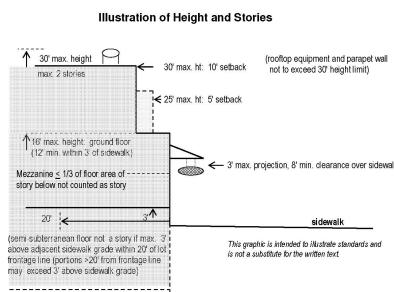
1. No building shall exceed a maximum height of thirty (30) feet. No building shall exceed two (2) stories.

2. Notwithstanding Section [17.46.010](#), no roof structure or element shall exceed the thirty (30) foot height limit; provided that antennas, satellite dishes and similar structures, solar energy systems, and single-pole umbrellas and small wind energy systems may exceed the height limit to the extent allowed by Chapter [17.46](#).

3. The ground floor of a two story building, or any one story building, shall not exceed sixteen (16) feet in height, provided that parapets and other screens to conceal rooftop apparatus and roof deck railings may exceed this limit to the minimum extent necessary as determined by the community development director.

4. The second story of buildings on the Pier Avenue frontage shall be set back a minimum of:
  - a. Five (5) feet from the face of the ground floor facade along at least fifty (50) percent of the facade length, provided building height does not exceed twenty-five (25) feet; or
  - b. Ten (10) feet from the face of the ground floor facade along at least fifty (50) percent of the facade length if building height exceeds twenty-five (25) feet.
5. The following shall not be counted as a story:
  - a. Mezzanines that cover less than one-third of the floor area of the story immediately below it.

Semi-subterranean floors not exceeding three (3) feet above the adjacent Pier Avenue sidewalk grade at any point within twenty (20) feet of the lot frontage line. This provision is intended to provide flexibility in design to accommodate changes in slope and shall not supersede the requirements in Subsections [17.38.550\(G\)\(2\)](#) and [17.38.550\(G\)\(3\)](#) enabling storefront visibility to the pedestrian.



## F. Building Location and Setback Requirements.

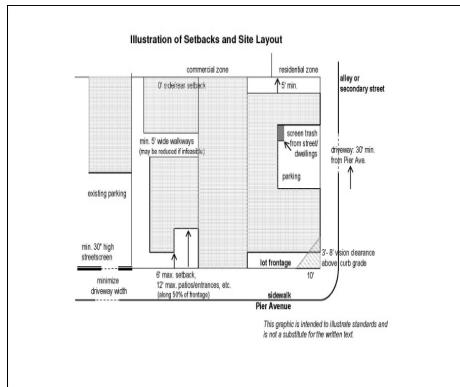
1. Front Yard: Buildings shall be located close to the front lot line along Pier Avenue as follows. Building facades shall be oriented approximately parallel to the Pier Avenue frontage so that the building facade, window displays and interior are highly visible to pedestrians on the public sidewalk as provided in this subsection. Buildings shall not be located more than six (6) feet distant from the Pier Avenue lot frontage along fifty (50) percent of the length of the frontage. The distance from the frontage line may be increased up to twelve (12) feet for elements oriented to the pedestrian, such as prominent entryways, awning and gallery frontages, patios, benches, or planters with approved landscape to shade benches or the sidewalk.

2. Alley Setback. Setbacks shall conform to Section [17.44.130](#).

3. Rear and Side Yard Setback Adjacent to Residential Zones.

a. A minimum rear and/or side yard setback of five (5) feet shall be provided, except where public rights-of-way twenty (20) feet or greater in width separate the site from the residential zone.

- b. Existing commercial buildings that do not comply with residential setback requirements shall not be considered nonconforming, and may be remodeled or expanded as long as new construction conforms to the requirements of this zone.



G. Storefront Frontages. Building facades fronting Pier Avenue shall be designed as storefronts to facilitate pedestrian activity.

1. Facades shall have a prominent entryway easily accessible from the sidewalk and compliant with the Americans With Disabilities Act of 1990, as amended.

Although not required, primary entrances are encouraged be situated at the corner of buildings located at street intersections.



The first story of buildings located within three (3) feet of the sidewalk shall be a minimum height of twelve (12) feet above sidewalk grade to accommodate awning or gallery frontage types.

Projections over the sidewalk shall provide a minimum of eight (8) feet of vertical clearance from the sidewalk, and not extend closer than two (2) feet to the curb, and are subject to approval of an encroachment permit as set forth in Chapter [12.16](#).

Although not required, awning or gallery frontage types are encouraged along Pier Avenue to provide shade and building articulation. The planning commission may require awning frontage types in conjunction with a precise development plan.

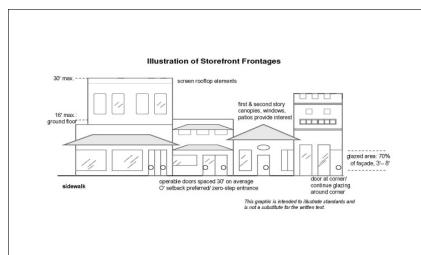
2. Doors fronting Pier Avenue shall be at sidewalk grade or at finished grade of the adjacent access way, spaced on average no farther than thirty (30) feet apart, and operable. Openings between buildings with publicly accessible walkways leading to courtyards, businesses or alleys may be counted as doorways when calculating this spacing. Out-swinging doors or windows encroaching on the sidewalk require

approval of an encroachment permit as set forth in Chapter [12.16](#).

Door walls and features that open to the sidewalk creating accessibility and visibility to the pedestrian are encouraged but not required.

3. On the ground floor facade fronting Pier Avenue, glazing shall cover at least seventy (70) percent of that area of the facade located between three (3) feet and eight (8) feet in height. "Glazing" means a transparent part of a wall, typically made of glass or plastic. Minor modifications to the location of glazing on the facade may be approved by the community development director to maximize visibility for the pedestrian on the sidewalk. Glazing shall be substantially transparent (e.g., 90% light transmission). Specialty windows may use stained or opaque glass.

Buildings located at street corners are encouraged but not required to continue the glazed area on the elevation facing the secondary frontage.



H. Other Architectural Standards. The architectural character of Pier Avenue reflects Hermosa Beach's locale and historic development patterns. Consistent with Hermosa Beach's eclectic architecture, compatibility and variety, among styles and elements, rather than uniformity, is desirable along Pier Avenue.

1. Building mass, facades and roof lines shall be varied and articulated to reduce the appearance of bulk and mass, and maintain pedestrian scale and visual interest from the public sidewalk. Long, straight facades and blank elevations visible from Pier Avenue are not allowed. Facades and elevations shall be designed with openings and elements that provide relief or articulation, incorporating one or more of the following: cornices, parapets, eaves, awnings or canopies, balconies, entry or patio insets, or similar features. Second stories shall incorporate windows and one or more architectural elements (e.g., balconies, planter boxes, awnings). All exposed elevations, including rear and side elevations, shall be designed for compatibility.

2. Franchise architecture conflicts with local character and is not allowed. "Franchise architecture" means building design that is trademarked, branded or identified with a particular chain, corporation or business. Franchise architecture can be avoided by altering scale, proportion, branded element locations, colors, or incorporating locally recognizable elements. This provision does not prohibit chain, franchise or formula businesses within the specific plan area.

Surfaces shall be painted, treated or otherwise exhibit a finished look. Multiple storefronts with a common facade or appearance shall be coordinated, but should not be identical. Synthetic material, such as hardboard

siding, shall very closely simulate the natural material and have equal or better weathering characteristics. Exposed concrete block, corrugated metal, chain link fencing, and similar materials that present an unfinished or industrial look shall not be used on any building or wall visible from a public street or alley, except as accents.

Although not required, exterior colors should be characteristic of natural building materials and compatible with the surroundings, without being identical. Vandalism resistant finishes are preferred.

3. Elements of poor visual quality (e.g., rooftop mechanical devices, loading, service areas, utilities) shall be sited, designed and screened compatible with site elements to minimize visibility from Pier Avenue. Siting, design and screening shall also minimize visual, noise and air quality effects on nearby residential uses. Flat roofs shall be enclosed by parapets a minimum of forty-two (42) inches high to conceal rooftop apparatus; rooftop elements and structures and their screening shall not exceed the height limit, provided that antennas, satellite dishes and similar structures, solar energy systems, and single-pole umbrellas may exceed the height limit to the extent allowed by Chapter [17.46](#).

4. Solar orientation. Projects that require a precise development plan shall incorporate the following elements to facilitate passive and active solar energy use unless found by the planning commission to be infeasible or inapplicable due to site conditions:

- a. Design and orientation to accommodate solar collection systems.
- b. Install cool roofs.
- c. Install deciduous vegetation, overhangs, awnings or other features to protect south/west faces and/or improvements to moderate interior temperatures.

Although not required, smaller projects should be designed to maximize opportunities for passive and active solar energy use.

5. Accessibility and visibility.

- a. Design and operation of development shall comply with the Americans With Disabilities Act of 1990 as amended and to the extent practical other requirements that facilitate physical accessibility for all persons, such as universal design principles.
- b. Projects that require a precise development plan shall incorporate the following elements to maximize accessibility to all persons unless found by the planning commission to be infeasible due to site conditions. A minimum of one (1) zero-step entrance to each building from an accessible path from the sidewalk and handicap parking space to the front, side or rear of each building shall be provided. All ground floor interior doors (including bathrooms) shall provide at least thirty-two (32) inches of clear passage. One half-bath (toilet and sink) shall be provided on the ground floor of each building.

Although not required, smaller projects including second story businesses and facilities, should maximize accessibility by incorporating the elements above.

I. Circulation and Parking. Development shall be designed to maximize pedestrian circulation among buildings, lots, and the street, coordinated with vehicular circulation.

1. Accessible sidewalks and pedestrian ways a minimum of four (4) feet wide shall be provided connecting buildings with the street, parking and other buildings. Pedestrian ways not illuminated by street lighting fixtures shall be provided with security lighting.

Pedestrian ways for projects that require a precise development plan shall be increased to five (5) feet in width unless the planning commission determines the requirement to be infeasible.

2. Parking location. Parking lots and parking structures shall be screened from visibility from Pier Avenue by buildings, and be accessed from alleys or secondary streets where available. New curb cuts on Pier Avenue shall not be allowed. Driveway and garage encroachments on alley or secondary street frontages shall be located at least thirty (30) feet from the Pier Avenue lot frontage line. Encroachments shall not exceed the required minimum width of nine (9) feet per lane. Directional signage to parking not readily visible from Pier Avenue shall be provided not to exceed a total area of four square feet per face and ten feet from grade to the highest portion of the sign body.

3. Surface parking lots. Surface parking visible from Pier Avenue shall be screened by buildings or by streetscreens (landscape that provides screening, fences or walls, or combination thereof) in compliance with the following requirements.

a. Streetscreens shall be a minimum height of three (3) feet compatible with building or site elements. Streetscreens exceeding three (3) feet, but not more than four (4) feet in height, may be allowed at the discretion of the Community Development Director or planning commission if at least thirty (30) percent permeable (e.g., openings encompassing 30% of the face) and well articulated to avoid a walled effect, and provided vision clearances set forth in Section [17.46.060](#) are maintained.

b. Streetscreens incorporating planters shall comply with Subsection [17.38.550\(L\)](#).

c. Streetscreens shall have openings no wider than necessary to accommodate required driveways and pedestrian access ways.

d. Streetscreens shall be installed in conjunction with development or redevelopment exceeding five hundred (500) square feet of floor area or lot area.

4. Parking structures. Parking structures shall be located to the rear of buildings fronting Pier Avenue. Monotonous, blank or unarticulated elevations, or levels with exposed parking shall not be visible from Pier Avenue, and visual effects to adjacent residential use shall be minimized. Mass, elevations and parked cars may be visually masked through design, stair towers, canopies and other screening

techniques. Signs or other warning devices shall be installed at semi-subterranean garage entrances/exits to protect pedestrians. Ventilating systems shall be located and insulated to minimize noise and air quality impacts to surrounding uses, particular residential uses, to the satisfaction of the community development director.

5. Secure bicycle parking facilities shall be supplied at the rate of one (1) space per seven (7) employees or three thousand (3,000) square feet of floor area. Bicycle facilities installed onsite shall not be placed within required pedestrian ways. Where facilities cannot be accommodated onsite as determined by the community development director or planning commission, the developer shall pay a commensurate fee adopted by the city for the provision and installation of bicycle parking facilities along Pier Avenue in a manner determined by the public works director. 'Secure' facilities means firmly attached devices in well-lit locations, protected from rain if feasible.

6. Off-street parking requirements shall otherwise conform to Chapter [17.44](#), including those applicable to the downtown district, except as modified by the granting of incentives as set forth in Section [17.38.550\(D\)](#).

J. Pedestrian Amenities. Pedestrian amenities are desirable for the comfort and security of pedestrians. "Pedestrian amenities" mean any facility or feature that facilitates or increases the desirability of walking, such as sidewalks and pedestrian ways, canopies or shade trees, outdoor places for pedestrians to congregate, seating, and security lighting and signage designed at the human scale and oriented to people walking.

1. Pedestrian amenities shall be provided in conjunction with the development or redevelopment exceeding five hundred (500) square feet of floor area or lot area. The planning commission may require additional pedestrian amenities related to the type or intensity of use in conjunction with a precise development plan, conditional use permit or parking plan.

2. One (1) bench visible from and accessible to the sidewalk and one (1) tree with irrigation to shade the sidewalk for each fifty (50) feet of lot frontage on Pier Avenue shall be supplied. Where frontage is less than fifty (50) feet, these amenities are not required. Where the amenities cannot be accommodated onsite as determined by the community development director or planning commission, the developer shall pay a commensurate fee adopted by the city for provision and installation of such amenities along Pier Avenue as determined by the public works director.

K. Signs. Signs shall conform to Chapter [17.50](#), including standards for commercial zones, and specifically the C-2 zone. The following signs are additionally allowed:

1. Wall signs. One (1) wall sign per building may be located on a secondary frontage when there is no entrance/exit open to the public, not to exceed six (6) square feet in area.

2. Projecting signs. One (1) additional nonilluminated projecting, arcade or hanging business identification sign for each business visible to pedestrians is permitted to be hung over or near an

entryway. The sign shall not exceed six (6) square feet per face. Signs projecting over the public sidewalk shall be located at least eight (8) feet in height above the sidewalk and not project outward more than three (3) feet, subject to approval of an encroachment permit as set forth in Chapter [12.16](#).

L. Landscaping. Landscaping shall be designed and employed on the site to shade pedestrian ways, conserve energy and reduce urban heat absorption, retain onsite and filter rain water, and enhance the overall project including building design and the streetscape.

1. Existing trees and plants shall be protected, unless determined by the community development director or planning commission to be infeasible.
2. All lot areas not encumbered by buildings, required parking, and amenities required by this zone shall be landscaped and permanently maintained in an attractive manner. Projects for which a precise development plan is required shall provide a minimum of two (2) percent of the lot area in landscape unless a reduced percentage is authorized by the planning commission.

In addition, new development and redevelopment of at least five hundred (500) square feet of the surface area of the lot shall in the development area provide landscape, or increase conformance of existing landscape on the lot with this subsection, unless the community development director determines it to be infeasible.

3. Landscape may consist of lot perimeter, streetscreen, parking lot median, and other planters a minimum of four (4) feet wide, installed with live plants, compliant with the requirements of this section. One (1) five-gallon shrub shall be provided for each twenty (20) square feet of landscaped area. Adjacent to residential zones, the required rear and/or side yard area shall be provided with a minimum five (5) foot wide planter strip landscaped with a minimum of one twenty-four (24) inch or fifteen (15) gallon size specimen tree for every ten (10) feet of length, unless an alternative consistent with the provisions of this subsection (L) is approved by the community development director or planning commission.

One (1) tree with irrigation to shade the sidewalk for each fifty (50) feet of lot frontage on Pier Avenue, coordinated with street tree spacing, except as provided by subsection (J).

4. Landscape areas shall consist of at least seventy-five (75) percent pervious materials. Planting beds shall be mulched to a depth of two (2) inches or greater, and installed with live plants. Landscaping shall be perpetually maintained, trimmed and void of weeds. Landscape shall not impair vehicular sight distance or encroach on the public right-of-way or pedestrian ways.

5. Landscape shall consist primarily of species tolerant of drought and urban site conditions (e.g., constrained root area, compacted soil, reflected heat, urban runoff) and other localized site elements. No species listed by the Invasive Plant Inventory of the California Invasive Plant Council or equivalent authority accepted by community development director shall be planted.

Trees species installed in planters adjacent to the public sidewalk shall be subject to the approval of the public works director. Although not required, native species should be used, deciduous trees should be used

to shade southern and western exposures unless equivalent energy conservation features are employed, and species selected should not exceed thirty (30) feet in height at maturity under local site conditions.

6. All landscaped areas shall include an automatic water-conserving irrigation system that adjusts for hydrozones and seasons. Reclaimed water shall be used when available. Plans shall demonstrate a water budget that conforms to the California Department of Water Resources' 'Model Water Efficient Landscape Ordinance' or a local ordinance, whichever is stricter.

7. Six (6) inch high raised curbs shall be provided along the perimeter of all landscaped areas except on the side abutting building walls or fences. Modifications for stormwater and urban runoff management (e.g., curb inlets, at-grade planters) may be allowed to specifications approved by the building official or city engineer as applicable.

8. Landscape plans and irrigation systems shall be reviewed and approved by the community development director.

9. The Planning Commission may require additional or alternative measures in conjunction with a precise development plan or conditional use permit to further the purposes of this section and ensure that landscaping is compatible with the scale and design of the streetscape and site elements.

M. Lighting. Lighting standards are intended to promote energy conservation and reduce the adverse effects of lighting on health and safety, neighboring uses, nocturnal environments and enjoyment of the nighttime sky, while providing appropriate light for safety and security.

1. Walkways, entrances, pedestrian spaces and parking facilities shall be adequately lit for safety and security. All lighting installations shall be designed and installed to be high-efficiency, fully shielded (full cutoff) and down cast (emitting no light above the horizontal plane of the fixture), and shall have a maximum lamp wattage of two hundred fifty (250) watts incandescent for commercial lighting, and one hundred (100) watts incandescent or twenty-six (26) watts compact fluorescent for residential lighting. Light fixtures shall not create glare, spill beyond the property lines or shine toward the night sky. Yellow spectrum lamps such as sodium lamps are prohibited on private property. Exceptions are allowed to comply with building, fire and city codes, and for signs, shielded landscape lighting not more than three (3) feet above grade, and temporary holiday or similar lighting.

2. Exterior lighting, excluding security lighting not more than three (3) feet above grade, shall be extinguished within one hour after close of business. Automated external lighting controls shall be used to extinguish lights prior to dawn.

3. Light fixtures shall be designed and installed so the light is reflected away from any dwelling unit and the lamp bulb is not directly visible from within any residential unit.

4. Lighting fixtures shall be designed and installed so that lamp bulbs are not directly visible to and do not shine into the eyes of pedestrians on sidewalks or pedestrian areas.

5. The Planning Commission may require more restrictive measures in conjunction with a precise development plan or conditional use permit to further the purposes of this section and ensure that lighting is appropriate to its purpose, and compatible with the scale and design of the streetscape and site elements.

N. Stormwater and Urban Runoff Pollution Control. In addition to the stormwater and urban runoff pollution control regulations in Chapter 8.44, development and redevelopment creating or adding at least five hundred (500) square feet of impervious surfaces shall submit and implement a stormwater management plan of best management, good housekeeping, structural and treatment practices that are practical and feasible as determined by the public works director or building official as applicable, considering:

1. Use of pervious surfaces and/or reduction of hardscape (e.g., patios, parking stalls, landscape).
2. Onsite stormwater infiltration (e.g., drains to pervious surfaces, rain barrels, curb inlets to below or at-grade planters, drainage basins, filters).
3. Other measures set forth in Sections 8.44.060 through 8.44.095.

O. Applicability of other standards. All other development standards shall be governed by the city zoning ordinance. When uncertainty over applicability of requirements exists, standards applicable to commercial development, and more specifically the C-2 zone, shall apply; provided that the regulations in Chapter [17.26](#) do not apply unless specifically referenced within the regulations for this zone.

P. Green Building Standards. Although the following standards are not required, applicants are encouraged to incorporate other green site and building elements into development projects, to minimize the impact of development and building on the environment, its occupants and the community, such as:

1. Incorporate water quality and stormwater control measures such as those in Chapter 8.44 (Stormwater and Urban Runoff Pollution Control Regulations).
2. Reduce energy use and exceed the minimum energy standards of the California Energy Standards (Title 24, Part 6, California Code of Regulations) by at least fifteen (15) percent.
3. Utilize recycled materials and exceed the demolition/construction recycling requirements by at least fifteen (15) percent.
4. Install solar collection and/or solar hot water heating systems.
5. Utilize measures for healthy interior environments (e.g., low volatile organic compound finishes, flooring, cabinetry.)
6. Install grey water recycling systems and/or use of available reclaimed water.
7. Compliance with GreenPoint Rated Checklist (Build-It Green), Leadership in Energy and

Environmental Design (LEED), International Code Council (ICC 700) National Green Building Standard, California Green Building Standards Code (California Code of Regulations, Title 24, Part 11) or comparable green rating system measures as determined by the community development director, as applicable or adapted to commercial development.

Projects for which a Leadership in Energy and Environmental Design (LEED) 'Certified' standard, or other equivalent as determined by the community development director, is demonstrated shall be eligible for priority permit processing, promotion on the City's green building website, use of City-approved green building logo as part of allowed construction signage and in its promotional materials, and other green building incentives which may be adopted by the City and made applicable to this zone. (Ord. 09-1300 §1, May 2009)

**17.38.560 Plan area no. 11 – Procedures.**

A. Procedures Generally. Procedures for conditional use permits, variances, precise development plans, zone changes, amendments, parking plans, signs, development agreements, determination of legality of nonconforming residential buildings, and other entitlements under this title shall apply, except as specified within the regulations for this zone.

B. Request for Incentives. Applications requesting incentives provided for in Sections [17.38.550\(C\)](#) and [17.38.550\(D\)](#) shall additionally conform to the following procedures:

1. Public comments or hearing. The applicant shall provide notice a minimum of ten (10) days before a hearing on an application for request for incentives. The method of notice shall be established by resolution of the city council. The date of the hearing shall be set by the community development department. The date must be a minimum of ten (10) days and a maximum of forty (40) days from the date the application is accepted as complete.
2. Report of decision and findings--Disposition of report. The planning commission shall issue the report of decision and findings for requests for incentives. The written report shall be issued within forty (40) days of the conclusion of the hearing on the request for incentives application. The report shall include a decision granting, denying or granting with conditions the request for incentives, the required findings, and an indication that the planning commission's decision shall become final if not appealed within fifteen (15) days of the issuance of the report of decision and findings. A copy of the report of decision and findings shall be sent to the name and address shown on the application. Reports shall be numbered consecutively in the order of filing, and kept as a permanent record.

Notwithstanding, the commission's decision on any request for a reduction in or waiver of in-lieu parking fees or other fees required by the city shall be in the form of a resolution of recommendation to the city council. The council shall conduct a duly noticed public hearing a maximum of forty (40) days following receipt of the resolution from the planning commission, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council. The council's decision shall be final and conclusive. A copy of the report of decision and findings shall be sent to the name and address shown on the application.

3. Appeals--Filing, fees procedure. Appeals of the Planning Commission decision shall be in writing, including the specific areas of disagreement with the planning commission's decision. Fees for appeals will be established by resolution of the city council. Appeals shall be filed with the city clerk's office in writing within fifteen (15) days of the planning commission's issuance of a report of decision and findings. When an appeal is filed, the planning commission shall transmit the record of the case to the city council. The city council shall conduct a public hearing in accordance with Chapter [17.68](#) (applying the procedures applicable to variances). Such hearing shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its findings within sixty (60) days of the hearing, unless good cause is found for an extension. The council may incorporate by reference the findings of the planning commission. The council's action shall be final. Within thirty (30) days of its final decision, the city clerk shall mail notice to the applicant and appellant. A copy of this notice shall be included in the planning commission's permanent files.

4. Reapplication upon denial. After the denial of a request for incentives has become final, no further application for the same request for incentives shall be filed for the same property for the ensuing six (6) months, unless the project has been redesigned so as to eliminate the planning commission's or city council's previous objections to the project. Said redesign will require a new application process.

5. Revocation—Causes—Hearing. Any incentives granted may be revoked by the planning commission for any of the following causes:

- a. That any term or condition has not been complied with.
- b. That the property for which the incentives have been granted is used or maintained in violation of any statute, law, regulation or condition of approval.
- c. That the project or use for which the incentive was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned.
- d. That the project for which the incentives were granted has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. A hearing to show cause why the incentives should not be revoked shall be held by the approving body prior to the revocation of any incentives granted. (Ord. 09-1300 §1, May 2009)

## Chapter 17.40 CONDITIONAL USE PERMIT AND OTHER PERMIT STANDARDS

Sections:

- [\*\*17.40.010 General intent and purpose.\*\*](#)
- [\*\*17.40.020 General criteria for all uses.\*\*](#)
- [\*\*17.40.030 Coin operated, self-service car wash.\*\*](#)
- [\*\*17.40.040 Service stations \(gasoline sales\).\*\*](#)
- [\*\*17.40.050 Adult businesses.\*\*](#)
- [\*\*17.40.060 For future use.\*\*](#)
- [\*\*17.40.070 Adult newsrack.\*\*](#)
- [\*\*17.40.080 On sale alcohol beverage establishment.\*\*](#)
- [\*\*17.40.090 Off-sale alcohol beverage establishment open between the hours of 11:01 p.m. and 2:00 a.m.\*\*](#)
- [\*\*17.40.100 Large day care homes.\*\*](#)
- [\*\*17.40.110 Day nursery, preschools and after school child care with thirteen \(13\) or more children.\*\*](#)
- [\*\*17.40.120 Reverse vending machine\(s\).\*\*](#)
- [\*\*17.40.130 Recycling--Small collection facilities.\*\*](#)
- [\*\*17.40.140 Recycling--Large collection facilities.\*\*](#)
- [\*\*17.40.150 Youth hostel.\*\*](#)
- [\*\*17.40.160 Massage therapy business.\*\*](#)
- [\*\*17.40.170 Wireless communications facilities.\*\*](#)
- [\*\*17.40.180 Mixed-use development \(C-1 zone\).\*\*](#)
- [\*\*17.40.190 Educational institutions \(C-3 zone\).\*\*](#)
- [\*\*17.40.200 Small wind energy systems.\*\*](#)
- [\*\*17.40.210 Microbrewery.\*\*](#)
- [\*\*17.40.220 Emergency shelters.\*\*](#)

### **17.40.010 General intent and purpose.**

The lists of conditions found within this chapter for various uses are intended to be standard conditions imposed on all such proposed uses as specified. These conditions are not intended to be the only conditions imposed, and each specific use noted may have additional conditions imposed by the planning commission and/or city council.

Any additional conditions may be based on criteria found within this article for all uses requiring a conditional use permit and/or factors related to the specific use and location. (Prior code Appx. A, § 10-1)

### **17.40.020 General criteria for all uses.**

In considering the granting of any conditional use permit for any use, the following criteria for granting said permit shall be considered:

- A. Distance from existing residential uses;

- B. The amount of existing or proposed off-street parking facilities, and its distance from the proposed use;
- C. Location of and distance to churches, schools, hospitals and public playgrounds;
- D. The combination of uses proposed;
- E. Precautions taken by the owner or operator of the proposed establishment to assure the compatibility of the use with surrounding uses;
- F. The relationship of the proposed business-generated traffic volume and the size of streets serving the area;
- G. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
- H. The number of similar establishments or uses within close proximity to the proposed establishment;
- I. Noise, odor, dust and/or vibration that may be generated by the proposed use;
- J. Impact of the proposed use to the city's infrastructure, and/or services;
- K. Will the establishment contribute to a concentration of similar outlets in the area;
- L. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole. (Prior code Appx. A, § 10-2)

**17.40.030 Coin operated, self-service car wash.**

The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

- A. The maximum operating hours shall be between six a.m. and ten p.m. only.
- B. All car wash structures and sites shall be maintained in a neat and orderly condition. Daily sweeping and cleanup shall be required. Annual repainting shall be required for all structures other than those having a baked enamel finish, and more frequent painting shall be required when necessary to maintain a clean and neat appearance.
- C. All car wash sites shall be supervised a minimum of four hours during each day of operation, and shall be securely closed to vehicular access during those hours when operation is prohibited.
- D. Distance of any equipment including vacuum cleaners shall be a minimum of fifty (50) feet from adjacent residence.
- E. A minimum of six-foot masonry wall shall be provided along the perimeter of the property abutting other private properties. (Prior code Appx. A, § 10-3)

#### **17.40.040 Service stations (gasoline sales).**

The following uses and activities, and minimum conditions and standards, in addition to any other deemed appropriate or necessary to ensure compatibility with existing or future permitted use in the vicinity, may be allowed and/or required;

- A. Normal service station sales and service, including minor repairs and the installation of accessories, where such operations may normally be completed within one hour;
- B. Lubrication, general repair and maintenance, and auto washing by hand; provided, that such operations are conducted within a building enclosed on at least three sides and in such a manner as not to produce an objectionable odor, undue amount of noise, or unsightly appearance, and so as not to constitute a nuisance to adjacent residential or commercial uses;
- C. Trailer rental; provided, that trailers: (i) are stored at least twenty (20) feet from any street line; (ii) are stored at least twenty (20) feet from any property line unless separated from the adjoining by a six-foot masonry wall; (iii) are stored in a location not required for off-street automobile parking; (iv) do not exceed a total often rental trailers; and (v) are limited to units which do not exceed four feet by twelve (12) feet in body size;
- D. Body and fender work and automobile painting are prohibited;
- E. Repair of trucks is limited to trucks one and one-half tons or less in size;
- F. A service station abutting property zoned for residential uses shall be separated therefrom by a concrete block wall six feet in height, excepting that the wall shall be forty-two (42) inches in height for a distance equal to the required front yard setback in the residential zone. (Prior code Appx. A, § 10-4)

#### **17.40.050 Adult businesses.**

A. In lieu of the findings required by Section [17.40.020](#), the Planning Commission shall approve an application for a conditional use permit for an adult business where evidence presented substantiates all of the following findings.

1. The exterior walls of the proposed establishment are located more than two hundred (200) feet from the exterior boundaries of any lot or parcel of residentially zoned property, any property used for a church, temple or other place used exclusively for religious worship, or any playground, park with recreational facilities or school.
2. The exterior walls of the proposed establishment are located more than one thousand (1000) feet from the exterior boundaries of any lot or parcel of land upon which any other such adult business establishment is located.
3. For adult businesses that will operate more than four (4) film or video viewing machines or booths, the proposed establishment is capable of providing one off-street parking space for every such machine or

booth in excess of the four machines or booths.

B. In addition to any other applicable standards set forth in the Zoning Ordinance, an adult business must meet the following design and performance standards:

1. All building openings, entries and windows shall be designed or screened so that the contents may not be seen from the public sidewalk or equivalent public areas accessible to minors.
2. The number of film or video viewing machines or booths shall not exceed one machine per one hundred (100) square feet of floor area.
3. Notwithstanding the parking requirements in Chapter [17.44](#) of this Code, an adult business that operates more than four (4) film or video viewing machines or booths must maintain a minimum of one off-street parking space for every such machine or booth in excess of the four machines or booths.
4. The public interior areas shall be fully and brightly lighted and arranged so that all indoor areas of the business within which patrons are permitted, except restrooms, shall be open to view by management at all times and so that the entire body of any patron is visible by management at all times.
5. There shall be no doors or other similar closable screens on video or film viewing booths. No viewing machine or booth may be occupied by more than one person at any one time. The walls or partitions between viewing machines or booths shall be maintained in good repair at all times and shall not contain holes between any two machines or booths as would allow either:
  - a. Viewing from one machine or booth into another; or
  - b. Physical contact of any kind between the occupants of any two rooms.
6. Trash dumpsters shall be enclosed by a screening enclosure and locked at all times so as not to be accessible to the public.
7. Landscaping shall not exceed thirty (30) inches in height, except trees with foliage not less than six feet above ground.
8. All off-street parking areas and premises entries of the adult business shall be illuminated from sunset to closing hours of operating with a lighting system which provides an average maintained horizontal illumination of one footcandle of light on parking surfaces and walkways. The lighting shall be shown on plans submitted pursuant to the application for the adult business.
9. The business shall maintain a security system that visually monitors and records all off-street parking surfaces serving the business. The records shall be maintained for a minimum of thirty (30) days and shall be made available to the Police Chief.
10. Every establishment shall have clearly visible signs at all entrances stating "Adults Only- No Minors Allowed," or equivalent wording.

11. The business shall not display on the outside of the building any obscene or offensive signs containing statements, words, or pictures of an obscene or indecent character which appeal to the prurient interest in sex, or which are patently offensive and do not have serious literary, artistic, political, or scientific value.

12. The business shall employ a person on the premises to act as manager at all times during which the business is open. (Ord. 08-1291 §3, 3/11/2008; Ord. 95-1130 § 5, 1995: prior code Appx. A, § 10-5)

**17.40.060 For future use.**

**17.40.070 Adult newsrack.**

The following conditions shall be imposed on all adult newsracks, and when such conditions are met, the planning commission shall issue a conditional use permit.

A. All adult newsracks shall be located one thousand (1,000) feet from the closest boundary line of any real property on which is located any one of the following:

1. A school primarily attended by minors;
2. A church which conducts religious education classes for minors;
3. A public park, public beach or public recreation facility.

B. An adult newsrack shall not be located within five hundred (500) feet of any other adult newsrack or any adult bookstore.

C. Each adult newsrack shall have the cover painted or be opaque.

D. Each adult newsrack shall have permanently affixed thereto the name, address and telephone number of the owner in a place where such information may easily be read.

F. Each adult newsrack which in whole or in part rests upon, in or over any public sidewalk or parkway, shall be subject to all standards set forth in Sections [12.32.010](#) through [12.32.030](#).

Each adult newsrack shall be maintained in a clean and neat condition and in good repair at all times. (Prior code Appx. A, § 10-6)

**17.40.080 On sale alcohol beverage establishment.**

A. General provisions. The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

1. The establishment shall not adversely affect the welfare of the residents, and/or commercial establishments nearby.

2. The business shall prevent loitering, unruliness and boisterous activities of the patrons outside the business or in the immediate area.
3. The Police Chief may determine that a continuing police problem exists and may, subject to appeal to the Planning Commission, direct the presence of a police approved doorman and/or security personnel to eliminate the problem. An appeal to the Planning Commission shall be heard within sixty (60) days of filing the appeal. The Police Chief's determination will not be stayed during the pendency of the appeal. If the problem persists, the Police Chief then shall submit a report to the Planning Commission, which will automatically initiate a review of the conditional use permit.
4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti at all times.
5. Any changes to the interior or exterior layout which alter the primary function of the business shall be subject to review and approval by the Planning Commission.

B. Late-night alcohol beverage establishments. The following shall also apply to "late-night alcohol beverage establishments." Late-night alcohol beverage establishments means on-sale establishments that have been granted a conditional use permit that allows the establishment to operate after 11:00 p.m., including restaurants, establishments that serve or allow alcoholic beverages as the primary use (e.g., bars), and establishments that provide live entertainment.

1. Objective. The objective of this Subsection B is to reduce the potential for adverse impacts associated with late-night alcohol beverage establishments through the following means:
  - a. To limit the total number of late-night alcohol beverage establishments that operate in the City, and to prevent an increase in the cumulative number of hours that these establishments operate after 11:00 p.m.
  - b. To prevent the expansion and intensification of late-night alcohol beverage establishments through increases in an establishment's assigned occupant load as a result of increases to square footage or floor plan alterations.
  - c. To prevent changes to floor plans, operating rights, type of alcoholic beverages served (beer and wine versus full alcohol service), or other factors that may result in adverse impacts.
  - d. To encourage the voluntary reduction in permitted operating hours in exchange for other operational incentives, provided that the incentives do not exacerbate the adverse impacts sought to be reduced.
  - e. To limit new late-night alcohol beverage establishments and encourage a diverse commercial sector in the City with a full-range of services for both residents and visitors that is compatible with the surrounding area.

2. Criteria. The following additional criteria shall be considered for any conditional use permit (new or amended) for a late-night alcohol beverage establishment:

- a. Whether the total number of late-night alcohol beverage establishments will exceed the City's limit on such establishments. The limit shall be set by City Council Resolution and may, upon recommendation by the Planning Commission or its own motion, be amended by the City Council from time to time.
- b. Whether the use will intensify through increases in the assigned occupant load from owner/operator-initiated construction and/or remodeling that expand the square footage or alter the floor plan. Assigned occupant load is calculated by the City under the relevant provisions of the Building Code.
- c. Whether proposed modifications to floor plans, conditions of approval, type of alcoholic beverages served (beer and wine versus full alcohol service), or other factors may increase adverse impacts.
- d. Whether the type, quantity, or geographic location of the establishment will create an over-abundance of similar establishments in a particular area of the City such that it will reduce the diversity of businesses operating in the immediate area.
- e. Notwithstanding the criteria in (a) through (d), whether exceptional opportunities exist to achieve other Community Development goals that will benefit the community, such as redevelopment of an underutilized parcel or older building; to promote or catalyze economic activity (e.g., new large or mixed use development); or to recognize the unique attributes of a new business.

3. Incentives. Holders of conditional use permits that request incentives in exchange for the voluntary reduction in permitted operating hours are eligible for incentives as follows.

- a. The planning commission, or city council on appeal, may grant one or more incentives in exchange for the voluntary reduction in permitted operating hours through an amendment to the conditional use permit. Incentives may include benefits such as:
  - i. Modified operating rights (e.g., live entertainment, space for dance floors, changes from beer and wine service to general alcohol, etc.);
  - ii. Modifications to conditions in the use permit;
  - iii. Deviations from any required minimum food-to-alcohol ratio; or
  - iv. Deviations from other standards in the code. Deviations from parking requirements or parking-related fees shall not be granted.
- b. In granting incentives, the planning commission, or city council on appeal, shall find that the

incentive does not exacerbate the adverse impacts sought to be reduced by the reduction in hours, and may impose conditions to ensure that the incentives granted will be implemented consistent with the objectives of this subsection.

c. City processing fees associated with such negotiations (e.g., conditional use permit amendment) may be rebated and/or reduced at the discretion of the city council.

C. Restaurants with On-Sale Alcoholic Beverages. Any "restaurant" as that term is defined in Section [17.04.050](#) that sells, serves or allows on-sale alcohol beverages shall comply with the following:

1. If open after 11:00 p.m., the restaurant shall make available to customers and serve prepared food items of their choice until sixty (60) minutes prior to the close of business.
2. The restaurant shall maintain sales reports showing the actual items sold and price charged and invoices for all food, nonalcoholic beverages and alcohol beverages sold for the prior twelve (12) months. Should the planning commission or city council initiate a CUP modification or revocation proceeding under Section [17.70.010](#), the commission, or the council, may at its discretion require the subject business to provide (a) a statement of the percentage of gross sales, computed monthly, that resulted from the sale of prepared food for not longer than the prior twelve (12) months; and (b) the supporting data upon which the percentage is based. The planning commission, or city council, may also require an audit of the records of the business by a certified public accountant to determine the gross sales of food and alcohol or a forensic audit by a qualified auditor selected by the city of the information and data systems by which the information is produced. The results of these audits may be used to determine whether the grounds for modification or revocation exist. When considering revocation or modification under Section [17.70.010\(H\)](#), a restaurant that sells or provides on-sale alcoholic beverages will be presumed to be operating as a restaurant if the monthly food to alcohol sale ratios are consistent with the ratios in Section [17.70.010\(H\)](#). (Ord. 15-1350 §2, 2015; Ord. 12-1337 §1, 2012; Ord. 95-1130 § 7 (part), 1995: prior code Appx. A, §10-7)

**17.40.090 Off-sale alcohol beverage establishment open between the hours of 11:01 p.m. and 2:00 a.m.**

A. Any new off-sale alcohol beverage establishments open between the hours of 11:01 p.m. and 2:00 a.m. the next day shall be a minimum of one hundred (100) feet from any residential use and/or zone.

B. The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted use in the vicinity, may be required:

1. The establishment shall not adversely effect the welfare of the residents, and/or commercial establishments nearby.
2. The business shall prevent loitering and littering on the premises at all times.
3. Clearly visible signs prohibiting loitering, littering, on the premises and limiting the parking period to two (2) hours shall be posted in conspicuous locations.

4. The exterior of the premises shall be maintained in a neat and clean manner, and maintained free of graffiti, at all times.

5. Any changes to the interior layout which would alter the primary function of the business shall be subject to review and approval by the planning commission. (Ord. 95-1130 §7 (part), 1995; Ord. 94-1118 §2, 1994; prior code Appx. A, §10-8)

#### **17.40.100 Large day care homes.**

A. Number of Children. Large day care homes are permitted as an accessory use to a single-family detached dwelling if a day care permit is approved pursuant to this section. Such day care homes provide care for seven (7) to twelve (12) children, but may also provide care for up to fourteen (14) children if all of the following conditions are met:

1. At least two (2) of the children are at least six (6) years of age.
2. No more than three (3) infants are cared for during any time when more than twelve (12) children are cared for.
3. The licensee notifies each parent that the facility is caring for two (2) additional school age children and that there may be up to thirteen (13) or fourteen (14) children in the home at one time.
4. The licensee obtains the written consent of the property owner when the day care home is operated on property that is leased or rented.

B. Requirements for Large Day Care Homes. Large day care homes shall conform to the following requirements:

1. All facilities shall comply with this section and with any additional requirements imposed as part of the day care permit or of any other applicable permit.
2. All facilities shall comply with the development standards of the residential district in which they are located.
3. Parking shall be provided in accordance with the applicable requirements of the primary residential use of the property.
4. Restrictions to ensure compliance with city noise regulations (Municipal Code Chapter 8.24) may be placed on the operation of the day care home, including but not limited to the time and location of outdoor activities.

C. Findings for approval of large day care homes. Large day care homes shall be permitted by the director of community development. The director shall approve the day care permit if the following findings are met:

1. The requirements set out in subsection (B) of this section have been satisfied.

2. Approval of the application will not create conditions materially detrimental to the public health, safety and general welfare or injurious to or incompatible with other properties or land uses in the vicinity in terms of traffic, parking, noise, or other impacts.

D. Procedures for review of day care permits. Day care permits shall be reviewed in accordance with the following procedures:

1. Application for a day care permit shall be made to the director of community development on forms provided by the director and shall include such information as may be reasonably required by the director for a complete understanding of the day care home proposal. Application shall indicate that the applicant is in possession of a state license for a prerequisite for applying to the city.

2. The application shall include a listing of the name and address of all owners shown on the last equalized assessment roll as owing real property within a one hundred (100) foot radius of the exterior boundaries of the proposed large day care home property. Notification of the proposal shall be mailed to such owners not less than ten (10) days prior to the date on which review of the application is scheduled.

3. No hearing on the application for a permit issued pursuant to this section shall be held unless a hearing is requested by the applicant or other affected person. If a hearing is requested, the director shall conduct the hearing.

4. The director shall take action on the application in accordance with the provisions of subsection (C) of this section. Within ten (10) calendar days of the decision, the applicant or other affected person may appeal the decision to the planning commission. The appellant shall pay the cost of the appeal, as set by the city. Appeals shall be made in writing on forms provided by the director. The filing of an appeal shall suspend the director's decision until resolution of the appeal by the planning commission. In hearing the appeal, the planning commission shall conduct a duly advertised public hearing, public notice of which shall be given at least ten (10) calendar days prior to said hearing. After considering the appeal, the planning commission may confirm, reverse, or modify the decision of the director. The planning commission's decision shall be final unless appealed to the city council.

E. No Change of Occupancy. Use of a single-family dwelling for a day care home shall not constitute a change of occupancy under the State Housing Law or city building and fire codes.

F. No Environmental Review. In accordance with in Section 1597.46 of the California Health and Safety Code, the establishment and operation of large day care homes shall not be subject to the provisions of the California Environmental Quality Act (Division 13 of the Public Resources Code). (Ord. 03-1231 §4, 2003)

**17.40.110 Day nursery, preschools and after school child care with thirteen (13) or more children.**

The following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

A. A minimum of one (1) parking space for every seven (7) children.

B. In residential zones, only property adjacent to commercially zoned property or property developed with a church or school facility shall be considered for a day nursery, preschool, or child care facility with thirteen (13) or more children.

C. Adequate space for loading and unloading children shall be available or shall be provided on the site.

D. Residential use of a day nursery, preschool, or child care facility with thirteen (13) or more children shall be prohibited.

E. All day care centers shall comply with state statutes and shall be licensed by the state. (Prior code Appx. A, § 10-9)

**17.40.120 Reverse vending machine(s).**

Reverse vending machine(s), single feed, may be installed without a conditional use permit when the following criteria and standard are met; any variation to such standards or criteria shall require a conditional use permit. Violation of the standards and criteria shall be deemed a misdemeanor offense, and grounds for removal of the use as determined by the planning commission.

A. Established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;

B. Located within thirty (30) feet of the entrance to the commercial structure and shall not obstruct pedestrian or vehicular circulation;

C. Parking spaces required by the primary use are not occupied;

D. No more than fifty (50) square feet of floor space per installation, including any protective enclosure, and shall be no more than eight feet in height;

E. Constructed of durable waterproof and rustproof material;

F. Clearly marked to identify the type material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;

G. Sign area of a maximum of four square feet per machine, exclusive of operating instructions;

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of county health department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards;

H. Maintained in a clean, litter-free condition on a daily basis;

I. Operating hours shall be at least the operating hours of the host use;

J. Illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;

K. An annual business license shall be obtained. (Prior code Appx. A, § 10-10)

**17.40.130 Recycling--Small collection facilities.**

The following minimum conditions and standards which apply to the siting of a collection facility, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

- A. Established in conjunction with an existing commercial use or community service facility which is in compliance with the zoning, building and fire codes of the city;
- B. No larger than five hundred (500) square feet;
- C. Set back at least ten feet from any street line and shall not obstruct pedestrian or vehicular circulation;
- D. Accept only glass, metals, plastic containers, papers and other items as deemed acceptable by the planning commission;
- E. No power-driven processing equipment except for reverse vending machines;
- F. Containers constructed and maintained with durable waterproof and rustproof material, covered when site is not attended, secured from unauthorized entry or removal of material, and of a capacity sufficient to accommodate materials collected in conjunction with the collection schedule;
- G. Store all recyclable material in containers or in the mobile unit vehicle, and no materials outside of containers when attendant is not present;
- H. Maintained free of litter and any other undesirable materials, and mobile facilities, when truck or containers are removed at the end of each collection day, shall be swept at the end of each collection day;
- I. Maximum noise levels of sixty (60) dBA as measured at the property line of residentially zoned or occupied property; a maximum of seventy (70) dBA in all other cases;
- J. Attended facilities located within one hundred (100) feet of a property zoned or occupied for residential use shall operate only during the hours between nine a.m. and seven-thirty p.m.;
- K. Containers for the twenty-four (24) hour donation of materials shall be at least one hundred (100) feet from any property occupied for residential use unless there is a recognized service corridor and acoustical shielding between the container and the residential use;
- L. Containers shall be clearly marked to identify the type of material which may be deposited; the facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure of containers;

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of the county health department for persons to contact in case of an immediate threat to public health and safety caused by debris and/or any other health hazards;

M. Signs may be established as follows:

Recycling facilities may have identification signs with a maximum of twenty (20) percent per side or sixteen (16) square feet, whichever is larger, in addition to informational signs required in condition (12); in the case of a wheeled facility, the side will be measured from the pavement to the top of the container;

N. The facility shall not encroach into any landscaping;

O. Mobile recycling units shall have an area clearly marked to prohibit other vehicular parking during hours when the mobile unit is scheduled to be present;

P. Occupation of parking spaces by the facility and the attendant may not reduce available parking spaces below the minimum number required for the primary host use;

Q. If the permit expires without renewal, the collection facility shall be removed from the site on the day following permit expiration. (Prior code Appx. A, § 10-11)

#### **17.40.140 Recycling--Large collection facilities.**

The following minimum conditions and standards which apply to the siting of a collection facility, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, may be required:

A. Facility does not abut a property zoned or planned for residential use;

B. Facility will be screened from the public right-of-way by operating in an enclosed building or:

1. Within an area enclosed by an opaque block wall at least six feet in height with landscaping,
2. At least one hundred fifty (150) feet from the property zoned or planned for residential use, and
3. Meets all applicable noise standards;

C. Setbacks and landscape requirements shall be reviewed and approved by the planning commission;

D. All exterior storage of material shall be in sturdy containers which are covered, secured and maintained in good condition; storage containers for flammable material shall be constructed of nonflammable material; oil storage must be in containers approved by the fire department; no storage, excluding truck trailers and overseas containers, will be visible above the height of the fencing;

E. Site shall be maintained free of litter and any other undesirable materials, and will be cleaned of loose debris on a daily basis;

F. A minimum of six vehicle parking spaces, or one space per one thousand (1,000) square feet of land area, whichever is greater, shall be provided;

G. One parking space will be provided for each commercial vehicle operated by the recycling facility;

H. Noise levels shall not exceed sixty (60) dBA as measured at the property line of residentially zoned property, or otherwise shall not exceed seventy (70) dBA;

I. If the facility is located within five hundred (500) feet of property zoned, planned or occupied for residential use, it shall not be in operation between seven p.m. and seven a.m.;

J. Any containers provided for after-hours donation of recyclable materials will be at least one hundred (100) feet from any property zoned or occupied for residential use, shall be of sturdy, rustproof construction, shall have sufficient capacity to accommodate materials collected, and shall be secure from unauthorized entry or removal of materials;

K. Donation areas will be kept free of litter and any other undesirable material, and containers will be clearly marked to identify the type of material that may be deposited; facility shall display a notice stating that no material shall be left outside the recycling containers;

L. Facility will be clearly marked with the name and phone number of the facility operator and the hours of operation; identification and informational signs will meet the standards of the zone; and directional signs, bearing no advertising message, may be installed, if necessary, to facilitate traffic circulation or if the facility is not visible from the public right-of-way:

The facility shall be clearly marked with signage that lists the appropriate emergency telephone number of county health department for persons to contact in case of an immediate threat to public health and safety caused by debris or any other health hazards;

M. Power-driven processing, including aluminum foil and can compacting, baling, plastic shredding, or other light processing activities necessary for efficient temporary storage and shipment of material, may be approved if noise and other conditions are met. (Prior code Appx. A, § 10-12)

#### **17.40.150 Youth hostel.**

The following conditions and standards of operation, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

A. All prospective lodgers shall provide a passport or international student identification and membership in an international hostel association as a condition to lodging. Lodging by minors shall not be permitted if it would violate provision of State or Local laws.

B. The accommodations are only to be rented or hired out to any individual for a maximum duration of seven consecutive (7) days. There shall be a minimum of 21 days between stays for repeat visitors.

- C. Building occupancy limits established by the Hermosa Beach Municipal Code shall not be exceeded.
- D. Management shall provide daily linen and cleaning service.
- E. Management shall ensure that a live-in manager is on duty at all times.
- F. Management shall adopt, inform lodgers of, and strictly enforce rules of conduct of its guests to ensure their operation is not detrimental to the health, safety, peace or welfare of the neighborhood. All operation rules of and for the hostel shall be conspicuously displayed at locations throughout the premises and shall be printed in multiple languages to accommodate foreign travelers. These rules shall include, without limitation, the following:
  - 1. Specific check-in, check-out, day time lock-out (for cleaning purposes) and a nighttime curfew times shall be specified, subject to the approval of the Planning Commission and enforced by the management.
  - 2. No controlled substances or alcohol are permitted on the premises.
  - 3. No pets are permitted (except guide dogs for the disabled).
  - 4. No amplified music is allowed in any sleeping area.

G. The hostel shall maintain affiliation with Hostelling International-American Youth Hostels (HI-AYA) or other international hostel association and otherwise promote the premises as a hostel catering to international travelers.

H. The hostel shall include a common area (i.e. a lounge or day room), which may include a kitchen or cooking facilities, for daytime use of the lodgers. (Ord. 96-1157 S3, 1996)

#### **17.40.160 Massage therapy business.**

The following conditions and standards of operation, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

- A. A licensed Massage Therapist, pursuant to Chapter 5.74 of the Hermosa Beach Municipal Code, shall be on the premises at all times when the business is open. The business may employ technicians or aides only if supervised by a licensed Massage Therapist.
- B. Management shall adopt, inform patrons and employees of, and strictly enforce all requirements of the Conditional Use Permit and all regulations as set forth in Chapter 5.74.
- C. Hours of operation shall be limited to between 7:00 A.M. and 10:00 P.M. or other hours as established by the Planning Commission if deemed necessary because of proximity to residential uses. (Ord. 97-1174 § 3; 09-12-97)

#### **17.40.170 Wireless communications facilities.**

The following minimum conditions and standards which apply to the siting of a wireless communications

facility, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future uses in the vicinity, may be required:

A. Application Requirements.

1. Each application shall contain a brief narrative accompanied by written documentation that explains and validates the applicant's efforts to locate the facility in accordance with the Screening and Site Selection Guidelines set forth in this Section.
2. Each application shall contain a narrative that discloses the exact location and nature of any and all existing facilities that are owned (including publicly owned structures), operated or used by the applicant and located within five (5) miles from the geographic borders of the City of Hermosa Beach.
3. Each application shall contain a narrative and scaled map(s) that precisely disclose the geographic area(s) within the City of Hermosa Beach that are proposed to be serviced by the proposed facility, the geographic area(s) bordering the City of Hermosa Beach, if any, that will be serviced by the proposed facility, the nature of the service to be provided or purpose of the facility, the reasons, if any, why the applicant cannot locate the facility outside the City of Hermosa Beach, and the efforts, if any, that applicant has made to locate the facility outside the City of Hermosa Beach.
4. Notwithstanding any permit that may be granted in accordance with this Section, the facility shall be erected, located, operated and maintained at all times in compliance with this Section and all applicable laws, regulations and requirements of the Building Code, and every other code and regulation imposed or enforced by the City of Hermosa Beach, the State of California, and the United States Federal Government. Applicants are separately required to obtain all applicable building and construction permits that may be required prior to erecting or installing the facility.
5. Each wireless communications carrier applicant shall provide a letter to the director of community development stating willingness to allow other carriers to co-locate on their facilities wherever feasible or a written explanation why the subject facility is not a candidate for co-location.
6. An RF Environmental Evaluation Report must be prepared by the applicant indicating that the proposed wireless communications facility meets FCC regulations and standards for construction, maintenance and operations. Ten days after installation and every two years thereafter, the telecommunications service provider must submit a certification report, attested to by a licensed engineer expert in the field of RF emissions, that the facility is compliant with the applicable FCC regulations for RF emissions.
7. Approval of the project is subject to the Planning Commission making a finding that the proposed site results in fewer or less severe environmental impacts than any feasible alternative site. The City may require independent verification of this analysis at the applicant's expense. The intention of the alternatives analysis is to present alternative strategies which would minimize the number or size and adverse environmental impacts of facilities necessary to provide the needed services to the City and

surrounding areas.

B. Design and Development Standards.

1. The facility shall not bear any signs or advertising devices other than certification, public safety, warning, or other required seals or required signage.
2. Any and all accessory equipment, or other equipment associated with the operation of the facility, including but not limited to transmission cables, shall be located within a building, enclosure, or underground vault in a manner that complies with the development standards of the zoning district in which such equipment is located. In addition, if equipment is located above ground, it shall be visually compatible with the surrounding buildings and either (1) shrouded by sufficient landscaping to screen the equipment from view, or (2) designed to match the architecture of adjacent buildings. If no recent and/or reasonable architectural theme is present, the Planning Commission may require a particular design that is deemed by the Commission to be suitable to the subject location.
3. The facility exterior shall be comprised of non-reflective material(s) and painted or camouflaged to blend with surrounding materials and colors.
4. Any screening used in connection with a wall mounted and/or roof mounted facility shall be compatible with the architecture, color, texture and materials of the building or other structure to which it is mounted.
5. The facility shall be placed to the centermost location of the roof top to screen it from view from the street and adjacent properties.
6. The facility shall not be permitted on residentially zoned property.
7. The facility shall not include the use or installation of a monopole.

C. Setback Requirements.

The facility shall be considered an accessory structure. If the facility is located within two hundred (200) feet of a residential use, then the facility shall comply with the setback requirements for such zone. In all other instances, the extent of compliance with the setback requirements for the zone in which the facility is located shall be considered, in accordance with the following guidelines, by the City in connection with its processing of any facility permit.

D. Screening and Site Selection Guidelines.

In addition to the above requirements the following guidelines shall be considered by the City in connection with its processing of any facility permit:

1. The extent to which the proposed facility blends into the surrounding environment or is architecturally integrated into a concealing structure, taking into consideration alternate sites that are available.

2. The extent to which the proposed facility is screened or camouflaged by existing or proposed new topography, vegetation, buildings, or other structures.
3. The total size of the proposed facility, particularly in relation to surrounding and supporting structures.
4. The availability of suitable alternative locations for the facility.
5. Preference shall be given to facilities located on publicly owned structures, co-location and shared sites.
6. Preference shall be given to sites which are not located along primary street frontage, front yard areas or adjacent to residential uses.
7. Whenever possible, wireless communication facilities should be located on existing buildings, existing poles, or other existing support structures.

E. Lease of public property.

1. Any lease of City property for the purpose of erecting a wireless communication facility shall require a negotiated lease agreement or other written license granted by the City. The existence of a lease agreement or license shall not relieve the applicant of any obligations to obtain appropriate permits as required by this section.
2. The City Council, by resolution following a public hearing, may approve a list of sites located on existing City property or within the public rights-of-way which are approved for major facilities. Each site shall include a description of permissible development and design characteristics, including but not limited to maximum height requirements. The City shall make such resolution available to all persons upon request. The approved list of locations may be subsequently amended by the City Council by resolution from time to time.
3. All proposed facilities to be located on a City property site which are pre-approved in accordance with the requirements of this section following an effective date of the ordinance codified in this section may be approved subject to a Conditional Use Permit and any additional or different requirements made applicable by this section.

All leases of any City property that are pre-approved in accordance with the requirements of this section shall be nonexclusive. The operator of a facility located on such public property shall make the supporting structure of the facility available to any other provider wishing to co-locate to the extent technically feasible. (Ord. 01-1214 §4 part, 05/08/01)

**17.40.180 Mixed-use development (C-1 zone).**

For uses allowed in the C-1 Zone as part of a mixed-use development, the following conditions and standards of development, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or permitted uses in the vicinity, shall be required:

A. Residential Development Standards. The residential portion of a mixed-use development shall be subject to the development standards of the R-3 zone as set forth in Chapter [17.16](#) with the exception of the following:

1. If the residential portion of a mixed-use development is a condominium development, then the development shall be subject to the condominium development standards as set forth in Chapter [17.22](#).
2. Residential use is limited to 25% of the first floor area for the purposes of providing entry-exit areas or lobbies, stairs and corridors, and shall not include primary living areas or sleeping rooms.
3. Front setbacks shall be a minimum of five feet.
4. The front setback area may be used for required open space if the area is a deck above the commercial level and otherwise complies with the open space requirements of the R-3 zone.
5. No lot coverage maximum shall be applied.
6. No 36" box tree per dwelling unit shall be placed as a street tree to the satisfaction of the Public Works Director.

B. Commercial Development Standards. In addition to the requirements of the commercial zone, the following standards shall apply to the mixed-use development.

1. The ground floor shall be primarily commercial with a minimum average depth of 30-feet, and living and sleeping areas of residential units shall be located above the ground floor.
2. Building frontage shall be used for commercial purposes with the exception of entry-exit corridors and stairs for accessing the residential units and/or for driveways to access parking.

C. General Development Standards for noise, security, lighting.

1. Noise: Residential uses shall be separate from commercial uses by sound proofed floors and walls with minimum sound transmission rating as required for condominiums as set forth in Chapter [17.22](#). Commercial uses hours of operations shall be limited where appropriate so that residents are not exposed to offensive noise or activity.
2. Security: Separate and secured entrances for residences directly accessible to sidewalk and parking areas.
3. Lighting: Outdoor lighting and lighting for signs associated with commercial uses designed so as not to adversely impact residences. No flashing, blinking or high intensity lighting. Adequate lighting to illuminate parking areas and corridors to access parking and public sidewalk. Lighting for signs may only be illuminated during business hours.

D. Signs. Signs shall be limited to the commercial building frontage pursuant to the requirements of Chapter

17.50.

E. Limitation on Allowed Commercial Uses. Permitted commercial uses within a mixed use development shall be as permitted in the underlying commercial zone with the following exceptions which shall not be permitted:

1. Restaurants and bars;
2. Laundry and dry-cleaning businesses;
3. Parking lots and/or structures.

F. Limitations on hours of operation. The hours of operation for any commercial use shall be limited to 8:00 a.m. to 10:00 p.m.

G. Owner shall disclose separately and in writing upon sale or rental of the subject property that it is mixed use and permits commercial and residential uses within the building.

**17.40.190 Educational institutions (C-3 zone).**

In the C-3 zone, the following minimum conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, shall be required:

- A. Educational institutions, grades K-12, shall not be located on the ground floor of any parcel with frontage on Pacific Coast Highway, Sepulveda Boulevard, Aviation Boulevard, Artesia Boulevard or Pier Avenue.
- B. A minimum of one parking space for every seven (7) children, subject to modification by the planning commission to reflect parking demand of the specific facility.
- C. Adequate space for loading and unloading children shall be available or shall be provided on the site.

**17.40.200 Small wind energy systems.**

A. Purpose. Small wind energy systems shall be constructed and installed in conformance with the requirements of this section in order to promote the use of small wind energy systems in accordance with state law while protecting the public health and safety.

B. Applicability. Small wind energy systems shall be regulated as accessory structures as defined in this title, and are allowed in all zones subject to approval of a conditional use permit pursuant to Chapter [17.40](#).

C. Definitions. As used in this chapter:

"Ancillary equipment" means any accessory part or device of a small wind energy system that does not require direct access to wind flows, such as batteries, controls, electric meters or AC/DC converters, excluding the turbine, tower, nacelle and tail vane.

"Guy wires" means wires or cables stabilizing and securing the SWES to the ground or structure upon which it is mounted

"Height" means the vertical distance of the SWES, including the blades extended in a vertical position, measured in accordance with Section [17.04.040](#).

"Height, tower" means the height of the fixed portion of the tower, excluding the wind turbine, measured in accordance with Section [17.04.040](#).

"Nacelle" means housing for all of the generating components, such as the gearbox and drive train, in a propeller-type wind turbine.

"Off-grid system" means a SWES that is not connected to the public utility grid.

"On-grid system" means a SWES that is connected to the public utility grid, where power excess to the customer's demand flows to the utility grid.

"Silhouette" means a temporary structure approximating the building envelope of a proposed SWES, typically using colored flags marking the location, height and bulk of the proposed system when the system is in motion.

"Site" means one (1) or more contiguous lots or parcels under the same ownership or management, regardless whether separated by alleys, streets or roads.

"Small wind energy system (SWES)" means a wind energy system, consisting of a wind turbine, tower and ancillary equipment, that will be used primarily to reduce consumption of utility power on the site. The SWES must be approved under a state program or any other small wind system certification program recognized by the American Wind Energy Association or its equivalent.

"Tail vane" means the guiding or stabilizing fin, usually mounted on the nacelle, used to turn the blades into the wind stream.

"Tower" means the vertical component of a SWES that elevates the attached nacelle, tail vane and turbine above the ground.

"Turbine" means the rotor, blades, cage or other component of a SWES that captures the wind's energy.

#### D. Application Requirements.

1. Applications shall comply with the following requirements, in addition to all other requirements of this title and law:

- a. The application shall include drawings and an engineering analysis of the system's tower showing compliance with the California Building Code certified by a qualified professional licensed by the state of California.
- b. The application shall include information demonstrating that the system will be used primarily to reduce onsite consumption of electricity.

- c. Where an on-grid system is proposed, the application shall include evidence that the electric utility service provider that serves the proposed site has been informed of the intent to install an interconnected electricity generator.
  - d. The application shall include evidence that the proposed height of a tower does not exceed the height recommended by the manufacturer or distributor of the system.
  - e. The applicant shall erect a silhouette of the proposed SWES, unless this requirement is waived by the community development director due to limited height, mass and low probability of visual impacts in the particular case.
  - f. The application shall include noise specifications for the proposed system and shall include an acoustical evaluation demonstrating compliance with the noise requirements of this section prepared by a qualified professional, unless waived by the community development director based on information demonstrating compliance. Demonstration that the proposed system will not produce or result in noise levels exceeding forty-five (45) dBA under various wind conditions at the closest residential dwelling or similar sensitive receptor shall not require an acoustic evaluation.
  - g. The application shall include any additional information required by the community development director necessary to make all the determinations required by this section.
2. To the extent required by law, the community development department shall, at least thirty-five (35) days prior to the public hearing on the conditional use permit, submit a notice of proposed construction or alteration of the SWES to the Federal Aviation Administration pursuant to Title 14 of the Federal Aviation Regulations Part 77, commencing with Section 77.13 Construction or Alteration Requiring Notice, Caltrans Division of Aeronautics, and/or to any other applicable or affected agency or entity.
- E. Development Standards. The following minimum requirements and standards shall apply to SWES, in addition to any other conditions deemed necessary or appropriate to ensure compatibility with existing or future uses in the vicinity or to protect the public health, safety or welfare:
- 1. System Type and Location.
    - a. The SWES shall comply with the definition of "small wind energy system" in subsection (C) of this section.
    - b. More than one (1) SWES may be located on the same site if all requirements of this section and applicable laws are met.
    - c. Where feasible, ancillary SWES equipment shall be located inside a building or screened from public view in a manner compatible with site elements.
  - 2. Height.

- a. The SWES shall not exceed ten (10) feet above the maximum height limit.
- b. The SWES shall not constitute an obstruction or hazard to air navigation and shall comply with all applicable requirements of the Federal Aviation Administration including the Federal Aviation Regulations (including Part 77 of Title 14 of the Code of Federal Regulations), the State Aeronautics Act (Part 1, commencing with Section 21001 of Division 9 of the California Public Utilities Code), and any other applicable law.

3. Setbacks and Clearances.

- a. Yards Setbacks. The SWES shall be considered an accessory structure and shall comply with the setbacks applicable to the zone in which the SWES is located, provided that a greater setback may be required to reduce impacts to adjacent parcels.
- b. Blade Clearances. No portion of a blade when fully operational shall extend within twenty (20) feet of the finished grade or within ten (10) feet of a property line, unless the planning commission finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity, or conflict with the zone in which the property is located.
- c. Clearance to Structures. A minimum clearance of six (6) feet shall be maintained between any tower and any structure, tree, utility line, or similar object, unless the planning commission finds that a reduced clearance will not adversely affect any person, property or improvement in the vicinity.
- d. Fire Clearance. The SWES shall not inhibit or interfere with emergency vehicle or structure access, fire escapes, exits or standpipes, as determined by the fire department.
- e. Ladders. Every SWES shall be designed so that no ladder or other means of climbing a tower is located within twelve (12) feet of the finished grade or accessible space. The planning commission may require a fence with a minimum height of five (5) feet when necessary to prevent the climbing of ladders, provided that the use of barbed wire or other similar materials is not permitted unless otherwise specifically allowed by this Title.
- f. Guy Wires. Any guy wires utilized to support a tower shall be located within the property lines and shall not be attached to, cross or affect any above-ground utility lines.

4. Other Safety and Design Requirements.

- a. Over-Speed Controls. The SWES shall be equipped with manual and automatic over-speed protection controls so that blade rotation speed does not exceed the system's design limits.
- b. Automatic Shut-Off. An on-grid SWES shall be designed to automatically turn off when on-grid connection is lost or the batteries are fully charged.

- c. On-Grid Systems. All on-grid SWES shall be approved by the applicable utility prior to installation.
  - d. Undergrounding Electrical Facilities. Electrical poles, wires and the items in Chapter [13.08](#) required to convey power generated by a SWES to the public utility grid shall be installed underground when required by Chapter [13.08](#).
  - e. Noise. The SWES shall comply with the requirements of Chapter 8.24; provided, that noise generated by the SWES shall not exceed fifty-five (55) decibels-A weighted (dBA), or five (5) dBA above background noise, whichever results in lower noise levels, as measured from the closest residential dwelling or similar sensitive receptor, except during short-term events such as utility outages and severe wind storms.
  - f. Signs.
    - i. One (1) sign not exceeding eighteen (18) inches in length and one (1) foot in height shall be posted at the base of a ground-mounted tower or a generator, including a notice of no trespassing, a warning of high voltage or electrical shock, and the property owner's telephone number or telephone number of another individual designated by the property owner as responsible for operation and maintenance of the SWES, in addition to any other signs required by law.
    - ii. The SWES shall not bear any signs or advertising devices other than certifications, public safety warnings, or other seals or signage required by law.
  - g. Lighting. No lighting shall be placed upon, attached to, or in any way illuminate a SWES unless required by law. Any required lighting shall be designed and located to reduce impacts to properties in the vicinity to the maximum extent allowed by law as determined by the community development director.
5. Maintenance and Removal.
- a. The SWES shall at all times be operated and maintained in accordance with manufacturer's requirements, the requirements of this section, the conditional use permit, and all applicable laws. In no case shall the condition or operation of the SWES pose noise, safety or other adverse effects to the site, or persons, improvements or properties in the vicinity.
  - b. The community development director may require the SWES to be removed from the property if the director determines that the SWES has been inoperable, or has ceased to operate, for twelve (12) consecutive months or more. The city may pursue all available means to abate the SWES and recover all costs to the city if not voluntarily removed by the property owner. (Ord. 09-1304 §2, January 2010)

#### **17.40.210 Microbrewery.**

The following procedures, conditions and standards, in addition to any other deemed necessary or appropriate to ensure compatibility with existing or future permitted uses in the vicinity, shall be required:

A. Limitations on Use.

1. The microbrewery shall produce less than 4,000 barrels of beer per year and be limited to the manufacturing and wholesaling of beer produced on the premises.
2. Incidental administrative offices accessory to the on-premises microbrewery use may be allowed.
3. Incidental outdoor uses accessory and integral to the on-premises manufacturing activity may be allowed.
4. Retail sales of any type, on-premises sale/consumption of beer or food, or beer tasting events are prohibited.

B. Application Submittal. The following shall be submitted with the conditional use permit application, in addition to all other requirements:

1. A waste management, minimization, and recycling plan for all aspects of the operation, addressing solid, liquid and organic by-product wastes. The plan shall also demonstrate:
  - a. Full containment and timely disposal of organic by-products.
  - b. Sanitary sewer connection adequate for the use.
  - c. Design and management to reduce organic load in wastewater.
  - d. Water conserving processes to reduce wastewater discharge.
  - e. Trash, recycling and storage facilities compliant with Chapter 8.12 and adequate for the use, roofed and fully protected from the elements.
2. A water conservation and efficiency plan for all aspects of the operation, including water-efficient equipment and processes such as recirculating, recycling and recovery systems.
3. A risk minimization plan mitigating risks to human and environmental health associated with all aspects of the operation.
4. An assessment of measures to reduce greenhouse gas emissions in the areas of materials, wastes, water, energy, and transportation.

C. Standards.

1. The facility shall utilize an enclosed recovery system to collect and condense brewing vapors or

equivalent odor control measures.

2. The facility shall utilize dust control systems to alleviate particulates associated with raw materials and operations.
3. The use shall comply with all other standards of the M-1 zone. The planning commission may impose more restrictive conditions on any proposed microbrewery as necessary to protect the public health or safety.
4. All permits required by law shall be obtained and maintained in compliance.

#### **17.40.220 Emergency shelters.**

This section sets forth requirements for the establishment and operation of emergency shelter facilities.

A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Administrative Permit Required. Emergency shelters may be established and operated in the C-3, SPA-7 and SPA-8 zoning districts subject to the granting of an administrative permit in compliance with Chapter [17.55](#).
2. Management and Operations Plan. An application for an administrative permit to establish and operate an emergency shelter shall be accompanied by a management plan, which shall establish hours of operation, staffing levels and training procedures, maximum length of stay, size and location of exterior and interior onsite waiting and intake areas, admittance and discharge procedures, provisions for on-site or off-site supportive services, on-site and off-site security procedures, and protocols for communications with local law enforcement agencies and surrounding property owners.

B. Development Standards. Emergency shelters shall conform to the following standards.

1. The maximum number of beds shall be ten (10). An additional four (4) beds may be provided for children under the age of eighteen (18) with a parent or guardian within designated family units.
2. A minimum separation of three hundred (300) feet, measured from the property line, shall be maintained between all emergency shelters.
3. Separate private shower and toilet facilities shall be provided for men, women and families.
4. Alcohol and narcotics use and consumption are prohibited both within the facility and on the property. No amplified music or sound is allowed. No animals are permitted (except guide dogs for the disabled or ordered by a doctor for medical reasons).
5. One parking space per three (3) beds, plus one (1) space for each staff member and volunteer on duty shall be provided.

6. Bicycle racks or bicycle lockers for three (3) bicycles shall be provided onsite near the facility.
7. Stays at the facility shall be on a first-come first-served basis. Clients may be admitted to the facility only between 6:00 p.m. and 8:00 a.m. The facility may remain open twenty-four (24) hours a day only if providing onsite accessory services. Clients have no guaranteed bed for the next night. The maximum length of stay at the facility shall not exceed one hundred eighty (180) days in a three hundred sixty-five (365) day period.
8. The facility may provide the following services in an area separate from sleeping areas, such as counseling services, laundry facilities to serve the clients at the shelter, client storage area such as for the storage of bicycles or personal items, or similar services geared to homeless clients. All such areas and facilities shall be located within a building, with the exception of bicycle parking.
9. A waiting area shall be provided which contains a minimum of ten (10) square feet per bed provided at the facility. The waiting area shall be in a location not adjacent to the public right of way, shall be visually separated from public view by a minimum six (6) -foot tall screening of mature landscaping or by a minimum six (6) foot tall decorative masonry wall, and shall provide consideration of shade and protection from the elements.
10. Security and Safety. A staff member shall be on-premises at all times the facility is open to clients. Security and safety shall be addressed for both on and off-site needs, including provisions to address the separation of male/female sleeping areas as well as any family areas within the facility. At a minimum, the plan shall contain provisions addressing security and safety.
11. Loitering Control. Measures regarding off-site controls to minimize the congregation of clients in the vicinity of the facility during hours that clients are not allowed on-site.
12. Management for Outdoor Areas. A system for daily admittance and discharge procedures, including monitoring for waiting areas, shall be developed to minimize disruption to nearby land uses.
13. Staff Training. A staff training program shall be maintained that provide adequate knowledge and skills necessary to assist clients in obtaining permanent shelter and income.
14. Communications. A communication and outreach plan shall be developed to maintain good communication and response to operational issues which may arise from the neighborhood, City staff, or the general public.
15. Client Eligibility. A screening program to determine client eligibility is required. The facility shall be required to utilize the Los Angeles County region's current Homeless Management Information System.
16. Counseling Services. Provision of or links to counseling services are encouraged. Identify and describe the counseling programs to be provided as well as procedures that will be used to refer clients to outside assistance agencies. An annual report to the City on this activity is required.

17. Facility rules shall be conspicuously displayed in English and Spanish.
18. Litter Control. Litter and trash removal attributable to facility operations and its clients shall be provided. Graffiti shall be removed within twenty-four (24) hours.
19. Any other reasonable additional specific needs identified by the planning director or police chief.  
(Ord. 13-1342 §7, 2013)

**Chapter 17.42**  
**GENERAL PROVISIONS, CONDITIONS AND EXCEPTIONAL USES Revised 4/16 Revised 6/16 Revised**  
**11/16**

Sections:

- [\*\*17.42.010 Forgoing regulations subject to this chapter.\*\*](#)
- [\*\*17.42.020 Clarification of ambiguity.\*\*](#)
- [\*\*17.42.030 Indicated potential classifications.\*\*](#)
- [\*\*17.42.040 Translating potential classification to permissible use.\*\*](#)
- [\*\*17.42.050 Land may be used in accordance with precise plan.\*\*](#)
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**17.42.010 Forgoing regulations subject to this chapter.**

The foregoing regulations pertaining to the several zones shall be subject to the general provisions, conditions and exceptions contained in this chapter. (Prior code Appx. A, § 1100)

**17.42.020 Clarification of ambiguity.**

If ambiguity arises concerning the appropriate classification of a particular use within the meaning and intent of this chapter, or with respect to matters of height, yard requirements, area requirements or zone boundaries, as set forth herein and as they may pertain to unforeseen circumstances, including technological changes in processing of materials, it shall be the duty of the commission to ascertain all pertinent facts and by resolution of record set forth its findings and its interpretations, which resolution shall be forwarded to the city council and, if approved by the city council, thereafter such interpretation shall govern. (Prior code Appx. A, § 1101)

**17.42.030 Indicated potential classifications.**

Where areas are shown upon the zoning map enclosed within a dashed line, the area thus shown is intended to approximate the location of the areas to be reclassified for the type of land use indicated by the symbol therein enclosed with a circle. Such future classification designation shall be a part of the zoning map and may be adopted or amended only in the manner prescribed for the reclassifying of property as required in Chapter [17.66](#). Uncircumscribed symbols shown within such areas represent the classification of such

properties until they are processed as set forth herein.

The designation of a future classification is based on a recognition of the suitability of location for the type of use indicated by circumscribed symbol and the impracticability of precisely classifying such property for particular types of use until such lands are precisely designed and precisely planned so as to establish location and dimensions of any streets, alleys, parking areas, building sites and similar features pertinent to zoning. (Prior code Appx. A, § 1102)

**17.42.040 Translating potential classification to permissible use.**

Types of land-use indicated by circumscribed symbols within areas identified on the zoning map by a dashed line may be activated and made permissible uses by the adoption of a precise plan of design for the area. Such precise plan shall be adopted as a part of the proceedings for the reclassification of property to the indicated potential zone as provided in Chapter [17.66](#) and the map adopted thereby shall constitute an amendment to the zoning map. This precise plan shall by map, diagram or test, or all of them, indicate the boundaries, design, arrangement and dimension of any streets, alleys, parking areas, building sites and similar features pertinent to precise zoning. The comprehensive provisions of such precise plan shall take precedence over the individual provisions of this chapter covering subjects such as parking, yards, etc. (Prior code Appx. A, § 1103)

**17.42.050 Land may be used in accordance with precise plan.**

In order to assure that the purpose and provisions of a formally-adopted precise plan of record shall be conformed to, the land reclassified within any precise plan shall be limited exclusively to such uses as are first permitted in the zone in which it is classified. (Prior code Appx. A, § 1104)

**17.42.060 Temporary real estate office.**

One temporary real estate office and one temporary real estate billboard may be located on any new subdivision in any zone; provided, that such office and billboard if in any R zone shall be removed at the end of one (1) year from the date of recording of the map of the subdivision upon which said office and billboard are located. (Prior code Appx. A, § 1106)

**17.42.070 Temporary construction buildings.**

Temporary structures for the housing of tools and equipment or containing supervisory offices in connection with major construction on major construction projects may be established and maintained during the progress of such construction on such project; provided that such temporary structure may not be maintained for a period exceeding one (1) year. (Prior code Appx. A, § 1107)

**17.42.080 Storage of trailers.**

The storage of one (1) trailer on any lot of record is permissive provided such trailer is not used for living or sleeping purposes while on the premises, is not connected to any sewer or water facility and is not located in any required front or side yard. (Prior code Appx. A, § 1108)

**17.42.090 Single room occupancy (SRO).**

A. Purpose. The provisions of this section are intended to provide opportunities for the development of permanent, affordable housing for small households and for people with special needs in proximity to transit and services, and to establish standards for these small units.

B. Location. SRO units and facilities may be located in the R-3 zoning district with an administrative permit pursuant to Chapter [17.55](#). SRO units and facilities with more than six (6) units may be located in the R-3, C-3, SPA-7 and SPA-8 zones with a conditional use permit pursuant to Chapter [17.56](#).

C. Development Standards. SRO units and facilities shall comply with the following:

1. Single Room Occupancy Facilities.

a. Density. SRO facilities are not required to meet density standards of the general plan or zoning district.

b. Common Area. Four (4) square feet per living unit shall be provided, with at least two hundred (200) square feet in area of interior common space, excluding janitorial storage, laundry facilities and common hallways.

c. Laundry Facilities. Laundry facilities must be provided in a separate room at the ratio of one (1) washer and one (1) dryer for every twenty (20) units or fractional number thereof, with at least one (1) washer and dryer per floor.

d. Cleaning Supply Room. A cleaning supply room or utility closet with a wash tub with hot and cold running water shall be provided on each floor.

2. Single Room Occupancy Units.

a. Unit size. An SRO unit shall have a minimum size of one hundred fifty (150) square feet and a maximum of four hundred (400) square feet.

b. Occupancy. An SRO unit shall accommodate a maximum of two (2) persons.

c. Bathroom. An SRO unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility shall have at least a toilet and sink; a full facility shall have a toilet, sink and bathtub, shower or bathtub/shower combination. If a full bathroom facility is not provided, one (1) common shower or bathtub/shower combination shall be provided per seven (7) persons, with at least one (1) full bathroom per floor. Locking doors shall be provided.

d. Kitchen. An SRO unit is not required to but may contain partial or full kitchen facilities. A full kitchen includes a sink, a refrigerator and a stove, range top or oven. A partial kitchen is missing at least one (1) of these appliances. If a full kitchen is not provided, common kitchen facilities shall be provided with at least one (1) full kitchen per floor.

e. Closet. Each SRO unit shall have a separate closet.

f. Code Compliance. SRO units shall comply with all requirements of the California Building Code. All SRO units and facilities shall comply with all applicable accessibility and adaptability requirements. All common areas shall be fully accessible.

D. Affordability. All SRO units shall be restricted to lower-income households. Deed restriction(s) approved by the city shall be recorded including monitoring provisions.

E. Tenancy. Tenancy of SRO units shall be limited to thirty (30) or more days.

F. Management. An SRO facility (with six (6) or more units) shall provide on-site management. A management plan shall be submitted with the development application for SRO units or a SRO facility and shall be approved by the city. The management plan shall address management and operation of the facility, rental procedures, safety and security of residents and building maintenance. (Ord. 13-1342 §8, 2013)

#### **17.42.100 Affordable housing density bonus and incentive program.**

A. General Provisions.

1. Compliance with State Law. The provisions of this section shall be governed by the requirements of Government Code Section 65915, as that statute is amended from time-to-time. Where conflict occurs between the provisions of this chapter and state law, the state law provisions shall govern, unless otherwise specified.

2. Median Income Levels. For the purpose of determining the income levels for households under this section, the city shall use the Los Angeles County income limits found in Title 25, Section 6932 of the California Code of Regulations, as regularly updated and published by the State Department of Housing and Community Development, or other income limits set forth in the general plan housing element or adopted by the city council if the State Department of Housing and Community Development fails to provide regular updates.

3. Compatibility. All affordable housing units shall be dispersed within market-rate projects whenever feasible. Affordable housing units within market-rate projects shall be comparable with the design and use of market-rate units in appearance, use of materials, and finished quality. The design and appearance of the affordable housing units shall be compatible with the design of the total housing project and consistent with the surrounding neighborhood. Forms, materials and proportions that are compatible with the character of the surroundings shall be used.

4. Availability. All affordable housing units shall be constructed concurrently with, and made available for qualified occupants at the same time as, the market-rate housing units within the same project unless both the city and the developer agree in the affordable housing agreement to an alternative schedule for development.

5. Effect of Granting Density Bonus. The granting of a density bonus and other incentives provided for by

this section shall not by virtue of such incentives require a general plan amendment, zone change, variance or other discretionary approval, unless such approval would otherwise be required.

B. State Affordable Housing Density Bonus.

1. Density Bonus. Pursuant to Government Code Section 65915, the city shall grant a density bonus in the following amounts over the otherwise allowable maximum residential density permitted by this chapter and the general plan, and one (1) or more of the affordable housing incentives set forth in subsection (D)(1) of this section, Affordable Housing Concessions and Incentives, if the applicant agrees or proposes to construct any one (1) of the following:

- a. Lower Income Units. A density bonus of twenty (20) percent if ten (10) percent of the total units of a housing development are target units affordable to lower income households, as defined in Section 50079.5 of the California Health and Safety Code.
- b. Very Low Income Units. A density bonus of twenty (20) percent, if five (5) percent of the total units of a housing development are target units affordable to very low income households, as defined in Section 50105 of the Health and Safety Code.
- c. Senior Citizen Housing Development. A density bonus of twenty (20) percent, if a housing development qualifies as a senior citizen housing development, as defined in Section 51.3 of the Civil Code.
- d. Moderate Income Units in Condominium and Planned Unit Developments. A density bonus of five (5) percent if ten (10) percent of the total dwelling units in a condominium project, as defined in subdivision (f) or in a planned development as defined in subdivision (k) of Section 1351 of the Civil Code, are target units affordable to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code.
- e. Housing Accompanied by Land Donation. A density bonus of fifteen (15) percent, if a housing developer agrees to donate land to the city, subject to the requirements of subsection (F) of this section, Density Bonuses for Housing Developments Accompanied by Land Donation.

2. Applicability. The provisions of subsection (B)(1) of this section shall be applicable to residential projects of five (5) or more units, and senior citizen housing developments of at least thirty-five (35) units.

3. Calculation of Density Bonuses.

- a. Density Bonus Units. When calculating the number of permitted density bonus units, all fractional units shall be rounded up to the next whole number. The density bonus shall not be included when determining the number of target affordable or senior housing units to be provided in a development project.

- b. Sliding Scale for Greater Density Bonus. An applicant is entitled to receive a bonus larger than the percentages specified in subsection (B)(1) of this section if the percentage of affordable housing exceeds the percentages specified in subsection (B)(1) of this section, subject to the following provisions:
- i. Lower Income Dwellings. For each additional one (1) percent increase above ten (10) percent in the proportion of units affordable to lower income households, the density bonus shall be increased by one and one-half (1.5) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
  - ii. Very Low Income Dwellings. For each additional one (1) percent increase above five (5) percent in the proportion of units affordable to very low income households, the density bonus shall be increased by two and one-half (2.5) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
  - iii. Condominium and Planned Unit Developments. For each additional one (1) percent increase above ten (10) percent in the proportion of units affordable to moderate income households in condominium and planned unit developments, the density bonus shall be increased by one (1) percent up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.
  - iv. Housing Accompanied by Land Donation. For each additional one (1) percent increase above the minimum ten (10) percent land donation described in subsection (F) of this section, Density Bonuses for Housing Developments Accompanied by Land Donation, the density bonus shall be increased by one (1) percent, up to a maximum of thirty-five (35) percent of the maximum allowable residential density for the site.

4. Applicant May Request Smaller Density Bonus. Notwithstanding the foregoing, the city may award a smaller density bonus than specified in this section if the applicant so requests.

C. State Childcare Facility Density Bonus.

1. Density Bonus. When an applicant proposes to construct a housing development that conforms to the requirements of subsection (B)(1) of this section, Density Bonus, and includes a childcare facility other than a family day care home that will be located on the premises of, as part of, or adjacent to, the project, the city shall grant either of the following:
  - a. Additional Density Bonus. A density bonus of additional residential units equal in square footage to the amount of square feet of the childcare facility, or.
  - b. Additional Concession or Incentive. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

2. Conditions of Approval. The City shall require as a condition of approving the housing development that the following occur:

- a. Length of Operation. The childcare facility remains in operation for a period of time that is as long as, or longer than the length of time during which subsection (E)(2) of this section, Duration of Affordability of Rental Units, requires that the affordable housing units remain affordable.
- b. Attending Children. The percentage of children of very low, low or moderate income households who attend the childcare facility shall be the same or greater than the percentage of dwelling units in the project that are required for households at each income level, pursuant to subsection (C)(1) of this section, Density Bonus.

3. Exceptions. The City shall not be required to provide a density bonus or concession for a childcare facility if it finds that, based upon substantial evidence, the community has adequate childcare facilities.

D. Affordable Housing Concessions and Incentives.

1. Number of Incentives or Concessions. In addition to a density bonus, an applicant is entitled to receive incentives or concessions as follows:

- a. One (1) incentive or concession for projects that include at least ten (10) percent of the total units for lower income households, at least five (5) percent for very low income households, or at least ten (10) percent for persons and families of moderate income in a condominium or planned development; or
- b. One (1) incentive or concession for senior citizen housing developments; or
- c. Two (2) incentives or concessions for projects that include at least twenty (20) percent of the total units for lower income households, at least ten (10) percent for very low income households, or at least twenty (20) percent for persons and families of moderate income in a condominium or planned development; or
- d. Three (3) incentives or concessions for projects that include at least thirty (30) percent of the total units for lower income households, at least fifteen (15) percent for very low income households, or at least thirty (30) percent for persons and families of moderate income in a condominium or planned development.

2. Proposal of Incentives and Findings. An applicant may propose specific incentives or concessions that would contribute significantly to the economic feasibility of providing affordable units pursuant to this chapter and state law. In addition to any increase in density to which an applicant is entitled, the city shall grant one or more incentives or concessions that an applicant requests, up to the maximum number of incentives and concessions required pursuant to subsection (D)(1) of this section, unless the city makes a written finding that either:

- a. The concession or incentive is not necessary in order to provide the proposed targeted units; or
  - b. The concession or incentive would have a specific adverse impact that can not be feasibly mitigated on public health and safety or the physical environment or any property that is listed in the California Register of Historical Resources.
3. Types of Affordable Housing Incentives. Affordable housing incentives may consist of any combination of the items listed below. In addition to the incentives listed, the city may allow for fast-track and priority processing for a project with affordable housing.
- a. Modification of Development Standards. Up to twenty (20) percent in modification of site development standards or zoning code requirements that exceed minimum building code standards and fire code standards, including, but not limited to:
    - i. Reduced minimum lot sizes and/or dimensions.
    - ii. Reduced minimum building setbacks and building separation requirements.
    - iii. Reduced minimum outdoor and/or private outdoor living area requirements.
    - iv. Increased maximum lot coverage.
    - v. Increased maximum building height.
  - b. Reduced Parking.
    - i. Upon the applicant's request, the City shall allow a reduction in required parking, excluding handicapped parking. Notwithstanding the foregoing, the parking must satisfy at least the following minimum ratios:
      - One (1) on-site space for zero (0) to one (1) bedroom units;
      - Two (2) on-site spaces for two (2) to three (3) bedrooms; or
      - Two and one-half (2.5) spaces for four (4) or more bedrooms.
    - ii. If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number.
    - iii. At the applicant's request, tandem parking may be counted toward meeting these parking requirements.
  - c. Mixed Use Zoning. Approval of mixed use zoning in conjunction with the housing project if commercial, office, industrial or other land uses will reduce the cost of the housing development and such uses are compatible with the housing project and the surrounding area.

- d. Other Incentives. Other regulatory incentives or concessions proposed by the developer or the City that result in identifiable cost reductions or avoidance.
- 4. Additional Affordable Housing Incentives. The city may allow for additional affordable housing incentives to be granted on a case-by-case basis, when requested by an applicant when more than fifty (50) percent of the affordable housing units provided contain three (3) or more bedrooms to meet the needs of large families.

E. Administration.

- 1. Application and Review Process. A preliminary review of development projects proposed pursuant to this section is encouraged to discuss and identify potential application issues, including proposed modifications to development standards. The applicant shall request in the application the incentives the applicant wishes to obtain. The application shall include financial data showing how the incentives are necessary to make the affordable units feasible. Applications shall be reviewed and processed according to the provisions of Chapter [17.58](#), Precise Development Plans.
  - 2. Duration of Affordability of Rental Units. All lower income and very low income housing units shall be kept affordable for a minimum period of thirty (30) years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program, consistent with state law.
  - 3. Definition of Affordability. Those units targeted for lower income households as defined in subsection (B) of this section, State Affordable Housing Density Bonus, shall be affordable at a rent that does not exceed thirty (30) percent of sixty (60) percent of the area median income. Units targeted for very low income households shall be affordable at a rent that does not exceed thirty (30) percent of fifty (50) percent of area median income. Units targeted for moderate income households shall be affordable at a rent that does not exceed thirty-five (35) percent of one hundred ten (110) percent of area median income. Median income levels shall be the income limits for Los Angeles County households as provided for in subsection (A)(3) of this section, Median Income Levels.
  - 4. Affordable Housing Agreement Required. An affordable housing agreement shall be made a condition of the discretionary planning permits for all projects granted a density bonus pursuant to this section. All affordable housing projects granted a density bonus pursuant to this section shall be subject to the approval of an affordable housing agreement conforming to the provisions of Title 7, Division 1, Chapter 4, Article 2.5 of the Government Code, which shall be recorded as a covenant on the title to the parcel or parcels on which the affordable housing units will be constructed. The terms of the agreement shall be reviewed and revised as appropriate by the director and city attorney, who shall formulate a recommendation to the planning commission for final approval. This agreement shall include, but is not limited to, the following:
- a. Number of Units. The total number of units approved for the projects, including the number of

affordable housing units.

- b. Target Units. The location, unit sizes (in square feet) and number of bedrooms of the affordable housing units.
- c. Target Group. A description of the household income groups to be accommodated by the project and a calculation of the affordable rent or sales price, or a commitment to provide a senior citizen housing development.
- d. Certification Procedures. The party responsible for certifying rents or sales prices of inclusionary units, and the process that will be used to certify renters or purchasers of such units.
- e. Schedule. A schedule for the completion and occupancy of the affordable housing units.
- f. Remedies for Breach. A description of the remedies for breach of the agreement by either party.
- g. Required Term of Affordability. For lower income and very low income units, duration of affordability of the housing units, pursuant to subsection (E)(2) of this section, Duration of Affordability of Rental Units. Provisions should also cover resale control and deed restrictions on targeted housing units that are binding on property upon sale or transfer.
- h. Expiration of Agreement. Provisions covering the expiration of the agreement, including notice prior to conversion to market rate units and right of first refusal option for the city and/or the distribution of accrued equity for for-sale units.
- i. Other Provisions. Other provisions to ensure implementation and compliance with this chapter.
- j. Condominium and Planned Unit Developments. In the case of condominium and planned unit developments, the affordable housing agreement shall provide for the following conditions governing the initial sale and initial resale and use of affordable housing units:
  - i. Target units shall, upon initial sale, be sold to eligible very low, lower, or moderate income households at an affordable sales price and housing cost, or to qualified residents as defined by this chapter.
  - ii. Target units shall be initially owner-occupied by eligible very low, lower, or moderate income households.
  - iii. Upon resale, the seller of a target unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciation. The city shall recapture its proportionate share of appreciation, which shall be used to promote home ownership opportunities as provided for in Health and Safety Code Section 33334.2. The city's proportionate share shall be equal to the percentage by which the initial sale price to the targeted household was less than the fair market value of the dwelling unit at the time of initial

sale.

k. Rental Housing Developments. In the case of rental housing developments, the affordable housing agreement shall provide for the following conditions governing the use of target units during the use restriction period:

- i. The rules and procedures for qualifying tenants, establishing affordable rent rates, filling vacancies, and maintaining target units for qualified tenants.
- ii. Provisions requiring owners to verify tenant incomes and maintain books and records to demonstrate compliance with this chapter.
- iii. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income of each person occupying target units, and which identifies the bedroom size and monthly rent or cost of each target unit.

5. Notice of Conversions. Notice of conversions of affordable units to market-rate units shall be provided pursuant to the following requirements:

- a. General. At least a one (1) year notice shall be required prior to the conversion of any rental units for affordable households to market-rate.
- b. Required Notice. Notice shall be given to the following:
  - i. The city;
  - ii. The State Housing and Community Development Department (HCD);
  - iii. The Los Angeles County Housing Authority;
  - iv. The residents of the affordable housing units proposed to be converted; and
  - v. Any other person deemed appropriate by the city.

6. Conversion of Affordable Rental Units. If an owner of a housing development issues a notice-of-intent to convert affordable housing rental units to market-rate housing, the city shall consider taking one (1) or more of the following actions:

- a. Meet with the owner to determine the owner's financial objectives;
- b. Determine whether financial assistance to the current owner will maintain the affordability of the rental housing development or whether acquisition by another owner dedicated to maintaining the affordability of the development would be feasible; and
- c. If necessary to maintain the affordability of the housing unit or facilitate sale of the rental development, consider the use of redevelopment housing set-aside funds or assistance in

accessing state or federal funding.

F. Density Bonuses for Housing Developments Accompanied by Land Donation. The city shall grant a density bonus pursuant to subsection (B) of this section, State Affordable Housing Density Bonus, to a housing development if the applicant agrees to donate land to the city and the applicant satisfies all of the following requirements:

1. The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application;
2. The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than ten (10) percent of the number of residential units of the proposed development;
3. The transferred land is at least one (1) acre in size or of sufficient size to permit development of at least forty (40) units, has the appropriate general plan designation, is appropriately zoned for development as affordable housing, and is or will be served by adequate public facilities and infrastructure, as determined by the director;
4. The transferred land has appropriate zoning and development standards to make the development of the affordable units feasible, as determined by the director;
5. Prior to the date of approval of the final subdivision map, parcel map, or of the residential development, the transferred land has all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, except that the city may subject the proposed development to subsequent design review if the design is not reviewed by the city prior to the time of transfer;
6. The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units meeting the requirements of an affordable housing agreement as set forth in subsection (E)(4) of this section, Affordable Housing Agreement Required;
7. The land is transferred to the city or to a housing developer approved by the city. The city may require the applicant to identify and transfer the land to the developer; and
8. The transferred land is within the boundary of the proposed development or, if the city agrees, within one-quarter (1/4) mile of the boundary of the proposed development. (Ord. 13-1342 §9, 2013)

#### **17.42.110 Medical marijuana dispensaries prohibited. Revised 4/16**

A. Definitions.

1. "Collective" means any association, affiliation, or establishment jointly owned and operated by its members that facilitate the collaborative efforts of qualified patients and primary caregivers, as described in the Attorney General Guidelines for the Security and Non-Diversion of Marijuana Grown for

Medical Use, issued by the Attorney General's Office in August 2008, as amended from time to time, which sets regulations intended to ensure the security and non-diversion of marijuana grown for medical use by qualified patients or primary caregivers.

2. "Commercial cannabis activity" means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Business and Professions Code Section 19319, related to qualified patients and primary caregivers.

3. "Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis.

4. "Delivery" shall include the use by a medical marijuana dispensary of any technology platform owned and controlled by the medical marijuana dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products.

5. "Marijuana" or "cannabis" shall have the same meaning as the definition of that word in Health and Safety Code Section 11018.

6. "Medical marijuana" means marijuana authorized for personal medical use in compliance with Health and Safety Code Sections 11362.5 and 11362.7, et seq.

7. "Medical marijuana dispensary" shall mean a collective or cooperative that distributes, dispenses, stores, sells, exchanges, processes, delivers, cultivates, makes available, transmits and/or gives or otherwise provides medical marijuana to two (2) or more persons with identification cards or qualified patients, or any facility where qualified patients, persons with identification cards and primary caregivers meet or congregate collectively and cooperatively to cultivate or distribute marijuana for medical purposes under the authority of California Health and Safety Code Sections 11362.5 and 11362.7, et seq. Medical marijuana dispensary shall also refer to a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale. Medical marijuana dispensary shall not include the following uses, so long as such uses comply with this Code, the California Health and Safety Code Section 11362.5, et seq., and other applicable law:

- a. A clinic licensed pursuant to Chapter 1 of Division 2 of the Health and Safety Code.
- b. A health care facility licensed pursuant to Chapter 2 of Division 2 of the Health and Safety Code.
- c. A residential care facility for persons with chronic life-threatening illness licensed pursuant to Chapter 3.01 of Division 2 of the Health and Safety Code.

- d. A residential care facility for the elderly licensed pursuant to Chapter 3.2 of Division 2 of the Health and Safety Code.
  - e. A hospice or a home health agency, licensed pursuant to Chapter 8 of Division 2 of the Health and Safety Code.
8. "Medical Marijuana Regulation and Safety Act" shall refer to Chapter 3.5 of the California Business and Professions Code, commencing with Section 19300, et seq.
9. "Mobile marijuana dispensary" means any dispensary, clinic, cooperative, association, club, business or group which transports or delivers, or arranges the transportation or delivery of, medical marijuana to a person.
10. "Person" means any individual, firm, cooperation, association, club, society, or other organization. The term "person" shall include any owner, manager, proprietor, employee, volunteer or salesperson.
11. "Person with an identification card" shall have the same meaning as the definition of that word in Health and Safety Code Section 11362.7.
12. "Primary caregiver" shall have the same meaning as the definition of that word in Health and Safety Code Section 11362.7.
13. "Qualified patient" shall have the same meaning as the definition of that word in Health and Safety Code Section 11362.7.

B. Medical Marijuana Dispensaries Prohibited. Medical marijuana dispensaries are prohibited in all zones throughout the city; no person shall establish, operate, conduct, or allow a medical marijuana dispensary or commercial cannabis activity anywhere in the city.

C. Mobile marijuana dispensaries are prohibited within the city. No person shall:

1. Locate, operate, own, suffer, allow to be operated or abide, abet, or assist in the operation of any mobile marijuana dispensary within the city;
2. Deliver marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose; or
3. Deliver any medical cannabis product, including, but not limited to, tinctures, baked goods, or other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.

D. This section is meant to prohibit all activities for which a state license is required.

E. Marijuana cultivation by any person or entity, including clinics, collectives, cooperatives and dispensaries, is prohibited in all zones within the city. No person, including a qualified patient or primary caregiver, shall

cultivate any amount of cannabis in the city, even for medicinal purposes, except where the city is preempted by federal or state law from enacting a prohibition on such activity.

F. Violations and Remedies.

1. Criminal Penalties. Any violation of any provision of this chapter shall be deemed a misdemeanor and shall be punishable in accordance with Chapter 1.04. (Ord. 16-1362 §1, 2016; Ord. 08-1292 §2, 2008)

**17.42.120 Housing accessibility--Reasonable accommodation for disability.**

A. Purpose and Applicability.

1. This section provides a procedure to request reasonable accommodation for persons with disabilities seeking equal access to housing under the Fair Housing Laws in the application of zoning laws, building codes, and other land use regulations, policies and procedures. Fair Housing Laws means "Fair Housing Amendments Act of 1988" (42 U.S.C. Section 3601, et seq.), including reasonable accommodation required by 42 U.S.C. Section 3604(f)(3)(B), and the "California Fair Employment and Housing Act" (California Government Code Section 12900, et seq.), including reasonable accommodation required specifically by California Government Code Sections 12927(c)(1) and 12955(l), as any of these statutory provisions now exist or may be amended from time to time.
2. A request for reasonable accommodation may be made by any person with a disability, his/her representative, or any business or property owner when the application of a zoning law, building code provision or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment, as those terms are defined in the Fair Housing Laws.
3. A request for reasonable accommodation may include a modification or exception to the rules, standards and practices for the siting, development and use of housing or housing related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice. Requests for reasonable accommodation shall be made in the manner prescribed by this section.
4. It is the intent of this section that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing.

B. Application Submittal.

1. Any person with a disability may request a reasonable accommodation on a form supplied by the community development department including the following information, accompanied by a fee established by resolution of the city council:

- a. The applicant's or representative's name, mailing address and daytime phone number;
  - b. The address of the property for which the request is being made;
  - c. The specific code section, regulation, procedure or policy of the city from which relief is sought;
  - d. A site plan or illustrative drawing showing the proposed accommodation;
  - e. An explanation of why the specified code section, regulation, procedure or policy is preventing, or will prevent, the applicant's use and enjoyment of the subject property;
  - f. The basis for the claim that the Fair Housing Laws apply to the individual(s) and evidence satisfactory to the city supporting the claim, which may include a letter from a medical doctor or other licensed health care professional, a disabled license, or any other appropriate evidence;
  - g. A detailed explanation of why the accommodation is reasonable and necessary to afford the applicant an equal opportunity to use and enjoy a dwelling in the city;
  - h. Verification by the applicant that the property is the primary residence of the person(s) for whom reasonable accommodation is requested; and
  - i. Any other information required to make the findings required by subsection (D) of this section consistent with the Fair Housing Laws.
2. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project for which the request for reasonable accommodation is being made also requires a discretionary approval (including but not limited to a conditional use permit, precise development plan, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.
  3. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue in the requested accommodation.
  4. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible.
  5. Should the request for reasonable accommodation be made concurrently with a discretionary permit, then the fee for a reasonable accommodation application may be waived provided that the prescribed fee shall be paid for all other discretionary permits.
- C. Reviewing Authority.
1. Applications for reasonable accommodation shall be reviewed by the hearing officer, if no approval is

sought other than the request for reasonable accommodation. "Hearing officer" means a person designated by the city council to conduct hearings. A hearing officer shall be selected in a manner that avoids the potential for pecuniary interest or other bias. The compensation, if any, of the hearing officer shall be paid by the city and shall not be conditioned on achieving a particular outcome.

2. Applications for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application.

D. Findings. The reviewing authority shall approve the request for a reasonable accommodation if, based upon all of the evidence presented, the following findings can be made:

1. The housing, which is the subject of the request for reasonable accommodation, will be occupied by an individual with disabilities protected under Fair Housing Laws;
2. The requested accommodation is reasonable and necessary to make housing available to an individual with disabilities protected under the Fair Housing Laws;
3. The requested accommodation will not impose an undue financial or administrative burden on the city, as defined in the Fair Housing Laws and interpretive case law; and
4. The requested accommodation will not require a fundamental alteration in the nature of the city's zoning or building laws, policies and/or procedures, as defined in the Fair Housing Laws and interpretive case law. The city may consider, but is not limited to, the following factors in determining whether the requested accommodation would require a fundamental alteration in the nature of the city's zoning or building program:
  - a. Whether the requested accommodation would fundamentally alter the character of the neighborhood;
  - b. Whether the accommodation would result in a substantial increase in traffic or insufficient parking; and
  - c. Whether granting the requested accommodation would substantially undermine any express purpose of either the city's general plan or an applicable specific plan.

E. Decision.

1. The hearing officer shall consider an application, and issue a written determination within forty (40) calendar days of the date of receipt of a completed application. At least ten (10) calendar days before issuing a written determination on the application, the city shall mail notice to the applicant and any adjacent property owners that the city will be considering the application and inviting written comments on the requested accommodation.

2. If necessary to reach a determination on any request for reasonable accommodation, the review authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant reasonably responds to the request.
3. The review authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal, and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the approving authority is the hearing officer to any person having provided written or verbal comment on the application.
4. The reasonable accommodation shall be subject to any reasonable conditions imposed on the approval that are consistent with the purposes of this section.
5. In making the approval findings in subsection (D) of this section, the review authority may approve alternative reasonable accommodations that provide an equivalent level of benefit to the applicant.
6. The written decision of the reviewing authority shall be final unless appealed in the manner set forth below.
7. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.
8. Where the improvements or modifications approved through a reasonable accommodation would generally require a variance, a variance shall not be required.

F. Appeals.

1. The decision on a reasonable accommodation may be appealed to the city council within ten (10) calendar days of the issuance of a written decision.
2. The appeal shall be made in writing including a statement of the grounds for appeal, and accompanied by a fee established by resolution of the city council.
3. The city council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the original determination from which the appeal is taken.
4. The city shall provide notice of an appeal hearing to the applicant, adjacent property owners, and any other person requesting notification at least ten (10) calendar days prior to the hearing. The council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The council's action shall be final.

5. If an individual needs assistance in filing an appeal on an adverse decision, the city shall provide assistance to ensure that the appeals process is accessible.

G. Waiver of Time Periods. Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section.

H. Notice to the Public of Availability of Accommodation Process. The city shall prominently display in the public areas of the community development department at City Hall a notice advising those with disabilities or their representatives that they may request a reasonable accommodation in accordance with the procedures established in this section. City employees shall direct individuals to the display whenever they are requested to do so or reasonably believe that individuals with disabilities or their representatives may be entitled to a reasonable accommodation.

I. Expiration, Time Extension, Violation, Discontinuance, and Revocation.

1. Any reasonable accommodation approved in accordance with the terms of this section shall expire within twenty-four (24) months from the effective date of approval or at an alternative time specified as a condition of approval unless:
  - a. A building permit has been issued and construction has commenced;
  - b. A certificate of occupancy has been issued;
  - c. The use is established; or
  - d. A time extension has been granted.
2. The community development director may approve a time extension for a reasonable accommodation for good cause for a period or periods not to exceed three (3) years. An application for a time extension shall be made in writing to the community development department no less than thirty (30) days or more than ninety (90) days prior to the expiration date.
3. Notice of the director's decision on a time extension shall be provided as specified in subsection (E)(3) of this section.
4. Any reasonable accommodation approved in accordance with the terms of this code may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or ordinance is violated in connection therewith.
5. An accommodation is granted to an individual and shall not run with the land unless the director finds

that the modification is physically integrated on the property and cannot feasibly be removed or altered. Any change in use or circumstances that negates the basis for the granting of the approval may render the reasonable accommodation null and void and/or revocable by the city, and thereafter the reasonable accommodation may be required to be removed or substantially conformed to the code if reasonably feasible.

J. Amendments. A request for changes in conditions of approval of a reasonable accommodation, or a change to plans that would affect a condition of approval shall be treated as a new application and shall be processed in accordance with the requirements of this section. The community development director may waive the requirement for a new application and approve the changes if the changes are minor, do not involve substantial alterations or addition to the plan or the conditions of approval, and are consistent with the intent of the original approval. (Ord. 11-1321, 2011)

**17.42.140 RESERVED (Mobile food vendor).**

**17.42.150 Temporary minor special events.**

Minor special events allowed pursuant to this section may be permitted with an administrative permit pursuant to Chapter [17.55](#) subject to the requirements of this section.

A. Definitions.

1. Related use: A use that promotes, benefits or is related to the onsite use and is conducted during the normal business hours of the onsite use, as determined by the community development director.
2. Unrelated use: A use that does not promote or benefit or is unrelated to the onsite use, or is not conducted during the normal business hours of the onsite use, as determined by the community development director.

B. Uses Allowed.

1. The types of uses allowed shall be generally limited to uses and activities allowed in commercial zones as permitted or conditional uses, as determined by the community development director.
2. Uses prohibited include those uses prohibited by Title [17](#), adult uses, and uses determined by the community development director to be incompatible with the surrounding area due to safety, health or welfare concerns that cannot be mitigated.

C. Administrative Permit Required.

1. Minor special events allowed pursuant to this section may be permitted with an administrative permit pursuant to Chapter [17.55](#) in the C-1, C-2 and C-3 zones, M-1 zone, SPA zones that allow C-3 uses, SPA-11 zone, and in R zones on property developed with nonresidential uses. The use is additionally allowed without an administrative permit in OS zones accessory to Hermosa Beach City School District facilities compliant with the regulations in this section, provided the use is approved by the school

principal.

2. The application shall specify the specific days and hours for which the use is requested.
3. The administrative permit shall be issued only to the property owner, business owner or business license holder, and the permit holder shall be physically present on the property for the duration of the use including set up and break down.
4. The proposed use may be conditioned to mitigate impacts to the surrounding area and provision of services, relating to number of people, traffic generated, type and volume of amplified music or entertainment, day of week and hours, sanitation, environment, concentration of activity and events during the same time period, availability of city services to protect the health, safety and welfare of the public and property, compliance with other provisions of law, and other similar considerations.
5. If the subject property is governed by a conditional use permit or parking plan, the administrative permit shall not be approved unless the proposed use is timed and designed so it does not conflict with the purpose of the conditional use permit or parking plan.
6. The duration of any issued administrative permit shall not exceed one hundred eighty (180) calendar days.
7. The administrative permit may be revoked or modified with only a twenty-four (24) hour notice to the holder of the administrative permit; provided, however, that an administrative permit may be immediately revoked and the event ordered concluded at any time during the course of the event by the highest ranking police officer on duty at the time upon his/her determination that the event is causing a violation of state law or is violating one (1) or more conditions of approval, or a determination that the event has become a threat to public safety.
8. In the event an administrative permit has been revoked or documented problems have occurred or not been timely abated, the community development director may deny a future application for a similar event on the same property within a one (1) year period.
9. Any deviation from the standards and limitations in subsection (D) of this section shall require a conditional use permit in compliance with Chapter [17.40](#).

D. Standards and Limitations. Minor special events may be permitted with an administrative permit in compliance with the following standards and limitations:

1. All elements of the use shall be contained on the subject site.
2. Frequency and Duration of Use.
  - a. Outdoor entertainment and assembly events, such as carnivals, concerts, fairs, farmers' markets, festivals, food events, fundraisers, live entertainment, outdoor sporting events, public

relations activities, flea markets or rummage sales, and other similar outdoor events, when unrelated to the established onsite use: Maximum of four (4) times per year, limited to a maximum of seven (7) days each.

b. Outdoor display or exhibit events, such as art, cultural, and educational displays, arts and crafts exhibits, when unrelated to the established onsite use: Maximum of four (4) times per year, limited to a maximum of seven (7) days each.

c. Outdoor sales events related to an existing onsite business: Maximum of four (4) sales per year, each limited to three (3) consecutive days each.

d. Special events that include an activity that normally requires a discretionary permit in the subject zone or is currently limited or prohibited by a discretionary permit or license granted on the site (such as amplified music, outdoor tents, provision or sale of alcoholic beverages, other conditional uses): Maximum of four (4) times per year at any site, limited to three (3) consecutive days each.

e. Indoor activities promoting or related to the established onsite use. May include limited outdoor display or activity to attract people to the business, where crowds are not anticipated. May include an activity that normally requires a discretionary permit in the subject zone: Maximum of twelve (12) times per year at any site, limited to three (3) consecutive days each.

f. Similar temporary special events determined by the decision making body to be compatible with the zoning district and surrounding land uses: Limited to the number of occurrences and days applicable to the similar type of activity.

g. Mobile food vendors proposed in conjunction with a minor special event shall be described in the application for the minor special event and shall comply with the requirements of this section.

3. Hours.

a. In the C-2, C-3, SPA zones that allow C-3 uses, and SPA-11 zone when related to the established onsite use: Same as the customary operating hours of the use. When unrelated to the onsite use or not within a building: 8:00 a.m. to 10:00 p.m.

b. C-1, M-1, and R zones developed with nonresidential uses: 10:00 a.m. to 9:00 p.m.

c. Uses that may attract crowds or extend beyond allowed hours pursuant to a conditional use permit may be restricted from operating on St. Patrick's Day, July 4th, Cinco de Mayo, New Year's Eve or any other date where the police department determines the accumulation of activities in the city may exceed its capacity to adequately protect public safety.

4. Alcoholic Beverages. The sale, service or consumption of alcoholic beverages shall obtain and display the appropriate Department of Alcoholic Beverage Control license or approval. Outdoor activities involving alcoholic beverages shall be located a minimum of three hundred (300) feet from any public

school property between 7:00 a.m. and 6:00 p.m. on school days unless the school principal has been consulted and any concerns are mitigated to the satisfaction of the city.

5. Entertainment. Amplified entertainment is limited to 10:00 a.m. to 9:00 p.m. for not more than four (4) hours in any day. Noise levels shall not exceed eighty (80) dBA at the property line. At no time may noise levels constitute a nuisance or violate the noise control ordinance in Chapter 8.24.

6. Pedestrian Access. The use shall be designed to provide safe, accessible pedestrian ways a minimum of four (4) feet wide, without encroaching on landscaping, required parking spaces and vehicular ways. A physical barrier or layout plan may be required to reduce conflicts to the satisfaction of the community development director.

7. Parking.

a. A use that occupies required parking spaces shall not reduce existing parking by more than ten (10) percent excluding disabled spaces. When there are eleven (11) spaces or less excluding disabled spaces, the use may occupy one (1) parking space, provided at least five (5) spaces including one (1) disabled space remain unencumbered by the use.

b. When the use is related to the onsite use, no additional parking is required unless the particular event is likely to create parking problems as determined by the community development director.

c. When the use is unrelated to the onsite use, parking adequate for the use, but not less than ten (10) spaces, shall be provided excluding disabled spaces.

8. Occupancy. The occupancy of any buildings, structures or spaces, whether indoor or outdoor, shall be consistent with building and fire codes and safety protocols as determined by the community development director. Temporary structures such as tents shall be securely fastened and comply with city codes.

9. Control over attendance is the responsibility of the permittee. Advertising and media to attract people to the event shall be moderated to reduce the potential for impacts. Adequate security shall be provided.

10. Temporary signs may be provided during the event, not to exceed one (1) sign per one hundred (100) feet of street frontage with a maximum of two (2) signs per frontage, not to exceed sixteen (16) square feet per sign. Additional temporary signage may be permitted with a sign permit issued in compliance with Chapter [17.50](#).

11. Any lighting shall be shielded, downcast and directed onto the subject property. No strobes or moving lights are permitted.

12. If the duration of the use exceeds one (1) hour or if seating is provided, then restroom access for both employees and customers shall be provided on the property or a contiguous property for the duration of the use with directional signs thereto. No portable restrooms are allowed.

13. The use shall provide refuse containers proximate to the use adequate to contain all refuse generated by the operation of the use. The operator shall pick up all refuse generated by such operation prior to vacating the site.
14. The site shall be cleaned of litter and any other evidence of the use on completion or removal of the use, and shall thereafter be used in compliance with the provisions of this title.
15. The use shall otherwise comply with all applicable state and local laws. Where regulations conflict, the most restrictive shall apply.
16. The use shall comply with Chapter 8.44 and shall not discharge liquid or solid waste to the environment or municipal storm water system.
17. The provision of food or beverages shall comply with Chapter 8.64 and shall not be dispensed in polystyrene food service ware. (Ord. 13-1341 § 2, 2013)

**17.42.160 Temporary seasonal sales lots.**

Outdoor retail sales of holiday trees or seasonal produce may be allowed with an administrative permit in the C-3 zone or zones that allow C-3 uses in conjunction with holidays or seasonal harvests for the following periods: Christmas trees: Thanksgiving Day to December 26th; pumpkin sales lots: September 30th to November 1st; fresh produce stands: not to exceed a ninety (90) day period between May 1st and October 30th. (Ord. 13-1341 § 3, 2013)

**17.42.170 Lot consolidation incentives for affordable multifamily development.**

A. Multifamily residential developments proposed on lots zoned R-3 or allowing an equivalent or higher density meeting the minimum requirements for a density bonus pursuant to Section [17.42.100](#) shall be granted an additional density bonus as an incentive to acquire and combine two (2) or more parcels into a single building site according to the following formula:

<b>Combined Parcel Size</b>	<b>Base Density Increase</b>
Less than 0.50 acre	No increase
0.50 Acre to 0.99 Acre	5% Increase
1.00 Acre or More	10% Increase

This lot consolidation bonus incentive shall be calculated prior to determining any density bonus pursuant to Section [17.42.100](#). Such projects shall be restricted in compliance with Section [17.42.100\(E\)](#).

B. Multifamily residential developments with less than five (5) units or a senior citizen housing development of less than thirty-five (35) units on lots zoned R-3 or allowing an equivalent or higher density that otherwise meet the minimum requirements for a density bonus pursuant to Section [17.42.100](#) shall be granted reduced

parking and lot development standards in Section [17.42.100\(D\)\(3\)](#) as an incentive to acquire and combine two (2) or more parcels into a single building site. Such projects shall be restricted in compliance with Section [17.42.100\(E\)](#).

C. Applications for lot consolidations pursuant to this section processed concurrently with other land use entitlements shall be granted expedited processing of planning and building entitlements and no additional fee shall be charged for such expedited processing. (Ord. 13-1341 §10, 2013)

**17.42.180 Advertising of short term rentals prohibited. Revised 6/16**

No person or entity shall maintain any advertisement of a rental prohibited under Sections [17.08.025](#), [17.10.015](#), [17.12.015](#), [17.14.015](#), [17.16.015](#), [17.18.025](#) and [17.20.015](#). (Ord. 16-1365 §9, 2016)

## Chapter 17.44 OFF-STREET PARKING Revised 10/17

Sections:

- [\*\*17.44.010 Definitions.\*\*](#)
- [\*\*17.44.020 Off-street parking--Residential uses.\*\*](#)
- [\*\*17.44.030 Off-street parking--Commercial and business uses.\*\*](#) Revised 10/17
- [\*\*17.44.040 Parking requirements for the downtown district.\*\*](#)
- [\*\*17.44.050 Unlawful to reduce available parking.\*\*](#)
- [\*\*17.44.060 Common parking facilities.\*\*](#)
- [\*\*17.44.070 Off-street parking--Mixed uses.\*\*](#)
- [\*\*17.44.080 Uses not otherwise specified.\*\*](#)
- [\*\*17.44.090 Off-street parking location.\*\*](#)
- [\*\*17.44.100 Size of spaces.\*\*](#)
- [\*\*17.44.110 Tandem parking and entry-way standards for residential parking.\*\*](#)
- [\*\*17.44.120 Driveways.\*\*](#)
- [\*\*17.44.130 Turning radii, stall width and aisle width.\*\*](#)
- [\*\*17.44.140 Requirements for new construction.\*\*](#)
- [\*\*17.44.150 Underground parking facilities.\*\*](#)
- [\*\*17.44.160 Required improvement and maintenance of parking area.\*\*](#)
- [\*\*17.44.170 Parking area in R-3 or R-P zones.\*\*](#)
- [\*\*17.44.180 Resulting fractions.\*\*](#)
- [\*\*17.44.190 Reserved.\*\*](#)
- [\*\*17.44.200 Assignment of off-street residential parking spaces.\*\*](#)
- [\*\*17.44.210 Parking plans.\*\*](#)
- [\*\*17.44.220 Consolidated off-street parking.\*\*](#)
- [\*\*17.44.230 Parking for reduced parking demand housing.\*\*](#)

### **17.44.010 Definitions.**

As used in this chapter:

"Entrance-way" means an opening or passageway to a building or structure which permits pedestrian or vehicular access to such building or structure.

"Gross floor area" means the total area occupied by a building or structure, excepting therefrom only the area of any inner open courts, corridors, open balconies (except when utilized, e.g., restaurant seating or similar usage), and open stairways. Such total area shall be calculated by measuring along the outside dimensions of the exterior surfaces of such building or structure.

"Major city street" means all public rights-of-way designated in the circulation element of the general plan as a primary, or secondary arterials or as collectors.

"Off-street parking" means parking upon private property as accessory to other permitted land uses, and shall not include publicly owned parking.

"Tandem parking" means one (10 automobile parked after or behind another in a lengthwise fashion. In this title, tandem parking is limited to not more than one (1) automobile behind another.

"Underground parking facilities" means a basement equipped, designed, used or intended to be used for parking automobiles. (Prior code Appx. A, § 1150)

**17.44.020 Off-street parking--Residential uses.**

The aggregate amount of off-street automobile parking spaces provided in connection with each of the following uses shall be not less than the following:

<b>Use</b>	<b>Parking Requirement</b>
A. One (1) family dwelling	Two (2) off-street parking spaces plus one (1) guest space.
B. Duplex or two (2) family dwelling	Two (2) off-street parking spaces for each unit plus one (1) guest space. One (1) additional space of on-site guest parking shall be provided for each on-street space lost because of new curbcuts and/or driveways.
C. Multiple dwellings (three (3) or more units)	Two (2) off-street spaces for each dwelling unit plus one (1) guest space for each two (2) dwelling units. One (1) additional space of on-site guest parking shall be provided for each on-street space lost

- because of new  
curbcuts and/or  
driveways.
- D. Detached servants' quarters or guesthouses One (1) space.
- E. Supportive or transitional housing, medical or residential care facilities, group homes: Limited to six (6) persons. Same as one (1) family dwelling.

(Ord. 13-1342, §11, #E, July 2013; prior code Appx. A, § 1151)

**17.44.030 Off-street parking--Commercial and business uses. Revised 10/17**

Required Number of Spaces by Use. The aggregate amount of off-street automobile parking spaces provided for various uses shall not be less than the following:

- A. Assembly halls: one (1) space for each five (5) seats, permanent or removable, or one (1) space for each fifty (50) square feet of gross floor area in the assembly hall, whichever is greater.
- B. Automobile or boat sales: one (1) space for each one thousand (1,000) square feet of site area.
- C. Bowling alleys: five (5) spaces for each lane plus one (1) space for each three hundred (300) square feet of gross floor area except bowling alley lanes and approach areas.
- D. Clubs, fraternity and sorority houses, rooming and boarding houses and similar uses having sleeping and guest rooms: two (2) covered spaces for each three (3) guest rooms; in dormitories each fifty (50) square feet shall be considered a guest room; two (2) spaces shall be required for each guest room with kitchen facilities.
- E. Commercial Uses.
1. Bars and cocktail lounges: one (1) space for each eighty (80) square feet of gross floor area.
  2. Beauty colleges: one (1) space for each one hundred (100) square feet of gross floor area.
  3. Business schools and trade schools: one (1) space for each one hundred (100) square feet of gross floor area.

4. Furniture and hardware stores: one (1) space for each two hundred fifty (250) square feet of gross floor area.
5. Offices, general: one (1) space for each two hundred fifty (250) square feet of gross floor area.
6. Offices, Governmental and Public Utilities. Government offices that generate high levels of contact with the public, or have high numbers of employees, including but not limited to employment offices, public social services offices, Department of Motor Vehicle offices: one (1) space per seventy-five (75) square feet of gross floor area for the first twenty-thousand (20,000) square feet of the building(s), plus one (1) space per two hundred fifty (250) square feet of gross floor area for the remaining floor area.
7. Offices, medical: five (5) spaces for each one thousand (1,000) square feet of gross floor area.
8. Restaurants (other than walk-up, drive-through and drive-in: one (1) space for each one hundred (100) square feet of gross floor area.
9. Restaurants, walk-up, drive-through and drive-in without adequate dining room facilities: one (1) space for each fifty (50) square feet of gross floor area, but not less than ten (10) spaces.
10. Retail, general retail commercial uses: one (1) space for each two hundred fifty (250) square feet of gross floor area.
11. Gymnasiums/health and fitness centers, as follows:
  - a. Less than or equal to three thousand (3,000) square feet and with less than or equal to twenty (20) students at one time if classes are offered: one (1) space per two hundred fifty (250) square feet of gross floor area.
  - b. Greater than three thousand (3,000) square feet but not more than six thousand (6,000) square feet, or with more than forty (40) students at one time if classes are offered: one (1) space per two hundred (200) square feet of gross floor area.
  - c. Greater than six thousand (6,000) square feet, or with more than forty (40) students at one time if classes are offered: one (1) space per one hundred (100) square feet of gross floor area.

F. Hospitals: two (2) spaces for each patient bed.

G. Hospitals (mental), convalescent homes, guest homes, rest homes, sanitariums and similar institutions: one (1) space for each three (3) beds.

H. Hotels: one (1) space for each unit for the first fifty (50) units; one (1) space per one (1) and one-half (1/2) units after fifty (50); and one (1) space per two (2) units after one hundred (100) units. Hotels with facilities including restaurants, banquet rooms, conference rooms, commercial retail uses and similar activities shall provide parking for the various uses as computed separately in accordance with the provisions of this

chapter.

I. Industrial Uses. The parking requirements of this subsection apply only to industrial uses; parking for commercial and other permitted uses in industrial zones shall provide the number of spaces as otherwise specified by this chapter.

1. Industrial uses of all types, except, public utility facilities and warehouses: one (1) space for each vehicle used in conjunction with the use; plus one (1) space for each three hundred (300) square feet of gross floor area.

2. Warehouses, buildings or portions of buildings used exclusively for warehouse purposes: one (1) space for each one thousand (1,000) square feet for the first twenty thousand (20,000) square feet; plus, one (1) space for each two thousand (2,000) square feet for the second twenty thousand (20,000) square feet; plus one (1) space for each four thousand (4,000) square feet in excess of forty thousand (40,000) square feet; plus one (1) space for each vehicle operated from the property. Prior to approval of a warehouse use by the city, a covenant shall be recorded, guaranteeing the warehouse area, facility or building will not be converted, remodeled or changed to a nonwarehouse use unless the number of spaces otherwise required by this chapter are secured and provided prior to such change or unless approved by planning commission in accordance with this chapter.

J. Mobilehomes or trailer parks: two (2) spaces for each dwelling unit with at least one (1) space adjacent to the trailer site.

K. Mortuaries or undertaking establishments: one (1) space for each seventy-five (75) square feet of building area for the chapel or public assembly area.

L. Motels: one (1) space for each unit, plus two (2) for the manager's unit.

M. Recreation or amusement establishments: one (1) space for each seventy-five (75) square feet of gross floor area.

N. Service stations: one (1) space for each one thousand (1,000) square feet of site area.

O. Snack Bar/Snack Shop. The parking requirements for a snack bar and/or snack shop shall be the same as that for a restaurant, unless it can be shown to the planning commission that the characteristics of the building, its location, size and other mitigating factors such as limited service area relative to gross floor area and limited seating capacity result in less parking demand than for a restaurant use. In these cases the planning commission may consider the retail commercial requirement for parking, pursuant to Section [17.44.210](#), Parking plans. (Ord. 17-1378 §7, 2017; Ord. 14-1346 §4, 2014; Ord. 04-1241 §4, 2004; Ord. 95-1126 §1, 1995; prior code Appx. A, § 1152)

#### **17.44.040 Parking requirements for the downtown district.**

The following requirements apply within the boundary of the downtown district, as defined by the map

incorporated by this reference:

A. The amount of parking shall be calculated for each particular use as set forth in Section [17.44.030](#) with the exception of the following:

1. Retail, general retail commercial uses: one (1) space for each 333.33 square feet of gross floor area (or three (3) spaces per one thousand (1,000) square feet).
2. Offices, general: one (1) space for each 333.33 square feet of gross floor area (or three (3) spaces per one thousand (1,000) square feet).
3. Office, medical: one (1) space for each 333.33 square feet of gross floor area (or three (3) spaces per one thousand (1,000) square feet).

B. When the use of an existing building or portion thereof is less than five thousand (5,000) square feet gross floor area is changed from a nonrestaurant use to a restaurant use, the parking requirement shall be calculated as set forth in Section [17.44.030](#), with no parking credit allowed for the existing or prior use.

C. When the use of an existing building or a portion thereof is changed to a more intensive use with a higher parking demand (with the exception of restaurants less than five thousand (5,000) square feet gross floor area as noted above), the requirement for additional parking shall be calculated as the difference between the required parking as stated in this chapter for that particular use as compared to a base requirement of one (1) space per two hundred fifty (250) square feet gross floor area.

D. For expansions to existing buildings legally nonconforming to parking requirements, parking requirements shall only be applied to the amount of expansion.

E. Parking In-Lieu Fees. When the city council provides for contributions to an improvement fund for a vehicle parking district in lieu of parking spaces so required, said in-lieu fee contributions shall be considered to satisfy the requirements of this chapter.

1. The director of the community development department shall be responsible for the calculations required under this chapter and shall calculate and collect the in-lieu contribution.

2. The following allowances through in-lieu fee contributions for parking may be allowed with a parking plan as approved by the planning commission and as prescribed in Section [17.44.210](#):

a. Building sites with a ratio of building floor area to building site of 1:1 or less may pay an "in-lieu" fee for all required spaces.

b. Building sites where buildings will exceed a 1:1 gross floor area to building site area ratio shall be required to provide a minimum of twenty-five (25) percent of the required parking on-site. (Ord. 04-1239 §4, 2004; Ord. 94-1099 §1, 1994; prior code Appx. A, § 1152.5)

#### **17.44.050 Unlawful to reduce available parking.**

The provision and maintenance of required off-street parking facilities and areas, and of area available to the owner or user of real property for meeting minimum required parking standards, shall be a continuing obligation of the property owner and user. An owner or user of real property containing uses for which off-street parking facilities or areas are required by this chapter shall be prohibited from the following:

- A. Reducing, diminishing or eliminating existing required off-street parking facilities or area under the ownership or control of such owner or user, whether on the same lot or on a separate lot from the use requiring such off-street parking facilities or area; or
- B. Selling, transferring, leasing or otherwise making unavailable for such required off-street parking facilities or area any portion of said lot or of any adjacent lot under the same ownership or control if the same is necessary for and available to satisfy in whole or in part the off-street parking requirements imposed by this chapter. (Prior code Appx. A, § 1153)

#### **17.44.060 Common parking facilities.**

Common parking facilities may be provided to wholly or partially satisfy the off-street parking requirements of two (2) or more uses when one (1) or more of such uses will only infrequently generate use of such parking area at times when it will ordinarily be needed by the patrons or employees of the other use(s).

- A. Up to one hundred (100) percent of the parking requirements of governmental and public auditorium uses may be allowed to be provided in such multiple-use parking areas. Up to eighty (80) percent of the parking requirements of other uses may be allowed to be provided in such multiple-use parking areas.
- B. The following factors shall be considered in determining the proportionate part of the required parking for such use(s):
  1. Whether the affected requirements are those of permanent buildings, or those of mere occupancies;
  2. The peak as well as normal days and hours of operation of such buildings and of the structures and occupancies with which it is proposed to share multiple-use parking areas;
  3. Whether the proposed multiple-use parking area is normally or frequently used by the patrons, customers or employees of other buildings or occupancies which will share such parking area at the same time as the applicant's patrons, customers and employees will normally or frequently utilize such parking area;
  4. The certainty that the multiple-use parking area(s) will be available for satisfying such parking requirements to the extent approved, and the permanency of such availability;
  5. The proximity and accessibility of the multiple-use parking area(s).
- C. A parking plan approval by the planning commission for multiple-use parking area(s) shall be so conditioned as to reasonably ensure the satisfaction of the appropriate parking requirements during the

continued existence of the buildings or occupancies involved.

D. If the common parking area(s) and the building sites to be served are subject to more than one ownership, permanent improvement and maintenance of such parking facilities must be provided in one of the following manners:

1. By covenant or contract among all such property owners; and duly recording an appropriate covenant running with the land;
2. By the creation of special districts and imposing of special assessments in any of the procedures prescribed by state law;
3. By utilizing the authority vested in a parking authority as provided by state law;
4. By dedicating such common parking area to the city for parking purposes subject to the acceptance of such dedication by the city council. (Prior code Appx. A, § 1154)

#### **17.44.070 Off-street parking--Mixed uses.**

Whenever there is a combination of two or more distinct uses on one lot or building site, the total number of parking spaces required to be provided for such lot or building site shall be not less than the sum total of the parking spaces required for each of the distinct uses. No off-street parking facilities provided for one use shall be deemed to provide parking facilities for any other use except as otherwise specified within this chapter. (Prior code Appx. A, § 1155)

#### **17.44.080 Uses not otherwise specified.**

The aggregate amount of off-street automobile parking spaces provided in connection with any use not otherwise provided for in this chapter shall come before the commission for parking determination. (Prior code Appx. A, § 1156)

#### **17.44.090 Off-street parking location.**

All off-street automobile parking facilities shall be located as follows:

A. All required parking spaces shall be located on the same lot or building site as the use for which such spaces are provided; provided however, that such parking spaces provided for commercial, business, industrial or warehouse uses may be located on a different lot or lots, all of which are less than three hundred (300) feet distance from the use for which it is provided, and such lot or lots are under common ownership with the lot or building site for which such spaces are provided.

Where the buildings are situated on one lot and the parking is situated on another lot, the owner shall file with the Community Development Department an affidavit recorded by the office of the Los Angeles County Recorder that these lots are held in common ownership for the use specified. Such distance shall be measured along a straight line drawn between the nearest point on the premises devoted to the use served by such parking facilities and the nearest point on the premises providing such parking facilities.

It is further provided that uses located within the boundaries of an established off-street parking district, organized pursuant to action by the City Council, shall be waived by the requirements of this subsection.

B. No parking space required for any residential use shall be more than two hundred (200) feet total walking distance from the nearest entrance of the dwelling unit for which it is provided, except that residential uses located within the boundaries of an established off-street parking district, organized pursuant to action by the city council, shall be waived by the requirements of this subsection.

C. In residential zones, garages or parking stalls fronting on a public street shall be set back a minimum of seventeen (17) feet from the exterior edge of the nearest public improvement (sidewalk or street improvement) if roll-up garage doors are installed, or set back twenty (20) feet if standard garage doors are installed. On streets where public improvements for sidewalks have not been completed the above setback shall be measured from the edge of the required or planned sidewalk. This measurement does not include structural supports or other parts of the structure provided parking dimension and turning radii are not obstructed.

Garages or parking stalls fronting on an alley shall provide one of the following setbacks from the property line: seventeen (17) feet, nine feet or three feet, except garages or parking stalls fronting on an alley of fifteen (15) feet in width or less need only to comply with the turning radius requirements of Section [17.44.130](#). For purposes of this section the service road located parallel to Hermosa Avenue approximately between 27th Street and 35th Street shall be considered as an alley.

D. Residential parking within the front twenty (20) feet shall be allowed only when paved and leading to a garage.

E. A garage may be located on one side lot line or on a rear property line which does not border a street or alley when said garage complies with all of the following:

1. No portion of such garage is more than thirty-five (35) feet from the rear lot line; and
2. No portion of such garage is closer than three feet to a habitable building on adjacent lot; and
3. There are no openings on the side of the garage which are on the property line; and
4. The wall on the side of the garage is constructed of one-hour fire resistant materials, and meets all building code regulations; and
5. There has been provision for all roof drainage to be taken care of on the subject lot; and
6. Such accessory structure is no more than one story in height and a distance of not less than six feet from the main building; and
7. Such accessory building is used only for storage of automobiles, and may be used in conjunction therewith for open sun deck.

F. Open parking spaces for residential uses in the open space zone (OS-O) shall be located only within the rear fifty (50) percent or in the rear forty (40) feet whichever is the lesser of a residential lot.

G. Required guest parking spaces for duplex, two-family or multiple-family residential uses that are shared between units shall not be located in tandem and shall be open and accessible to guests of all the units. (Ord. 00-1207, §4 (part), 10/24/00; Ord. 98-1179, §4 (1), 01-27-98; Ord. 96-1153 § 1, 1996; Ord. 94-1120 § 1, 1994; prior code Appx. A, § 1157)

**17.44.100 Size of spaces.**

A. No parking space for residential uses within any building shall be less than an inside dimension of eight feet, six inches wide or less than twenty (20) feet long.

B. Parking spaces, not within a building, shall comply with the parking lot design standards attached hereto, with the following exceptions:

1. In residential zones, guest parking spaces located in tandem behind a required parking space shall have a minimum length of seventeen (17) feet.
2. Guest parking spaces situated parallel to alleys and located behind garage doors with a nine-foot setback shall have a minimum length of twenty-two (22) feet.

C. Parking lot design standards for commercial and manufacturing uses are amended to allow the inclusion of thirty (30) percent compact car spaces in lots of ten or more stalls. (Prior code Appx. A, § 1158)

**17.44.110 Tandem parking and entry-way standards for residential parking.**

A. No entranceway for vehicular access to any garage shall be less than eight feet wide. No such entranceway shall have less than six feet eight inches vertical clearance.

B. In all residential zones, required parking spaces including replacement of on-street parking may be tandem. In the R-1 zone only, tandem parking may be accessed directly from a public street.

Guest spaces in all residential zones may be located in garage setbacks of seventeen (17) feet or nine feet as required in Section [17.44.090\(C\)](#) ; provided, they comply with the dimensional requirements specified in Section [17.44.100](#). However, in no case may one guest space be located behind another guest space.

The second floor level of a dwelling unit may project over a driveway fronting on a street or alley to within the prescribed setback required by the zone in which the development is proposed, or exists. (Prior code Appx. A, § 1159)

**17.44.120 Driveways.**

Off-street automobile parking facilities shall be provided with driveways providing vehicular access to such facilities from a public street or alley as follows:

A. Minimum driveway width shall be nine (9) feet, clear of all obstructions.

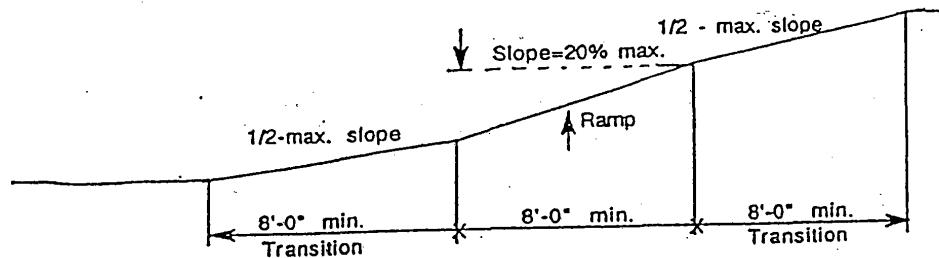
B. Driveways and parking spaces shall be paved with not less than six (6) inches of portland cement concrete, except that when supported by a selected rock base which is acceptable to the chief building inspector for the type of soil upon which it is constructed, driveways may be paved with a minimum of three (3) inches of asphaltic concrete. Pervious concrete or similar material and drainage facilities may be alternatively installed for driveways and parking areas, or portions thereof, to specifications approved by the building official and/or city engineer as applicable. Where practicable, surface runoff shall drain into an adjacent pervious area on the property to maximize infiltration.

C. Such driveways for vehicular access to parking spaces provided for any residential use shall be located wholly on the same lot as the parking spaces for which such driveway provides access, except in the case of common driveways. In the case of common driveways, easements of five feet on adjoining properties may be combined to create a driveway ten (10) feet in width.

Where access to required off-street parking spaces is via a common driveway, the owner shall file with the building department an affidavit recorded by the office of the Los Angeles County recorder that joint easements exist for the purpose of the driveway.

D. No driveway providing access to any off-street parking space or garage shall have a slope greater than twenty (20) percent; provided, that any ramp slope in excess of twelve and one-half (12-1/2) percent includes transitions on each side with a minimum length of eight (8) feet and a maximum slope of one-half (1/2) the maximum ramp slope, in accordance with the driveway grade standards set forth below; further, any area used for guest parking shall have a maximum slope of twelve and one-half (12-1/2) percent. (Ord. 09-1300 § 4, May 2009; Ord. 93-1089 § 1, 1993; prior code Appx. A, § 1160)

### DRIVEWAY TRANSITIONS



**NOTE:**

No part of ramp shall encroach into the Public Right-of-Way

#### **17.44.130 Turning radii, stall width and aisle width.**

For the purpose of determining access to garages or open parking spaces, the minimum dimensions for

turning radii, for stall widths, and for aisle widths shall be as set forth in the "parking lot design standards," on file with the city. Where an angle of parking other than one listed in the attached standards is proposed, the chief building inspector shall determine by interpolation the dimensions required for such parking. (Prior code Appx. A, § 1161)

**17.44.140 Requirements for new construction.**

Parking spaces shall be provided, permanently maintained and available for every building hereafter erected in compliance with this Chapter [17.44](#).

**17.44.150 Underground parking facilities.**

Underground parking facilities shall conform to all the provisions of this chapter; provided however, that underground parking facilities may be located in the side, front and rear yards which are completely below existing ground level. However, in the side yards and rear yards not abutting a street, the grade may be raised an average of three feet with a maximum of six feet above the existing grade, provided both side yards are provided with cement stops in order not to obstruct any pedestrian way. No portion of such facility shall have less than seven feet inside vertical clearance, except doorways may be six feet eight inches. (Prior code Appx. A, § 1163)

**17.44.160 Required improvement and maintenance of parking area.**

Every lot or area used for a public or private parking area shall be developed and maintained in the following manner:

A. Surface Parking Area.

1. Off-street parking areas shall be paved with not less than three (3) inch asphaltic or six (6) inch portland cement concrete surfacing and maintained so as to eliminate dust or mud and shall be so graded and drained as to dispose of all surface water. Pervious material with drainage facilities may be alternatively installed for driveways and parking areas, or portions thereof, to specifications approved by the building official or city engineer as applicable. Where practicable, surface runoff shall drain into an adjacent pervious area on the property to maximize stormwater retention and filtration. In no case shall drainage be allowed across sidewalks or driveways, except residential use.
2. Designated parking spaces shall be indicated with paint or approved stripping material on the surface of the parking area.

B. Border Barricades, Screening and Landscaping.

1. Off-street parking area that is not separated by a fence from any street, alley or property line upon which it abuts, shall be provided with a suitable concrete curb or timber barrier of dressed dimension stock not less than six inches in height, located not less than two feet from such street or alley property lines, and such curb or barrier shall be securely installed and maintained; provided no such curb or barrier shall be required across any driveway or entrance to such parking area. Modifications for stormwater and urban runoff management (e.g., curb inlets) may be allowed to specifications approved

by the building official or city engineer as applicable. Where practicable, surface runoff shall drain into an adjacent pervious area on the property to maximize infiltration.

2. Any unenclosed off-street parking area abutting property located in one of the R zones shall be separated from such property by a solid masonry wall six (6) feet in height measured from the grade of the finished surface of such parking lot closest to the contiguous R zone property; provided, that along the required front yard, the solid masonry wall shall not exceed forty-two (42) inches in height. No such solid masonry wall need be provided where the elevation of that portion of the parking area immediately adjacent to an R zone is six (6) feet or more below the elevation of such R zone property along the common property line.

C. Lighting. Light fixtures shall be high-efficiency, fully shielded (full cutoff) and down cast (emitting no light above the horizontal plane of the fixture), and not create glare or spill beyond the property lines. Any lights provided to illuminate any off-street parking area or used car sales area permitted by this ordinance shall be arranged so the light is reflected away from any street or premises upon which a dwelling unit is located and the lamp bulb is not directly visible from within any residential unit.

D. Entrances and Exits. The location and design of all entrances and exits shall be subject to the approval of the city engineer.

E. Traffic Circulation. Traffic circulation within off-street parking facilities except for residential parking shall be designed to ensure that no automobile need enter a major street in order to progress from one aisle to any other aisle within the same parking lot, or enter such major street backwards in order to leave such lot. If such circulation is not otherwise possible, a turnaround area within such lot, not less than thirty (30) feet in diameter, shall be provided. Directional signs or markings shall be provided in all facilities in which one-way traffic has been established.

F. Authorized Vehicles. In all residential zones, parking spaces shall be maintained free and clear and utilized solely for the parking of authorized vehicles (obstructive storage prohibited).

"Authorized vehicles" shall mean automobiles, motorcycles, light trucks and vans not exceeding one and one-half ton capacity. Trailers, boats, recreational vehicles, motor homes, campers (not mounted to a motorized vehicle), tractor trucks and inoperable vehicles are prohibited. (Ord. 09-1300 §4, May 2009; Prior code Appx. A, § 1164)

#### **17.44.170 Parking area in R-3 or R-P zones.**

Every parking area located in an R-3 or R-P zone shall be governed by the following provisions in addition to those required above:

A. No parking lot to be used as an accessory to a commercial or industrial establishment shall be established until it shall first have been reviewed by the planning commission and its location approved. Such approval may be conditioned upon the commission's required lighting, planting and/or maintenance of trees, shrubs or other landscaping within and along the borders of such parking area.

B. Such a parking lot to be used as an accessory to a permitted commercial or industrial establishment shall be so located that the boundary of such parking lot closest to the site of the commercial or industrial establishment to which it is accessory shall be not more than fifty (50) feet distant.

C. Such parking lot shall be used solely for the parking of private passenger vehicles.

D. No sign of any kind, other than one designating entrances, exits or conditions of use shall be maintained on such parking lot. Any such sign shall not exceed eight square feet in area. (Prior code Appx. A, § 1165)

#### **17.44.180 Resulting fractions.**

When calculating the number of off-street automobile parking spaces required by this code for any particular use, building or structure, or integrated group of uses, buildings or structures, any resulting fraction less than one-half shall be disregarded, and any such fraction one-half or greater shall be construed as requiring one additional parking space. (Prior code Appx. A, § 1166)

#### **17.44.190 Reserved.**

#### **17.44.200 Assignment of off-street residential parking spaces.**

Required off-street parking spaces, except guest spaces, shall be permanently assigned and/or rented with each unit on the basis of the required parking per unit stated under Section [17.44.020](#), and the unit occupant shall be given sole use of said spaces for vehicle parking only. (Prior code Appx. A, § 1168)

#### **17.44.210 Parking plans.**

A. A parking plan may be approved by the planning commission to allow for a reduction in the number of spaces required. The applicant shall provide the information necessary to show that adequate parking will be provided for customers, clients, visitors and employees or when located in a vehicle parking district, the applicant shall propose an in-lieu fee according to requirements of this chapter.

B. Factors such as the following shall be taken into consideration:

1. Van pools;
2. Bicycle and foot traffic;
3. Common parking facilities;
4. Varied work shifts;
5. Valet parking;
6. Unique features of the proposed uses;
7. Peak hours of the proposed use as compared with other uses sharing the same parking facilities especially in the case of small restaurants or snack shops in the downtown area or in multitenant

buildings;

8. Other methods of reducing parking demand.

C. A covenant with the city a party thereto, may be required limiting the use of the property and/or designating the method by which the required parking will be provided at the time that the planning commission determines that inadequate parking exists.

D. Fees, application and processing procedures for parking plans shall set forth by resolution of the city council. (Ord. 94-1099 § 3, 1994; prior code Appx. A, § 1169)

**17.44.220 Consolidated off-street parking.**

Subject to approval by the planning commission as prescribed in Section [17.44.210](#), required parking spaces for various uses may be reduced in number and computed at one space per two hundred fifty (250) square feet of gross floor area when parking is consolidated in retail shopping centers over ten thousand (10,000) square feet in size, or where public parking areas are created to take the place of on-site parking within vehicle parking districts. (Prior code Appx. A, § 1170)

**17.44.230 Parking for reduced parking demand housing.**

A. When requested by the applicant, multi-family residential developments providing housing affordable to lower-income households, senior housing, and housing for disabled persons shall provide off-street parking according to the following formula:

Use	Off-Street Parking Spaces
Family housing (restricted to lower-income households)	
Studio	0.5 per unit
1-bedroom	1 per unit
2 or 3 bedrooms	2 per unit
4 or more bedrooms	3 per unit
Guest spaces	1 per 5 units
Staff member spaces	1 per 20 units
Senior housing or housing for disabled persons	
Studio	0.5 per unit
1 or 2 bedrooms	1 per unit

Guest spaces	1 per 5 units
Staff member spaces	1 per 20 units (senior housing)
	1 per 10 units (housing for disabled persons)
	Single Room Occupancy (SRO) facility (restricted to lower-income persons)
Studio	0.5
1-bedroom	1 per unit
Guest spaces	1 per 5 units
Staff (when applicable)	1 per 20 units

B. The number of accessible parking spaces provided in accordance with Title 24 of the California Code of Regulations (California Building Standards Code) for Housing for Senior Citizens and housing for disabled persons shall be the number of spaces required in accordance with the basic parking ratio for multiple dwelling units.

C. All required parking shall be provided in non-tandem parking spaces.

D. Lower income housing: All units are rental units reserved for a period of at least 55 years for rental units restricted to lower-income households where affordable monthly rents shall not exceed 30% of 60% of annual median County household income divided by 12, and adjusted for household/unit size. SRO units shall be treated as one-bedroom units for the purposes of determining affordability. These restrictions shall be set forth in a written agreement between the property owner, and the City, the Housing Authority of the City Los Angeles or another housing provider approved by the City. These agreements shall specify: a) the maximum rents based on the same formula which established initial rent levels as a condition of City approval, or other formula approved by the City; b) the term for which rental units must remain affordable; and c) terms under which affordability is maintained after sale or transfer of the property.

E. Housing for seniors or disabled persons: Applies to housing specifically restricted to, designed for and occupied by seniors or by disabled persons with limitations that affect the ability to drive.

**Chapter 17.46**  
**YARD, HEIGHT AND AREA RESTRICTIONS Revised 11/15 Revised 10/17**

Sections:

- [\*\*17.46.010 Height of roof structures.\*\* Revised 10/17](#)
- [\*\*17.46.015 Calculating, measuring, and enforcing maximum building height.\*\*](#)
- [\*\*17.46.020 Yard regulations.\*\*](#)
- [\*\*17.46.030 Yard requirement when more than one \(1\) main building exists.\*\*](#)
- [\*\*17.46.040 Commission may establish formula for modifying yard requirements.\*\*](#)
- [\*\*17.46.050 Measurement of front yards.\*\*](#)
- [\*\*17.46.060 Vision clearance--Corner lots.\*\*](#)
- [\*\*17.46.070 Architectural encroachments into required yards.\*\*](#)
- [\*\*17.46.080 Fireplace encroachment into yards.\*\*](#)
- [\*\*17.46.090 Fire escape encroachment into yards.\*\*](#)
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**17.46.010 Height of roof structures. Revised 10/17**

A. Commercial and Manufacturing Zones. The following elements may be constructed above the height limit, provided they do not exceed the height limit by more than eight (8) feet and cover no more than five (5) percent of the total roof area. All elements listed below are governed by the California Building Code and may exceed the height limit only by the minimum amount necessary to comply with the California Building Code standards.

1. Elevator housing;
2. Stairways;

3. Tanks;
4. Ventilating fans;
5. Parapet fire walls;
6. Towers;
7. Chimneys;
8. Flues;
9. Vents;
10. Smokestacks;
11. Wireless masts; and
12. Similar structures as determined by the planning commission.

B. Residential Zones. Residential uses may have chimneys, vents and flues exceed the height limit only to the extent required to meet the Uniform Building Code requirements.

C. No structure exceeding the height limit under this section shall result in additional floor area.

D. For the height standards for antennas, satellite dishes, and similar structures refer to Section [17.46.210](#).

E. For the development standards for solar energy systems refer to Section [17.46.220](#).

F. For the height standards for single-pole umbrellas refer to Section [17.46.230](#).

G. For the height and development standards for small wind energy systems refer to Section [17.40.200](#). (Ord. 17-1379 §4, 2017; Ord. 09-1304 §3, 2010; Ord. 08-1296 §1, 2008; Ord. 08-1295 §1, 2008; Ord. 04-1245 §4, . 2004; prior code Appx. A, § 1201)

#### **17.46.015 Calculating, measuring, and enforcing maximum building height.**

The allowed building height is set forth in each specific zone. Determining maximum building height for any building in any zone is based on the definition for "building height" as contained in Chapter [17.04](#). The procedure for calculating, measuring, and enforcing building height requirements is as follows:

- A. A detailed topographic survey, prepared and certified by a licensed surveyor or civil engineer, indicating all corner point elevations of a property shall be the basis for calculating building height.
- B. Maximum building height at critical points of the building shall be calculated by interpolating from the elevation points indicated on the survey.
- C. The maximum allowable building height shall be indicated at each critical point on the roof plan and building

elevation plans.

D. The building, while under construction and at the roof framing inspection stage, shall be surveyed to determine building heights at critical points on the roof (or uppermost portion of the building roof sheathing) corresponding to approved plans. The survey shall be conducted and certified by a licensed surveyor or civil engineer.

E. A building height verification letter shall be submitted indicating that the building is at or below the calculated maximum building height at the critical points before the roof framing final inspection is approved by the city.

F. Alterations and expansions to existing one (1) story buildings not resulting in additional stories, and minor alterations to any building which are clearly below maximum height limits, may be excepted from these procedures at the discretion of the director of the community development department. (Ord. 00-1199 §4, 2000)

#### **17.46.020 Yard regulations.**

Except as provided in this chapter, every required front, side and rear yard shall be open and unobstructed from the ground to the sky. No yard or open space provided around any building or buildings for the purpose of complying with the provisions of this chapter as it pertains to any given lot shall be considered as providing a yard or open space on any adjoining property. (Prior code Appx. A, § 1202)

#### **17.46.030 Yard requirement when more than one (1) main building exists.**

Where two (2) or more buildings are, by definition of this title, considered main buildings, then the front yard requirement shall apply only to the building closest to the front lot line and the rear yard requirement shall apply only to the building closest to the rear lot line, and there shall be a distance between such main buildings not less than eight (8) feet. (Prior code Appx. A, § 1204)

#### **17.46.040 Commission may establish formula for modifying yard requirements.**

The planning commission may, by resolution, adopt a formula or establish standard practices by which to determine an appropriate and practical modification of required yards in all residential zones where geometric shape and dimensions and topography are such as to make literal application of such required yard impractical. After the adoption of such formula or standard practices, they shall be applied as an administrative act. (Prior code Appx. A, § 1205)

#### **17.46.050 Measurement of front yards.**

Front yard requirements shall be measured from the front property line or the indicated edge of a street for which a precise plan exists or from the edge of any setback established by a setback ordinance, whichever is the greatest distance from the center line of the street. (Prior code Appx. A, § 1206)

#### **17.46.060 Vision clearance--Corner lots.**

All corner lots subject to yard requirements shall maintain for safety vision purposes a triangular area one (1) angle of which shall be formed by the front and side lot lines and the sides of such triangle forming the corner

angle shall each be ten (10) feet in length measured from the aforementioned angle. The third side of said triangle shall be a straight line connecting the last two (2) mentioned points which are distant ten feet from the intersection of the front and side lot lines. Within the area comprising said triangle, no tree, fence, shrub or other physical obstruction higher than thirty-six (36) inches above the established curb grade shall be permitted.

Exception: Any portion of a structure commencing eight (8) feet or more above the established curb grade need not comply with the foregoing restriction. (Prior code Appx. A, § 1207)

**17.46.070 Architectural encroachments into required yards.**

Required yard areas shall be unobstructed from ground to sky except specifically allowed as follows:

A. Cornices, eaves, belt courses, sills and buttresses may encroach into any required yard area not more than thirty (30) inches, provided that in no case may such encroachments be closer than thirty (30) inches to any lot line.

B. Bay windows, greenhouse windows and similar windows which are no wider than eight feet, spaced a minimum of ten feet apart, and which do not create additional floor area may encroach to within three feet of the side or rear lot line, and thirty (30) inches from the front lot line, but in no case shall the depth of such windows be more than thirty (30) inches.

C. Pilasters, columns and chases for mechanical equipment which have a depth of six inches or less, a width of one foot or less, may encroach, but in no case shall such encroachment be closer than thirty (30) inches to the lot line.

D. Encroachments into required yards not listed above which are determined to be architectural projections by the Planning Commission shall be a minimum of ten feet apart. (Ord. 01-1215, §4, 05-08-01)

**17.46.080 Fireplace encroachment into yards.**

Fireplace structures which are not wider than eight feet, are spaced a minimum of ten feet apart, and are part of the main building may project into the required yards a distance of thirty (30) inches, provided such encroachments are no closer than thirty (30) inches to the lot line. (Prior code Appx. A, § 1210)

**17.46.090 Fire escape encroachment into yards.**

Fire escapes may encroach into yards thirty (30) inches provided that in no case such encroachment is closer than thirty (30) inches to the lot line. (Prior code Appx. A, § 1211)

**17.46.100 Balcony encroachments into front yard areas.**

An open uncovered balcony may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three feet to the front property line, and shall be a minimum of seven feet above finished grade. (Ord. 98-1188, §4, 12/08/98; Prior code Appx. A, § 1212)

**17.46.110 Stairway encroachment into a side yard.**

A. Side Yards: Uncovered, solid concrete stair landing and stairs on grade which are not over four feet to the highest point from the natural, existing or finished grade, whichever is the lesser height, and do not extend above the level of the first floor of the building may extend or project into any required side yard. In order that such structure shall not obstruct any pedestrian way on the ground level, the stairs shall extend from the stair landings in both directions.

B. Front Yards: An unenclosed stairway or uncovered steps leading from grade to the first floor level may encroach into a required front yard thirty-six (36) inches, but in no case shall such encroachment be closer than three feet to the front property line. (Ord. 98-1188, §4, 12/08/98; Prior code Appx. A, §1213)

**17.46.120 Guard railings may project into yards.**

Guard railing for safety protection around depressed ramps, open work fences, hedges or landscape architectural features not more than forty-two (42) inches in height may be located in any front or side yard, provided they do not obstruct any pedestrian way on ground level. (Prior code Appx. A, § 1214)

**17.46.130 Walls, fences and hedges in residential, commercial and manufacturing zones.**

A. A wall, fence or hedge forty-two (42) inches in height may be located and maintained on any part of a lot. A fence, wall or hedge not more than six feet in height may be located anywhere on the lot to the rear of the rear line of the required front yard, provided that on the side street line of a corner lot a fence, wall or hedge higher than forty-two (42) inches may extend only from the rear lot line to the rear line of the required side yard. In the case of a reversed corner lot, a fence, wall or hedge higher than forty-two (42) inches shall not be located closer to the side street than a distance equal to the depth of the required front yard on the lot to the rear.

B. Where a retaining wall protects a cut below the natural grade, and is located on the line separating lots, such retaining wall may be topped by a fence, wall or hedge of the same height that would otherwise be permitted at the location if no retaining wall existed. Where a retaining wall contains a fill, the height of the retaining wall built to retain the fill shall be considered as contributing to the permissible height of a fence, solid wall or hedge; provided, that in any event, a protective open work fence or wall not more than forty-two (42) inches in height may be erected at the top of the retaining wall. An "open work fence" means a fence in which the component solid portions are evenly distributed and constitute not more than sixty (60) percent of the total surface area of the fence.

C. No fence or wall 42 inches or greater in height shall be constructed without first obtaining a building permit. (Ord. 02.1217 §4, Feb. 2002)

D. Under no circumstances shall any fence, wall, or hedge be constructed or altered to add razor wire, barbed wire, broken glass or other similar material.

Exception. Security fences around oil development facilities may be installed with barbed wire during the active life of the oil wells.

E. Walls, or fences, including the visible surface of retaining walls, shall be constructed of, or treated with, an aesthetically pleasing material approved by the planning director, including, but not limited to, masonry block

designed and manufactured to be exposed (e.g., split-face, scored, textured or striated); surface treated masonry (e.g. stucco or paint); wrought iron or simulated wrought iron; brick; wood; stucco or paint. Plain gray untreated block not designed or manufactured to be exposed and chain link fences are prohibited. Chain link fences with vinyl or wood slats may be approved by the planning director in commercial or manufacturing zones only.

Exception. Chain link fencing may be installed for temporary periods around Christmas tree lots, pumpkin lots or similar temporary uses, and any construction project to meet the safety requirements of the Uniform Building Code for the period of construction, or, may be installed around temporarily dangerous areas as determined by city officials from fire, police, building and safety or planning departments.

Exception. Permanent chain link fencing may be installed around schools, tennis courts, baseball fields, parks or other recreational facilities.

F. Where commercial, manufacturing or any use other than residential uses abuts a residential use, a fence or wall with a height greater than as noted above may be constructed if a conditional use permit has been granted for such a fence or wall pursuant to Chapter [17.40](#), subject to the following criteria:

1. The use of the higher wall or fence is necessary to mitigate potential noise, visual or other impact of a nonresidential use on a residential use.
2. The greater height will not be detrimental to neighboring property or to the public welfare, and will not interfere with the light, air and scenic views of any property.
3. The higher wall or fence shall be constructed of materials as noted in subsection E of this section.
4. Vehicle vision clearance shall not be hindered by a wall or fence resulting in a safety hazard. (Ord. 96-1164 §1, Amended, 11/26/96; Ord. 94-1102 § 1, 1994; Ord. 93-1092 §§ 1, 2, 1993; prior code Appx. A, § 1215)

**17.46.140 Required increase of side yard where rear of dwellings abuts side yard.**

Where two-family dwellings or multiple-family dwellings group houses, court apartments or row dwellings are arranged so that the rear of such dwellings abuts upon the side yards, and such dwellings have openings onto such side yards used as a means of access to the dwellings, the required side yards to the rear of such dwellings shall be increased by one foot for each dwelling unit having an entrance or exit opening into or served by such yard; provided, such increase need not exceed five feet. Open, unenclosed porches not extending above the level of the first floor may project into the required width of such side yard; provided such porches shall not reduce to less than three feet the unobstructed pedestrian way or sidewalk at the ground level. (Prior code Appx. A, § 1216)

**17.46.150 Required increase of side yard where multiple or row dwellings front upon a side yard.**

The minimum width of the side yard upon which dwellings front shall be not less than one and one-half times the width of the side yard to the rear of such dwellings. (Prior code Appx. A, § 1217)

**17.46.152 Front yard requirements for through lots.**

A. The required front yard on "through lots", as defined herein, shall be provided on the street frontage where the majority of the existing dwelling units on the block are fronting.

B. The following list indicates which frontage is designated the front yard for various blocks with through lots:

Through Lots Located Between:	Front Yard Shall Be Provided On:
Ava Avenue and Ardmore Avenue	Ava Avenue
Ava Avenue and Springfield Avenue	Springfield Avenue
Barney Court and Meyer Court	Barney Court
Bonnie Brae Street and Campana Street	Bonnie Brae Street
Monterey Boulevard and Culper Court	Monterey Boulevard
Monterey Boulevard and Loma Drive	Monterey Boulevard
Monterey Boulevard and Morningside Dr.	Monterey Boulevard
15th Place and 16th St. (E. of Mira Street)	15th Place
The Strand and Hermosa Avenue	Both The Strand & Hermosa Avenue (See Exception Below)

Exception for The Strand/Hermosa Avenue Through Lots: New developments shall be required to provide front yards on both The Strand and Hermosa Avenue. For existing developed properties and remodeling and expansion projects thereon The Strand shall be designated the front yard. For the purposes of calculating required open space in the various residential zones, the Strand front yard area may be counted towards the

open space requirement. The lots facing the service road located parallel to Hermosa Avenue approximately between 27th Street and 35th Street shall not be required to provide a front yard on Hermosa Avenue.(Ord.02-1218,§4, April 2002)

**17.46.154 Yard requirements for "half-lots" fronting on alleys.**

The side of the lot facing the alley is considered the front yard, but the applicable yard requirement is three (3) feet from the property line on the ground floor and one (1) foot on the second floor and above. (Ord. 98-1179, §4 (3); 01-27-98)

**17.46.160 Only one (1) building on a lot or building-site constitutes a main building.**

Any building which the only building on a lot or building site is a main building. (Prior code Appx. A, § 1218)

**17.46.170 Through lots may be divided in certain cases.**

Through lots one hundred eight feet or more in depth may be improved as two separate lots, with the dividing line midway between the street frontages, and each resulting one-half shall be subject to the control applying to the street upon which such one-half faces. If the division results in parcels having less than the minimum lot area required in this ordinance, then no division may be made. If the whole of any through lot is improved as one building site, the main building shall conform to the zone classification of the frontage upon which such main building faces, and no accessory building shall be located closer to either street than the distance constituting the required front yard on such street. (Prior code Appx. A, § 1219)

**17.46.180 Lot area not to be reduced.**

No lot area shall be so reduced or diminished that the lot area, yards or other open spaces shall be smaller than prescribed by this chapter, nor shall the density of population be increased in any manner except in conformity with the regulations established by this chapter. (Prior code Appx. A, § 1220)

**17.46.190 Greater lot area may be required.**

Greater lot areas than those prescribed in the various zones may be required when such greater areas are established by the adoption of a precised plan in the manner prescribed by law, designating the location and size of such greater required areas. (Prior code Appx. A, § 1221)

**17.46.200 Substandard lots.**

When a lot has less than the minimum required area or width as set forth in any of the zones contained herein, or in a precised plan and was of record on the effective date of the ordinance codified in this chapter, such lot shall be deemed to have complied with the minimum required lot area or width as set forth in any such zone or precised plan. (Prior code Appx. A, § 1222)

**17.46.210 Antennas, satellite dishes and similar equipment.**

No antenna, television aerial, satellite dish or similar device as defined in Section [17.04.040](#) shall be erected, constructed, maintained or operated except in conformance with the following regulations:

A. Purpose.

To establish procedures and regulations for processing wireless service facility applications in all non-residential areas and to create consistency between federal legislation and local ordinances regarding amateur radio and satellite dish antennas. The intent of these regulations is to protect the public health, safety and general welfare while ensuring fairness and reasonable permit processing time.

B. Applicability.

1. Antennas, television aerials, satellite dishes, similar devices or any apparatus designed or used to receive television, radio or other electronic communication signals broadcast or relayed from another location shall be regulated by this section as accessory structures as defined in this Title.
2. Wireless communication facilities shall be permitted as accessory structures as defined in this Title by Conditional Use Permit, pursuant to Chapter [17.40](#), in the commercial, manufacturing and open space zones, and prohibited in the residential zones as defined in this Title.
3. The following uses shall be exempt from the provisions of this Chapter until such time as federal regulations are repealed or amended to eliminate the necessity of the exemption:
  - a. Any antenna or such device that is one meter (39.37 inches) or less in diameter and is designed to receive direct broadcast satellite service, including direct-to-home satellite service, as defined by Section 207 of the Telecommunications Act of 1996, Title 47 of the Code of Federal Regulations, and any interpretive decisions thereof issued by the Federal Communications Commission;
  - b. Any antenna or such device that is two meters (78.74 inches) or less in diameter located in a commercial or industrial zone and is designed to transmit or receive Radio Communication by Satellite Antenna;
  - c. Any antenna or such device that is one (1) meter (39.37 inches) or less in diameter or diagonal measurement and is designed to receive multipoint distribution service; provided, that no part of the antenna structure extends more than twelve (12) feet above the principal building on the same lot.

C. Location of Device.

1. Except as herein provided, no such device shall be allowed to exceed the height limit applicable in the zone in which the device is located. The height limit in any particular zone shall apply whether or not the device is placed on the roof or in the rear yard. For the purposes of this chapter, all such devices placed upon a roof shall be combined for measurement. The surface area of the device shall be measured at its maximum projection above the height limit.
2. Said devices shall be allowed to exceed the height limit only to the extent that the surface area of the device on its widest side shall not exceed twelve (12) square feet of surface area over the height limit, but in no event to exceed fifteen (15) feet above the highest point of the building. The surface area measurement shall only include measurement of the surface area of the device that exceeds the

applicable height limit. It shall not include the surface area of the device below the height limit. For a device placed on the rooftop of an existing building nonconforming to the height limit, the surface area measurement shall only include measurement of the surface area of the device that exceeds the height of the existing roof or parapet wall, whichever is greater.

3. Such devices shall be located and designed to reduce visual impact from surrounding properties and from public streets and shall be screened in a manner compatible with existing architecture and/or landscaping. However, no screening shall be required which blocks the ability of any such device to receive signals. Based on a determination by the community development director or his designee, screening of a type and construction compatible with the architecture of the building in question may be required.

4. All devices regulated under this section and the construction and installation thereof shall conform to applicable city building code, zoning code, and electrical code regulations and requirements.

5. Such devices shall meet all manufacturer's specifications, and all antennas and screens shall be fire-resistive and of corrosive resistant material, and shall be erected in a secure, wind resistant manner. They shall also be maintained in good condition.

6. Every such device shall be adequately grounded for protection against a direct strike of lightning.

7. No building permit shall be issued until there is filed with the city a site plan and building elevations showing conformance with this section. For the purposes of this section, a building permit shall be required for all satellite dishes and for other antennas or aerials which exceed ten (10) feet in height above the existing roof line when measured from the base of the antenna or aerial.

#### D. Removal of Wireless Communication Facilities.

1. The applicant shall provide notification to the community development director upon cessation of operations on the site. The applicant shall remove all obsolete or unused facilities from the site within six (6) months of termination of its lease, cessation of operations, or expiration of its permit, subject to the determination of the director of community development. Should the owner fail to effect such removal, the property owner shall be responsible for the removal of the equipment.

2. A new permit shall be required if the site is to be used again for the same purpose as permitted under the original permit, if a consecutive period of six (6) months has lapsed since cessation of operations.

3. Any FCC licensed wireless communications carrier that is buying, leasing, or considering a transfer of ownership of an already approved facility shall submit a letter of notification of intent to the director of community development. (Ord. 01-1214 §4, 2001; prior code Appx. A, § 1227)

#### **17.46.220 Solar energy systems--Height limit exception and streamlined permitting. Revised 11/15**

Solar energy systems shall be permitted, installed and constructed in conformance with the following:

A. Purpose. To promote the use of solar energy systems in accordance with state law while protecting the public health and safety.

B. Definitions.

1. "Ancillary solar equipment" means any accessory part or device of a solar energy system that does not require direct access to sunlight, such as batteries, electric meters, AC/DC converters or water heater tanks.
2. "Small residential rooftop solar energy system" has the meaning set forth in California Government Code Section 65850.5(j)(3).
3. "Solar collector" means any part or device of a solar energy system that requires direct access to sunlight and is typically located on the rooftop, such as solar panels and solar hot water or swimming pool heaters.
4. "Solar energy system" has the meaning set forth in California Civil Code Section 801.5(a).

C. Development Standards.

1. Solar collectors and solar energy systems may exceed the height limits mandated by this Code to the minimum extent necessary for their safe and efficient operation in accordance with the California Building Code and other applicable provisions of state law.
2. Where feasible, solar energy systems shall be integrated into the design of the structure as an architectural element.
3. Where feasible, roof-mounted solar energy systems shall be located in such a manner as to ensure emergency access to the roof, provide areas for smoke ventilation opportunities and provide emergency egress from the roof.
4. Where feasible, ancillary solar equipment shall be located inside the building or screened from public view.
5. Solar energy systems shall be erected in a secure, wind-resistant manner and maintained in good condition.
6. Other applicable development standards in this Code may be modified by the community development director ("the director") in the case where compliance would demonstrably reduce the operating efficiency or performance of a solar energy system and compliance will not adversely impact public health and safety.
7. The provisions of Section [15.04.084](#) shall apply to rooftop solar energy system installations.

D. Streamlined Permitting.

1. An administrative permit issued pursuant to Chapter [17.55](#) shall be required for small residential rooftop solar energy system installations.
2. The director shall process applications for small residential rooftop solar energy systems in an expedited and streamlined manner, meaning that within forty-five (45) days of receipt of a complete application, an administrative permit shall be issued for any small residential rooftop solar energy system satisfying the following criteria:
  - a. The small residential rooftop solar energy system satisfies the eligibility criteria set forth in the expedited, streamlined permitting checklist adopted by the city in compliance with the Solar Permitting Efficiency Act;
  - b. The city has received a complete application satisfying the requirements of all applicable solar energy system permitting checklists; and
  - c. The installation passes an inspection.
3. Decisions of the director under this section may be appealed to the planning commission pursuant to Section [17.55.050](#).
4. Applications for permits required by this section and associated documentation may be submitted electronically, and an applicant may provide an electronic signature in lieu of a wet signature.
5. Solar energy systems other than small residential rooftop solar energy systems are not eligible for streamlined permitting under this section. (Ord. 15-1357 §2, 2015: Ord. 08-1295 §2, 2008)

#### **17.46.230 Single-pole umbrellas exceeding height standards.**

Single-pole umbrellas may exceed the height limit as described in this section.

- A. For the purposes of this section, "single-pole umbrella" means a pre-manufactured single-pole lightweight collapsible canopy without sides, walls or vertical coverings of any type, material or dimension, such as a parasol, umbrella or shade sail of cloth, canvas, plastic or similar nonreflective material intended for temporary use. Multi-pole or pop-up canopies of any type, latticework or netting, structural components, screens including vegetative screens, or other objects designed or arranged to create a privacy screen or outdoor room, shall not exceed the height limit.
- B. Single-pole umbrellas shall be maintained in a collapsed/closed position between the hours of 10:00 p.m. and 6:00 a.m. and when otherwise not in use.
- C. A maximum of two (2) single-pole umbrellas per building, or per unit in the case of multi-owner/tenant buildings, not exceeding nine (9) feet in height measured from the finished floor elevation of the roof deck to the highest point of the canopy are permitted.
- D. No part of any single-pole umbrella in any position shall extend beyond the exterior railings/barriers or if

none the floor perimeter of the roof deck.

E. No single-pole umbrella shall exhibit appendages, guy wires, lighting, advertising, moving parts or other devices or alterations that increase visual impacts.

F. Every single-pole umbrella shall be erected in a secure, wind resistant manner and maintained in good condition. (Ord. 08-1296 §2, 2008)

## **Chapter 17.48** **TRIP REDUCTION AND TRAVEL MANAGEMENT**

Sections:

- [\*\*17.48.010 Definitions.\*\*](#)
- [\*\*17.48.020 Review of transit impacts.\*\*](#)
- [\*\*17.48.030 Transportation demand and trip reduction measures.\*\*](#)
- [\*\*17.48.040 Monitoring.\*\*](#)
- [\*\*17.48.050 Enforcement.\*\*](#)

### **17.48.010 Definitions.**

The following words or phrases shall have the following meanings when used in this chapter:

"Alternative transportation" means the use of modes of transportation other than the single passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

"Applicable development" means any development project that is determined to meet or exceed the project size threshold criteria contained in Section [17.48.030](#).

"Buspool" means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

"Carpool" means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

"The California Environmental Quality Act (CEQA)" means a statute that requires all jurisdictions in the state of California to evaluate the extent of environmental degradation posed by proposed development.

"Developer" means the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

"Development" means the construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this ordinance and which exceed the thresholds defined in Section [17.48.030](#) shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All calculations shall be based on gross square footage.

"Employee parking area" means the portion of total required parking at a development used by onsite employees. Unless specified in the city's zoning/building code, employee parking shall be calculated as follows:

**% of Total  
Required**

Type of Use	Parking Devoted to Employees
Commercial	30%
Office/professional	85%
Industrial/manufacturing	90%

"Preferential parking" means parking spaces designated or assigned, through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

"Property owner" means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of the ordinance either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

"South Coast Air Quality Management District (SCAQMD)" is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin.

"Tenant" means the lessee of facility space at an applicable development project.

"Transportation Demand Management (TDM)" means the alteration of travel behavior, usually on the part of commuters, through programs of incentives, services and policies. TDM addresses alternatives to single-occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of peak period or eliminate them altogether (as in the case in telecommuting or compressed work weeks).

"Trip reduction" means reduction in the number of work-related trips made by single occupant vehicles.

"Vanpool" means a vehicle carrying seven or more persons commuting together to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

"Vehicle" means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Prior code Appx. A, § 8.5-1)

#### **17.48.020 Review of transit impacts.**

Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a local determination, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of the ordinance codified in this chapter shall be exempted from its provisions. The "Transit Impact Review Worksheet," contained in the Los

Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent a NOP for all contemplated EIR's and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommended mitigation measures which minimize automobile trips on the CMP network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA. Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals, need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the lead agency to determine when a project is substantially the same and therefore covered by a previously certified EIR. (Prior code Appx. A, § 8.5-2)

#### **17.48.030 Transportation demand and trip reduction measures.**

A. Applicability of Requirements. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

1. This chapter shall not apply to projects for which a development application has been deemed complete by the city pursuant to Government Code Section 65943, or for which a notice of preparation for a DEIR has been circulated or for which an application for a building permit has been received, prior to the effective date of the ordinance codified in this chapter.
2. All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards.

1. Nonresidential development of twenty-five thousand (25,000) square feet or more shall provide the following to the satisfaction of the city:

A bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

- a. Current maps, routes and schedules for public transit routes serving the site;
- b. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;
- c. Ridesharing promotional material supplied by commuter-oriented organizations;
- d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety

information;

- e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.
2. Nonresidential development of fifty thousand (50,000) square feet or more shall comply with subsection B(1) of this section and shall provide all of the following measures to the satisfaction of the city:
  - a. Not less than ten percent of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for building permit, to the satisfaction of the city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required transportation information board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one space for projects of fifty thousand (50,000) square feet to one hundred thousand (100,000) square feet will be signed/striped for carpool/vanpool vehicles.
  - b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and accessways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.
  - c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles per the first fifty thousand (50,000) square feet of nonresidential development and one bicycle per each additional fifty thousand (50,000) square feet of nonresidential development. Calculations which result in a fraction of 0.5 or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers, or locked room) shall be to the satisfaction of the city.
3. Nonresidential development of one hundred thousand (100,000) square feet or more shall comply with subsections B(1) and (2) of this section, and shall provide all of the following measures to the satisfaction of the city:
  - a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;
  - b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;
  - c. If determined necessary by the city to mitigate the project impact, bus stop improvements must

be provided. The city will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

- d. Safe and convenient access from the external circulation system to bicycle parking facilities onsite. (Prior code Appx. A, § 8.5-3)

**17.48.040 Monitoring.**

In order to assure compliance with this chapter, Section [17.72.010](#) shall be complied with prior to the issuance of a certificate of occupancy from the building department. (Prior code Appx. A, § 8.5-4)

**17.48.050 Enforcement.**

Enforcement of this chapter shall be set forth in Section [17.72.040](#) and Chapter [17.74](#). (Prior code Appx. A, § 8.5-5)

## Chapter 17.50 SIGNS Revised 8/16

Sections:

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- [\*\*17.50.020 Enforcement\*\*](#)
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- [\*\*17.50.220 Portable A-frame signs.\*\*](#) Revised 8/16

### **17.50.010 Purpose, intent and scope.**

A. The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and enhancing the design, quality of materials, construction, illumination, location, identification and maintenance of all signs and sign structures not located within a building. The intent of this chapter is to promote and maintain the attractiveness, orderliness and dignity of the city's appearance, to preserve property values, and to protect the welfare of citizens through the regulation of signs without impairing the ability of its citizens and businesses to carry out their normal functions. It is further intended that the necessary regulations control and enforcement be carried out expeditiously, yet without planning under burdens upon any citizens or business.

B. No sign shall be erected in such a manner as to confuse or obstruct the view or interpretation of any official traffic sign, signal or device. No scenic values or other public interests should be harmed as a result of

signing.

C. The regulations of this chapter are not intended to permit any violation of the provisions of any other lawful ordinance.

D. Notwithstanding any other provision of this code, any noncommercial copy may be substituted for any commercial copy on any sign permitted by this code. If noncommercial sign copy is substituted, the resulting sign will continue to be treated as the original commercial sign under this code and will not be deemed or treated as an off-premises sign. The content of any noncommercial copy on any sign otherwise permitted by this code may be changed without complying with any provisions of this code normally required for sign copy or design approval. (Ord. 05-1248 §4, 2005; prior code Appx. A, § 13.5-1)

**17.50.020 Enforcement.**

A. Authority. The building official is authorized and directed to enforce all the provisions of this chapter.

B. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the building official or his authorized representative has reasonable cause to believe that there exists any sign or any condition which makes such sign unsafe, the building official or his authorized representative may enter the premises or building on which such sign is located at all reasonable times to inspect the sign or to perform any duty imposed upon the building official by this chapter; provided, that if such building or premises on which the sign is located is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, promptly to permit entry therein by the building official or his authorized representative for the purpose of inspection and examination pursuant to this chapter. Any person violating this subsection shall be guilty of a misdemeanor.

C. Violations and Penalties. It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use or maintain any sign or structure in the city or cause or permit the same to be done, contrary to or in violation of any of the provisions of this chapter.

Any person, firm or corporation violating any of the provisions of this chapter shall be guilty of an infraction.

1. Each violation is punishable as follows:

- a. A fine of fifty dollars (\$50.00) for the first violation;
- b. A fine of one hundred dollars (\$100.00) for a second violation of the same condition within one (1) year;

- c. A fine of one hundred fifty dollars (\$150.00) for a third violation of the same condition within one (1) year; and
  - d. A fine of three hundred dollars (\$300.00) for each additional violation of the same condition within one (1) year.
2. Each person, firm or corporation found guilty of an infraction shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person, and shall be punishable accordingly. (Prior code Appx. A, § 13.5-2)

**17.50.030 Definitions. Revised 8/16**

For the purpose of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

"Approved plastic materials" shall be those which have a flame-spread rating of two hundred twenty-five (225) or less when tested in accordance with U.B.C. Standard No. 42-1 in the way intended for use; and a smoke density rating no greater than four hundred fifty (450) when tested in accordance with U.B.C. Standard No. 42-1 in the intended for use; or a smoke density rating no greater than seventy-five (75) when tested in the thickness intended for use by the chamber method of test under U.B.C. Standard No. 52-2.

"Awning" means a temporary shelter supported entirely from the exterior wall of a building.

"Awning sign" means any sign painted on, attached to or supported by an awning with the sign copy parallel or almost parallel to the plane of the supporting building wall.

"Banner" means a temporary sign constructed of cloth, canvas or a light fabric.

"Billboard" means any off-premises sign erected for the purpose of identifying a product, event person or subject not entirely related to the premises on which said sign is located.

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building frontage" means the exterior building wall of a ground floor business on the side or sides of the building fronting on or oriented toward a street or highway, which is used exclusively for pedestrian or vehicular traffic. Building frontage is measured continuously along the wall for the entire length of the building. In cases where the exterior walls of a business are oriented to more than one (1) street or highway, the primary building frontage shall be the frontage which is associated with the street identified with the street address of the business. Secondary frontage must have a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or highway.

"Building line" is a line established by the outer walls creating the perimeter of the structure. A building line may also be a property line.

"Building official" is the officer or other person charged with the administration and enforcement of this chapter or his duly authorized deputy.

"Building identification sign" is any sign containing the name or address of the building which may include hours of operation and emergency information located on the same site as the building.

"Bulletin board" means a structure containing a surface upon which is displayed the name of a park, church, school, library, community center or similar institution and the announcement of the services or activities thereof.

"Business sign" means a sign which identifies only the name, address and general nature of the business or businesses conducted from or upon the premises upon which the sign is located.

"Clock" means any timepiece erected on the exterior of any building or structure for the convenience of the public.

"Commission" means the Hermosa Beach Planning Commission.

"Commodity identification sign" is any sign which advertises a product or service which is available on the premises on which the sign is located, using a brand name, symbol, logo or trade name as part of the sign. If a business name includes a brand name, symbol, logo, or trade name, signs using that business name shall not be considered to be commodity identification signs.

"Construction sign" means a temporary sign stating the name of individuals or businesses directly connected with the construction project, their addresses, and/or their telephone numbers.

"Curbline" is the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curbline shall be established by the city engineer (see "Legal setback line").

"Directional sign" means entrance and exit signs, operating instructions, and such like signs.

"District" means any zoning district designated in the zoning ordinance of the city of Hermosa Beach.

"Double-face sign" means a sign which has two or more display surfaces backed against each other, or against the same background, one (1) face of which is designed to be seen from one (1) direction and the other from the other direction.

"Electric sign" is any sign containing electric wiring, but not including signs illuminated by an exterior light source.

"Entity" means any person who is the lessee, owner or who has a proprietary interest in the business for which the sign is proposed. Each business shall be considered a separate entity.

"Fascia" means the flat outside horizontal member of a building having the form of a flat band or broad fillet.

"Flag" means a piece of fabric, plastic, canvas or any other soft material, in any geometric form, that is attached to a structure, pole or wire. Included in this definition are pennants and streamers. "Flag" shall not include any support, frame or standard used exclusively for the display of the flag of the United States of America, the state or the city, nor shall it include these flags.

"Grade (adjacent ground elevation)" is the lowest point of elevation of the finished surface of the ground, paving or sidewalk within the area between the building and the property line, or when the property line is more than five (5) feet from the building, between the building and a line five (5) feet from the building.

"Ground sign" is a sign which is supported by one (1) or more uprights, poles or braces in or upon the ground, other than a pole sign, as defined by this section.

"Illuminated sign" or "lighted sign" means a lighted sign which has the source of light on the surface of the sign or in the interior of the sign itself, or which has a source of light located such that the beam of the light falls upon the surface of the sign.

"Legal setback line" is an established line beyond which no building may be built. A legal setback line may be a property line.

"Lot frontage" means the linear distance of a lot line, separating the lot from the street or highway which is used for pedestrian or vehicular access to the business being conducted on said lot. In cases where a lot is contiguous to more than one (1) street, the lot frontage associated with the street identified with the address of the business.

"Marquee sign" means a sign painted on, attached to, or supported by a marquee with the exposed face of the sign in a plane parallel to the building wall which supports the marquee.

"Mobile sign" is any portable display surface mounted on any nonmotorized or inoperative vehicle or device for the purpose of advertising or identifying businesses services or products.

"Moving sign" means a sign which has any actual or apparent moving, revolving, scintillating, flashing or rotating parts activated by electric, electronic, kinetic or mechanical devices, or by wind current, and shall include, but not be limited to, balloons, time or temperature recording devices (except clocks), signs which are constructed of or faced with reflective tape or other similar materials, signs which change color, and signs where the intensity of lighting changes or appears to change.

"Mural" is a pictorial representation not specifically identifying goods or services offered by the business on the premises.

"Neon sign" means a sign utilizing electric energy combined with glass tubing and gaseous substance to create light source.

"Noncombustible," as applied to building construction material, means a material which, in the form in which it is used, is either one (1) of the following:

1. Material of which no part will ignite and burn when subjected to fire. Any material conforming to U.B.C. Standard No. 4-1 shall be considered noncombustible within the meaning of this subsection.
2. Material having a structural base of noncombustible material as defined in subsection (1) of this definition, with a surfacing material not over one-eighth (1/8) inch thick which has a flame spread rating of fifty (50) or less.

"Noncombustible" does not apply to surface finish materials. Material required to be noncombustible for reduced clearance to flues, heating appliances, or other sources of high temperature shall refer to material conforming to subsection (1) of this definition. No material shall be classed as noncombustible which is subject to increase in combustibility or flame-spread rating beyond the limits herein established, through the effects of age, moisture or other atmospheric condition.

Flame-spread rating, as used herein, refers to rating obtained according to tests conducted as specified in U.B.C. Standard No. 42-1.

"Nonconforming sign" is a sign which was validly installed under laws or ordinances in effect at the time of its installation, but which is in conflict with the provisions of the Hermosa Beach sign code.

"Nonstructural trim" is the molding, battens, caps, nailing strips, latticing, cutouts or letters which are attached to the sign structure.

"Off-premises sign" is a sign which is not located on the property which it directs attention to.

"Permanent sign" means any sign which is not classed as a temporary sign.

"Person" means a person who is, and includes, every person, firm, partnership, association or corporation, whether acting as principal, agent, employee or otherwise.

"Pole sign" is a sign wholly supported by a single member in the ground.

"Political sign" means a temporary, commercial sign identifying any person or proposition appearing on the ballot for any election scheduled to be held in the city.

"Portable A-frame sign" means a two (2) sided sign, hinged or attached at the top of the sign panels, identifying, advertising or directing attention to a business(es) product(s), operation(s) or service(s) sold or offered in the building in front of which the sign is located.

"Premises" means a lot or parcel of real property, or any portion thereof which is used separately from other portions thereof, any building located thereon, or any portion of such building which has a separate street address.

"Projecting sign" is a sign, other than a wall sign, which projects from and is supported by a wall of a building structure with the exposed face of the sign not parallel to the plane of said wall.

"Projection" is the distance by which a sign extends over public property or beyond the building line.

"Real estate sign" (such as a "For Sale" sign, a "For Lease" sign, or a "For Rent" sign) means a temporary sign indicating property for sale, lease or rent and the name, address, and telephone number of the owner, broker or other person offering the same for sale, lease or rent, located on the premises for sale, lease or rent or on property owned by another, with that persons consent. In addition, the works "Sold," "Leased," "In Escrow" or "Rented" may be added to a previously posted sign. The area of the sign shall include the area of any and all riders. All riders shall be attached to the face of the basic sign.

"Rental sign" means a permanent or temporary sign which is used for giving information on availability of rentals on multiple dwellings, hotels, clubs, lodges and similar permitted uses.

"Roof line" for the purposes of this section, the roof line is considered the apparent uppermost edge of the roof or the top of a parapet, whichever forms the top line of the building silhouette or facade.

"Roof sign" is a sign erected upon, above or extending above a roof line of a building or structure.

Architectural projections above the roof line which function as background for a sign shall be considered a sign structure. A sign on such structure shall be considered a roof sign.

"Sign" is any medium including representational art with its structure and component parts which is intended to be used to attract attention to goods and/or services offered by the business on the premises.

"Sign area" means the area included within the outer dimensions of a sign. In the case of a sign placed or painted on a wall or other building surface, without any border and with its background the same color as the wall of the building, the area shall be computed by enclosing the entire sign within one (1) or more pairs of horizontally parallel and one (1) or more pairs of vertical parallel lines and determining the area thus enclosed.

"Sign structure," for identification purposes only, is any structure which supports or is capable of supporting any sign as defined in this chapter. A sign structure may be a single pole or poles and may or may not be an integral part of the building.

"Site" means any separate parcel of property as shown on the latest available assessor's maps; provided, however, when a shopping center has been divided into separate parcels, it shall continue to be considered as one (1) parcel of record; and provided, further, where one (1) tenant, business or enterprise occupies two (2) or more contiguous parcels, it shall be considered as one (1) parcel of record.

"Street frontage" means the linear distance of a lot line, separating the lot from the street or highway which is used exclusively for pedestrian or vehicular traffic, excluding alleys. Where such site is abutted by more than one (1) street, each street will qualify as frontage if the following condition exists: There are building entrances or exits opening onto the street which are open to the public during business hours.

"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 jointed together in some definite manner.

"Temporary sign" is any sign, banner, valance or identification display constructed of cloth, canvas, fabric, cardboard, wallboard or other materials, with or without frames, intended to be displayed for a limited period of time only.

"Uniform Building Code" is the edition of the Uniform Building Code published by the International Conference of Building Officials and which has been adopted by the city, subject to the particular additions, deletions and amendments set forth therein.

"U.B.C. Standards" is the edition of the Uniform Building Code Standards published by the International Conference of Building Officials and which has been adopted by the city, subject to the particular additions, deletions and amendments set forth therein.

"Wall sign" is any sign attached to or erected against the wall of a building or structure, with the exposed face of the sign in a plane parallel to the plane of said wall and not extending above the wall to which it is attached.

"Wind sign" means any cloth or plastic or other flexible light material made in strips, triangles or other shapes which are fastened together at intervals by wire, rope, cord, string or other means in such manner as to move by wind pressure and which are used or displayed to attract attention to a business, product, service or entertainment.

"Window signs" are permanent and/or temporary signs inside or outside of and attached to the surface of windows. (Ord. 16-1366 §1, 2016; Ord. 96-1156 §1, 1996; prior code Appx. A, § 13.5-3)

#### **17.50.040 Permits required.**

A. No sign shall be erected, re-erected, constructed, altered or maintained, except as provided by this chapter and until a permit for the same has been issued by the building official. A separate permit shall be required for a sign or signs for each business entity, and/or separate permit shall be required for each group of signs on a single supporting structure. In addition, electrical permits shall be obtained for electric signs.

B. Application for a sign permit shall be made in writing upon forms furnished by the building official. Such application shall contain the location by street and number of the proposed sign structure, as well as the name and address of the owner and the sign contractor or erector, and shall be accompanied by the written consent of the record owner of the property on which the sign is to be erected. Every application for such permit shall set forth in detail by use of diagrams, drawings, plans or written description of the proposed method of compliance. The diagrams, drawings, plans or written description shall contain all of the electrical and other work which is to be installed as part of the sign, shall include elevations and sections of the sign drawn to scale, and shall show the precise location of the sign on the building, parcel or structure.

C. Comprehensive Sign Plan to be Required on Proposed Commercial Developments. The applicant shall submit a sign plan for the development showing the location, size, color and, if possible, copy for all signs proposed for the site; the sign plan shall include a rendered elevation, showing all signs in relation to the structure. The theme of such signing shall be approved as a part of plans for new multi-tenant commercial or

industrial developments, and shall be an integral part of the development.

D. Exceptions. The following signs shall not require a sign permit. These exemptions shall not be construed as relieving the owner of the sign from the responsibility of its erection and maintenance, and its compliance with the provision of this chapter or any other law or ordinance relating the same.

1. The changing of the identifying copy or message on theater marquees and similar signs specifically designed for the use of replaceable copy;
2. Repainting or cleaning of a sign shall not be considered an erection or alteration which requires a sign permit unless a structural, copy or color change is made;
3. Nonilluminated construction signs, not to exceed twenty-five (25) square feet per site and not more than six (6) feet in height above grade; provided the sign shall not be erected, installed or maintained on any premises until the required permits for the construction have been obtained and are removed prior to final inspection;
4. One (1) nonilluminated real estate sign per site provided the sign complies with the regulations for real estate signs set forth in each zoning district;
5. Political signs;
6. Building identification signs not to exceed two (2) square feet in area.

A sign permit fee and a plan-checking fee shall be paid in accordance with an amount fixed by resolution of the city council. (Ord. 98-1179 §4(2), 1998; prior code Appx. A, § 13.5-4)

#### **17.50.050 Maintenance.**

All signs, together with all of their supports, braces, guys and anchors, shall be kept in repair and in proper state of preservation. The display surfaces of all signs shall be kept neatly painted or posted at all times.

A. Any location where business goods are no longer sold or produced or where services are no longer provided or where sign copy has been removed from the sign structure shall have one hundred twenty (120) days to remove any remaining nonconforming or derelict on-premises signs or sign structures following notification by the city, and at the expense of the owner of said property. Where due written notification has been given by the city and compliance has not been made within the required one hundred twenty (120) day period the city may cause removal of such signs with the cost for such removal to be attached to the property.

B. On-premises signs shall be refinished, repaired or removed as necessary to correct problems of rust, corrosion, cracks, broken faces, malfunction lamps, missing letters or characters, peeling, warping, facing or unsafe conditions within thirty (30) days following notification by the city. (Prior code Appx. A, § 13.5-5)

#### **17.50.060 Inspections.**

All signs for which a permit is required shall be subject to inspection by the building official.

Footing inspections may be required by the building official for all signs having footings.

All signs containing electrical wiring shall be subject to the provisions of the governing electrical code and the electrical components used shall bear the label of an approved testing agency.

The building official may order the removal of any sign that is not maintained in accordance with provisions of Section [17.50.050](#).

All signs may be reinspected at the discretion of the building official. (Prior code Appx. A, § 13.5-6)

#### **17.50.070 Design and construction.**

##### A. Design.

1. General. Signs and their supporting members shall be designed in accordance with recognized engineering principles and the provisions of the Uniform Building Code.
2. Materials. Materials for the construction of signs and their supporting members shall conform to applicable Uniform Building Code Standards.
3. Display Surfaces. Display surfaces in all types of signs may be made of metal, glass, approved plastics or wood:
  - a. Glass thickness and area limitations shall be as set forth in Table No. 7-A.
  - b. Sections of approved plastics on wall signs shall not exceed one hundred fifty (150) square feet in area.
  - c. Sections of approved plastics on wall signs shall be separated three (3) feet laterally and six (6) feet vertically by the required exterior wall construction.
  - d. Exception. Sections of approved plastics on signs other than wall signs may not be required to be separated if approved by the building official.
4. Restrictions on Combustible Material. Combustible materials shall not be used where prohibited by the provisions of the Uniform Building Code. No combustible materials other than approved plastics shall be used in the construction of electric signs.
5. Illuminated Signs. The approval of any illuminated sign is not final until thirty (30) days after installation, during which period the building official may order the dimming of any illumination found to be excessively brilliant. Illumination is considered excessive if it prevents normal perception of objects beyond or in vicinity of the sign.

##### B. Projections and Clearance.

1. General. Signs shall conform to the clearance and projection requirements of this section and Table Nos. 7-B and 7-C.
2. Clearance from high-voltage power lines. Signs shall be located not less than six (6) feet horizontally or twelve (12) feet vertical from overhead electrical conductors which are energized in excess of seven hundred fifty (750) volts. The term "overhead conductors" as used in this section means any electrical conductor, either bare or insulated, installed above the ground except such conductors as are enclosed in iron pipe or other material covering of equal strength.
3. Clearance From Fire Escapes, Exits or Standpipes. No sign or sign structure shall be erected in such a manner that any portion of its surface or supports will interfere in any way with the free use of any fire escape, exit or standpipe.
4. Obstruction of Openings. No sign shall obstruct any openings to such an extent that light or ventilation is reduced to a point below that required by the Uniform Building Code.
5. Projection Over Alleys. No sign or sign structure shall project into any public alley below a height of fourteen (14) feet above grade, nor project more than twelve (12) inches where the sign structure is located fourteen (14) feet to sixteen (16) feet above grade. The sign or sign structure may project not more than thirty-six (36) inches into the public alley where the sign or sign structure is located more than sixteen (16) feet above grade.
6. Clearance From Streets. Signs shall not project within two (2) feet of the curbline.

**TABLE NO. 7-A, SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS**

Minimum Size of Exposed Glass Panel		Minimum Thickness of Glass	
Any Dimension (in inches)	Area (in square inches)	(in inches)	Type of Glass
30	500	1/8	plain, plate, wired
45	700	3/16	plain, plate, wired
144	3600	1/4	plain, plate, wired
Over 144	Over 3600	1/4	wired glass

**TABLE NO. 7-B PROJECTION OF SIGNS**

Clearance	Maximum Projection
Less than 8 feet	Not permitted
8 feet	1 foot
Over 8 feet	1 foot plus 6 inches for each foot of

clearance in excess of 8 feet, not to exceed 36 inches

**TABLE NO. 7-C THICKNESS OF PROJECTING SIGN**

<b>Projection</b>	<b>Maximum Thickness</b>
3 feet	3 feet
2 feet	3 feet 6 inches
1 foot	4 feet

(Prior code Appx. A, § 13.5-7)

**17.50.080 Prohibited signs. Revised 8/16**

A. The following signs are prohibited in all zones:

1. Contain or are an imitation of an official traffic sign or signal or contain the words "stop," "go slow," "caution," "danger," "warning," or similar words for advertisement purposes that simulate traffic devices and tend to confuse the motorists or pedestrians;
2. Are of a size, location, movement, content, coloring or manner of illumination which may be confused with or constructed as a traffic control device or which hide form view by motorists or pedestrians;
3. Advertise any activity, business, product or service no longer conducted on the premises upon which the sign is located, including off-site signs;
4. Contain or consist of banners, posters, pennants, ribbons, streamers, lines of flashing light bulbs, spinners, rotating signs, gas-fired torches or other similar devices that move in any manner or have a moving part. These devices, when not a part of any sign, are similarly prohibited unless they are permitted specifically by this chapter or other provision of this code;
5. Are of flashing, rotating, scintillating nature and of such design as to give the appearance of movement. This section shall not apply to signs which indicate time or temperature.
6. Lewd, obscene or offensive signs containing statements, words, pictures or graphic representations of an obscene or indecent character that are offensive to the public morals and do not have serious literary, artistic, or scientific value.
7. Signs that display a message or graphic representation that discriminates against persons based on race, gender, age, national origin, or any other characteristic protected by federal or state laws.

B. In addition, the following signs are prohibited:

1. Billboards;

2. Mobile signs, excluding portable A-frame signs permitted under Section [17.50.220](#);
3. Moving signs;
4. Off-premises signs (except real estate signs);
5. Projecting signs (except for business identification signs in C-1 and C-2 zones);
6. Roof signs (with the following exceptions):
  - a. Signs located on pre-existing architectural projections extending above roof line that have historically been used for sign purposes.
  - b. Signs located on projections above the roof line that are deemed by the planning commission to be architectural projections that are part of the architecture of the building and not solely for purposes of sign background.;
7. Wind signs;
8. Signs other than those which are permitted in the zone as set forth in this chapter. (Ord. 16-1366 §2, 2016; Ord. 05-1255 §1, 2005; prior code Appx. A, § 13.5-8)

**17.50.090 Sign requirements and regulations in residential zones and for residential uses.**

A. Permitted Signs. In all residential zones and on any property being exclusively used for residential purposes in any zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. One (1) unlighted wall real estate sign not to exceed six (6) square feet, or one (1) single-faced real estate sign not to exceed six (6) square feet, or one (1) double-faced real estate sign not to exceed ten (10) square feet in sign area. The area of the sign shall include the area of any and all riders. All riders shall be attached to the face of the basic sign;
2. One (1) wall identification sign not exceeding two (2) square feet in sign area, containing name, and address of occupant of premises. This sign may be illuminated provided the source thereof is indirect and shielded, and the illumination is not intermittent.

Exception. Where such site is abutted by more than one (1) street, the above signs may be erected, installed or maintained on each street frontage;

3. Construction signs (see Section [17.50.040\(D\)\(3\)](#));
4. For multiple dwelling units (three (3) or more units, attached), one (1) unlighted wall or ground rental sign, single-faced, twelve (12) square feet, or double-faced not to exceed sixteen (16) square feet in sign area, giving information on availability of rental on multiple dwellings. Such signs shall be removed upon renting all units with the building.

B. Location and Height.

1. Such signs shall be located entirely on private property.
2. Ground signs shall not be over four (4) feet high above finished grade.
3. Wall signs shall not be over eight (8) feet high above finished grade.
4. No moving sign, wind sign, projecting sign, combination sign, construction sign, roof sign, mobile sign, commodity identification sign, or any other sign having a device, symbol, design or figure used as identification, other than numbers or letters, shall be permitted. (Prior code Appx. A, § 13.5-9)

**17.50.100 Sign requirements and regulations in R-P zone (residential-professional).**

In the R-P zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

A. Permitted signs for residential dwellings permitted in the R-P zone are the same as those set forth in the Section [17.50.090](#) for residential zones and dwellings.

B. Permitted signs for businesses permitted in the R-P zone are the same as those set forth in Section [17.50.120](#), C-1 zone. (Prior code Appx. A, § 13.5-10)

**17.50.110 Sign requirements and regulations in the OS (open space) and OS-1 (restricted open space) zone.**

All new signs shall require approval by the planning commission and are limited to wall signs and ground signs, which should be constructed of appropriate natural appearing materials such as wood, shall not be illuminated except where necessary for safety purposes, and shall blend in with the natural setting of the open space area. (Prior code Appx. A, § 13.5-11)

**17.50.120 Sign requirements and regulations, C-1 zone (neighborhood commercial).**

Intent: to regulate signs recognizing the unique characteristics of neighborhood commercial districts, namely their proximity to residential uses and their orientation to pedestrian users.

A. Permitted Signs. In the C-1 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One (1) real estate sign;
4. One (1) construction sign;
5. Temporary sign(s);

6. Commodity identifications signs for commodities which are integral to the business per the following schedule:

- Percent of allowable sign area which may be used for commodity identification:
  - Commodity equal to less than ten (10) percent of business: ten (10) percent
  - Commodity equal to ten (10) percent to fifty (50) percent of business: twenty-five (25) percent
  - Commodity equal to more than fifty (50) percent of business: seventy-five (75) percent
  - Commodity identification for beverages sold by restaurants and markets: ten (10) percent

B. Styles of Signs. Only the following styles of signs shall be permitted:

1. One (1) wall sign;
  2. One (1) awning sign;
  3. One (1) ground sign;
  4. One (1) projecting sign (for business identification only);
  5. Window sign(s);
6. Mural. (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style.)

These signs may be electrical, illuminated or neon.

C. Projection, Height and Location.

1. A single, nonilluminated projecting business identification sign for each business is permitted and may be hung from a wall projection or marquee over an entry way, provided the sign does not exceed a total area of four (4) square feet per face and provided it shall be at least eight (8) feet above the sidewalk and may not project outward more than three (3) feet.
2. Wall signs shall not project more than six (6) inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
3. No sign shall be located on or attached to a parapet wall, roof, or ridge line of a building two stories or higher.
4. All ground signs shall be located entirely on private property and cannot project over public property. No ground sign shall be allowed in the C-1 zone that is greater than eight (8) feet in height, measured from grade to the highest point of said sign.

D. Allowable Sign Area.

1. Total permanent sign area allowable shall not exceed two (2) square feet for each lineal foot of building frontage; provided however, that minimum of twenty (20) square feet shall be allowed. Both sides of a double-face sign shall be calculated when determining allowable sign area.
2. Where more than one (1) separate business or entity is located on any one (1) site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half (1/2) of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.
4. No sign shall cover more than twenty-five (25) percent of the wall or facia it occupies or is placed upon.
5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building side facing such public way as the building frontage. Only one (1) such building side may be considered building frontage.

Exception. On each street frontage one (1) real estate sign not exceeding twenty-five (25) square feet in sign area and one (1) construction sign not exceeding twenty-five (25) square feet in sign area may be erected in addition to the allowable sign area on any one (1) site or entity.

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Residential Uses. When the property is being used solely for residential purposes, the sign permitted on the premises and the requirements and regulations shall be as set forth in Section [17.50.090](#) multiple-family residential.

G. Signs Above the First Story. Signs for businesses located above the first story may be provided, but shall be part of the total sign area allocation for the corresponding building frontage. The maximum height for upper story signs shall be twenty-eight (28) feet above the adjacent street grade, or the uppermost portion of the second story, whichever is higher.

H. Pole Signs. Pole signs shall not be permitted in a C-1 zone. (Ord. 01-1212 §4, 2001; prior code Appx. A, § 13.5-12)

**17.50.130 Sign requirements and regulations in C-2 zone (restricted commercial). Revised 8/16**

Intent: to regulate signs recognizing the characteristics of the restricted commercial zone as a pedestrian-oriented shopping and entertainment district, and as the city's downtown district.

A. Permitted Signs. In the C-2 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One (1) real estate sign;
4. One (1) construction sign;
5. Temporary signs;
6. Percent of allowable signs which may be used for commodity identification:
  - Commodity equal to less than ten (10) percent of business: ten (10) percent
  - Commodity equal to ten (10) percent to fifty (50) percent of business: twenty-five (25) percent
  - Commodity equal to more than fifty (50) percent of business: seventy-five (75) percent
  - Commodity identification for beverages sold by restaurants and markets: ten (10) percent
7. Portable A-frame signs, as set forth in Section [17.50.220](#).

B. Styles of Signs. Only the following styles of signs shall be permitted per business:

1. One (1) wall sign;
2. One (1) ground sign per site;
3. One (1) awning sign;
4. Projecting sign (business identification only);
5. One (1) marquee sign;
6. Window sign(s);
7. Banners;
8. Mural (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style);
9. Portable A-frame signs, as set forth in Section [17.50.220](#).

These signs may be electrical, illuminated or neon, with the exception of portable A-frame signs, as set forth in Section [17.50.220](#).

C. Projection, Height and Location.

1. A single, nonilluminated projecting business identification sign for each business is permitted and may be hung from a wall projection or marquee over an entryway, provided the sign does not exceed a total area of four (4) square feet per face and provided it shall be at least eight (8) feet above the sidewalk and may not project outward more than three (3) feet.
2. Wall signs shall not project more than six (6) inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
3. All ground signs, with the exception of portable A-frame signs, shall be located entirely on private property and cannot project over public property, and shall not exceed ten (10) feet from grade to the highest portion of the sign body, with the exception of portable A-frame signs, as set forth in Section [17.50.220](#).

No ground sign shall be allowed in the C-2 zone that is greater than eight (8) feet in height, measured from the grade to the highest point of said sign, with the exception of portable A-frame signs, as set forth in Section [17.50.220](#).

D. Allowable Sign Area.

1. Total permanent sign area shall not exceed two (2) square feet for each foot of lineal building frontage; provided, however, that a minimum of twenty (20) square feet shall be allowed. Double-faced sign area shall be calculated by counting one (1) side and one-half (1/2) of the other side.
2. Where there is more than one (1) business or entity located on any one (1) site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than one (1) street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half (1/2) of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.
4. No sign shall cover more than twenty-five (25) percent of the wall or facia it occupies or is placed upon.
5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building side facing such public way as the building frontage. Only one (1)

such building side may be considered building frontage.

6. Allowable sign area for portable A-frame signs shall be as set forth in Section [17.50.220](#).

Exception. On each street frontage one (1) real estate sign not exceeding twenty-five (25) square feet in sign area and one (1) construction sign not exceeding twenty-five (25) square feet in sign area may be erected in addition to the allowable sign area on any one (1) site or entity.

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Signs Above the First Story. Signs for businesses located above the first story may be provided, but shall be part of the total sign area allocation for the corresponding building frontage. The maximum height for upper story signs shall be twenty-eight (28) feet above the adjacent street grade, or the uppermost portion of the second story, whichever is higher.

G. Pole Signs. Pole signs shall not be permitted in a C-2 zone. (Ord. 16-1366 §3, 2016: Ord. 01-1212 §4, 2001; prior code Appx. A, § 13.5-13)

**17.50.140 Sign requirements and regulations in C-3 zone (general and highway commercial). Revised 8/16**

Intent: to regulate signs recognizing the characteristics of the general commercial zone as an automobile-oriented strip commercial district.

A. Permitted Signs. In the C-3 zone, only the following signs shall be permitted per site, subject to the provisions and regulations hereinafter set forth:

1. Business signs;
2. Building identification signs;
3. One (1) real estate sign;
4. One (1) construction sign;
5. Temporary sign(s);
6. Percent of allowable sign area which may be used for commodity identification:

- Commodity equal to less than ten (10) percent of business: ten (10) percent
- Commodity equal to ten (10) percent to fifty (50) percent of business: twenty-five (25) percent
- Commodity equal to more than fifty (50) percent of business: seventy-five (75) percent
- Commodity identification for beverages sold by restaurants and markets: ten (10) percent

7. Portable A-frame signs, as set forth in Section [17.50.220](#).

B. Styles of Signs. Only the following styles of signs shall be permitted per business:

1. One (1) wall sign;
2. One (1) ground sign, or one (1) pole sign per site;
3. One (1) awning sign;
4. One (1) marquee sign;
5. Window sign(s);
6. Banners;
7. Mural (Murals approved by the commission may be permitted. In its review the commission may waive specific provisions of this chapter relating to total sign area, coverage, height, type and style);
8. Portable A-frame signs, as set forth in Section [17.50.220](#).

These signs may be electrical, illuminated or neon, with the exception of portable A-frame signs, as set forth in Section [17.50.220](#).

C. Projection and Height.

1. Wall signs shall not project more than six (6) inches from the wall of the building or structure. Ends of the sign may not be used for sign purposes.
2. All ground signs shall be located entirely on private property and cannot project over public property, and shall not exceed ten (10) feet from grade to the highest portion of the sign body with the exception of portable A-frame signs, as set forth in Section [17.50.220](#).

D. Allowable Sign Area.

1. Total permanent sign area shall not exceed three (3) square feet for each foot of lineal building frontage. Both sides of a double-faced sign shall be calculated when determining sign area.
2. Where there is more than one (1) business or entity located on any one (1) site, the sign area shall be calculated separately for each entity or business according to its amount of building frontage.
3. Where a business or entity is abutted by more than one (1) street, the building frontage for said business or entity shall be the sum of the primary building frontage, plus one-half (1/2) of any secondary building frontage, provided the secondary building frontage has a building entrance/exit which is open to the public during business hours for customer/pedestrian use, which entrance is fronting on a street or

highway. Sign area granted by virtue of qualified secondary frontage may be used on the secondary frontage only.

4. No sign shall cover more than twenty-five (25) percent of the wall or facia it occupies or is placed upon.

5. Businesses fronting only on a public/private parking lot, alley open mall, landscaped open space or other public way may use the building side facing such public way as the building frontage. Only one (1) such building side may be considered building frontage.

6. Allowable sign area for portable A-frame signs shall be as set forth in Section [17.50.220](#).

E. Window Signs. Window signs shall be allowed in this zone and shall be counted in the total allowable sign area, and shall not obscure more than twenty (20) percent of the glass surface area of the window(s).

F. Signs Above the First Story. Signs for businesses located above the first story may be provided, but shall be part of the total sign area allocation for the corresponding building frontage. The maximum height for upper story signs shall be twenty-eight (28) feet above the adjacent street grade, or the uppermost portion of the second story, whichever is higher.

G. Pole Signs. Pole signs are permitted but shall not exceed the height of the building on the same lot, or twenty (20) feet in height measured from existing grade, whichever is lesser, and no part of the sign shall encroach or project within five (5) feet of any adjacent private property, or encroach or project into the public right-of-way. To qualify for a pole sign, the site must have at least forty (40) feet of street frontage. No pole sign may have more than one (1) sign can attached to it and all pole signs shall incorporate a raised landscaped planter. (Ord. 16-1366 §4, 2016: Ord. 01-1212 §4, 2001; prior code Appx. A, § 13.5-14)

#### **17.50.150 Sign requirements and regulations in M zone (manufacturing).**

Sign requirements and regulations for business permitted in the M zone are the same as those set forth in Section [17.50.140](#). (Prior code Appx. A, § 13.5-15)

#### **17.50.160 Political signs.**

Any political sign shall be permitted on private property only, with the consent of the property owner, in any zone, for a reasonable period of time preceding an election. No political signs shall be posted on public property or utility poles. All political signs shall be removed within fifteen (15) days following the date of the subject election. (Prior code Appx. A, § 13.5-16)

#### **17.50.170 Nonconforming signs in all zones.**

A. Signs lawfully existing at the time of the adoption of this section which do not comply with the sign ordinance shall be deemed legal nonconforming structures and shall be removed or made to comply whenever the following conditions occur.

1. The sign is damaged or destroyed to more than fifty (50) percent of its replacement cost and the

destruction cannot be repaired within thirty (30) days of its destruction;

2. The sign is altered, enlarged, remodeled, reconstructed or relocated, other than facial copy replacement;
3. The building or land use upon which the sign is located is expanded or enlarged and the sign is effected by the construction enlargement or remodeling, or the cost of construction, enlargement, or remodeling, exceeds fifty (50) percent of the replacement cost of the building;
4. A sign for which there has been an agreement between the sign owner and the city for compliance or removal on any give date;
5. The use of the sign has ceased, or the structure upon which the sign is located has been abandoned by its owner, for a period of not less than ninety (90) days;
6. The sign is or may become a danger to the public or is unsafe;
7. If the sign constitutes a traffic hazard not created by relocation of streets or highways or by acts of the city.

B. Exception. The above provisions may be waived by the planning commission for a sign or signs found to be of historic value. The commission shall base its determination on a consideration of the following criteria:

1. Age of sign--is it more than twenty-five (25) years old; and
2. Business it advertised--did the business or activity being advertised have some prominent place in the history of Hermosa Beach; and
3. Appearance: does the sign have any attractive or memorable features? Do the sign features demonstrate any significant trend or period in the arts and/or architectural history?

An exception may be granted by the procedure set forth in Section [17.50.200\(B\)](#) and (C).

If an exception is granted, additional signs may be allowed by the planning commission, not to exceed total allowable sign area. (Ord. 94-1106 §1, 1994; prior code Appx. A, § 13.5-17)

#### **17.50.180 Conditional approval.**

The planning commission or the city council, on appeal, may attach appropriate and reasonable conditions to the approval of sign or signs in conjunction with the review of a precise development plan. Conditional use permit or other discretionary land use, including but not limited to allowable projection and height, allowable sign area, location of sign or signs upon the lot or building, and other design modifications. In granting its conditioned approval, the commission shall find that:

- A. The sign is permitted in the particular zone; and

- B. The modifications and conditions are reasonably compatible in character and quality of design with the exterior architecture of the premises and other structures and signing in the immediate area; and
- C. The modifications and conditions will not materially reduce the visibility of existing conforming signs in the area. (Prior code Appx. A, § 13.5-18)

**17.50.190 Variances.**

The planning commission or the city council, on appeal, may grant a variance to the specific requirements of this chapter, provided a demonstrated hardship exists and the proposed sign will not adversely affect public safety or the design and appearance of the surrounding neighborhood and the following conditions are found to exist:

- A. A variance authorized is not a grant of a special privilege inconsistent with the limitations on other properties in the vicinity; and
- B. Special conditions and extraordinary circumstances apply to the property and do not apply to the other properties in the vicinity so that the strict application of this chapter works a demonstrated hardship on the particular property; and
- C. The variance will not adversely affect public safety and the design and appearance of the signing and structures of the surrounding area. (Prior code Appx. A, § 13.5-19)

**17.50.200 Sign review.**

- A. The department of building and safety shall be the sign reviewing agency and shall make final determinations on all signs. Provided that any determination may be brought before the planning commission on appeal.
- B. On appeal to the planning commission, or further appeal to the city council, the city shall post a notice for sign appeal hearing at least sixteen (16) inches by twenty (20) inches, posted in a prominent place on the subject premises, clearly visible from the street, for at least one (1) week prior to the review, stating the type, number and size of signs proposed, the date and place of hearings, and the telephone number of the department of building and safety for further information.
- C. A fee for a sign review shall be paid in accordance with an amount fixed by resolution of the city council. (Prior code Appx. A, § 13.5-20)

**17.50.210 Temporary signs.**

Temporary signs are allowed in addition to permanent signs subject to the following criteria:

- A. Allowable Area. The allowable area for one (1) or more temporary signs shall not exceed forty (40) percent of the allowable area for permanent signs; provided, that in any case a temporary sign of twenty (20) square feet in area shall be allowed, and one hundred (100) square feet shall be the maximum area.
- B. Duration of Display. The total duration of display for all temporary signs for any business shall not exceed

ninety (90) days during any calendar year.

C. Applications. An application for a temporary sign shall be made in writing on forms furnished by the building official. Such application shall contain the location of the proposed temporary sign, as well as the name and address of the business owner.

The building official shall obtain written permission from the applicant to enter the subject property for the purpose of removing any temporary signs which remain displayed after their expiration date.

D. Exception to Regulations. The requirements of this section shall not apply to temporary political signs, or to temporary real estate signs, or temporary construction signs.

E. Exception for Temporary Window Signs. The requirements of subsection (C) of this section regarding applications shall not apply to temporary window signs of less than ten (10) square feet.

F. Exception for Grand Openings. The requirements of subsection (A) of this section regarding the allowable area for temporary signs, shall not apply to one-time grand opening promotional events. Further, signs otherwise not allowed by this chapter such as flags, pennants and balloons may be permitted in conjunction with a promotional grand opening, but shall be subject to subsections (B) and (C) of this section. (Ord. 98-1178 §4, 1998; Ord. 94-1106 §2, 1994; prior code Appx. A, § 13.5-21)

#### **17.50.220 Portable A-frame signs. Revised 8/16**

A. Application.

1. A temporary sign permit under Section [17.50.210](#) and a corresponding application fee in an amount set by city council resolution shall be required for all portable A-frame signs. The temporary sign permit for an A-frame sign shall be valid for a period of up to twelve (12) months. In addition, an encroachment permit under Chapter [12.16](#) shall be required for all portable A-frame signs located within a public right-of-way.

2. Prior to the placement of a portable A-frame sign within a public right-of-way, the business placing the sign shall provide verification of an insurance rider with the city of Hermosa Beach in the amount of one million dollars (\$1,000,000) to the satisfaction of the community development director.

3. Authorized portable A-frame signs that meet the requirements of this section shall have affixed a tag issued by the community development department documenting the authorized status of the sign. Unauthorized signs may be removed without notice and shall be returned to the owner upon compliance with the requirements in this section.

B. Design and Construction. Notwithstanding the provisions for temporary signs in Section [17.50.210](#), portable A-frame signs shall:

1. Be a minimum of twenty-eight (28) inches tall and minimum eighteen (18) inches wide, a maximum of forty-two (42) inches tall and maximum twenty-four (24) inches wide, and a minimum and maximum base

spread of twenty-four (24) to thirty (30) inches;

2. Consist of sturdy materials appropriate to the outdoor environment, be designed to withstand wind to the satisfaction of the community development director or designee and have a locking arm or other device to stabilize the structure;
3. Contain information and advertising for the business placing the sign only and shall not contain any endorsement or logos for any other businesses;
4. Have a professionally designed appearance and shall not include animation, digital design, internal illumination, use of reflective materials or other materials creating excessive glare, use of attachments, use of audio effects, or use of projections upon the sign; and
5. Not impede sidewalk access for the disabled as required under Chapter 11 of the California Building Code governing compliance with the ADA (Americans with Disabilities Act).

C. Location.

1. Portable A-frame signs shall be allowed on private property and/or within the public right-of-way on sidewalks along commercial frontages except Pier Plaza, and shall be located abutting the building, or abutting the curb of the street, or abutting a landscape planter which is located between the curb and the sidewalk, and shall be located within the building street frontage of the business. A minimum sidewalk clearance of five (5) feet shall be maintained for pedestrian passage.
2. A maximum of one (1) portable A-frame sign shall be allowed per business. Portable A-frame signs shall be spaced a minimum of fifteen (15) feet from all other permitted portable A-frame signs. The total number of such signs on one (1) parcel or for one (1) shopping center shall not exceed one (1) sign per twenty-five (25) lineal feet of street frontage where buildings are within two (2) feet of the sidewalk, one (1) per fifty (50) lineal feet of street frontage where buildings are not within two (2) feet of the sidewalk, or one (1) per four (4) businesses, whichever is less.
3. Portable A-frame signs shall comply with Section [17.46.060](#), Vision clearance--Corner lots.
4. No portion of a portable A-frame signs shall be located within a landscape planter, and no portion shall block building entrances/exits, parking spaces or traffic lanes, or impede access to benches, bicycle racks, mailboxes, fire hydrants, garbage bins, utility poles or other permanent street furnishings and appurtenances.
5. Portable A-frame signs shall be displayed only during the hours of operation of the business being advertised, but in no case later than 10:00 p.m. or earlier than 4:00 a.m. (Ord. 16-1366 §5, 2016)

## **Chapter 17.52 NONCONFORMING BUILDINGS AND USES**

Sections:

- [\*\*17.52.010 General goals\*\*](#)
- [\*\*17.52.020 Continuance and maintenance.\*\*](#)
- [\*\*17.52.030 Expansion, remodeling and alteration.\*\*](#)
- [\*\*17.52.035 Requirements for buildings nonconforming to parking requirements\*\*](#)
- [\*\*17.52.040 Nonconforming use limits other uses.\*\*](#)
- [\*\*17.52.050 Change in status of nonconforming use.\*\*](#)
- [\*\*17.52.060 Nonconforming commercial and manufacturing businesses subject to the requirement for a conditional use permit.\*\*](#)
- [\*\*17.52.070 Reconstruction of a damaged nonconforming building.\*\*](#)

### **17.52.010 General goals.**

The goals of the City related to the nonconformity that exists throughout the City as a result of zone changes and ordinance amendments are as follows:

- A. To allow buildings, whether they are occupied by a nonconforming use or nonconforming to zoning standards, to remain and be maintained, and to allow limited alteration and expansion of said buildings when certain criteria are met and to encourage such alteration and expansions to incorporate architectural consistency within the project;
- B. To encourage restoration and maintenance of existing residential buildings;
- C. To limit expansion of nonconforming buildings and uses that are deficient as to parking, or significantly exceed residential density requirements.

### **17.52.020 Continuance and maintenance.**

The nonconforming use of a building may be continued, provided any structural alteration or expansion shall comply with Section [17.52.030](#)

When a use which is nonconforming to the use regulations for the district where it is located is vacated or discontinued for ninety (90) consecutive days or more, the nonconforming use will be deemed abandoned, and any future use of such building shall conform to the provisions of the zone in which it is located.

A nonconforming structure may be maintained and the use therein continued, provided any structural alteration or expansion shall comply with Section [17.52.030](#)

Routine maintenance and repairs, repairs and/or replacement to plumbing, electrical wiring and similar work, shall not be considered structural alterations within the meaning of this Chapter, and may be performed on nonconforming structures and buildings containing nonconforming uses.

### **17.52.030 Expansion, remodeling and alteration.**

Buildings containing nonconforming uses, and nonconforming buildings are subject to the following standards:

A. Buildings Containing Nonconforming Uses.

1. Structural removal allowed:

- a. Portions of the structure that currently conform to the provisions of this Title may be removed and replaced, as long as the foundation and floor systems remain intact.
- b. Any existing nonconforming portions of the structure (e.g. a wall nonconforming to a yard requirement, or a roof non-conforming to height requirements) may be partially modified or altered only to the extent necessary to satisfy the Uniform Building Code as recommended by a certified structural engineer but shall not be completely removed and replaced, and if completely removed must be brought into compliance with current requirements.

2. Expansion allowed:

- a. Maximum of fifty (50) percent expansion in floor area of the existing building(s) on the building site that existed prior to October 26, 1989, provided that for residential uses the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit but in no event exceeds 5,000 square feet of total floor area for the building site. The percentage increase in floor area shall be calculated by comparing the existing floor area (excluding any expansion that occurred after October 26, 1989), against the proposed increased floor area excluding garages, accessory structures, basements that are completely below grade, and balconies or decks.
- b. Expansion not permitted if residential density exceeds forty-five (45) units per acre.
- c. For buildings nonconforming to current parking requirements of Chapter [17.44](#) pertaining to off-street parking, refer to Section [17.52.035](#).

B. Nonconforming Buildings.

1. Structural removal allowed:

- a. Portions of the structure that currently conform to the provisions of this Title may be removed and replaced, as long as the foundation and floor system remain intact.
- b. Any existing nonconforming portions of the structure (e.g. a wall nonconforming to a yard requirement, or a roof non-conforming to height requirements) may be partially modified or altered only to the extent necessary to satisfy the Uniform Building Code as recommended by a certified structural engineer but shall not be completely removed and replaced, and if completely removed must be brought into compliance with current requirements.

2. Expansion allowed:

- a. Maximum of one hundred (100) percent expansion in floor area of the existing building(s) on the building site that existed prior to October 26, 1989, provided that for residential uses the expansion does not result in greater than 3,000 square feet of floor area for each dwelling unit but in no event exceeds 5,000 square feet of total floor area for the building site. The percentage increase in floor area shall be calculated by comparing the existing floor area (excluding any expansion that occurred after October 26, 1989), against the proposed increased floor area excluding garages, accessory structures, basements that are completely below grade, and balconies or decks.
- b. Expansion shall conform to current codes.
- c. For buildings nonconforming to current parking requirements of Chapter [17.44](#) pertaining to off-street parking, refer to Section [17.52.035](#).
- d. Existing nonconforming stairways: Existing nonconforming stairways that encroach into required yard areas and that provide legally required access to legal dwelling units, may be fully reconstructed if beyond repair, provided no other reasonable location is available that does not require major reconfiguration or alteration of the structure. Said stairways, if reconstructed or replaced to allow continued access to the dwelling unit, shall be constructed in conformance with Chapter 34 of the Uniform Building Code; shall be constructed of non-combustible materials; shall conform to handrail, guardrail, tread depth, and riser requirements; and, shall not contain storage areas below. No replacement of said stairways shall be allowed in conjunction with an expansion and/or remodel project that exceeds a 100% increase in floor area. (Ord. 05-1257 § 7, 2005; Ord. 95-1124 § 1(part), 1995; prior code Appx. A, 13-2)

#### **17.52.035 Requirements for buildings nonconforming to parking requirements.**

A. The following limitations on expansion apply to residential buildings on building sites containing two dwelling units or less that are nonconforming as to the number of parking spaces required on the building site, including guest parking spaces, based on the number of parking spaces available that meet all the requirements of Chapter [17.44](#), or that meet the exceptions of sub-section B. In the event of conflict between the limitation contained in this section and Section [17.52.030](#), the more restrictive shall apply.

1. Building site provides less than one parking space per unit: A maximum expansion of one hundred (100) square feet of floor area may be constructed; provided, however, that up to five hundred (500) square feet may be added if one or more parking spaces are added to the building site, even if the resulting total is less than one parking space per unit.
2. Building site provides one or more but less than two parking spaces per unit: A maximum expansion of five hundred (500) square feet may be constructed.
3. Building site provides two or more parking spaces per unit but provides insufficient guest parking: An expansion as allowed by Section [17.52.030](#)

B. Exception: Existing parking spaces that do not comply with the 20-foot minimum length requirement,

turning radius requirements, the minimum 9-foot driveway width requirement, the alley or street setback requirement, and/or the driveway slope requirement, which provide at least the following for each standard, shall be deemed conforming to these requirements and shall be considered complying parking spaces for existing residential buildings:

- Length: Minimum 17 feet 6 inches (inside measurement)
- Turning Radius: Minimum 20 feet (measured from far side of alley or street)
- Driveway Width: Minimum 8 feet
- Driveway Slope: Maximum 15%
- Alley or Street Setback: As necessary to provide a 20-foot turning radius

Residential buildings that have the minimum required parking spaces meeting at least the criteria contained in this exception and have no other nonconforming conditions shall be considered conforming buildings and are not subject to the expansion limitations of this chapter.

C. Building sites containing three or more dwelling units shall not be expanded in floor area unless the site provides two parking spaces per unit plus one guest space for every two units.

D. Nonresidential buildings in a C or M zone nonconforming as to parking may be expanded only if applicable parking requirements for the amount of the expansion area are satisfied.

E. When the use of an existing commercial, manufacturing or other non-residential building or structure is changed to a more intense use with a higher parking requirement the requirement for additional parking shall be calculated as the difference between the required parking as stated in Section [17.44.030](#) for that particular use as compared to the requirement for the existing or previous use, which shall be met prior to occupying the building unless otherwise specified in Chapter [17.44](#). (Ord. 05-1257 § 8, 2005)

#### **17.52.040 Nonconforming use limits other uses.**

While a nonconforming use exists on any lot, and it is the only use on the lot, no new use may be established thereon even though such other use would be a conforming use. While a nonconforming use occupies a portion of a lot or building with multiple uses no new use may be established within that portion of the lot or building which the existing nonconforming use occupies. (Ord. 95-1124 § 1 (part), 1995: prior code Appx. A, § 13-3)

#### **17.52.050 Change in status of nonconforming use.**

If an existing nonconforming manufacturing, commercial or residential use is vacated or removed and it is succeeded by another use, this shall be deemed the termination of the existing nonconforming use, and thereby immediately loses any vested right to continue. A nonconforming use may be succeeded by a use which is itself nonconforming, provided the degree of nonconformity is less intensive (e.g., requires less parking or results in fewer dwelling units).

It is the intent of this section to allow for an improvement in the degree of nonconformity of a use utilizing existing structures. It is not intended to allow the construction of new structures in violation of the provisions of this chapter.

The planning commission shall make determinations as to whether a use is less intensive upon request. (Prior code Appx. A, § 13-4)

**17.52.060 Nonconforming commercial and manufacturing businesses subject to the requirement for a conditional use permit.**

A. Nonconforming Alcohol Beverage Establishment--On and Off-Sale. This conditional use permit process, established pursuant to this chapter, shall apply to establishments which sell alcohol and fall into any category of use which requires a conditional use permit in order to sell alcoholic beverages in the city. All establishments which do not possess a conditional use permit for the sale of alcoholic beverages on the effective date of Ordinance No. 86-865 shall be required to apply for a conditional use permit within two years of the effective date of the ordinance codified in this chapter.

Upon the filing of an application, each establishment must diligently prosecute its application and receive a conditional use permit under the standards in effect at the time of the effective date of this ordinance. Said application must be heard before the planning commission within six months of the filing of the application. Any applicant may be granted an extension of time within which to receive their conditional use permit if they can demonstrate to the planning commission there is good cause for an extension of time necessary to receive the permit.

If no permit is either sought or granted within the time periods specified above, such establishment shall no longer have the legal authority to sell alcoholic beverages within the boundaries of the city.

B. Remaining Nonconforming Commercial and Manufacturing Establishments Subject to the Requirement for a Conditional Use Permit. The conditional use permit process, established pursuant to this title, shall apply to the types of business establishments as identified on the commercial and manufacturing permitted use lists in Chapters [17.26](#) and [17.28](#). All such establishments which do not possess a conditional use permit as required by Chapters [17.26](#) and [17.28](#) on the effective date of Ordinance No. 90-1041 shall be required to apply for a conditional use permit within two years from the date of receiving notification from the city of the requirement to apply for a conditional use permit.

Upon receiving notification from the city, each establishment shall have a maximum of two years to apply for a conditional use permit, and once application is made it must diligently pursue its application and receive a conditional use permit. Said application must be heard before the planning commission within six months of the filing of the application. Any applicant may be granted an extension of time within which to receive their conditional use permit if they can demonstrate to the planning commission there is good cause for an extension of time necessary to receive the permit.

If no permit is either sought or granted within the time periods specified above, the establishment, or the

potion of the establishment, conducting an operation subject to a conditional use permit requirement shall no longer have the legal authority to operate. (Prior code Appx. A, § 13-5)

**17.52.070 Reconstruction of a damaged nonconforming building.**

A. Residential buildings. A nonconforming residential building damaged by fire, explosion or other casualty or act of God, or the public enemy, may be restored to its pre-damaged condition and the occupancy or use of such building or part thereof which existed at the time of such destruction may be continued as long as the cause of the destruction is not intentionally perpetrated by the owner and provided that:

1. The rebuilt structure conforms as closely as possible to current parking and other zoning standards (such as setbacks);
2. There is no increase in any nonconformity;
3. The height of the building or buildings does not exceed twenty (20) percent more than permitted by the zone in which it is located;
4. The basic structural features, setbacks, floor area, and room sizes can be duplicated in compliance with current building and safety codes;

Should the restoration deviate in any respect from the pre-damaged condition of the building, any such deviation shall conform in all respects with the current requirements of this title.

B. Commercial/Industrial Buildings. A nonconforming commercial or industrial building located in the commercial or manufacturing zones damaged by fire, explosion or other casualty or act of God, or the public enemy, may be restored to its pre-damaged condition and the occupancy or use of such building or part thereof which existed at the time of such destruction may be continued as long as the cause of the destruction is not intentionally perpetrated by the owner and provided that:

1. The rebuilt structure does not exceed the gross floor area and footprint of the building prior to damage or destruction;
2. There is no increase in the occupant load of the building or of any nonconforming condition;
3. The damaged building can be duplicated to its pre-damaged condition in compliance with current building and safety codes;
4. Reconstruction includes installation of a fully code complying fire sprinkler system.

Should the restoration deviate in any respect from the pre-damaged condition of the building, any such deviation shall conform in all respects with the current requirements of this title.

C. If damage to structures is so widespread throughout the city due to a major emergency (such as an earthquake or citywide fire) that the City Council or other government authority declares a state of emergency, this section will be superseded by any action of the City Council taken at that time in regards to

reconstruction of damaged buildings. (Ord. 06-1275 § 5, Dec. 2006; Ord. 93-1086 § 1, 1993: prior code Appx. A, § 13-6)

## Chapter 17.53 HISTORIC RESOURCES PRESERVATION

Sections:

- [\*\*17.53.010 Title.\*\*](#)
- [\*\*17.53.020 Purpose and intent.\*\*](#)
- [\*\*17.53.030 Area of application.\*\*](#)
- [\*\*17.53.040 Definitions.\*\*](#)
- [\*\*17.53.050 Powers and duties.\*\*](#)
- [\*\*17.53.060 Landmark designation criteria.\*\*](#)
- [\*\*17.53.070 Nomination and application requirements, landmark.\*\*](#)
- [\*\*17.53.080 Minimum eligibility requirement, landmark.\*\*](#)
- [\*\*17.53.090 Delay of work pending hearing.\*\*](#)
- [\*\*17.53.100 Council study and determination.\*\*](#)
- [\*\*17.53.110 Notice of designation, City departments.\*\*](#)
- [\*\*17.53.120 Removal of designation.\*\*](#)
- [\*\*17.53.130 Use of California Historical Building Code.\*\*](#)
- [\*\*17.53.140 Certificate of Appropriateness required.\*\*](#)
- [\*\*17.53.150 Review procedures for Certificates of Appropriateness.\*\*](#)
- [\*\*17.53.160 Criteria for Approval of Certificates of Appropriateness.\*\*](#)
- [\*\*17.53.170 Expiration of Certificate of Appropriateness.\*\*](#)
- [\*\*17.53.180 Revocation of Certificate of Appropriateness.\*\*](#)
- [\*\*17.53.190 Ordinary maintenance and repair.\*\*](#)
- [\*\*17.53.200 Duty to keep in good repair.\*\*](#)
- [\*\*17.53.210 Enforcement.\*\*](#)
- [\*\*17.53.220 Penalties.\*\*](#)

### **17.53.010 Title**

This chapter shall be known as the "Hermosa Beach Preservation Ordinance". (Ord. 98-1186 §4, 11/10/98)

### **17.53.020 Purpose and intent.**

The purpose of this chapter is to promote the public health, safety, and general welfare by providing for the identification, protection, enhancement, perpetuation, and use of historic resources such as buildings, structures, sites, and places within the City that reflect special elements of the City's architectural, artistic, cultural, historical, political, and social heritage for the following reasons:

- A. To safeguard the City's heritage by encouraging the protection of landmarks representing significant elements of its history;
- B. To foster civic and neighborhood pride and a sense of identity based on an appreciation of the City's past and the recognition and use of historic resources;

- C. To enhance the visual character of the City by preserving diverse architectural styles reflecting phases of the City's history and by encouraging complementary contemporary design and construction;
- D. To strengthen the economy of the City by protecting and enhancing the City's attractions to residents, tourists, and visitors;
- E. To stabilize and improve property values within the City by recognizing historic landmarks and by protecting areas of historic buildings from encroachment by incompatible designs;
- F. To promote the enjoyment and use of historic resources appropriate for the education and recreation of the people of the city;
- G. To integrate the preservation of historic resources and the extraction of relevant data from such resources into public and private land management and development processes;
- H. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment; and
- I. To take whatever steps are reasonable and necessary to safeguard the property rights of owners whose property is declared to be a landmark. (Ord. 98-1186 §4, 11/10/98)

**17.53.030 Area of application.**

This chapter shall apply to all historic resources, publicly and privately owned, within the corporate limits of the City of Hermosa Beach. (Ord. 98-1186 §4, 11/10/98)

**17.53.040 Definitions.**

- A. Alteration means any exterior or interior changes or modification of any landmark including, but not limited to, exterior or interior changes to or modifications to a structure or any of its architectural details or visual characteristics, including paint color and surface texture, grading, surface paving, and new structures.
- B. Certificate of Appropriateness means a certificate approving such plans, specifications, design, or statements of work, for any proposed alteration, restoration, demolition, removal, or relocation, in whole or in part, of or to improvements relative to designated landmarks, or landmarks contemplated for historic preservation designation as reflected in Planning Commission Resolution No. 98-65.
- C. Council means the City Council.
- D. Demolition means any acts that destroys in whole or in part a building, structure, or improvement.
- E. Exterior and interior architectural feature means the architectural styles, design, general arrangement, components, natural features and all the outer surfaces of an improvement, including, but not limited to, the kind and texture of the building material, the type and style of all, windows, doors, lights, signs, walls, fences, and other fixtures appurtenant to such improvement.
- F. Historic resource means any improvement, building, structure, landscape, sign, feature, site, place, or area

of scientific, aesthetic, educational, cultural, architectural, or historic significance to the citizens of the City, including, but not limited to the resources identified in Planning Commission Resolution No. 98-65.

G. Improvement means any building, structure, place, wall, fence, gate, sign, landscaping, or other object constituting a physical alteration of real property, or any part of such alteration.

H. Landmark means any improvement that has historical, cultural, aesthetic or architectural character or value, or which represents one or more architectural periods or styles typical to the history of the City, and that has been designated as a landmark pursuant to this chapter.

I. Ordinary maintenance means any cleaning, painting, or similar work that does not result in the alteration of an improvement.

J. Person means any individual, association, partnership, firm, corporation, public agency, or political subdivision.

K. Relocation means the displacement of any improvement within the same site.

L. Removal means the displacement of any improvement from the site.

M. Restoration means the act or process of accurately recovering the form and details of a property and its setting as it appeared at a particular period of time by means of the removal of later work or by the replacement of missing earlier work. (Ord. 98-1186 §4, 11/10/98)

#### **17.53.050 Powers and duties.**

The City Council shall have the following powers and duties in the implementation of this chapter:

A. Study, review, conduct public hearings, and make decisions regarding proposed designations and removal of designations of landmarks.

B. Maintain a register of landmarks within the City.

C. Determine an appropriate system of markers for landmarks.

D. Adopt application and submittal requirements for Certificates of Appropriateness to alter, restore, demolish, remove, or relocate any landmark.

E. Review and render decisions regarding all alteration, restoration, demolition, removal, and relocation proposals related to landmarks in conjunction with applications for Certificates of Appropriateness pursuant to this Chapter.

F. Develop, or cause to be developed, and recommend to the City Council a program of incentives for preservation of historic resources. (Ord. 98-1186 §4, 11/10/98)

#### **17.53.060 Landmark designation criteria.**

For the purposes of this chapter, an historic resource may be designated a landmark, pursuant to Sections [17.53.070](#) through [17.53.120](#) of this Chapter, if it meets one or more of the following criteria:

- A. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, or architectural history; or
- B. It is identified with persons or events significant in local, state, or national history; or
- C. It embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship; or
- D. It is representative of the notable work of a builder, designer, or architect; or
- E. Its unique location or singular physical characteristic(s) represents an established and familiar visual feature or landmark of a neighborhood, community, or the City. (Ord. 98-1186 §4, 11/10/98)

**17.53.070 Nomination and application requirements, landmark.**

Nominations of an historic resource as a landmark shall be made by the City, or by application of the property owner or property owners representing a majority or controlling interest in the property on which the resource is located. (Ord. 98-1186 §4, 11/10/98)

**17.53.080 Minimum eligibility requirement, landmark.**

In order to be eligible for consideration as a landmark, an historic resource must be at least 50 years old; with the exception that an historic resource of at least 30 years old may be eligible if the Council determines that the resource is exceptional, or that it is threatened by demolition, removal, relocation, or inappropriate alteration. (Ord. 98-1186 §4, 11/10/98)

**17.53.090 Delay of work pending hearing.**

Once a nomination or completed application has been accepted for the designation of a landmark; no building, alteration, demolition, removal, or relocation permits for any historic resource, improvement, building, or structure relative to a proposed landmark, shall be issued until a final determination is made regarding the proposed designation, except as provided under Section [17.53.200](#) of this Chapter. (Ord. 98-1186 §4, 11/10/98)

**17.53.100 Council study and determination.**

Not more than 45 days from the nomination or the acceptance of a completed application for the designation of a landmark, a public hearing shall be scheduled before the Council to study the proposed designation and to determine its eligibility and qualifications. Notice of the date, place, time and purpose of hearings shall be given by first class mail to the owner(s) of all nominated resource(s) at least ten days prior to the date of the public hearing, using the names and addresses of such owners as shown on the latest equalized assessment rolls and shall be advertised in a newspaper of general circulation at least ten days prior to the hearing. The Council may also give such other notice as they deem desirable and practicable.

Following the public hearing, but within no more than 70 days from the date of the initial hearing, the Council shall decide to approve, in whole or in part, or disapprove the designation. All decisions to approve or disapprove designations shall be made by resolution, and shall set forth the findings and reasons relied upon in making the determination. The time limit for making a decision may be extended at the request or with the concurrence of the applicant(s). (Ord. 98-1186 §4, 11/10/98)

**17.53.110 Notice of designation, city departments.**

Notice of the designation of a landmark shall be transmitted to all appropriate City departments and any other interested governmental and civic agencies. Each City department shall incorporate the notice of designation into its records, so that future decisions or permissions regarding or affecting a landmark shall be made with the knowledge of the designation. (Ord. 98-1186 §4, 11/10/98)

**17.53.120 Removal of designation.**

- A. In the event of substantial destruction of a landmark, the owner or owners of a landmark may apply for removal of designation. The City Council may also initiate removal in such circumstances. The removal of a designation for this reason shall be processed and decided in the same manner as designations as set forth in this Article, with the additional requirement that the determination of substantial destruction shall be set forth in the findings of the Council.
- B. The complete demolition or removal of a landmark shall result in the removal of the landmark designation.
- C. Once a landmark designation has been removed, affected properties shall no longer be subject to any provision or regulation of this ordinance. (Ord. 98-1186 §4, 11/10/98)

**17.53.130 Use of California historical building code.**

All repairs, alterations, restorations, or changes in use of existing buildings and structures designated as landmarks may conform to the standards of the California Historical Building Code as an alternative to complying with building standards set forth in Title [15](#) of this Code, notwithstanding the fact that such buildings may be nonconforming. (Ord. 98-1186 §4, 11/10/98)

**17.53.140 Certificate of appropriateness required.**

- A. No person shall alter, restore, demolish, remove, or relocate any interior or exterior improvement or architectural feature of a landmark or potential landmark on a list of historic resources established by City Council being considered for landmark status, or alter, restore, place, erect, remove, or relocate any permanent sign visible from a public right-of-way without being granted a Certificate of Appropriateness, except as provided under Section [17.53.200](#) of this Chapter. Approval of such work shall be required even if no other permits or entitlements are required by the City.
- B. Minor Alterations. The Council may, by resolution, adopt a list of those types of alterations that are subject to approval of a Certificate of Appropriateness that are deemed to be "minor" in nature. The Council may modify the list of minor alterations from time to time by resolution as circumstances warrant. Applications for Certificates of Appropriateness involving only minor alterations shall be reviewed pursuant to procedures in

Section [17.53.150\(E\)](#). (Ord. 98-1186 §4, 11/10/98)

**17.53.150 Review procedures for certificates of appropriateness.**

The following procedures shall be followed in processing applications for Certificates of Appropriateness.

A. Application. An application shall be filed by the applicant with the City Clerk.

B. Application Materials. Such application shall be accompanied by such materials as are required by the Community Development Department that are reasonably necessary for the proper review of the proposed project.

C. Noticing.

1. Minor alterations. No public noticing shall be required for applications for Certificates of Appropriateness involving only minor alterations.
2. All applications other than minor alterations. For applications involving other than minor alterations, public notice shall be provided pursuant to Section [17.68.050](#) of the Zoning Ordinance.

D. Economic Hardship. In cases where the applicant intends to seek approval on the basis of economic hardship, the following material shall be submitted as part of the application:

1. For all property:

- a. For-profit or not-for-profit corporation, limited partnership, joint venture, or other method;
- b. The amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner and the person from whom the property was purchased;
- c. Remaining balance on any mortgage or other financing secured by the property;
- d. Estimated market value of the property both in its current condition, and after completion of the proposed demolition, relocation, or removal, to be presented through an appraisal by a qualified professional expert;
- e. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of the structure and its suitability for rehabilitation;
- f. An estimate from an architect, developer, real estate consultant, appraiser, or other real estate professional experienced in rehabilitation as to the economic feasibility or reuse of the existing structure on the property;
- g. The assessed value of the land and improvements thereon according to the two most recent assessments;

- h. Real estate taxes for the previous two (2) years;
  - i. Annual debt service, if any, for the previous (2) two years;
  - j. All appraisals obtained within the previous two (2) years by the owner or applicant in connection with his purchase, financing or ownership of the property.
  - k. All listing of the property for sale or rent, price asked and offers received, if any, and
  - l. Any consideration by the owner as to profitable adaptive uses for the property.
2. For income-producing property:
- a. Annual gross income from the property for the previous two (2) years;
  - b. Itemized operating and maintenance expenses from the previous two (2) years;
  - c. Annual cash flow, if any, for the previous two (2) years.

E. Review of Applications Involving Minor Alterations. Applications for Certificates of Appropriateness involving only minor alterations shall be reviewed by the Director of Community Development Department, subject to the following provisions:

1. The Director shall complete his/her review and mail notice to the applicant within 30 days of the date of the acceptance of a completed application of his/her decision to approve or conditionally approve the application or to forward the application to the Council for a decision. The notice of decision shall state the findings and reasons relied upon in reaching the decision. The time limit for Director action may be extended upon the request or with the concurrence of the applicant.
2. Where the decision of the Director is to conditionally approve the application, the decision of the Director shall be final and conclusive unless, within 12 days of the date of notice of the decision, the applicant files with the Planning Division a written appeal setting forth all the points of disagreement with the Director.
3. Where the application has been forwarded or appealed to the Council, the application shall be heard by the Council at its next available regular meeting, and the Council shall complete its review and render a decision to approve, approve with conditions, or deny a Certificate of Appropriateness within 45 days of the initial hearing. Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

F. Review of Other Applications. Applications for Certificates of Appropriateness other than for minor alterations shall be reviewed by the Council, subject to the following provisions:

1. The Council shall complete its review and make a decision within 75 days of the date of the acceptance of a completed application. The time limit for Council action may be extended (1) upon the

request or with the concurrence of the applicant; or (2) for failure of the applicant to provide any reasonable additional information or material requested by the Council during the course of its review.

2. Decisions of the Council shall be in writing and shall state the findings and reasons relied upon in reaching the decision.

3. For applications for all work other than to demolish or remove a landmark or structure, the Council shall decide to approve, approve with conditions, or deny a Certificate of Appropriateness.

4. For applications to wholly or partially demolish or remove a landmark, the Council shall decide to approve a Certificate of Appropriateness or to initiate a period of delay prior to granting approval. The delay of approval shall not exceed ninety (90) days. The length of the delay shall be determined in accordance with its intended purpose (e.g. compiling photographic records or arranging for removal to another site). The Council may extend any period of delay for up to an additional ninety (90) days for good cause, except in cases where it has determined a condition of economic hardship to exist. If no alternative arrangements have been completed by the expiration of the period of delay or any extension thereof, a Certificate of Appropriateness shall be issued without the need for further action by the Council.

5. For applications seeking approval on the basis of a finding of economic hardship, the Council shall first review the application on the basis of criteria contained in Section [17.53.170\(D\)](#). If the applicable conditions are determined to not exist, then the application shall be reviewed on the basis of the criteria contained in Sections [17.53.170](#) (A)-(C). Prior to making a final determination in such cases, the Council shall have the authority to invoke a period of delay. Such a period of delay shall not exceed sixty (60) days. During this delay, the Council shall investigate alternative means to allow for a reasonable use or return from the property or to otherwise preserve the property. (Ord. 98-1186 §4, 11/10/98)

#### **17.53.160 Criteria for approval of certificates of appropriateness.**

The City Council shall issue a Certificate of Appropriateness only when it determines the following conditions to exist as applicable in each case:

A. In the case of a landmark, the proposed work (other than demolition or removal);

1. Conforms to the prescriptive standards adopted by the Council; and
2. Will not detrimentally alter, destroy or adversely affect any exterior improvement or exterior architectural feature and
3. Will retain the essential elements that make the resource significant.

B. In the case of construction of a new building, structure, or improvement on a site where a landmark is located:

1. The exterior of such improvements will not adversely affect and will be compatible with the external

appearance of the existing designated improvements, buildings and structures on such site.

C. In the case of the whole or partial demolition or removal of a landmark:

1. The structure and/or site is a hazard to public health or safety and repairs or stabilization are not physically possible; or
2. The site is required for a public use which will be of more benefit to the public than the historic resource, and there is no feasible alternative location for the public use; or
3. Removal of the resource to another site is not feasible or practical; or
4. For a partial demolition or removal, such action will not result in the loss of the essential elements that make the resource significant; or
5. Any imposed delay of approval or extension thereof has expired.

D. In the case where the applicant has requested consideration for approval on the basis of economic hardship:

1. It is not feasible to remove the resource to another site or otherwise preserve it; and
2. The denial of the proposed work will work an immediate and substantial hardship on the applicant because of conditions peculiar to the particular improvement; and
3. The property cannot be put to a reasonable use or the owner cannot obtain a reasonable economic return therefrom without approval of the proposed work. (Ord. 98-1186 §4, 11/10/98)

**17.53.170 Expiration of certificate of appropriateness.**

A Certificate of Appropriateness shall lapse and become void eighteen (18) months (or shorter period if specified as a condition of approval) from the date of final approval, unless a building permit (if required) has been issued and the work authorized by the Certificate has commenced prior to such expiration date and is diligently pursued to completion. Upon request of the property owner, a Certificate of Appropriateness may be extended by the Council for an additional period of up to twelve (12) months. The Council may approve, approve with conditions, or deny any request for extension. (Ord. 98-1186 §4, 11/10/98)

**17.53.180 Revocation of certificate of appropriateness.**

A Certificate of Appropriateness may be revoked or modified for reasons of (1) noncompliance with any terms or conditions of the Certificate; (2) noncompliance with any provisions of this Chapter; or (3) a finding of fraud or misrepresentation used in the process of obtaining the Certificate. Revocation proceedings may be initiated by motion of the Council. Once revocation proceedings have been initiated, all work being done in reliance upon such Certificate or associated permits shall be immediately suspended until a final determination is made regarding the revocation. The decision to revoke a Certificate of Appropriateness shall be made by the Council following a public hearing, with written notice provided to the property owner at least ten days prior

thereto. (Ord. 98-1186 §4, 11/10/98)

**17.53.190 Ordinary maintenance and repair.**

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior improvement or exterior architectural feature that does not involve a change in design, material or external appearance thereof, nor does this Chapter prevent the alteration, restoration, demolition, removal, or relocation of any such improvement or architectural feature when the Director certifies to the Council that such action is required for the public safety due to an unsafe or dangerous condition and cannot be accomplished under the California Historical Building Code. (Ord. 98-1186 §4, 11/10/98)

**17.53.200 Duty to keep in good repair.**

The owner, occupant or other person in actual charge of a landmark building structure or improvement, shall keep in good repair the exterior portions of all such buildings, structures, or improvements, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior improvement or exterior architectural feature. (Ord. 98-1186 §4, 11/10/98)

**17.53.210 Enforcement.**

A. It shall be the duty of the Director of Community Development Department or the Director's delegate to administer and enforce the provisions of this chapter.

B. Methods of enforcement. In addition to the regulations of this chapter, other regulations of the Hermosa Beach Municipal Code, and other provisions of law which govern the appeal or disapproval of applications for permits, licenses or Certificates of Appropriateness covered by this chapter, the Director shall have the authority to implement the enforcement thereof by serving notice requiring the removal of any violation of this Chapter upon the owner, agent, occupant or tenant of the improvement, building, structure or land.

C. Methods of enforcement. In addition to the foregoing remedies, the City Attorney may institute any necessary legal proceedings to enforce the provisions of this Chapter, including the ability to maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this Chapter, or for an injunction in appropriate cases. (Ord. 98-1186 §4, 11/10/98)

**17.53.220 Penalties.**

For any action or development covered by this Chapter that is undertaken without the issuance of a Certificate of Appropriateness or that is undertaken without full compliance with the terms and conditions of an issued Certificate of Appropriateness, the Director shall order the action stopped by written notice. It shall be a misdemeanor for any person to carry out any work on any building, structure, improvement, or property in violation of a notice stopping such work or in violation of this Chapter. (Ord. 98-1186 §4, 11/10/98)

## **Chapter 17.54 VARIANCES**

Sections:

- [\*\*17.54.010 Authority to grant--Restrictions upon granting--Conditional use permits excluded.\*\*](#)
- [\*\*17.54.020 Findings--Conditions.\*\*](#)
- [\*\*17.54.030 Scope of administrative variances.\*\*](#)
- [\*\*17.54.040 Notices--Public comments or hearing.\*\*](#)
- [\*\*17.54.050 Report of decision and findings--Disposition of report.\*\*](#)
- [\*\*17.54.060 Appeals--Filing, fees procedure.\*\*](#)
- [\*\*17.54.070 Reapplication upon denial.\*\*](#)
- [\*\*17.54.080 Revocation--Causes--Hearing.\*\*](#)

### **17.54.010 Authority to grant--restrictions upon granting--conditional use permits excluded.**

A. The planning commission shall grant variances; the building director shall serve as zoning administrator and shall grant administrative variances. Variances and administrative variances shall be granted only when, because of special circumstances applicable to the property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance deprives such property of privileges enjoyed by other property in the vicinity and under identical zoning classification.

B. A variance or administrative variance which authorizes a use or activity not otherwise expressly authorized by the zoning regulation governing the subject property shall not be granted.

C. The provisions of this division shall not apply to conditional use permits. (Prior code Appx. A, § 1400)

### **17.54.020 Findings--conditions.**

A. Who Shall Issue Findings. The planning commission shall issue findings on variances; the zoning administrator shall issue findings on administrative variances.

B. Required Findings. The following written findings are required for all variances and administrative variances:

1. Exceptional circumstances applicable to the property involved;
2. That the variance is necessary for the preservation of a substantial property right possessed by other properties in the vicinity of the subject property;
3. That the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which the property is located;
4. That the granting of the variance will not conflict with the provisions of, or be detrimental to, the general plan.

C. Conditions to Assure Nondiscrimination. Any variance or administrative variance granted shall be subject

to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which such property is located. (Prior code Appx. A, § 1401)

**17.54.030 Scope of administrative variances.**

Administrative variances may be authorized for the following categories of uses, which council may amend by resolution:

- A. Up to ten percent reductions in setback and open space requirements for existing buildings;
- B. Projections where existing setbacks conform except for projections at local points in the building walls, such as for bay windows when the length parallel to the wall of any such projection is no greater than eight feet, or when the existing projecting element is no closer than three feet from the property line and no greater than one-quarter of the total length of the wall from which it projects;
- C. Eaves, to match the existing cave projection when adding to an existing building, and when the new eave will also conform to the requirements of the Uniform Building Code;
- D. The enlargement of windows in nonconforming buildings, and other minor structural alterations in nonconforming buildings, provided there is no increase in total floor area;
- E. Up to a ten percent reduction in parking stall dimensions for structural reasons, when providing parking in existing buildings;
- F. Arbors or trellises in rear yards, for privacy, when the grade of the adjacent property is higher than that of the subject property. Sides and tops of arbors and trellises are to be made only of framework or latticework, and must be at least fifty (50) percent open. (Prior code Appx. A, § 1402)

**17.54.040 Notices--public comments or hearing.**

A. Administrative Variances.

- 1. Notice. The zoning administrator and the city staff shall provide for notice upon receipt of a completed application for an administrative variance. The applicant shall pay for the notice. The notice shall contain an indication that an application for an administrative variance has been filed, the address of the property for which the application has been filed, a description of the request, the address and location of where a copy of the application may be found, and requirements for comments on the application.
- 2. Notice shall be mailed to the owner and residents of property immediately adjacent to the subject property, including those properties on directly opposing street frontages. Mailing must be through the United States Mail with postage prepaid. Notice shall be postdated two days and shall be mailed to the last known property owners, as shown on the last local Los Angeles County tax assessor's roll. Notice shall also be provided by posting all street and alley frontages of the subject property, and by publication of legal notice in a newspaper of general circulation, published and circulated in Hermosa Beach.

3. Comments by the Public. Public comments must be received by the zoning administrator within ten days of the date appearing on the mailed notice. Comments must be in writing, and must be specific.

B. Variances--Notice. The applicant shall provide notice a minimum of ten days before a hearing on an application for a variance. The method of notice will be established by resolution to the city council. The date of the hearing shall be set by the building department. The date must be a minimum of ten days and a maximum of forty (40) days from the date the application is accepted as complete. (Prior code Appx. A, § 1402.1)

**17.54.050 Report of decision and findings--disposition of report.**

A. Administrative Variances. The report of decision and findings shall be issued by the zoning administrator. The written report shall be issued not sooner than fifteen (15) nor later than thirty (30) days after public notice as provided by Section [17.54.040\(A\)\(1\)](#). The report shall include a statement granting or denying or granting with conditions the administrative variance, a statement of required findings, and a statement advising the applicant of the right to appeal the administrator's decision to the city council within fifteen (15) days of the issuance of the report of decision and findings. The report of decision and findings shall be mailed to the applicant, and to those originally sent written notice.

B. Variances. The board of zoning adjustments shall issue the report of decision and findings for variances. The written report shall be issued within twenty (20) days of the conclusion of the hearing on the variance application. The report shall include a decision granting, denying or granting with conditions the variance, the required findings, and an indication that the planning commission's decision shall become final if not appealed within fifteen (15) days of the issuance of the report of decision and findings. A copy of the report of decision and findings shall be sent to the name and address shown on the application. Reports shall be numbered consecutively in the order of filing, and kept as a permanent record. (Prior code Appx. A, § 1402.2)

**17.54.060 Appeals--filing, fees procedure.**

A. Administrative Variances. Appeals shall be in writing, including specific items of disagreement with the zoning administrator's decision or findings. Appeals shall be filed with the city clerk's office within fifteen (15) days of the issuance of the report of decision and findings. Fees for appeals will be established by resolution of the city council.

The filing of an appeal with the city clerk shall stay the decision of the zoning administrator until the appeal has been acted on. When an appeal is filed, the zoning administrator shall forward the record of the case to the city council. The city council shall conduct a public hearing accordance with Chapter [17.68](#). Such hearings shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its decision and findings within sixty (60) days of the closing of the hearing, unless good cause is shown for an extension of time. The council may incorporate by reference the findings of the zoning administrator. Within thirty (30) days of the final decision on an administrative variance, the city council shall mail notice to the appellant and applicant. A copy of this notice shall be included in the zoning administrator's files.

B. Variances. Appeals shall be in writing, including the specific areas of disagreement with the board of zoning adjustments' decision. Fees for appeals will be established by resolution of the city council. Appeals shall be filed with the city clerk's office in writing ten days from the date of the succeeding regular city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 within fifteen (15) days of the planning commission's issuance of a report of decision and findings. The filing of an appeal with the city clerk shall stay the planning commission's decision on a variance. When an appeal is filed, the planning commission shall transmit the record of the case to the city council. The city council shall conduct a public hearing in accordance with Chapter [17.68](#). Such hearing shall be held within forty (40) days of the council's receipt of the written appeal. The city council shall announce its findings within sixty (60) days of the hearing, unless good cause is found for an extension. The council may incorporate by reference the findings of the board of zoning adjustment. The council's action shall be final. Within thirty (30) days of its final decision on a variance, the city clerk shall mail notice to the applicant and appellant. A copy of this notice shall be included in the planning commission's permanent files. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1402.3)

**17.54.070 Reapplication upon denial.**

After the denial of a variance or administrative variance has become final, no further application for the same variance or administrative variance shall be filed for the same property for the ensuing six months, unless the project has been redesigned so as to eliminate the planning commission's or the zoning administrator's or city council's previous objections to the project. Said redesign will require a complete new application process. (Prior code Appx. A, § 1402.4)

**17.54.080 Revocation--causes--hearing.**

Any variance may be revoked by the planning commission, and any administrative variance may be revoked by the zoning administrator, for any of the following causes.

A. That any term or condition has not been complied with;

B. That the property for which the variance or administrative variance has been granted is used or maintained in violation of any statute, law, regulation or condition of approval;

C. That the use for which the variance or administrative variance was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned;

D. That the use for which the variance or administrative variance was granted has been so exercised as to be detrimental to the public health or safety or so as to constitute a nuisance. A hearing to show cause why a variance should not be revoked shall be held by the awarding body prior to the revocation of any variance or administrative variance. (Prior code Appx. A, § 1402.5)

## **Chapter 17.55 ADMINISTRATIVE PERMITS**

Sections:

- [\*\*17.55.010 Authority to grant\*\*](#)
- [\*\*17.55.020 Purpose\*\*](#)
- [\*\*17.55.030 Application filing\*\*](#)
- [\*\*17.55.040 Report of decision and findings\*\*](#)
- [\*\*17.55.050 Effective date--Appeals\*\*](#)
- [\*\*17.55.060 Reapplication upon denial\*\*](#)
- [\*\*17.55.070 Revocation\*\*](#)
- [\*\*17.55.080 Expiration\*\*](#)

### **17.55.010 Authority to grant.**

The Community Development Department may grant administrative permits for all such uses and matters required by this Title to be reviewed and allowed only upon the granting of an administrative permit.

### **17.55.020 Purpose.**

The purpose of an administrative permit is to ensure that a proposed use or matter for which an administrative permit is required complies with the standards, limitations and other regulations applicable to the subject use or matter.

### **17.55.030 Application filing.**

Prior to the establishment of any use or grant of any or entitlement for which an administrative permit administered by this section is required by this Title or Code, an application for an administrative permit, signed by a property owner, lessee or business owner shall be filed with the Community Development Department upon a form furnished by the department. The application shall include a site plan, drawings and information in sufficient detail to demonstrate compliance with the regulations applicable to the subject use or matter, accompanied by a fee set by resolution of the City Council.

### **17.55.040 Report of decision and findings.**

Not more than thirty (30) days following the filing of a complete application for an administrative permit, the Community Development Director shall issue the administrative permit upon determining the request complies with the standards, limitations and other regulations in the governing section, which may include the imposition of conditions and limitations to ensure the permit is consistent with said requirements and protects the public health, safety and welfare; or the Director shall deny the application and provide the applicant a written statement of the reasons the permit cannot be issued. The applicant shall be advised in writing of the right to appeal the Director's decision pursuant to Section [17.55.050](#).

### **17.55.050 Effective date--appeals.**

A. Decisions of the Community Development Director may be appealed to the Planning Commission by filing an appeal within fifteen (15) days of the Director's decision, provided that upon affixing the signature of the

applicant to an issued permit, the permit shall become effective and the right to appeal shall be waived. Appeals shall be filed in writing with the Community Development Department accompanied by a fee set by resolution of the City Council. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The Commission's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The filing of an appeal within such time shall stay the effective date of the decision until the Commission has acted on the appeal. The Commission's decision shall be final and conclusive, unless the governing section specifically provides for a direct or subsequent appeal to the City Council.

B. Appeals to the City Council shall be filed with the City Clerk accompanied by a fee set by resolution of the City Council. The filing of an appeal within ten (10) days shall stay the effective date of the decision until the Council has acted on the appeal as hereinafter set forth in this title. Upon receipt of a written appeal, the Planning Commission shall transmit to the Council the Planning Commission's complete record of the case. Notice of hearing shall be given to the applicant at least ten (10) days prior to the hearing, unless the applicant agrees to waive the requirement so that the matter may be heard at an earlier time. The Council shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than sixty (60) days after an appeal has been filed unless requested by the applicant. The Council's review shall be limited to a determination of whether the application complies with the requirements of the governing section. The Council shall announce its findings within forty (40) calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The Council's decision shall be final and conclusive.

#### **17.55.060 Reapplication upon denial.**

After the denial of an administrative permit has become final, no further application for the same administrative permit shall be filed for the same property for the ensuing six months, unless the project has been revised so as to eliminate the decision making body's previous objections to the project. Said revision shall require a completely new application process and payment of fees.

#### **17.55.070 Revocation.**

Any administrative permit may be revoked by the Director or the decision making body for any of the following causes:

- A. That any term or condition has not been complied with;
- B. That the property for administrative permit has been granted is used or maintained in violation of any statute, law, regulation or condition of approval;
- C. That the use for which the administrative permit was granted has not been exercised for at least twelve (12) consecutive months, or has ceased to exist, or has been abandoned; or
- D. That the use for which the administrative permit was granted has been so exercised as to be detrimental to

the public health or safety or so as to constitute a nuisance.

A hearing to show cause why the permit should not be revoked shall be held by the issuing body prior to the revocation of any administrative permit. Written notice shall be provided the permit holder at least ten (10) days prior to the hearing stating the reasons therefore.

**17.55.080 Expiration.**

An administrative permit shall expire at the conclusion of the permitted use or activity, not to exceed one year from the effective date if no expiration or term is stated therein, and the property shall thereafter be used in compliance with the provisions of this Title and Code. (Ord. 13-1341, § 6, July 2013)

## Chapter 17.56 CONDITIONAL USE PERMITS

Sections:

- [\*\*17.56.010 Authority to grant.\*\*](#)
- [\*\*17.56.020 Purpose.\*\*](#)
- [\*\*17.56.030 Notice and hearing on application.\*\*](#)
- [\*\*17.56.040 Report on findings and decision.\*\*](#)
- [\*\*17.56.050 Report to be numbered and kept as permanent record.\*\*](#)
- [\*\*17.56.060 Notice of decision to applicant.\*\*](#)
- [\*\*17.56.070 Effective date --Time limitation for appeal.\*\*](#)
- [\*\*17.56.080 Transmission of planning commission's record to council.\*\*](#)
- [\*\*17.56.090 Council to hold public hearing on appeal.\*\*](#)
- [\*\*17.56.100 Council to announce findings and decision.\*\*](#)
- [\*\*17.56.110 Decision of the council shall be final.\*\*](#)
- [\*\*17.56.120 Notice of decision of the council.\*\*](#)

### **17.56.010 Authority to grant.**

- A. The planning commission may grant conditional use permits for residential planned developments and commercial planned developments.
- B. The planning commission may grant conditional use permits upon application for all such matters as by this ordinance are required to be reviewed and allowed only upon the granting of a conditional use permit. (Ord. 95-1145 §2 (part), 1995; prior code Appx. A, §1403)

### **17.56.020 Purpose.**

The purpose of a conditional use permit shall be:

- A. To assure that the degree of compatibility shall be maintained with respect to the particular use on the particular site and in consideration of other existing and potential uses within the general area in which such use is proposed to be located; and
- B. To recognize and compensate for variations and degree of technological processes and equipment as related to the factors of noise, smoke, dust, fumes, vibration, odors and hazards. (Prior code Appx. A, §1404)

### **17.56.030 Notice and hearing on application.**

Upon the filing of an application for a conditional use permit by a property owner, or by a lessee with the written consent of the property owner, due notice of public hearing shall be given at least ten calendar days prior to said hearing in accordance with requirements to be established by resolution of the city council. (Prior code Appx. A, §1405)

### **17.56.040 Report on findings and decision.**

Not more than twenty (20) days following the public hearing on a conditional use permit, nor more than twenty

(20) days following the filing of an application for a conditional use permit where no hearing is required, the planning commission shall announce its findings by formal report and said report shall recite, among other things, the facts and reasons which, in its opinion, make the granting or denial of the conditional use permit necessary to carry out the provisions and general purpose of this title, and shall order that the conditional use permit be granted or denied, and if such report orders that the conditional use permit be granted, it shall also recite such conditions and limitations as it may impose. (Prior code Appx. A, §1406)

**17.56.050 Report to be numbered and kept as permanent record.**

The formal report of the planning commission announcing its decision on a conditional use permit shall be numbered consecutively in the order of filing and shall become a permanent record in the file of the planning commission. (Prior code Appx. A, §1407)

**17.56.060 Notice of decision to applicant.**

Not later than ten days following the rendering of a decision ordering that a conditional use permit be granted or denied, a copy of the report shall be mailed to the applicant and his attorney at the address shown on the application filed with the planning commission. (Prior code Appx. A, §1408)

**17.56.070 Effective date--Time limitation for appeal.**

The order of the planning commission in granting or denying a conditional use permit shall become final and effective ten days from the date of the succeeding city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 of this code until within such ten-day period an appeal in writing is filed with the council by any person dissatisfied with the decision of the planning commission. The filing of such appeal within such time shall stay the effective date of the order of the planning commission until such time as the council has acted on the appeal as hereinafter set forth in this title. (Ord. 95-1145 §2 (part), 1995; prior code Appx. A, §1409)

**17.56.080 Transmission of planning commission's record to council.**

Upon receipt of a written appeal filed with the council as provided herein, the planning commission shall thereupon transmit to the council the planning commission's complete record of the case. (Prior code Appx. A, §1410)

**17.56.090 Council to hold public hearing on appeal.**

Within not to exceed forty (40) calendar days following filing of a written appeal, the city council shall conduct a duly advertised public hearing, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council. (Prior code Appx. A, §1411)

**17.56.100 Council to announce findings and decision.**

City council shall announce its findings and decision within a reasonable time, but not to exceed sixty (60) days, following the close of the public hearing, unless good cause is shown for the extension of time and the applicant or opponent or both are notified of this extension and the reasons therefor. The findings and decision shall recite the facts and reasons which in the opinion of the city council make the approval or denial of the conditional use permit necessary to carry out the general purpose of this title, and shall order that the

conditional use permit be granted, denied or modified subject to such conditions or limitations that it may impose. City council may incorporate by reference all or part of any findings of any commission, hearing officer or administrative officer without expressly setting forth in full the findings of said commission, hearing officer or administrative officer if the findings of said commission, hearing officer or administrative officer are in writing and on file with the city clerk and made a part of the permanent record of the city.

If the city council does not announce its findings and decision, notice shall be given by mail to the applicant or opponent, or to both if they be different parties, of when the findings and decision will be made so that the applicant or opponent or both may be present at the meeting when said findings and decision are announced. (Prior code Appx. A, §1412)

**17.56.110 Decision of the council shall be final.**

The action by the city council on such matters shall be by three affirmative votes of the council, and shall be final and conclusive except:

A. The city council may approve, modify or disapprove the recommendation of the planning commission; provided, that any modification of a proposed conditional use permit, precise development plan, variance, height limit exception, nonconforming remodel, parking plan, permitted use request or other similar discretionary land use matter, by the council may be referred back to the planning commission for report and recommendation, and the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report to the city council within forty (40) days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

B. Upon return of the matter to the city council, the city council may by three affirmative votes of the council, approve, modify or disapprove the final recommendation of the planning commission on such matters. (Ord. 94-1109 §1, 1994: prior code Appx. A, §1413)

**17.56.120 Notice of decision of the council.**

Not later than thirty (30) days following the final decision of the city council that a conditional use permit be granted or denied, notice of such action shall be mailed to the applicant or opponent, or both if they be different parties, and one copy shall be attached to the planning commission's file of the case and said file returned to the planning commission for permanent filing. Failure to give notice shall not affect the decision rendered in these matters. (Prior code Appx. A, §1414)

## **Chapter 17.58** **PRECISE DEVELOPMENT PLANS**

Sections:

- [\*\*17.58.010 Purpose and intent.\*\*](#)
- [\*\*17.58.020 Projects requiring review.\*\*](#)
- [\*\*17.58.030 Standards and review criteria.\*\*](#)
- [\*\*17.58.040 Appeals.\*\*](#)
- [\*\*17.58.050 Compliance.\*\*](#)
- [\*\*17.58.060 General procedures.\*\*](#)

### **17.58.010 Purpose and intent.**

The purpose and intent of requiring precise development plan review for development projects is to achieve a reasonable level of quality, compatibility, in harmony with the community's social, economic and environmental objectives, and to protect existing and potential developments, and uses on adjacent and surrounding property. Projects that qualify for a density bonus pursuant to Section [17.42.100](#) or are comprised entirely of residential units restricted to be affordable to moderate- or lower-income households shall be subject to a non-discretionary precise development plan focusing on physical design and ensuring conformance with objective development standards, rather than examining the appropriateness of the use itself; said precise development plan process is not a 'project' and is not subject to the California Environmental Quality Act (CEQA). (Ord. 13-1342, §13, July 2013; Prior code Appx. A, § 1430)

### **17.58.020 Projects requiring review.**

In order to achieve the purpose of this section, it is considered necessary to require that the use of land, and erection, construction or location of buildings or structures in any zone shall require submittal of plans for planning commission review, with the exception of the following:

- A. Single-family residences, including new construction, remodels or additions thereto;
- B. Remodels or additions of less than one thousand five hundred (1,500) square feet in any zone. (Prior code Appx. A, § 1431)

### **17.58.030 Standards and review criteria.**

A. Standards. All development shall be in compliance with minimum standards of the zoning ordinance. On a case basis, the planning commission may impose standards above the minimums designated by the zoning ordinance to improve the quality of development and to mitigate any environmental impacts.

B. General Criteria. In considering the precise development plan for any development, the following criteria for granting or conditionally granting said permit shall be considered:

- 1. Distance from existing residential uses in relation to negative effects;
- 2. The amount of existing or proposed off-street parking in relation to actual need;

3. The combination of uses proposed, as they relate to compatibility;
4. The relationship of the estimated generated traffic volume and the capacity and safety of streets serving the area;
5. The proposed exterior signs and decor, and the compatibility thereof with existing establishments in the area;
6. Building and driveway orientation in relation to sensitive uses, e.g., residences and schools;
7. Noise, odor, dust and/or vibration that may be generated by the proposed use;
8. Impact of the proposed use to the city's infrastructure, and/or services;
9. Adequacy of mitigation measures to minimize environmental impacts in quantitative terms;
10. Other considerations that, in the judgment of the planning commission, are necessary to assure compatibility with the surrounding uses, and the city as a whole.

C. Criteria for Denial.

1. The proposed development would substantially depreciate property values in the vicinity or interfere with the use or enjoyment of property in such area, because of excessive dissimilarity or inappropriateness of design in relation to the surrounding vicinity, and there are no known conditions of approval which can be imposed that could resolve such problems;
2. The proposed development would have significant environmental adverse impacts which are not mitigable, and where the finding of overriding considerations cannot be made. (Prior code Appx. A, § 1432)

**17.58.040 Appeals.**

The decision of the planning commission may be appealed to the city council by filing a written appeal within ten days from the date of the succeeding city council meeting at which it is determined whether or not to review the decision of the planning commission pursuant to Section 2.52.040 of this code. (Ord. 95-1145 § 2 (part), 1995; prior code Appx. A, § 1435)

**17.58.050 Compliance.**

A. An approved plan shall be valid for a one-year period and, should development fail to commence within such time limitation and no extension is granted, shall become null and void.

B. No person shall violate or fail to comply with any approved plan or any condition or provision thereof, nor shall a building permit be issued for any building or structure which would violate or fail to comply with an approved plan. (Prior code Appx. A, § 1436)

**17.58.060 General procedures.**

Application for precise development plan review shall be filed and approval given prior to the issuance of building permits. An application shall consist of detailed and fully dimensioned site plans, building plans, floor plans, architectural drawings and elevations, landscape plans and/or any other data found to be reasonably required.

Applications shall be submitted to the city planning department and shall be in compliance with the department's specific requirements.

Fees shall be set by policy of the city council. (Prior code Appx. A, § 1437)

## Chapter 17.60

### DETERMINATION OF LEGALITY OF NONCONFORMING RESIDENTIAL BUILDINGS

Sections:

- [\*\*17.60.010 Definitions.\*\*](#)
- [\*\*17.60.020 Validation of legality of nonconforming buildings constructed prior to January 1, 1959.\*\*](#)
- [\*\*17.60.030 Application for validation.\*\*](#)
- [\*\*17.60.040 Notice of hearing.\*\*](#)
- [\*\*17.60.050 Hearing.\*\*](#)
- [\*\*17.60.060 Negotiation of agreement between property owner and city.\*\*](#)
- [\*\*17.60.070 Substandard structures.\*\*](#)
- [\*\*17.60.080 Determination of legality of buildings constructed after January 1, 1959.\*\*](#)
- [\*\*17.60.090 Taxes and fees for city services.\*\*](#)
- [\*\*17.60.100 Violation--Penalty.\*\*](#)

#### **17.60.010 Definitions.**

A. "Validation," for the purposes of this chapter only, is defined as a process whereby the planning commission has the power to grant to the applicant a status report of legal nonconformity with reference to the structure submitted to the board for determination. The legal nonconformity can include but is not limited to declarations of the legality of violations of the current zoning ordinance such as height of the building, side yard setback, off-street parking provisions and similar violations, and shall also include the declaration of legality of existing violations of the housing code, building code, and other codes of the city.

B. "Substandard housing," as defined in Assembly Bill No. 475, means housing which has been determined by a state or local government regulatory agency to violate state law or local codes dealing with health, safety or building. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9)

#### **17.60.020 Validation of legality of nonconforming buildings constructed prior to January 1, 1959.**

When it can be shown as hereinafter described that dwelling units constructed prior to January 1, 1959, were constructed in accordance with then applicable laws, that said dwelling is not substandard within the intent and meaning of Assembly Bill No. 475, and that the use of said dwelling has been consistent since January 1, 1959, then said residential dwelling unit or units shall be declared legally nonconforming. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.1)

#### **17.60.030 Application for validation.**

When city records and actual property use conflict, the property owner may apply to the planning commission to have such records corrected. Such application shall be made to the building director, and shall include the written permission of the property owner and all occupants of the subject building to permit a physical inspection of the building to make a determination of whether or not said building is substandard.

Upon the completion of said physical inspection of the premises by the community development director, said director shall process the application with the intention to consider at a public hearing the granting of a

validation, and shall so notify the property owner in writing. The notice to the property owner shall include the following:

- A. A statement of whether or not the structure is substandard, and findings in accordance therewith;
- B. A written opinion of whether or not the structure and all the units therein were constructed prior to January 1, 1959, and findings in connection therewith; and
- C. A description of the status of existing city records with reference to said structure. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.2)

**17.60.040 Notice of hearing.**

Following the application of the property owner to the building director for validation of the legality of a nonconforming building and correction of city records, the community development director shall give notice of the intention of the planning commission to consider the matter at a public hearing to the property owner and to all owners of real property within a radius of three hundred (300) feet of the exterior boundaries of the affected property at least ten calendar days before said hearing, using for this purpose the last known name and address of the owner of such property as shown upon the last local assessment roll of property in the county of Los Angeles prior to the date of such mailing. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.3)

**17.60.050 Hearing.**

All public testimony, oral or documented, as to whether or not the structure, when constructed, was consistent with the then existing zoning code and all other applicable codes and has been continuously so utilized since that time (except that it is rebuttably presumed that said structure has continuously been so used) shall be reviewed by the planning commission.

After the conclusion of the hearing, the planning commission shall deny or grant the application in whole or in part, based upon the evidence received.

The decision of the planning commission shall be final unless appealed. At the conclusion of the public hearing, in the event of a denial, the applicant shall be advised that he or any person may appeal said decision by filing with the city manager a written request for a hearing before the city council, said appeal to be filed within ten days after the date of the decision by the planning commission. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.4)

**17.60.060 Negotiation of agreement between property owner and city.**

The Planning Commission shall have the power to negotiate with the property owner concerning property promises on behalf of the property owner in exchange for the validation, and upon agreement by all parties the premises and validations will be set out in writing and executed by the property owner and by the building director on behalf of the city and shall constitute an agreement with reference to the structure for the term that the property remains legally nonconforming in accordance with the provisions of the zoning ordinance. (Prior code Appx. A, § 7-9.5)

#### **17.60.070 Substandard structures.**

In the event that the planning commission grants a validation and the structure has been found to be substandard, said validation shall not become effective until the substandard condition is corrected in accordance with the provisions of Sections 17299 and 24436.5 of the Revenue and Taxation Code of the State of California as enacted by Assembly Bill No. 475. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.6)

#### **17.60.080 Determination of legality of buildings constructed after January 1, 1959.**

If there is a conflict between the actual use of property and such use as would be permitted by the records of the city, then the property owner upon application may request that the records be corrected and the structure validated, following procedures set forth in Sections [17.60.040](#) and [17.60.050](#). Upon such application being made, the building director shall make an exterior inspection of the premises and make a determination of whether the building appears to be substandard within the meaning of Assembly Bill No. 475. If at that time or at any time during the procedure set forth herein it appears either to the appeals board or to the building inspector that the building may be substandard, then the procedure shall be halted until such time as the property owner and all occupants of the subject building grant permission to the city to make a physical inspection of the interior of the building. If such permission is not granted within thirty (30) days, then the application shall be deemed denied.

If it appears from an exterior inspection of the building that the structure is not substandard, then the validation process shall continue except that prior to the validation being effective the property owner and all occupants of the subject building are required, as part of the validation process, to give permission to the city to make an interior inspection of premises to determine if the structure is substandard. If the structure is determined to be substandard, then such condition must be corrected within six months after the granting of the validation or the application is deemed denied. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.7)

#### **17.60.090 Taxes and fees for city services.**

When the applicant has been granted approval by the planning commission for legal nonconforming status of a residential unit then said unit shall be accepted as a new dwelling unit upon payment of a validation fee, the amount of which shall be established by resolution of the city council, and a business license tax where applicable. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.8)

#### **17.60.100 Violation--penalty.**

No person, firm or corporation, whether as owner, lessee, sublessee or occupant, shall erect, construct, enlarge, alter, repair, move, remove, improve, demolish, equip, use, occupy or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of any of the provisions of this code or any order issued by the building official hereunder. Any person violating the provisions of this code shall be guilty of a misdemeanor for each day such violation continues.

Any person, firm or corporation violating any of the provisions of this code shall be deemed guilty of a misdemeanor and shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment in the city jail or in the county jail, as the committing magistrate may direct, for no more than six months, or by both such fine and imprisonment in the discretion of the court. Each such person, firm or

corporation shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this code is committed, continued or permitted. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-9.9)

**Chapter 17.62**  
**PLANNING COMMISSION AUTHORITY--BUILDING CODE**

Sections:

**17.62.010 Requiring approval of planning commission.**

**17.62.020 Moving buildings.**

**17.62.010 Requiring approval of planning commission.**

The City Council, after due consideration, finds and determines that local conditions, environmental health, and beach community features prevailing within this city make it necessary to provide control of certain architectural features in the design of buildings, and therefore the following new Section 209 shall be added to the Uniform Building Code, 1988 Edition, to read as follows:

**SECTION 209.**

Section 209. Certain Buildings Requiring Planning Commission Approval. Notwithstanding any of the other provisions of this code no building or relocation permit shall be issued for the following until approved by the planning commission as set forth hereunder:

- (a) For any building or structure which calls for galvanized iron or sheet metal exterior for all or a part thereof; or
- (b) A building or structure of an unusual or unorthodox architectural design, commonly referred to as a novelty building; or
- (c) For a building or structure which, in the opinion of the community development director, may be detrimental to the public interest, welfare, health, comfort and safety, or adversely affects substantial vested rights of adjoining property owners.

The Community Development Director shall refer said application to the planning commission for study and report, and said commission shall make such investigation and shall hold such hearings on said application as is deemed desirable for approval or denial. If said application is denied by the planning commission, the community development director shall notify the applicant in writing of the action taken. The applicant may thereupon, by notice in writing filed with the city manager within thirty (30) days from the date of mailing of the notice denying his application, demand a hearing on said application, and the city manager shall thereupon set said matter for hearing after due notice to the applicant of the time and place thereof. At said hearing applicant shall be permitted to testify and give evidence in support of his application, and if the city council determines that the proposed construction will not be detrimental to the public interest, health, safety or general welfare, or will not materially depreciate or detrimentally affect adjoining property, said application may be granted; otherwise, the same shall be denied. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-1.7)

**17.62.020 Moving buildings.**

Section 302 of the Uniform Building Code, 1988 Edition, is hereby amended by adding thereto the following

subsection (e) to read as follows:

SECTION 302.

(e) Moving buildings. To obtain a permit to move a building into the city or to move any building or structure from one location within the city to another, the applicant shall, in addition to the information required in subsections, (a), (b), (c) and(d) hereof, furnish the following information:

- (1) The age of the building, which shall be verified by the building department in the city in which said building was erected.
- (2) Provide a plot plan, which shall include precise new location of building in relation to property lines.
- (3) Submit a floor plan of all floors of said building. Plan shall be drawn to scale of one-eighth inch or one-quarter inch equals one foot.
- (4) Furnish a sketch or plan showing the size and general design of the building.
- (5) Submit four (4) photographs, eight (8) inches by ten (10) inches in size, showing the front, rear and side views of the building, and three (3) photographs of the front and side views of the proposed location.

After the applicant has filed such application, the community development director of the city shall inspect said building for all necessary requirements and for the purpose of ascertaining whether structurally the same complies with this code, and having made such inspection, the community development director shall make findings showing the result of such inspection and refer the same, together with the written application, sketches and photographs, to the planning commission of the city.

The applicant shall then pay to the planning commission a review fee of one hundred dollars (\$100.00). The planning commission shall hold hearings notice of which to be given to the applicant and to other interested persons in the neighborhood of the proposed location, such notice to be in form and at such time as deemed reasonable to the planning commission. After the hearing and within ten (10) days, the planning commission shall make its recommendations to the community development director of the city, as to whether or not a permit shall be granted, and if the planning commission recommends that a permit be granted, then the community development director shall file with the city council the findings of the planning commission and all pertinent information relating to said application within thirty (30) days of receipt or the planning commission's recommendation for council's final approval.

After final approval from the city council, the community development director shall require the applicant to file with the community development director a bond equal to the amount of the estimated cost of placing such building on a foundation as required by this code, and preparing, altering or improving such structure to meet the requirements of this code and the recommendations of the planning commission and the city council. Such bond may be a cash bond in said amount of estimated cost or a surety bond, but, if a surety bond, it shall be in double the amount of the estimated cost, and the sureties thereon shall appear before the community

development director and satisfy him as to their financial worth and ability to pay to the city the amount of the surety bond in the event it is necessary for the city to bring action thereon. Such bonds shall be payable to the city and shall be conditioned upon the construction and completion of the structure in compliance with this code and the requirements of the planning commission and the city council, and for the payment of materialmen and laborers, furnishing material and laborers for the rebuilding or completion of the structure, with foundation, as required by this code and the recommendations of the planning commission and the city council. (Ord. 96-1160 § 1 (part), 1996; prior code § 7-1.8)

## **Chapter 17.64 DEVELOPMENT AGREEMENTS**

Sections:

- [\*\*17.64.010 Processing proposed development agreements.\*\*](#)
- [\*\*17.64.020 Periodic review of development agreements.\*\*](#)
- [\*\*17.64.030 Action to determine validity.\*\*](#)

### **17.64.010 Processing proposed development agreements.**

A development agreement which may be proposed by the city or any person having a legal or equitable interest in real property shall be processed in the manner of a zone change as provided in Article 15 and shall conform to the requirements of Article 2.5 (commencing with Section 65864) Division 1, of the Government Code entitled "Development Agreements." (Prior code Appx. A, § 15.5-1)

### **17.64.020 Periodic review of development agreements.**

Any approved development agreement shall be reviewed by the planning commission (whose decision may be appealed to the city council in writing within ten days after the planning commission decision on review) at least every twelve (12) months after the approval of the agreement. The review shall be preceded by reasonable notice to the other party of the time of review and of any evidence that the agreement is not being complied with. (Prior code Appx. A, § 15.5-2)

### **17.64.030 Action to determine validity.**

An action to determine the validity of a development agreement entered into by the city, or any amendment or modification to it, may be brought pursuant to Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure. (Prior code Appx. A, § 15.5-3)

## **Chapter 17.66 AMENDMENTS**

Sections:

- [\*\*17.66.010 Title may be amended.\*\*](#)
- [\*\*17.66.020 Initiation of amendment.\*\*](#)
- [\*\*17.66.030 Application for amendment.\*\*](#)
- [\*\*17.66.040 Commission to hold hearing on amendments.\*\*](#)
- [\*\*17.66.050 Time for hearing.\*\*](#)
- [\*\*17.66.060 Commission to announce findings.\*\*](#)
- [\*\*17.66.070 Notice of commission's decision when approving.\*\*](#)
- [\*\*17.66.080 Notice of decision of commission when denying the application.\*\*](#)
- [\*\*17.66.090 Commission action shall be final when denying application.\*\*](#)
- [\*\*17.66.100 Transmission of commission's record to city council.\*\*](#)
- [\*\*17.66.110 City council to hold public hearing on commission's recommendations on amendments and on appeals.\*\*](#)
- [\*\*17.66.120 City council to announce findings and decision.\*\*](#)
- [\*\*17.66.130 Decision of city council shall be final.\*\*](#)
- [\*\*17.66.140 Notice of decision of city council.\*\*](#)

### **17.66.010 Title may be amended.**

Boundaries of the zones established by this title, the classification of property uses therein or other provisions of this title may be amended whenever public necessity and convenience and general welfare require. (Prior code Appx. A, § 1500)

### **17.66.020 Initiation of amendment.**

Amendments of this title may be initiated by:

- A. The verified application of one or more owners of property proposed to be changed or reclassified;
- B. Direction by the city council;
- C. Direction by the planning commission. (Ord. 95-1123 § 1, 1995; prior code Appx. A, § 1501)

### **17.66.030 Application for amendment.**

Whenever the owner of any land or building desires an amendment, supplement to or change of the regulations prescribed for his property, he shall file with the planning commission an application therefor, verified by him requesting such amendment. (Prior code Appx. A, § 1502)

### **17.66.040 Commission to hold hearing on amendments.**

Upon filing of a verified application for an amendment, or direction by the planning commission or the city council, the planning commission shall hold one public hearing thereon, and notice of such hearing shall be given as provided in Chapter [17.68](#). (Ord. 95-1123 § 2, 1995; prior code Appx. A, § 1503)

**17.66.050 Time for hearing.**

The hearing for an amendment to the land-use plan established in this title shall be held not later than forty (40) days following the filing of an application for such amendment or direction by the planning commission or the city council. (Ord. 95-1123 § 3, 1995; prior code Appx. A, § 1504)

**17.66.060 Commission to announce findings.**

The Planning Commission shall announce its findings by formal resolution not more than forty (40) days following the hearing, and said resolution shall recite, among other things, the facts and reason which, in the opinion of the commission, make the approval or denial of the application for the amendment necessary to carry out the general purpose of this title, and shall recommend the adoption of the amendment by the city council or deny the application. (Prior code Appx. A, § 1505)

**17.66.070 Notice of commission's decision when approving.**

When the commission's action is to recommend the adoption of the amendment, the commission shall, within ten days from the date of such action, notify the applicant by forwarding a copy of the resolution to the applicant at the address shown upon the application, and shall forward to the city council a copy of the said resolution, together with the complete file in the case. (Prior code Appx. A, § 1506)

**17.66.080 Notice of decision of commission when denying the application.**

When the action of the commission is to deny an application, the commission shall, within ten days from the date of such action, notify the applicant by forwarding a copy of the resolution to the address shown upon the application. (Prior code Appx. A, § 1507)

**17.66.090 Commission action shall be final when denying application.**

The action of the Planning Commission in denying an application for amendment shall be final and conclusive unless, within ten days following the mailing of a notice of the action by the planning commission, an appeal in writing is filed with the city council by the applicant. (Prior code Appx. A, § 1508)

**17.66.100 Transmission of commission's record to city council.**

Upon receipt of a written appeal filed with the city council by the applicant, as provided in this chapter, the clerk of the city council shall advise the secretary of the planning commission who shall transmit to the clerk of the city council the planning commission's complete record of the case. (Prior code Appx. A, § 1509)

**17.66.110 City council to hold public hearing on commission's recommendations on amendments and on appeals.**

Within not to exceed forty (40) calendar days following receipt of the resolution from the planning commission recommendation the adoption of an amendment concerning matters listed in Section [17.68.050\(C\)](#), or following filing of a written appeal from an order of the planning commission denying an application for an amendment, supplement or change of regulations prescribed for the property of an applicant, the city council shall conduct a duly advertised public hearing, public notice of which shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the council. (Prior code Appx. A, § 1510)

**17.66.120 City council to announce findings and decision.**

City Council shall announce its findings and decision within a reasonable time but not to exceed sixty (60) days following the close of the public hearing, unless good cause is shown for the extension of time and the applicant is notified of this extension and the reasons therefor. The findings and decision shall recite the facts and reasons which in the opinion of the city council make approval or denial of the amendment necessary to carry out the general purpose of this title, and shall order that the amendment be granted, denied or modified subject to such conditions or limitations that it may impose. City council may incorporate by reference all or part of any findings of the commission, hearing officer or administrative officer without expressly setting forth in full the findings of the commission, hearing officer or administrative officer if the findings of the commission, hearing officer or administrative officer are in writing and on file with the city clerk and made a part of the permanent record of the city.

If the City Council does not announce its findings and decision, notice shall be given by mail to the applicant of when the findings and decision will be made so that the applicant may be present at the meeting when the findings and decision are announced. (Prior code Appx. A, § 1511)

**17.66.130 Decision of city council shall be final.**

The action by the City Council on such matters shall be by three affirmative votes of the council and shall be final and conclusive, except:

A. The City Council may approve, modify or disapprove the recommendation of the planning commission; provided that any modification of the proposed amendment by the city council shall first be referred to the planning commission for report and recommendation, but the planning commission shall not be required to hold a public hearing thereon. Failure of the planning commission to report to the city council within forty (40) days after the reference, or such longer period as may be designated by the city council, shall be deemed to be approval of the proposed modification.

B. Upon the return of the matter to the City Council, the city council may by three affirmative votes of the council approve, modify or disapprove the final recommendation of the planning commission on such matters. (Prior code Appx. A, § 1512)

**17.66.140 Notice of decision of city council.**

Not later than thirty (30) days following the final decision of the City Council ordering an amendment to this title, or denying an application or recommendation for an amendment, notice of such action shall be forwarded to the applicant at the address shown upon the application, and one copy shall be attached to the planning commission's file of the case and said file returned to the planning commission for permanent filing. Failure to give notice shall not affect the decision rendered in these matters. (Prior code Appx. A, § 1513)

## Chapter 17.68 PROCEDURE, HEARINGS, NOTICES AND FEES

Sections:

- [\*\*17.68.010 Commission shall prescribe form of application blanks and type of required information.\*\*](#)
- [\*\*17.68.020 Acceptability of signatures on applications.\*\*](#)
- [\*\*17.68.030 Applications a part of permanent record.\*\*](#)
- [\*\*17.68.040 Setting of hearing.\*\*](#)
- [\*\*17.68.050 Notices.\*\*](#)
- [\*\*17.68.060 Hearing.\*\*](#)
- [\*\*17.68.070 Investigations.\*\*](#)
- [\*\*17.68.080 Permanent files shall include summary of testimony.\*\*](#)

### **17.68.010 Commission shall prescribe form of application blanks and type of required information.**

The Planning Commission shall prescribe the form on which applications are made for changes in zone boundaries, of classifications, or for variance or conditional use permits. It may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements. (Prior code Appx. A, § 1600)

### **17.68.020 Acceptability of signatures on applications.**

If signatures of persons other than the owners of property making application are required or offered in support of, or in opposition to, an application, they may be received as evidence of notice having been served on them of the pending application, or as evidence of their opinion on the pending issue, but they shall in no case infringe upon the free exercise of the powers vested in the city as represented by the planning commission or city council. (Prior code Appx. A, § 1601)

### **17.68.030 Applications a part of permanent record.**

Applications filed pursuant to this title shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the agency to which application is made, and there shall be attached thereto and permanently filed therewith copies of all notices and actions with certificates or affidavits of posting, mailing or publications pertaining thereto. (Prior code Appx. A, § 1602)

### **17.68.040 Setting of hearing.**

All proposals for amending zone boundaries or classifications of property uses within such zones as are defined by this title, or the granting of variances or conditional use permits as provided in this title, shall be set by the secretary of the planning commission for public hearing when such hearing is to be held before the planning commission, and by the clerk of the city council for hearing to be held before the city council. The date of the hearing shall be not less than ten days nor more than forty (40) days from the time of filing of such verified application or the adoption of such resolution, or the making of such motion. (Prior code Appx. A, § 1604)

### **17.68.050 Notices.**

A. Notice of time and place of a public hearing on any amendment to the zoning ordinance which amendment does not change any property from one zone to another or impose any regulation set forth in subsection C of this section, or modify any such regulation heretofore imposed, shall be published by the city at least ten calendar days prior to said hearing in a newspaper of general circulation, published and circulated in this city.

B. Notice of public hearing on an application for a zone variance or a conditional use permit shall be given at least ten calendar days prior to said hearing in accordance with requirements established by resolution of the city council.

C. Notice of public hearing to consider a proposed amendment or modification to the zoning ordinance concerning matters listed below shall be given at least ten calendar days prior to said hearing according to requirements established by resolution of the city council:

1. Changing any property from one zone to another;

2. Imposing or modifying any of the following regulations as set forth within the zoning ordinance:

a. The use of buildings, structures and land as between industry, business, residences, open space including agriculture, recreation, enjoyment of scenic beauty and use of natural resources, and other purposes,

b. Location, height, bulk, number of stories and size of buildings and structures; the size and use of lots, yards, courts and other open spaces; the percentage of a lot which may be occupied by a building or structure; the intensity of land use,

c. Requirements for off-street parking and loading;

3. Establishment and maintenance of building setback lines;

4. The creation of civic districts around civic centers, public parks, public buildings or public grounds and the establishment of regulations therefor. (Prior code Appx. A, § 1605)

#### **17.68.060 Hearing.**

Any hearing may be continued from time to time, and if the hearing is continued, the time, date and place of the continuation shall be established and announced to those present. (Prior code Appx. A, § 1606)

#### **17.68.070 Investigations.**

The Planning Commission shall cause to be made by its own members, or members of its staff, such investigation of facts bearing upon an application set for hearing, including an analysis of precedent cases as will serve to provide all necessary information to assure action on each case consistent with the purposes of this title and with previous amendments or variances. (Prior code Appx. A, § 1607)

#### **17.68.080 Permanent files shall include summary of testimony.**

A summary of all pertinent testimony offered at any public hearing held in connection with an application filed

pursuant to this title, and the names of persons testifying shall be recorded and made a part of the permanent files of the case. (Prior code Appx. A, § 1608)

## **Chapter 17.70 REVOCATION AND EXPIRATION**

Sections:

- [\*\*17.70.010 Permits or variances may be revoked or modified.\*\*](#)
- [\*\*17.70.020 Expiration.\*\*](#)
- [\*\*17.70.030 Abandonment of conditional use permit.\*\*](#)

### **17.70.010 Permits or variances may be revoked or modified.**

Planning commission may, after a public hearing held in the manner prescribed in Chapter [17.68](#) governing variances, conditional use permits, and other land use entitlement permits, revoke or modify any permit or variance if any one of the following findings can be made:

- A. That the approval was obtained by fraud;
- B. That the use or activity for which such approval was granted has permanently ceased to exist as evidenced by demolition, alteration, subsequent use of the space, or similar conditions;
- C. That the use or activity for which such approval was granted has been suspended or dormant for longer than twelve (12) consecutive months, excluding time during which the property owner can demonstrate:
  - 1. The city had pending before it an application for a permit or land use entitlement directly related to, or for the purpose of, conducting said use; or
  - 2. A valid building permit directly related to said use or activity was in effect and was being diligently pursued; or
  - 3. The property owner has been actively negotiating to sell the property, as evidenced by a purchase and sale agreement, proof of escrow, or other similar binding agreements, or the property is subject to a binding lease with a tenant who is diligently pursuing a business to re-establish the use on the site.
- D. That the permit or variance granted is being, or recently has been, exercised contrary to the terms or conditions of such approval, or in violation of any statute, ordinance, law or regulation;
- E. That the use for which the approval was granted was or is so exercised as to be detrimental to the public health or safety, or so as to constitute a nuisance;
- F. That the circumstances under which the permit was granted have been changed by the owner or operator to such a degree that one or more of the findings contained in the permit is no longer valid and the public health, safety, and welfare merit revocation of the permit; or
- G. That the conditions of approval are found to be inadequate to mitigate the impacts of the use allowed by the permit, and the public health, safety and welfare merit modification of the permit.
- H. For a restaurant with on-sale alcoholic beverages, the business is not operating as a restaurant because

the primary function of the operation is the sale or offering for sale of alcoholic beverages and not the sale or offering for sale of food. A food to alcohol sales ratio provides a quantitative tool to help evaluate whether the business is operating as a restaurant whose primary function is the sale or offering for sale of food, as opposed to a business whose primary purpose is the sale of alcoholic beverages. For purposes of determining whether this finding can be made, an on-sale restaurant that maintains a minimum of fifty (50) percent of the total gross sales, computed monthly, from the sale of prepared food is presumed to be a restaurant. An on-sale restaurant that does not meet these percentages has the burden of demonstrating that it operates as a restaurant, as that term is defined in Section [17.04.050](#). Refusal to provide the information requested under this subsection within sixty (60) days shall be deemed prima facie evidence that the business is not operating as a restaurant. (Ord. 15-1350 §3, 2015; Ord. 10-1312 §1, 2010)

#### **17.70.020 Expiration.**

Any permit or variance granted by the planning commission or city council becomes null and void if not established within the date specified in such permit or variance, or if no date is specified, within two (2) years from the date of approval of such permit or variance. An approved permit or variance shall be deemed to have been established if the approved activity or actual construction has commenced and has been diligently pursued in accordance with all requirements and laws. Notice of permit expiration need not be provided by the city. One (1) or more extensions of time may be requested by filing a written request with the community development department at least thirty (30) days prior to the expiration date, including the reason therefor and payment of a fee set by resolution of the city council. The planning commission may deny, approve or conditionally approve each extension for a period not to exceed two (2) years; provided, that a public hearing shall be held pursuant to Chapter [17.68](#) prior to amendment of permit conditions. (Ord. 10-1312 §1, 2010; prior code Appx. A, §1801)

#### **17.70.030 Abandonment of conditional use permit.**

Any conditional use permit granted by the planning commission or city council shall run with the land and remain in full force and effect until revoked or modified pursuant to Section [17.70.010](#), except that:

A. A property owner may request to voluntarily abandon and extinguish the rights and obligations under a conditional use permit when all uses for which said permit had been issued have permanently ceased. The request to abandon a conditional use permit shall be made by filing a written request with the community development department, signed by all property owners of record and notarized, and include payment of a fee set by resolution of the city council. Upon receipt of such request, the community development director may, without a public hearing, declare the conditional use permit to be abandoned, null and void, and record notice thereof in the official records of the county recorder.

B. In cases where Title [17](#) of this Code has been amended after approval of a conditional use permit such that the conditional use is now permitted by right under the Code, a property owner may request to voluntarily abandon and extinguish the rights and obligations under the conditional use permit. The request to abandon a conditional use permit shall be made by filing a written request with the community development department, signed by all property owners of record and notarized, and include payment of a fee set by resolution of the

city council. Upon receipt of such request, the community development director may, without a public hearing, declare the conditional use permit to be abandoned, null and void, and record notice thereof in the official records of the county recorder.

C. Upon abandonment of the conditional use permit, the subject permitted use shall thereafter be subject to all applicable rules and regulations set forth in the Code, and all other local, state or federal laws. The procedures in subsection (A) and (B) of this section shall not be available if said conditional use permit governs any other uses on the property. In this case, a conditional use permit amendment shall be required pursuant to Chapter [17.56](#) so that the planning commission may determine which provisions and conditions of the permit are no longer applicable and may be eliminated from the permit. (Ord. 10-1312, §1, Nov. 2010)

## Chapter 17.72 PERMITS, LICENSES, RESTRICTIONS AND COVENANTS

Sections:

- [\*\*17.72.010 Certificate of occupancy permit.\*\*](#)
- [\*\*17.72.020 No conflicting licenses or permits shall be issued.\*\*](#)
- [\*\*17.72.030 Restrictions and covenants.\*\*](#)
- [\*\*17.72.040 Enforcement.\*\*](#)

### **17.72.010 Certificate of occupancy permit.**

To assure compliance with the parking requirements and other provisions of the zoning ordinance a certificate of occupancy shall be obtained from the building department before:

- A. Any new building is initially occupied or used;
- B. Any existing building is altered or a change of type or class of use is made; and
- C. Any change of use of any unimproved premises is made. (Prior code Appx. A, § 1900)

### **17.72.020 No conflicting licenses or permits shall be issued.**

All departments, officials or public employees vested with the duty or authority to issue permits or licenses where required by law shall conform to the provisions of the zoning code; except, however, that permits for transient activities including, transient sales, parades, sports tournaments, nonpermanent filming activities, and special events not regulated by the zoning code shall be allowed in conformance with all other requirements of the Municipal Code. Transient activities are defined as temporary, nonpermanent and of short duration. These transient activities do not constitute a permanent use of land, but rather, only a temporary activity. Except as expressly provided herein, no such license or permit for uses, buildings or purposes where the same would be in conflict with the provisions of the zoning code shall be issued. Any such license or permit, if issued in conflict with the provisions thereof, shall be null and void. (Ord. 13-1341 § 5, July 2013; Ord. 94-1108 § 3, 1994: prior code Appx. A, § 1901)

### **17.72.030 Restrictions and covenants.**

At the discretion of the city any restriction as to the use of property imposed as a condition to the grant of any application pursuant to the provisions of this title or any agreement, promise or covenant entered into between this city and any applicant shall be reduced to writing as a covenant running with the land and/or a deed restriction, and, after due execution, shall be recorded with the office of the county recorder, and the applicant shall pay any recordation fees in connection therewith. (Prior code Appx. A, § 1901.1)

### **17.72.040 Enforcement.**

The Community Development Director, or his duly designated representative, is designated as the enforcing agent of this title and any amendments thereto. Any appeals from the decision of the enforcing agent in the administration of the zoning ordinance shall be made to the city planning commission. The decision of the planning commission in such matters shall be final and conclusive unless otherwise designated by this title.

(Prior code Appx. A, § 1902)

## Chapter 17.74 PENALTY

Sections:

- [\*\*17.74.010 Violations of zoning regulations.\*\*](#)
- [\*\*17.74.020 Each day a separate offense.\*\*](#)
- [\*\*17.74.030 Violations of conditional use permits and precise development plans.\*\*](#)
- [\*\*17.74.040 Penalties--Declaration.\*\*](#)
- [\*\*17.74.050 Arrest--Notice to appear.\*\*](#)
- [\*\*17.74.060 Appearance--Time limitation.\*\*](#)
- [\*\*17.74.070 Appearance--Place.\*\*](#)
- [\*\*17.74.080 Appearance--Promise.\*\*](#)
- [\*\*17.74.090 Notice--Filing--Bail depositing.\*\*](#)
- [\*\*17.74.100 Appearance.\*\*](#)
- [\*\*17.74.110 Warrant--Issuance.\*\*](#)
- [\*\*17.74.120 Authority of authorized city employees to arrest without warrant.\*\*](#)

### **17.74.010 Violations of zoning regulations.**

Violations of the provisions of this title shall be subject to the administrative penalty provisions of chapter 1.10. (Ord. 07-1281, Sept. 2007)

### **17.74.020 Each day a separate offense.**

Each person, firm or corporation found guilty of a violation shall be deemed guilty of a separate offense for every day during any portion of which any violation of any provision of this title is committed, continued or permitted by such person, firm or corporation, and any use, occupation or building or structure maintained contrary to the provisions hereof shall constitute a public nuisance. (Ord. 07-1281, Sept. 2007)

### **17.74.030 Violation of conditions of conditional use permits and precise development plans.**

No person shall violate any conditions of a conditional use permit or precise development plan. Such violations shall be subject to the administrative penalty provisions of chapter 1.10 in addition to the measures set out in chapter [17.70](#) regarding revocation of the permit. (Ord. 07-1281, Sept. 2007)

### **17.74.040 Penalties--declaration.**

A. Each violation is punishable as follows:

1. A fine of fifty dollars (\$50.00) for the first violation;
2. A fine of one hundred dollars (\$100.00) for a second violation of the same condition within one year;
3. A fine of one hundred fifty dollars (\$150.00) for a third violation of the same condition within one year; and
4. A fine of three hundred dollars (\$300.00) for each additional violation of the same condition within one

year.

B. Each person guilty of an infraction shall be guilty of a separate offense for each and every day during any portion of which any violation is committed, continued or permitted by such person and shall be punishable accordingly. (Prior code Appx. A, § 20-4)

**17.74.050 Arrest--notice to appear.**

If any person is arrested for the violation and such person is not immediately taken before a magistrate, as is more fully set forth in the Penal Code of the state of California, the arresting officer shall prepare, in duplicate, a written notice to appear in court, containing the name and address of such person, the offense charged, and the time and place where such person shall appear in court. (Prior code Appx. A, § 20-5)

**17.74.060 Appearance--time limitation.**

The time specified in the notice to appear shall be not less than eleven (11) days after such arrest. (Prior code Appx. A, § 20-6)

**17.74.070 Appearance--place.**

The place specified in the notice to appear shall be either:

A. Before a judge of a justice court or a municipal court judge within the county who has jurisdiction of the offense and who is nearest and most accessible with reference to the place where the arrest is made; or

B. Upon the demand of the person arrested, before a judge of the municipal court of the Los Angeles judicial district, or before a judge of a justice court or a municipal court in the judicial district in which the offense is alleged to have been committed; or

C. Before an officer authorized to receive a deposit of bail. (Prior code Appx. A, § 20-7)

**17.74.080 Appearance--promise.**

The officer shall deliver one copy of the notice to appear to the arrested person, and the arrested person, in order to secure a release, must give his written promise to appear in court by signing the duplicate notice, which shall be retained by the officer. Thereupon, the arresting officer shall forthwith release the person arrested from custody. (Prior code Appx. A, § 20-8)

**17.74.090 Notice--filing--bail depositing.**

The officer shall, as soon as practicable, file a duplicate notice with the magistrate specified in such notice. The defendant, prior to the date upon which he promised to appear in court, may deposit with the magistrate the amount of bail. Thereafter, at the time when the case is called for arraignment before the magistrate, if the defendant does not appear either in person or by counsel, the magistrate may declare the bail forfeited and may at his discretion order that no further proceeding shall be had in this case. Upon the making of such order that no further proceedings be had, all sums deposited as bail shall forthwith be paid into the treasury of the county for distribution in the manner provided by law. (Prior code Appx. A, § 20-9)

**17.74.100 Appearance.**

A warrant shall not issue on such charge for the arrest of a person who, pursuant to the provisions of this chapter, has given such written promise to appear in court unless and until he has violated such promise or has failed to deposit bail, to appear for arraignment, trial or judgement, or to comply with the terms and provisions of the judgement as required by law. (Prior code Appx. A, § 20-10)

**17.74.110 Warrant--issuance.**

When a person signs a written promise to appear at the time and place specified in the written promise to appear and has not posted bail as provided in Section [17.74.090](#), the magistrate shall issue and have delivered for execution a warrant for his arrest within twenty (20) days after his failure to appear as promised. If a person promises to appear before an officer authorized to accept bail other than a magistrate and fails to do so on or before the date which he promised to appear, then within twenty (20) days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense, such magistrate shall issue and have delivered for execution a warrant for his arrest. When such person violates his promise to appear before an officer authorized to receive bail other than a magistrate, the officer shall immediately deliver to the magistrate having jurisdiction over the offense charged the written promise to appear and the complaint, if any, filed by the arresting officer. (Prior code Appx. A, § 20-11)

**17.74.120 Authority of authorized city employees to arrest without warrant.**

City officers or employees, when designated may arrest persons without a warrant whenever they have reasonable cause to believe that an infraction has been committed by such persons. (Prior code Appx. A, § 20-12)

**Statutory References for California Cities**

These references direct the code user to those portions of the state statutes relevant to California cities. This reference list is current through April 2015, and will be periodically updated by Code Publishing Company as statutes are revised.

**General Provisions**

Administrative fines and penalties

Gov. Code § 53069.4

Alternative forms of government

Gov. Code § 34851 et seq.

Authority to adopt, amend, revise or repeal city charters

Cal. Const. Art. XI §§ 3 and 5

Citations for infractions and misdemeanors

Penal Code §§ 853.5--853.85

Classifications of cities

Gov. Code §§ 34100--34102

Code adoption

Gov. Code §§ 50022.1--50022.10

Conflict of interest code

Gov. Code § 87100 et seq.

Elections

Gov. Code §§ 34050 and 36503

Elections Code §§ 1301, 9200 et seq., and 10100 et seq.

Expedited judicial review of First Amendment cases

Code of Civil Procedure § 1094.8

False petitions

Gov. Code § 34093

General powers

Gov. Code § 37100 et seq.

Cal. Const. Art. XI § 7

Imprisonment

Gov. Code §§ 36901, 36903--36904

Initiative and referendum

Cal. Const. Art. XI § 7.5

Elections Code §§ 9200 et seq., and 9235 et seq.

Judicial review of city decisions

Code of Civil Procedure § 1094.6

Ordinances

Gov. Code § 36900 et seq.

Penalties for ordinance violations

Gov. Code §§ 36900 and 36901

Police power

Cal. Const. Art. XI § 7

Procedure for enactment or revision of city charters

Gov. Code § 34450 et seq.

### **Administration and Personnel**

Chief of police

Gov. Code § 41601 et seq.

City assessor

Gov. Code § 41201 et seq.

City attorney

Gov. Code § 41801 et seq.

City clerk

Gov. Code § 40801 et seq.

City manager

Gov. Code §§ 34851--34859

City officers generally

Gov. Code § 36501

City records

Gov. Code §§ 34090--34090.7

City treasurer

Gov. Code § 41001 et seq.

Election of legislative body by districts

Gov. Code § 34870 et seq.

Elective mayor

Gov. Code §§ 34900--34905

The California Emergency Services Act

Gov. Code § 8550 et seq.

Fire department

Gov. Code § 38611

Legislative body

Gov. Code § 36801 et seq.

Local emergencies

Gov. Code §§ 8630--8634

Local planning agencies

Gov. Code § 65100 et seq.

Mayor

Gov. Code §§ 36801--36803 and 40601 et seq.

Meetings (“Ralph M. Brown Act”)

Gov. Code § 54950 et seq.

Peace officer standards and training

Penal Code § 13500 et seq.

Personnel system

Gov. Code § 45000 et seq.

Retirement systems

Gov. Code § 45300 et seq.

### **Revenue and Finance**

Bradley-Burns Uniform Local Sales and Use Tax Law

Rev. and Tax. Code § 7200 et seq.

Gov. Code § 37101

Chartered city special assessment procedure

Gov. Code § 43240

Claims against public entities

Gov. Code § 900 et seq.

Contracting by local agencies (“Local Agency Public Construction Act”)

Pub. Contract Code § 20100 et seq.

Development fees

Gov. Code § 66000 et seq.

Financial powers

Gov. Code § 37200 et seq.

Fiscal year in chartered cities

Gov. Code § 43120

Graffiti prevention tax

Rev. and Tax. Code §§ 7287--7287.10

Local agency service fees and charges

Gov. Code § 66012 et seq.

Property tax assessment, levy and collection

Gov. Code § 43000 et seq.

Public works and public purchases

Gov. Code § 4000 et seq.

Special gas tax street improvement fund

Str. and Hwys. Code § 2113

The Documentary Transfer Tax Act

Rev. and Tax. Code § 11901 et seq.

Transfer of tax function to county

Gov. Code § 51500 et seq.

Transient occupancy tax

Rev. and Tax. Code §§ 7280--7283.51

Unclaimed property

Civil Code § 2080 et seq.

Uniform public construction cost accounting act

Pub. Contract Code § 22000 et seq.

**Business Licenses, Taxes and Regulations**

Authority to license businesses

Gov. Code § 37101

Bus. and Prof. Code § 16000 et seq.

Automatic checkout systems

Civil Code § 7100 et seq.

Bingo

Penal Code § 326.5

Charitable solicitations

Bus. and Prof. Code § 17510 et seq.

Commercial filming

Gov. Code § 65850.1

Community antenna television systems

Gov. Code § 53066 et seq.

Gambling Control Act

Bus. and Prof. Code § 19800 et seq.

Massage parlors

Gov. Code § 51030 et seq.

Private Investigator Act

Bus. and Prof. Code § 7512 et seq.

Taxicabs and vehicles for hire

Vehicle Code §§ 16500 et seq., 21100(b) and 21112

Gov. Code § 53075.5

**Animals**

Animals generally

Food and Agric. Code § 16301 et seq.

Cruelty to animals

Penal Code § 597 et seq.

Dangerous and vicious dogs

Food and Agric. Code § 31601 et seq.

Dogs and dog licenses

Gov. Code § 38792

Food and Agric. Code § 30501 et seq.

Rabies control

Health and Saf. Code § 121575 et seq.

## **Health and Safety**

Delinquent garbage fees

Gov. Code § 38790.1

Fire prevention

Health and Saf. Code § 13000 et seq.

Fireworks

Health and Saf. Code §§ 12500 et seq. (State Fireworks Law) and 12640 et seq. (Permits)

Garbage and refuse collection and disposal

Public Resources Code §§ 49300 and 49400

Gov. Code § 38790

Graffiti abatement

Gov. Code §§ 38772 and 53069.3

Hospitals

Gov. Code § 37600 et seq.

Littering

Penal Code § 374

Noise control

Health and Saf. Code § 46000 et seq.

Gov. Code § 65302(f)

Nuisance abatement

Gov. Code § 38771 et seq.

Penal Code §§ 370, 372 and 373a

Weed control

Gov. Code §§ 39501--39502

### **Public Peace, Morals and Welfare**

Crimes against property

Penal Code § 450 et seq.

Crimes against public health and safety

Penal Code § 369a et seq.

Crimes against public justice

Penal Code § 92 et seq.

Crimes against the person

Penal Code § 187 et seq.

Crimes against the person involving sexual assault and against public decency and good morals

Penal Code § 261 et seq.

Crimes against the public peace

Penal Code § 403 et seq.

**Minors**

Penal Code § 858(b) 858

**Weapons**

Penal Code §§ 12001 et seq., 17500 et seq., and 19910 et seq.

**Vehicles and Traffic****Bicycles**

Vehicle Code §§ 21100(h), 21206 and 39000 et seq.

**Curb markings**

Vehicle Code § 21458

**Establishments of crosswalks**

Vehicle Code § 21106

**Local traffic rules and regulations**

Vehicle Code § 21100 et seq.

**One-way street designations**

Vehicle Code § 21657

**Pedestrian rights and duties**

Vehicle Code § 21949 et seq.

**Penalties**

Vehicle Code § 40000.1 et seq.

**Speed limits**

Vehicle Code § 22348 et seq.

**Stopping, standing, and parking**

Vehicle Code § 22500 et seq.

**Through highways**

Vehicle Code §§ 21101(b), 21353 and 21354

Traffic control devices

Vehicle Code § 21350 et seq.

Traffic signs, signals and markings

Vehicle Code § 21350 et seq.

Turning movements

Vehicle Code § 22100 et seq.

Vehicle weight limits

Vehicle Code § 35700 et seq.

### **Streets, Sidewalks and Public Places**

Advertising displays

Bus. and Prof. Code §§ 5230, 5231 and 5440 et seq.

Constructions of sidewalks and curbs

Str. and Hwys. Code § 5870 et seq.

Improvement Act of 1911

Str. and Hwys. Code § 5000 et seq.

Landscaping and Lighting Act of 1972

Str. and Hwys. Code § 22500 et seq.

Municipal parks

Public Resources Code § 5181 et seq.

Obstructions and encroachments of public ways

Gov. Code § 38775

Tree Planting Act of 1931

Str. and Hwys. Code § 22000 et seq.

Underground utility districts

Str. and Hwys. Code § 5896.1 et seq.

Gov. Code § 38793

### **Public Services**

Connection fees

Gov. Code § 66013

Municipal sewers

Gov. Code § 38900 et seq.

Health and Saf. Code § 5470 et seq.

Municipal water systems

Gov. Code § 38730 et seq.

Water wells

Water Code § 13700 et seq.

### **Buildings and Construction**

Adoption of construction codes

Health and Saf. Code §§ 17922, 17958 and 17958.5

Authority to regulate buildings and construction

Gov. Code §§ 38601(b) and 38660

Inspection warrants

Code of Civil Procedure § 1822.50 et seq.

Mobilehomes

Health and Saf. Code § 18200 et seq.

Signs

Gov. Code §§ 38774 and 65850(b)

Bus. and Prof. Code § 5229 et seq.

State Housing Law

Health and Saf. Code § 17910 et seq.

### **Subdivisions**

Subdivision Map Act

Gov. Code § 66410 et seq.

### **Zoning**

Family day care homes

Health and Saf. Code § 1597.30 et seq.

Local authority to regulate land use

Gov. Code § 65850

Local planning generally ("Planning and Zoning Law")

Gov. Code § 65000 et seq.

Local zoning administration

Gov. Code § 65900 et seq.

Open-space zoning

Gov. Code § 65910 et seq.

Zoning fees and charges

Gov. Code § 66014

### **Environmental Protection**

The California Environmental Quality Act

Public Resources Code § 21000 et seq.

The California Noise Control Act of 1973

Health and Saf. Code § 46000 et seq.

Gov. Code § 65302(f)

**Cross-Reference Table**

This table provides users with the legislative history and the current disposition of the sections in the Hermosa Beach Municipal Code.

Thus, prior code Section 1-7 was derived from Ordinance 84-765 and appears in this table as Section 1.12.010.

The legislative history information was derived from the Code of the City of Hermosa Beach.

Prior Code §	Ordinance History	Herein
1-1		1.04.010
1-2		1.04.020
1-3		1.04.030
1-4		1.04.040
1-5		1.04.050
1-6		1.04.060
1-7	Ord. 84-765, § 1, 8-14-84	1.12.010
1-7.1	Ord. 76-525, § 1, 6-8-76; Ord. 84-766, § 1, 8-14-84	1.12.020
1-7.2	Ord. 77-577, § 1, 12-27-77	1.08.010
1-7.3	Ord. 77-577, § 1, 12-27-77, Ord. 88-936, § 1, 7-12-88	1.08.020
1-7.4	Ord. 77-577, § 1, 12-27-77	1.08.030
1-7.5	Ord. 77-577, § 1, 12-27-77	1.08.040
1-7.6	Ord. 77-577, § 1, 12-27-77	1.08.050
1-7.7	Ord. 77-577, § 1, 12-27-77	1.08.060
1-7.8	Ord. 77-577, § 1, 12-27-77	1.08.070
1-8	Ord. 527, § 1	Repealed by 96-1155
1-9	Ord. 527, § 2	Repealed by 96-1155
1-10	Ord. 527, § 3	Repealed by 96-1155
1-11	Ord. 86, § 1	<a href="#"><u>12.04.010</u></a>

1-12	Ord. 86, § 2	<a href="#">12.04.020</a>
2-1	Ord. 219, § 1; Ord. 411, § 1, 11-16-71; Ord. 492, § 1, 6-18-74; Ord. 86-823, § 1, 2-11-86	2.04.010
2-2	Ord. 219, § 2; Ord. 263, § 1; Ord. 280, §§ 1, 2, 12-1-64; Ord. 411, § 1, 11-16-71; Ord. 86-847, § 1, 8-12-86	2.04.020
2-2.1	Ord. 411, § 2, 11-16-71	2.04.030
2-2.2	Ord. 411, § 2, 11-16-71	2.04.040
2-2.3	Ord. 411, § 2, 11-16-71	2.04.050
2-2.4	Ord. 411, § 2, 11-16-71; Ord. 465, § 1, 6-19-73; Ord. 77-568, § 1(l)(a), 7-26-77; Ord. 87-868, § 1, 2-24-87	2.04.060
2-2.5		Reserved
2-2.6	Ord. 411, § 2, 11-16-71	2.04.070
2-2.7		Reserved
2-2.8	Ord. 411, § 2, 11-16-71	2.04.080
2-2.9	Ord. 411, § 2, 11-16-71	2.04.090
2-2.10	Ord. 411, § 2, 11-16-71	2.04.100
2-2.11	Ord. 411, § 2, 11-16-71	2.04.110
2-2.12	Ord. 411, § 2, 11-16-71	2.04.120
2-2.13	Ord. 411, § 2, 11-16-71	2.04.130
2-2.14	Ord. 411, § 2, 11-16-71; Ord. 85-797, § 1, 5-28-85	2.04.140
2-2.15	Ord. 411, § 2, 11-16-71	2.04.150
2-2.16	Ord. 411, § 2, 11-16-71; Ord. 88-922, § 1, 6-14-88	2.04.160
2-2.17	Ord. 411, § 2, 11-16-71	2.04.170
2-2.18	Ord. 411, § 2, 11-16-71	2.04.180
2-2.19	Ord. 411, § 2, 11-16-71; Ord. 418, § 1, 4-4-72	2.04.190
2-2.20	Ord. 411, § 2, 11-16-71	2.04.200
2-2.21	Ord. 411, § 2, 11-16-71	2.04.210
2-2.22	Ord. 411, § 2, 11-16-71	2.04.220

2-2.23	Ord. 411, § 2, 11-16-71	2.04.230
2-2.24	Ord. 418, § 2, 4-4-72	2.04.240
2-2.25	Ord. 81-658, § 1, 3-24-81	2.52.010
2-2.26	Ord. 81-658, § 1, 3-24-81	2.52.020
2-2.27	Ord. 89-993, § 1, 6-27-89	2.52.030
2-2.28	Ord. 95-1145 § 1, 12-12-95	2.52.040
2-3	Ord. 62, § 1; Ord. 365, § 1, 7-15-69; Ord. 88-926, §§ 1-3, 5-24-88	2.48.010
2-3.1	Ord. 80-654, § 1, 12-9-80; Ord. 84-779, § 2, 11-27-84; Ord. 96-1155, § 2, 4-23-96	2.72.010
2-4	Ord. 5, § 1	2.72.020
2-4.1	Ord. 87-906, § 1, 10-13-87	2.72.030
2-4.5	Ord. 336, § 1, 8-20-68; Ord. 84-749, § 1, 7-14-84; Ord. 86-828, § 1, 2-25-86	2.72.040
2-4.7	Ord. 78-603, § 1, 12-14-78	2.72.050
2-4.8	Ord. 79-621, § 2, 7-24-79	2.72.060
2-5	Ord. 490, § 1	2.48.020
2-6	Ord. 490, § 2	2.48.030
2-6.1	Ord. 269, § 1	2.48.040
2-6.2	Ord. 80-654, § 1, 12-9-80; Ord. 87-899, § 1, 8-25-87	2.48.050
2-6.3	Ord. 86-848, § 1, 8-12-86	2.48.060
2-7	Ord. 153, § 1	2.12.010
2-8		Reserved
2-9	Ord. 153, § 3	2.12.020
2-10	Ord. 153, § 4	2.12.030
2-11	Ord. 153, § 5	2.12.040
2-12	Ord. 153, § 6	2.12.050
2-13	Ord. 153, § 6	2.12.060
2-14	Ord. 153, § 7	2.12.070
2-15	Ord. 153, § 7.15	2.12.080
2-16	Ord. 153, § 7.16	2.12.090

2-17	Ord. 153, § 7.17	2.12.100
2-18	Ord. 153, § 7.18	2.12.110
2-19	Ord. 153, § 7.18	2.12.120
2-20	Ord. 153, § 7.18	2.12.130
2-21	Ord. 153, § 7.18	2.12.140
2-22	Ord. 153, § 7.18	2.12.150
2-22.1	Ord. 303, § 1, 3-21-67	2.16.010
2-22.2	Ord. 303, § 2, 3-21-67	2.16.020
2-22.3	Ord. 303, § 3, 3-21-67	2.16.030
2-22.4	Ord. 303, § 4, 3-21-67; Ord. 88-926, §§ 4, 5, 5-24-88	2.16.040
2-22.5	Ord. 303, § 5, 3-21-67	2.16.050
2-23	Ord. 211, § 1	2.76.010
2-24	Ord. 211, § 2	2.76.020
2-25	Ord. 211, § 3; Ord. 83-726, § 1	2.76.030
2-26	Ord. 211, § 4	2.76.040
2-27	Ord. 211, § 5	2.76.050
2-28	Ord. 211, § 6	2.76.060
2-29	Ord. 211, § 6	2.76.070
2-30	Ord. 211, § 6	2.76.080
2-31	Ord. 211, § 7	2.76.090
2-32	Ord. 211, § 8	2.76.100
2-33	Ord. 211, § 9	2.76.110
2-34	Ord. 211, § 10	2.76.120
2-35	Ord. 211, § 11	2.76.130
2-36	Ord. 211, § 12	2.76.140
2-37	Ord. 211, § 13	2.76.150
2-38	Ord. 211, § 14	2.76.160
2-39	Ord. 211, § 15	2.76.170
2-40	Ord. 211, § 16	2.76.180
2-41	Ord. 211, § 17	2.76.190

2-42	Ord. 211, § 18	2.76.200
2-43	Ord. 211, § 19; Ord. 84-760, § 1, 11-6-84	2.76.210
2-44	Ord. 211, § 23; Ord. 84-760, § 1, 11-6-84	2.76.220
2-45	Ord. 211, § 24; Ord. 84-760, § 1, 11-6-84	2.76.230
2-46 – 2-48		Reserved
2-49	Ord. 205, § 1	3.12.010
2-50	Ord. 205, § 3	3.12.020
2-51	Ord. 205, § 2	3.12.030
2-52	Ord. 205, § 4	3.12.040
2-53	Ord. 205, § 5	3.12.050
2-54	Ord. 205, § 6	3.12.060
2-55	Ord. 205, § 7	3.12.070
2-56	Ord. 205, § 8; Ord. 373, § 1, 11-18-69; Ord. 76-527, § 1, 7-13-76	3.12.080
2-57	Ord. 205, § 9, Ord. 373, § 2, 11-18-69; Ord. 76-527, § 1, 7-13-76; Ord. 77-568, § 1(1)(b), 7-26-77	3.12.090
2-58	Ord. 205, § 10	3.12.100
2-59	Ord. 205, § 11	3.12.110
2-60	Ord. 205, § 12	3.12.120
2-61	Ord. 205, § 13	3.12.130
2-62	Ord. 205, § 14	3.12.140
2-63	Ord. 81-663, § 1, 5-26-81; Ord. 88-957, § 1, 10-11-88	2.28.010
2-64	Ord. 663, § 2, 5-26-81; Ord. 88-957, § 1, 10-11-88; Ord. 89-996, § 1, 8-8-89; Ord. 91-1061, § 1, 11-12-91	2.28.020
2-65	Ord. 663, § 3, 5-26-81; Ord. 88-957, § 1, 10-11-88	2.28.030
2-66	Ord. 663, § 4, 5-26-81; Ord. 88-957, § 1, 10-11-88	2.28.040
2-67	Ord. 663, § 5, 5-26-81; Ord. 88-957, § 1, 10-11-88	2.28.050

2-68	Ord. 663, § 6, 5-26-81; Ord. 88-957, § 1, 10-11-88	2.28.060
2-69	Ord. 81-663, § 7, 5-26-81	2.28.070
2-70	Ord. 81-663, § 8, 5-26-81	2.20.010
2-71	Ord. 81-663, § 9, 5-26-81	2.20.020
2-72	Ord. 81-663, § 10, 5-26-81	2.20.030
2-73	Ord. 140, § 1; Ord. 470, § 1, 7-17-73; Ord. 85-799, § 1, 6-13-85	2.32.010
2-74	Ord. 140, § 2; Ord. 394, § 1B, 10-20-70; Ord. 470, §§ 2, 3, 7-17-73; Ord. 77-568, § 1(e), 7-26-77; Ord. 82-692, § 1, 6-22-82; Ord. 85-799, § 2, 6-13-85; Ord. 89-996, § 2, 9-8-89; Ord. 91-1060, § 1, 10-8-91	2.32.020
2-75	Ord. 140, § 3	2.32.030
2-76	Ord. 90, § 1	2.60.010
2-77	Ord. 90, § 2; Ord. 459, § 1, 5-1-73	2.60.020
2-77.1	Ord. 84-757, § 1, 7-10-84	2.60.030
2-78	Ord. 90, § 3	2.60.040
2-79	Ord. 90, § 4	2.60.050
2-80	Ord. 90, § 5	2.60.060
2-81	Ord. 90, § 6	2.60.070
2-82	Ord. 90, § 7	2.60.080
2-83	Ord. 98, § 1	Repealed by 96-1155
2-84	Ord. 98, § 2	Repealed by 96-1155
2-85	Ord. 539, § 1	3.40.010
2-86	Ord. 539, § 2	3.40.020
2-87	Ord. 539, § 3	3.40.030
2-88	Ord. 509, § 1	3.08.010
2-89	Ord. 509, § 2	3.08.020
2-89.1	Ord. 82-689, § 1, 4-6-82	3.08.030

2-90	Ord. 85-805, § 1, 6-25-85	Not codified
2-91	Ord. 85-805, § 2, 6-25-85	Not codified
2-92-2-94		Reserved
2-95	Ord. 449, § 1, 3-6-73	3.04.020
2-96	Ord. 449, § 1, 3-6-73	3.04.010
2-97	Ord. 449, § 1, 3-6-73	3.04.030
2-98	Ord. 449, § 1, 3-6-73	3.04.040
2-99	Ord. 449, § 1, 3-6-73	3.04.050
2-100	Ord. 449, § 1, 3-6-73	3.04.060
2-101	Ord. 449, § 1, 3-6-73	3.04.070
2-102	Ord. 449, § 1, 3-6-73	3.04.080
2-103	Ord. 449, § 1, 3-6-73	3.04.090
2-104	Ord. 449, § 1, 3-6-73	3.04.100
2-105	Ord. 449, § 1, 3-6-73	3.04.110
2-106	Ord. 449, § 1, 3-6-73	3.04.120
2-107	Ord. 449, § 1, 3-6-73	3.04.130
2-108	Ord. 449, § 1, 3-6-73	3.04.140
2-109	Ord. 90-1050, § 1, 11-27-90	2.64.010
2-110	Ord. 90-1050, § 1, 11-27-90	2.64.020
2-111	Ord. 90-1050, § 1, 11-27-90	2.64.030
2-112	Ord. 90-1050, § 1, 11-27-90	2.64.040
2-112 – 2-118		Reserved
2-119	Ord. 486, § 1, 4-16-74; Ord. 80-632, § 1, 2-26-80; Ord. 82-697 § 2, 8-10-82	2.36.010
2-120	Ord. 486, § 1, 4-16-74; Ord. 490, §§ 1, 2, 6-4-74; Ord. 82-697 § 2, 8-10-82	2.36.020
2-121	Ord. 486, § 1, 4-16-74; Ord. 490, § 3, 6-4-74; Ord. 82-697 § 2, 8-10-82	2.36.030
2-122	Ord. 486, § 1, 4-16-74; Ord. 490, § 4, 6-4-74; Ord. 80-632, § 1, 6-26-80; Ord. 81-668, § 1, 7-14-81	2.36.040
2-123		Reserved

2-124	Ord. 486, § 1, 4-16-74; Ord. 490, § 6, 6-4-74; 2.36.050 Ord. 80-632, § 2, 2-26-80	
2-125	Ord. 486, § 1, 4-16-74; Ord. 490, § 7, 6-4-74; 2.36.060 Ord. 77-568, § 1(1)(f), 7-26-77; Ord. 81-668, § 1, 7-14-81	
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2-127	Ord. 486, § 1, 4-16-74; Ord. 77-568, § 1(1)(f), 2.36.080 7-26-77	
2-128	Ord. 486, § 1, 4-16-74	2.36.090
2-129	Ord. 486, § 1, 4-16-74	2.36.100
2-130	Ord. 81-668, § 1, 7-14-81	2.36.110
2-131 – 2-139		Reserved
2-140	Ord. 90-1036, § 1, 6-26-90	2.24.010
2-141	Ord. 90-1036, § 1, 6-26-90	2.24.020
2-142	Ord. 93-1096, § 1, 8-10-93	2.24.030
2-143	Ord. 93-1096, § 1, 8-10-93	2.24.040
2-144 – 2-149		Reserved
2-150	Ord. 92-1066, § 1, 3-31-92	8.20.010
2-151	Ord. 92-1066, § 1, 3-31-92	8.20.020
2-152	Ord. 92-1066, § 1, 3-31-92	8.20.030
2-153	Ord. 92-1066, § 1, 3-31-92	8.20.040
3-1	Ord. 529, § 1, Ord. 84-771, §§ 1, 3, 8-14-84; Ord. 90-1034, § 1, 5-22-90	5.48.010
3-1.1	Ord. 90-1034, § 1, 5-22-90	5.48.020
3-1.2	Ord. 90-1034, § 1, 5-22-90	5.48.030
3-1.3	Ord. 90-1034, § 1, 5-22-90	5.48.040
3-1.4	Ord. 90-1034, § 1, 5-22-90	5.48.050
3-1.5	Ord. 90-1034, § 1, 5-22-90	5.48.060
3-1.6	Ord. 90-1034, § 1, 5-22-90	5.48.070
3-1.7	Ord. 90-1034, § 1, 5-22-90	5.48.080

3-1.8	Ord. 90-1034, § 1, 5-22-90	5.48.090
3-1.9	Ord. 90-1034, § 1, 5-22-90	5.48.100
3-1.10	Ord. 90-1034, § 1, 5-22-90	5.48.110
3-2	Ord. 84-771, §§ 1, 3, 8-14-84	9.12.010
3-3	Ord. 435, § 1, 12-5-72	5.08.010
3-3.1	Ord. 435, § 1, 12-5-72; Ord. 84-771, §§ 1, 3, 8-14-84	5.08.020
3-3.2	Ord. 435, § 1, 12-5-72; Ord. 84-771, §§ 1, 3, 8-14-84	5.08.030
3-3.3	Ord. 435, § 1, 12-5-72	5.08.040
3-3.4	Ord. 435, § 1, 12-5-72	5.08.050
3-3.5	Ord. 435, § 1, 12-5-72	5.08.060
3-3.6	Ord. 435, § 1, 12-5-72; Ord. 84-771, §§ 1, 3, 8-14-84	5.08.070
3-3.7	Ord. 435, § 1, 12-5-72	5.08.080
3-3.8	Ord. 435, § 1, 12-5-72	5.08.090
3-3.9	Ord. 435, § 1, 12-5-72	5.08.100
3-3.10	Ord. 96-1151, § 2, 1996	5.08.110
4-1	Ord. 506, § 1, 5-13-75; Ord. 77-578, § 1(1), 12-27-77	6.04.010
4-1.1	Ord. 77-578, § 1(1), 12-27-77	6.04.020
4-1.2	Ord. 77-578, § 1(1), 12-27-77	6.04.030
4-2	Ord. 84-774, § 1, 8-28-84; Ord. 85-793, § 1, 5-14-85	6.04.040
4-3	Ord. 506, § 1, 5-13-75; Ord. 84-771, §§ 1, 3, 8-14-84; Ord. 85-793, § 1, 5-14-85	6.04.050
4-4	Ord. 506, § 1, 5-13-75; Ord. 82-683, § 2, 2-23-82; Ord. 84-774, § 2, 8-28-84; Ord. 85-973, § 1, 5-14-85; Ord. 90-1050, § 2, 11-27-90	6.04.060
4-4.1	Ord. 85-793, § 1, 5-14-85; Ord. 90-1050, § 3, 11-27-90	6.04.070
4-5	Ord. 506, § 1, 5-13-75	6.04.080

4-6	Ord. 506, § 1, 5-13-75	6.04.090
4-6.1	Ord. 456, § 1, 4-17-73; Ord. 84-771, §§ 1, 3, 8-14-84; Ord. 89-979, § 1, 4-11-89	6.04.100
4-7	Ord. 120, § 9	6.08.010
4-8	Ord. 120, § 1; Ord. 84-771, §§ 1, 3, 8-14-84	6.08.020
4-8.1	Ord. 456, § 3, 4-17-72; Ord. 84-771, §§ 1, 3, 8-14-84	6.08.030
4-9	Ord. 120, § 2; Ord. 252, §§ 1, 2	6.08.040
4-10	Ord. 120, § 3; Ord. 84-771, §§ 1, 3, 8-14-84	6.08.050
4-11	Ord. 120, § 4; Ord. 175, § 1; Ord. 328, § 1, 5- 21-68; Ord. 372, § 1, 11-18-69; Ord. 424, § 1, 7-18-72; Ord. 456, § 2, 4-17-73; Ord. 77-567, § 1, 7-12-77; Ord. 83-739, § 1, 9-13-83; Ord. 90-1050, § 4, 11-27-90	6.08.060
4-12	Ord. 120, § 5; Ord. 202, § 1; Ord. 424, § 1, 7- 18-72; Ord. 77-567, § 2, 7-12-77	6.08.070
4-13	Ord. 202, § 1	6.08.080
4-14	Ord. 120, § 6; Ord. 77-567, § 3, 7-12-77	6.08.090
4-15	Ord. 120, § 6; Ord. 77-567, § 4, 7-12-77	6.08.100
4-16	Ord. 120, § 7	6.08.110
4-17	Ord. 120, § 8	6.08.120
4-18	Ord. 120, § 8; Ord. 175, § 2; Ord. 202, § 1; Ord. 328, § 1, 5-21-68; Ord. 372, § 1, 11-18- 69; Ord. 407, § 1, 6-1-71; Ord. 424, § 1, 7-18- 72; Ord. 82-683, § 3, 2-23-82; Ord. 84-774, § 3, 8-28-84; Ord. 90-1050, § 5, 11-27-90	6.08.130
4-19	Ord. 120, § 8; Ord. 175, § 2; Ord. 202, § 1	6.08.140
4-20	Ord. 120, § 9	6.08.150
4-21	Ord. 151, § 1; Ord. 187, § 1	6.08.160
4-22	Ord. 151, § 2; Ord. 77-567, § 5, 7-12-77	6.08.170
4-23	Ord. 151, § 3; Ord. 187, § 2	6.08.180
4-24	Ord. 151, § 4; Ord. 187, §§ 1, 2	6.08.190
4-25	Ord. 151, § 4; Ord. 187, §§ 1, 2	Repealed by 96- 1155

4-26	Ord. 151, § 5; Ord. 187, § 2	Repealed by 96-1155
4-27	Ord. 151, § 5; Ord. 187, § 2	6.08.200
4-28	Ord. 151, § 5; Ord. 187, §§ 1, 2	6.08.210
4-29	Ord. 151, § 5; Ord. 187, § 1	6.08.220
4-30	Ord. 151, § 5	6.08.230
4-31	Ord. 76-531, § 1, 9-28-76	6.08.240
4-32	Ord. 77-578, § 1(III), 12-27-77; Ord. 84-767, § 1, 8-14-84	6.04.110, 6.08.240
4-33-4-39		Reserved
4-40	Ord. 84-773, § 1, 8-25-84; Ord. 90-1050, § 6, 11-27-90	6.12.010
4-41	Ord. 84-773, § 2, 8-28-84	6.12.020
5-1	Ord. 431, § 1, 10-24-72	<a href="#">12.20.010</a>
5-2	Ord. 431, § 1, 10-24-72	<a href="#">12.20.020</a>
5-3	Ord. 431, § 1, 10-24-72	<a href="#">12.20.030</a>
5-4	Ord. 431, § 1, 10-24-72; Ord. 76-526, § 1, 6-22-76; Ord. 79-613, § 1, 5-8-79; Ord. 84-768, § 1, 8-14-84	<a href="#">12.20.040</a>
5-5	Ord. 431, § 1, 10-24-72; Ord. Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.050</a>
5-6	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.060</a>
5-7	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.070</a>
5-8	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.080</a>
5-9	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84; Ord. 90-1045, § 1, 9-11-90	<a href="#">12.20.090</a>
5-10	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.100</a>
5-11		Reserved
5-12	Ord. 431, § 1, 10-24-72	<a href="#">12.20.110</a>

5-13	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.120</a>
5-14	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.130</a>
5-15	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.140</a>
5-16	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.150</a>
5-17	Ord. 431, § 1, 10-24-72	<a href="#">12.20.160</a>
5-18	Ord. 431, § 1, 10-24-72	<a href="#">12.20.170</a>
5-19	Ord. 431, § 1, 10-24-72	<a href="#">12.20.180</a>
5-20		Reserved
5-21	Ord. 431, § 1, 10-24-72	<a href="#">12.20.190</a>
5-22	Ord. 431, § 1, 10-24-72	<a href="#">12.20.200</a>
5-23	Ord. 431, § 1, 10-24-72	<a href="#">12.20.210</a>
5-24	Ord. 431, § 1, 10-24-72; Ord. 79-611, § 2, 9- 25-79; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.220</a>
5-24.5	Ord. 79-611, § 2, 9-25-79; Ord. 80-641, § 1, 5-27-80; Ord. 84-771, §§ 1, 3, 8-14-84; Ord. 86-862, § 1, 10-28-86; Ord. 87-879, § 1, 4-28- 87; Ord. 880, § 1, 4-28-87	<a href="#">12.20.230</a>
5-25	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.240</a>
5-26	Ord. 431, § 1, 10-24-72	<a href="#">12.20.250</a>
5-27	Ord. 431, § 1, 10-24-72	<a href="#">12.20.260</a>
5-28	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.270</a>
5-29	Ord. 431, § 1, 10-24-72	<a href="#">12.20.280</a>
5-30	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.290</a>
5-31	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.300</a>
5-32	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.310</a>

5-33	Ord. 431, § 1, 10-24-72	<a href="#">12.20.320</a>
5-34	Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.20.330</a>
5-35	Ord. 431, § 1, 10-24-72	<a href="#">12.20.340</a>
5-36	Ord. 21, § 9; Ord. 26, § 1; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.010</a>
5-37	Ord. 21, § 19; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.020</a>
5-38	Ord. 21, § 20; Ord. 431, § 2, 10-24-72, Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.030</a>
5-39	Ord. 21, § 21; Ord. 286, § 1, 7-6-65; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.040</a>
5-40	Ord. 21, § 22; Ord. 431, § 2, 10-24-72; Ord. 431, § 1, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.050</a>
5-41	Ord. 21, § 23; Ord. 286, § 1, 7-5-65; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.060</a>
5-42	Ord. 286, § 2, 7-6-65; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.070</a>
5-43	Ord. 286, § 2, 7-6-65; Ord. 431, § 2, 10-24-72; Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#">12.24.080</a>
5-44	Ord. 286, § 2, 7-6-65; Ord. 431, § 2, 10-24-72; Ord. 84-771 §§ 1, 3, 8-14-84	<a href="#">12.24.090</a>
5-45	Ord. 286, § 2, 7-6-65; Ord. 431, § 2, 10-24-72; Ord. 84-771 §§ 1, 3, 8-14-84	<a href="#">12.24.100</a>
5-46	Ord. 26, § 2; Ord. 431, § 2, 10-24-72; Ord. 84-771 §§ 1, 3, 8-14-84	<a href="#">12.24.110</a>
5-47	Ord. 21, § 24; Ord. 431, § 2, 10-24-72; Ord. 84-771 §§ 1, 3, 8-14-84	<a href="#">12.24.120</a>
7-1	Ord. 439, § 1, 2-20-73; Ord. 499, § 1, 11-26-74; Ord. 78-587, § 1(A), 5-9-78; Ord. 85-794, § 1, 5-15-85; Ord. 87-885, § 1, 6-23-87; Ord. 89-1018, § 1, 11-28-89; Ord. 92-1069, § 1, 6-	<a href="#">15.04.010</a>

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7-1.1	Ord. 439, § 1, 2-20-73; Ord. 499, § 2, 11-26-74; Ord. 78-587, § 1(B), 5-9-78; Ord. 89-1018, § 2, 11-28-89; Ord. 92-1069, § 2, 6-9-92	<a href="#">15.04.020</a>
7-1.2	Ord. 439, § 1, 2-20-73; Ord. 78-587, § 1(C), 5-9-78; Ord. 89-1018, § 3, 11-28-89; Ord. 92-1069, § 3, 6-9-92	<a href="#">15.04.030</a>
7-1.3	Ord. 417, § 1, 2-15-72; Ord. 439, § 1, 2-20-73; Ord. 499, §§ 4--6, 11-26-74; Ord. 508, § 1, 8-26-75; Ord. 78-587, § 1(0), (E), 5-9-78; Ord. 85-794, § 2, 5-15-85; Ord. 89-1018, § 4, 11-28-89; Ord. 90-1050, § 7, 11-27-90; Ord. 92-1069, § 4, 6-9-92	<a href="#">15.04.040</a>
7-1.4	Ord. 439, § 1, 2-20-73; Ord. 499, § 14, 11-26-74; Ord. 78-587, § 1(K), 5-9-78; Ord. 85-794, § 6, 5-15-85; Ord. 87-885, § 2, 6-23-87	<a href="#">15.04.050</a>
7-1.5	Ord. 439, § 1, 2-20-73; Ord. 78-587, § 1(M), 5-9-78; Ord. 85-794, § 7, 5-15-85	<a href="#">15.04.060</a>
7-1.6	Ord. 505, § 1, 3-25-75; Ord. 75-587, § 1(0), 5-9-78; Ord. 85-794, § 9, 5-15-85	<a href="#">15.04.070</a>
7-1.7	Ord. 439, § 1, 2-20-73; Ord. 77-568, § 1(III)(c), 7-26-77; Ord. 78-587, § 1(P), 5-9-78; Ord. 85-794, § 10, 5-15-85	<a href="#">17.62.010</a>
7-1.8	Ord. 439, § 1, 2-20-73; Ord. 78-587, § 1(Q), 5-9-78; Ord. 85-794, § 11, 5-15-85; Ord. 89-1018, § 5, 11-28-89; Ord. 92-1069, § 5, 6-9-92	<a href="#">17.62.020</a>
7-1.9	Ord. 86-863, § 1, 10-28-86; Ord. 89-1018, § 6, 11-28-89; Ord. 92-1069, § 6, 6-9-92	<a href="#">15.04.080</a>
7-1.10	Ord. 86-863, § 2, 10-26-86; Ord. 87-885, § 3, 6-23-87; Ord. 89-1018, § 7, 11-28-89; Ord. 92-1069, § 7, 6-9-92	<a href="#">15.04.090</a>
7-1.11	Ord. 89-1018, § 8, 11-28-89; Ord. 92-1069, § 8, 6-9-92	<a href="#">15.04.100</a>
7-1.12	Ord. 89-1018, § 9, 11-28-89; Ord. 92-1069, 6-	<a href="#">15.04.110</a>

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7-2	Ord. 439, § 2, 2-20-73; Ord. 499, § 16, 11-26- 74; Ord. 78-587, § 2(A), 5-9-78; Ord. 85-794, § 12, 5-15-85; Ord. 87-885, § 4, 6-23-87; Ord. 89-1018, § 10, 11-28-89; Ord. 92-1069, § 10, 6-9-92	<a href="#">15.08.010</a>
7-2.1	Ord. 394, § 1(D), 10-20-70; Ord. 439, § 2, 2- 20-73; Ord. 499, § 17, 11-26-74; Ord. 78-587, § 2(B), 5-9-78; Ord. 78-590, § 1, 8-8-78	<a href="#">15.08.020</a>
7-2.2	Ord. 439, § 2, 2-20-73; Ord. 78-587, § 2(C), 5-9-78	<a href="#">15.08.030</a>
7-2.3	Ord. 82-692, § 5, 6-22-82	<a href="#">15.08.040</a>
7-3	Ord. 439, § 3, 2-20-73; Ord. 499, § 19, 11-26- 74; Ord. 78-587, § 3(A), 5-9-78; Ord. 85-794, § 13, 5-15-85; Ord. 87-885, § 5, 6-23-87; Ord. 89-1018, § 11, 11-28-89; Ord. 92-1069, § 11, 6-9-92	<a href="#">15.24.010</a>
7-3.1	Ord. 439, § 3, 2-20-73; Ord. 499, § 20, 11-26- 74; Ord. 78-587, § 3(B), 5-9-78; Ord. 89- 1018, § 12, 11-28-89; Ord. 92-1069, § 12, 6- 9-92	<a href="#">15.24.020</a>
7-3.2	Ord. 439, § 1, 2-20-73; Ord. 77-568, § 1(III)(a), (b), 7-26-77; Ord. 78-587, § 3(C), 5-9-78; Ord. 83-786, § 1, 1-22-85; Ord. 89- 1018, § 13, 11-28-89	<a href="#">15.24.030</a>
7-3.3	Ord. 96-1150, § 1, 1996	<a href="#">15.24.040</a>
7-4	Ord. 439, § 4, 2-20-73; Ord. 499, § 22, 11-26- 74; Ord. 78-587, § 4(A), 5-9-78; Ord. 83-734, § 1, 8-9-83; Ord. 87-885, § 6, 6-23-87; Ord. 89-1018, § 14, 11-28-89; Ord. 92-1069, § 13, 6-9-92	<a href="#">15.12.010</a>
7-4.1	Ord. 439, § 4, 2-20-73; Ord. 499, § 23, 11-26- 74; Ord. 78-857, § 4(B), 5-9-87; Ord. 89- 1018, § 15, 11-28-89; Ord. 92-1069, § 14, 6- 9-92	<a href="#">15.12.020</a>
7-4.2	Reserved	

7-4.3	Ord. 87-885, § 7, 6-23-87; Ord. 90-1050, § 8, 11-27-90; Ord. 92-1069, § 15, 6-9-92	<a href="#">15.12.030</a>
7-5	Ord. 95-1142, § 1, 1995	<a href="#">15.28.010</a>
7-5.1	Ord. 96-1150, § 2, 1996	<a href="#">15.36.010</a>
7-5.2	Ord. 96-1150, § 2, 1996	<a href="#">15.36.020</a>
7-5.3	Ord. 96-1150, § 2, 1996	<a href="#">15.36.030</a>
7-5.4	Ord. 96-1150, § 2, 1996	<a href="#">15.36.040</a>
7-5.5	Ord. 96-1150, § 2, 1996	<a href="#">15.36.050</a>
7-5.6	Ord. 96-1150, § 2, 1996	<a href="#">15.36.060</a>
7-6	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(A), 5-9-78	Not codified
7-6.1	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(B), 5-9-78	Not codified
7-6.2	Ord. 436, § 1, 12-19-72; Ord. 76-520, § 1, 2- 24-76; Ord. 78-587, § 6(C), 5-9-78; Ord. 82- 712, § 1, 12-14-82	Not codified
7-6.3	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(D), 5-9-78	Not codified
7-6.4	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(E), 5-9-78	Not codified
7-6.5	Ord. 436, § 1, 12-9-72; Ord. 78-587, § 6(F), 5-9-78	Not codified
7-6.6	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(G), 5-9-78	Not codified
7-6.7	Ord. 77-563, § 1, 6-28-77; Ord. 78-587, § 6(H), 5-9-78	Not codified
7-6.8	Ord. 436, § 1, 12-19-72; Ord. 78-587, § 6(I), 5-9-78	Not codified
7-7	Ord. 565, § 2; Ord. 78-587, § 7(A), 5-9-78	<a href="#">15.40.010</a>
7-7.1	Ord. 565, § 2; Ord. 78-587, § 7(B), 5-9-78	<a href="#">15.40.020</a>
7-7.2	Ord. 565, § 3; Ord. 78-587, § 7(C), 5-9-78	<a href="#">15.40.030</a>
7-8	Ord. 376, § 1, 1-6-70; Ord. 460, § 1, 5-22-73; Ord. 78-587, § 8(A), 5-9-78	<a href="#">15.44.010</a>
7-8.1	Ord. 376, § 1, 1-16-70; Ord. 78-587, § 8(B),	<a href="#">15.44.020</a>

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7-8.2	Ord. 376, § 1, 1-6-70; Ord. 78-587, § 8(C), 5-9-78	<a href="#">15.44.030</a>
7-8.3	Ord. 376, § 1, 1-6-70; Ord. 460, § 2, 5-22-73; Ord. 77-556, § 1, 3-22-77; Ord. 78-587, § 8(D), 5-9-78	<a href="#">15.44.040</a>
7-8.4	Ord. 376, § 1, 1-6-70; Ord. 78-587, § 8(E), 5-9-78	<a href="#">15.44.050</a>
7-8.5	Ord. 376, § 1, 1-6-70; Ord. 460, § 3, 5-22-73; Ord. 77-556, § 1, 3-22-77; Ord. 78-587, § 8(F), 5-9-78	<a href="#">15.44.060</a>
7-8.6	Ord. 376, § 1, 1-6-70; Ord. 77-556, § 1, 3-22-77; Ord. 78-857, § 8(G), 5-9-78	<a href="#">15.44.070</a>
7-8.7	Ord. 376, § 1, 1-6-70; Ord. 78-587, § S(H), 5-9-78	<a href="#">15.44.080</a>
7-8.8	Ord. 376, § 1, 1-6-70; Ord. 78-857, § 8(I), 5-9-78	<a href="#">15.44.100</a>
7-8.9	Ord. 460, § 4, 5-22-73; Ord. 78-587, § 8(J), 5-9-78	<a href="#">15.44.090</a>
7-9	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(A), 5-9-78	<a href="#">17.60.010</a>
7-9.1	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(B), 5-9-78	<a href="#">17.60.020</a>
7-9.2	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(C), 5-9-78	<a href="#">17.60.030</a>
7-9.3	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(0), 5-9-78	<a href="#">17.60.040</a>
7-9.4	Ord. 510, § 2, 9-23-75; Ord. 76-533, § 1, 9-28-76; Ord. 77-568, § 1, 7-26-77; Ord. 78-587, § 9(E), 5-9-78	<a href="#">17.60.050</a>
7-9.5	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(F), 5-9-78	<a href="#">17.60.060</a>
7-9.6	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(G), 5-9-78	<a href="#">17.60.070</a>
7-9.7	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(H), 5-9-78	<a href="#">17.60.080</a>

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7-9.8	Ord. 510, § 2, 9-23-75; Ord. 76-523, § 1, 6-8- <a href="#">17.60.090</a> 76; Ord. 77-573, § 1, 10-11-77; Ord. 78-587, § 9(l), 5-9-78	
7-9.9	Ord. 510, § 2, 9-23-75; Ord. 78-587, § 9(J), 5-9-78	<a href="#">17.60.100</a>
7.5-1	Ord. 78-591, § 1, 10-10-78	5.16.010
7.5-2	Ord. 78-591, § 2, 10-10-78	5.16.020
7.5-3	Ord. 78-591, § 3, 10-10-78	5.16.030
7.5-4	Ord. 78-591, § 4, 10-10-78	5.16.040
7.5-5	Ord. 78-591, § 5, 10-10-78	5.16.050
7.5-6	Ord. 78-591, § 6, 10-10-78	5.16.060
7.5-7	Ord. 78-591, § 7, 10-10-78	5.16.070
7.5-8	Ord. 78-591, § 8, 10-10-78	5.16.080
7.5-9	Ord. 78-591, § 9, 10-10-78	5.16.090
7.5-10	Ord. 78-591, § 10, 10-10-78	5.16.100
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7.5-24	Ord. 94-1116, § 1, 9-27-94	5.16.240
7.5-25	Ord. 94-1116, § 1, 9-27-94	5.16.250

7.5-26	Ord. 94-1116, § 1, 9-27-94	5.16.260
7.5-27	Ord. 94-1116, § 1, 9-27-94	5.16.270
7.5-28	Ord. 94-1116, § 1, 9-27-94	5.16.280
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7.5-30	Ord. 94-1116, § 1, 9-27-94	5.16.300
7.5-31	Ord. 94-1116, § 1, 9-27-94	5.16.310
7.5-32	Ord. 94-1116, § 1, 9-27-94	5.16.320
7.5-33	Ord. 94-1116, § 1, 9-27-94	5.16.330
7.5-34	Ord. 94-1116, § 1, 9-27-94	5.16.340
7.5-35	Ord. 94-1116, § 1, 9-27-94	5.16.350
7.5-36	Ord. 94-1116, § 1, 9-27-94	5.16.360
7.5-37	Ord. 94-1116, § 1, 9-27-94	5.16.370
7.5-38	Ord. 94-1116, § 1, 9-27-94	5.16.380
7.5-39	Ord. 94-1116, § 1, 9-27-94	5.16.390
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7.5-41	Ord. 94-1116, § 1, 9-27-94	5.16.410
7.5-42	Ord. 94-1116, § 1, 9-27-94	5.16.420
7.5-43	Ord. 94-1116, § 1, 9-27-94	5.16.430
7.5-44	Ord. 94-1116, § 1, 9-27-94	5.16.440
7.5-45	Ord. 94-1116, § 1, 9-27-94	5.16.450
7.5-46	Ord. 94-1116, § 1, 9-27-94	5.16.460
7.5-47	Ord. 94-1116, § 1, 9-27-94	5.16.470
7.5-48	Ord. 94-1116, § 1, 9-27-94	5.16.480
8-1	Ord. 76-547, § 1, 1-11-77	2.56.010
8-2	Ord. 76-547, § 1, 1-11-77	2.56.020
8-3	Ord. 76-547, § 1, 1-11-77	2.56.030
8-4	Ord. 76-547, § 1, 1-11-77	2.56.040
8-5	Ord. 76-547, § 1, 1-11-77	2.56.050
8-6	Ord. 76-547, § 1, 1-11-77; Ord. 88-939, § 1, 7-26-88	2.56.060
8-7	Ord. 76-547, § 1, 1-11-77	2.56.070

8-8	Ord. 76-547, § 1, 1-11-77	2.56.080
8-9	Ord. 76-547, § 1, 1-11-77	2.56.090
8-10	Ord. 76-547, § 1, 1-11-77	2.56.100
8-11	Ord. 76-547, § 1, 1-11-77	2.56.110
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8-14	Ord. 76-547, § 1, 1-11-77	Not codified
8-15	Ord. 76-547, § 1, 1-11-77	Not codified
9-1	Ord. 129, § 1	5.32.010
9-2	Ord. 129, § 2	5.32.020
9-3	Ord. 129, § 1	5.32.030
9-4	Ord. 129, § 1	5.32.040
9-5	Ord. 129, § 1	5.32.050
9-6	Ord. 129, § 1	5.32.060
9-7	Ord. 129, § 1	5.32.070
9-8	Ord. 129, § 4	5.32.080
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10-1	Ord. 79, § 2	5.36.010
10-2	Ord. 79, § 1; Ord. 84-771, §§ 1, 3, 8-14-84	5.36.020
10-3	Ord. 79, § 7	5.36.030
10-4	Ord. 79, § 9; Ord. 84-771, §§ 1, 3, 8-14-84	5.36.040
10-5	Ord. 79, § 3; Ord. 264, § 1; Ord. 88-933, §§ 1, 2, 6-28-88	5.36.050
10-6	Ord. 79, § 4	5.36.060

10-7	Ord. 79, § 5	5.36.070
10-8	Ord. 79, § 6	5.36.080
10-9	Ord. 79, § 8	5.36.090
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10.5-17	Ord. 87-892, § 2, 7-28-87	2.08.020
10.5.18	Ord. 87-892, § 3, 7-28-87	2.08.030
11-1	Ord. 91-1055, § 1, 6-25-91	<a href="#">15.32.010</a>
11-2	Ord. 318, § 1, 11-7-67; Ord. 82-865, § 1, 3-9-82; Ord. 89-1018, § 28, 11-28-89; Ord. 90-1050, § 9, 11-27-90; Ord. 91-1055, § 2, 6-25-91	<a href="#">15.32.020</a>
11-3	Ord. 167, § 15; Ord. 89-1018, § 31, 11-28-89; Ord. 91-1055, §§ 3, 4, 6-25-91	<a href="#">15.32.030</a>
11-4	Ord. 95-1142, § 1, 1995	<a href="#">15.32.040</a>
11-4.1	Ord. 95-1142, § 1, 1995	<a href="#">15.32.050</a>
11-4.2	Ord. 95-1142, § 1, 1995	<a href="#">15.32.060</a>
11-4.3	Ord. 95-1142, § 1, 1995	<a href="#">15.32.070</a>
11-4.4	Ord. 95-1142, § 1, 1995	<a href="#">15.32.080</a>
11-4.5	Ord. 95-1142, § 1, 1995	<a href="#">15.32.090</a>
11-4.6	Ord. 95-1142, § 1, 1995	<a href="#">15.32.100</a>
11-4.7	Ord. 95-1142, § 1, 1995	<a href="#">15.32.110</a>
11-4.8	Ord. 95-1142, § 1, 1995	<a href="#">15.32.120</a>
12-1	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.010</a>
12-2	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.020</a>
12-3	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.030</a>
12-4	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.040</a>
12-5	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.050</a>
12-6	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.060</a>
12-7	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.070</a>
12-8	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.080</a>
12-9	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.090</a>

12-10	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.100</a>
12-11	Ord. 92-1070, § 2, 6-9-92	<a href="#">15.20.110</a>
12-12	Ord. 92-1070, § 2, 6-9-92	Not codified
12-13	Ord. 92-1070, § 2, 6-9-92	Not codified
13-1	Ord. 618, § 1	9.20.010
13-2	Ord. 618, § 2	9.20.020
13-3	Ord. 618, § 3	9.20.030
13-4	Ord. 618, § 4	9.20.040
13-5	Ord. 618, § 5	9.20.050
13-6	Ord. 618, § 6	9.20.060
13-7	Ord. 618, § 7	9.20.070
13-8	Ord. 618, § 8; Ord. 88-958, § 2, 10-25-88	9.20.080
13-9	Ord. 618, § 9	9.20.090
13-10	Ord. 618, § 10	9.20.100
13-11	Ord. 618, § 11	9.20.110
13-12	Ord. 618, § 12	9.20.120
13-13	Ord. 618, § 13	9.20.130
13-14	Ord. 76-536, § 1, 10-26-76; Ord. 88-958, § 3, 10-25-88	5.12.010
13-15	Ord. 76-536, § 1, 10-26-76; Ord. 90-1050, § 10, 11-27-90	5.12.020
13-16	Ord. 76-536, § 1, 10-26-76	5.12.030
13-17	Ord. 76-536, § 1, 10-26-76	5.12.040
13-18	Ord. 76-536, § 1, 10-26-76	5.12.050
13-19	Ord. 76-536, § 1, 10-26-76	5.12.060
13-20	Ord. 76-536, § 1, 10-26-76	5.12.070
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13-23	Ord. 76-536, § 1, 10-26-76; Ord. 77-551, § 1, 2-8-77; Ord. 80-639, § 1, 5-13-80	5.12.100
13-24	Ord. 76-536, § 1, 10-26-76	5.12.110

13-25	Ord. 76-536, § 1, 10-26-76	5.12.120
13-26	Ord. 76-536, § 1, 10-26-76	5.12.130
13-27	Ord. 76-536, § 1, 10-26-76	5.12.140
13-28	Ord. 76-536, § 1, 10-26-76	5.12.150
13-29	Ord. 76-536, § 1, 10-26-76	5.12.160
13-30	Ord. 76-536, § 1, 10-26-76	5.12.170
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14-4	Ord. 88-928, 5-10-88	8.16.010
14-5	Ord. 88-928, 5-10-88	8.16.010
14-6	Ord. 88-928, 5-10-88	8.16.020
14-7	Ord. 88-928, 5-10-88	8.16.030
14-8	Ord. 88-928, 5-10-88	8.16.040
14-9	Ord. 88-928, 5-10-88	8.16.050
14-10	Ord. 88-928, 5-10-88	8.16.060
14-11	Ord. 88-928, 5-10-88	8.16.070
14-12	Ord. 88-928, 5-10-88	8.16.080
14-13	Ord. 88-928, 5-10-88	8.16.090
14-14	Ord. 88-928, 5-10-88	8.16.100
14-15	Ord. 88-928, 5-10-88	8.16.110
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14-17	Ord. 88-928, 5-10-88	8.16.130
14-18	Ord. 88-928, 5-10-88	8.16.140
14-19	Ord. 88-928, 5-10-88	8.16.150
14-20	Ord. 88-928, 5-10-88	8.16.160

14-21	Ord. 88-928, 5-10-88	8.16.170
14 1/2-1	Ord. 378, § 1, 2-3-70; Ord. 400, § 1, 1-19-71	8.04.010
14 1/2-2	Ord. 378, § 1, 2-3-70	8.04.020
14 1/2-3	Ord. 378, § 1, 2-3-70	8.04.030
14 1/2-4	Ord. 86-852, § 1, 9-9-86	8.40.010
14 1/2-5	Ord. 86-852, § 1, 9-9-86	8.40.020
14 1/2-6	Ord. 86-852, § 1, 9-9-86	8.40.030
14 1/2-7	Ord. 86-852, § 1, 9-9-86	8.40.040
14 1/2-8	Ord. 86-852, § 1, 9-9-86	8.40.050
14 1/2-9	Ord. 86-852, § 1, 9-9-86	8.40.060
14 1/2-10	Ord. 86-852, § 1, 9-9-86	Not codified
17-1	Ord. 212, § 1; Ord. 301, § 1, 3-7-67; Ord. 368, § 1, 10-7-69	5.04.010
17-1.1	Ord. 84-771, §§ 1, 3, 8-14-84	5.04.340
17-2	Ord. 212, § 2	5.04.020
17-3	Ord. 212, § 3	5.04.030
17-4	Ord. 212, § 4	5.04.040
17-5	Ord. 212, § 5	5.04.050
17-6	Ord. 212, § 6	5.04.060
17-7	Ord. 212, § 7; Ord. 301, § 2, 3-7-67	5.04.070
17-8	Ord. 212, § 8	5.04.080
17-9	Ord. 212, § 9	5.04.090
17-10	Ord. 212, § 9	5.04.100
17-11	Ord. 212, § 10	5.04.110
17-12	Ord. 212, § 11	5.04.120
17-13	Ord. 212, § 12	5.04.130
17-14	Ord. 212, § 13	5.04.140
17-15	Ord. 212, § 14	5.04.150
17-16	Ord. 212, § 15; Ord. 301, § 3, 3-7-67	5.04.160
17-16.1	Ord. 301, § 4, 3-7-67; Ord. 82-682, § 1, 2-23-82; Ord. 90-1050, § 11, 11-27-90	5.04.170

17-17	Ord. 212, § 16; Ord. 425, § 1, 7-18-72; Ord. 427, § 1, 8-1-72	5.04.180
17-81	Ord. 212, § 17; Ord. 301, § 5, 3-7-67; Ord. 80-647, § 1, 9-23-80	5.04.190
17-19	Ord. 212, § 18; Ord. 301, §§ 6—9, 12-15, 3-7-67; Ord. 312, § 1, 7-18-67; Ord. 321, §§ 1, 2, 12-5-67; Ord. 324, § 1, 3-5-68; Ord. 359, §§ 1, 2, 6-17-69; Ord. 368, § 2, 10-7-69; Ord. 419, § 1, 5-30-72; Ord. 425, §§ 3, 4, 7-18-72; Ord. 427, § 2, 8-1-72; Ord. 458, § 1, 5-1-73; Ord. 480, § 1, 1-15-74; Ord. 491, § 4, 6-4-74; Ord. 78-597, § 1, 10-24-78; Ord. 81-670, § 1, 7-14-81; Ord. 82-682, § 2, 2-23-82; Ord. 83-727, § 1, 8-2-83; Ord. 83-729, § 1, 8-2-83; Ord. 83-730, § 1, 8-2-83; Ord. 83-735, § 1, 8-9-83; Ord. 85-789, § 1, 3-12-85; Ord. 85-800, § 1, 6-13-85; Ord. 85-806, § 1, 6-25-85; Ord. 85-807, § 1, 6-25-85; Ord. 85-808, § 1, 6-25-85; Ord. 85-819, § 1, 11-26-85; Ord. 86-842, §§ 1-6, 7-8-86; Ord. 86-857, § 1, 9-23-86; Ord. 87-893, §§ 1, 2, 11-3-87; Ord. 91-1058, § 1, 9-10-91	5.04.200
17-19.1	Ord. 357, § 1, 5-20-69; Ord. 419, § 1, 5-30-72	5.04.210
17-19.2	Ord. 80-467, § 2, 9-23-80; Ord. 86-842, § 7, 7-8-86	5.04.220
17-19.3	Ord. 88-941, § 4, 11-8-88; Ord. 91-1058, § 2, 9-10-91	5.04.230
17-20	Ord. 212, § 19, Ord. 301, § 16, 3-7-67; Ord. 92-1065, § 2, 3-10-92	5.04.240
17-20.1	Ord. 301, § 16, 3-7-67; Ord. 92-1065, § 2, 3-10-92	5.04.250
17-21	Ord. 212, § 20; Ord. 90-1047, § 1, 9-25-90	5.04.260
17-21.1	Ord. 90-1047, § 2, 9-25-90	5.04.270
17-22	Ord. 212, § 21	5.04.280
17-23	Ord. 212, § 22	5.04.290
17-24	Ord. 212, § 23	5.04.300

17-25	Ord. 212, § 24; Ord. 77-568, § 1(IV)(a), 7-26- 77	5.04.310
17-26	Ord. 212, § 25	5.04.320
17-27	Ord. 212, § 26	5.04.330
17-28	Ord. 307, § 1, 5-16-67; Ord. 77-568, § 1(IV)(b), 7-26-77; Ord. 85-810, § 1(Exh A), 8-13-85	5.24.010--5.24.210
17-29	Ord. 85-810, § 3, 8-13-85	5.64.010--5.64.030
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17-50.1	Ord. 277, § 1, 2-2-65	5.20.020
17-50.2	Ord. 277, § 1, 2-2-65	5.20.030
17-50.3	Ord. 277, § 1, 2-2-65	5.20.040
17-50.4	Ord. 277, § 1, 2-2-65	5.20.050
17-50.5	Ord. 277, § 1, 2-2-65	5.20.060
17-50.6	Ord. 277, § 1, 2-2-65	5.20.070
17-50.7	Ord. 277, § 1, 2-2-65	5.20.080
17-50.8	Ord. 277, § 1, 2-2-65	5.20.090
17-50.9	Ord. 277, § 1, 2-2-65	5.20.100
17-51		Reserved
17-51.1	Ord. 277, § 1, 2-2-65	5.20.110
17-51.2	Ord. 277, § 1, 2-2-65	5.20.120
17-51.3	Ord. 277, § 1, 2-2-65	5.20.120
17-51.4	Ord. 277, § 1, 2-2-65	5.20.130
17-51.5	Ord. 277, § 1, 2-2-65	5.20.150
17-51.6	Ord. 277, § 1, 2-2-65	5.20.160
17-52	Ord. 76-530, § 1, 9-28-76; Ord. 82-682, § 4, 2-23-82	5.44.010
17-53	Ord. 76-530, § 1, 9-28-76	5.44.020
17-54	Ord. 77-552, § 1, 3-22-77	5.44.030

17-55	Ord. 89-984, § 1, 5-9-89; Ord. 90-1050, § 12, 11-27-90	8.08.010-- 8.08.190
17-56	Ord. 85-792, § 1, 4-9-85	8.08.200
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18-3	Ord. 10, § 3; Ord. 88-969, § 1, 1-10-89	9.08.010
18-4-18-7		Reserved
18-8	Ord. 10, § 8	9.08.020
18-9	Ord. 10, § 9	9.08.030
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18-13	Ord. 10, § 13	9.08.040
19-1	Ord. 238, §§ 1.1 to 1.21	10.04.010
19-1.1	Ord. 241, § 2	10.04.020
19-2	Ord. 238, § 3.4	10.04.030
19-3	Ord. 238, § 3.6	10.04.040
19-4	Ord. 238, § 3.7	10.04.050
19-5	Ord. 238, § 8	10.12.010
19-6		Reserved
19-7	Ord. 238, § 8.3	10.12.020
19-8	Ord. 238, § 8.4	10.12.030
19-9	Ord. 238, § 11.9	10.12.040
19-9.1	Ord. 78-583, § 1, 3-28-78	10.12.050
19-10	Ord. 238, § 8.2	10.12.060
19-11	Ord. 238, § 10.6	10.12.070
19-12	Ord. 238, § 10.5	10.12.080
19-12.1	Ord. 399, § 1, 1-19-71	10.12.090
19-13	Ord. 238, § 4.8	10.12.100
19-14		Reserved
19-15	Ord. 238, § 15	Repealed by 96- 1155
19-16	Ord. 238, § 8.5	10.12.110
19-17	Ord. 238, § 13	10.12.120

19-18	Ord. 238, § 13.1	10.12.130
19-19	Ord. 238, § 13.2	10.12.140
19-20	Ord. 238, § 3.9; Ord. 78-586, § 1, 4-11-78	10.12.150
19.20.1-19-23		Reserved
19-24	Ord. 238, § 15.1	Repealed by 96-1155
19-25	Ord. 238, § 13.5; Ord. 395, § 3, 11-4-70; Ord. 77-569, § 2, 7-26-77	10.12.160
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19-26.1	Ord. 326, § 1, 3-5-68; Ord. 349, § 1, 3-18-69	10.12.180
19-27	Ord. 238, § 3	10.08.010
19-28	Ord. 238, § 3.1	10.08.020
19-29	Ord. 238, § 3.2	10.08.030
19-30	Ord. 238, § 3.5	10.08.040
19-31		Reserved
19-32	Ord. 238, § 2	2.40.010
19-33	Ord. 238, § 2.1	2.40.020
19-33.1	Ord. 89-974, § 1, 2-14-89	2.40.030
19-34	Ord. 238, § 2.2	2.40.040
19-35	Ord. 238, § 2.3	2.40.050
19-36	Ord. 238, § 2.4	2.40.060
19-37	Ord. 238, § 2.5	2.44.010
19-38	Ord. 238, § 2.6	2.44.020
19-39	Ord. 238, § 4	10.16.010
19-40	Ord. 238, § 4.1	10.16.020
19-41	Ord. 238, § 4.3	10.16.030
19-42	Ord. 238, § 4.7	10.16.040
19-43	Ord. 238, § 4.4	10.16.050
19-44	Ord. 238, § 6	10.16.060
19-45	Ord. 238, § 4.5	10.16.070

19-46	Ord. 238, § 4.6	10.16.080
19-47	Ord. 238, § 4.2	10.16.090
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19-52	Ord. 238, §§ 7, 7.1; Ord. 89-986, § 1, 5-23-89	10.16.140
19-53	Ord. 238, § 16	10.16.150
19-54	Ord. 238, § 8.7	10.16.160
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19-56.1	Ord. 383, § 1, 5-6-70	10.32.020
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19-58	Ord. 238, § 11	10.32.040
19-59	Ord. 238, § 10.1	10.32.050
19-60	Ord. 238, § 10.1	10.32.060
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19-61.1	Ord. 81-664, §§ 1, 2, 5-26-81; Ord. 83-715, § 1, 1-11-83; Ord. 85-785, § 1, 1-22-85; Ord. 89-1007, § 1, 9-26-89; Ord. 90-1050, § 13, 11-27-90	10.32.080
19-62	Ord. 238, § 11.6	10.32.090
19-63	Ord. 238, § 11.3	10.32.100
19-64	Ord. 238, § 11.4; Ord. 241, § 1	10.32.110
19-65	Ord. 238, § 10.3	10.32.120
19-66	Ord. 238, § 10.4	10.32.130
19-67	Ord. 238, § 10.9	10.32.140
19-68	Ord. 238, § 10.7	10.32.150
19-69	Ord. 238, § 10.8	10.32.160
19-70	Ord. 238, § 10.10	10.32.170
19-71	Ord. 238, § 10.10	10.32.180

19-72	Ord. 238, § 10.10	10.32.190
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19-75.1	Ord. 248, § 1	10.32.230
19-75.2	Ord. 90-1052, § 1, 12-11-90	10.32.240
19-76	Ord. 238, § 11.1	10.32.250
19-77	Ord. 238, § 11.2; Ord. 82-710, § 1, 11-23-82; Ord. 85-787, § 1, 2-12-85	10.32.260
19-77.1	Ord. 383, § 2, 5-6-70; Ord. 82-710, § 2, 11-23-82; Ord. 85-785, § 1, 2-12-85	10.32.270
19-78	Ord. 238, § 11.5	10.32.280
19-78.1	Ord. 78-589, § 1, 6-13-78; Ord. 79-610, § 1, 3-27-79	10.32.290
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19-82	Ord. 238, § 12.8	10.32.320
19-82.1	Ord. 327, § 1, 3-5-68; Ord. 349, § 2, 3-18-69	10.32.330
19-83	Ord. 238, § 12	10.28.010
19-84	Ord. 238, § 12	10.28.020
19-85	Ord. 238, § 12	10.28.030
19-86	Ord. 238, § 12	10.28.040
19-87	Ord. 238, § 12.1	10.28.050
19-88	Ord. 238, § 12.1	10.28.060
19-89	Ord. 238, § 12.2	10.28.070
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19-92	Ord. 238, § 12.5	10.28.100
19-93	Ord. 238, § 12.6	10.28.110
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19-97	Ord. 238, § 14.1	10.36.020
19-98	Ord. 238, § 14.2	10.36.030
19-99	Ord. 238, § 14.3; Ord. 82-710, § 3, 11-23-82; Ord. 85-787, § 1, 2-12-85	10.36.040
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19-100.1	Ord. 91-1059, § 2, 8-27-91	10.36.060
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19-107	Ord. 238, § 14.6; Ord. 441, § 1, 1-16-73; Ord. 85-798, § 1, 6-13-85	10.36.140
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19-107.2	Ord. 90-1037, § 1, 6-26-90	3.44.020
19-108	Ord. 238, § 13.3	10.24.010
19-109	Ord. 238, § 13.3	10.24.020
19-110	Ord. 238, § 13.4	10.24.030

19-111	Ord. 238, § 13.3	10.24.040
19-112	Ord. 238, § 9	10.20.010
19-113	Ord. 238, § 9.1	10.20.020
19-114	Ord. 238, § 9.2	10.20.030
19.5-2	Ord. 88-971, § 2, 1-10-89	8.24.010
19.5-3	Ord. 88-971, § 2, 1-10-89	8.24.020
19.5-4	Ord. 88-971, § 2, 1-10-89	8.24.030
19.5-5	Ord. 88-971, § 2, 1-10-89	8.24.040
19.5-6	Ord. 88-971, § 2, 1-10-89	8.24.050
19.5-7	Ord. 88-971, § 2, 1-10-89	8.24.060
19.5-8	Ord. 88-971, § 2, 1-10-89	8.24.070
19.5-9	Ord. 88-971, § 2, 1-10-89	8.24.080
19.5-10	Ord. 90-1023, § 1, 2-27-90	8.24.090
19.5-11	Ord. 88-971, § 2, 1-10-89	8.24.100
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19.5-19	Ord. 88-971, § 2, 1-10-89	8.24.180
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20-2.1	Ord. 333, § 5, 8-6-68	8.28.030
20-2.2	Ord. 69-973, § 1, 2-14-89	8.28.040
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20-4	Ord. 89, § 4	8.28.060
20-5	Ord. 89, § 5	8.28.070
20-6	Ord. 89, § 6	8.28.080
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20-9	Ord. 304, § 1, 5-2-67	5.28.010
20-10	Ord. 306, § 1, 5-2-67; Ord. 345, § 1, 1-21-69	9.12.060
20-11	Ord. 306, § 1, 5-2-67	9.12.070
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21-8	Ord. 213, § 1; Ord. 88-933, § 3, 6-28-88; Ord. 92-1075, § 3, 10-13-92	Repeated by 92-1075
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21-18	Ord. 1, § 23.05	8.48.020
21-19	Ord. 96, § 23.01	8.48.030
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22-1	Ord. 21, § 1; Ord. 270, § 1; Ord. 77-568, § 1(VII), 7-26-77	Repealed by 16- 1370
22-2	Ord. 21, § 2	<a href="#">12.28.020</a>
22-3	Ord. 21, § 3; Ord. 330, § 3, 5-21-28; Ord. 432, § 1, 10-24-72; Ord. 88-933, §§ 28, 29, 6-28-88; Ord. 90-1025, § 1, 3-13-90	<a href="#">12.28.010</a>
22-3.5	Ord. 90-1025, § 2, 3-13-90	<a href="#">12.28.030</a>
22-4	Ord. 21, § 4	<a href="#">12.28.040</a>
22-5	Ord. 83-720, § 1, 2-8-83; Ord. 89-1020, § 1, 11-28-89	Repealed by 16- 1370
22-5.1	Ord. 89-1020, § 1, 11-28-89	Repealed by 16- 1370

22-5.2	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.3	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.4	Ord. 89-1020, § 1, 11-28-89	<a href="#"><u>12.28.050</u></a>
22-5.5	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.6	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.7	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.8	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.9	Ord. 89-1020, § 1, 11-28-89	Repealed by 16-1370
22-5.10	Ord. 89-1020, § 1, 11-28-89	<a href="#"><u>12.28.070</u></a>
22-5.11	Ord. 89-1020, § 1, 11-28-89	<a href="#"><u>12.28.080</u></a>
22-19	Ord. 84-771, §§ 1, 3, 8-14-84	<a href="#"><u>12.28.110</u></a> , 12.36.130
22-20	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.010</u></a>
22-21	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.020</u></a>
22-22	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.030</u></a>
22-23	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.040</u></a>
22-24	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.050</u></a>
22-25	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.060</u></a>
22-26	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.070</u></a>
22-27	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.080</u></a>
22-28	Ord. 273, § 1, 7-21-64	<a href="#"><u>12.36.090</u></a>
22-29	Ord. 273, § 1, 7-21-64	12.36.100
22-30	Ord. 273, § 1, 7-21-64	12.36.110
22-31	Ord. 273, § 1, 7-21-64	12.36.120
23-1	Ord. 599, § 1	5.60.010
23-2	Ord. 599, § 2	5.60.020

23-3	Ord. 599, § 3	5.60.030
23-4	Ord. 599, § 4	5.60.040
23-5	Ord. 599, § 5	5.60.050
23-6, 23-7		Reserved
23-8	Ord. 599, § 8	5.60.060
23-9	Ord. 599, § 8	5.60.070
23-10	Ord. 599, § 8	5.60.080
23-11	Ord. 599, § 8	5.60.090
23-12	Ord. 599, § 10	5.60.100
23-13	Ord. 599, § 11	5.60.110
23-14	Ord. 599, § 12	5.60.120
23-15	Ord. 599, § 9	5.60.130
23-16	Ord. 599, § 9	5.60.140
23-17	Ord. 599, § 13	5.60.150
23-18	Ord. 599, § 14	5.60.160
23-19	Ord. 599, § 15	5.60.170
23-20	Ord. 599, § 16	5.60.180
23-21	Ord. 599, § 17	5.60.190
23-22	Ord. 599, § 18	5.60.200
23-23	Ord. 599, § 19	5.60.210
24-1	Ord. 82-696, § 1, 3-9-82; Ord. 87-885, § 8, 6-23-87; Ord. 89-1013, § 34, 11-28-89; Ord. 92-1069, § 16, 6-9-92	<a href="#">15.16.010</a>
24-2—24-4		Reserved
24-2.4	Ord. 82-696, § 1, 3-9-82; Ord. 89-1013, § 39, 11-28-89; Ord. 90-1050, § 15, 11-27-90; Ord. 92-1069, § 18, 6-9-92	<a href="#">15.16.020</a>
24-2.5	Ord. 82-686, § 1, 3-9-82; Ord. 89-1018, § 41, 11-28-89; Ord. 92-1069, § 19, 6-9-92	<a href="#">15.16.030</a>
24-2.6		Reserved
24-2.7	Ord. 82-686, § 1, 3-9-82	<a href="#">15.16.040</a>

24-2.8	Ord. 82-686, § 1, 3-9-82	<a href="#">15.16.050</a>
24-2.9	Ord. 82-686, § 1, 3-9-82; Ord. 89-1018, § 42, 11-28-89; Ord. 92-1069, § 21, 6-9-92	<a href="#">15.16.060</a>
27-1	Ord. 1, § 26.01	8.32.010
27-2	Ord. 1, § 26.02	8.32.020
27-3	Ord. 1, § 26.03	8.32.030
27-4	Ord. 1, § 26.04	8.32.040
27-5	Ord. 1, § 26.05	8.32.050
27-6	Ord. 84-771, §§ 1, 3, 8-14-84	8.32.060
27A-1	Ord. 77-553, § 1, 3-8-77	8.12.010
27A-2	Ord. 77-553, § 1, 3-8-77; Ord. 80-644, § 1, 7- 22-80	8.12.030
27A-2.1	Ord. 95-1132 § 2, 1995	8.12.040
27A-2.2	Ord. 95-1132 § 2, 1995	8.12.050
27A-2.3	Ord. 95-1132 § 2, 1995	8.12.060
27A-2.4	Ord. 95-1132 § 2, 1995	8.12.070
27A-2.5	Ord. 95-1132 § 2, 1995	8.12.080
27A-2.6	Ord. 95-1132 § 2, 1995	8.12.090
27A-2.7	Ord. 95-1132 § 2, 1995	8.12.100
27A-2.8	Ord. 95-1132 § 2, 1995	8.12.110
27A-2.9	Ord. 95-1132 § 2, 1995	8.12.120
27A-2.10	Ord. 95-1132 § 2, 1995	8.12.130
27A-3	Ord. 77-553, § 1, 3-8-77; Ord. 92-1076, § 1, 3-10-92	8.12.220
27A-4	Ord. 77-553, § 1, 3-8-77	8.12.230
27A-5	Ord. 77-553, § 1, 3-8-77; Ord. 89-1021, § 1, 12-12-89; Ord. 91-1053, § 1, 3-26-91	8.12.310
27A-6	Ord. 77-553, § 1, 3-8-77; Ord. 89-1021, §§ 2, 3, 12-12-89; Ord. 91-1053, §§ 2, 3, 3-26-91	8.12.320
27A-7	Ord. 77-553, § 1, 3-8-77	8.12.350
27A-8	Ord. 86-840, § 1, 6-24-86	8.12.360
27A-8.1	Ord. 95-1132, § 4, 1995	8.12.370

27A-9.1	Ord. 95-1132, § 5, 1995	8.12.380
27A-9.2	Ord. 95-1132, § 5, 1995	8.12.390
27A-9.3	Ord. 95-1132, § 5, 1995	8.12.400
27A-9.4	Ord. 95-1132, § 5, 1995	8.12.410
27A-9.5	Ord. 95-1132, § 5, 1995	8.12.420
27A-10.1	Ord. 95-1132, § 6, 1995	8.12.020
27A-10.2	Ord. 95-1132, § 6, 1995	8.12.330
27A-10.3	Ord. 95-1132, § 6, 1995	8.12.340
27A-10.4	Ord. 95-1132, § 6, 1995	8.12.140
27A-10.5	Ord. 95-1132, § 6, 1995	8.12.150
27A-10.6	Ord. 95-1132, § 6, 1995	8.12.160
27A-10.7	Ord. 95-1132, § 6, 1995	8.12.170
27A-10.8	Ord. 95-1132, § 6, 1995	8.12.180
27A-10.9	Ord. 95-1132, § 6, 1995	8.12.190
27A-10.10	Ord. 95-1132, § 6, 1995	8.12.200
27A-10.11	Ord. 95-1132, § 6, 1995	8.12.210
27A-10.12	Ord. 95-1132, § 6, 1995	8.12.240
27A-10.13	Ord. 95-1132, § 6, 1995	8.12.250
27A-10.14	Ord. 95-1132, § 6, 1995	8.12.260
27A-10.15	Ord. 95-1132, § 6, 1995	8.12.270
27A-10.16	Ord. 95-1132, § 6, 1995	8.12.280
27A-10.17	Ord. 95-1132, § 6, 1995	8.12.290
27A-10.18	Ord. 95-1132, § 6, 1995	8.12.300
28-1	Ord. 155, § 3	8.36.010
28-2	Ord. 155, § 2	8.36.020
28-3	Ord. 155, § 1	8.36.030
28-4	Ord. 155, § 4	8.36.040
28-5	Ord. 155, § 5	8.36.050
28-6	Ord. 123, § 1	8.36.060
28-7	Ord. 87-891, § 1.01, 7-28-87	<a href="#"><u>13.04.010</u></a>
28-8	Ord. 87-891, § 1.02, 7-28-87	<a href="#"><u>13.04.020</u></a>

28-9	Ord. 87-891, § 1.03, 7-28-87	<a href="#">13.04.030</a>
28-10	Ord. 87-891, § 1.04, 7-28-87	<a href="#">13.04.040</a>
28-11	Ord. 87-891, §§ 2.01-2.10, 7-28-87	<a href="#">13.04.050</a>
28-12	Ord. 87-891, § 3.01, 7-28-87	<a href="#">13.04.060</a>
28-13	Ord. 87-891, § 3.02, 7-28-87	<a href="#">13.04.070</a>
28-14	Ord. 87-891, § 3.03, 7-28-87	<a href="#">13.04.080</a>
28-15	Ord. 87-891, § 3.04, 7-28-87	<a href="#">13.04.090</a>
28-16	Ord. 87-891, § 3.05, 7-28-87	<a href="#">13.04.100</a>
29-1	Ord. 21, § 13	<a href="#">12.12.010</a>
29-2	Ord. 86, § 1	<a href="#">12.12.020</a>
29-3	Ord. 86, § 2	<a href="#">12.12.030</a>
29-4	Ord. 86, § 3	<a href="#">12.12.040</a>
29-5	Ord. 86, § 4	<a href="#">12.12.050</a>
29-6	Ord. 86, § 5	<a href="#">12.12.060</a>
29-7	Ord. 86, § 6	<a href="#">12.12.070</a>
29-8	Ord. 86, § 7	<a href="#">12.12.080</a>
29-9	Ord. 86, §§ 8, 9	<a href="#">12.12.090</a>
29-10	Ord. 235, § 1; Ord. 463, § 1, 6-5-73	<a href="#">12.08.010</a>
29-11	Ord. 235, § 3	<a href="#">12.08.020</a>
29-12	Ord. 235, § 2	<a href="#">12.08.030</a>
29-13	Ord. 235, § 4; Ord. 77-571, § 1, 9-13-77; Ord. <a href="#">12.08.040</a> 90-1035, 6-12-90	
29-14	Ord. 238, § 5	<a href="#">12.08.050</a>
29-15	Ord. 341, § 1, 10-15-68	<a href="#">13.08.010</a>
29-16	Ord. 341, § 1, 10-15-68; Ord. 77-568, § 1(VIII)(a), 7-26-77	<a href="#">13.08.020</a>
29-17	Ord. 341, § 1, 10-15-68	<a href="#">13.08.030</a>
29-18	Ord. 341, § 1, 10-15-68	<a href="#">13.08.040</a>
29-18.1	Ord. 88-958, § 5, 10-25-88	<a href="#">13.08.050</a>
29-19	Ord. 341, § 1, 10-15-68	<a href="#">13.08.060</a>
29-20	Ord. 341, § 1, 10-15-68	<a href="#">13.08.070</a>

29-21	Ord. 341, § 1, 10-15-68	<a href="#">13.08.080</a>
29-22	Ord. 341, § 1, 10-15-68; Ord. 77-568, § I(VIII)(b), 7-26-77	<a href="#">13.08.090</a>
29-23	Ord. 341, § 1, 10-15-68	<a href="#">13.08.100</a>
29-24	Ord. 341, § 1, 10-15-68	<a href="#">13.08.110</a>
29-25	Ord. 341, § 1, 10-15-68	<a href="#">13.08.120</a>
29-26	Ord. 341, § 1, 10-15-68	<a href="#">13.08.130</a>
29-27	Ord. 341, § 1, 10-15-68	<a href="#">13.08.140</a>
29-28	Ord. 78-584, § 1, 4-11-78	<a href="#">12.32.010</a>
29-29	Ord. 78-584, § 1, 4-11-78	<a href="#">12.32.020</a>
29-30	Ord. 78-584, § 1, 4-11-78	<a href="#">12.32.030</a>
29-31	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.010</a>
29-32	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.020</a>
29-33	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.030</a>
29-34	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.040</a>
29-35	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.050</a>
29-36	Ord. 85-821, § 1, 1-14-86; Ord. 87-887, § 1, 7-14-87	<a href="#">12.16.060</a>
29-37	Ord. 85-821, § 1, 1-14-86; Ord. 87-887, §§ 2, 3, 7-14-87	<a href="#">12.16.070</a>
29-38	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.080</a>
29-39	Ord. 85-821, § 1, 1-14-86; Ord. 87-887, § 4, 7-14-87; Ord. 88-929, § 1, 6-14-88	<a href="#">12.16.090</a>
29-40	Ord. 85-821, § 1, 1-14-86; Ord. 86-833, § 1, 5-29-86; Ord. 87-887, §§ 5, 6, 7-14-87; Ord. 88-929, § 2, 6-14-88	<a href="#">12.16.100</a>
29-41	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.110</a>
29-42	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.120</a>
29-43	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.130</a>
29-44	Ord. 85-821, § 1, 1-14-86	12.16.140
29-45	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.150</a>
29-46	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.160</a>

29-47	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.170</a>
29-48	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.180</a>
29-49	Ord. 85-821, § 1, 1-14-86	<a href="#">12.16.190</a>
29.5-01	Ord. 485, § 1, 4-16-74; Ord. 87-908, § 2, 11-24-87	<a href="#">16.04.010</a>
29.5-1	Ord. 485, § 1, 4-16-74	<a href="#">16.04.020</a>
29.5-2	Ord. 485, § 1, 4-16-74	<a href="#">16.04.030</a>
29.5-3	Ord. 485, § 1, 4-16-74	<a href="#">16.08.010</a>
29.5-4	Ord. 485, § 1, 4-16-74	<a href="#">16.08.020</a>
29.5-5	Ord. 485, § 1, 4-16-74; Ord. 77-568, § 1(IX), 7-26-77; Ord. 88-958, § 4, 10-25-88	<a href="#">16.08.030</a>
29.5-6	Ord. 485, § 1, 4-16-74; Ord. 80-649, § 1, 6-10-80	<a href="#">16.08.040</a>
29.5-7	Ord. 86-835, 5-29-86	<a href="#">16.08.050</a>
29.5-8	Ord. 485, § 1, 4-16-74	<a href="#">16.08.060</a>
29.5-9	Ord. 485, § 1, 4-16-74	<a href="#">16.08.070</a>
29.5-10		Reserved
29.5-11	Ord. 485, § 1, 4-16-74	<a href="#">16.08.080</a>
29.5-12	Ord. 485, § 1, 4-16-74; Ord. 508, § 2, 8-26-75; Ord. 90-1050, § 16, 11-27-90	<a href="#">16.08.090</a>
29.5-13	Ord. 485, § 1, 4-16-74; Ord. 495, § 2, 10-29-74; Ord. 86-836, § 1, 5-29-86	<a href="#">16.12.010</a> - <a href="#">16.12.050</a>
29.5-14	Ord. 485, § 1, 4-16-74	<a href="#">16.08.100</a>
29.5-15	Ord. 485, § 1, 4-16-74	<a href="#">16.08.110</a>
29.5-16	Ord. 87-908, § 1, 11-24-87	<a href="#">16.16.010</a> - <a href="#">16.16.060</a>
29.5-17		Reserved
29.5-18	Ord. 485, § 1, 4-16-74	<a href="#">16.08.120</a>
29.5-19	Ord. 86-851, § 1, 8-26-86; Ord. 88-923, § 1, 4-26-88	<a href="#">16.20.010</a>
29.5-20	Ord. 86-851, § 1, 8-26-86	<a href="#">16.20.020</a>
29.5-21	Ord. 86-851, § 1, 8-26-86; Ord. 88-923, § 2, 4-16-88	<a href="#">16.20.030</a>

29.5-22	Ord. 86-851, § 1, 8-26-88	<a href="#">16.20.040</a>
29.5-23	Ord. 86-851, § 1, 8-26-88	<a href="#">16.20.050</a>
29.5-24	Ord. 86-851, § 1, 8-26-88	<a href="#">16.20.060</a>
29.5-25	Ord. 86-851, § 1, 8-26-88; Ord. 88-923, § 3, 4-26-88	<a href="#">16.20.070</a>
29.5-26	Ord. 86-851, § 1, 8-26-88; Ord. 88-923, § 4, 4-26-88	<a href="#">16.20.080</a>
29.5-27	Ord. 86-851, § 1, 8-26-88	<a href="#">16.20.090</a>
29.5-28	Ord. 86-851, § 1, 8-26-88; Ord. 88-923, § 5, 4-26-88	<a href="#">16.20.100</a>
29.5-29	Ord. 87-876, § 1, 4-14-87	<a href="#">16.20.110</a>
29.5-30		Reserved
29.5-31	Ord. 87-875, § 1, 4-14-87	16.20.120
30-1	Ord. 445, §§ 1-3	3.16.010
30-2	Ord. 299, § 1; Ord. 445, § 1	Repealed by 96-1155
30-3	Ord. 479, § 1, 12-4-73	3.24.010
30-4	Ord. 479, § 2, 12-4-73	3.24.020
30-5	Ord. 479, § 3, 12-4-73	Not codified
30-6	Ord. 479, § 4, 12-4-73	3.24.030
30-7	Ord. 479, § 5, 12-4-73	3.24.040
30-8	Ord. 479, § 6, 12-4-73	3.24.050
30-9	Ord. 479, § 7, 12-4-73	3.24.060
30-10	Ord. 479, § 8, 12-4-73	3.24.070
30-10.1	Ord. 479, § 9, 12-4-73	3.24.080
30-10.2	Ord. 479, § 10, 12-4-73	3.24.090
30-10.3	Ord. 479, § 11, 12-4-73	3.24.100
30-10.4	Ord. 479, § 12, 12-4-73; Ord. 83-745, § 1, 12-13-83	3.24.110
30-10.5	Ord. 479, § 13, 12-4-73; Ord. 83-745, § 2, 12-13-83	Repealed by 96-1155
30-10.6	Ord. 479, § 14, 12-4-73; Ord. 83-745, § 4, 12-	Repealed by 96-

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30-10.7	Ord. 479, § 15, 12-4-73	3.24.120
30-10.8	Ord. 479, § 16, 12-4-73	3.24.130
30-10.9	Ord. 479, § 17, 12-4-73	3.24.140
30-11	Ord. 322, § 1, 12-19-67	3.32.010
30-12	Ord. 322, § 1, 12-19-67; Ord. 483, § 1, 3-19-74; Ord. 83-731, § 2, 8-9-83; Ord. 83-732, § 2, 8-9-83; Ord. 88-966, § 1, 12-13-88; Ord. 91-1078, § 1, 10-27-92	3.32.020
30-13	Ord. 322, § 1, 12-19-67; Ord. 83-731, § 3, 8-9-83; Ord. 83-732, § 3, 8-9-83; Ord. 86-826, § 1, 2-25-85; Ord. 88-941, § 2, 11-8-88; Ord. 91-1057, § 1, 8-13-91	3.32.030
30-14	Ord. 322, § 1, 12-19-67	3.32.040
30-15	Ord. 322, § 1, 12-19-67	3.32.050
30-16	Ord. 322, § 1, 12-19-67	3.32.060
30-17	Ord. 322, § 1, 12-19-67	3.32.070
30-18	Ord. 322, § 1, 12-19-67	3.32.080
30-19	Ord. 322, § 1, 12-19-67	3.32.090
30-20	Ord. 322, § 1, 12-19-67; Ord. 77-568, § 1(X), 7-26-77	3.32.100
30-21	Ord. 322, § 1, 12-19-67	3.32.110
30-22	Ord. 322, § 1, 12-19-67	3.32.120
30-23	Ord. 322, § 1, 12-19-67	3.32.130
30-23.1	Ord. 94-1105 § 1, 1994	3.32.140
30-23.2	Ord. 94-1105 § 1, 1994	3.36.130
30-24	Ord. 322, § 1, 12-19-67	3.32.150
30-25	Ord. 322, § 1, 12-19-67	3.28.010
30-26	Ord. 323, § 1, 12-19-67	3.28.020
30-27	Ord. 323, § 1, 12-19-67	3.28.030
30-28	Ord. 323, § 1, 12-19-67	3.28.040
30-28.1	Ord. 88-946, § 1, 8-9-88	3.28.050

30-28.2	Ord. 88-946, § 1, 8-9-88	3.28.060
30-29	Ord. 323, § 1, 12-19-67, Ord. 96-1155, § 32, 4-23-96	3.28.070
30-30	Ord. 323, § 1, 12-19-67	3.28.080
30-31	Ord. 323, § 1, 12-19-67	3.28.090
30-32	Ord. 323, § 1, 12-19-67	3.28.100
30-33	Ord. 323, § 1, 12-19-67	3.28.110
30-34	Ord. 323, § 1, 12-19-67	3.28.120
30-35	Ord. 422, § 1, 6-20-72	3.20.010
30-36		Reserved
30-37	Ord. 422, § 1, 6-20-72	3.20.020
30-38	Ord. 422, § 1, 6-20-72	3.20.030
30-39	Ord. 422, § 1, 6-20-72; Ord. 495, § 1, 10-29- 74	3.20.040
30-40	Ord. 422, § 1, 6-20-72; Ord. 495, § 1, 10-29- 74; Ord. 86-849, § 1, 8-26-86; Ord. 88-941, § 3, 11-8-88	3.20.050
30-41	Ord. 422, § 1, 6-20-72	3.20.060
30-42	Ord. 422, § 1, 6-20-72; Ord. 86-836, § 2, 5- 29-86; Ord. 88-953, § 1, 8-23-88	3.20.070
30-43	Ord. 85-804, § 1, 6-25-85	3.36.010
30-44	Ord. 85-804, § 1, 6-25-85; Ord. 86-832, § 1, 4-22-86	3.36.020
30-45	Ord. 85-804, § 1, 6-25-85	3.36.030
30-46	Ord. 85-804, § 1, 6-25-85; Ord. 86-837, § 1, 5-29-86; Ord. 87-896, § 1, 11-3-87	3.36.040
30-47	Ord. 85-804, § 1, 6-25-85; Ord. 86-837, § 1, 5-29-86; Ord. 87-896, § 1, 11-3-87	3.36.050
30-48	Ord. 85-804, § 1, 6-25-85; Ord. 86-837, § 1, 5-29-86; Ord. 87-896, § 1, 11-3-87	3.36.060
30-49	Ord. 85-804, § 1, 6-25-85; Ord. 86-837, § 1, 5-29-86; Ord. 87-896, § 1, 11-3-87	3.36.070
30-50	Ord. 85-804, § 1, 6-25-85; Ord. 86-837, § 1,	3.36.080

	5-29-86; Ord. 87-896, § 1, 11-3-87	
30-51	Ord. 85-804, § 1, 6-25-85; Ord. 86-832, § 1, 4-22-86	3.36.090
30-52		Reserved
30-53	Ord. 85-804, § 1, 6-25-85	3.36.100
30-54	Ord. 85-804, § 1, 6-25-85	3.36.110
30-55	Ord. 85-804, § 1, 6-25-85; Ord. 88-967, § 2, 12-13-88	3.36.120
30-56	Ord. 85-804, § 1, 6-25-85	3.36.140
30-57	Ord. 85-804, § 1, 6-25-85	3.36.150
30-58	Ord. 85-804, § 1, 6-25-85	3.36.160
30-59	Ord. 85-804, § 1, 6-25-85	3.36.170
30-60	Ord. 85-804, § 1, 6-25-85	Not codified
30-61	Ord. 85-804, § 1, 6-25-85	3.36.180
30-62	Ord. 85-804, § 1, 6-25-85; Ord. 88-919, § 4, 6-7-88	3.36.190
30-63	Ord. 85-804, § 1, 6-25-85	Not codified
30-64	Ord. 88-919, § 1, 6-7-88	Repealed by 95-1137
30-65	Ord. 88-919, § 2, 6-7-88	Repealed by 95-1137
31-1	Ord. 311, § 1, 7-18-67	5.72.010
31-1.1	Ord. 84-771, §§ 1, 3, 8-14-84	5.72.020
31-2	Ord. 311, § 1, 7-18-67	5.72.030
31-3	Ord. 311, § 1, 7-18-67; Ord. 77-568, § 1(XI)(a), 7-26-77	5.72.040
31-4		Reserved
31-5	Ord. 311, § 1, 7-18-67	5.72.050
31-6	Ord. 311, § 1, 7-18-67	5.72.060
31-7	Ord. 311, § 1, 7-18-67	5.72.070
31-8	Ord. 311, § 1, 7-18-67	5.72.080
31-9	Ord. 311, § 1, 7-18-67	5.72.090

31-10	Ord. 311, § 1, 7-18-67	5.72.100
31-11	Ord. 311, § 1, 7-18-67	5.72.110
31-12	Ord. 311, § 1, 7-18-67	5.72.120
31-13	Ord. 311, § 1, 7-18-67	5.72.130
31-14	Ord. 311, § 1, 7-18-67	5.72.140
31-15	Ord. 311, § 1, 7-18-67	5.72.150
31-16	Ord. 311, § 1, 7-18-67	5.72.160
31-17	Ord. 311, § 1, 7-18-67	5.72.170
31-18	Ord. 311, § 1, 7-18-67	5.72.180
31-19	Ord. 311, § 1, 7-18-67	5.72.190
31-20	Ord. 311, § 1, 7-18-67	5.72.200
31-21	Ord. 311, § 1, 7-18-67	5.72.210
31-22	Ord. 311, § 1, 7-18-67	5.72.220
31-23	Ord. 311, § 1, 7-18-67	5.72.230
31-24	Ord. 311, § 1, 7-18-67	5.72.240
31-25	Ord. 311, § 1, 7-18-67	5.72.250
31-26	Ord. 3U, § 1, 7-18-67	5.72.260
31-27	Ord. 311, § 1, 7-18-67	5.72.270
31-28	Ord. 311, § 1, 7-18-67	5.72.280
31-29	Ord. 311, § 1, 7-18-67; Ord. 77-568, § I(X)(c), 7-26-77	5.72.290
31-30	Ord. 311, § 1, 7-18-67	5.72.300
31-31	Ord. 311, § 1, 7-18-67	5.72.310
31-32	Ord. 311, § 1, 7-18-67	5.72.320

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100	<a href="#">17.02.010</a>
101	<a href="#">17.02.020</a>

200		<a href="#">17.04.010</a>
201		<a href="#">17.04.020</a>
202		<a href="#">17.04.030</a>
203		<a href="#">17.04.040</a>
203.1	Ord. 79-619, § 2, 5-22-79	Repealed by 95-1130
204		<a href="#">17.04.040</a>
205		<a href="#">17.04.040</a>
206	Ord. 87-882, § 1, 4-28-87	<a href="#">17.04.040</a>
207		<a href="#">17.04.040</a>
208	Ord. 443, § 1, 2-20-73; Ord. 85-815, § 1, 10-22-85	<a href="#">17.04.040</a>
209		<a href="#">17.04.040</a>
210		<a href="#">17.04.040</a>
211		Repealed by 95-1130
21--214		<a href="#">17.04.040</a>
215	Ord. 87-878, § 1, 4-14-87	<a href="#">17.04.040</a>
216		<a href="#">17.04.040</a>
217	Ord. 234, § 3, 2-6-62; Ord. 81-680, § 1, 12-8-81	<a href="#">17.04.040</a>
218		<a href="#">17.04.040</a>
219		<a href="#">17.04.040</a>
220	Ord. 325, § 1, 3-5-68; Ord. 87-878, § 2, 4-14-87	<a href="#">17.04.040</a>
221		<a href="#">17.04.040</a>
222		<a href="#">17.04.040</a>
223	Ord. 87-878, § 3, 4-14-87	<a href="#">17.04.040</a>
224	Repealed by 95-1130	
225	Repealed by 95-1130	
226	Ord. 87-878, § 4, 4-14-87	<a href="#">17.04.040</a>
227	Ord. 300, § 1, 2-21-67	<a href="#">17.04.040</a>

228		<a href="#">17.04.040</a>
229		<a href="#">17.04.040</a>
229.1	Ord. 84-778, § 1, 11-13-84	<a href="#">17.04.040</a>
230—242		<a href="#">17.04.040</a>
243	Ord. 284, § 1, 5-18-65	<a href="#">17.04.040</a>
244—254		<a href="#">17.04.040</a>
255	Ord. 314, § 5, 8-15-67	Repealed by 95-1130
256	Ord. 308, § 1, 5-16-67	Repealed by 95-1130
257	Ord. 308, § 1, 5-16-67	Repealed by 95-1130
258		Reserved
259	Ord. 450, § 1, 3-20-73	<a href="#">17.04.040</a>
260	Ord. 81-667, § 1, 7-14-81	<a href="#">17.04.040</a>
261	Ord. 83-741, § 1, 10-25-83	Repealed by 95-1130
262	Ord. 83-741, § 1, 10-25-83	Repealed by 95-1130
263--265		Reserved
266	Ord. 86-865, § 1, 12-16-86	<a href="#">17.04.040</a>
267	Ord. 86-865, § 1, 12-16-86	<a href="#">17.04.040</a>
268	Ord. 86-865, § 1, 12-16-86	Repealed by 95-1130
269	Ord. 86-865, § 1, 12-16-86	Repealed by 95-1130
270	Ord. 86-865, § 1, 12-16-86; Ord. 88-918, § 1(a), 3-8-88	Repealed by 95-1130
270.1	Ord. 88-918, § 1(b), 3-8-88	Repealed by 95-1130
271	Ord. 86-865, § 1, 12-16-86	<a href="#">17.04.040</a>
272	Ord. 88-920, § 1, 4-12-88	<a href="#">17.04.040</a>
273--277		Reserved

278	Ord. 87-911, § 1, 12-15-87	<a href="#">17.04.040</a>
279	Ord. 87-911, § 1, 12-15-87	Repealed by 95-1130
280	Ord. 87-911, § 1, 12-15-87	Repealed by 95-1130
281	Ord. 87-911, § 1, 12-15-87	Repealed by 95-1130
282	Ord. 87-910, § 1, 12-15-87	Repealed by 95-1130
283	Ord. 90-1022, § 4, 1-23-90	Repealed by 95-1130
284	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.1	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.2	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.3	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.4	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.5	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.6	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.7	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.8	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
284.9	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.1	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.2	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.3	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.4	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.5	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.6	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.7	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
285.8	Ord. 92-1075, § 1, 10-13-92	<a href="#">17.04.060</a>
300	Ord. 81-679, § 1, 12-8-81; Ord. 82-694, 7-13-82; Ord. 82-699, § 1, 8-24-82	<a href="#">17.06.010</a>

301		<a href="#">17.06.020</a>
302		<a href="#">17.06.030</a>
303		<a href="#">17.06.040</a>
304		<a href="#">17.06.050</a>
305		<a href="#">17.06.060</a>
306		<a href="#">17.06.070</a>
307	Ord. 86-824, § 5, 2-11-86	<a href="#">17.06.080</a>
4-1	Ord. 86-865, § 1, 12-16-86	<a href="#">17.08.010</a>
4-2	Ord. 86-865, § 1, 12-16-86; Ord. 87-878, § 5, 4-14-87; Ord. 88-939, § 1, 7-12-88; Ord. 92- 1064, § 1, 2-11-92; Ord. 92-1081, § 1, 1-14- 93	<a href="#">17.08.020</a>
4-3	Ord. 86-865, § 1, 12-16-86; Ord. 88-920, § 2, 4-12-88	<a href="#">17.08.030</a>
4.5-1	Ord. 88-948, § 1, 8-9-88	<a href="#">17.10.010</a>
4.5-2	Ord. 88-948, § 1, 8-9-88	<a href="#">17.10.020</a>
4.5-3	Ord. 88-948, § 1, 8-9-88	<a href="#">17.10.030</a>
500	Ord. 79-617, § 1, 9-11-79; Ord. 80-638, 5-13- 80; Ord. 86-834, § 1, 5-29-86	<a href="#">17.12.010</a>
501	Ord. 79-617, § 1, 9-11-79; Ord. 80-638, 5-13- 80; Ord. 84-782, § 2, 1-8-85; Ord. 85-815, § 3, 10-22-85; Ord. 86-859, § 2, 10-28-86	<a href="#">17.12.020</a>
502	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.030</a>
503	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.040</a>
504	Ord. 79-617, § 1, 9-11-79; Ord. 86-824, § 1, 2-11-86; Ord. 86-846, § 2, 11-4-86	<a href="#">17.12.050</a>
505	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.060</a>
506	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.070</a>
507	Ord. 79-617, § 1, 9-11-79; Ord. 86-859, § 1, 10-28-86; Ord. 88-920, § 3, 4-12-88	<a href="#">17.12.080</a>
508	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.090</a>
509	Ord. 79-617, § 1, 9-11-79	<a href="#">17.12.100</a>
550	Ord. 79-617, § 1, 9-11-79; Ord. 80-638, 5-13-	<a href="#">17.14.010</a>

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551	Ord. 79-617, § 1, 9-11-79; Ord. 80-638, 5-13- 80; Ord. 84-782, § 3, 1-8-85; Ord. 85-815, § 4, 10-22-85; Ord. 85-859, § 3, 10-28-86; Ord. 89-975, § 1, 3-14-89	<a href="#">17.14.020</a>
552	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.030</a>
553	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.040</a>
554	Ord. 79-617, § 1, 9-11-79; Ord. 86-824, § 2, 2-11-86; Ord. 86-846, § 2, 11-4-86	<a href="#">17.14.050</a>
555	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.060</a>
556	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.070</a>
557	Ord. 79-617, § 1, 9-11-79; Ord. 86-859, § 1, 10-28-86; Ord. 88-920, § 3, 4-12-88	<a href="#">17.14.080</a>
558	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.090</a>
559	Ord. 79-617, § 1, 9-11-79	<a href="#">17.14.100</a>
600	Ord. 284, § 1, 5-18-65; Ord. 287, § 3, 9-7-65; Ord. 331, § 1, 7-2-68; Ord. 355, § 1, 5-6-69; Ord. 477, § 1, 12-4-73; Ord. 86-859, § 4, 10-28-86	<a href="#">17.16.010</a>
601	Ord. 443, § 2, 2-20-73; Ord. 86-859, § 5, 10- 28-86; Ord. 92-1074, § 1, 9-8-92	<a href="#">17.16.020</a>
602	Ord. 86-859, § 6, 10-28-86	<a href="#">17.16.030</a>
603		<a href="#">17.16.040</a>
604	Ord. 234, § 3, 2-6-62; Ord. 284, § 1, 5-18-65	<a href="#">17.16.050</a>
605		<a href="#">17.16.060</a>
606	Ord. 356, § 2, 5-20-69; Ord. 477, § 2, 12-4-73	<a href="#">17.16.070</a>
607	Ord. 356, § 3, 5-20-69; Ord. 430, § 1, 10-24- 72; Ord. 86-859, § 1, 10-28-86; Ord. 88-920, § 5, 4-12-88	<a href="#">17.16.080</a>
608	Ord. 255, § 3; Ord. 284, § 1, 5-18-65; Ord. 421, § 1, 6-20-72; Ord. 86-822, § 2, 1-28-86; Ord. 86-824, § 3, 2-11-86; Ord. 86-846, § 2, 11-4-86	<a href="#">17.16.090</a>
609	Reserved	

6.5-1	Ord. 82-699, § 2, 8-24-82	<a href="#">17.18.010</a>
6.5-2	Ord. 82-699, § 2, 8-24-82	<a href="#">17.18.020</a>
6.5-3	Ord. 82-699, § 2, 8-24-82	<a href="#">17.18.030</a>
6.5-4	Ord. 82-699, § 2, 8-24-82	<a href="#">17.18.040</a>
6.5-5	Ord. 82-699, § 2, 8-24-82	<a href="#">17.18.050</a>
700	Ord. 284, § 1, 5-18-65; Ord. 331, § 1, 7-2-68; Ord. 501, § 1, 11-26-74; Ord. 86-859, § 7, 10-28-86	<a href="#">17.20.010</a>
701	Ord. 85-815, § 6, 10-22-85; Ord. 86-859, § 8, 10-28-86; Ord. 87-889, § 2, 7-28-87; Ord. 92-1074, § 2, 9-8-92	<a href="#">17.20.020</a>
702		<a href="#">17.20.030</a>
703		<a href="#">17.20.040</a>
704	Ord. 234, § 3, 2-6-62; Ord. 284, § 1, 5-18-65	<a href="#">17.20.050</a>
705		<a href="#">17.20.060</a>
706		<a href="#">17.20.070</a>
707		<a href="#">17.20.080</a>
708	Ord. 255, § 4; Ord. 284, § 1, 5-18-65; Ord. 464, § 1, 6-19-73	<a href="#">17.20.090</a>
709		Reserved
7.2-1	Ord. 86-858, § 2, 10-28-86	<a href="#">17.22.010</a>
7.2-2	Ord. 86-858, § 2, 10-28-86	<a href="#">17.22.020</a>
7.2-3	Ord. 86-858, § 2, 10-28-86	<a href="#">17.22.030</a>
7.2-4	Ord. 86-858, § 2, 10-28-86	<a href="#">17.22.040</a>
7.2-5	Ord. 86-858, § 2, 10-28-86	<a href="#">17.22.050</a>
7.2-6	Ord. 86-858, § 2, 10-28-86; Ord. 88-920, § 6, 4-12-88	<a href="#">17.22.060</a>
7.2-7	Ord. 81-675, § 3, 10-13-81	<a href="#">17.22.070</a>
7.2-8	Ord. 81-675, § 3, 10-13-81	<a href="#">17.22.080</a>
7.2-9	Ord. 81-675, § 3, 10-13-81; Ord. 83-717, § 1, 1-25-83	<a href="#">17.22.090</a>
7.2-10	Ord. 81-675, § 3, 10-13-81	<a href="#">17.22.100</a>

7.2-11	Ord. 81-675, § 3, 10-13-81	<a href="#">17.22.110</a>
7.2-12	Ord. 81-675, § 3, 10-13-81; Ord. 82-717, § 1, 1-25-83	<a href="#">17.22.120</a>
7.2-13	Ord. 81-675, § 3, 10-13-81; Ord. 83-717, § 1, 1-25-83	<a href="#">17.22.130</a>
7.2-14	Ord. 81-675, § 3, 10-13-81	<a href="#">17.22.140</a>
7.2-15	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.150</a>
7.2-16	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.160</a>
7.2-17	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.170</a>
7.2-18	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.180</a>
7.2-19	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.190</a>
7.2-20	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.200</a>
7.2-21	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.210</a>
7.2-22	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.220</a>
7.2-23	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.230</a>
7.2-24	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.240</a>
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7.2-26	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.260</a>
7.2-27		Reserved
7.2-28	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.270</a>
7.2-29	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.280</a>
7.2-30	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.290</a>
7.2-31	Ord. 79-630, § 1, 12-18-79	<a href="#">17.22.300</a>
7.2-32	Ord. 81-675, § 1, 10-13-81	<a href="#">17.22.310</a>
7.2-33	Ord. 81-675, § 5, 10-13-81	<a href="#">17.22.320</a>
7.2-34	Ord. 81-675, § 5, 10-13-81	<a href="#">17.22.330</a>
7.2-35	Ord. 81-675, § 5, 10-13-81	<a href="#">17.22.340</a>
7.2-36	Ord. 81-675, § 5, 10-13-81; Ord. 83-717, § 2, 1-25-83	<a href="#">17.22.350</a>
7.2-37	Ord. 83-717, § 2, 1-25-83	<a href="#">17.22.360</a>
7.2-38	Ord. 81-675, § 5, 10-13-81; Ord. 83-717, § 2, 1-25-83	<a href="#">17.22.370</a>

7.2-39	Ord. 81-675, § 5, 10-13-81	<a href="#">17.22.380</a>
7.2-40	Ord. 81-675, § 5, 10-13-81; Ord. 83-717, § 2, 1-25-83	<a href="#">17.22.390</a>
7.5	Ord. 450, § 2, 3-20-73	<a href="#">17.24.010</a>
7.5-1, 7.5-2		Reserved
7.5-3	Ord. 450, § 2, 3-20-73; Ord. 477, § 3, 12-4-73; Ord. 504, § 1 (III), (IV), 1-28-75; Ord. 77-559, § 1, 4-26-77	<a href="#">17.24.020</a>
7.5-4	Ord. 450, § 2, 3-20-73	<a href="#">17.24.030</a>
7.5-5	Ord. 450, § 2, 3-20-73; Ord. 504, § 1(V), 1-28-75	<a href="#">17.24.040</a>
7.5-6	Ord. 450, § 2, 3-20-73; Ord. 77-559, § 1, 4-26-77	<a href="#">17.24.050</a>
7.5-7	Ord. 450, § 2, 3-20-73	<a href="#">17.24.060</a>
7.5-8	Ord. 450, § 2, 3-20-73	<a href="#">17.24.070</a>
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7.5-10	Ord. 450, § 2, 3-20-73	<a href="#">17.24.090</a>
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1606	Ord. 434, § 1, 12-5-72	<a href="#">17.68.060</a>
1607		<a href="#">17.68.070</a>
1608		<a href="#">17.68.080</a>
1609		Reserved

1700		<a href="#">17.02.030</a>
1701		<a href="#">17.02.040</a>
1800		<a href="#">17.70.010</a>
1801	Ord. 82-691, § 1, 6-8-82	<a href="#">17.70.020</a>
1900		<a href="#">17.72.010</a>
1901		<a href="#">17.72.020</a>
1901.1	Ord. 80-636, § 1, 4-15-80	<a href="#">17.72.010</a>
1902		<a href="#">17.72.030</a>
20-1	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.040</a>
20-2	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.020</a>
20-3	Ord. 88-921, § 1, 3-22-88; Ord. 90-1026, § 2, 4-24-90	<a href="#">17.74.030</a>
20-4	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.040</a>
20-5	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.050</a>
20-6	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.060</a>
20-7	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.070</a>
20-8	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.080</a>
20-9	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.090</a>
20-10	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.100</a>
20-11	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.110</a>
20-12	Ord. 88-921, § 1, 3-22-88	<a href="#">17.74.120</a>
2100		Repealer
2101		Not codified

**Ordinance List**

<b>Ordinance Number</b>	<b>Disposition</b>
85-803	Adopts Chapter 21A, oil code (Repealed by 17-1376)
93-1083	Amends contract between city and state public employees' retirement system (Special)
93-1084	Adds prior code § 29-38(2)(e) through (i), parking ( <a href="#">12.16</a> )
93-1085	Relocates provisions of Ch. 28A, signs, to Art. 13.5 of zoning ordinance [Formerly 17.50]
93-1086	Amends § 13-6 of zoning ordinance, zoning ( <a href="#">17.52</a> )
93-1087	Adds Art. 8.5 to zoning ordinance, zoning [Formerly 17.48] (Not codified)
93-1088	Amends Ord. 88-932, fire flow fees (Special)
93-1089	Amends § 1160(d) of zoning ordinance, zoning ( <a href="#">17.44</a> )
93-1090	Amends § 22-3 of prior code, park regulations ( <a href="#">12.28</a> )
93-1091	Amends Ord. 86-852, smoking pollution control (8.40)
93-1092	Amends § 1215 of zoning ordinance, barbed wire and chain link fencing for temporary periods ( <a href="#">17.46</a> )
93-1093	Amends §§ 21A-1.20 and 21A-2.9C of oil code, grade definition and fencing setback (Not codified)
93-1094	Amends contract between city council and state public employees' retirement system (Special)
93-1095	Orders certain crossing guard maintenance services (Special)
93-1096	Establishes downtown business area enhancement district commission [Formerly 2.24] (Not codified)
93-1097	Amends § 2-56 of prior code, open market procedure for purchases of less than five thousand dollars (3.12)
93-1098	Amends § 7.5-17 of prior code, cable television systems (Not codified)
94-1099	Adds § 1152.5 to zoning ordinance; amends §§ 1162(d), 1162(e), 1169(b) and 1167, zoning ( <a href="#">17.44</a> )
94-1100	Amends §§ 8-5(2) and 29-7 of prior code, zoning ( <a href="#">12.12, 17.26</a> )
94-1101	Authorizes amendment to contract between city and state public employees' retirement system (Special)
94-1102	Amends § 1215 of zoning ordinance, walls and fences ( <a href="#">17.46</a> )
94-1103	Adds Art. II to Ch. 7.5 of prior code, local cable consumer protection standards (Not codified)

- 94-1104 Amends §§ 21A-1.20 and 21A-2.9(C) of oil code, grade definition and fencing setback (Not codified)
- 94-1105 Adds §§ 30-23.1 and 30-23.2 to prior code, collection system for delinquent transient occupancy tax (3.32, 3.36)
- 94-1106 Adds material to §§ 13.5-17 and 13.5-21 of zoning ordinance, zoning ([17.50](#))
- 94-1107 Amends § 29-7 of prior code, temporary use and closure of public streets for special events ([12.12](#))
- 94-1108 Amends §§ 17-6, 22-5.7 and 1901 of prior code, motion picture filming and other transient activities (5.04, [17.72](#))
- 94-1109 Amends § 1413 to zoning ordinance, decisions of the council on appeals and reconsiderations ([17.56](#))
- 94-1110 Adds § 22-3(x) to prior code, park regulations ([12.28](#))
- 94-1111 Amends § 141/2-5 of prior code, prohibition of smoking in public places (8.40)
- 94-1112 Orders certain crossing guard maintenance services (Special)
- 94-1113 Establishes stormwater and urban runoff pollution prevention controls (8.44)
- 94-1114 Amends § 7-7.1.5 of prior code, seismic strengthening for unreinforced masonry bearing wall buildings (Not codified)
- 94-1115 Amends § 8-5(9) of zoning ordinance, zoning ([17.26](#))
- 94-1116 Amends Ch. 7.5 of prior code, granting of cable television franchises (5.16, [17.46](#))
- 94-1117 Franchise grant to ML Media Partners, L.P (Special)
- 94-1118 Amends §§ 8-3 and 10-8 of zoning ordinance, zoning ([17.26](#), [17.40](#))
- 94-1119 Amends § 21-23 of prior code, consumption of alcoholic beverages on streets, playgrounds or places open to the public (9.04)
- 94-1120 Amend § 1157 of zoning ordinance, zoning ([17.44](#))
- 94-1121 Amends § 208 of zoning ordinance, zoning ([17.04](#))
- 94-1122 Accepts penal requirements relating to the selection and training standards of public safety dispatchers (2.48)
- 95-1123 Amends §§ 1501, 1503 and 1504 of zoning ordinance, zoning ([17.66](#))
- 95-1124 Amends §§ 13-1 through 13-4 of zoning ordinance, zoning ([17.04](#), [17.52](#))
- 95-1125 Adds § 221-36 to prior code, display of books, magazines and other publications in locations other than newsracks (9.04, [12.32](#))
- 95-1126 Amends prior code Appendix A § 1152(E)(11), zoning ([17.44](#))
- 95-1127 Amends prior code § 8-5, civil defense and disaster (2.56)

- 95-1128 Rezone (Special)
- 95-1129 Adds subsection (g) to prior code § 29.5-8; amends prior code § 29.5-8(c), (d), subdivisions ([16.08](#))
- 95-1130 Adds prior code Appendix A Art. 2.1, commercial land use definitions; amends prior code §§ 8-2-8-4, 10-3, 10-5, 10-5.1, 10-7, 10-8, 29-30(E); repeals prior code § 10-6, Appendix A §§ 203.1, 211, 224, 225, 255, 256, 257, 261, 262, 268, 269, 270, 270.1, 279, 280, 281, 282, 283; renames Appendix A §§ 284-285.9 to be Art. 2.2, adult use definitions; zoning ([17.04](#), [17.26](#), [17.40](#))
- 95-1131 Amends prior code § 19.5-10, noise control [Formerly 8.24] (Not codified)
- 95-1132 Adds prior code §§ 27A-9 and 27A-10; amends prior code § 27A-1, 27A-2, 27A-5 and 27A-8, garbage collection and disposal (8.12)
- 95-1133 Amends prior code §§ 30-44, 30-46(a), (c), (d), utilities tax [Formerly 3.36] (Not codified)
- 95-1134 Amends prior code § 7-1.3(c), Uniform Building Code [Formerly 15.04] ([15.04](#))
- 95-1135 Crossing guard services special tax (Failed)
- 95-1136 Amends prior code Appendix A §§ 601(b)2, (c) and 701(b)2, (c), zoning ([17.16](#), [17.20](#))
- 95-1137 Amends prior code §§ 30-46(a), 30-47(a), 30-48(a), 30-49(a), 30-50(a) and 30-62(a); repeals prior code §§ 30-64 and 30-65, utilities tax (3.36)
- 95-1138 Amends prior code § 4-6.1(2), animals generally (6.04)
- 95-1139 Repeals prior code subsections (a) and (b) of § 21-10, oil wells (5.56)
- 95-1140 Amends prior code §§ 2-25 and 2-29, civil service (2.76)
- 95-1141 Adds prior code § 2-24(j), civil service (2.76)
- 95-1142 Amends prior code Chs. 7, 11 and 24, technical building codes ([15.04](#), [15.12](#), [15.16](#), [15.32](#), [15.40](#), [15.44](#))
- 95-1143 Amends prior code Ch. 12, fire code ([15.20](#))
- 95-1144 Amends prior code § 29-38(1)j, encroachments ([12.16](#))
- 95-1145 Adds prior code § 2-2.28; amends prior code § 2-2.27; amends Appendix A §§ 1403b, 1409 and 1435, city council and zoning ([17.54](#), [17.58](#))
- 96-1146 Amends prior code Appendix A §§ 7.2-12(g), 7.2-13(c) and (f), zoning ([17.22](#))
- 96-1147 Amends prior code § 19-1, vehicles and traffic (10.04)
- 96-1148 Amends prior code Appendix A, Art. 2.1, zoning definitions ([17.04](#))
- 96-1149 Amends prior code §§ 11-4.2, and 11-4.6, buildings ([15.32](#))
- 96-1150 Adds prior code § 20-13; amends prior code Art. 7-3, Art. 7-5, prior code §§ 20-2, 20-5, 20-6, abatement of dangerous buildings and nuisances (8.28, 9.12, [15.36](#))

- 96-1151 Adds prior code § 3-3.10; amends prior code §§ 5-31 and 22-3, street banners and solicitation (5.08, [12.20](#), [12.28](#))
- 96-1152 (Not adopted)
- 96-1153 Amends Appendix A § 1157(F) and Art. 9.5-3, zoning ([17.36](#), [17.44](#))
- 96-1154 Rezone (Special)
- 96-1155 Amends prior code §§ 2-4.5, 2-13, 2-61, 2-111, 2-120, 2-121, 2-122, 4-11, 4-14, 4-15, 4-17, 17-54, 21-6, 21-34(a)(1), 21-36, 22-5.4, 23-15, 23-17, 23-19, 29-16, 30-40 and prior code Appendix A § 300; repeals and replaces prior code §§ 2-3.1 and 30-29; repeals prior code §§ 1-8, 1-9, 1-10, 2-83, 2-84, 4-11(c), 4-25, 4-26, 19-15, 19-24, 21-5, 30-2, 30-10.5 and 30-10.6 (2.12, 2.36, 2.64, 2.72, 3.12, 3.20, 3.28, 5.44, 5.60, 6.08, 9.04, 9.24, [12.28](#), [13.08](#), [17.06](#))
- 96-1156 Signs ([17.50](#))
- 96-1157 Zoning ([17.04](#), [17.26](#), [17.40](#))
- 96-1158 Utilities tax (3.36)
- 96-1159 Planning commission (2.04, 2.32)
- 96-1160 Moves prior code Appendix A Ch. 7, Art. 9 to Art. 14 as Division 4; Art. 1, § 7-1.7 to Art. 14 as Division 5; Art. 1, § 7-1.8 to Art. 14 as Division 6; change "B2A" and "building official" to "planning commission" and "community development director" respectively in the above noted sections, zoning ([17.60](#), [17.62](#))
- 96-1161 Encroachments: Amend HBMC Sec. 29-38 re: encroachments into public right-of-way ([12.16](#))
- 96-1162U HBMC: Adopt HBMC as urgency matter (Not codified)
- 96-1162 HBMC: Adopt HBMC (Not codified)
- 96-1163 Amend zoning ordinance § 17.04.040, modifying the defining and method for determining building height and grade ([17.04](#))
- 96-1164 Amend zoning ordinance § 17.46.130(a) to allow fences to be a maximum of 42" in front yard setback ([17.46](#))
- 96-1165 Stormwater/pollution: regulate storm water and urban runoff pollution and amend Title 8 of the HBMC (8.44)
- 96-1166 Fireworks - ban: amend Ch. 15.20 of HBMC by prohibiting fireworks except for city approved displays ([15.20](#))
- 96-1167 Cable consumer protection: amend HBMC by establishing local cable consumer protection standards Ch. 5.17 (Not codified)
- 96-1168U Historic/archit. resources: urgency ordinance establishing a moratorium on demolition or

- modification of historic and architectural resources [formerly 45 days] (Special)
- 97-1169U Historic/archit. resources: urgency ordinance establishing a moratorium on demolition or modification of historical and architectural resources [formerly 10 mos. 15 days] (Special)
- 97-1170 Zoning - small lots: amend the R1 development standards, § 17.08.030(1) to modify the exception for small lots ([17.08](#))
- 97-1171 Outdoor dining: amend commercial land use regulations for outdoor use to except outdoor dining on Pier Ave., from requirement for a CUP ([17.26](#))
- 97-1172 Outdoor dining: amend Ch. 12.16 of HBMC to modify the CUP requirements for outdoor dining relating to Pier Ave. ([12.16](#))
- 97-1173 Massage establishments: amend Ch. 5.04 of HBMC dealing with licensing for massage establishments and adding Ch. 5.74 to regulate massage business (5.74)
- 97-1174 Zoning - CUP: amend zoning ordinance commercial land use regulations to add "massage therapy business" as a conditionally permitted use in C2 and C3 zones ([17.04](#), [17.26](#), [17.40](#))
- 98-1175 Smoking - ban: amend Ch. 8.40, smoking in public places (8.40)
- 98-1176 Repeals Ch. 2.24, downtown business area enhancement district commission (Repealer)
- 97-1177(U) Historic and architectural resources modification: urgency ordinance extending moratorium on demolition or modification of historic and architectural resources (Special)
- 98-1178 Signs - temporary: amend HBMC, Title 17, to extend allowed duration for display of temporary signs from 60 to 90 days ([17.50](#))
- 98-1179 Zoning: amend zoning ordinance to incorporate certain policies previously set forth in policy statements ([17.44](#), [17.46](#), [17.50](#))
- 98-1180 Taxicab regulations: repeals and replaces Ch. 5.72 revising taxicab regulations (5.72)
- 98-1181 Amends Ch. 3.36, collection of the utilities tax by electricity providers (3.36)
- 98-1182 Amends Ch. 5.72, insurance requirements for taxicab operators and drivers (5.72)
- 98-1184 Zoning map (1837 PCH): amends zoning map from R-3 to SPA #6 and neg. dec. for property at 1837 PCH (Old St. Michaels Hospital) (Special)
- 98-1185 Amends § 9.04.010(H), consumption of alcohol on streets, playgrounds or places open to public (to allow resident permits) (Not adopted)
- 98-1186 Adds Ch. 17.53, historic resources preservation ([17.53](#))
- 98-1187 General Plan Map - Zoning Map (731 4th): amend general plan map from Commercial Corridor to Medium Density Residential and to amend zoning map from Specific Plan Area 7 to 2-family Residential (R-2) and adoption of an enviro. neg. dec. for property at 731-4th St. (Special)

- 98-1188 Zoning ordinance/stairs: amend zoning ordinance to allow existing stairs located in required yards, providing needed ingress and egress to dwelling to be maintained, repaired or replaced ([17.46](#))
- 99-1189 Fire flow fees: amends Ord. No 88-932 relating to fire flow fees (Repealed by 11-1323)
- 99-1190 Mobilehome park: assuming enforcement for the Mobilhome Park Act (Not codified)
- 99-1191 Zone/density: amending the land use designation of certain property from commercial to medium density residential (Not codified)
- 99-1192U Uniform Building Code, etc.: adopt by reference the California Code of Regulations comprising the 1998 Ca. Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code Building Conservation, 1997 Edition of Uniform Housing Code, Abatement of Dangerous Buildings ([15.32](#), [15.40](#), [15.44](#))
- 99-1192 Uniform Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code: adopt by reference the California Code of Regulations comprising the 1998 Ca. Building Code, Electrical Code, Mechanical Code, Plumbing Code, Fire Code Building Conservation, 1997 Edition of Uniform Housing Code, Abatement of Dangerous Buildings ([15.04](#), [15.20](#), [15.32](#), [15.40](#), [15.44](#))
- 99-1193 Zone/M-1: Amending zoning ordinance, Ch. 17.28, with respect to uses permitted and conditionally permitted in the M-1 zone ([17.28](#))
- 99-1194 Parking/Green Curb: Amending Sec. 10.32.250 of the Municipal Code to remove the hours of enforcement for green curb markings (10.32)
- 99-1195U Cable TV: amends Ord. 94-1117, franchise for the operation of a cable TV system (Special)
- 99-1195 Cable TV: amends Ord. 94-1117, franchise for the operation of a cable TV system (Special)
- 99-1196 Business license fee: amending Ch. 5.04 pertaining to business license fees (Not codified)
- 00-1197 Amends miscellaneous sections of the municipal code (3.12, 10.32, [13.08](#))
- 00-1198 Zoning/M1 to R2: amend zoning from M-1 (light industrial) to R-2 (2 family residential) and adopt mitigated environmental negative dec. for property located on NE corner of 1st Pl and Ardmore Ave at 603 Fst Pl and 112-142 Ardmore Ave., legally described as Lot 106 through 110 inclusive, Walte Ransom Co.'s Venable Place (Special)
- 00-1199 Zoning/building height: amending zoning ordinance to eliminate 2-story maximum in the R1, R1A, R2, R2B zones, to eliminate definitions of story and basement, and to codify procedure for calculating, measuring and enforcing building height (3.20, [17.04](#), [17.08](#), [17.10](#), [17.12](#), [17.14](#), [17.46](#))
- 00-1200 Public health/food grades: repeals Ch. 8.04; adds new Ch. 8.04 and adopts by reference Div. 1 of Title 8 (Public Health Licensing) and Div. 1 of Title 11 (Health Code) of the LA

- County Code, together with certain amendments, additions and penalties (Not codified)
- 00-1201 LIMBO, Coastal Development Zone: amend HBMC, zoning ordinance, and adopt an implementing ordinance for the Local Coastal Program, establishing a Coastal Development Overlay Zone, and other text amendments to implement the policies of Coastal Land Use Plan (Not codified)
- 00-1202 Amends § 3.12.140 to exempt computers and peripheral equipment from formal bidding process (3.12)
- 00-1203 Public works commission (2.80)
- 00-1204 Storm runoff amendment: amending storm water and urban runoff pollution control ordinance to provide storm water pollution control for planning and construction of new development and redevelopment projects and amending the HBMC (Pulled)
- 00-1205 Lot Coverage: amend the zoning ordinance to clarify definition of lot coverage ([17.04](#))
- 00-1206 PERS (sent to PERS for signature 10/24/00): amends contract between Board of Administration California PERS and city council, city of Hermosa Beach (Special)
- 00-1207 Zoning/open space: amend zoning re: open space requirements in R-2, R-2B and R-3 zones ([17.12](#), [17.14](#), [17.16](#), [17.22](#), [17.44](#))
- 00-1208U Restaurant moratorium: establish a moratorium on the conversion of existing commercial space to restaurant use and declaring urgency thereof (Special)
- 00-1209 Noise control: Amend Ch. 24 of municipal code re: noise control (6.04, 8.24, 8.28, 9.04, 10.12, [12.20](#))
- 00-1210U Restaurant moratorium: extend downtown moratorium on conversion of office and retail use to restaurant use until 11/13/01 (Special)
- 01-1211 Stormwater/urban runoff: amend stormwater and urban runoff pollution control ordinance, construction on new development projects (8.44)
- 01-1212 Zoning - eliminate third story signs: amends Ch. 17.50 of zoning ordinance to eliminate the prohibition of third story signs ([17.50](#))
- 01-1213 Noise/leaf blowers: amending the noise ordinance relative to leaf blowers and amending the HBMC (8.24)
- 01-1214 Zoning - antennas, satellite dishes: amend zoning ordinance regarding limitations on rooftop antennas, satellite dishes and similar equipment that exceeds height limit and placement and use of wireless communication facilities ([17.04](#), [17.26](#), [17.28](#), [17.30](#), [17.40](#), [17.46](#))
- 01-1215 Zoning - Encroachments into required yards: amend the zoning ordinance regarding architectural encroachments into required yards ([17.46](#))
- 01-1216U Restaurant moratorium: extend downtown moratorium on conversion of office and retail

- use to restaurant use until 11/13/02 (Special)
- 02-1217 Zoning - amendment for walls and fences: amend § 17.46.130(C) of the zoning ordinance to change requirement for a building permit for walls and fences from 36 inches or more in height to 42 inches or more in height ([17.46](#))
- 02-1218 Zoning - amend front yard requirements: amend § 17.46.152 of the zoning ordinance to change the front yard requirements on through lots between the Strand and the service road parallel to Hermosa Avenue approximately Between 27th St. and 35th St. ([17.46](#))
- 02-1219 Street improvements/new construction or remodeling/adding alleys: amendment to code relating to required street improvements as a result of new construction or remodeling by adding alleys ([12.08](#), [12.16](#))
- 02-1220U Prohibiting parties advertised to the general public and amending the HB Municipal Code Ch. 9.28.10 (Not codified)
- 02-1220 Prohibiting parties advertised to the general public and amending the HB Municipal Code Ch. 9.28.10 (Not codified)
- 02-1221 Parking/M1 lots/off-site: amend §§ 17.28.020 and 17.44.090 to allow parking lots and structures as a permitted use in the M-1 zone and to allow off-site parking ([17.28](#))
- 02-1222 Garbage and refuse collection: amend § 8.12.360, garbage collection and disposal--Mandatory fee collection, removing the administrative fee for filing an alternative billing application (payment by tenant) (Not codified)
- 02-1223 Construction hours: regarding permitted hours of construction and amending the HBMC (8.24)
- 02-1224U Stormwater pollution: amend stormwater and urban runoff pollution control ordinance to provide stormwater pollution control, new development projects (8.44)
- 02-1225U Building code: Adopt 2001 California Building, Uniform, Housing, Mechanical, Plumbing, Fire and Electrical Codes ([15.04](#), [15.32](#))
- 03-1226 Taxicab regulations (5.72)
- 03-1227 Zoning/Amend at 726-10th: Amend Zoning Map from General Commercial (C-3) to two-family Residential (R-2) For the Property Located at 726 10th Street & Adoption of a Negative Declaration (Special)
- 03-1228 Zoning/amend off-street parking: amend the zoning ordinance regarding off-street parking requirements and the in-lieu fee parking allowances in the downtown district [04-1239] (Void)
- 03-1229 Zoning/amend/add computer/Internet access center: amending the zoning ordinance to add computer and Internet access center as a conditionally permitted use in the C-3 zone (Not codified)

- 03-1230 Special events - coastal zone; amends § 12.28.010, regulation of special events in the city  
(Repealed by 16-1370)
- 03-1231 Zoning/day care homes: amend zoning ordinance relating to the regulation of day care homes in the city ([17.40](#))
- 03-1232 Zoning/Condos as Residential/Commercial Projects in C-1 Zone: Amending zoning ordinance, Ch. 17.26, to List Condominiums as Permitted Use in Residential/Commercial Projects in the C-1 Zone. ([17.26](#))
- 03-1233 Zoning/Amend M-1 to R-2 for 603 Third St.: Amend Zoning from M-1 (Light Manufacturing) to R-2 (Two-Family Residential) for property at 603 Third St. (Not codified)
- 03-1234 Veteran's Credit/Employment: Amending City's Civil Service System to Allow Military Veterans a Credit in the Scoring of Competitive Employment Examinations (Not codified)
- 04-1235 Zoning/Conditional Permitted Mixed-Use Projects in C-1 Commercial Zone: Adding new Sub-Section to Chapter 17.40 to provide standards for conditionally permitted mixed-use projects in the C-1 Commercial Zone (Not codified)
- 04-1236 Personal assistive mobility devices (EPAMD): prohibiting the operation of electronic personal assistive mobility devices on the Strand, Pier Plaza, and sidewalks in commercial zones of the city ([12.20](#))
- 04-1237 Zoning/density bonuses: amend the HBMC relating to the granting of density bonuses for projects with affordable housing (Not codified)
- 04-1238 Amends §§ 17.04.040, 17.10.020K.2, 17.12.080B, 17.14.080B and 17.16.080B to define "trellis" and to clarify the covered open space requirements in multifamily zones ([17.04](#))
- 04-1239 Amends zoning ordinance, off-street parking requirements and in-lieu fee parking allowances in the Downtown district ([17.44](#))
- 04-1240 Zoning/710 Second St.: amend zoning map from Specific Plan Area #7 (Commercial) to R-2 (Two-Family Residential) for property at 710 Second St. (Special)
- 04-1241 Amends Chs. 17.04 and Ch. 17.44 pertaining to definition and parking requirements for snack shops ([17.04](#), [17.44](#))
- 04-1242 CA. Building, Elec.,Mech., Plumb, Fire, Housing Code Update: Adopting by Ref. Pt.2 of Title 24 of Ca. Code of Regulations with updated structural amendments comprising the 2001 CA Building, Elec, Mech, Plumbing, Fire, Housing Code amending Title 15 of HBMC. (Not codified)
- 04-1243 Remove Off Site Parking and Amend Storage & Mini-Storage -Correcting Errors to MC: Correcting errors made in the Adoption of Ord. 02-1221, Amending § 17.44.090 - to Remove Leased off-site parking as an option for required parking and Amending § 17.28.020 - To remove Storage and Mini-Storage as permitted uses and to require conditional use permits for certain manufacturing uses in th M-1 zone. ([17.40](#))

- 04-1244 Daytime Curfew: Establishing a Daytime Curfew for Minors and Amending the HBMC (9.32)
- 04-1245 Chimney-Introduced/not adopted: NOT ADOPTED ([17.46](#))
- 05-1246 Zoning-Separate Water Meters: Amend Zoning Ord. § 17.22.060(f) to require Separate Meters fro Water Supply Service Connections for Each Unit in Residential Condo Projects. (Not codified)
- 05-1247 Election-Campaign Contribution amendment: Amend the Campaign Contribution Provisions and Amending the HBMC (Not to exceed \$250)
- 05-1248 Amends § 17.50.010 to allow noncommercial speech on commercial signs ([17.50](#))
- 05-1249 Food & Beverage on the Beach: Relating to Sale of Food and Beverages on the Beach & Amending the HBMC ([12.20](#))
- 05-1250 Plumbing Code/Grease Removal System AMENDED BY 06-1262: Amending the Plumbing Code (Ch. 15.16) to Require the Retrofitting of Grease Removal Systems for Food Service Establishments, Providing the Annual Inspection of Grease Recovery Systems in all Food Service Establishments and Amending the HBMC. (AMENDED BY 06-1262) ([15.16](#))
- 05-1251 Noise/Commercial Establishments: Regarding Noise from Commercial Establishments and Amending the HBMC. (8.24)
- 05-1252 Speed Limits: Establishing Citywide Posted Speed Limits (10.40)
- 05-1253 Building Code: Amending the Building Code (Chapter 15.04) to Require the Execution of a Waiver for Construction Below Grade and Amending the HBMC ([15.04](#))
- 05-1254 HBMC/Repealing Ch. 3.44: Repealing Chapter 3.44 of the HBMC (Repealer)
- 05-1255 Adds §§ 17.50.080.A.6 and 17.50.080.A.7, prohibited signs ([17.50](#))
- 05-1256 HBMC/CA Electrical Code: Amending Ch. 15.32 of the HBMC Adopting, by Reference, the Ca Electrical Code, 2004 Edition and the Appendices thereto, Together with Certain Amendments, Additions, Deletions and Exceptions including Fees and Penalties ([15.32](#))
- 05-1257 Zoning-Nonconforming Buildings: Amending the Zoning Ord Pertaining to Expanding & Remodeling Nonconforming Buildings and Uses (Ch. 17.52) and Buildings that are Nonconforming to Parking Requirements and Amending the HBMC. ([17.52](#))
- 05-1258 Zoning-M1 to R2 at 494 Ardmore: Changing the Zoning From M-1 (Light Manufacturing) to R-2 (Two-Family Residential) and Adoption of a Mitigated Environmental Negative Declaration for the Property Located at 494 Ardmore Avenue (on the S/E corner of 5th St and Ardmore Ave), Legally Described as Lot 9 Walter Ransom Co's Venable Place. (Not codified)
- 06-1259 Cable TV-Verizon Franchise: Granting a Non-Exclusive Franchise to Provide Cable Service to Verizon California, Inc. (5.16, [17.46](#))

- 06-1260 Cable TV Regulations W/ Verizon: Regulating Cable, Video, and Telecommunications Service Providers, Redesignating Chapters 5.16 and 5.17 of Title 5 as Uncodified Ordinances and Amending Title 5 of the HBMC Code by Replacing Chapter 5.16 (Not codified)
- 06-1261 Trees: Regarding Trees in Public Rights-of-way and Amending the HBMC ([12.36](#))
- 06-1262 Grease Control Devices AMENDS 05-1250: Amending Ord. No. 05-1250 to Extend the deadlines for the installation of new grease control devices in food service establishments and the waiver of permit fees therefor. (Not codified)
- 06-1263 Properties Not in Compliance: Prohibiting the Processing of Applications for Properties not in Compliance with Applicable Requirements and Amending the HBMC (2.84)
- 06-1264 Zoning Amendment/1255 Prospect from C3 to Single Family(R1): Amending the Zoning map from General Commercial (C-3) to Single Family Residential (R1) at 1255 Prospect Avenue (Not codified)
- 06-1265U Prohibiting Medical Marijuana Dispensaries: Pursuant to Government Code § 65858 Prohibiting the Establishment of Medical Marijuana Dispensaries and Declaring the Urgency Thereof. (Not codified)
- 06-1266 Interconnections of Cable & Open Video: Interconnection of Public, Educational, and Government Broadcasts on Cable and Open Video Systems (5.16)
- 06-1267 Smoking-Ban: Prohibiting Smoking on the Beach and Amending the HBMC. (8.40, [12.20](#))
- 06-1268U Prohibiting Medical Marijuana Dispensaries: Pursuant to Government Code § 65858 Extending Ord. 1265U which established a moratorium Prohibiting the Establishment of Medical Marijuana Dispensaries and Declaring the Urgency Thereof. (Not codified)
- 06-1269 Pedestrian Protection: Amending the Building Code (Chapter 15.04) to Require the Installation of Fencing & Pedestrian Protection on Construction & Demolition Sites ([15.04](#))
- 06-1270 Small Lots Amendment: Amending Development Standards in the Zoning Ordinance for the R-1 Zone Exceptions for Small Lots and Amending the HBMC. ([17.08](#))
- 06-1271 Floodplain Management Regulations: Amending Title 8 of the HBMC Adding New Chapter 8.52 Floodplain Management Regulations and Amending Chapter 15.04 of the HBMC ([15.04](#))
- 06-1272 Zoning Amendment/Large Day Spas: Amending the zoning ordinance to Add Large Day Spas as a Conditionally Permitted Use in the C-2 & C-3 Zones and to Add Large Day Spa Facilities in the Use Definition in Chapter 17.04 ([17.04](#), [17.26](#))
- 06-1273 Graffiti Removal: Regarding Graffiti Removal and Amending the HBMC (9.36)
- 06-1274 Transient Occupancy Tax: Amending Procedural Provisions of the Transient Occupancy Tax (TOT) Ordinance and Amending Chapter 3.32 of the HBMC. (3.32)

- 06-1275 Compensation-City Council: Adjusting Compensation for the City Council Members and Amending the HBMC. (Now \$530 a month from \$300) (2.72, [17.52](#))
- 06-1276 Zoning Code-Reconstruction of Nonconforming Buildings: Amending the HBMC-Title 17 - Zoning, pertaining to reconstruction of nonconforming buildings. (Not codified)
- 07-1277 Emergency Preparedness Advisory Commission: Establishing an Emergency Preparedness Advisory Commission and Amending the HBMC (Not codified)
- 07-1278 REPEALED (See Ord. 07-1286) Zoning Amendment/Exempt Pier Plaza/Parking/In Lieu Fees Paid: Amend the Zoning Ord Sec. 17.44.040 to Exempt Pier Plaza Building Sits from Providing a Percentage of Parking Spaces on Site when In-Lieu Parking Fees are Paid (Not codified)
- 07-1279U Prohibiting Medical Marijuana Dispensaries: Pursuant to Government Code § 65858, Extending Ord. 1265U which established a Moratorium Prohibiting the Establishment of Medical Marijuana Dispensaries & Declaring the Urgency Thereof. (Not codified)
- 07-1280 Merger of Parcels/Lots: Amending the Subdivision Ordinance Pertaining to Merger of parcels (Ch 16.20) and Amending the HBMC (Not codified)
- 07-1281 General Provisions and Enforcement: Amending the General Provisions and Enforcement Procedures of the Municipal Code. (8.04, 8.08, 8.12, 8.24, 8.28, 8.40, 8.44, [12.16](#), [12.32](#), [15.04](#), [15.12](#), [15.16](#), [15.20](#))
- 07-1282 Zoning Map (322 Ardmore): Amending the Zoning Map from Light Manufacturing (M-1) to Two-Family Residential (R-2) For the Property located at 322 Ardmore Ave, and Adoption of an Environmental Negative Declaration. (Not codified)
- 07-1283 EPAC/Increase Members: Increasing the Membership of the Emergency Preparedness Advisory Commission and Amending the HBMC (2.38)
- 07-1284 Claims against City: Amending Procedural Provisions Pertaining to the Filing of Claims Against the City and Amending the HBMC. (3.08)
- 07-1285 Noise Ordinance: Amending the Noise Ordinance and Further Establishing a Permit System for Special Events on Private Property, and Amending the HBMC. (8.24, 9.28)
- 07-1286 Repealing Ord. 07-1278: Relating to the Municipal Election Called for 11/6/07, and Repealing Ord. 07-1278 (Not codified)
- 07-1287 Damaged Nonconforming Structures/Rebuilding: Amending § 17.52.070 of the HBMC, Zoning Ordinance Pertaining to Rebuilding of Damaged Nonconforming Structures (Not codified)
- 07-1288 Business Tax: Making Administrative Amendments to the Business Tax Ordinance and Amending the HBMC (Not codified)
- 07-1289U California Building Code Standards: Adopting by Ref. Title 24 of the CA Code of Regulations also known as the CA Building Standards Code, Comprised of various building

- and other codes, amending portions of said title, and Amending Title 15 of the HBMC and Declaring the Urgency Thereof ([15.04](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#))
- 07-1289 California Building Code Standards: Adopting by Ref Title 24 of the CA Code of Regulations known as the CA Building Standards Code, Comprised of Various Building and Other Codes, Amending Portions of Said Title and Amending Title 15 of the HBMC ([15.04](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#))
- 07-1290 Tax-Telephone & Cable TV-reduce tax-UUT: Amending Chapter 3.36 of the HBMC reducing the Existing tax on Telephone & Cable TV services and Replacing the Telephone and Cable Tax Ordinances with a Modern Communication Services tax Ordinance. (Passed Ayes: 2243/Noes 867)
- 08-1291 Adult Business: Approve a Zone Text Amendment to the MC Regarding Adult Business Regulations ([17.40](#))
- 08-1292U Prohibiting Medical Marijuana Dispensaries: Approving a Zone Text Amendment to the HBMC prohibiting Medical Marijuana Dispensaries & Declaring the Urgency Thereof (Not codified)
- 08-1292 Prohibiting Medical Marijuana Dispensaries: Approving a Zone Text Amendment to the HBMC prohibiting Medical Marijuana Dispensaries ([17.26](#))
- 08-1293 Amending Zoning map/Specific Plan Area No. 10-719 & 725 21st street.: Amending the Zoning map From R-1A to "Specific Plan Area No. 10" at 719 & 725 21st Street, and Amending the HBMC to Incorporate the R-1A Standards in Said Zone but excluding the Specific Restriction of two Units Per Lot and Adopting a Negative Declaration. (Not codified)
- 08-1294 Amending Zoning to Allow Educational Institutions in C3: Approving a Zone text Amendment to the Muni Code to Allow Educational Institutions in the C-3 Zone as a Conditional Use and Amend the Definition and Parking Requirements Pertaining to Said Uses. (Not codified)
- 08-1295 Amend Zone to Exempt Solar Systems: Approving a Zone Text Amendment to the MC to Exempt Solar Systems from Height Limits ([17.46](#))
- 08-1296 Amend Zoning to Allow Temp. Portable Shade Canopies: Approving a Zone Text Amended to the MC to Allow temporary Portable Shade Canopies to Exceed the Height Limits. ([17.46](#))
- 09-1297 Parking Meter Rates: Relating to Parking Meter Rates and Amending the HBMC (Not codified)
- 09-1298 Zoning Amend - Beer & Wine /10pm closing: Amending the HBMC zoning ordinance to Permit restaurants by right that sell beer and wine and close by 10:00PM to establish standards for said restaurants and amending the business license regulations for consistency. ([17.26](#))

- 09-1299 Amend Building Code/Max 2 yr life for building permits: Amending the Building Code to Provide a Maximum two year life for building permits and amending title 15 of the HBMC ([15.04](#))
- 09-1300 Zone Changes Specific Plan Area No. and So. Of Pier Ave.: Approving a zone text amendment and zone change from C-2 to "Specific Plan Area No. 11" for Parcels located North and South of Pier Avenue between Valley Dr & Hermosa Ave.and for consistency amend parking standards and stormwater controls and Ch. 13 encroachment permits of the HBMC ([12.16](#), [17.06](#), [17.38](#), [17.44](#))
- 09-1301 Amends Ch. 12.08, in-lieu fee for street pavement improvements required for new development ([12.08](#))
- 09-1302 Amends Ch. 8.24, noise control, regarding permissible hours of construction (Not codified)
- 09-1303 Massage therapy business: amends Ch. 5.74, massage therapy business (5.74)
- 09-1304 Small wind energy system: approving a zone text amendment to allow small wind energy systems as a conditional use in all zones subject to standards, and to allow said systems to exceed the height limit ([17.40](#), [17.46](#))
- 10-1305 Adds Ch. 8.60, water efficient landscaping (Not codified)
- 10-1306 Adds Ch. 8.56, water conservation and drought management plan; amends Ch. 1.10 (Not codified)
- 10-1307 Adds Ch. 6.16, retail sale of dogs and cats (1.10, 6.16)
- 10-1308 PERS Amendment - Retirement System: Amendment to Contract with PERS - regarding Employees Retirement Law (Special)
- 10-1309 PERS-two tier: Pending per lawsuit (Special)
- 10-1310 Outdoor seating: zone text amendment to allow limited outdoor seating accessory to food establishments on private property in the C-3 zone and zones that allow C-3 zone uses ([17.26](#))
- 10-1311U Tattoo studios: prohibiting the establishment of tattoo studios (Special)
- 10-1312 Zone text amendment to modify or add provisions governing revocation, expiration and extinguishment of CUP, variances and other land use entitlements ([17.70](#))
- 10-1313 Tattoo/body piercing studio: approving a zone text amendment to allow tattoo/body piercing studios in C-2 and C-3 zones (and zones that allow C-3 uses) ([17.04](#), [17.26](#))
- 10-1314U Extends Ord. 10-1311U, interim ordinance prohibiting establishment of tattoo studios (Special)
- 10-1315 Adopt Ref Title 24: adopting by reference Title 24 of the California Code of Regulations, comprised of various building and other codes, amending the requirements of portions of said title and amending Title 15 of the HBMC ([15.04](#), [15.06](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#))

- 10-1316 Adopt Ref Title 24 California Green Building Standards Code: adopting by reference Part 11 of Title 24 of the California Code of Regulations, known as the California Green Building Standards Code (CALGREEN), amending portions of said title and amending Title 15 of the HBMC (Repealed by 16-1372)
- 10-1317U Amends Ch. 8.04 to adopt Ch. 11.36 of Division 1 of Title 11, as amended, of the LA Co. Health Code (tattoo/body art establishments) (Not codified)
- 11-1318 Microbrewery: approving a zone text amendment to allow microbreweries in the Light Manufacturing (M-1) zone (Not codified)
- 11-1319 Educational institutions: zone text amendment to amend the definition and standards pertaining to educational institutions in the C-3 zone and zones that allow C-3 uses as a conditional use ([17.04](#))
- 11-1320 Campaign contributions: amends § 2.08.020, campaign contribution limitations (Not codified)
- 11-1321 Approves zone text amendment to add provisions for reasonable accommodation for persons with disabilities seeking equal access to housing ([17.42](#))
- 11-1322 Zone amendment - 623 Third Street: amend the Zoning Map from Light Manufacturing (M-1) to Two-Family Residential (R-2) on a lot at 623 Third Street, legally described as NE 30 ft. measured on NW and SE lines of Lots 44, 45 and Lot 46, Walter Ransom Co's Venable Place (Special)
- 11-1323 Fire fee: adjusting the fire protection improvement fee ([15.20](#))
- 11-1324 Amend PERS: authorizing an amendment to the contract between the city council and the Board of Administration of CalPERS (Special)
- 11-1325 Parking of oversized vehicles: approving an amendment to the municipal code to add provisions for regulating parking of oversized vehicles (10.32)
- 11-1326 City council meetings: regarding city council meetings (2.04)
- 11-1327 Outdoor Dining: Establish temporary regulations superseding certain provisions of Chs. 12.16 and 17.26 to allow outdoor dining in the public right-of-way without a conditional use permit (Not codified)
- 11-1328 Amends §§ 8.40.010, 8.40.020 and 8.40.040, smoking in outdoor dining and other public areas (8.40)
- 11-1329 Amends the zoning code, provision of office and communication services and related amendments ([17.04](#))
- 11-1330 Business license tax: enacting a comprehensive restructuring and update of the business license tax ordinance (Not codified)
- 12-1331 Amends the HBMC regarding the conduct of city council meetings (2.04, 2.52)

- 12-1332 Adds Ch. 8.64; amends Ch. 1.10, polystyrene food service ware ban (1.10, 8.64)
- 12-1333 Outdoor sidewalk dining: being amended ([12.16](#), [17.26](#))
- 12-1334 Affordable housing overlay: amending the zoning code and zoning map to create an affordable housing overlay zone ([17.06](#), [17.26](#))
- 12-1335 Business license tax for catering/food trucks: revising to business license tax for catering/food trucks (Not codified)
- 12-1336 Revising the purchasing ordinance to authorize purchases through cooperative purchasing programs and amending the HBMC (Not codified)
- 12-1337 Amends § 17.40.080, alcoholic beverage establishments ([17.40](#))
- 13-1338 Adds § 10.32.350, car sharing permits (10.32, 10.32)
- 13-1339 Amends title of Ch. 8.12; amends §§ 8.12.010, 8.12.140, 8.12.180, 8.12.190, 8.12.210, 8.12.220, 8.12.230(A), 8.12.240, 8.12.260, 8.12.270, 8.12.280, 8.12.300, 8.12.310(A) and (B), 8.12.320 and 8.12.360(A)(1), solid waste collection and disposal (8.12)
- 13-1340 Adds §§ 10.32.350 [10.32.360] and 10.36.150; amends §§ 10.36.010 and 10.36.040, parking (10.32, 10.36, 10.32, 10.36)
- 13-1341 Adds §§ 17.42.150, 17.42.160 and Ch. 17.55; amends §§ 5.04.060 and 17.72.020, minor special events (5.04, [17.42](#), [17.55](#), 5.04, [17.42](#), [17.72](#))
- 13-1342 Adds §§ 17.38.300(F) and (G), 17.38.370(F) and (G), 17.40.240, 17.42.160, 17.44.020(E) and 17.44.230; amends §§ 17.04.040, 17.08.020, 17.16.010(C), 17.26.030, 17.38.300, 17.42.090, 17.42.100 and 17.58.010, housing programs ([17.04](#), [17.08](#), [17.16](#), [17.26](#), [17.38](#), [17.40](#), [17.42](#), [17.44](#), [17.58](#), [17.04](#), [17.08](#), [17.16](#), [17.26](#), [17.38](#), [17.40](#), [17.42](#), [17.44](#), [17.58](#))
- 13-1343U Amends § 12.28.040, permit requirement for outdoor commercial fitness instruction ([12.28](#))
- 13-1343 Amends § 12.28.040, permit requirement for outdoor commercial fitness instruction ([12.28](#))
- 13-1344U Adds §§ 15.04.160, 15.04.170, 15.06.045, 15.20.032, 15.20.034 and Ch. 15.52; amends §§ 15.04.010, 15.04.070, 15.04.080, 15.04.140, 15.06.010, 15.12.010, 15.16.010, 15.16.080, 15.20.010, 15.20.030, 15.20.120, 15.32.010, 15.48.010 and 15.48.020, building codes ([15.04](#), [15.06](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#), [15.48](#), [15.52](#), [17.55](#))
- 14-1344 Adds §§ 15.04.160, 15.04.170, 15.06.045, 15.20.032, 15.20.034 and Ch. 15.52; amends §§ 15.04.010, 15.04.070, 15.04.080, 15.04.140, 15.06.010, 15.12.010, 15.16.010, 15.16.080, 15.20.010, 15.20.030, 15.20.120, 15.32.010, 15.48.010 and 15.48.020, building codes ([15.04](#), [15.06](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#), [15.48](#), [15.52](#))
- 14-1345 Amends §§ 17.26.030, 17.26.050(B)(6) and 17.38.540, limited outdoor seating accessory to food establishments ([17.26](#), [17.38](#))

- 14-1346 Adds § 17.28.040; amends §§ 17.04.050, 17.28.030 [17.28.020] and 17.44.030(E)(11), gymnasiums/fitness and health centers ([17.04](#), [17.28](#), [17.44](#))
- 14-1347 Authorizes erection of extended temporary signs by automotive dealers for a one-year period (Not codified)
- 14-1348 Adds §§ 1.04.060 and 9.04.010(I); amends §§ 1.10.040, 6.04.110, 8.12.350, 8.24.100, 8.40.050, 12.20.040 and 12.24.090, holiday safety enhancement zone (1.04, 1.10, 6.04, 8.12, 8.24, 8.40, 9.04, [12.20](#), [12.24](#))
- 15-1349 Adds § 17.26.050(B)(7); amends §§ 12.16.100 and 17.26.030, retail sales/displays ([12.16](#), [17.26](#))
- 15-1350 Adds §§ 17.40.080(C) and 17.70.010(H); amends § 17.04.050, restaurants and on-sale alcoholic beverage establishments ([17.04](#), [17.40](#), [17.70](#))
- 15-1351 Amends Ch. 8.44 and § 15.48.020, stormwater and urban runoff pollution control regulations (8.44)
- 15-1352 Rezone (Special)
- 15-1353 Adds § 3.12.035; amends §§ 3.12.080 and 3.12.090, purchasing (3.12)
- 15-1354 Authorizes erection of extended temporary signs by automobile dealers for a two-year period (Not codified)
- 15-1355 Adds Ch. 13.12, sewer service charge ([13.12](#))
- 15-1356 Adds Ch. 8.68; amends § 1.10.040, plastic carryout shopping bags (1.10, 8.68)
- 15-1357 Amends § 17.46.220, solar energy systems ([17.46](#))
- 15-1358 Amends §§ 3.32.020 and 3.32.030, transient occupancy tax (3.32)
- 16-1359 Amends § 10.32.340, parking of oversized vehicles (10.32)
- 16-1360 Amends § 12.16.090, commercial outdoor dining ([12.16](#))
- 16-1361 Amends §§ 2.56.020, 2.56.030, 2.56.040, 2.56.050, 2.56.060, 2.56.080 and 2.56.090, emergency services (2.56)
- 16-1362 Amends §§ 17.26.030 and 17.42.110, commercial medical marijuana uses ([17.26](#), [17.42](#))
- 16-1363 Adds Ch. 9.38, drones, unmanned aircraft and model aircraft (9.38)
- 16-1364 Adds § 9.28.030; amends § 1.10.040, social host liability (1.10, 9.28)
- 16-1365 Adds definition to § 17.04.040; adds §§ 17.08.025, 17.10.015, 17.12.015, 17.14.015, 17.16.015, 17.18.025, 17.20.015 and 17.42.180, short term rentals ([17.04](#), [17.08](#), [17.10](#), [17.12](#), [17.14](#), [17.16](#), [17.18](#), [17.20](#), [17.42](#))
- 16-1366 Adds § 17.50.220 and definition to § 17.50.030; amends §§ 17.50.080(B)(2), 17.50.130 and 17.50.140, portable A-frame signs ([17.50](#))
- 16-1367 Amends §§ 8.40.010, 8.40.020 and 8.40.050, smoking (8.40)

- 16-1368      Community choice aggregation program (Not codified)
- 16-1369      Amends § 8.12.320(G), scavenging from solid waste containers (8.12)
- 16-1370      Adds § 12.20.065 and Ch. 12.30; amends §§ 12.20.224, 12.20.300(D) and 12.20.330; repeals §§ 12.28.010, 12.28.060, 12.28.070, 12.28.080, 12.28.090, 12.28.110, 12.28.120, 12.28.130, 12.28.140 and 12.28.150 and renumbers existing Ch. 12.28 sections, amending new §§ 12.28.050 and 12.28.090, special events regulations ([12.20](#), [12.28](#), [12.30](#))
- 16-1371      Amends §§ 17.04.040, 17.06.010 and 17.26.030; repeals § 17.42.130, affordable housing overlay district ([17.04](#), [17.06](#), [17.26](#))
- 16-1372      Adds § 15.20.032 [15.20.036]; amends §§ 15.04.010, 15.04.080, 15.06.010, 15.12.010, 15.16.010, 15.20.010, 15.32.010, 15.48.010 and 15.52.010; repeals § 15.48.020, building codes ([15.04](#), [15.06](#), [15.12](#), [15.16](#), [15.20](#), [15.32](#), [15.48](#), [15.52](#))
- 16-1373      Change of election date and consolidation with statewide general election (Not codified)
- 17-1374      Adds § 13.12.050, sewer service charge rebates ([13.12](#))
- 17-1375      Amends §§ 10.40.020 and 10.40.030, speed limits (10.40)
- 17-1376      Repeals Chapter 21A, oil code (Repeater)
- 17-1377      Amends Ch. 8.68, plastic carryout shopping bags (8.68)
- 17-1378      Amends §§ 17.04.050, 17.08.020, 17.26.030, 17.28.020, 17.38.540 and 17.44.030(A); deletes § 17.28.040, assembly uses ([17.04](#), [17.08](#), [17.26](#), [17.28](#), [17.38](#), [17.44](#))
- 17-1379      Amends § 17.46.010(A), roof elements ([17.46](#))