

THE CHARTER

The original Torrance City Charter was voted on and ratified by the qualified electors at an election held August 20, 1946, and filed with the Secretary of State January 7, 1947.

Amended As Follows

Date Of Election	Filed With Secretary Of State
April 13, 1948	January 7, 1949
April 11, 1950	March 20, 1951
April 10, 1956	January 10, 1957
October 29, 1957	February 5, 1958
April 10, 1962	April 26, 1962
April 14, 1964	May 11, 1964
April 12, 1966	May 25, 1966

On April 17, 1973 the qualified electors of the City of Torrance approved and ratified an amended, recodified and renumbered City Charter, which was adopted in the Assembly by Assembly Concurrent Resolution No. 19 on August 9, 1973; adopted by the Senate August 13, 1973; filed with the Secretary of State on August 13, 1973 at 3:00 P.M. The City Clerk recorded said Charter in the Office of the County Recorder on September 7, 1973 at 2:47 P.M., Document No. 4140; File No. F2507.

Amended As Follows

Date Of Election	Filed With Secretary Of State
November 5, 1974	January 9, 1975
March 2, 1976	April 2, 1976
November 2, 1976	March 25, 1977
March 7, 1978	March 27, 1978
November 8, 1988	May 1, 1989
November 2, 2004	

THE CHARTER OF THE CITY OF TORRANCE

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ARTICLE 1 - NAME OF CITY**100 NAME.**

The municipal corporation now existing and known as the City of Torrance, in Los Angeles County, California, shall remain and continue to exist a body politic and corporate, as the present, in fact and in law by the name of City of Torrance and by such name shall have perpetual succession.

ARTICLE 2 - BOUNDARIES

200 BOUNDARIES.

The territory of the City shall be that contained within its present boundaries as now established, with the power and authority to change the same in the manner provided by law.

ARTICLE 3 - SUCCESSION

300 RIGHTS AND LIABILITIES.

The City of Torrance as successor in interest of the municipal corporation of the same name, heretofore created and existing, shall own, hold, possess, use, lease, control and in every way succeed to and become the owner of rights and of property of every kind and nature by said existing municipal corporation, owned, controlled, possessed or claimed, and shall be subject to all the debts, obligations, liabilities and duties of said existing corporation.

310 ORDINANCES CONTINUE IN FORCE.

All ordinances, resolutions and other regulations, or portions thereof, in force at the date this Charter takes effect and not inconsistent with this Charter, shall be and remain in force after this Charter takes effect until changed or repealed by proper authority.

320 PRESERVATION OF PERSONNEL RIGHTS.

Nothing in this Charter contained, except as specifically provided or as inconsistent with this Charter, shall affect or impair the rights or privileges of officers or employees of the City or of any office, department or agency thereof existing at the time when this Charter shall take effect.

ARTICLE 4 - POWERS OF CITY

400 GENERALLY.

The City shall have the power to make and enforce all laws and regulations in respect to municipal affairs, subject only to such restrictions and limitations as may be provided in this Charter, and in the Constitution of the State of California. It shall also have the power to exercise any and all rights, powers and privileges heretofore or hereafter established, granted or prescribed by any law of the State, by this Charter or by other lawful authority. The specifications in this Charter of any particular powers shall not be held to be exclusive of, or any limitations upon, this general grant of power. The City shall have the power to act pursuant to procedure established by any law of the State, unless a different procedure is established by ordinance.

410 LIMITATIONS UPON GENERAL POWERS OF THE CITY COUNCIL.

The general powers vested in the City Council by this Charter are hereby limited in the following manner:

411 TAX LIMIT.

The City Council shall not levy a property tax in excess of One Dollar on each One Hundred Dollars of the assessed value of taxable property in the City, without the assent of two-thirds of the qualified electors of the City, voting at any general or special municipal election at which a proposition to exceed such limit shall be submitted. Such limitation shall not apply to any tax that is levied for the payment of principal or interest of bonds heretofore or hereafter issued and any taxes levied for the purpose of payment thereof may be in excess of said limitation.

In addition to the levy for municipal purposes, there shall be included in every annual levy, a sufficient amount to cover all liabilities of the City for principal and interest of all bonds or judgments due and unpaid or to become due during the ensuing fiscal year and not otherwise provided for. The City Council may also levy such additional tax as is required to cover all obligations of the City to the State Employees' Retirement System or any other system for the retirement of City employees which may be provided for.

Special levies, in addition to the above, may be made annually, based on approved budget requirements, for the following specific purposes: Parks, playground and recreational centers, promotion and advertising, city planning and libraries. The proceeds of any such special levy shall be used for no other purpose than that specified.

Any unexpended or unencumbered balances resulting from such special funds shall, at the end of each fiscal year, accrue to the general fund.

412 BONDED DEBT LIMITATION.

The City shall not incur any bonded indebtedness for public improvements which shall in the aggregate exceed fifteen percent of the assessed value of all the real and personal property of the

City.

413 ADVERTISING, PROMOTION AND MUSIC.

The City Council shall not expend more than five percent of the moneys accruing to the general fund in any one (1) fiscal year for advertising, promotion or music.

414 LIMITATION ON INDEBTEDNESS.

The City Council shall not incur any indebtedness or liability in any manner or for any purpose exceeding in any year the income and revenue provided for such year without the assent of two-thirds of the qualified electors of said City voting at an election to be held for the purpose, nor unless before or at the time of incurring such indebtedness provision shall be made for the collection of an annual tax sufficient to pay the interest of such indebtedness as it falls due, and also provision to constitute a sinking fund for the payment of the principal thereof on or before maturity, which shall not exceed forty (40) years from the time of contracting the same; provided, however, anything to the contrary herein notwithstanding, when two (2) or more propositions for incurring any indebtedness or liability are submitted at the same election, the votes cast for and against each proposition shall be counted separately, and when two-thirds of the qualified electors, voting on any one (1) of such propositions, vote in favor thereof such proposition shall be deemed adopted.

ARTICLE 5 - ELECTIONS

500 PROCEDURE FOR HOLDING ELECTIONS.

All elections shall be held in the manner prescribed in the Elections Code of the State of California for the holding of elections in general law cities, so far as the same may be applicable and excepting as herein otherwise provided. No person shall be entitled to vote in any such election unless he shall be a qualified elector of said City or school district. The City Council may by ordinance provide a procedure for the holding of City elections, in which event such procedure shall prevail over the provisions of the said Elections Code.

510 GENERAL MUNICIPAL ELECTIONS.

General municipal elections shall be held in said City on the same day as the statewide direct primary election in each even numbered year.

(Ratified Special Municipal Election, 11/02/2004; Filed with Sec'y of State,).

520 SPECIAL MUNICIPAL ELECTIONS

All other municipal elections that may be held by authority of this Charter or of any law, shall be known as special municipal elections.

530 INITIATIVE, REFERENDUM AND RECALL.

The provisions of the Elections Code of the State of California governing the initiative and referendum shall apply to the use of the initiative and referendum in said City insofar as the same may be applicable and except as herein otherwise provided. All elective officers of said City shall be subject to recall in the manner provided in the said Elections of the State of California relating to recall of municipal officers insofar as the same may be applicable and except as herein otherwise provided.

540 1958 GENERAL MUNICIPAL ELECTION. Repealed.

ARTICLE 6 - ELECTIVE OFFICERS

600 ELECTIVE OFFICERS.

The elective officers of the City shall be the Mayor, six members of the City Council, five members of the Board of Education, the City Clerk and the City Treasurer. No person shall be a candidate for more than one of said offices at any municipal election. (Ratified Spec. Mun. Elec. 10/29/57), Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

601 ELIGIBILITY FOR ELECTIVE OFFICE.

No person shall be eligible to hold any elective office in this City unless he be a resident and elector therein and shall have resided in such City for at least thirty (30) days next preceding the date of his filing of nomination papers. If an elective officer shall cease to possess any of the qualifications for office herein set forth, or shall be convicted of a crime involving moral turpitude, or shall resign, or be adjudged an incompetent, his office shall immediately become vacant. In case a member of the City Council or Board of Education absents himself from all regular meetings of the body to which he shall belong, for a period of sixty (60) days consecutively, from and after the last regular meeting of such body attended by said member, unless by the expressed permission of such body duly recorded in its official minutes, his office shall automatically become vacant and the same shall be filled as in case of other vacancies. (Ratified Gen. Mun. Elec. 3/2/76, Amend. No. 1; Filed with Sec'y of State 4/2/76).

602 TERMS.

- a) The elective officers of the City shall be elected from the City at large and, except members of the Board of Education, shall hold office for a term of four (4) years from and after the Tuesday next succeeding the date of such election and until their successors are elected and qualified. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).
- b) No person shall be elected as Mayor for more than two (2) consecutive full terms; provided, however, that such person may be successively elected to additional terms as Mayor in full compliance with this subsection where the first of such two (2) full terms succeeds the term of another person.
- c) Any person elected as a member of the City Council for two (2) consecutive full terms shall not be eligible to hold office as a member of the City Council until a period of four (4) years has elapsed from the expiration of the second consecutive term. Appointment or election to an unexpired term shall not count in determining a person's eligibility under this section. Terms completed prior to this provision taking effect, shall not be counted in determining a person's eligibility under this section. Terms which are in progress at the time this provisions goes into effect, shall count as the first term of the two (2) term limit. (Ratified Spec. Mun. 11/2/76, Amend No. 1; Filed with Sec'y of State 3/25/77, Amend. No. 3; Filed with Sec'y of State 12/31/92).

603 VACANCIES.

- a) Any vacancies occurring in any of the elective offices provided for in this Charter, other than of members of the Board of Education, shall be filled by appointment by the City Council. Vacancies in the Board of Education shall be filled by appointment by the Board of Education.
- b) In the event of the City Council or the Board of Education, respectively, failing to fill a vacancy by appointment within thirty (30) days after such vacancy occurs, the City Council or the Board of Education, as the case may be, must immediately, after the expiration of said thirty (30) days, cause an election to be held to fill such vacancy.
- c) Any person appointed or elected to fill any vacancy on the City Council shall hold office only until the next regular municipal election at which time a person shall be elected to serve for the remainder of such unexpired term. Any person appointed or elected to fill a vacancy on the Board of Education shall hold office for the remainder of the unexpired term.
- d) In the election of member of the City Council or members of the Board of Education, where full terms and one (1) or more unexpired terms are to be filled, no distinction shall be made in nomination or voting between the full terms and the unexpired terms but the person or persons elected by the highest number of votes shall be elected for the full terms or term and the persons receiving the next highest vote shall be elected for the unexpired terms or term, as the case may be. (Ratified Spec. Mun. Elec. 11-5-74; filed with Sec'y of State 1-9-75).

604 COMPENSATION.

The members of the Board of Education shall receive no compensation for their services as such. The members of the City Council shall receive compensation in the amount of One Hundred Dollars (\$100.00) per month, payable on the same dates as City employees, and in addition thereto shall receive their actual and necessary expenses while engaged on City business at the direction of the City Council. Any member of the City Council making demand for reimbursement for traveling or other expenses shall provide the Director of Finance with vouchers covering such expenses, together with a sworn statement to the effect that such expenses were actually incurred in good faith by said party while on official City business. The compensation of any member of the City Council appointed or elected to fill a vacancy shall be the same as that payable to such member whose office was vacated. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57). (Ratified Gen. Mun. Elec. 3/2/76; Amend No. 3; Filed with Sec'y of State 4/2/76). (Ratified Gen. Mun. Elec. 3/7/8, Amend. No. 7, Filed with Sec'y of State 3/20/78, Recorded with County Recorder, Los Angeles County 6/20/78).

610 THE MAYOR.

The Mayor shall preside at the meetings of the City Council, and in case of his absence or inability to act, the City Council shall appoint a Mayor Pro Tempore, who shall serve only until such time as the Mayor returns and is able to act, and for such period shall have all the powers and duties of the Mayor. The Mayor shall be a member of the City Council for all purposes and shall have all the

rights, powers and duties of a member of the City Council in addition to those powers and duties conferred upon him by virtue of his office as Mayor. Unless otherwise expressly provided to the contrary, any provision in this Charter which relates to the City Council or to members of the City Council shall be interpreted to include the Mayor as a member of the City Council. The Mayor shall sign all warrants drawn on the City Treasury, and shall sign all written contracts required by ordinance to be approved by the City Council and all conveyances made up or entered into by said City. The Mayor shall have the power to administer oaths and affirmations, to take affidavits and to testify the same under his hand. The Mayor is authorized to acknowledge the execution of all instruments executed by said City that are required to be acknowledged. (Ratified Spec. Mun. Elec. 10/29/57, Amend. No 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58). (Ratified Gen. Mun. Elec. 3/7/78, filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

620 CITY CLERK.

It shall be the duty of the City Clerk to keep a full and true record of all the proceedings of the City Council in books that shall bear appropriate titles and be devoted exclusively to such purposes, respectively. Such books shall have a general index sufficiently comprehensive to enable a person readily to ascertain matters contained therein.

The City Clerk shall keep a book marked Ordinances into which he shall record all City ordinances with his certificate annexed to each of said ordinances stating the same to be a true and correct copy of any ordinance of said City, giving the number of said ordinances and stating that the same has been published or posted according to law. Said record with said certificate shall be prima facie evidence of the contents of each ordinance and of the passage and publication of the same and shall be admissible as such evidence in any court or proceedings.

The official records of the City in the custody of the City Clerk shall not be filed in any court proceedings or other action but shall be returned to the custody of the City Clerk. Nothing herein contained shall be construed to prevent the proof of the passage and publication of ordinances in the usual way. The City Clerk shall be the custodian of the seal of the City.

The City Clerk may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided for by the City Council.

The City Clerk and his deputy, or deputies, shall have power to administer oaths or affirmations, to take affidavits and depositions pertaining to the affairs and business of the City, which may be used in any court or proceedings in the State, and to certify the same. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 7; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

The salary of the City Clerk shall be determined by the City Council. (Ratified Gen. Mun. Elect. 3/2/76, Amend. No. 3; Filed with Sec'y of State 4/2/76).

The City Clerk shall devote his entire time to the interests of the City, and shall be entitled to receive expenses, vacation periods and sick leave, with pay, the same as prescribed by the civil service ordinances of the City for heads of departments. (Ratified Gen. Mun. Elec. 4/14/64, Amend. No. 1 ; Approved by State Legislature Concurrent Res. No. 62 on 5/7/64).

621 SPECIAL POWERS AND DUTIES OF THE CLERK.

- a) The City Clerk shall keep at least one (1) original copy of each contract and conveyance executed or accepted by direction of the City Council. Said documents shall be kept in a secure manner and sufficiently indexed to enable a person readily to ascertain matters contained therein.
- b) The City Clerk shall maintain a central records system for storage of all records of the various City departments referred by the various departments. Such records shall be readily available to the various departments and the public. Said documents may be retained either in their original state or as photographed, microphotographed, or reproduced on film in a form approved for permanent photographic records by state law. Said documents shall be sufficiently indexed to enable a person readily to ascertain matters contained therein.
- c) The City Clerk shall supervise all micrographic or other record reproduction functions pertaining to City records retention under his control.
- d) The City Clerk, subject to the provisions of Section 500 of this Charter, shall conduct all municipal elections as shall be required by law, and shall keep and maintain the necessary records and facilities for registering voters, administering oaths of office, and accepting the filing of election and campaign documents in accordance with law.
- e) The City Clerk shall be the agent for service of legal process on the City of Torrance.
- f) The City Clerk shall conduct openings of bids for public works projects undertaken by the City.
- g) The City Clerk shall acknowledge the execution of all instruments executed by the City that are required to be acknowledged.
- h) The City Clerk shall have such other powers and perform such other duties not otherwise delegated or in conflict with this Charter as may be assigned by the City Council.
- i) The City Clerk may delegate and/or redelegate the performance of any of the foregoing duties among employees of the Clerk's office.
- j) The City Clerk, or Deputy City Clerk may attest the signatures of City officials on written contracts or conveyances. (Ratified Gen. Mun. Elec. 3/7/78; Amend. No. 1; Filed with Sec'y of State 3/27/78; Recorded with County Recorder, Los Angeles County 6/20/78).

630 CITY TREASURER.

It shall be the duty of the City Treasurer to receive and safely keep all moneys which shall come into his hands as City Treasurer. He shall comply with all provisions of law governing the deposit and securing of public funds. He shall also comply with all the provisions of the general laws of the State governing the handling of such trust funds as may come into his possession. He shall pay out moneys only on warrants signed by persons designated by law, or ordinance, as the proper persons to sign warrants and as to trust funds which may come into his possession or control by virtue of some law, ordinance or resolution, by warrant or other order, in accordance with the provisions of such law, ordinance or resolution. He shall at regular intervals, at least once each month, submit to the Director of Finance a written report and accounting of all receipts, disbursements and fund balances, a copy of which report he shall file with the City Council.

The City Treasurer may appoint a deputy, or deputies, from an eligible list to be prepared in accordance with the proceedings prescribed in the civil service system of the City, such deputy or deputies to receive such compensation as may be provided by the City Council. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 8; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

640 ELECTION AS TO MAKING CLERK OR TREASURER APPOINTIVE OFFICES.

The City Council may submit to the electors at any special or general municipal election, the question as to whether the City Clerk or City Treasurer, or either of them, shall be appointed by the City Council instead of being elected, as provided in this Charter. If a majority of votes cast on any such proposition are in favor of the appointment of such officers, or either of them, then at the expiration of any such official's term of office, or on the occurrence of a vacancy in such office, such office shall be filled by appointment by the City Council and the appointee shall hold office in the same manner as other appointive officers.

650 POLITICAL ACTIVITY OF THOSE UNDER SYSTEM.

No person in the classified service of the City shall seek or accept election, nomination or appointment as an officer of a political club, or organization or take an active part in a county or municipal campaign or serve as a member of a committee of such club, organization or circle, or seek signatures to any petition or act as a worker at the polls, or distribute badges, pamphlets, dodgers or handbills of any kind, favoring or opposing any candidate for election, or for nomination to a public office or for nomination to a county or municipal public office; provided, however, that nothing in this Act shall be construed to prevent any such officer or employee from becoming or continuing to be a member of a political group or organization, or from attendance at a political meeting, or from enjoying entire freedom from all interference in casting his vote or from seeking or accepting election or appointment to any public office.

Any willful violation hereof, or violation through culpable negligence shall be sufficient grounds for the discharge of any such officer or employee.

ARTICLE 7 - CITY COUNCIL POWERS AND DUTIES

700 LEGISLATIVE POWERS.

The legislative powers of the City shall be vested in the City Council and the people through the initiative and referendum.

710 ORGANIZATION MEETING.

The City Council shall meet on the Tuesday next succeeding the date of the holding of any general municipal election. (Ratified Spec. Mun. Elec. 10/29/57, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

711 REGULAR MEETINGS.

The City Council shall hold regular meetings at least once in each month, at such times as it shall fix by ordinance or resolution, and may adjourn any regular meeting to a date certain, which shall be specified in the order of adjournment, and when so adjourned, each adjourned meeting shall be a regular meeting for all purposes. Any adjourned meeting may likewise be adjourned.

712 ADJOURNMENT.

In the event that any order of adjournment of a regular meeting fails to set the hour at which any adjourned meeting is to be held, such adjourned meeting may be validly held on the day specified in the order of adjournment, if held at the hour set forth in the ordinance or resolution prescribing the time for regular meetings.

713 SPECIAL MEETINGS.

Special meetings may be called at any time by the Mayor, or by a majority of the members of the City Council, upon compliance with the notice requirements for special meetings prescribed by state law; provided, however, that any special meeting of the City Council shall be a validly called special meeting, without the giving of such written notice, as provided, if all members of the City Council shall give their consent, in writing, to the holding of such meeting, and such consent is on file in the office of the City Clerk at the time of holding such meeting. A telegraphic communication from a Councilman consenting to the holding of the meeting shall be deemed to be a consent in writing, within the meaning of the terms as expressed in the foregoing sentences. At any special meeting the powers of the City Council to transact business shall be limited to matters referred to in such written notice or written consent. (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 3, Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

714 PLACE OF MEETINGS.

All regular or special meetings of the City Council shall be held within the corporate limits of the City, at such place as may be designated by ordinance or resolution, and shall be open to the public. If, by reason of fire, flood or other disaster or emergency, it shall be unsafe to hold a Council meeting at the designated place, the City Council may meet during such emergency at such place as is designated by the Mayor or by three members of the City Council. The City Council shall have

the right and privilege to hold and conduct its meeting in accordance with an agenda and may specify the matters which shall be considered at each meeting and shall have the right to establish a time at which all communications shall be on file in the Office of the City Clerk in order that such communications may be considered at the next regular meeting of the City Council. (Ratified Gen. Mun. Elec. 4/11/50, Amend No. 5; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

715 QUORUM.

At any meeting of the City Council, a majority of said Council shall constitute a quorum for the transaction of business, but a less number may adjourn from time to time, and may compel the attendance of absent members in such manner and under such penalties as may be prescribed by ordinance. In the absence of all of the City Council from any regular meeting or adjourned regular meeting the City Clerk may declare the same postponed and adjourned to a stated day and hour, and must thereupon deliver or cause to be delivered personally to each member of the City Council a written notice of such adjournment at least three hours before the time to which said regular or any adjourned regular meeting has been adjourned. Whenever in this Charter a certain proportion of the Council is required for the performance of any act, it shall mean such proportion of the entire membership of the Council.

716 COUNCIL PROCEEDINGS.

The City Council shall judge of the qualifications of its members and of all election returns, and determine contested elections of all City officers. It may establish rules for the conduct of its proceedings and punish any member or other person for disorderly behavior at any meeting. It shall have the power and authority to examine witnesses under oath and compel the attendance of witnesses and the production of evidence before it by subpoena. Such subpoenas shall be issued in the name of the City and be attested by the City Clerk. Such subpoenas shall be served by the Chief of Police and the disobedience of such subpoenas, or the refusal to testify, shall constitute a misdemeanor for which prosecution may be had in any court of competent jurisdiction. It shall cause the City Clerk to keep a correct record of all its proceedings and at the desire of any member, the City Clerk shall call the roll, and shall cause the ayes and noes taken on any question to be entered in the record journal.

720 ORDINANCES; ENACTMENT CLAUSE.

The enacting clause of all ordinances shall be substantially as follows: 'The City Council of the City of Torrance does ordain as follows:' Every ordinance must be signed by the Mayor and attested by the City Clerk.

721 ORDINANCES: PUBLICATION.

At the time any ordinance is introduced to the City Council, the City Attorney shall prepare and submit a summary of the said ordinance. Upon adoption of an ordinance, the City Council may determine that the summary of the said ordinance shall be published in a newspaper of general

circulation, printed, published and circulated within the City, or that the full ordinance shall be so published. In the event the City Council shall determine that a summary shall be published, it shall approve the summary as submitted or may modify it.

The City Clerk shall thereafter cause either the said ordinance, or the summary thereof approved by the City Council, to be published within fifteen (15) days after its adoption at least once in a newspaper of general circulation, printed, published and circulated within the City. If there is no such newspaper, then each such ordinance must be posted in at least three (3) public places within the City.

In the event the summary is published, the names of the Council Members voting for and against shall be shown. (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State 5/1/89).

722 CODIFICATION OF ORDINANCES.

Any and all ordinances of the City which have been enacted and published in the manner required at the time of their adoption, and which have not been repealed, may be compiled, consolidated, revised, indexed, including such re-statements and substantive changes as may be necessary in the interest of clarity and arranged as a comprehensive ordinance code, and such code may be adopted by reference by the passage of an ordinance for such purpose which ordinance shall be required to be adopted and approved in the manner provided in this Charter for the passage of ordinances of the City. The ordinance code itself need not be published in the manner required for other ordinances, but not less than three (3) copies of such code shall be filed, for use and examination by the public, in the office of the City Clerk, prior to the adoption thereof. After the code has been adopted, all ordinances thereafter adopted shall be amendatory and revisory of the code, and no section of the code shall be revised or amended by reference but the section revised or amended shall be readopted and published at length as revised or amended.

723 ADOPTION OF CODE BY REFERENCE.

Detailed regulations pertaining to any subject, such as the construction of buildings, plumbing, wiring or other subjects which require extensive regulations, after having been arranged as a comprehensive code, may be adopted by reference by the passage of an ordinance for such purposes; which ordinance may be adopted in the same manner as specified for the adoption of a comprehensive ordinance code.

724 ADOPTION OF ORDINANCES AND RESOLUTIONS.

No ordinance of any kind shall be passed by the City Council on the day of its introduction, nor within five (5) days thereafter, nor at any time other than a regular or adjourned regular meeting. At the time that an ordinance or resolution is up for final passage, it shall be read in full, unless after the reading of the title thereof, the further reading thereof is waived by motion of the City Council regularly made and approved by the unanimous vote of those present. In the event that any ordinance is materially altered after its introduction, the same shall not be finally adopted except at a regular or adjourned regular meeting held not less than five (5) days after the date upon which

such ordinance was so altered. The correction of typographical or clerical errors shall not constitute the making of an alteration within the meaning of the foregoing sentence.

No resolution or any order for the payment of money shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council, and no ordinance shall have any validity or effect unless passed by the votes of at least four (4) members of the City Council.

(Ratified Spec. Mun. Elec. 10/29/57, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

725 ORDINANCES; WHEN REQUIRED.

Every act of the City Council establishing a fine or other penalty, or granting a franchise, creating a commission, board or agency, or in any way restricting or governing the use of property, and in addition thereto, every act required by the City Charter to be done by ordinance shall be by ordinance. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 6; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

726 ORDINANCES; WHEN EFFECTIVE.

No ordinance shall become effective until thirty (30) days from and after the date of its final passage, except an ordinance calling or otherwise relating to an election, or to a street improvement proceeding taken under some law, or ordinance determining the amount of money necessary to be raised by taxation, or fixing the rate of taxes to be levied, or an ordinance for the immediate preservation of the public peace, health, or safety, which contains a declaration of facts constituting its urgency, and is passed by a five-sevenths vote of the City Council. An ordinance for the immediate preservation of the public peace, health or safety which contains a declaration of the facts constituting its urgency and is passed as aforesaid, may be introduced and passed at one and the same meeting and the requirement that no less than five (5) days shall intervene between the introduction and final passage shall not apply to such an ordinance. (Ratified Spec. Mun. Elec. 10/29/57, Amend No. 2; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

727 ORDINANCE VIOLATION: MISDEMEANOR OR INFRACTION.

A. A violation of any ordinance of the City may be prosecuted by the authorities of the City either as a misdemeanor or an infraction, as the City Council may determine, in the name of the People of the State of California, or may be redressed by civil action, or both, at the option of said authorities.

B. For any ordinance of the City adopted after the effective date of this amended section, the City Council shall declare at the time of adoption whether the violation of such ordinance shall be a misdemeanor or an infraction or alternatively, a misdemeanor or infraction pursuant to Section 17(d) of the California Penal Code.

C. For each ordinance adopted before the effective date of this amended section, the City Council may determine, by the adoption of an ordinance or ordinances that the violation of any such previously adopted ordinances shall be an infraction, or alternatively a misdemeanor or an

infraction pursuant to Section 17(d) of the California Penal Code. (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 6, Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78). (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State May 1, 1989).

728 ORDINANCE PENALTY.

The maximum fine or penalty for any violation of an ordinance of this City which is a misdemeanor, shall be the sum of One Thousand Dollars (\$1000), or a term in the County Jail or in the City Jail for a period not exceeding six (6) months, or by both such fine and imprisonment, or as otherwise provided in Section 36901 of the California Government Code. The maximum fine or penalty for violation of any ordinance of this City which is an infraction, or which is charged as an infraction, shall be provided in Section 36900 of the California Government Code. By ordinance or resolution of the City Council, any persons imprisoned for a violation of any ordinance may be compelled to labor on the streets or other public property or works within the City. (Ratified Spec. Mun. Elec. 11/8/88, Filed with Sec'y of State 5/1/89).

ARTICLE 8 - BOARD OF EDUCATION

800 BOARD OF EDUCATION.

- a) The control of the public schools of this City shall be vested in the Board of Education, which shall consist of five members; the qualifications and removal of which shall be as prescribed in this Charter.
- b) Notwithstanding any other provisions of this Charter, the members of the Board of Education shall be elected at elections called, held and conducted in accordance with the Education Code of the State of California, and shall hold office for a term of four years as prescribed by law for members of governing boards of unified school districts. (Ratified Spec. Mun. Elec. 11/5/75; Filed with Sec'y of State 1/9/75)

810 ELIGIBILITY.

No person shall be eligible to hold office as a member of the Board of Education unless he shall have been a qualified elector of the school district for at least thirty (30) days next preceding the date of his filing of nomination papers. (Ratified Gen. Mun. Elec. 3/2/76, Amend No. 2; Filed with Sec'y of State 4/2/76).

811 VACANCIES.

If a member of the Board of Education absents himself from all regular meetings of the Board for a period of sixty (60) days, consecutively, from and after the last regular board meeting attended by such member, unless by permission of the Board expressed in its official minutes, or is convicted of a crime involving moral turpitude, or ceases to be an elector of the school district, his office shall become vacant and shall be so declared by the Board of Education.

ARTICLE 9 - CITY MANAGER

900 CITY MANAGER FORM OF GOVERNMENT.

The City Manager form of government shall be and the same is hereby established for the City of Torrance, a municipal corporation. The office of City Manager in and for the City of Torrance is hereby established.

910 APPOINTMENT, REMOVAL AND SALARY OF CITY MANAGER.

Within sixty days after this amendment shall have become effective, the City Council shall appoint without reference to the provisions of any civil service ordinance rule or regulation, a City Manager, who need not be a resident at the time of his appointment. Said City Manager, however, shall become a resident of Torrance within six months from the date of his appointment. The City Manager must be a citizen of the United States, not less than thirty years of age, and shall be a person of demonstrated administrative ability, with experience in responsible executive positions and he shall be chosen by the City Council solely upon the basis of his executive and administrative qualifications.

The City Manager shall be appointed for an indefinite term and shall be removable at the pleasure of the City Council but only upon the adoption of a resolution by the affirmative vote of at least a majority of the members of the City Council. The City Manager, however, shall not be removed until after the expiration of six (6) months after the date of his appointment except (1) for conviction of a felony or (2) for conviction of a crime prescribed by statute applicable to municipal officials or (3) upon the passage of a resolution adopted by the unanimous vote of all City Councilmen. After the expiration of said six (6) months period, said City Manager may be removed by the City Council for either of the two reasons set forth in exceptions 1) and 2) above, and/or in the manner set forth in said exception 3) last mentioned and/or in the manner following:

At a regular meeting of the City Council, it shall adopt a Resolution of Intention to remove said City Manager, which resolution shall be approved by a majority of the members of the City Council and shall set forth the grounds for such proposed removal. A certified copy of said Resolution of Intention shall then be served personally upon said City manager who shall have the right to defend himself against said charges before said City Council at a public hearing and at a time to be fixed by it, which shall be not less than two weeks after the service of said Resolution of Intention upon said City Manager and not more than thirty (30) days thereafter.

The City Council may thereupon, or within five (5) days thereafter, enact a resolution by an affirmative vote of a majority of the members of said City Council, either discharging said City Manager or retaining him in office, as it may by such resolution determine.

Pending such hearing and by said Resolution of Intention, the City Manager may be suspended from office, but shall be entitled to his salary during the time of such suspension, if reinstated.

The salary of the City Manager shall be not less than Five Hundred Dollars (\$500.00) per month, payable in equal semi-monthly installments. Subject to the foregoing limitations, the salary of the City Manager shall be fixed by resolution of the City Council adopted by a majority vote and salary thus fixed cannot be reduced without notice to the City Manager and an opportunity to be heard thereon at a public meeting of the City Council prior to adoption of the resolution reducing his salary.

In case of absence, suspension, or disability of the City Manager, the City Council may designate some qualified person to perform the duties of the office during his absence, suspension or disability. In case of a vacancy in the office of City Manager, the City Council shall proceed immediately to appoint a new City Manager.

The City Manager shall be entitled to vacation periods and sick leave, with pay, but in no event shall the basis of such pay be less than the basis prescribed for such compensation by the civil service ordinance of the City of Torrance for heads of municipal departments. Subject to the foregoing limitations, the City Council shall determine the extent of such periods and the compensation to be paid the City Manager during the same. Vacation periods and sick leave shall not respectively accumulate in excess of thirty (30) days.

920 CITY MANAGER RESPONSIBLE TO CITY COUNCIL.

The City Manager shall be responsible to the City Council for the proper and efficient management of all the affairs of the City placed in his charge hereby or by the City Council.

921 NONINTERFERENCE BY CITY COUNCIL WITH POWERS AND DUTIES OF CITY MANAGER.

Neither the City Council nor any member thereof, shall in any manner, direct or request the City Manager to appoint or remove any person to and/or from any office or position of employment of the City. Neither the City Council nor any member thereof shall give orders or instructions publicly or privately, to any person under the jurisdiction of the City Manager. No member of the City Council shall undertake to coerce the City Manager in respect to any of his duties and/or any municipal contract, and/or in connection with the purchase of any municipal supplies.

930 THE POWER OF CITY MANAGER OVER EXECUTIVE DEPARTMENTS.

The City Manager shall have supervision and control over all heads of departments, except the City Attorney, and elective officials of the City, and shall have the power to direct and control the administrative and executive functions of such departments and shall have power to appoint from the civil service eligible list, all heads of departments except the City Attorney, and elective officials of said City, and shall have power to prefer charges against such heads of such departments as are appointed by him in the manner prescribed by and in accordance with the provisions of any civil service ordinance of said City applicable to suspension, discipline or removal of such heads of such departments, but any decision of the Civil Service Board or the Trial Board, as the case may be, upon any such charges may be overruled by an affirmative vote of four members of the City

Council.

The City Manager may recommend to the City Council, setting forth reasons therefor, the abolition, suspension or consolidation of the duties and functions of any of the heads of departments, chief officials, subordinate officers and employees of the City. The City Council may thereafter, at any time, abolish, suspend or consolidate any such duties or functions in accordance with such recommendations or as it may determine, and thereafter remove the person or persons affected from the employment of the City, whose duties are thus abolished, suspended or consolidated.

931 SPECIAL POWERS AND DUTIES OF CITY MANAGER.

The City Manager shall be specifically charged with the performance of the following duties and shall have the following powers, in addition to those enumerated above:

- a) He shall enforce all municipal ordinances, franchises, leases, contracts, permits and privileges granted by the City.
- b) He shall purchase all supplies, property or equipment needed or required by the City in accordance with such regulations as the City Council shall prescribe by ordinance.
- c) He shall prepare and submit to the City Council an annual budget estimate at least two (2) months prior to the date when the annual tax rate must be established, and in this connection, the City Manager shall have plenary power to demand of the various executive departments and elective officials of the City a full and complete statement of the estimated expenditures of such departments and elective officials for the ensuing fiscal year, and the reasons for such expenditures. The City Manager may include or exclude such items from said budget estimate as he may deem advisable. Should any such head of such department or elective official fail to submit such a statement within thirty days after demand, the City Manager shall thereupon have the right to take possession of all books and fiscal records of such department or elective official and retain the same thereafter until such time as the City Council shall order them returned to such department head or elective official and the City Council may likewise engage the service of such subordinate employees as may be necessary to maintain such books and records.

The City Council shall hold at least two (2) public hearings upon said annual budget estimate and may increase the total estimated expenditures set forth therein only upon an affirmative vote of four (4) members of the City Council.

- d) He shall make such recommendations to the City Council or the County Board of Equalization regarding taxes, assessments and/or the annual assessment roll as he may deem advisable.
- e) He shall have general supervision and control over all City property, including public buildings, parks and playgrounds.
- f) He shall advise the City Council concerning the financial needs, conditions, and requirements

of the City, and may make such recommendations to the City Council in connection therewith as he may deem advisable.

g) He shall attend all meetings of the City Council or of the members thereof when public matters are under consideration or discussion, except when his suspension, removal or reduction of his salary is under consideration by the City Council.

h) He may examine, without notice, the official conduct or the official accounts or records, of any officer or employee of the City.

i) The City Manager shall devote his entire time to the interests of the City and shall not engage in any private business.

j) He shall perform such other duties and powers as may be conferred upon him by the City Council by resolution or ordinance.

k) The City Manager may delegate and/or redelegate any of the foregoing duties to any municipal department or to the head or chief official of any such department. (Ratified Gen. Mun. Election 4/13/48, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 8 1/6/49) (Ratified Spec. Mun. Elec. 11/5/74, Filed with Sec'y of State on 1/9/75)

940 ORDINANCE AND CHARTER PROVISIONS REPEALED.

All ordinances or parts of ordinances of the City of Torrance and all sections, subsections or parts of sections of this Charter, in conflict herewith, are hereby amended or repealed as the case may be.

941 INVALIDITY. Repealed, Gen. Mun. Elec. 3/7/78.

ARTICLE 10 - CITY ATTORNEY

1000 Eligibility.

No person shall be eligible for the office of City Attorney unless he shall have been admitted to practice before the Supreme Court of the State of California and shall have been engaged in the practice of law in the State of California for at least five (5) years prior to his appointment. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 11; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

1010 POWERS AND DUTIES.

The City Attorney shall have the power and be required to:

- a) Represent and advise the City Council and all City officials in all matters of law pertaining to their respective offices and/or duties.
- b) Represent and appear for the City and any City officer, employee or former City officer or employee, in any and all actions or proceedings in which the City or any such officer or employee, in or by reason of his official capacity, is concerned or is a party. The City Council, at the request of the City Attorney, may employ other attorneys to assist in any litigation or other matter of interest to the City.
- c) Approve the form of all bonds given to and all contracts made by the City, and amendments thereto.
- d) Prepare any and all ordinances or resolutions for the City and amendments thereto.
- e) To have charge of prosecuting on the behalf of the people all criminal cases for violations of this Charter, of City ordinances or of misdemeanor offenses arising upon violation of the laws of the State.
- f) The City Council, on the recommendation of the City Attorney, may appoint such assistant City Attorneys or Deputy City Attorneys as may be required to carry out the functions of the office of the City Attorney and they shall have such duties as may from time to time be assigned to them by the City Attorney. Any such assistants or deputies so appointed shall be members of the classified service of the City and shall be paid a salary commensurate with the duties assigned to them. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 2; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).
- g) On vacating the office, surrender to his successor all books, papers, files and documents pertaining to the City's affairs. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 11; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

ARTICLE 11 - DIRECTOR OF FINANCE

1100 POWERS AND DUTIES.

There is hereby created and established the office of Director of Finance of the City of Torrance. The Director of Finance shall be appointed by the City Council upon the recommendation of the City Manager and shall be responsible to and under the supervision of the City Manager and shall be a member of the classified service of the City. The duties and functions of said Director of Finance shall be to:

- a) Maintain and operate the general accounting system of the City and of the respective departments, offices and agencies thereof.
- b) Keep and maintain, or to prescribe and require the keeping and maintaining of inventory records of municipal properties.
- c) Cooperative with the City Manager and City Treasurer in establishing and maintaining sufficient and satisfactory procedures and controls over municipal revenues and expenditures in all departments of the City.
- d) To assume and perform all municipal functions and duties relating to the preparation, auditing, presenting and disbursement of claims and demands against the City, including payrolls.
- e) Assist the City Manager in the preparation of the annual budget and in the administration thereof.
- f) Prepare and present to the City Council through the City Manager, in sufficient detail to show the exact financial condition of the City, an annual statement and report of the financial condition of the City and such other financial reports as may be required by the City Council or the City Manager.
- g) Supervise such subordinate employees or assistants as may be authorized by the City Council.
- h) Perform such additional duties as may be hereafter required by the City Council or the City Manager. (Ratified, Gen. Mun. Elec. 4/10/56, Amend No. 7; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

ARTICLE 12 - GENERAL PROVISIONS APPLICABLE TO OFFICERS AND EMPLOYEES**1200 OFFICIAL BONDS.**

The City Clerk and the City Treasurer and such other officers or employees as may be required to do so by ordinance of the City Council, shall each execute a bond to the City for the faithful performance of official duties; which bonds shall be in the amount fixed by the City Council. Said bonds shall be approved by the City Council and with the exception of the bond of the City Clerk, shall be filed with the City Clerk. The bond of the City Clerk shall be filed with the Mayor. Premiums upon said bonds shall be paid by the City out of its general fund. All the provisions of any law of this State relating to the official bonds of officers shall apply to any bonds herein required or authorized to the extent that such provisions are not in conflict herewith.

1210 OATHS OF OFFICE.

All officials, officers, members of boards, or commissions and employees shall take and file with the City Clerk the oath of office required by the constitution and the laws of the State. In addition to the oath of office, and as a part thereof, the City Council shall by ordinance require all of the persons herein mentioned, including members of the City Council, to affirm their loyalty to the United States of America and its principles of government. The oath of office of the City Clerk shall be taken by and filed with the Mayor. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 4; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51).

1220 ILLEGAL CONTRACTS. FINANCIAL INTEREST.

No member of the City Council shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party. No City official or employee shall be financially interested, directly or indirectly, in any contract, sale or transaction to which the City is a party, and which comes before said official or employee, or the department of the government with which he is connected, for official action. Any contract or transaction hereinabove mentioned in which any such officer or employee of the City shall be or become financially interested, shall become void at the election of the City, when so declared by resolution of the City Council.

No member of the City Council, City official or employee shall be deemed to be financially interested, within the meaning of the foregoing provisions, in any contract made with a corporation by reason of the ownership of stock in such corporation unless said stock so owned by him shall amount to at least three (3) percent of all stock of such corporation issued and outstanding. No City Councilman or member of any board or commission shall vote on or participate in any contract or transaction in which he is directly or indirectly financially interested, whether as a stockholder of the corporation or otherwise. If any officer of the City, during the term for which he was elected or appointed, shall so vote or participate, or be financially interested as aforesaid, upon conviction thereof, he shall forfeit his office and be punished for misdemeanor.

1230 DUTIES OF OFFICERS AND EMPLOYEES.

In addition to the powers and duties prescribed by this Charter, the officers and employees of the

City shall have such other powers and perform such other duties as may be prescribed by the laws of the State of California, or by ordinances, resolutions or orders of the City Council, and not in conflict with the provisions of this Charter.

ARTICLE 13 - CIVIL SERVICE

1300 CIVIL SERVICE SYSTEM.

All appointments and promotions in the classified service of the City shall be made according to merit and fitness, to be ascertained, so far as practicable by competitive examination. The civil service system existing on April 10, 1962, whether created or amended in whole or in part by ordinances adopted by vote of the People or by ordinances adopted by the City Council shall continue in full force and effect; provided, however, that the City Council may amend, delete or replace any provisions of said ordinances by ordinance or ordinances by a five-sevenths vote of the City Council after consideration thereof by the Civil Service Commission. The City Council shall not have the authority to withdraw any departments, appointive officers or employees from the operation of such system, either by outright repeal of the civil service ordinances or otherwise, unless and until the withdrawal thereof shall have been submitted to the qualified electors of said City at a regular or special municipal election held in said City. Nothing contained in this Section 1300 shall repeal or modify any of the provisions of Article [9](#) of this Charter which established the City Manager form of government. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 21, 4/13/62).

1310 APPOINTIVE OFFICERS.

Appointive officers of the City shall be a City Attorney, a City Engineer, a Street Superintendent, a Park Superintendent, a Transportation Superintendent, a Chief of Police, a Chief of the Fire Department, a Building Inspector. The City Council may also provide by ordinance for such additional appointive boards, commissions, officers, assistants, deputies and employees as it deems necessary. The Council may also provide for the holding by one (1) person of several offices, providing that such offices are not incompatible with one another.

The City Council shall have the power of appointment of all appointive officers with the exception of such deputies as it may provide for in the office of the City Clerk and City Treasurer, as to which deputies the heads of the respective departments shall have the power of appointment.

1320 COMPENSATION; APPOINTIVE OFFICERS AND EMPLOYEES.

Compensation of all appointive officers and employees of the City, other than those serving gratuitously, shall be fixed or charged by the City Council. No officer or employee shall be paid by the City any fee or emolument in addition to, or save as embraced in, the salary or compensation fixed by the Council and all fees received by such officer or employee for the performance of any of his official duties shall be paid by him into the City Treasury.

1330 RESIDENCE; OFFICERS.

All elective officers and all members of all appointive boards and commissions, excluding those composed of employees of the City of Torrance, shall be residents of the City of Torrance. (Ratified Gen. Mun. Elec. 4/11/50, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 32 on 3/15/51) (Ratified Gen. Mun. Elec. 3/2/76, Amend No. 4; Filed with Sec'y of State 4/2/76)

ARTICLE 14 - FISCAL AFFAIRS

1400 FISCAL YEAR.

The fiscal year of the City shall begin on the first day of July and end on the 30th Day of June of the following year.

1410 BUDGET.

On or before the first day of June of each year the City Manager shall submit to the City Council a proposed budget for all departments. Said budget shall include estimates for all the revenues and expenditures for all City departments for the ensuing year. This estimate shall be compiled from detailed information to be supplied by each of the departments, on blanks to be furnished by the City Manager. Such blanks shall provide for a detailed estimate of the expenses of conducting each department, as statement of expenditures for the corresponding items for the current year and the last preceding fiscal year, with reasons for increases and decreases recommended for the current year, an estimate of the amount which should be reserved for contingent or emergency purposes; an itemization of all anticipated revenues of the City; an item to be known as 'cash basis fund' to be carried over to the next ensuing fiscal year, following the fiscal year for which the budget is prepared to meet the cash requirements prior to the receipt of taxes; an estimate of the amount of money to be raised for taxes; the tax rate, which, with revenue from other sources, will be necessary to meet the expenditures proposed; a recommendation as to such funds as should be deposited in, or withdrawn from, any capital outlay fund and such other information as may be required by the City Council.

1411 COUNCIL ACTION ON BUDGET.

- a) After reviewing said proposed annual budget as compiled by the City Manager from information secured from department heads, and making such modifications as it may deem advisable, the Council shall adopt the same by resolution. From the effective date of the budget, the several amounts stated therein as proposed expenditures shall be and become appropriated to the several departments, offices, agencies, and programs therein named.
- b) After adoption of the budget, the Council may amend the budget by motion adopted by the affirmative vote of at least four (4) members. In its authorization of expenditures, either budgeted or unbudgeted, the City Council shall not incur any indebtedness in excess of the limitations imposed by this Charter.
- c) After adoption of the budget, the City Manager may make such changes within the budget totals and allocations of any department during the fiscal year as he deems reasonably necessary in order to meet the City's needs or goals; provided, however, that the City Manager may not increase the number of employee positions allocated in the budget for any department without the Council having amended the budget therefor. (Ratified Spec. Mun. Elec. 11/5/74; Filed with Sec'y of State 1/9/75)

1420 TAXATION SYSTEM.

Unless otherwise provided by ordinance of the City Council, the City shall continue to use, for purposes of municipal taxation, the county system of assessment and tax collection.

1430 DEPOSIT OF MONEYS IN TREASURY.

All moneys belonging to or collected or received for the use of the City by any officer or employee thereof, shall immediately be deposited into the treasury in such manner as the City Council shall prescribe by ordinance, for the benefit of the funds to which such moneys respectively belong.

Every officer or employee collecting or receiving any such moneys shall report to the City Manager for the same on the first Monday of each month or at such shorter intervals as may be prescribed by ordinance.

1431 SPECIAL FUND FOR CAPITAL OUTLAYS. Repealed.**1432 CLERK'S PETTY CASH FUND. Repealed.****1440 PRESENTATION OF DEMANDS. Repealed.****1441 DEMANDS AND AUDITS.**

- a) All demands against the City shall be presented and paid in accordance with such regulations as the City Council shall prescribe by ordinance.
- b) The accounts of the City shall be audited at least once in each fiscal year by a person (or persons) licensed by the State of California as a certified public accountant. Such accountant(s) shall be selected by the City Council and shall not be an employee of the City. (Ratified Spec. Mun. Elec. 11/5/74; Filed with Sec'y of State 1/9/75).

1442 ACTIONS AGAINST CITY.

No suit shall be brought against the City or any Board or Commission thereof on any claim for money or damages or for the taking of property until a demand for the same has been presented as herein provided and rejected in whole or in part. If rejected in part, suit may be brought to recover the whole. All such claims must be presented within the time prescribed by law.

Every claim brought against the City or any Board or Commission thereof for money or damages or for the taking of property shall be verified by the person making the claim and filed with the City Clerk, who shall thereupon present the same to the City Council, officer, Board or Commission authorized by this Charter to incur or pay the expenditures or alleged indebtedness or liability represented thereby. In all cases, such claims shall be approved or rejected in writing and the date thereof given. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 4; Approved by State Legislature, Concurrent Res. No. 3 on 1/9/57). (Ratified Gen. Mun. Elec. 3/7/78, Amend. No. 5; Filed with Sec'y of State 3/27/78, Recorded with County Recorder, Los Angeles County 6/20/78).

1450 CONTRACTS ON PUBLIC WORKS.

As to contracts for the construction or improvements, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds, and each separate purchase of materials and supplies for the same, the City Council shall establish by ordinance an expenditure limit therefor above which competitive bidding shall be required. Said expenditure limit may be revised from time to time by ordinance of the City Council. Every such contract involving an expenditure in excess of said expenditure limit shall be let to the lowest responsible bidder after notice by publication in the official newspaper by two (2) or more insertions, the first of which shall be at least ten (10) days before the time for opening bids; or if there is no newspaper, then by posting copies of such notice in at least three (3) public places in said City.

The City Council may reject any and all bids presented and may readvertise in its discretion. After rejecting bids, or if no bids are received, the City Council may declare and determine that, in its opinion, the work in question may be performed better or more economically by the City with its own employees, or that the material or supplies may be purchased at a lower price in the open market, and after the adoption of a resolution to this effect by at least five-sevenths vote, it may proceed to have said work done or such materials or supplies purchased in the manner stated, without further observance of the provisions of this Section. Such contract may be let and such purchases made without advertising for bids, if such work, or the purchase of such materials or supplies shall be deemed by the City Council to be of urgent necessity for the preservation of life, health or property, and shall be authorized by at least a five-sevenths vote.

1451 PUBLISHING OF LEGAL NOTICES.

In the event that there is more than one newspaper of general circulation printed and published in the City, the City Council shall, annually, prior to the beginning of each fiscal year, publish a notice inviting bids and contract for the publication of all legal notices required to be published in a newspaper of general circulation printed and published in said City. Said contract shall include the printing and publishing of all such legal notices during the ensuing fiscal year. In the event there is only one newspaper of general circulation printed and published in the City, then the City Council shall have the power to contract with such newspaper for the printing and publishing of such legal notices without being required to advertise for bids therefor. In no case shall the price charged for the publication of such notices exceed the customary rate charged by such newspaper for the publication of legal notices of a private character.

1460 FRANCHISES.

Franchises may be granted to persons, firms or corporations upon such terms, conditions, restrictions, or limitations as may be prescribed by the City Council by ordinance, but no franchise shall be granted without reserving to the City adequate compensation for the privilege conferred. (Ratified Gen. Mun. Elec. 4/10/56, Amend. No. 5; Approved by State Legislature Concurrent Res. No. 3 on 1/9/57).

ARTICLE 15 - AIRPORT FUND

1500 AIRPORT FUND.

There shall be in the treasury of the City a separate fund to be designated as the Airport Fund and under such fund there may be such accounts as may be necessary or convenient. From time to time as the same are received, all fees, tolls, rentals, charges, proceeds from the sale of property, and other revenues received by the City from or in connection with the use or operation of any airport facilities owned, controlled or operated by the City shall be placed in said Airport Fund.

(Ratified Spec. Elec. 10/29/57, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 1 on 2/4/58).

1501 AIRPORT FUND USES.

Moneys in the Airport Fund shall be used only for the following purposes and in the following order of priority, to wit:

- 1) For the payment or providing for payment, including payments into any reserve or sinking funds, as the same falls due, of the principal of and interest on any bonds of the City, issued for the acquisition, construction, improvement or financing of airport facilities or for additions, betterments, extensions or capital improvements thereto.
- 2) For the current, necessary and reasonable costs and expenses to the City of operating and maintaining airport facilities owned, controlled or operated by the City, but without allowance for depreciation or obsolescence, or for additions, betterments, extensions or capital improvements thereto.
- 3) After paying or providing for all payments under subparagraph (1) above which are due or which will become due during the next ensuing twelve (12) months' period, and after paying or providing for all current costs and expenses under subparagraph (2) above, any balance which remains from time to time in the Airport Fund and the several accounts therein may be used for the purpose of acquiring, constructing, or improving airport facilities or for additions, betterments, extensions or capital improvements thereto (including deposits in reserve or depreciation reserves or accounts established for that purpose), and any part of such balance not then needed for such purposes may be used for any lawful purpose. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

1502 DEFINITION OF AIRPORT FACILITIES.

As used in this Article 15 the term airport facilities means all property of any kind heretofore or hereafter acquired by the City for airport purposes or for the direct or indirect development and promotion of air commerce, air manufacture, air navigation, air transportation, aviation, or for matters incidental to or used in connection with any of the foregoing, and all land (formerly known as The Lomita Flight Strip) acquired by the City from the United States of America by quitclaim deed dated March 5, 1948. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State

Legislature Concurrent Res. No. 21 on 4/13/62).

1503 ARTICLE 15 NOT A COVENANT.

Nothing in this Article 15 shall be deemed to be a covenant which shall be enforceable by any holder of any bond of the City. (Ratified Gen. Mun. Elec. 4/10/62, Amend. No. 1; Approved by State Legislature Concurrent Res. No. 21 on 4/13/62).

ARTICLE 16 - MISCELLANEOUS

1600 DEFINITIONS.

Whenever in this Charter the word City occurs, it means the City of Torrance, and every department, board or officer, whenever either is mentioned, means a department, board or officer, as the case may be, of the City of Torrance.

1610 INVALIDITY.

If any section or part of a section of this Charter proves to be invalid, it shall not be held to invalidate or impair the validity of any other section or part of a section, unless it clearly appears that such other section or part of a section is dependent for its operation upon the section or part of a section so held invalid.

1620 AMENDMENTS.

The Charter may be amended in accordance with the provisions of the general laws of the State of California.

1630 OPERATING DRAW POKER ESTABLISHMENT WHERE FEE CHARGED.

It shall be unlawful for any person, firm or corporation to engage in the managing, carrying on or conducting or permitting the carrying on, or permitting the use of any room, shop, apartment or other place within the City of Torrance where tables or other articles of furniture are used by the public for the playing of the game of cards, known or generally designated as draw poker and for which a fee or compensation is charged or payable by the player of such game or games within the City of Torrance. (Ratified Gen. Mun. Elec. 4/13/48, Amend. No. 3; Approved by State Legislature Concurrent Res. No. 8 on 1/6/49).

1640 EXPOSURE OF FEMALE BREASTS PROHIBITED.

It shall be unlawful and a public nuisance to expose or procure, or to counsel or assist in the exposure within the City of Torrance of, the breast or breasts of any living human female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this section, female breasts shall include the medial and lateral lower quadrants, or the nipple or areola, or any other portion of the lower half of the breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution. The adoption of this section shall not preclude the City Council from adopting more restrictive ordinances further regulating the aforesaid subject matter. (Ratified Gen. Mun. Elec. 4/12/66, Amend No. C; Approved by State Legislature Concurrent Res. No. 60 on 5/25/66).

1650 CITY JUDGE. Repealed.

1660 CITY COURT. Repealed.

CITY CLERK'S CERTIFICATE OF FILING

WHEREAS, the City of Torrance has been for many years and now is a city containing more than three thousand five hundred inhabitants, as ascertained by the last preceding census taken under the authority of the Congress of the United States, and

WHEREAS, pursuant to the provisions of Section 8 of Article XI of the Constitution of the State of California, the City Council of the City of Torrance, being the legislative body thereof, on its own motion did frame the foregoing as a proposed Charter for the City of Torrance and by Resolution No. 1786 passed and adopted on the 1st day of July, 1946, did order the same filed in the office of the City Clerk of Torrance;

NOW, THEREFORE, the undersigned, A. H. Barlett, City Clerk of the City of Torrance, does hereby certify and declare that the said 'Proposed Charter of the City of Torrance' consisting of Pages 1 to 25, was duly and regularly filed in his office as City Clerk in the City Hall at Torrance on the 1st day of July, 1946, at the hour of 8:00 p.m.

Dated: July 2, 1946

/s/ A. H. Bartlett

A. H. Barlett,

City Clerk of the City of
Torrance

**DIVISION 1
ADMINISTRATION Revised 12/17 Amended Ord. 3822**

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CHAPTER 1 GENERAL PROVISIONS

ARTICLE 1 - ADOPTION OF CODE

(O-282; O-455; O-538; O-1758)

11.1.1 HOW CODE DESIGNATED AND CITED.

The ordinances embraced in the following Divisions and Sections shall constitute and be designated as The Torrance Municipal Code and may be so cited.

(O-1758)

11.1.2 NATURE OF CODE.

This record shall consist of all of the regulatory and penal and of certain of the administrative ordinances of the City of Torrance.

11.1.3 PROVISIONS CONSIDERED 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 continuances thereof and not as new enactments.

11.1.4 EFFECT OF REPEAL OF ORDINANCES.

The repeal of an ordinance shall not revive any ordinance in force before or at the time the ordinance repealed took effect.

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.

11.1.5 VALIDITY OF CODE.

It is hereby declared to be the intention of the City Council that the sections, paragraphs, sentences, clauses and phrases of this Code are severable, and if any phrase, clause, sentence, paragraph or section of this Code be declared unconstitutional by the valid judgment or decree of a court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this code.

ARTICLE 2 - PENAL PROVISIONS

11.2.1 GENERAL PENALTY; CONTINUING VIOLATIONS.

Whenever in this Code or in any other ordinance of the City, any act is prohibited or is made or declared to be unlawful or an offense, or the doing of any act is required or the failure to do any act is declared to be unlawful or a misdemeanor, where no specific penalty is provided for, the violation of any such provision of this Code or any other ordinance of the City shall be punishable by a fine not exceeding \$500.00 or imprisonment of a term not exceeding 6 months, or by both such fine and

imprisonment.

All remedies provided for herein shall be cumulative and not exclusive.

11.2.2 ISSUANCE OF CITATIONS FOR VIOLATION OF THIS CODE AND OTHER CITY ORDINANCES.

(Added by O-925)

When any person is arrested for a violation of this Code or of any uncodified ordinances of the City and such person is not immediately taken before a magistrate as prescribed 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 and when such person shall appear in court.

11.2.3 FAILURE TO APPEAR IN COURT IS A MISDEMEANOR.

(Added by O-925)

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

11.2.4 ISSUANCE OF WARRANT FOR FAILURE TO APPEAR IN COURT.

(Added by O-925)

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 853.1 of the Penal Code of the State of California, or in any amendment thereto, or modification thereof, 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, 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 he promises to appear, then, within 20 days after the delivery of such written promise to appear by the officer to a magistrate having jurisdiction over the offense.

11.2.5 ENFORCEMENT PERSONNEL.

(Added by O-3302; Amended by O-3543; O-3746)

- a) Pursuant to the provisions of Section 836.5 of the California Penal Code, or any amendment thereof, those classifications of officers and employees of the City of Torrance set forth herein shall be authorized to exercise the powers of arrest.
- b) Those officers and employees listed herein may arrest a person without a warrant whenever the officer or employee has reasonable cause to believe that the person to be arrested has committed a misdemeanor in the presence of the officer or employee that is in violation of a statute or ordinance that the officer or employee has the duty to enforce.
- c) The following classification of officers and employees of the City are hereby authorized to exercise powers of arrest:

- 1) Assistant Finance Director;
- 2) Revenue Inspector Collector;
- 3) Director of Building and Safety;
- 4) Building Regulations Administrator;
- 5) Building Inspection Supervisor;
- 6) Building Inspector;
- 7) Environmental Services Administrator;
- 8) Environmental Quality Officer;
- 9) Public Works Inspector;
- 10) Senior Public Works Inspector;
- 11) Senior Building Inspector;
- 12) Senior Electrical Inspector;
- 13) Senior Environmental Quality Officer;
- 14) Senior Mechanical Inspector;
- 15) Senior Plumbing Inspector;
- 16) Senior Grading Inspector;
- 17) Public Works Director;
- 18) Deputy Public Works Director; (Operations);
- 19) Deputy Public Works Director; (Engineering);
- 20) Sanitation Services Manager;
- 21) Streetscape Manager;
- 22) Street Services Supervisor (Sanitation);
- 23) Street Services Supervisor (Waste Water);
- 24) Street Services Supervisor (Streetscape);

- 25) Animal Control Supervisor;
- 26) Animal Control Officer;
- 27) Fire Fighter;
- 28) Fire Engineer;
- 29) Fire Captain;
- 30) Fire Battalion Chief;
- 31) Fire Assistant Chief;
- 32) Senior Fire Inspector;
- 33) Fire Prevention Specialist;
- 34) Senior Fire Prevention Specialist;
- 35) Senior Fire Prevention Officer;
- 36) Hazardous Materials Analyst;
- 37) Hazardous Materials Specialist.

11.2.6 ISSUANCE OF CITATIONS.

(Added by O-3302; Amended by O-3386; O-3430; O-3543; O-3694; O-3713; O-3762)

Those persons holding the job titles enumerated in the Section [11.2.5](#) may issue citations, if at all, for those violations of the Torrance Municipal Code which are both listed in this section and for which they have the responsibility to enforce.

The following Torrance Municipal Code sections may be enforced by means of the issuance of a citation, pursuant to law, for their violation. Each such section will be for the purposes of the citation, and any subsequent prosecution, an infraction, as provided in Government Code Section 36900.

DIVISION 3

31.3.4	35.3.2	36.1.4	37.2.3
33.3.3	35.4.3	36.1.7	38.1.3
33.3.4	35.9.2	36.1.13	38.4.1
34.2.1	35.11.2	36.1.15	310.1.1
34.2.9	35.11.11	36.1.20	
35.1.2	35.12.2	37.2.1	

35.2.2	36.1.3	37.2.2	
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DIVISION 4

41.1.2	41.9.1	45.2.3	46.3.1
41.1.4	41.10.1	45.4.6	46.3.2
41.1.5	43.1.2	45.4.8	46.5.2
41.1.7	43.1.3	45.4.9	46.7.2
41.1.8	43.1.4	45.6.2	48.1.2
41.5.1	43.1.5	45.6.3	48.1.3
41.6.1	43.1.7	45.6.5	48.1.5
41.6.2	43.1.8	45.6.14	48.1.7
41.6.3	43.1.9	45.6.15	48.1.8
41.6.4	43.1.11	45.6.23	49.2.1
41.7.1	43.2.9	46.2.1	49.2.6 (b)
41.8.1	43.4.2	46.2.5	49.2.9 (a)
41.8.6	44.3.15 (b)	46.2.6	42.9.10

DIVISION 6

61.1.11	61.5.5	61.6.23	62.1.3
61.1.15	61.6.2	61.6.24	62.1.4 (a)
61.1.16	61.6.4	61.6.25	62.1.4 (b)
61.1.17	61.6.5	61.6.26	62.1.5
61.2.7	61.6.6	61.6.27	62.1.6
61.3.8	61.6.8	61.6.28	62.1.7
61.3.9	61.6.9	61.6.30	62.1.8 (a)
61.3.10	61.6.10	61.6.32	62.1.8 (b)
61.3.11	61.6.11	61.6.33	62.2.1
61.4.3	61.6.13	61.7.1	62.2.8
61.4.10	61.6.14	61.9.1	62.4.2
61.5.2	61.6.17	61.12.140 (a)	63.4.3
61.5.3	61.6.18	61.12.140 (f)	63.4.4
61.5.4	61.6.19	61.12.140 (g)	

DIVISION 7

72.1.1	72.2.17	74.5.18	75.1.10
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72.2.3	72.2.18	74.6.2	75.1.14
72.2.10	72.2.21	74.6.8	75.2.1
72.2.12	72.2.22	74.8.2	77.1.30
72.2.14	74.2.3	75.1.6	
72.2.15	74.2.4	75.1.8	
72.2.16	74.5.4	75.1.9	

DIVISION 8

88.5.1	88.5.4	88.6.1	88.6.14
88.5.2	88.5.7	88.6.13	88.11.2

DIVISION 9

91.4.1	91.21.1	92.2.8	97.2.3
91.4.5	91.23.1	92.2.9	97.5.1
91.4.6	91.24.1	92.5.13	97.5.4
91.4.11	91.25.1	92.5.14	97.5.6
91.7.1	91.25.3	92.10.2	97.5.12
91.8.1	91.25.6	92.13.1	97.8.2
91.9.1	91.25.7	92.18.1	97.8.3
91.10.1	91.30.1	92.21.1	97.8.4
91.11.1	91.31.1	92.22.3	97.8.5
91.11.2	91.36.3	92.30.4	97.8.6
91.13.1	91.36.6	93.1.1	97.8.7
91.15.1	91.38.1	93.1.7	
91.20.1	91.47.5	97.2.2	

11.2.7 FEES FOR THE COLLECTION OF DELINQUENT PARKING CITATIONS.

(Added by O-3716)

Any person liable for a civil penalty will be required to pay the penalty provided on the bail schedule of parking penalties for parking violations, including process service fees, and any late payment penalty. In addition, if the City incurs collection costs in conjunction with the assignment of a parking citation, those costs will be added to the penalty and the violator will be liable to the city for both the civil penalties and the collection costs.

ARTICLE 3 - RULES OF CONSTRUCTION**11.3.1 CONSTRUCTION; PROVISIONS GOVERNING.**

Unless the provisions of the context otherwise require, these general provisions, rules of

construction and definitions shall govern the construction of this Code. The provisions of this Code and all proceedings under it are to be construed with a view to effect its objects and to promote justice.

11.3.2 HEADINGS, EFFECT OF.

The headings of the sections of this Code are intended as catchwords to indicate the contents of the section and shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any section.

11.3.3 REFERENCE APPLIES TO AMENDMENTS.

Whenever a reference is made to any portion of this Code, or to any ordinances of this City, the reference applies to all amendments and additions now or hereafter made.

ARTICLE 4 - DEFINITIONS

In the construction of this Code and of all ordinances of the City, the following definitions of a general nature shall apply, unless the provisions of the context or the intent of the City Council clearly requires otherwise.

11.4.1 CHARTER.

Shall mean and refer to the Charter of the City of Torrance, as amended.

11.4.2 CITY.

Shall be construed as if followed by the words of Torrance.

11.4.3 CODE.

Shall mean Torrance Municipal Code.

11.4.4 COMPUTATION OF TIME.

Shall be 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.

11.4.5 COUNCIL.

Shall be construed to mean the City Council of the City of Torrance.

11.4.6 COUNTY.

Shall mean the County of Los Angeles.

11.4.7 DAY.

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

11.4.8 DAYTIME, NIGHTTIME.

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

11.4.9 GENDER.

The masculine gender includes the feminine and neuter.

11.4.10 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.

11.4.11 JOINT AUTHORITY.

All words giving a joint authority to 3 or more persons or officers shall be construed as giving such authority to a majority of such persons or officers.

11.4.12 MONTH.

Shall mean a calendar month.

11.4.13 NUMBER.

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

11.4.14 OATH.

Shall include affirmation.

11.4.15 OFFICIAL TIME.

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

11.4.16 OR, AND.

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

11.4.17 OWNER.

As 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.

11.4.18 PERSON.

Includes any person, firm, association, organization, partnership, business, trust, corporation or company.

11.4.19 PERSONAL PROPERTY.

Includes every species of property, except real property, as herein defined.

11.4.20 PRECEDING, FOLLOWING.

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

11.4.21 PROCESS.

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

11.4.22 PROPERTY.

Shall include real and personal property.

11.4.23 REAL PROPERTY.

Shall include lands, tenements and hereditaments.

11.4.24 ROADWAY.

Is that portion of a highway improved, designed or ordinarily used for vehicular travel.

11.4.25 SHALL, MAY.

Shall is mandatory and may is permissive.

11.4.26 SIDEWALK.

Shall be that portion of a highway, other than the roadway, set apart for pedestrian travel.

11.4.27 SIGNATURE OR SUBSCRIPTION BY MARK.

Includes 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 (2) witnesses so sign their own names thereto.

11.4.28 STATE.

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

11.4.29 STREET, HIGHWAY.

Shall be a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel.

11.4.30 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.

11.4.31 TENSES.

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

11.4.32 WEEK.

A week consists of seven consecutive days.

11.4.33 WRITING.

Includes any form of a 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.

11.4.34 YEAR.

Shall mean a calendar year, except where otherwise provided.

ARTICLE 5 - APPEALS; PROCEDURES

(Added by O-957; Amended by O-2822)

11.5.1 FILING OF NOTICE OF APPEAL.

(Amended by O-1661; O-3528)

Except as otherwise provided in this Code, if any application for any permit or consent of any City body or official having such authority is denied or approved by any City body or official and no other body is designated in the Code to hear an appeal, the applicant, or any interested person adversely affected, upon payment of an appeal fee, the City Manager, or any member of the City Council may personally serve the City Clerk with a written notice of appeal to the City Council from such decision within fifteen (15) days after such decision.

11.5.2 CONTENTS OF NOTICE OF APPEAL, FEES.

(Amended by O-3416)

a) The notice of appeal shall contain the following information in addition to the information given by the applicant thereon or reasonably required by the City Clerk therefor:

- 1) The name, address, and telephone number of the applicant.
 - 2) The type of permit desired or action requested.
 - 3) The date on which said permit was issued or refused or the decision was made and the name of the City officer, body, or department taking such action.
 - 4) The grounds on which the appeal is taken.
- b) A fee for filing an appeal shall be charged as provided by resolution of the City Council.

11.5.3 PROCEDURE AFTER FILING.

- a) Upon receipt of the notice of appeal, and the appeal fee, the City Clerk shall notify the concerned City officials, bodies or departments that an appeal has been filed and shall transmit a copy of the appeal documents to such officials, bodies or departments.
- b) The concerned City officials, bodies or departments shall prepare the necessary reports for the City Council, provide public notices, posting, mailing or advertising in the same manner as provided for the original hearing or decision making process, request the appeal be placed on the agenda for hearing before the City Council within thirty (30) days of receipt of the said notice of appeal, and notify the applicant in writing of the time, date and place of the hearing not less than five (5) days before the Council hearing.

11.5.4 HEARING BEFORE COUNCIL.

The Council shall hold a hearing at the time set therefor as provided in Section [11.5.3](#). The Council may summon witnesses and hear evidence relating to such application, but the rules of evidence shall not apply. The Council may continue the hearing from time to time. At the conclusion thereof, the Council shall grant or deny such application or make such modifications of the decision or action appealed from with reference thereto as it may deem fit. The order of the Council shall be immediately final and conclusive, and no applicant, and no application for the same purpose may be made for one (1) year after the date of such order.

ARTICLE 6 - IN GENERAL

11.6.1 NOTICES, SERVICE OF.

Whenever a notice is required to be given under this Code, unless different provisions herein are otherwise specifically made, such notice may be given either by personal delivery thereof to the person to be notified or by deposit in the United States mail in a sealed envelope postage prepaid, addressed to such person to be notified, at his last known business or residence address as the same appears in the public records of the City or other records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed at the time of deposit in the post office.

11.6.2 PROOF OF NOTICE.

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

11.6.3 EFFECT OF ISSUANCE OF PERMIT OR LICENSE.

(Added by O-1901)

Any permit or license issued in violation of any provisions of this Code or of any City ordinance or which purports to authorize the doing of any act prohibited by this Code or other ordinance shall be void and shall not constitute approval of any violation of any provisions of this Code or any other law or ordinance.

11.6.4 SERVICE OF NOTICE ON CITY CLERK.

(Added by O-2403; Amended by O-2732)

Unless otherwise provided by the laws of the United States of America or the State of California, or by other provisions of this Code, or by a contract to which the City is a party, service upon the City of all notices, whether or not required by law, or any other documents, including any subpoenas duces tecum for the production of any City records, shall be effected by filing such notices, subpoenas, or other documents with the City Clerk of the City.

CHAPTER 2 ADMINISTRATION

ARTICLE 1 - GENERAL

(Amended by O-1089)

12.1.1 AUTHORITY TO ACT OR DECIDE.

(Amended by O-1285)

Whenever this Code requires or permits any act to be done or decision to be made by any officer or employee of the City appointed by the City Manager, and in the event the position of such officer or employee is vacant or such officer or employee is absent from duty, then any such act or decision shall be made by the assistant to such officer or employee, and in the absence of such assistant, by the City Manager or his delegate.

12.1.2 BONDS OF CITY CLERK AND CITY TREASURER.

(Added by O-1; Amended by O-13; O-250; O-302; O-36B; O-503; O-2832)

The penal sum of the official bonds of the City Clerk and the City Treasurer shall be \$100,000.

12.1.3 FAILURE OR REFUSAL OF OFFICERS OR EMPLOYEES TO SURRENDER BOOKS, PAPERS, ETC., FOR INSPECTION.

(Added by O-455)

Every officer, employee, agent or other person connected with or employed by the City, charged with the collection, receipt or disbursement of any portion of the revenue of the City who has in his possession, or under his control, any moneys or other personal property belonging to the City, who, upon demand, fails or refuses to permit the City Manager, the City Auditor or the City Attorney to inspect his books, papers, receipts, records or other property pertaining to his office, or concerning such personal property, shall be guilty of a misdemeanor and shall, upon conviction thereof, be punished as provided by Article [2](#) of Chapter [1](#) of this Division.

12.1.4 Repealed by O-3003.

12.1.5 DESTRUCTION OF CITY RECORDS.

(Added by O-2137; Amended by O-2192)

Upon approval in writing from the City Manager or his designated representative, the City Clerk is authorized to destroy any City record no longer required to be maintained by the City or the laws of the State.

12.1.6 ELIGIBILITY FOR ELECTIVE OFFICE.

(Added by O-2402)

No person shall be eligible to hold any elective office in this City unless he be a resident and elector

therein and shall have resided in said City for at least thirty (30) days next preceding the date of his filing of nomination papers or equivalent declaration of candidacy for office.

12.1.7 EMPLOYEES INELIGIBLE FOR APPOINTIVE OFFICE.

(Added by O-3729)

Except as specifically provided in this Code, no persons employed by the City shall be eligible for appointive office to become a member of a Commission, Committee or Board. Employees holding appointive office on September 28, 2010 may serve the balance of their term.

ARTICLE 2 - ADMINISTRATIVE HEARING BOARD

(Added by 2482)

12.2.1 ADMINISTRATIVE HEARING BOARD.

The Administrative Hearing Board is hereby created to hold hearings on and decide those matters for which an administrative hearing procedure is established by this Code.

12.2.2 MEMBERSHIP.

The Administrative Hearing Board shall consist of seven (7) members appointed by the City Manager. Three (3) members shall constitute a quorum of the Board. The members shall be employees of the City.

12.2.3 APPEALS.

All decisions of the Administrative Hearing Board may be appealed to the City Council as provided in Article [5](#) of Chapter [1](#) of Division [1](#) of this Code.

ARTICLE 3 - ENVIRONMENTAL QUALITY ENFORCEMENT

(Added by O-2572)

12.3.1 ENVIRONMENTAL QUALITY ENFORCEMENT.

The Building Department shall enforce the provisions of this Code relating to environmental quality, including but not limited to Division [4](#) relating to public health and welfare, Division [9](#) relating to land use and oil regulations, and Chapter 8 of Division [8](#) relating to signs.

12.3.2 HEARING OFFICER.

An Environmental Quality Hearing Officer shall be designated by the City Manager.

12.3.3 NOTICE TO APPEAR.

Upon determination that a violation of any of the provisions referred to in Section [12.3.1](#). exists, a notice may be issued to the owner and operator of the property requiring that the violation be cured within a specified period or requiring the owner and/or operator to appear before the Environmental Quality Hearing Officer to show cause why he should not be found in violation of the Code and ordered to cure the condition constituting the violation.

12.3.4 DEFINITIONS.

- a) Owner shall be defined as that person assessed for the property on the last assessment roll prepared by the County Assessor.
- b) Operator shall be defined as the lessee, tenant, manager or other person in possession or control of the property.

12.3.5 HEARING.

- a) Upon issuance of the notice described in Section [12.3.3.](#), a hearing shall be scheduled before the Environmental Quality Hearing Officer. At such hearing, the Building and Safety Department shall make a report, and the person complaining of the condition may be heard to state the problem and the owner and/or operator may be heard to show cause why the condition should not be abated.
- b) The rules of evidence shall not apply.

12.3.6 ORDER.

- a) If upon the information presented at the hearing before the Environmental Quality Hearing Officer it is determined that a violation exists, the hearing officer shall issue a written order to that effect, stating the nature of the violation, its location, the facts in support of his conclusions, the time within which it must be cured, and the means by which it may be cured.
- b) Said order shall be served personally or by registered mail on the owner and operator of the offending property.

12.3.7 ENFORCEMENT OF ORDER.

Failure to comply with the order of the Environmental Quality Hearing Officer within the time prescribed shall be a misdemeanor.

12.3.8 RIGHT OF APPEAL.

(Added by O-2601; Amended by O-2822)

- a) The decision of the Environmental Quality Hearing Officer shall be reviewed by the Director of Building and Safety upon written request of any person dissatisfied with the decision if such request is received within ten (10) days after the rendering of the original decision.
- b) The decision of the Director of Building and Safety may be appealed to the City Council pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing at Section [11.5.1](#).

ARTICLE 4 - CLAIMS ADMINISTRATION

(Added by O-2595; O-2596)

12.4.1 LIABILITY CLAIMS.

- a) There is hereby created a Claims Board consisting of three (3) members.

- b) The members shall be appointed by the City Manager and shall serve at his pleasure.

12.4.2 POWERS AND DUTIES.

(Amended by O-3393; O-3769)

The Board shall be vested, pursuant to Government Code Section 935.2, with the power and authority to perform all the functions of the City Council with respect to claims against the City, but shall not allow, compromise, or enter in settlement of a claim that would result in a payment in excess of Ten Thousand Dollars (\$10,000.00) to any single claimant, person, firm or corporation without prior approval of the City Council. The Board, further, shall have the authority to settle or compromise any claim of Ten Thousand Dollars (\$10,000.00) or less which the City has against other persons. The decision of the Board shall be final.

12.4.3 RULES AND REGULATIONS.

(Amended by O-3769)

The Board may establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties. The Board may establish rules relating to the presentation, administration and hearing of claims and procedures for payment to claimants.

12.4.4 MEETINGS.

Meetings of the Board may be called by any Board member, as required, and the Board may establish a time and place for regular meetings. Two (2) members of the Board shall constitute a quorum for the transaction of business.

12.4.5 AUTHORITY OF CITY MANAGER, AND THE FINANCE DIRECTOR.

(Amended by O-2867; O-3393; O-3542; O-3769)

a) The Finance Director or his designee is authorized to settle or compromise any claim or litigation against the City or an officer, agent or employee thereof, without prior consent of the City Council or of the Claims Board, in an amount not to exceed Fifty Thousand Dollars (\$50,000.00) as to any single claimant, person, firm, or corporation. The Finance Director is further authorized to settle or compromise any claim not to exceed Fifty Thousand Dollars (\$50,000.00) that the City has against other persons. The Finance Director or the City Attorney is authorized to execute and deliver to said other persons or to claimants any instruments in writing necessary or advisable in connection with any such settlement approved by the Claims Board.

b) The City Manager is authorized to settle or compromise any claim or litigation against the City or any officer, agent, or employee thereof, without prior consent of the City Council or of the Claims Board, in an amount not to exceed One Hundred Thousand Dollars (\$100,000.00) as to any single claimant, person, firm or corporation. The City Manager is further authorized to settle or compromise any claim not to exceed One Hundred Thousand Dollars (\$100,000.00) that the City has against other persons. The City Manager or the City Attorney is authorized to execute and deliver to said other persons or to claim agents any instrument in writing necessary or advisable in

connection with any such settlement or of any settlement approved by the Claims Board.

ARTICLE 5 - INSURANCE

(Added by O-2922)

12.5.1 AUTOMOBILE TOWING CONTRACTORS.

- a) Any person, firm or corporation which contracts with the City of Torrance to perform automobile towing, storage and related work, for a period of time longer than thirty (30) days, shall have in full force and effect at all times during the term of the said agreement, general comprehensive liability insurance, or equivalent, in an amount not less than One Million Dollars (\$1,000,000) combined single limit; provided, however, that if such type or amount of insurance is not available in the industry, the Claims Board may approve a lesser amount or a different category of insurance coverage.
- b) Any insurance policy issued pursuant to subsection a) shall contain an additional insured clause which reads as follows: The City of Torrance, the City Council, each member thereof, every officer and employee, and every member of Boards and Commissions of the City of Torrance are named additional insureds.

ARTICLE 6 - REPRESENTATIVE OF THE METROPOLITAN WATER DISTRICT

(Added by O-3387)

12.6.1 CREATION, COMPENSATION.

- a) There is hereby created the position of Representative, Metropolitan Water District Board of Directors.
- b) Commencing February 1, 1994, and monthly thereafter for so long as the Representative shall serve, he or she shall be paid, in lieu of ordinary and necessary expenses, the sum of Two Hundred Dollars (\$200.00) per month.

12.6.2 APPOINTMENT AND TERM OF REPRESENTATIVE.

- a) The Representative shall be appointed by the Mayor with the approval of the City Council. The term of office shall be four (4) years commencing on January 1, 1997, and expiring on December 31, 2000, and each four years thereafter.
- b) The Representative shall serve until the expiration of his or her term, or until his or her successor has been appointed and qualified.
- c) A person appointed to fill a vacancy shall hold office for the unexpired term of his or her predecessor.
- d) Notwithstanding the generalities of the above, the term of office vacated by the death of the incumbent in December 1993 shall be presumed to have been for a period ending December 31,

1996.

12.6.3 REMOVAL OF REPRESENTATIVE.

The Representative to the Metropolitan Water District may be removed from office by a vote of the majority of all the members of the City Council.

CHAPTER 3
BOARDS AND COMMISSIONS Revised 12/17 Amended Ord. 3822

ARTICLE 1 - PLANNING COMMISSION

(Added by O-111; Amended by O-309; O-442; O-443; O-507; O-1150; O-1628; O-1704; O-1830; O-1897)

13.1.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS

(Amended by O-761; O-1150; O-1326; O-1704; O-2447)

- a) There is hereby created a Planning Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing August 1, 1966, the members of the Commission shall be paid in lieu of their ordinary and necessary expenditures directly connected with or pertaining to the duties imposed by Section [13.1.7](#). at the rate of Ten Dollars (\$10.00) per meeting attended not to exceed four (4) meetings per calendar month. Such payment shall be made at the end of each calendar quarter.

13.1.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-1057; O-1150; O-1897; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission in September, 1968, it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1970; two shall serve for a term which shall expire January 15, 1971; two shall serve for a term which shall expire January 15, 1972; and two shall serve for a term which shall expire January 15, 1973. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.1.3 FILLING OF VACANCIES.

(Amended by O-1150)

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.1.4 REMOVAL OF MEMBERS.

(Amended by O-1150)

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.1.5 APPOINTMENT OF A CHAIRMAN.

(Amended by O-1057; O-1150)

At the first meeting of the Commission in every fiscal year, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.1.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-507; O-1097; O-1150; O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.1.7 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-1150)

- a) The Commission shall hold hearings, make recommendations to the City Council and perform all duties required by law.
- b) The Commission may investigate, hold hearings on and make recommendations to the City Council on any matters concerning the use and development of land in the City.
- c) The Commission shall advise the Council on any matters concerning the use and development of land in the City when so requested by the City Council.
- d) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it shall deem necessary or proper.

13.1.8 RULES AND REGULATIONS.

(Amended by O-1150)

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 2 - PARK AND RECREATION COMMISSION

(Added by O-454; Amended by O-458; O-614; O-786; O-1034; O-1097; O-1628; O-1830)

13.2.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-1326; O-2447; O-3410; O-3687)

- a) There is hereby created a Parks and Recreation Commission for the City, consisting temporarily of eleven (11) members, due to the consolidation of the Community Services Commission with the Parks and Recreation Commission.
- b) The expanded number of commissioners will gradually reduce over time as commissioners' terms expire and those commissioners are not eligible for reappointment.
- c) The Parks and Recreation Commission shall return to its statutory seven (7) members as commissioners leave due to attrition.
- d) The members of the Commission shall be electors of the City.
- e) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.2.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.2.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-2447; O-2946; O-2947; O-3687)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the newly reconstituted Commission, it shall classify each member in accordance with the length of the member's unexpired term, so that: three shall serve for a term which shall expire January 15, 2007; three shall serve for a term which shall expire January 15, 2008; four shall serve for a term which shall expire January 15, 2009; and two shall serve for a term which shall expire January 15, 2010. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. Provided, however, no member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms. Provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

In the event that a vacancy other than by reason of an expired term of a Commissioner who is eligible for reappointment, prior to January 15, 2010, that vacancy shall not be filled unless there are six or fewer remaining members.

13.2.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.2.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the

members of the City Council.

13.2.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission and at the first meeting of the Commission in every fiscal year, thereafter, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.2.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1097; O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.2.7 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-2433; O-3687)

- a) The Commission may make recommendations to the City Council on:
 - 1) The acquisition of land, buildings, equipment and facilities for park and public recreation purposes;
 - 2) The improvement of the operation and administration of the park and public recreation program, specifically including:
 - A) The conduct of recreation programs for Adults, Senior Citizens and Youth;
 - B) The policies governing the park and recreation uses of public lands;
 - C) Park and recreation capital improvements priorities;
- b) The Commission shall advise the City Council on any matters concerning parks and public recreation when so requested by the Council.
- c) The Commission may make recommendations to the City Council on matters concerning the services and human resources of the community including, but not limited to, the area of consumer affairs, personal health, and community manpower.
- d) The Commission shall advise the City Council in any human resource or community service matters when so requested by the City Council. As appropriate, before making such recommendations or rendering such advice, it shall seek input from the Torrance Youth Council and the Torrance Commission on Aging prior to reaching a final determination.

- e) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it deems necessary or proper.

13.2.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 3 - LIBRARY COMMISSION

(Added by O-935; Amended by O-1035; O-1097; O-1628; O-1830)

13.3.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-935; O-1326; O-1897; O-2447; O-3410)

- a) There is hereby created a Library Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.3.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed the sum of Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.3.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-935; O-1035; O-1897; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission after the appointment of seven (7) members, it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1970; two shall serve for a term which shall expire January 15, 1971; two shall serve for a term which shall expire January 15, 1972; and two shall serve for a term which shall expire January 15, 1973. Upon the expiration of such term all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.3.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.3.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.3.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission and at the first meeting in every fiscal year, thereafter, the members shall appoint one of their number as Chairman who shall hold office for one year and until his successor is appointed.

13.3.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1097; O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.3.7 POWERS AND DUTIES OF THE COMMISSION.

- a) The Commission may make recommendations to the City Council on 1) the acquisition of land, buildings, equipment and facilities for public library purposes; 2) the improvement of the operation and administration of the library; 3) any other matters concerning public libraries.
- b) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it may deem necessary or proper.
- c) The Commission shall advise the City Council on any matters concerning public libraries when so requested by the Council.

13.3.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 4 - AIRPORT COMMISSION

(Added by O-731; Amended by O-990; O-1030; O-1097; O-1157; O-1595; O-1628; O-1704; O-1830; O-1897)

13.4.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-1326; O-1704; O-2447; O-3410)

- a) There is hereby created an Airport Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their

ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.4.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed the sum of Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.4.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-1595; O-1897; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission in September, 1968, it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1970; two shall serve for a term which shall expire January 15, 1971; two shall serve for a term which shall expire January 15, 1972; and two shall serve for a term which shall expire January 15, 1973. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.4.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, it shall be filled by appointment in the manner provided for in Section [13.4.2](#).

13.4.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of the members of the City Council.

13.4.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission in every fiscal year, the members shall appoint one of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.4.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1097; O-1157; O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.4.7 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-3167)

- a) The Commission may make recommendations to the City Council on:
 - 1) The acquisition, construction, location and financing of land, buildings, equipment and facilities for public airport purposes;
 - 2) The leasing of public airport land for fixed base operations and other aeronautical purposes;
 - 3) The operation and administration of the airport.
- b) The Commission shall address all airport noise-related issues and shall advise the City Council on noise mitigation measures.
- c) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it may deem necessary or proper.
- d) The Commission shall advise the City Council on any matters concerning the public airport when so requested by the Council.

13.4.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 5 - WATER COMMISSION

(Added by O-1008; Amended by O-1097; O-1628; O-1830; O-1897)

13.5.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-1326; O-1897; O-2447; O-3410)

- a) There is hereby created a Water Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.5.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed the sum of Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.5.2 APPOINTMENT AND TERM OF MEMBERS.

(Amended by O-1897; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission, after the appointment of seven (7) members, it shall classify each member in accordance with the length of his unexpired term so that: one shall

serve for a term which shall expire January 15, 1970; two shall serve for a term which shall expire January 15, 1971; two shall serve for a term which shall expire January 15, 1972; and two shall serve for a term which shall expire January 15, 1973. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 4, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.5.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.5.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.5.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission and the first meeting of the Commission in every fiscal year, thereafter, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.5.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1097; O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.5.7 POWERS AND DUTIES OF THE COMMISSION.

- a) The Commission may make recommendations to the City Council on 1) plans for expansion of the City's water service facilities; 2) the acquisition of land, lines, buildings, reservoirs, equipment and facilities by the City for water service purposes; 3) the procurement of an adequate supply of water; and 4) any other matters concerning water service in the City.
- b) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it may deem necessary or proper.
- c) The Commission shall advise the City Council on any matters concerning water service when so requested by the Council.

13.5.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 9 - TRAFFIC COMMISSION

(Added by O-1140; Amended by O-1477; O-1628; O-1741; O-1830; O-1897; O-2065; O-2185)

13.9.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-2447; O-3410)

- a) There is hereby created a Traffic Commission of the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.9.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed the sum of Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.9.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-1741; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission, it shall classify each member so that: one shall serve for a term which shall expire January 15, 1972; two shall serve for a term which shall expire January 15, 1973; two shall serve for a term which shall expire January 15, 1974; and two shall serve for a term which shall expire January 15, 1975. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two years, a former member may be reappointed to the Commission.

13.9.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.9.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.9.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission in every fiscal year, the members shall appoint one (1) of

their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.9.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.9.7 POWERS AND DUTIES OF THE COMMISSION.

- a) The primary function of the Commission is to make recommendations on street and traffic improvements to the City Council regarding the safe and efficient movement of people and goods within the City of Torrance.
- b) Upon request of the City Council, the Commission shall hold hearings and make recommendations to the City Council on the following matters:

- 1) The Capital Improvement Program for Street Improvements and installation of traffic signals and associated priorities.
- 2) Proposed assessment districts for local street improvements and street lighting districts.
- 3) Additions and deletions to the Select Street System.
- 4) Proposed freeway and State highway routes.
- 5) Vacation of streets and alleys.
- 6) One-way streets and alleys.
- 7) Bus and mass transit routes.
- 8) Prima facie speed limits.
- 9) Transit and local truck routes.
- 10) Taxi cab franchises and loading zones.
- 11) Installation and removal of parking meters.
- 12) The placement and removal of crossing guards.
- 13) Parade, searchlight, construction and excavation permit.

- 14) Construction barricades and detours.
 - 15) Any other matters affecting traffic.
- c) Upon request of the Planning Commission, the Traffic Commission shall make recommendations on the Master Plan of Streets, traffic control in proposed developments, and future streets and highways, including but not limited to the location, width, financing and construction thereof.
 - d) Upon request of the City Council, the Commission shall review and advise the Council on any proposed changes in Council policy regarding street improvements (i.e. make-up paving, street lights, utility franchises, etc.).
 - e) The Commission may investigate and make recommendations to the City Council on appeals from decisions by the Traffic and Lighting Department regarding:
 - 1) Erection and placement of YIELD and STOP signs.
 - 2) Closures and openings of service roads.
 - 3) Erection and placement of restricted TURN and NO PARKING signs.
 - 4) Installation of crosswalks and pavement markings.
 - 5) Installation of mail deposit, passenger and bus loading zones.
 - f) Upon request of the City Council, the Commission shall advise the Council on allocations of State, County and City funds for the acquisition of rights-of-way and the construction and improvement of the Select System of Streets.
 - 1) Improvement of existing streets and highways, including but not limited to the financing and construction thereof.
 - 2) Integration of the pattern and traffic flow of streets and highways in Torrance with streets and highways located in other cities in the area.
 - 3) Integration of the City's streets and highways program with the programs of the State and County.
 - h) The Commission may participate in programs of the National Safety Council relating to vehicular and pedestrian safety.
 - i) The Commission shall advise the Council on any matters concerning streets and highways when so requested by the City Council.

- j) The Commission shall make an annual report to the City Council on its activities for the previous year and shall make such other reports as it shall deem necessary or proper.

13.9.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 10 - CIVIL SERVICE COMMISSION

(Added by O-326; Amended by O-329; O-998; O-1564; O-1704; O-1628; O-1830; O-1985; O-1994)

13.10.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-1704; O-2447; O-3281)

- a) There is hereby created a Civil Service Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing August 1, 1989, the members of the Commission shall be paid in lieu of their ordinary and necessary expenditures at the rate of Ten Dollars (\$10.00) per meeting attended not to exceed four (4) meetings per calendar month. Such payment shall be made at the end of each calendar quarter.

13.10.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-1564; O-1985; O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission in July, 1969, it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1970; two shall serve for a term which shall expire January 15, 1971; two shall serve for a term which shall expire January 15, 1972; and two shall serve for a term which shall expire January 15, 1973. Upon the expiration of such terms all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.10.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, it shall be filled by appointment in the manner provided in Sec. 13.10.2.

13.10.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the

members of the City Council.

13.10.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission in every fiscal year, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.10.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-1628; O-1830; O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.10.7 POWERS AND DUTIES OF THE COMMISSION.

- a) The commission shall hold hearings, make recommendations to the City Council and perform all duties required by law to be performed by the Commission, the Civil Service Board, the Personnel Board, the Board of Review or the Trial Board.
- b) The Commission may make recommendations to the City Council on any matters concerning personnel.
- c) The Commission shall advise the Council on any matters concerning personnel when so requested by the City Council.
- d) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it shall deem necessary or proper.

13.10.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 11 - PARKING PLACE COMMISSION

(Added by O-1645; Amended by O-1830)

13.11.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by 02447)

- a) There is hereby created a Commission of the City, consisting of three (3) members, to be known as the Parking Place Commission.
- b) The members of the Commission shall be electors of the City.

c) The members of the Commission shall be paid their ordinary and necessary expenses.

13.11.2 APPOINTMENTS AND TERM OF MEMBERS.

(Amended by O-2447; O-2675)

a) The members of the Commission shall be appointed by the Mayor, subject to approval of the City Council.

b) Members of the City Council may be appointed to the Commission; provided, however, that the number of Councilmen so appointed shall not exceed two (2).

c) At the first meeting of the Commission, it shall classify its members by lot so that: one shall serve for a term to expire January 15, 1967; one shall serve for a term to expire January 15, 1968; one shall serve for a term to expire January 15, 1969. Upon expiration of terms, all appointments and reappointments shall be for a period of three (3) years or until a successor is appointed. No appointee shall serve for more than eight (8) years.

13.11.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by appointment in the manner provided in Sec. 13.11.2.

13.11.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.11.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission and at the first meeting of the Commission in every fiscal year, thereafter, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.11.6 MEETINGS AND BYLAWS.

(Amended by O-1830; O-2675)

a) The Commission shall hold regular meetings annually and special meetings at such other times as the duties of the Commission may require.

b) The Commission may establish such rules, procedures, and regulations as it deems necessary for its government and for the faithful performance of its duties.

13.11.7 POWERS AND DUTIES OF THE COMMISSION.

a) The Commission shall have all of the powers and duties of parking place commissioners authorized under Part 1 (Vehicle Parking District Law of 1943), Division [18](#) of the State Streets and Highways Code.

b) The Commission may make recommendations to the City Council on any matters involving any

parking lots acquired pursuant to said law.

- c) The Commission shall advise the Council on any matters involving off-street parking for such lots when so requested by the City Council.
- d) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it shall deem necessary or proper.

13.11.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 15 - CULTURAL ARTS COMMISSION

(Added by O-2408)

13.15.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-2447; O-3410; O-3414)

- a) There is hereby created a Cultural Arts Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of the ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.15.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.15.2 APPOINTMENT AND TERM OF MEMBERS.

(Amended by O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1975; two shall serve for a term which shall expire January 15, 1976; two shall serve for a term which shall expire January 15, 1977, and two shall serve for a term which shall expire January 15, 1978. Upon the expiration of such terms, all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.15.3 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.15.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.15.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission in every fiscal year, the members shall appoint one (1) of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.15.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.15.7 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-3414)

- a) The Commission shall perform any duties assigned to it by other provisions of this Code.
- b) The Commission may make recommendations to the City Council on matters concerning cultural and fine arts within the community; including, but not limited to, the Torrance Cultural Arts Center.
- c) The Commission shall advise the City Council in any cultural or fine arts matters when so requested by the City Council. As appropriate, before making such recommendations or rendering such advise, it shall seek input from the Torrance Cultural Arts Foundation, or other community-based arts organizations prior to reaching a final determination.
- d) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it may deem necessary or proper.

13.15.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 16 - ENVIRONMENTAL QUALITY AND ENERGY CONSERVATION COMMISSION

13.16.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-2447; O-2958; O-3410)

- a) There is hereby created an Environmental Quality and Energy Conservation Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) Commencing January 1, 1995, the members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.16.7](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed the sum of Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.16.2 APPOINTMENT AND TERM OF MEMBERS.

(Amended by O-2447; O-2946; O-2947)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission it shall classify each member in accordance with the length of his unexpired term so that: one shall serve for a term which shall expire January 15, 1975; two shall serve for a term which shall expire January 15, 1976; two shall serve for a term which shall expire January 15, 1977, and two shall serve for a term which shall expire January 15, 1978. Upon the expiration of such terms, all appointments and reappointments shall be for a period of four (4) years. No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms; provided, however, that members holding office on January 14, 1974 may be reappointed at the expiration of their term for not to exceed two (2) additional four (4) year terms and, provided further, that after a lapse of two (2) years, a former member may be reappointed to the Commission.

13.16.3 FILLING OF VACANCIES.

If any vacancies shall occur in the membership of the Commission other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.16.4 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.16.5 APPOINTMENT OF A CHAIRMAN.

At the first meeting of the Commission in every fiscal year, the members shall appoint one of their number as Chairman who shall hold office for one (1) year and until his successor is appointed.

13.16.6 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.16.7 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-2796)

- a) The Commission shall perform any duties assigned to it by other provisions of this Code.
- b) The Commission may make recommendations to the City Council on any matters concerning environmental quality, including but not limited to the quality of the environment, land use beautification, oil production and energy conservation.
- c) The Commission shall advise the City Council and any appointed Board or Commission on any matters concerning environmental matters in the City, including but not limited to preservation of the quality of the environment, land use beautification, oil production and energy conservation when so requested by the Council or any such appointed Board or Commission.
- d) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it shall deem necessary and proper.

13.16.8 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

13.16.9 MERGER OF OIL BOARD INTO ENVIRONMENTAL QUALITY COMMISSION.

(Added by O-2796)

- a) Notwithstanding the provisions of Section [13.16.2.](#), the Mayor, with the approval of the City Council, shall appoint each consenting member of the Oil Board to membership on the Environmental Quality Commission to serve for a term which shall expire January 15, 1980, which appointments shall be in addition to appointments made under the provisions of Section [13.16.2](#).
- b) No person shall be appointed to fill a vacancy on the Environmental Quality Commission caused by the resignation, removal or expiration of the term of any member thereof who was appointed thereto pursuant to the provisions of subsection a).

ARTICLE 18 - COMMISSION ON AGING

(Added by O-3407)

13.18.1 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

(Amended by O-3410; O-3509; O-3691)

- a) There is hereby created a Commission on Aging for the City, consisting of seven members.
- b) The members of the Commission shall be electors of the City.
- c) In lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.18.7](#), the Commission members shall be paid \$10.00 per meeting attended, but not to exceed \$30.00 per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.18.2 APPOINTMENT AND TERMS OF MEMBERS.

(Amended by O-3489; O-3509; O-3691)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. At the first meeting of the Commission in May, 2007, it shall classify each member in accordance with the length of his or her unexpired term so that: two shall serve for a term which shall expire January 15, 2008, three shall serve for a term which shall expire January 15, 2009, and two shall serve for a term which shall expire January 15, 2010. Upon the expiration of such terms all appointments and reappointments shall be for a period of four years. No member shall be eligible for reappointment after serving two consecutive four year terms; provided, however, that after a lapse of two years, a former member may be reappointed to the Commission.

13.18.3 FILLING OF VACANCIES.

(Amended by O-3691)

If any vacancies shall occur in the membership of the Commission, other than by expiration of term of office, they shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.18.4 Repealed by O-3691.**13.18.5 REMOVAL OF MEMBERS.**

The members of the Commission may be removed from office by a vote of the majority of all of the members of the City Council.

13.18.6 APPOINTMENT OF CHAIRPERSON.

At the first meeting of the Commission in every fiscal year, the members shall appoint one (1) of their number as Chairperson, who shall hold office for one (1) year and until his or her successor is appointed.

13.18.7 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-3796)

- a) The Commission shall hold regular meetings at least once every month.

- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.18.8 POWERS AND DUTIES OF THE COMMISSION.

- a) The Commission may make recommendations to the City Council and to all appointed City Commissions on matters of concern to the Commission.
- b) The Commission shall advise the City Council and all City Commissions in any matter when so requested by either the City Council or a City Commission.
- c) The Commission shall report annually to the City Council on its activities.
- d) When so directed by the City Council, the Commission on Aging shall officially represent the City before state, local and national organizations and agencies.

13.18.9 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 19 - TORRANCE TELECOMMUNICATIONS COMMITTEE

(Added by O-3561)

13.19.010 CREATION.

There is hereby created and established the Torrance Telecommunications Committee in and for the City.

13.19.020 COMPOSITION.

The Torrance Telecommunications Committee shall consist of three (3) City employees designated by the City Manager.

13.19.030 MEETINGS.

The Torrance Telecommunications Committee shall meet regularly at least once every thirty (30) days and as often as necessary for the proper performance of its duties.

13.19.040 RULES AND REGULATIONS.

The Committee may establish such rules and regulations as it deems necessary for its governance and for the faithful performance of its duties.

13.19.050 POWERS AND DUTIES OF THE COMMITTEE.

- a) The Torrance Telecommunications Committee shall perform any duties assigned to it by other provisions of this Code.

- b) The Torrance Telecommunications Committee may make recommendations to the City Council on matters concerning telecommunications and telecommunications facilities within the community.
- c) The Torrance Telecommunications Committee shall advise the City Council on any telecommunications matters when so requested by the City Council.

ARTICLE 20 - SOCIAL SERVICES COMMISSION Revised 12/17

(Added by O-3787)

13.20.010 CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

- a) There is hereby created a Social Services Commission for the City, consisting of seven (7) members.
- b) The members of the Commission shall be electors of the City.
- c) The members of the Commission shall be paid, in lieu of their ordinary and necessary expenses directly connected with or pertaining to the duties imposed by Section [13.20.070](#), at the rate of Ten Dollars (\$10.00) per meeting attended, but not to exceed Thirty Dollars (\$30.00) per calendar quarter. Such payment shall be made at the end of each calendar quarter.

13.20.020 APPOINTMENTS AND TERM OF MEMBERS. Revised 12/17

(Amended by O-3821)

The members of the Commission shall be appointed by the Mayor with the approval of the City Council. The Council will designate:

- Two (2) members terms to expire June 30, 2021; and
- Two (2) members terms to expire June 30, 2022; and
- Two (2) members terms to expire June 30, 2024; and
- One (1) member's term to expire June 30, 2023.

No member shall be eligible for reappointment after serving two (2) consecutive four (4) year terms. Members who have served two (2) partial terms will be eligible for one (1) four (4) year term; provided further, that after a lapse of one (1) term, a former member may be reappointed to the Commission.

13.20.030 FILLING OF VACANCIES.

If any vacancy shall occur in the membership of the Commission, other than by expiration of the term of office, it shall be filled by the Mayor with the approval of the City Council for the unexpired term of the vacated office.

13.20.040 REMOVAL OF MEMBERS.

The members of the Commission may be removed from office by a vote of the majority of all the members of the City Council.

13.20.050 APPOINTMENT OF A CHAIRPERSON.

At the first meeting of the Commission and at the first meeting of the Commission in every fiscal year, thereafter, the members shall appoint one (1) of their number as Chairperson who shall hold office for one (1) year and until the successor is appointed.

13.20.060 MEETINGS AND FAILURE TO ATTEND.

(Amended by O-3796)

- a) The Commission shall hold regular meetings at least once every month.
- b) If a member of the Commission does not attend two (2) consecutive regular meetings unless excused by the Commission, his membership thereon shall terminate automatically; and provided further, that a member will be deemed absent from a meeting unless he is present during at least two-thirds (2/3) of the time of the entire meeting.

13.20.070 POWERS AND DUTIES OF THE COMMISSION.

(Amended by O-3814)

- a) The Commission would be called the Social Services Commission and would address issues of our veterans, homeless population, adults with developmental disabilities, and children with special needs.
- b) The Commission may make recommendations to the City Council on:
 - 1) Veterans affairs;
 - 2) Homeless issues;
 - 3) Adults with developmental disabilities; and
 - 4) Children with special needs.
- c) The Commission shall advise the City Council on any matters concerning items under the purview of the Social Services Commission as so requested by the Council.
- d) The Commission may make recommendations to the City Council on matters concerning the services and resources of the community including, but not limited to, the area of community affairs, personal health, and other such items as outlined in this Section.
- e) The Commission shall advise the City Council in any community service matters when so requested by the City Council. As appropriate, before making such recommendations or rendering such advice, it shall seek input from the Torrance Parks and Recreation Commission, the Torrance Police Department and any other Commission or Department where there may be overlap in

services or information that can be utilized by this Commission prior to reaching a final determination.

- f) The Commission shall make an annual report to the City Council of its activities for the previous year and shall make such other reports as it deems necessary or proper.

13.20.080 RULES AND REGULATIONS.

The Commission shall establish such rules and regulations as it deems necessary for its government and for the faithful performance of its duties.

ARTICLE 21 - HISTORIC PRESERVATION COMMISSION Added Ord. 3822

CHAPTER 4

CIVIL SERVICE AND PERSONNEL

(Added by O-213; Amended by O-249; O-326; O-430; O-435; O-482; O-487; O-488; O-698; O-724; O-1056; O-1098; O-1230; O-1474; O-1784; O-1886; O-1981; O-1994; O-1995; O-1996; O-1997; O-2043; O-2081)

ARTICLE 1 - CIVIL SERVICE

14.1.1 SYSTEM ADOPTED.

Pursuant to the authority granted to the legislative body of any City within the State under the provisions of Chapter [48](#) of the Statutes of 1935, the Civil Service System referred to in the following Sections is hereby adopted for the City.

14.1.2 CIVIL SERVICE BOARD; PERSONNEL BOARD AND BOARD OF REVIEW CONSTRUED AS SINGLE BOARD.

(Added by O-441)

The terms Civil Service Board, Personnel Board and Board of Review, as used in this Article, shall be construed as one and the same Board.

14.1.3 APPLICABILITY OF ARTICLE GENERALLY.

(Added by O-326)

This Article shall apply to all appointive officers and employees in the classified service of the City as defined in Section [14.1.4](#), except the appointive officers and employees of the Police and Fire Departments who are now covered by Civil Service Ordinance No. 249, adopted by the City at the General Municipal Election, April 9, 1934. In the event that said Ordinance No. 249 is repealed, this Article is intended to and will automatically include all employees and officers of the Police and Fire Departments without any interruption in the Civil Service status of such employees or officers, and without any further action on the part of the City Council.

14.1.4 CLASSIFIED SERVICE APPLICABLE TO APPOINTIVE OFFICERS AND REGULAR EMPLOYEES; QUALIFICATIONS GENERALLY.

(Amended by O-2537; O-2908; O-3465)

The provisions of this Chapter shall apply to employees who are regularly and continuously employed in the service of the City, unless the City Council by ordinance designates a position as at-will, non-classified or non-civil-service. The term employee shall mean an appointive officer or any person holding a position in the classified service. No elective officer shall be qualified to hold a Civil Service position while serving as such officer under this Chapter.

14.1.5 STATUS OF EMPLOYEES HOLDING POSITIONS AT EFFECTIVE DATE OF ARTICLE.

Any person holding a position or employment in the classified service at the time this Article takes effect, who shall have served in such position for a period of at least six (6) months continuously,

immediately prior to such effective date and who otherwise meets the qualifications set out in this Article shall become a classified service employee without preliminary or working tests and shall thereafter be subject in all respects to the provisions of this Article. Any other persons holding positions or employments in the classified service shall be regarded as holding their positions or employments as probationers who are serving out the balance of their probationary periods before their appointments become complete.

NOTE: The duties assigned to the Personnel Clerk in Chapter [4](#), Division [1](#), of the Torrance Municipal Code and in the Civil Service Rules and Regulations shall be performed by the Civil Service Commission.

The duties assigned to the Personnel Director in Chapter [4](#), Division [1](#) of the Torrance Municipal Code shall be performed by the Personnel Manager.

(O-2463)

14.1.6 EXECUTIVE OFFICER.

(Amended by O-2462)

a) Appointment of Executive Officer:

- 1) The Civil Service Commission shall appoint an Executive Officer of the Civil Service Commission in accordance with the rules of the City for appointment of members of the classified service. The Executive Officer shall be a member of the classified service.
- 2) The appointment shall be subject to appeal to the City Council by any member of the City Council within fourteen (14) days after the date of appointment. In the event of such appeal, the Council may veto the appointment.
- 3) Notwithstanding the above provisions of this Section, the person who holds the appointment to the temporary position of Executive Officer on the date this Section becomes effective shall be conclusively deemed to have been appointed on such date to the permanent position of Executive Officer.

b) Duties of Executive Officer: The Executive Officer, subject to the direction and approval of the Civil Service Commission, shall:

- 1) Be the Secretary and Advisor to the Civil Service Commission;
- 2) Be the official upon or with whom all notices, requests for hearings, complaints, and various official documents shall be served or filed;
- 3) Perform such duties as are from time to time set forth in the class specification for the position.

c) Removal of Executive Officer: The Executive Officer may be suspended without pay or discharged or otherwise disciplined in accordance with Civil Service Rules and Regulations by a majority vote of the Civil Service Commission on charges brought by any member of said Commission. The Executive Officer shall have the same right of review of any other Civil Service employee of the City except that the Civil Service Commission shall appoint a Hearing Officer to conduct the hearing thereon and the Hearing Officer shall make the findings of fact, conclusions of law, and a recommendation directly to the City Council.

14.1.7 REPORTS TO CIVIL SERVICE COMMISSION.

(Amended by O-2463)

The City Manager or his designee shall report monthly or as required by Civil Service Rules and Regulations to the Civil Service Commission as follows:

- a) All appointments, whether emergency, temporary, permanent or promotional.
- b) All lateral transfers.
- c) All refusals of appointment, together with reasons therefor, or neglect to accept appointment by a person who has been certified.
- d) All suspension or reinstatements.
- e) All separations from the City and their cause, if known.
- f) All other matters required by Civil Service Rules and Regulations.

14.1.8 MINUTES.

(Added by O-3486)

A record shall be kept in the minutes of the time and place of each meeting of the Commission, the names of the Civil Service Commission members present, all official acts of the Commission, the votes given by the Commission members except when acts are unanimous, and when requested, a Commission member's dissent or approval with the reasons, and the Commission shall cause the minutes to be prepared and presented for approval or amendment at the next regular meeting. Following approval a copy of the minutes of the Civil Service Commission shall be forwarded, forthwith to the City Council.

14.1.9 AMENDMENT OF THE RULES.

(Added by O-326; Amended by O-3486)

The Civil Service Commission shall, with the advice and consent of the City Council, formulate rules and regulations which, when approved by the City Council, shall govern in all matters pertaining to the Civil Service system. Any subsequent amendments to such rules and regulations may be adopted by the City Council only following a public hearing before the Civil Service

Commission. The Civil Service Commission shall hold such hearing only after at least five (5) days prior public notice. All rules and regulations adopted shall be consistent with the provisions of this Article.

14.1.10 RULES AND REGULATIONS; MATTERS TO BE INCLUDED IN CONTENTS.

(Added by O-326; Amended by O-3020)

The rules and regulations, referred to in the preceding Section, shall provide for the following matters in addition to such other matters as may be necessary and proper in carrying out the intent and purposes of this Article:

- a) Classification. The classification of all persons in the classified service.
- b) Selection, Employment, Discharge, etc. of Persons in Service. The selection employment, advancement, suspension, demotion, discharge and retirement of all persons in the classified service.
- c) Minimum Standards and Qualifications. The formulating of minimum standards and qualifications for each of the positions in the classified service to the end that no applicant will be considered for appointment or employment in the classified service who does not possess such minimum standards and qualifications.
- d) Applications for Positions in Service; Consideration of Applicants, etc. The publication of notices inviting the filing of applications for positions in the classified service. No applicant shall be considered who does not possess the minimum qualifications for holding office; provided, that the Civil Service Board or Board of Review or Personnel Officer shall not establish any minimum qualification for any City employment in the classified service. Any person possessing all the minimum qualifications for the position shall be eligible to take any civil service examination, regardless of his age, and neither the Civil Service Board or Board of Review nor the Personnel Officer nor any appointing power shall adopt any rule, either written or unwritten, prohibiting the employment of any person in any City employment who is otherwise qualified therefor, solely because of his age, except that the minimum age for employment as a police officer or firefighter shall be not less than twenty-one (21) years and nothing herein contained shall prevent the City Council from fixing maximum age limits for the employment of police officers or firefighters.

14.1.11 APPROPRIATION OF FUNDS.

(Added by O-326)

The City Council shall appropriate such funds as are necessary to carry out the provisions of this Article.

14.1.12 APPOINTMENT TO POSITIONS IN CLASSIFIED SERVICE GENERALLY.

(Added by O-326; Amended by O-2908)

All appointments to positions or employments in the classified service shall be made by the City Manager or his designee. Such appointments shall be made from the applications on file with the City in accordance with the rules and regulations adopted under the authority of this Article.

- a) Permanent position shall mean a position, the duties of which are not expected to terminate at any stated time.
- b) Temporary position shall mean a position, the duties of which are not permanent in nature and are expected to terminate.
- c) Recurrent employee shall mean any person employed on an impermanent basis for regularly recurring work.

14.1.13 ACQUISITION OF UTILITY.

(Added by O-1474)

Whenever the City has acquired a privately or mutually owned public utility, all technical and clerical employees of such utility thereupon may become members of the classified service without examination in the classification which the Personnel Director determines envelopes their duties, on condition that such employee is accepted by the department head and the City Manager and passes the physical examination required for City employment in such classification.

14.1.14 CONTRACTING FOR TECHNICAL SERVICE IN CONNECTION WITH PERSONNEL SELECTION ADMINISTRATION.

(Added by O-326)

The city council shall have the power to contract with the legislative body or board of any municipality or county within this State or with any State department for the performance by such other governmental agency of such technical service in connection with personnel selection and administration as may be desired, including the giving of examinations.

14.1.15 EXAMINATIONS TO BE OPEN AND COMPETITIVE; APPOINTMENTS TO BE MADE FROM THOSE CERTIFIED AS QUALIFIED.

(Added by O-326)

In the event examinations are held, the same shall be open and competitive. In such event appointments subsequently made shall be from those certified as being qualified as a result of such examinations and in accordance with the rules and regulations duly adopted.

14.1.16 TEMPORARY APPOINTMENTS.

(Added by O-326; Amended by O-2908; O-3020; O-3112; O-3465U)

Temporary appointments may be made by the City Manager or an appointing officer in accordance with the needs of the City.

- a) Temporary appointment shall be defined as appointment to:

- 1) a permanent position which is vacant pending the establishment of an eligible list.
 - 2) a permanent position which is temporarily vacant by reason of the absence of a regular employee unless such temporarily vacant position is otherwise filled as provided by this Code.
 - 3) a temporary position whenever the needs of the service require the employment of persons for a temporary period.
- b) Certification for temporary appointment shall be made from existing eligible lists in the same manner as for permanent employment, except that:
- 1) no person shall be certified to a position which will conflict with his temporary service in another position in the same classification.
 - 2) the acceptance or refusal of a temporary appointment by an eligible shall not affect his standing on the eligible list for permanent employment.
 - 3) the period of temporary service shall not be counted as part of the probationary service in case of subsequent appointment to a permanent position.
 - 4) in the event no eligible list exists or those eligible are not immediately available, appointment may be made of persons not on the eligible list.
- c) No person shall serve more than six (6) months in one or more temporary appointments to a permanent position in any twelve (12) consecutive month period.

14.1.17 Repealed by O-2534.

14.1.18 EMERGENCY APPOINTMENTS.

(Added by O-3112)

In case of an emergency, where appointment to fill a position must be made forthwith, and pending certification and appointment from an employment list as provided by this Code, an appointment to fill such position may be made without regard to these rules, the appointee to serve a maximum of fifteen (15) working days.

14.1.19 Repealed by O-2534.

14.1.20 Repealed by O-2534.

14.1.21 Repealed by O-2534.

14.1.22 Repealed by O-2534.

14.1.23 Repealed by O-2534.

14.1.24 VACANCIES DUE TO SUSPENSION, ETC. TO BE FILLED BY TEMPORARY APPOINTMENT.

(Added by O-326)

During the period of suspension of any employee or pending final action on proceedings to review a suspension, demotion or dismissal of an employee, the vacancy created may be filled by the appointing power only by temporary appointment.

14.1.25 ABOLITION OF POSITIONS; RIGHTS OF DISCHARGED EMPLOYEE IF POSITION REINSTATED WITHIN TWO YEARS.

(Added by O-326)

Whenever, in the judgment of the City Council, it becomes necessary in the interest of economy or because the necessity for the position involved no longer exists, the City Council may abolish any position or employment in the classified service and discontinue the services of the employee holding such position or employment; provided, that the City Council shall be required to observe the seniority rule in putting into effect any such reduction in personnel. Should such position or employment or any position involving all or any of the same duties be reinstated or created within two (2) years, the employee discharged shall be eligible to be appointed thereto in preference to any other qualified persons on the eligible list for such position.

14.1.26 SOLICITING, RECEIVING AND MAKING POLITICAL CONTRIBUTIONS.

(Added by O-326; Amended by O-1056)

- a) No person on an eligible list for employment in the classified service of the City or holding any position, whether temporary, probationary or permanent, in the classified service of the City shall solicit or receive, or be in any manner concerned in soliciting or receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any candidate for an elective public office of the City, from any other person on such eligible list or holding any position, whether temporary, probationary or permanent, in the classified service of the City, or from any other employee or elected official of the City.
- b) No candidate for an elective public office of the City shall receive, or be in any manner concerned in receiving any assessment, subscription, contribution or political service, whether voluntary or involuntary, for any political purpose, whatsoever, from any person on an eligible list for employment in the classified service of the City or holding any position, whether temporary, probationary or permanent, in the classified service of the City, or from any other employee of the City.
- c) No person on an eligible list for employment in the classified service of the City or holding any position, whether temporary, probationary, or permanent, in the classified service of the City or holding any other employment with the City, shall pay or agree to pay any assessment, subscription or contribution, or render any political service, whether voluntary or involuntary, to or for any candidate for an elective public office in the City.

14.1.27 Repealed by O-2316.

14.1.28 EFFECTIVE DATE.

This Article shall take effect thirty (30) days after the date of its adoption. (Adopted 5-27-41).

14.1.29 TYPE OF EXAMINATIONS.

(Added by O-1751; Amended by O-1783; O-3457)

The Civil Service Board shall determine in advance of every examination whether such examination shall be a promotional examination or an open examination or an open and promotional examination; provided, however, that an examination for a department head shall be either a promotional examination or an open examination and such determination shall be made by the City Council after recommendation by the Board. Such determination shall be recorded in the minutes of the Board and the City Council, as the case may be.

Applicants to take a promotional examination for a department head position must be actually in the City employ at the time of the examination and have completed six (6) months of actual service in either a permanent civil service position or a non-civil service position.

14.1.30 Repealed by O-2562.

14.1.40 Repealed by O-3172.

14.1.41 Repealed by O-3172.

14.1.42 Repealed by O-3172.

14.1.43 CRIMINAL CONDUCT - EMPLOYMENT ELIGIBILITY.

(Added by O-2759)

a) Subject to the provisions of subsections b) and c) of this Section, no person convicted (including convictions following pleas of guilty and nolo contendre) of a felony or convicted of a misdemeanor involving moral turpitude shall be eligible for employment by any department of the City.

b) The appointing authority shall disregard such conviction if it is determined by the City Manager or his designee that such conviction is unrelated to the performance of the duties of the classification in which the applicant is to work. The applicant may appeal an adverse determination to the Civil Service Commission.

c) The appointing authority may disregard such conviction, if it is determined by such appointing authority that mitigating circumstances exist, such as, but not limited to, evidence of rehabilitation, length of time elapsed since such conviction, or the age of the applicant at the time of the conviction.

14.1.44 CRIMINAL RECORD DISTRIBUTION.

(Added by O-2759)

The Mayor and Members of the City Council, the Chairman and members of the Civil Service

Commission, the City Manager and his designee, Assistant City Manager, Personnel Manager, Civil Service Administrator, Personnel Analyst, Affirmative Action Officer, Chief of Police, City Attorney and any of his Deputies and Assistants, and each appointing authority of the City, are hereby authorized to have access to the State Summary Criminal History Information as provided for in Section 11105 of the Penal Code of the State of California when it is required to assist such person to fulfill the employment responsibilities set forth in Section [14.1.43](#).

14.1.45 PROCEDURE FOR OBTAINING CRIMINAL HISTORY INFORMATION.

(Added by O-2759)

Any official authorized to have access to criminal history information as set forth in Section [14.1.43](#). shall make a written request therefor to the Police Department in a form provided by the Personnel Manager which shall state the name and title of the official making the request, the purpose of the request, the identification of the applicant, and the position for which he applies and such other information as the Personnel Manager may require.

14.1.46 CRIMINAL RECORD DISTRIBUTION.

(Added by O-2805)

The City Manager shall establish procedures for handling the State Summary Criminal History Information documents. Such procedures shall seek to preserve a reasonable degree of privacy in such documents and in the information contained therein.

ARTICLE 2 - POSITION AND CLASSIFICATION PLAN

(Added by O-724; Amended by O-1230; O-1775; O-2005)

14.2.1 CLASSIFICATION PLAN.

(Amended by O-2908; O-3486)

- a) Position shall mean any office or employment in the classified service.
- b) Classification of Positions: All positions in the classified service of the City shall be grouped into classes, and each class shall include those positions sufficiently similar in respect to their duties and responsibilities so that similar requirement as to training, experience, knowledge, skill and the same rates of compensation are applicable thereto.
- c) Class Specifications: Class specifications, which state the main characteristics of the class, give examples of typical duties performed in positions of the class, and establish the minimum qualifications required for successful performance in such positions, shall be prepared and maintained for all classes. The class specifications shall be descriptive and explanatory but not preclude the assignment of other duties by the department heads concerned. The class specification shall be considered in its entirety and in relation to other class specifications in determining the class to which a position should be allocated.

- d) Series shall mean the inclusion of one (1) or more related classes of positions under one (1) common designation.

14.2.2 CLASSIFICATION PLAN MAINTENANCE.

The Personnel Director, under the direction of the City Manager, shall be responsible for the maintenance of the classification plan. The Personnel Director's responsibilities will include, but will not be limited to, making studies of new or changed positions, the determination of the proper class allocations, the maintenance of current class specifications, class lists and allocation records, and making recommendations on changes, additions and deletions in this Article.

14.2.3 ALLOCATION OF NEW POSITIONS; RE-ALLOCATIONS.

(Amended by O-3486)

The Personnel Director, under the direction of the City Manager, shall make recommendations concerning class specifications and position allocations to the Civil Service Commission. The Commission shall submit its action on such recommendation to the City Council. The City Council shall make the final decision.

- a) Any employee shall have the right to the consideration of any request he may have with respect to a change in the classification of his position. He shall submit his request in writing to his department head, who shall make recommendations and comments as to what action should be taken. The request, with departmental recommendations, shall be submitted to the Personnel Director for review with a copy of such recommendation returned to the employee.
- b) A department head or a representative of a recognized employee organization may initiate a request for a study of an individual position or positions by submitting such request to the Personnel Director for review and recommendation.
- c) When new positions are created, when the duties and responsibilities of the existing positions change, or when the classification plan is amended, the Civil Service Commission shall allocate or re-allocate the affected positions in the same manner as the original allocations are made. When the classification or allocation of a position is changed in accordance with this rule and the new status of the position is approximately equal to its former status, the Civil Service Commission may approve the transfer of the incumbent of the position in its former status to the position in its new status. When the new status of such a position is higher than the former status, the Civil Service Commission may approve the promotion of the incumbent of the position in its former status to the position in its new status if the employee passes successfully a promotional examination of the same degree of difficulty as an open competitive examination for the same class.

14.2.4 SETTING OF COMPENSATION.

Compensation schedules for all employees of the City shall be established and altered by resolution of the City Council.

ARTICLE 3 - POLICE AND FIRE DEPARTMENTS GENERALLY

(O-213; O-249; O-441; O-478; O-554; O-588; O-796; O869; O-1248; O-1255; O-1445; O-1447; O-1511; O-1512; O-1540; O-1611; O-1672; O-1671; O-1751; O-1982; O-1995; O-1996)

14.3.1 ALL OFFICERS AND MEN TO BELONG TO CLASSIFIED SERVICE; PROMOTIONS GENERALLY.

(Added by O-588)

All officers and men of the Fire Department and the Police Department shall belong to the classified service and shall be appointed and promoted for no other grounds and for no other reasons than their fitness for the position to be filled; provided, however, that no member of the Fire Department and Police Department shall be eligible for promotion until he shall have served one (1) year in such department. In subsequent promotions, such member must have held the rank from which he is promoted, or have been certified as eligible therefor, at least one (1) year; provided further, however, that there shall be no such requirement for the Assistant Chief of the Police Department to qualify for any vacancy in the office of Chief of the Police Department.

14.3.2 PROMOTIONS TO BE MADE FROM ELIGIBLE LIST; METHOD OF CHOOSING; NO PERSON ELIGIBLE TO BE PASSED OVER MORE THAN TWICE IN PREFERENCE TO OTHER APPOINTMENT.

(Amended by O-796; O-3529)

Promotions in the Fire Department and in the Police Department shall be made only from the eligible list. All officers or members below the rank of Chief shall be chosen or promoted by the Chief of the Department whenever a list of eligibles shall be furnished by the Civil Service Commission. In making such an appointment, for all positions other than division heads, the appointing officer must select from one of the three highest names on the list of eligibles and no person appearing on said list may be passed over more than twice in preference to some other appointment.

14.3.3 COST OF CONDUCTING EXAMINATIONS, ETC.

(Added by O-588)

The cost of conducting examinations and other duties of the Civil Service Board shall be a charge against the general fund of the City. These costs shall be certified by the Civil Service Board and when so certified, shall be paid by the City Council in the same manner as other charges against the City.

14.3.4 EXAMINATIONS AND TESTS; PREPARATION OF ELIGIBLE LIST.

(Added by O-249)

It shall be the duty of the Civil Service Board to hold examinations and to administer other suitable tests to those desiring positions, or who are applicants for or who may have been recommended for promotion in, the classified service of the Fire Department and the Police Department, for the purpose of determining their fitness for such positions or their qualification for such promotions.

From the result of such examinations and tests, the Board shall prepare a list of eligibles for all positions in the classified service of the Fire Department and the Police Department.

14.3.5 RE-EXAMINATION OF PERSONS ON ELIGIBLE LIST AFTER TWO YEARS.

(Added by O-249)

Any person carried on the eligible list for a period of two (2) years without being appointed or promoted shall be dropped from such eligible list and shall not be eligible for appointment or promotion without re-examination.

14.3.6 EXCEPTIONS AS TO ACTIVE MEMBERS UPON DATE OF ADOPTION OF ARTICLE.

(Added by O-249)

To the end that there be no disruption in the present service of the Fire Department and the Police Department, and that no undue hardship may be worked upon any member of such departments who shall have attained a certain grade or rank as a result of continuous and faithful service in such departments, all members of such departments shall be credited by the Civil Service Board with a qualifying mark both mental and physical, for entrance to the classified service of the Fire Department and Police Department to the rank, grade or position held by such members at the time of the adoption of this Article; and all members with not less than two (2) years Fire Department service shall be considered as eligible for the position of captain; and all members of such department considered as eligible for the positions of engineer and auto firemen; and all members with not less than two (2) years Police Department service shall be considered as eligible for the position of lieutenant; and all members of such department considered as eligible for the position of sergeant.

14.3.7 POLITICAL OR RELIGIOUS FAVORS OR DISCRIMINATION PROHIBITED.

(Added by O-249)

No person in the classified service, or seeking admission thereto, shall be appointed, promoted, demoted or discharged or in any way favored or discriminated against because of political opinions or affiliations or because of religious beliefs.

14.3.8 Repealed by O-2082.

14.3.9 SUSPENSION AND DISCHARGE OF POLICEMEN AND FIREMEN.

(Amended by O-1982)

The suspension from duty without pay, reduction in rank and discharge of members of the Police and Fire Departments shall be governed by the provisions of Article [1](#) of this Chapter 4 and Rule XIV of the Civil Service Rules and Regulations (Rules and Regulations supplementing Personnel Ord. No. 326) insofar as the provisions of said Rule XIV are not inconsistent with the provisions of said Article [1](#).

14.3.10 Repealed by O-1982.

ARTICLE 4 - DEPARTMENT HEADS DEFINED

(Added by O-2044)

14.4.1 DEPARTMENT HEADS NOT APPOINTED BY THE CITY MANAGER.

Elected:

- a) City Clerk
- b) City Treasurer

Appointed:

- a) City Attorney
- b) Finance Director
- c) City Manager

14.4.2 DEPARTMENT HEADS APPOINTED BY THE CITY MANAGER.

(Amended by O-2464; O-2621; O-3111; O-3224)

- a) Building and Safety Director
- b) City Engineer
- c) City Librarian
- d) Director of Transportation
- e) Fleet Services Director
- f) Fire Chief
- g) Information Systems Director
- h) Park and Recreation Director
- i) Personnel Manager
- j) Planning Director
- k) Police Chief
- l) Street Maintenance Superintendent
- m) Water System Superintendent

14.4.3 PROBATIONARY PERIOD.

(Added by O-2718)

All original and promotional appointments to department head positions, appointed by the City Manager, including the Police Chief and Fire Chief, shall be tentative and subject to a probationary period of one (1) year.

14.4.4 POST EMPLOYMENT RESTRICTIONS ON DEPARTMENT HEADS AND OTHER DESIGNATED EMPLOYEES.

(Added by O-3702)

No Head of any City Department, Assistant or Deputy Department Head, Division Head or professional member of the City Manager or City Attorney Staff shall for compensation, act as an agent or attorney for any party before a City Agency, Department, Commission, or the City Council for a period of one year after leaving employment with the City.

ARTICLE 5 - POLICE DEPARTMENT

(Added by O-249; Amended by O-1462; O-1540; O-1671; O-1672; O-1751; O-1873)

14.5.1 COMPOSITION.

(Amended by O-2081)

The Police Department of the City shall consist of a Chief of the Police Department and such captains, lieutenants, sergeants, policemen and other employees as the City Council may from time to time prescribe.

14.5.2 QUALIFICATIONS OF MEMBERS.

(Added by O-249; Amended by O-588; O-1248; O-1254; O-1255; O-1511; O-1512; O-1611)

Every police officer, at the time of appointment to the Police Department, shall be not less than twenty-one (21) years of age. Every appointee to said department, including those members who are not police officers, must possess the physical qualifications prescribed by the Civil Service Board and before his appointment must pass satisfactorily such examinations as may be prescribed by the Civil Service Board.

14.5.3 SUCCESSIVE TEMPORARY APPOINTMENTS PROHIBITED.

(Added by O-249; Amended by O-2082; O-2718; O-2769; O-2985)

Successive temporary appointments shall not be allowed.

14.5.4 POWERS AND DUTIES OF CHIEF GENERALLY.

(Added by O-249)

The Chief of the Police Department shall, subject to the approval of the City Manager, have control, management and direction of all members of the Police Department and all buildings, apparatus and

equipment of such department as may be necessary in the lawful exercise of the functions of his office. He shall have full power to detail any officer or member of the Police Department to such public service as may be necessary. He shall recommend to the City Manager, members of the Police Department for demotion or dismissal, and may suspend from duty, and prefer charges against any officer or member of the Department.

14.5.5 AUTHORITY OF CHIEF TO FILL TEMPORARY VACANCIES.

(Added by O-249)

Whenever a vacancy in the Police Department above the grade of patrolman occurs, the Chief of Police may, with the approval of the City Manager, assign a member of the Department from the next lower rank to fill the vacancy until such time as that absent member shall return to duty, or the vacancy may be filled by appointment from the eligible list furnished by the Civil Service Board. The member so assigned shall, during his incumbency, receive the salary attached to the grade of position thus temporarily filled.

14.5.6 Repealed by O-2097.

14.5.7 Repealed by O-1995; O-1996.

14.5.8 POLICEMEN NOT TO RECEIVE COMPENSATION FOR SERVICE AS FIREMEN.

No officer or member of the Police Department shall be permitted, without the consent of the City Council to accept any money, gratuity or compensation for any service he may render as a member of the Fire Department.

14.5.9 REWARDS FOR HEROIC OR MERITORIOUS SERVICE.

(Added by O-249)

The City Council may, upon the recommendation of the Chief of the Police Department, reward any officer or member of the Police Department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the City Council, but shall not exceed in any one instance, one months salary. The City Council may appropriate money for such rewards.

14.5.10 PAY WHILE ABSENT FROM DUTY.

(Added by O-249)

Officers and members of the Police Department shall not be allowed pay for any period for which they shall be absent from duty, except as specifically provided by this Code or by any provision of the laws of the State.

14.5.11 FALSE, MISLEADING OR UNFOUNDED REPORTS.

(Added by O-554)

No person shall willfully make any false, misleading or unfounded report to the Police Department of the City for the purpose of interfering with the operation of the Police Department or with the intention of misleading any police officer.

14.5.12 PRISONERS; LABORING ON PUBLIC WORKS.

(Added by O-558)

Every person confined in the City jail under a judgment rendered in a criminal action, in a court of competent jurisdiction, shall be required to perform labor on the public works, ways and equipment of the City under the direction of the Chief of Police.

14.5.13 PRISONERS; POWERS AND DUTIES OF CHIEF AS TO SECURITY; RULES AND REGULATIONS.

(Added by O-558)

The Chief of Police shall procure such equipment and use such means as he shall deem necessary for the security of all prisoners under his charge. He may prescribe and administer such rules and regulations as shall be deemed necessary to keep good order among the prisoners and compel them to do their work.

14.5.14 PRISONERS; TO BE TREATED WITH KINDNESS, ETC.

(Added by O-558)

Prisoners shall be treated with the kindness compatible with the enforcement of the rules and regulations necessary to compel discipline and obedience to the officer in charge.

14.5.15 Repealed by O-2097.**14.5.16 TRAINING OF CORRECTIONS PERSONNEL.**

(Added by O-3052)

All training of personnel assigned to Correctional duties for which application is made to the State of California for payment from the Corrections Training Fund, shall adhere to the standards for selection and training established by the Board of Corrections.

14.5.17 RECRUITMENT AND TRAINING OF PUBLIC SAFETY DISPATCHERS.

(Added by O-3440)

In compliance with the requirements of Section 13510(c), Chapter 1, of Title 4, Part 4, of the California Penal Code, the City of Torrance will adhere to the standards for recruitment and training established by the Commission on Peace Officer Standards and Training (POST Commission) for public safety dispatchers.

14.5.18 AUTHORIZATION OF INQUIRIES.

(Added by O-3440)

The City of Torrance acknowledges that it will comply with the requirements of Section 13512, Chapter 1, of Title 4, Part 4, of the California Penal Code, which authorizes the POST Commission and its representatives to make such inquiries as they deem appropriate, to ascertain that the City of Torrance public safety dispatcher personnel adhere to standards for recruitment and training

established by the POST Commission.

ARTICLE 6 - FIRE DEPARTMENT

(Added by O-213; Amended by O-249)

14.6.1 Repealed by O-3020.

14.6.2 Repealed by O-3020.

14.6.3 Repealed by O-3020.

14.6.4 Repealed by O-3020.

14.6.5 Repealed by O-3020.

14.6.6 Repealed by O-2101.

14.6.7 Repealed by O-1995; O-1996; O-2343.

14.6.8 FIREMEN NOT TO RECEIVE COMPENSATION FOR SERVICE AS POLICEMEN.

(Added by O-249)

No officer or member of the Fire Department shall be permitted, without the consent of the City Council, to accept any money, gratuity or compensation for any service he may render as a member of the Police Department.

14.6.9 REWARDS FOR HEROIC OR MERITORIOUS SERVICE.

(Added by O-249)

The City Council, may upon the recommendation of the Chief of the Fire Department reward any officer or member of the Department for conduct which is heroic or meritorious. The form or amount of such reward shall be discretionary with the City Council, but shall not exceed in any one instance one months salary. The City Council may appropriate money for such rewards.

14.6.10 Repealed by O-3020.

14.6.11 Repealed by O-3020.

14.6.12 Repealed by O-3020.

14.6.13 Repealed by O-3020.

14.6.14 Repealed by O-3020.

14.6.15 Repealed by O-3020.

14.6.16 Repealed by O-3020.

14.6.17 Repealed by O-2101.

ARTICLE 7 - BUREAU OF FIRE PREVENTION

(Added by O-1457)

14.7.1 BUREAU OF FIRE PREVENTION ESTABLISHED.

The Bureau of Fire Prevention in the Fire Department of the City of Torrance is hereby established; it shall be operated under the supervision of the Fire Department of the City of Torrance, and shall enforce the Uniform Fire Code.

14.7.2 APPOINTMENT OF CHIEF OR FIRE MARSHAL IN CHARGE OF BUREAU.

The Chief or Fire Marshal in charge of the Bureau of Fire Prevention shall be appointed by the Chief Engineer. His appointment shall continue during good behavior and satisfactory service.

14.7.3 ARSON INVESTIGATORS.

(Amended by O-1844; O-3383)

The Fire Chief, the Hazardous Materials Officer, the Fire Marshal, each member of the Fire Prevention Bureau, and any member of the Fire Department assigned to arson investigations, are hereby designated as members of an Arson Investigation Unit of the Torrance Fire Department.

14.7.4 INSPECTORS.

The Chief of the Fire Department may detail such members of the Fire Department as inspectors as shall from time to time be necessary. The Chief of the Fire Department shall recommend to the City Manager, the employment of technical inspectors, who, when such authorization is made, shall be selected through an examination to determine their fitness for the position. The examination shall be open to members and non-members of the Fire Department, and appointments made after examination shall be for an indefinite term with removal only for cause.

ARTICLE 8 - EMPLOYER-EMPLOYEE RELATIONS

(Added by O-1973; O-1974)

14.8.1 EMPLOYEE RELATIONS OFFICER; POWERS AND DUTIES.

- a) The City Manager shall be officially designated representative of the City Council in all employer-employee relations matters, with authority to meet and confer in good faith on matters within the scope of representation, including wages, hours, and other terms and conditions of employment.
- b) The City Manager may delegate to any management employee as defined in this Article any powers and duties conferred on him by the provisions of this Article.

14.8.2 DEFINITIONS.

(Amended by O-3119)

As used in this Article, the following terms shall have the meanings indicated:

- a) Recognized employee organization or recognized employee representative means employee organization, or its duly authorized representative, that has been certified by the Employee Relations Committee of the Civil Service Commission, as representing the majority of the

employees in an appropriate representation unit.

- b) Committee means the Employee Relations Committee of the Civil Service Commission.
 - c) Confidential employee means any employee who is privy to decisions of City management affecting employee relations.
 - d) Consult means to communicate orally or in writing for the purpose of presenting and obtaining views or advising of intended actions.
 - e) City means the City of Torrance, California, a body corporate and politic and chartered under the laws of the State of California and where appropriate herein, City refers to the City Council, the governing body of said City, or any duly authorized management representative as herein defined.
 - f) Employee means any person employed by the City in a permanent position.
 - g) Employee organization means any registered employee organization which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City.
 - h) Employee relations means the relationship between the City and its employees and their employee organizations, or when used in general sense the relationship between management and employees or employee organizations.
 - i) Representation Unit means a unit established pursuant to Section [14.8.11](#). of this Article.
 - j) Fact-finding or advisory arbitration means identification of the major issues in a particular dispute, review of the positions of the parties, resolution of factual difference by one or more impartial fact-finders, and the making of recommendations for settlement if requested by either party.
 - k) Impasse means a failure to reach agreement over a protracted period of time between a recognized employee organization and the City over any matter within the scope of representation, or over the scope of such matter at issue.
 - l) Management employee means an employee of the City who is designated by the City Manager to represent the City in Meet and Confer, who can resolve grievances, and who can effectively recommend discipline and appointment of personnel. Such shall include the City Manager, his assistants, the department heads and division heads who have included in their responsibility acting for the department head in his or her absence.
- (O-2209; O-3119)
- m) Mediation means the efforts of an impartial third person or person functioning as an

intermediary, to assist the parties in reaching a voluntary resolution to an impasse.

- n) Meet and confer in good faith means performance by duly authorized management representatives and duly authorized representatives of a recognized employee organization of their mutual obligation to come together in person at reasonable times to exchange ideas and to attempt to reach agreement on issues involving wages, hours, and other terms and conditions of employment, and includes the mutual obligation to execute a written Memorandum of Understanding incorporating any agreement reached. This obligation does not compel either party to agree to a proposal or to make concession.
- o) Memo of understanding means a written document jointly prepared by management and a recognized employee organization or organizations enumerating any agreement reached as the result of meeting and conferring in good faith on matters within the scope of representation, and signed by the parties involved.
- p) Article means, unless otherwise specified herein, Article 8 of Chapter 4 of the Torrance Municipal Code.
- q) Professional means either:
 - 1) A classification of employees engaged in work (i) predominately intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the constant exercise of discretion and judgment in its performance; and (iii) requiring knowledge in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine mental, manual, or physical processes; or
 - 2) A classification of employees who (i) have completed the courses of specialized intellectual instructions and study in clause (iii) of item 1) of this paragraph; and (ii) are performing related work under the supervision of a professional person in order to qualify to become a professional employee as defined in item 1) of this paragraph.
- r) Registered employee organization means any organization which includes employees of the City and which has as one of its primary purposes representing such employees in their employment relations with the City, and which has complied with the requirements of Section [14.8.10](#) of this Article.

14.8.3 EMPLOYEE RIGHTS.

Employees of the City shall have the exclusive right to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, including, but not limited to wages, hours, and other terms and conditions of employment. No employee shall be interfered with, intimidated, restrained, coerced or

discriminated against because of his exercise of these rights.

14.8.4 CITY RIGHTS.

The City shall have the exclusive right to determine the mission of each of its departments, commissions, boards and agencies, set levels of service to be performed, direct its employees, exercise control and discretion over its organization and operations, and determine the methods, means, and personnel by which the City's operations are to be conducted, and the levels of service met; provided, however, that the exercise of such rights does not preclude employees or their representatives from meeting and consulting with management or filing grievances about the consequences that decisions on these matters may have on wages, hours, and other terms and conditions of employment.

14.8.5 SCOPE OF REPRESENTATION.

The scope of representation includes all matters affecting employee relations, including, but not limited to wages, hours, and other terms and conditions of employment within a representation unit.

14.8.6 EMPLOYEE RELATIONS COMMITTEE.

There is hereby established a three (3) member standing committee of the Civil Service Commission to be known as the Employee Relations Committee.

- a) The Committee shall be appointed by the Chairman of the Civil Service Commission but shall not include the Chairman.
- b) The Committee shall elect a Chairman and shall meet, after proper public notice, as required by the provisions of this Article or at the call of the Committee Chairman.
- c) Each of the parties involved in any dispute before the Committee shall have the right to preemptorily challenge one (1) Committee member, who shall then be removed from the Committee while the Committee is considering the pending matter.
- d) The Chairman of the Civil Service Commission shall appoint a temporary replacement for the challenge committee member to serve while the committee is considering the pending matter.

14.8.7 POWERS AND DUTIES OF EMPLOYEE RELATIONS COMMITTEE.

(Amended by O-2652)

The Employee Relations Committee of the Civil Service Commission shall have the following duties and powers:

- a) To determine in disputed cases, or otherwise to approve appropriate representation units.
- b) To investigate charges of unfair employee relations practices for violations of the Article, and upon proper notice, to take such action as the Committee deems necessary to effectuate the policies of this Article, including, but not limited to, the issuance of cease and desist orders.

- c) To consider and decide issues relating to rights, privileges, and duties of a recognized employee organization in the event of a merger, amalgamation or transfer of jurisdiction between two or three recognized employee organizations.
- d) Assignment of new classifications: Each newly established classification shall be proposed to the Employee Relations Committee for assignment to an appropriate representation unit by the City Manager or his designee, after appropriate prior notification and consultation with all registered and recognized employee organizations. If a registered or recognized employee organization challenges the assignment, the Employee Relations Committee shall hold a public hearing to consider and decide the issue of assignment to an appropriate representation unit in the manner prescribed in Section [14.8.11](#). If there is no challenge the classification shall be assigned to an appropriate unit by the Employee Relations Committee.
- e) To take such other action, upon proper notice, as the Committee deems necessary to effectuate the policies of this Article.

14.8.8 CITY SERVICES TO EMPLOYEE RELATIONS COMMITTEE.

The City shall provide reference periodicals, books, equipment and supplies for the Employee Relations Committee, subject to City Council approval. The City also shall provide recording and transcription services for all public hearings conducted by the Committee.

14.8.9 CONFLICT OF INTEREST.

If at any time any employee relations matter comes before the Committee in which any Committee member has any interest, direct or indirect, other than that of a taxpayer, said member shall publicly so state and his statement shall be recorded in the minutes of the meeting. He shall thereafter be disqualified from participating in the consideration of said matter.

14.8.10 REGISTRATION OF EMPLOYEE ORGANIZATION.

- a) Application for registration: A group of employees that desires to be registered as an employee organization shall file with the Committee a statement, signed by its presiding officer, showing:
 - 1) Name and mailing address of the organization.
 - 2) Names, titles and terms of office of officers.
 - 3) A copy of its constitution and/or bylaws.
 - 4) Verification of employee membership in the organization which may be shown by employee organization's payroll dues deduction authorization, or individually signed representation authorization cards, or other appropriate means.
 - 5) A designation of those persons, to whom notice sent by United States mail will be deemed sufficient notice on the organization for any purpose, except service of legal process.

- b) Notification of registration: Upon receipt of all the information required by subsection a) of Section [14.8.10](#), the Committee shall, in writing, notify the organization that it has been registered as an employee organization. A copy of this notice shall be filed with the City Manager and with any other registered employee organization requesting such notice.

14.8.11 ESTABLISHMENT OF REPRESENTATION UNITS.

- a) Petition. Establishment of a representation unit is initiated by petition of employees within the proposed unit.
- 1) The petition for representation must be accompanied by proof of employee approval equal to at least thirty (30) percent of the employees within the proposed unit.
 - 2) The petition shall be filed with the Committee.
 - 3) The Committee shall give notice of the filing to the City Manager and to the employees in the proposed unit and to any person or employee organization that has filed a written request for such notice.
 - 4) A petition for the establishment of a representation unit may be combined with a petition that seeks to certify an employee organization as a recognized employee organization.
 - 5) The petitions shall bear the signature of each employee so petitioning and that employee's class title and department.
- b) Challenge by employee organization:
- 1) If an employee organization desires to challenge the appropriateness of the proposed representation unit and seeks to establish a different unit, it shall file a petition with the Committee within thirty (30) calendar days of the filing of the original petition requesting a unit determination.
 - 2) The petition must be accompanied by proof of employee approval equal to at least thirty (30) percent of the employees in the unit requested by the challenging organization.
 - 3) The petitions shall bear the signature of each employee so petitioning and that employee's class title and department.
- c) Challenge by City Manager. If the City Manager decides to challenge the appropriateness of the proposed representation unit, he shall within thirty (30) calendar days of the filing of the original petition file a petition with the Committee requesting a determination.
- d) Certification of Unit. If there has been no petition filed within the time specified challenging a petition to establish a representation unit, the Committee shall certify that the representation unit has been established.

e) Amendment of petitions:

- 1) If a challenge is lodged, the Committee shall notify the original petitioner in writing.
- 2) The original petitioner may amend the petition and resubmit it in accordance with subsection 1a) of this Section.
- 3) Upon the filing of an amended petition the original petition shall be deemed revoked and the amended petition shall be considered on its own merits as if originally filed.

f) Determination of dispute.

- 1) If a challenging petition has been duly filed, and the challenge has not been resolved by amendment or withdrawal, the Committee shall conduct a hearing on the petition and shall determine the appropriate representation unit or units.
- 2) In the determination of appropriate representation units the principal criterion shall be whether there is a community of interest among the employees. The following factors, among others, are to be considered in making such determination:
 - i) which unit will assure employees the fullest freedom in the exercise of rights set forth under this Code;
 - ii) the history of employee relations, in the unit, among other employees of the City, and in similar public employment;
 - iii) the effect of the unit on the efficient operation of the City and sound employer-employee relations;
 - iv) the extent to which employees have common skills, working conditions, job duties or similar educational requirements;
 - v) the effect on the existing classification structure of dividing a single classification among two (2) or more units; provided, however that no unit shall be established solely on the basis of the extent to which employees in the proposed unit have organized.
- 3) In the establishment of representation units, professional employees shall not be denied the right to have a representation unit composed solely of such professional employees.
- 4) The Committee shall conduct a hearing on each contested representation unit only after first giving the registered employee organizations concerned and the City Manager reasonable notice of the time and place of such hearing. The Committee may require the parties concerned to submit such additional information or material as it deems proper and necessary. The Committee shall make the decision on the appropriate unit and issue the

notice thereon. Notice shall be given to employees of the unit, all registered employee organizations, the City Manager and the City Clerk. The Committee decision shall be final, subject to the provisions of subsection g) of this Section.

- 5) In the course of the hearing if an agreement between the parties is reached the agreement of the parties involved on the representation unit is subject to the Committee's concurrence that such unit is appropriate.
- 6) The Committee shall resolve any dispute concerning the relationship between existing representation units involving the addition of new classes to, or the deletion of classes from, the classification plan.
- g) If any registered employee organization which has lodged either an original petition for unit determination or a challenging petition is dissatisfied with a decision of the Committee with respect to the appropriateness of a representation unit, it may request mediation through the State Conciliation Service. Pending such mediation, the matter shall not be finally resolved by the Committee.

14.8.12 RECOGNITION OF EMPLOYEE ORGANIZATION.

(Amended by O-2491; O-2948)

- a) Petition:
 - 1) A registered employee organization that seeks certification as a recognized employee organization shall file a petition with the Employee Relations Committee. The petition shall identify the representation unit requested or established pursuant to Section [14.8.11](#). for which petitioner seeks recognition. The petition shall be accompanied by proof of membership within the representation unit.
 - 2) A petition accompanied by proof of employee approval of less than thirty (30) percent of the employees within the unit shall not be accepted.
- b) Challenge:
 - 1) The Committee shall give written notice of the filing of a petition to the employees involved, and to any employee organization that has filed a written request for the receipt of such notice.
 - 2) Within thirty (30) calendar days of the date of such notice, another registered employee organization may file a challenging petition seeking to become the recognized employee organization within the representation unit.
- c) Election:

- 1) If a petition is filed, the Committee shall request the City Clerk or the State of California Conciliation Service to call and conduct a secret ballot election pursuant to subsection 12d) which shall be done without undue delay.
 - 2) If a challenging petition is filed against a petition and is accompanied by proof of employee membership equal to at least ten (10) percent of the employees within the representation unit, the Committee shall request the City Clerk or the State of California Conciliation Service to include the challenging registered employee organization on the ballot.
 - 3) In the absence of a challenging petition, the Committee may determine recognition on the basis of an authorization card check or similar proof of membership as may be determined to be appropriate. The City Manager or registered employee organization which is a party to the recognition proceedings shall be entitled to a secret ballot election provided a written request for an election is filed with the Committee prior to certification.
- d) Election procedure:
- 1) Whenever the City Clerk or the State of California Conciliation Service calls an election pursuant to this Article, the ballot shall include the choice No organization.
 - 2) Employees entitled to vote in a representation election shall be those employees within the representation unit whose names appeared as employees on the City payroll for the payroll period ending immediately prior to the date of election.
 - 3) In an election where none of the choices receives a majority of the valid ballots cast, a run-off election shall be conducted between the two (2) choices receiving the largest number of ballots cast.
 - 4) A recognized employee organization shall be certified to the Committee by the City Clerk or the State of California Conciliation Service as the recognized organization for the representation unit if the majority of those casting voting ballots at the election choose said organization.
 - 5) There shall be no more than one (1) representation election in a twelve (12) month period with in the same representation unit.
- e) Decertification Procedure: A decertification petition may be filed with the Committee by employees or a registered employee organization to determine whether or not a recognized employee organization shall continue to represent the employees in a representation unit.
- 1) Such petition must be accompanied by proof of employee approval equal to at least thirty (30) percent of the employees within the representation unit.
 - 2) Such petition may be received by the Committee only within the ninety (90) calendar day

period immediately preceding the second and thereafter the annual anniversary date of recognition.

A valid written agreement between the City and a certified employee organization or council of employee organizations covering the wages, hours and/or other terms and conditions of employment of employees in an appropriate representation unit shall bar the filing of a Petition of Certification or a Petition for Decertification of a recognized employee organization for such unit during the term of such written agreement, not exceeding three (3) years. A Petition of Decertification may only be filed during a period beginning not earlier than one hundred fifty (150) calendar days and ending not later than ninety (90) calendar days before the expiration date of any such written agreement.

- 3) No decertification petition for the same unit shall be entertained by the Committee more frequently than once in one (1) year.
- 4) When such a valid petition has been filed, the Committee shall request the City Clerk or the State of California Conciliation Service to conduct an election to determine whether or not the recognized employee organization shall be decertified and when filed by a registered employee organization, whether such organization shall be recognized.
- 5) The incumbent recognized employee organization shall be decertified if a majority of those casting valid ballots vote for decertification, or in appropriate cases if a majority vote for the petitioning registered employee organization.
- 6) In the absence of decertification, the certification of the recognized employee organization shall continue on a year to year basis.

14.8.13 GRIEVANCES.

- a) Definition. A grievance is a complaint by an employee or a group of employees, concerning the application or interpretation of ordinances, rules, policies, practices or procedures affecting employees.
- b) Scope. Except as provided in subsection e) this procedure shall be used to resolve every grievance for which no other methods of solution is required by law; provided, however, that it shall not include a complaint arising from disciplinary action unless no review of such disciplinary action is otherwise provided in this Code.
- c) Procedure:
 - 1) First Step:
 - i) The aggrieved employee and/or any person or persons chosen by the employee shall meet and confer with the employee's immediate supervisor at a reasonable time;

- ii) The grievance may be presented orally;
 - iii) The immediate supervisor may ask one of his superiors to participate excluding the department head;
 - iv) If a grievance is not resolved by the end of the third full working day (3 shifts in the Fire Department) after being received by the immediate supervisor, the employee may appeal in writing to his department head;
 - v) If the grievance is against a department head the employee shall meet and confer with the City Manager at a reasonable time.
- 2) Second Step:
- i) The aggrieved employee and/or his representatives shall meet and confer with the employee's department head at a reasonable time;
 - ii) The department head may require the employee's superiors to be present at such conference;
 - iii) If the grievance is not resolved by the end of the third full working day after being received by the department head (3 shifts in the Fire Department), the employee may appeal in writing through the City Manager to an Employee Appeals Board established to hear such grievance pursuant to the provisions of subsection d) of this Section.
- 3) Third Step:
- i) Within three (3) working days after receipt of an appeal from the decision reached at the second step, the City Manager shall convene an Employee Appeals Board as provided in subsection d);
 - ii) The Board shall conduct an informal hearing on the matter;
 - iii) The City Attorney, upon request of the Board, shall provide an attorney to act as legal advisor to the Board;
 - iv) The Board may continue the hearing from time to time, but not to exceed thirteen (13) working days after receipt of an appeal from the second step;
 - v) The proceedings of the Board shall be recorded;
 - vi) The decision of the Board shall be final and shall be implemented by the City Manager. There shall be no appeal to the Civil Service Commission, to the City Council, or to any other board or official of the City of Torrance.

d) Employee Appeals Board:

- 1) An Employee Appeals Board shall consist of the following personnel: one (1) person chosen by the aggrieved employee, except any person who represented the employee regarding the grievance; one person chosen by the City Manager except one in the normal line of supervision over the employee or a department head; and a third person chosen by the other two (2) members who shall act as Chairman.
- 2) The Chairman shall be chosen from a list composed of ten (10) names, five (5) submitted by each of the other two (2) members.
- 3) If agreement on a Chairman cannot be reached, each of the other two (2) members shall strike four (4) names from the list and the Chairman shall then be chosen by lot from the remaining two (2) names.

e) General:

- 1) All time periods specified in this Article may be extended by mutual consent of the aggrieved employee or his representative and the management representative involved.
 - 2) The aggrieved employee and his representative shall be allowed sufficient time to participate in the grievance proceedings without loss of compensation or other benefits.
 - 3) A copy of the Board's decision shall be sent to the aggrieved employee, to his department head, to the City Manager, to the City Clerk and to the City Council.
- f) Reservation of Jurisdiction. Notwithstanding the preceding provisions of this Section, the Employee Appeals Board shall not have any jurisdiction to hear and decide any grievance where such decision would constitute an interference with the powers and duties of the City Manager as provided in Section 5 of Article [Z](#) of the City Charter or of the Civil Service Commission as provided elsewhere in this Code, nor shall the Employee Appeals Board have jurisdiction to hear and decide any other matter which is outside the scope or the authority granted to the City Council by the provisions of the City Charter or the Constitution of the State.
- g) The provisions of this section shall not apply to the employees in any representation unit where management and the representatives of the recognized employee organization for that unit have entered into a memorandum of understanding, which is subsequently approved by the City Council, covering grievance procedures.

(O-2292)

14.8.14 MEET AND CONFER IN GOOD FAITH.

- a) Upon request, a recognized employee organization shall have the right to meet and confer in good faith at a reasonable time regarding wages, hours and other terms and conditions of

employment with management.

- b) If agreement is reached by management and a recognized employee organization or recognized employee organizations, on matters subject to approval by the City Council, they shall jointly prepare a written and signed memorandum of such understanding, and present it to the City Council for determination. If agreement is reached on matters not subject to approval by the City Council, those conferring shall jointly prepare a written and signed memorandum of such agreement which shall be filed with the City Clerk.

14.8.15 AVAILABILITY OF DATA.

- a) To facilitate discussions, the City shall provide to recognized employee organizations concerned, the published data it regularly has available concerning subjects under negotiation, including data gathered concerning salaries and other terms and conditions of employment provided by comparable public and private employers.
- b) If an election for certification as the recognized employee organization in an appropriate representation unit has been ordered, the City Manager shall provide, upon request by an employee organization which has qualified to be included on the ballot, a list of the names and departments of employees in the unit. Said list shall be provided not later than thirty (30) calendar days prior to the date of said election.

14.8.16 ATTENDANCE AT MEETINGS.

- a) A reasonable number of City employees, not to exceed three (3) except by mutual agreement, acting as representatives for recognized employee organizations shall be allowed reasonable time off without loss of compensation or other benefits when formally meeting and conferring with representatives of management on matters within the scope of representation.
- b) Attendance at meetings by employee representatives outside the City may be authorized but at no cost to the City for salaries or other expenses related to attendance at such meetings unless approved by City Council.

14.8.17 EMPLOYEE REPRESENTATION.

Employee organizations may represent their individual employee members in individual employment relations, including grievances, with respect to all matters within the scope of representation.

14.8.18 MANAGEMENT AND CONFIDENTIAL EMPLOYEES.

No management or confidential employee may participate in a meeting on a matter within the scope of representation as a representative of a recognized employee organization unless representing solely management and/or confidential employees.

14.8.19 PROMPT ATTENTION TO REQUEST.

- a) Representatives of management shall acknowledge in writing, within five (5) working days, any written request for consideration of a matter by a recognized employee organization, and shall

attempt a resolution of any problem within the scope of representation within a reasonable period of time.

b) Representatives of a recognized employee organization shall acknowledge in writing, within five (5) working days, any written request for consideration of a matter by management, and shall attempt a resolution of any problem within the scope of representation within a reasonable period of time.

14.8.20 COMMUNICATION WITH EMPLOYEES.

a) A recognized employee organization which represents employees of a City department shall be allowed by that department reasonable use of space on available bulletin boards for communications.

b) A recognized employee organization may distribute material to all employees through city-wide facilities of communication.

c) Any representative of a recognized employee organization shall give oral notice to the department head or his designated representative when contacting departmental employees on City facilities during the duty period of the employees; provided, however, that solicitation for membership or other internal employee organization business shall be conducted during the non-duty hours of all employees concerned except as indicated in subsection d) of Section [14.8.20](#). Prearrangement for routine contact may be made on an annual basis.

d) Internal employee organization business may be conducted during the duty period of the employees where the differences in shifts, watches or scheduling necessitates it. Employees involved in such internal employee organization business during the duty period shall be allowed reasonable time to participate without loss of compensation or other benefits.

14.8.21 USE OF CITY BUILDINGS.

City buildings and other facilities may be made available for use by a recognized employee organization or its representatives in accordance with administrative procedures governing such use.

14.8.22 ADVANCE NOTICE.

a) Each employee organization affected shall be given reasonable advance written notice of any ordinance, rule or regulation, or proposal directly relating to matters within the scope of representation proposed to be adopted by the City and shall be given the opportunity to meet and consult with the appropriate level of management prior to adoption.

b) Whenever management communicates in writing to an employee or employees, a management decision or proposal which might affect the working conditions, personnel, management practices or other employee - management relationships, it shall concurrently send such notice to the appropriate recognized employee organization.

14.8.23 PAYROLL DEDUCTIONS.

Payroll deductions shall be made for membership dues to registered employee organizations in accordance with applicable law and City rules.

14.8.24 RESOLUTION OF IMPASSE ON AGREEMENT TERMS.

(Amended by O-3747)

- a) If the appropriate management representatives and the representatives of a recognized employee organization reach an impasse, either party may, within 5 working days of impasse, notify the other party that the matter is to be submitted for mediation to the California State Conciliation Service. All mediation proceedings will be private. The mediation must be completed within 60 days of submitting the request to the California State Conciliation Service except by mutual agreement of both parties. Failure to schedule and mediate within 60 days will move the matter to the City Council, as described in subsection (e) below.
- b) Either party may request fact-finding within 5 working days in accordance with this section in connection with any disputed matter after completion of mediation. The fact-finding must be completed within 120 days after completion of mediation except by mutual agreement of the parties. Failure to schedule and obtain the fact-finding report within 120 days after completion of mediation will move the matter to the City Council, as described in subsection (e) below.
- c) A fact-finder so requested shall be selected by the parties from a list of arbitrators supplied by the California State Conciliation Service.
 1. The recommendation of the fact-finder will be limited to the issues originally referred for dispute settlement.
 2. Fact-finding proceedings will be private.
 3. The fact-finding report will be filed with the parties.
- d) The fees and expenses of the mediator and fact-finder will be shared equally by the parties involved. The City will furnish meeting space and recordings and transcribing services when requested for such proceedings.
- e) If the appropriate management representatives and the representatives of a recognized employee organization are unable to reach agreement during mediation or fact-finding, the matter will be submitted to the City Council for resolution.

14.8.25 UNFAIR EMPLOYEE RELATIONS PRACTICES.

- a) It shall be an unfair employee relations practice for the City:
 - 1) To interfere with, restrain, or coerce employees in the exercise of the rights recognized or granted in this Article;

- 2) To dominate or interfere with the formation of any employee organization or contribute financial support to it, provided that the City may permit the use of City facilities, make payroll dues deductions, and permit employees who are officers or representatives of employee organizations to confer with City officials during working hours without loss of time or pay, subject to applicable regulations;
 - 3) To refuse to meet and confer in good faith with representatives of recognized employee organizations on matters within the scope of representation.
- b) It shall be unfair employee relations practice for employee organizations or their representatives or members:
- 1) To interfere with, restrain or coerce employees in the exercise of the rights recognized or granted in this Article;
 - 2) To refuse to meet and confer in good faith with City officials on matters within the scope of representation when the employee organization involved has been certified as a recognized employee organization.
- c) With respect to the impasse procedures set forth in Sec. 14.8.24. of this Article, it shall be an unfair employee relations practice for either the City or a recognized employee organization to fail or refuse to cooperate with any mediators or fact-finders involved.
- d) Charges of violations of this Section or of this Article, or of applicable rules or regulations may be initiated by a management representative, or by a representative of any employee organization. Such charges shall be filed in writing with the Employee Relations Committee. Each charge so filed shall be processed in accordance with the rules and regulations of the Employee Relations Committee.
- e) If the Committee's decision is that the City has engaged in an unfair employee relations practice or has otherwise violated this Article or any rule or regulation issued thereunder, the Committee shall direct the City to take appropriate corrective action. If compliance with the Committee's decision is not obtained within the time specified by the Committee, it shall so notify the other party, which may then resort to its legal remedies.
- f) If the decision is that an employee organization or its representatives or members have engaged in an unfair employee relations practice, or have otherwise violated this Article or any rule or regulation issued thereunder, the Committee shall direct the offending party to take appropriate corrective action. If compliance with the Committee's decision is not obtained within the time specified by the Committee, it shall so notify the City Manager who may then take appropriate action, subject, however, to appeal to the Committee by the affected party.

14.8.26 ADMINISTRATION.

In order to implement and coordinate the policies and procedures set forth in this Code, the City shall have authority to adopt rules and regulations not inconsistent with law, including this or any other City ordinance, which shall be applicable to any or all departments, agencies or boards of the City in establishing and enforcing the employee relations program provided for herein. Nothing in this Article shall prevent the City Manager from promulgating regulations, governing relations between the City and registered employee organizations not certified as recognized organizations by the Commission.

14.8.27 CONSTRUCTION.

- a) Nothing contained in this Article shall abrogate any ordinance or any written agreements between any employee organization and the City in effect on the effective date of this Article. Agreements shall continue in effect unless modified or rescinded by mutual agreement of the parties hereof.
- b) Nothing in this Article shall be construed to deny any person or employee the rights granted by the Constitution, the laws of the United States of America and of the State of California, and the City Charter.
- c) The rights, powers and authority of the City Council in all matters, including the right to maintain any legal action, shall not be modified or restricted by this Article.
- d) The provisions of this Article are not intended to conflict with the provisions of Chapter 10, Division 1 of the Government Code of the State of California (Section 3500, et seq.) as amended in 1968.
- e) Nothing in this Article shall be construed to restrict or in any way modify the right of an individual employee to present matters involving his employment relationship to the appropriate level of management, provided that any action taken is not inconsistent with the terms of an agreement then in effect, and that before any action is taken which could affect the terms and conditions of employment of other employees in the bargaining unit such proposed action is communicated to the recognized employee organization for its opinion on the merits and the effect of the proposed action.

ARTICLE 11 - APPLICATIONS

(Added by O-3486)

14.11.1 FILING APPLICATION.

Any person shall be admitted to examination who has filed an application therefore, within the period prescribed in the public notices thereof and upon the form furnished by the Commission and whose application has not been debarred for cause in accordance with the provisions of these rules.

14.11.2 TIME OF FILING APPLICATIONS.

Applications shall not be accepted until an examination for the position sought has been announced, except in the case of persons employed in a temporary capacity pending examination and in accordance with the provisions of these Rules and Regulations. Applications may be filed unofficially prior to announcement of examinations. Applications shall be marked with date and time filed.

14.11.3 REJECTED APPLICATIONS.

Whenever an application is rejected, notice of such rejection with reasons therefore shall be given to the applicant in writing. Persons whose applications have been rejected because they were incomplete or defective may call at the office designated for the receipt of applications in the bulletin announcing the examination and amend their applications provided an amendment is made before the day of examination.

14.11.4 PERSONS EXCLUDED.

No person in any manner concerned in receiving applications or in preparing, conducting or holding an examination shall apply for such examination.

14.11.5 LATE APPLICANTS.

No late applicant in any written test or an assembled examination shall be admitted after any applicant, having signified his intention to withdraw from the examination or having completed his work, has left the examination room.

14.11.6 FAILURE TO APPEAR.

When an applicant is unable to appear for an oral interview, or for any test in an examination (except written tests), at the time designated for him to appear, or at any time during the progress of the test or oral interview and it becomes evident to the Civil Service Commission that a good reason exists for such non-appearance, the Commission may direct that the oral interview or test be given the applicant at a time to be fixed by the examiner having charge of the examination.

ARTICLE 12 - EXAMINATIONS

(Added by O-2463; Amended by O-3486)

14.12.1 PREPARING AND CONDUCTING EXAMINATIONS.

The Commission shall prepare, or have prepared under its direction, all examinations.

14.12.2 PUBLIC NOTICES.

A written or printed notice of examination shall be posted at the following places within said City, to wit: on the bulletin board at the United States Post Office, on the bulletin board at the Torrance Public Library, and on the official bulletin board in the City Hall of said City. Public Notices of the examination shall be given at least one (1) week prior to the date thereof.

14.12.3 POSTPONEMENT OF EXAMINATIONS.

Examinations may be postponed by order of the Commission.

14.12.4 SUBJECTS, WEIGHTS AND GENERAL AVERAGE.

- a) Subjects, Weights and Grades. All examinations shall embrace certain subjects to which weights shall be assigned. The weight given to each subject shall represent its relative value in ascertaining the fitness of the applicant. Each subject shall be graded independently. The examination grade shall be multiplied by the weight assigned to such subject and the sum of the resulting products shall be divided by the total weights of all subjects in the examination. The resulting quotient shall be the final grade which shall determine the order in which the name of the applicant shall appear on the eligible list.
- b) Passing Grades. Unless otherwise provided in notices posted prior to holding the examination a grade of seventy (70) on each portion of the examination and an overall final grade of seventy (70) must be obtained to pass the examination. Conversion formulas may be used when deemed desirable.

14.12.5 SPECIAL EXAMINERS, RETURNS AFTER EXAMINATIONS.

The Commission may call upon other persons to draw up, conduct, or mark examinations. Any special examiner who shall knowingly or willfully neglect, refuse or fail to mark applicants according to the rules, or who shall be guilty of fraudulent or improper conduct in connection with an examination, shall be removed and be disqualified from serving again as a special examiner and shall forfeit any right to compensation.

It shall be the duty of special examiners to make returns within thirty (30) days, if possible, after holding an examination.

14.12.6 PROMOTIONS.

- a) Promotion Based on Examination. All promotions to a higher class and appointments to another class, except as otherwise provided in these rules, shall be made from eligible lists created by competitive examination in the same manner as prescribed for original appointments.
- b) Rules Governing Promotional Examinations. The rules governing promotional examinations shall be the same as those governing original entrance examinations except as herein provided; and except that no credit will be allowed for veteran's preference in a promotional exam.
- c) Selection for Promotion. No person appearing on an eligible list may be passed over in preference to some other appointment made from the same eligible list without approval of the City Manager or a designated representative of the City Manager.

14.12.7 TYPES OF PROMOTIONAL EXAMINATIONS.

Examinations for the creation of eligible lists for the higher positions in the competitive service of the City shall be ordered as often as may be necessary to meet or anticipate the needs of the higher class. Such examinations shall be known as:

- a) Departmental Promotional. Limited to eligible employees of the department embracing the position for which the examination shall be given unless there are four (4) employees filed and

accepted except when specifically approved by the Civil Service Commission.

- b) Interdepartmental Promotional. Open to eligible employees in the classified service.

14.12.8 ELIGIBILITY FOR PROMOTIONAL EXAMINATIONS.

No person shall be eligible to take either of said promotional examinations unless actually in the City employ at the time of examination or on leave of absence and the employee has completed six (6) months of actual service after permanent appointment.

14.12.9 CREDIT FOR SENIORITY.

In promotional examinations there shall be added the subject "Seniority" with weight not less than one-twentieth of the total weight of all subjects.

The marking to be entered for Seniority shall be not less than one-tenth of one (1) percent nor more than five (5) percent of the total credits specified for said examination and shall be determined from the record of the employee's service. For the completion of six (6) months of service there shall be given a credit of one-tenth of one (1) percent of the total credits specified for the examination, and a like amount shall be added for each additional calendar month of service thereafter, provided, however, that the total credit for seniority thus determined shall not exceed five (5) percent of the total credits specified for the examination.

For the purpose of computing seniority credit, active service shall include all time during which the employee is carried on the payroll of the City, time worked for the City in any classification in any department, and in addition thereto, all time during which the employee has been absent from duty as a result of:

- a) Sickness or injury suffered or sustained within the course and scope of employment;
- b) Voluntary or involuntary service in the armed forces of the United States during war or national emergency proclaimed by the President or Congress;
- c) Involuntary service in the armed forces of the United States under any act of Congress providing for induction or conscription;
- d) Involuntary or voluntary service in the armed forces of the United States as a member of any reserve component or of the California National Guard not in excess of thirty (30) days per year.

14.12.10 PROMULGATION OF EXAMINATIONS.

(Amended by O-3529)

No examination shall be deemed to have been completed until the markings and results have been determined, and the Civil Service Administrator has promulgated the same and announced the results to the candidates. No person taking an examination shall acquire any rights whatsoever until the eligible list has been promulgated.

14.12.11 INSPECTION OF EXAMINATION PAPERS.

The examination papers written by an applicant shall be open to inspection by the applicant or an agent authorized by the applicant for a period of thirty (30) days after the date of promulgation of the eligible list, and the applicant shall be informed of the separate ratings if requested.

Examination papers of applicants are not subject to inspection by the public nor by other applicants, and the references and oral rating sheets shall be deemed confidential and shall not be open to inspection by the applicant nor by the public.

14.12.12 APPEALS.

An applicant may, within ten (10) days of the promulgation of an eligible list by the Civil Service Commission, appeal in writing from any part of the examination but no appeal shall be considered unless the appellant states specific reasons for appealing. All appeals and all correspondence relating thereto shall be referred to the Civil Service Commission for consideration.

In considering an appeal, the Commission may permit the appellant to be heard and after consideration of the entire matter the Commission shall make its decision and determine the final rating of the applicant, which determination shall be final for all purposes.

ARTICLE 16 - ELIGIBLE LISTS

(Added by O-2463)

14.16.1 PREPARATION OF ELIGIBLE LIST.

(Amended by O-2875; O-3486; O-3529)

Following the determination of the result of any examination together with the review of all appeals in the adjustment of the final rating for applicants, if any, the Civil Service Administrator shall prepare a copy of the eligible list or lists for the class of positions for which the examination was given. The eligible list shall contain the names, scores and order of standing of applicants. If the examination was a promotional examination, a promotional eligible list shall be created. If the examination was an open examination, an open eligible list shall be created. If the examination was both an open and promotional examination, a promotional eligible list and an open eligible list shall be created. The eligibles shall be ranked on the appropriate list in the order of their final grade.

14.16.2 ORDER OF NAMES ON ELIGIBLE LIST.

(Added by O-2875; Amended by O-3486)

The names of eligibles shall be entered upon the list in the order of their standing in the examination. Whenever two (2) or more eligibles shall have the same average percentage, priority of receipt of application shall determine their respective standings on the eligible list.

14.16.3 DURATION OF ELIGIBLE LIST.

(Added by O-3088; Amended by O-3486)

When, in the opinion of the Civil Service Commission a real emergency exists, any eligible list may be terminated. Except when otherwise ordered, the period of eligibility for any eligible list shall be two (2) years from date of promulgation, but the Civil Service Commission may order at its discretion, that the period of eligibility be for a shorter period of time.

14.16.4 AUTOMATIC CANCELLATION OF LIST.

(Added by O-3486)

An eligible list which has been in effect for more than one (1) year shall be automatically canceled upon promulgation of new eligible list for the same position.

14.16.5 CANVASS OF ELIGIBLE LIST.

(Added by O-3486)

Whenever the Civil Service Commission is notified that proficiency in a special subject is needed in the position to be filled, it may take steps to ascertain the names of all those on the list who possess such qualifications and shall certify them in order of standing, or shall, at its discretion, conduct a new examination. If the duties of a position require a particular sex, the Civil Service Commission shall certify in the order of their standing the eligibles of the sex required, or shall, if necessary, conduct a new examination.

ARTICLE 17 - CERTIFICATION

(Added by O-2463)

14.17.1 REQUISITION.

Whenever a vacancy in the competitive service is to be filled the appointing officer shall make requisition upon the Civil Service Commission for certification of names of persons eligible for the position. Such requisition shall be upon forms prescribed and furnished by the City Manager and shall specify the department and title, class, grade and salary of the position to be filled. The appointing authority shall also state whether the service is temporary or permanent and when service must begin.

14.17.2 CERTIFICATION.

(Amended by O-3334; O-3350; O-3405; O-3411; O-3463; O-3511)

- a) Upon receipt of a requisition for certification of names to fill a vacancy, except when filling a vacancy in a department head or division head position, the Civil Service Commission shall certify to the appointing authority the names of the three (3) highest ranking eligibles on the promotion eligible list (or a lesser number if the list contains less than three names) for the class from which the appointment is to be made. If there are no eligibles on the promotion eligible list, the Commission shall certify from the open eligible list for the class from which the appointment is to be made.

- b) Whenever certification is made from an open eligible list, or certification is made to fill a department head or division head position, the Civil Service Commission shall certify to the appointing authority the names of the five (5) highest ranking eligibles and the names of all eligibles who, on the basis of whole scores, are tied with the fifth highest eligible certified.
- c) Upon receipt of a requisition for certification of names to fill one (1) or more vacancies in the position of Police Officer or Firefighter, the Civil Service Commission shall certify to the appointing authority a minimum of five (5) names for the first vacancy. The Civil Service Commission shall certify to the appointing authority one (1) additional name for each additional vacancy to be filled from that same requisition.

Certification shall be made on the basis of ranks and all names within a rank shall be certified together. The first rank shall consist of all eligibles whose whole scores are equal to or greater than ninety (90). Should certification of the first rank result in less than the required number of names being certified, then the second and/or third ranks shall also be certified until the requisite number of names are available. The second rank shall consist of all eligibles with whole scores equal to or greater than eighty (80), but less than ninety (90); and the third rank shall consist of all eligibles with whole scores equal to or greater than seventy (70), but less than eighty (80).

Should less than five (5) names be available for certification for appointment to the position of Police Officer or Firefighter, the appointing authority may make an appointment from such list or may make a temporary appointment until at least five (5) names are furnished.

14.17.3 CERTIFICATION CONTAINING FEWER THAN THE MINIMUM NUMBER OF NAMES.

(Added by O-3334; O-3350; O-3463)

Whenever less than three (3) names are certified for appointment from a promotion eligible list, the appointing authority shall make an appointment, if any, from said list. Whenever less than five (5) names are certified for appointment from an open eligible list, or to a department head position, the appointing authority may make an appointment from such list or may make a temporary appointment until at least five (5) names are furnished.

14.17.4 OBJECTIONS AND SUBSTITUTIONS.

(Added by O-3486)

In case objection is made by the appointing officer to any of the persons certified for reasons stated in SECTION 14.16.8 hereof, the Civil Service Commission may investigate the charges and, if the objection is sustained, shall remove the name of such person from the eligible list and substitute the next highest name.

14.17.5 FAILURE TO RESPOND; DECLINATION.

(Added by O-3486)

In case an eligible certified for appointment refuses to accept a position or fails to respond to

written inquiry regarding availability for certification or to written call for an interview regarding appointment he shall be deemed to have declined the appointment. All written notices shall be mailed to the eligible's last known address and shall allow a period of five (5) business days, next succeeding the mailing of the notice, in which to respond.

14.17.6 STRIKING FROM LIST; RESTORATION.

(Added by O-3486)

The name of any certified eligible who declines a permanent appointment may be stricken from the eligible list and shall be restored at the discretion of the Civil Service Commission upon written request stating reasons for the declination or for the failure to respond to a communication.

Notwithstanding the above, if any person on the eligible list declines three (3) times, his name shall be automatically removed from the list subject to appeal to the Commission. The Commission may retain the candidate on the eligible list if it determines his continued eligibility is in the best interest of the City and would promote the availability of candidates of the highest quality and fitness.

14.17.7 DISQUALIFICATION OF APPLICANTS OR REMOVAL OF NAMES FROM ELIGIBLE LISTS.

(Added by O-3486)

- a) The Civil Service Administrator may refuse to have an applicant examined, or after examination to certify an eligible, or may remove an eligible from the eligible list:
 - 1) Who is found to lack any of the published preliminary requirements established by the Civil Service Commission for the examination for the position or employment for which he applies;
 - 2) Who is physically or mentally so disabled as to be rendered unfit for the performance of the duties of the position to which he seeks appointment;
 - 3) Who is addicted to the use of intoxicating liquors or use of drugs;
 - 4) Who has been found guilty of any felony or a misdemeanor involving moral turpitude;
 - 5) Who has been dismissed, or has resigned in lieu of dismissal, from a position in either public or private employment for cause;
 - 6) Who has made a false statement of any material fact, or who practices or has attempted to practice any deception or fraud in his application, in his declarations or in securing his eligibility or appointment;
 - 7) Who has been certified three (3) times for permanent employment and has not been offered an appointment;
 - 8) Who is judged to have demonstrated unsuitability for City employment through past behavior which adversely affects work performance such as, but not limited to, theft from prior

- employers, poor attendance record, history of disciplinary problems, or poor driving record;
- b) In determining disqualifications under this Section the Civil Service Administrator shall consider:
- 1) Evidence of rehabilitation; and,
 - 2) The relationship of the disqualifying cause to the class of work for which the person has applied.

Decisions of the Civil Service Administrator shall be in writing and may, within fifteen (15) days of the date of written notice, be appealed to the Civil Service Commission for final determination. The burden of proof of good character in all cases shall be upon the applicant.

ARTICLE 20 - PROBATIONARY PERIOD

(Added by O-2463; Amended by O-3054)

14.20.1 REGULAR APPOINTMENT FOLLOWING PROBATIONARY PERIOD.

(Amended by O-2514; O-2515; O-2520; O-2718; O-2908; O-2985; O-3020)

- a) Except as provided in Section [14.5.3.](#), all original and promotional appointments shall be tentative and subject to a probationary period of six (6) months (longer periods of probation may be established for specified classifications by a Memorandum of Understanding between the City and the appropriate recognized employee organization). The initial appointment to employment as a firefighter shall not be deemed complete until a period of probation of one (1) year has elapsed. Promotions to higher rank shall not be deemed complete until a period of probation of one (1) year has elapsed.
- b) Permanent employee shall mean an employee who has successfully completed a probationary period and has been retained as hereinafter provided. Where specifically provided for by MOU between Management and the appropriate employee organization, this definition shall include employees appointed to fill positions on a less than full-time basis.

14.20.2 OBJECTIVE OF PROBATIONARY PERIOD.

The probationary period shall be regarded as an intrinsic part of the examination process and shall be utilized for closely observing the employee's work, for securing the most effective adjustment of a new employee to his position, and for eliminating any probationary employee whose performance does not meet the required standards of work. A minimum of six (6) performance evaluations of such employee shall be filed with the Civil Service Commission at equal intervals during the probationary period.

14.20.3 REJECTION OF PROBATIONER.

During the probationary period an employee may be rejected at any time by the appointing power

without the right of appeal. No person shall be removed from his probationary position without prior approval of the City Manager or his designated representative. Notification of rejection in writing shall be sent to the probationer and a copy filed with the Civil Service Commission.

14.20.4 REJECTION FOLLOWING PROMOTION.

(Added by O-2514; O-2515; O-2520)

Any employee rejected during the probationary period following a promotional appointment shall be reinstated to the position from which he was promoted unless charges are filed and he is discharged in the manner provided in the Civil Service ordinance and these rules for positions in the classified service.

ARTICLE 21 - RECURRENT EMPLOYEES

(Added by O-2463)

14.21.1 RECURRENT REEMPLOYMENT LISTS.

The Civil Service Commission shall maintain departmental or divisional recurrent reemployment lists by classes for each department employing persons on a recurrent service basis. The names on such a list shall be grouped in accordance with their average efficiency rating during their entire service with the City, with those employees rated outstanding at the head of the list, followed by those rated above standard, standard, and below standard respectively. Employees rated unsatisfactory shall be omitted from the list.

When a recurrent appointment is to be made, the appointing authority, at his discretion, may appoint any one of those persons whose names appear in the highest group on the recurrent reemployment list who is available and willing to serve. Each group shall be exhausted before appointments are made from the next lower group.

14.21.2 REMOVAL OF NAMES FROM RECURRENT REEMPLOYMENT LIST.

- a) The names of all persons on any recurrent reemployment list who receive an unsatisfactory efficiency rating, or who have not been employed from that list for more than one (1) year, shall be removed from said list. Names on reemployment lists may be removed, or withheld from appointment for the same reasons and in the same manner as from an eligible list.
- b) When a person receives a permanent appointment in the classified service his name shall be removed from all recurrent reemployment lists.
- c) The name of a recurrent employee who has been removed from the recurrent reemployment list by reason of absence for one (1) year may be restored to said list within one (1) year after being removed therefrom. Such restoration shall be to the same class of position as that occupied at the time the name was removed, but to the bottom of the list for said class.

14.21.3 TRANSFER OF RECURRENT EMPLOYEES.

(Added by O-3486)

The Civil Service Commission may authorize the transfer of an employee from a recurrent position to a similar recurrent or temporary position of the same class.

14.21.4 RELEASE OF RECURRENT EMPLOYEES.

(Added by O-3486)

Recurrent employees may be released at any time and in any order as determined by the appointing authority.

ARTICLE 22 - EFFICIENCY RATINGS

(Added by O-2463)

14.22.1 EFFICIENCY RECORDS.

(Amended by O-3348)

Individual performance evaluation reports shall be made no less than annually for all employees in accordance with the methods approved by the Civil Service Commission. So far as practicable, ratings shall be based on facts only and not on judgement. Such evaluations shall not be used in lieu of appropriate disciplinary actions as set forth in Article 47 of this Code.

14.22.2 REASONS FOR RATINGS.

(Amended by O-3348)

The Civil Service Commission may require of heads of departments the filing of specific and satisfactory reasons for any ratings. Records, reports and markings of efficiency used in each department shall be open at all times to the inspection of the City Council and the Civil Service Commission and the performance records kept by the Personnel Department respecting any department shall be open to the head of such department. Each City employee shall have the right to be informed of the rating recorded for him by the Personnel Department.

14.22.3 EXPRESSION OF PERFORMANCE EVALUATIONS.

(Added by O-3348)

Performance evaluations shall be expressed on a scale such that an outstanding or unsatisfactory employee will be clearly identified and an employee with satisfactory work performance will be rated at the mid-point of the scale.

14.22.4 DISMISSAL BASED ON UNSATISFACTORY RATING.

(Added by O-3348)

A performance evaluation reflecting unsatisfactory service shall be deemed to be below the standard of efficiency required by the City of Torrance and any employee whose performance is evaluated as unsatisfactory may be dismissed from the Service.

14.22.5 REVIEW OF RATINGS.

(Added by O-3348)

Any employee shall have the right to review his own performance evaluation with any of the persons who have signed the same.

14.22.6 APPEALS.

(Added by O-3348)

Any employee who receives a performance rating which is below the mid-point shall have the right of appeal. Appeals shall be filed in accordance with the procedure approved by the Civil Service Commission.

14.22.7 INVESTIGATIONS.

(Added by O-3348)

In all matters relating to employee performance evaluations the Civil Service Commission may make such investigations and such suggestions as it deems necessary.

ARTICLE 23 - REINSTATEMENT

(Added by O-2046)

14.23.1 REINSTATEMENT TO ELIGIBLE LIST.

- a) Any person who has held a permanent position in the classified service and has completed his probationary period, and who has subsequently separated from his employment with the City without fault or delinquency, may at the request of the appointing authority and with the consent of the Civil Service Commission, be reinstated within one (1) year from the date of such separation to the bottom of the open eligible list for any classification in which he previously had permanent status.
- b) Reinstatements to eligible lists for Police and Fire Safety classes shall be limited to the entrance level classes.

14.23.2 INACTIVE STATUS.

(Added by O-2512; O-2513; O-2514; O-2515; O-2520)

A Memorandum of Understanding between Management and a recognized employee organization may provide for a specific program of inactive status which will allow a recently terminated employee to be added to an open eligible list certification for a subsequent vacancy.

14.23.3 REINSTATEMENT OF PROBATIONERS TO EMPLOYMENT LISTS.

(Added by O-3028)

Any person who has received an appointment from an employment list, and who, during the

probationary period, has been separated from his or her position may be restored to his or her original position on the employment list by the Civil Service Commission if it is found that the cause of such separation was not misconduct, delinquency, or inefficiency on the part of the employee. In the event the list from which the probationer was appointed is no longer in effect, his or her name may be placed at the bottom of the current employment list, provided, however, that names shall be placed on promotional employment lists only in the event that person remains an employee of the City and would have been eligible to compete in the examination which created said employment list.

ARTICLE 24 - VETERAN'S PREFERENCE

(Added by O-2680)

14.24.1 DEFINITION.

(Amended O-3508)

The term veteran shall mean any person who has served full time for thirty (30) days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940, to January 31, 1955, or who has served at least one hundred eighty-one (181) consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.

14.24.2 AMOUNT OF PREFERENCE.

In the event that a veteran earns a passing grade in an open competitive examination, an additional ten (10) percent of such grade shall be added to his final score.

14.24.3 WIVES OF VETERANS.

Wives of disabled veterans and widows of veterans shall be accorded the same preference credit as provided for veterans.

14.24.4 PROOF OF DISCHARGE.

(Amended O-3508)

The veteran must submit with his application his original discharge (or certificate of active service) or a photostatic or certified copy thereof, or, if this is not possible, an official record of his service based upon records of the Defense Department. Such document or record must show the period of active service and such additional information as may be required by the Civil Service Commission.

ARTICLE 25 - LAY-OFFS

(Added by O-3486)

14.25.1 LAY-OFFS.

- a) Prerequisite to Lay-off. No permanent employee shall be laid off or reduced until all temporary employees, recurrent employees and probationers holding positions in the same class in the same department are released or reduced.
- b) Order of Lay-off. In case there are two (2) or more permanent employees in the class from which lay-off or reduction is to be made, such employees shall be laid off or reduced according to the average of the last four (4) efficiency ratings on file with the Civil Service Commission, as follows:

- First: All employees having "Unsatisfactory" ratings;
- Second: All employees having "Below Standard" ratings;
- Third: All employees having "Standard", "Above Standard", or "Outstanding" ratings.

Employees within each category shall be laid off in inverse order of seniority in the classified service.

14.25.2 TIES IN EFFICIENCY RATINGS AND SENIORITY.

In case of a tie affecting two (2) or more employees in the same category as set forth in Section [14.25.1](#) who have the same seniority, the employee with the lowest average efficiency rating shall be laid off first. If a tie still exists and said persons were appointed from the same eligible list to the position from which the lay-off is to be made, the person whose name was the lower on said eligible list shall be laid off first, but if the appointments were not made from the same eligible list, the person who has the least seniority in the class from which lay-off or reduction is made shall be laid off first. If a tie exists in seniority in the position, then that person who was appointed from the later eligible list shall be laid off first.

14.25.3 REDUCTION.

The appointing authority may make reductions in class and thereby cause lay-offs only in the lower classifications.

14.25.4 RE-EMPLOYMENT LIST AND RESTORATION.

- a) Re-employment List: The names of persons laid off or reduced in accordance with these Rules shall be entered upon a list in the inverse of the order specified in Section 14.25.1b, except that persons whose record of employment has not been satisfactory shall be omitted from the re-employment list. Lists from different departments or at different times for the same class of position shall be combined into a single list. Such list shall be used by every appointing authority when a vacancy arises in the same or lower class of position for which qualified before certification is made from an eligible list. When a vacancy occurs, the appointing authority shall appoint the person highest on the re-employment list who is available and who was laid off from a position in that department. If no one was laid off from the department in which the appointment is to be made, then the appointing authority shall appoint any one (1) of such persons; if only one (1), the appointing

authority shall appoint that one (1).

- b) Name Removal: Names of persons laid off or reduced in lieu of lay-offs shall be carried on a re-employment list for two (2) years, except that the names of persons appointed to permanent positions of the same level as that from which laid off shall, upon such appointment, be removed from the list.

Persons reduced or re-employed in a lower class or re-employed on a temporary basis shall be retained on the list for the higher position for two (2) years.

- c) Restoration to Re-employment List: The name of any person who has been appointed to a permanent position from a re-employment list and who is separated from the service without delinquency or fault on his or her part, may, at the discretion of the Civil Service Commission, be restored to the re-employment list. This restoration, however, shall not have the effect of extending the time the employee may be carried on the re-employment list beyond the two (2) years from date of original separation.

14.25.5 MEMORANDUM OF UNDERSTANDING AMENDMENTS.

The provisions of this rule may be amended by a memorandum of understanding in which case this rule shall not apply to such employees so covered during the life of the memorandum of understanding.

ARTICLE 31 - MOVE-UP ASSIGNMENT AND PAY

(Added by O-1930)

14.31.1 ASSIGNMENT.

- a) When an employee is temporarily absent from his job, another employee may be assigned by the department head or his designee to do the work of the absent employee.
- b) The assigned employee need not possess the minimum qualifications for the position of the absent employee.
- c) The department head may permit the position to remain temporarily vacant, if, in his opinion, the public health, welfare and safety are not jeopardized.
- d) An employee may decline a move-up assignment.

14.31.2 DURATION OF ASSIGNMENT.

Any employee moved up pursuant to this Article shall remain in the higher class until the incumbent returns to duty, subject to the following conditions:

- a) Except for safety members of the Police and Fire Departments, each such assignment shall not exceed ninety (90) days duration.

b) For safety members of the Police and Fire Departments, each such assignment shall not exceed twelve (12) months duration.

c) If the work is not performed in a satisfactory manner the department head may replace the employee who was moved up, or leave the position unfilled.

14.31.3 OBJECTIVE.

The purpose of this move-up assignment and pay procedure is to provide an equitable and orderly manner in paying employees for work done and responsibility assumed when that employee is moved up to a higher classification during the temporary absence of another employee.

14.31.4 NO PROBATIONARY PERIOD CREDIT.

Time served by an employee assigned to a higher class under the provisions of this Article shall not be credited toward that employee's probationary period in the same higher class.

14.31.5 PRIORITY IN POLICE DEPARTMENT.

(Amended by O-2086)

a) Priority for move-up assignments shall be given to employees who have completed their probationary period and are of permanent rank in the next lower classification in the division and on the watch where the vacancy occurs; otherwise to the employees regularly employed in the lower classification who are among the first three (3) employees on the eligible list for the higher class.

b) In the event that the temporary move-up assignment is for the position of Chief of Police the assignment shall go to a Captain who has completed his probation period and is of permanent rank, designated by the Chief of Police.

c) If the absence of the incumbent continues in excess of thirty (30) consecutive calendar days, and an eligible list exists for the class, the department head or his designee shall assign the move-up position to a person who is among the first three (3) on the eligible list commencing with the thirty-first (31) consecutive day of absence, subject to the provisions of Section [14.31.2](#) of this Code.

14.31.6 PRIORITY IN FIRE DEPARTMENT.

a) Priority for move-up assignments shall be given to employees on the shifts where the vacancy occurs who are regularly employed in a lower classification and on the eligible list for the higher class.

b) If the temporary absence of the incumbent continues in excess of thirty (30) consecutive calendar days, and an eligible list exists for the class, the department head or his designee shall assign the move-up position to a person who is among the first three (3) on the eligible list commencing with the thirty-first (31) consecutive day of absence, subject to the provisions of Section [14.31.2](#)

14.31.7 PRIORITY IN OTHER DEPARTMENTS.

- a) Except as provided in Section [14.31.5.](#) and Section [14.31.6.](#), priority for move-up assignments shall first be given to employees in the same department regularly employed in a lower classification who are among the first three (3) employees on the eligible list for the temporarily vacant position.
- b) The employee with the highest rank on the eligible list shall be selected first for move-up assignments, but thereafter such assignments may be rotated among others in the department on the eligible list.
- c) The next priority shall be given to employees in the same department regularly employed in the lower classification who are on the eligible list for the temporarily vacant position.

14.31.8 DETERMINATION OF PRIORITY.

In the event that there are no eligibles within the department on the eligible list for the vacant position, the department head or his designee may assign any employee under his supervision whom he certifies is capable of performing the work of the absent employee.

14.31.9 ABSENCE OF MOVED UP EMPLOYEE.

If a moved up employee is absent, another employee may be assigned during such absence, subject to all provisions of this Article.

14.31.10 MOVE-UP PAY FOR VACANT POSITIONS.

(Amended by O-1997)

- a) Except as provided in Section [14.31.12.](#), an employee moved up, as provided herein, to a temporarily vacant position shall be paid for all days worked in the higher class at a salary rate of the lowest step for such assigned position which is higher than the current base salary of that employee, to which shall be added earned longevity pay increments.
- b) For the purposes of this Article, four (4) consecutive hours or more shall constitute a day or a shift.
- c) For the purposes of this Article, eight (8) consecutive hours or more shall constitute a day of a shift for safety employees of the Fire Department

14.31.11 MOVE-UP PAY FOR TRAINING PURPOSES.

- a) A department head may assign an employee as part of a formal training program to a higher class even if no vacancy exists, subject to availability of funds and the approval of the City Manager.
- b) If an employee is moved up for training purposes and the department head certifies in writing that the employee is capable of performing all or part of the work of the higher class, the employee shall receive for all days worked in the higher class, the salary rate of the lowest step for such assigned position which is higher than the current base salary of that employee, to which shall be

added earned longevity pay increments.

- c) The employee shall be paid the higher rate of pay only when performing the task or tasks for which he is certified as being capable.
- d) If an employee is moved up for training purposes and is not so certified he shall continue to receive the pay for the class to which he was previously assigned.
- e) This section shall apply only to employees permanently assigned to the Sanitation Department.

14.31.12 ACTING DEPARTMENT HEADS

- a) If a subordinate is required by his class specification to take charge of a department in the absence of the department head, he shall not be paid additional compensation for such move-up assignment.
- b) If a subordinate is not required by his class specification to take charge of the department in the absence of the department head, he shall be paid during all such move-up assignments an additional five (5) percent of his base salary and his longevity pay; provided, however, that if the temporary absence of the department head continues in excess of thirty (30) consecutive calendar days, he shall then be paid at the salary rate of the lowest step for such assigned position which is higher than the current base salary of that employee, to which shall be added earned longevity pay increments.

14.31.13 SCOPE OF ARTICLE.

(Added by O-2101; Amended by O-3486)

The provisions of this Article shall not apply to employees in representation units where a Memorandum of Understanding covering these working conditions is in force.

ARTICLE 35 - VACATIONS

(Added by O-1995; O-1996)

14.35.1 VACATION ELIGIBILITY.

Only probationary or permanent employees who regularly work twenty (20) or more hours per week shall earn vacation. Vacation shall be earned only while an employee is receiving compensation from or through the City.

14.35.2 ACCRUAL OF TIME.

- a) Fire Safety Employees:

- 1) Six (6) working shifts annual vacation with pay shall be earned at the rate of one-half (1/2) of a twenty-four (24) hours on duty period per month of service by all fire safety employees.

- 2) Commencing with the eleventh year of service, vacation shall be earned at the rate of three-fourths (3/4) of a twenty-four (24) hours on duty period per month of service, by all fire safety employees, to a maximum of nine (9) working shifts per year.
- b) All other employees:
 - 1) Twelve (12) working days annual vacation with pay shall be earned at the rate of one (1) day per month of service by each employee.
 - 2) Commencing with the sixth year of service and until the completion of nine (9) years of service fifteen (15) working days annual vacation with pay shall be earned at the rate of one and one-quarter (1-1/4) days per month of service by each employee.
 - 3) Commencing with the tenth year of service and until the completion of twenty (20) years of service, twenty (20) working days annual vacation with pay shall be earned at the rate of one and two-thirds (1-2/3) days per month of service by each employee.
 - 4) Commencing with the twenty-first year of service, twenty-two (22) working days annual vacation with pay shall be earned at the rate of 1-83/100 days per month of service by each employee.

14.35.3 TIME OF ACCRUAL

- a) The right to annual vacation shall accrue on January 1st of each calendar year and may be accumulated over a two (2) year period with the permission of the department head.
- b) The time of taking a vacation shall be determined by the department head, subject to review by the City Manager. An employee may take vacation only in increments of full days or shifts.
- c) The maximum amount accrued to the credit of any employee shall not exceed the total vacation earned during the current year and last preceding year.

14.35.4 EFFECT OF HOLIDAYS.

When authorized holidays occur during a vacation period, an additional working day for each such holiday shall be added to such vacation period, or the employee shall be compensated therefor at the regular daily rate.

14.35.5 EFFECT OF SEPARATION.

- a) Vacation taken: In the event that an employee is separated from his employment with the City after he has taken his vacation for the calendar year in which he is separated and before the anniversary date of his employment with the City, there shall be deducted from his final pay that portion of his vacation pay as the number of calendar days from the last day of duty to the said anniversary date bears to 365 days.
- b) Vacation not taken: In the event an employee is separated from employment with the City

before he has taken his vacation for the calendar year in which he is separated, he shall be paid that portion of his vacation pay as the number of calendar days from said anniversary date to the last day of duty bears to 365 days.

14.35.6 COMPUTATION OF SERVICE.

For the purpose of this Article 35, service shall be computed from the first date of continuous employment with the City as a regular employee (inclusive of any probationary period).

14.35.7 SCOPE OF ARTICLE.

(Added by O-2101; Amended by O-3486)

The provisions of this Article shall not apply to employees in representation units where a Memorandum of Understanding covering these working conditions is in force.

ARTICLE 36 - SICK LEAVE

(Added by O-2029)

14.36.1 SICK LEAVE WITH PAY.

- a) Sick leave with pay shall be granted to each permanent or probationary employee at the rate of one (1) work day for each calendar month of service.
- b) Employees shall continue to accumulate sick leave credits while on industrial accident leave.
- c) Unused sick leave may be accumulated to a total of not more than one hundred eighty (180) working days. Safety members of the Fire Department shall be deemed to have used two (2) days sick leave for each shift that they are absent from work on sick leave.

14.36.2 USE OF SICK LEAVE.

Sick leave shall be used only in case of sickness or disability of the employee or as specified in Section [14.36.5](#).

14.36.3 NOTIFICATION OF SICKNESS.

- a) In order to receive compensation while absent on sick leave, the employee shall notify his immediate supervisor in the manner provided in departmental rules and regulations.
- b) When absence is for more than three (3) working days (2 shifts in the Fire Department), such absence must be verified by a written statement from an attending physician or a personal affidavit, filed with the Personnel Department, stating the cause of absence, and the employee shall furnish any other proof of sickness reasonably required by the City Manager or department head.

14.36.4 OVERTIME RATE AFTER SICK LEAVE.

- a) In the event an employee is absent on sick leave during part of a week and subsequently is required to work on the sixth or seventh day of the same week, he shall be compensated at the rate of time and one-half (1 1/2). He may, however, be required to substantiate an illness by a written statement from an attending licensed physician or personal affidavit.

- b) Said rule shall not apply where an employee is called out for emergency work after hours and the overtime rate shall apply regardless of sick leave taken during the week.

14.36.5 FAMILY SICK LEAVE.

- a) In case of serious illness or death of a member of the immediate family, the employee may be absent with pay upon proper notice not to exceed three (3) consecutive days or shifts (2 shifts in the Fire Department). If a death occurred out of state the employee may be absent with pay upon proper notice not to exceed five (5) consecutive working days or shifts (3 shifts in the Fire Department).
- b) Immediate family for the purpose of this section shall be defined as: spouse, mother, mother-in-law, father, father-in-law, sister, brother, child or guardian.
- c) Such time shall be deducted from the existing accumulated sick leave of the individual.

14.36.6 RETURN FROM SICK LEAVE.

Upon return from sick leave, employees in classifications requiring heavy physical exertion or involving public safety may be required by the department head to report for an examination by the City Medical Examiner to determine fitness for duty.

14.36.7 INDUSTRIAL ACCIDENT.

- a) In the event that an employee sustains an injury as a result of an industrial accident, arising out of and occurring in the course of his employment with the City the employee shall be entitled to not more than seven (7) consecutive calendar days industrial accident leave at his regular salary rate. This provision of subsection a) of Section [14.36.7](#). shall not apply to public safety members who are entitled to compensation pursuant to the provisions of a State Statute.
- b) Thereafter, such employee shall be entitled to his accumulated sick leave with pay at his regular salary rate. Said sick leave pay shall equal the amount arrived at by subtracting from his regular salary rate any payments for such accident which the employee has received or is entitled to receive as Workman's Compensation pursuant to the provisions of a State Statute.
- c) Employees who are on industrial accident leave or who are on sick leave with pay as a result of an industrial accident shall continue to accrue seniority, sick leave and vacation benefits and shall be paid holiday pay the same as if they had been present for duty.

14.36.8 SCOPE OF ARTICLE.

(Added by O-2101; Amended by O-3486)

The provisions of this Article shall not apply to employees in representation units where a Memorandum of Understanding covering these working conditions is in force.

ARTICLE 37 - OUTSIDE EMPLOYMENT

(Added by O-1098; Amended by O-2316)

14.37.1 DEFINITION.

For the purpose of this section, outside employment shall mean any work done, or any service performed, for compensation other than for the City, whether as employee, independent contractor, or otherwise.

14.37.2 APPLICATION.

Departmental regulations may contain restrictions governing outside employment, which restrictions need not be uniform for each department.

14.37.3 RESTRICTIONS.

In addition to any departmental rules, the following restrictions shall apply:

- a) No employee shall engage in outside employment which would, in the judgment of the department head, conflict with his employment with the City, or, in any way, be against the best interests of the City. The decision of the department head shall be final, except that it shall be subject to the grievance procedure.
- b) Such employment shall not interfere with the employees' ability to respond to emergency calls, scheduled work or scheduled overtime.
- c) Such employment shall only be of a part-time or temporary nature.

ARTICLE 40 - LEAVE OF ABSENCE

(Added by O-2043)

14.40.1 LEAVE WITHOUT PAY.

- a) A leave of absence without pay not to exceed five (5) working days (3 shifts in the Fire Department) may be granted to any employee by the department head.
- b) A leave of absence without pay for more than five (5) working days, but not to exceed sixty (60) days, may be granted to any employee by the City Manager.
- c) A leave of absence without pay for more than sixty (60) days may be granted to any employee by the Civil Service Commission after review of the request by the City Manager.
- d) A leave of absence without pay may be granted to any employee by the Civil Service Commission for the purpose of accepting a temporary appointment to a State, County, Federal or local agency.

14.40.2 APPLICATION FOR LEAVE OF ABSENCE.

A request for leave shall be forwarded to the appropriate authority in advance of beginning date of leave, upon forms supplied by the City, giving the title of the position, the beginning and ending dates of the leave requested, a statement of the reasons for such leave, and signed by the

employee.

14.40.3 REFUSAL OF LEAVE OF ABSENCE.

The Civil Service Commission shall refuse a leave of absence if it finds such a leave to be contrary to the good of the City.

14.40.4 HOLDING POSITION OPEN.

Upon the expiration of leave of absence, duly granted in accordance with the provisions of this Article 40, an employee shall be returned to the same position or class of position as he occupied when the leave of absence was granted.

14.40.5 MEDICAL EXAMINATION AT TERMINATION OF LEAVE.

Upon the expiration of any leave of absence, the City Manager may determine, by medical examination or other reasonable evidence, if the employee is mentally and physically able to perform the duties of the position from which the leave was granted. If the City Manager has determined that the employee is unable to return to work, he will not be returned to work but shall have the right of appeal to the Civil Service Commission.

14.40.6 MILITARY LEAVE OF ABSENCE.

A leave of absence for military service shall be granted to any employee as required by the laws of the United States or the State of California.

14.40.7 RETURN FROM MILITARY LEAVE.

Any employee returning from military leave shall have all the rights and privileges granted by law, but any employee returning from military leave which has exceeded ninety (90) consecutive calendar days shall not be reinstated to his position in the classified service unless he:

- a) Makes a written application therefor to the Personnel Director within forty (40) days following his release from active military service;
- b) Furnishes the Personnel Director for his inspection a certificate of termination of services with the armed forces, which termination was under honorable condition; and
- c) Establishes to the reasonable satisfaction of the Civil Service Commission that he is qualified to perform the duties of such position.

14.40.8 EMPLOYEE ORGANIZATION LEAVE.

Employee organization leave shall be governed by Article 8 of this Chapter which relates to employee relations.

14.40.9 SCOPE OF PROVISIONS.

(Added by O-2400; Amended by O-2512; O-2513; O-2514; O-2515; O-2520)

The provisions of this Article shall not apply to employees in representation units where a Memorandum of Understanding covering these working conditions is in force.

ARTICLE 41 - TRANSFER AND REASSIGNMENT

(Added by O-2045)

14.41.1 TRANSFER WITH CONSENT.

An employee may be transferred by the City Manager from one position to another position of the same class in a different department with the written consent of the two (2) affected department heads and the affected employee.

14.41.2 EMERGENCY TRANSFER.

- a) In the case of an emergency, an employee may be transferred by the City Manager with the written consent of the two (2) affected department heads but without the written consent of the affected employee.
- b) Such a transfer shall be automatically reviewed by the Civil Service Commission, within fifteen (15) working days from the date of the transfer, and the Commission shall approve or rescind the transfer.

14.41.3 REASSIGNMENT.

A department head may reassign an employee from one position to another position of the same class within the same department.

14.41.4 INCAPACITY.

- a) When an employee can no longer perform the duties of a position to which he is assigned because of physical or mental impairment, the City Manager may, with the approval of the Civil Service Commission, transfer or reassign the employee to a position in the same or in a lower class, the duties of which the employee is capable of performing.
- b) This section does not apply to Police and Fire Safety employees.

14.41.5 RESCINDING OF TRANSFER OR REASSIGNMENT.

- a) The Civil Service Commission shall rescind a transfer or reassignment if it finds that the transfer or reassignment was made:
 - 1) Without giving reasonable advance notice to the affected employee;
 - 2) With the intent of forcing or causing an employee to resign; or
 - 3) Because of political or other improper influences.
- b) The Commission may rescind a transfer if it determines that the transfer was unfair, unjust, or caused an undue hardship to the employee.

14.41.6 SCOPE OF PROVISIONS.

(Added by O-2440)

The provisions of this Article shall not apply to employees in representation units where a Memorandum of Understanding covering these working conditions is in force.

ARTICLE 47 - SUSPENSION, DEMOTION AND DISCHARGE

(Added by O-2534; Amended by O-2562)

14.47.1 POWERS OF DEPARTMENT HEADS.

(Amended by O-3020; O-3100)

A department head, with the approval of the City Manager, for misconduct, incompetency, inefficiency, failure to perform duties or to observe the rules and regulations of his department or of the City:

- a) May suspend any employee in his department without pay for a period not to exceed thirty (30) consecutive days; or
- b) May demote any such employee to a classification which he is qualified to fill; or
- c) May discharge any such employee.

14.47.2 DEPARTMENT HEADS, PEACE OFFICERS.

(Amended by O-3100)

- a) Nothing in this Article shall be deemed to supersede any provisions of the City Charter regarding the City Manager's disciplinary powers over department heads.
- b) Nothing in this Article shall be construed to limit any of the rights granted a peace officer by the Public Safety Officers' Procedural Bill of Rights Act.

14.47.3 SUSPENSION FOR FELONY CHARGE.

- a) In the event that an employee is charged by information or indictment with a felony, he may be suspended without pay by his department head with the approval of the City Manager until the case has been finally decided by the Court.
- b) In making such determination, the department head and City Manager shall consider the following factors:
 - 1) The relationship between the nature of the felony charged and the duties of the accused employee;
 - 2) The relative effect of retention or suspension on the other employees of the City and the effect on the public;
 - 3) The criminal record of the employee, if obtainable, and his non-criminal record while an employee of the City.

- c) If the employee is suspended, the department head and City Manager shall specify to the employee which factor(s), set forth in subsection b), were relied upon in making their decision. The employee shall have the right to appeal the decision of the department head and City Manager to the Civil Service Commission within five (5) days after suspension.

14.47.4 RELIEF FROM DUTY PENDING INVESTIGATION.

In the event that an employee is accused of a crime, misconduct, incompetency, inefficiency or failure to observe the rules and regulations of his department or of the City, the department head, with the approval of the City Manager, may relieve such accused person of duty with pay or reassign such accused person to other duty within the department pending investigation of such accusation for a period not to exceed ninety (90) days.

14.47.5 FAILURE TO TESTIFY BEFORE GRAND JURY.

The refusal of any employee to testify under oath before a Grand Jury in any Grand Jury investigation of governmental bribery or misconduct in public office, shall constitute good and sufficient ground for the immediate discharge of any such employee.

14.47.6 REDUCTION IN PAY DEEMED DEMOTION.

A reduction in base pay shall be deemed a demotion within the meaning of this Article unless such reduction is part of a general plan to reduce salaries and wages as a part of an economy or general curtailment program.

14.47.7 WRITTEN CHARGES AND ADMINISTRATIVE REVIEW.

(Amended by O-3100)

- a) Prior to the imposition of a suspension, demotion or discharge under the provisions of this Article, an employee shall receive a written statement of charges and notice of the recommended discipline.
- b) Any employee recommended for such discipline shall be afforded an opportunity to respond to the charges before the City Manager or his designee in accordance with procedures established by the City Manager. The decision of the City Manager or his designee shall be given to the employee in writing.

14.47.8 REQUEST FOR REVIEW.

(Amended by O-3100)

Any employee who has been suspended, demoted or discharged, may, within ten (10) days following the date of service of written notice of the imposition of discipline as provided by this Code, file a written request with the Civil Service Commission for a review of such suspension, demotion or discharge.

14.47.9 REVIEW BY COMMISSION.

(Amended by O-3260)

- a) Upon a written request filed by an employee who has been disciplined under this Article, the Civil Service Commission shall set a date for and hold a hearing, at which time it shall hear evidence for and against the requesting party. Hearings shall be open to the public unless requested to be closed by the employee.
- b) Such hearing shall be initiated within fifteen (15) days after receipt by the Commission of the accused employee's request for review; provided, however, that such period may be extended by the Commission with the consent of all affected parties.
- c) The Commission may make or cause to be made such investigation of the matter in question as it deems necessary.
- d) Hearings may be informally conducted, and the rules of evidence need not apply.

14.47.10 DELEGATION TO HEARING OFFICER.

- a) The Civil Service Commission may delegate the holding of the hearing to a committee of the Commission or to a hearing officer. The hearing officer shall be selected by the Civil Service Commission from a list submitted by the American Arbitration Association or State Conciliation Service subject to challenge by either of the parties. The appealing employee and the City shall each have two (2) challenges to the hearing officer selected by the Commission.
- b) In such event, the committee of the Commission or the hearing officer shall make findings of fact, conclusions of law, and a recommendation, and shall transmit same to the Commission, together with a transcript of the hearing within ten (10) days of the conclusion of the hearing, or as soon thereafter as practical. The Commission shall thereafter adopt or reject in whole or in part such findings of fact and conclusions of law.

14.47.11 SUBPOENAS.

- a) In any investigation or hearing conducted by the Civil Service Commission, Committee of the Commission or by such hearing officer, the Commission, Committee of the Commission and such hearing officer 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 to by the City Clerk.
- b) It shall be the duty of the Police Chief to cause all such subpoenas to be served.
- c) Refusal of a person to attend or to testify in answer to such subpoenas shall subject such person to prosecution in the same manner as set forth by law for failure to appear before the City Council in response to a subpoena issued by the City Council.
- d) Each member of the Commission and/or the hearing officer shall have the power to administer oaths to witnesses.

14.47.12 DECISION OF COMMISSION.

(Amended by O-3100)

- a) The Civil Service Commission shall render its decision in writing along with any findings of fact and conclusions of law, within fifteen (15) days after the matter has been submitted, and shall certify such decision within three (3) days thereafter to the City Manager.
- b) The Civil Service Commission in making its decision may uphold or reverse in whole or in part the action of the department head in suspending, demoting or discharging the employee; provided, however, that in no case may the Civil Service Commission increase any penalty imposed by the department head. The Commission may reduce a discharge to a suspension not to exceed sixty (60) days.
- c) Such decision may contain whatever orders are deemed appropriate by the Commission, and the entire decision shall be binding upon all parties, subject to a right of appeal to the City Council by the appealing employee.

14.47.13 APPEAL TO CITY COUNCIL.

Upon written appeal to the City Council filed with the City Clerk within ten (10) days of the decision of the Civil Service Commission, a hearing shall be conducted pursuant to the provisions of Section [14.47.14](#). before the City Council at the earliest reasonable time as is consistent with the City Council's agenda. The appealing and responding parties may be present at the Council hearing and may present written and oral arguments in their favor, and answer any questions from the members of the City Council.

14.47.14 RECORD ON APPEAL.

- a) The City Council may uphold or reverse in whole or in part the decision of the Civil Service Commission; provided, however, that in no case may the City Council increase any penalty imposed by the Commission. The City Council may reduce a dismissal to a suspension of not to exceed sixty (60) days.
- b) The City Council's deliberations shall be limited to a review of the record on appeal. The record on appeal shall consist only of the following:
 - 1) The written charges, if any, against the employee and his answer, if any;
 - 2) The transcript of the hearing, or any part thereof (if all interested parties so stipulate, the partial transcript shall be sufficient);
 - 3) All other minutes of the Commission and the hearing officer, if any, relating to the matter;
 - 4) Any exhibits admitted into evidence at the hearing;
 - 5) Any memoranda of law submitted to the officer or to the Commission;
 - 6) The decision of the Commission, including its findings of fact and conclusions of law and

recommendations, if any;

7) The written exceptions of the parties.

c) In all cases, the City Council shall be bound by the findings of fact of the Civil Service Commission, unless in the opinion of the Council there is no substantial evidence to support the Commission's decisions. In the event that there is no substantial evidence to support the Commission's decision, the case shall be returned to the Commission for additional proceedings.

d) Any decision of the City Council to reverse or modify a decision of the Commission shall not be effective unless made by a majority vote of the entire membership of the Council.

14.47.15 NEWLY DISCOVERED EVIDENCE.

No evidence not previously submitted and received into evidence by the Civil Service Commission or hearing officer may be considered by the City Council. Upon a showing to the satisfaction of the Council that new and substantial evidence has been discovered which, with the use of due diligence could not reasonably be expected to have been presented at the hearing before the Commission, Committee of the Civil Service Commission or hearing officer, the Council, at its discretion, shall return the matter to the Commission, Committee of the Civil Service Commission or hearing officer to hear such evidence and for further review.

CHAPTER 5 POLICE DEPARTMENT; MISCELLANEOUS

(Added by O-1215)

ARTICLE 1 - AID FOR TRAINING OF LAW ENFORCEMENT OFFICERS

15.1.1 QUALIFYING FOR AID.

The City of Torrance declares that it desires to qualify to receive aid from the State of California under the provisions of Chapter 1 of Title 4, Part 4 of the California Penal Code.

15.1.2 ADHERENCE TO STANDARDS.

Pursuant to Section 13522 of Chapter 1 of Title 4, Part 4 of the California Penal Code, the City of Torrance while receiving aid from the State of California pursuant to said Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training.

ARTICLE 2 - POLICE RESERVE CORPS

(Added by O-1119; Amended by O-2063)

15.2.1 ESTABLISHED, COMPOSITION AND COMPENSATION.

There is hereby established for the City, a Police Reserve Corps. Said Corps is established as a voluntary organization composed of persons to be appointed by the Police Chief, subject to the approval of the City Manager.

- a) Each member so appointed shall be paid One Dollar (\$1.00) per calendar year or fraction thereof at the time of appointment. Thereafter, the reserve member shall be paid at the rate of One Dollar (\$1.00) per calendar year, payable on the second regular pay period in January.
- b) The membership of said Corps shall not exceed fifty (50).
- c) The Police Chief, under the direction of the City Manager, shall have complete authority and control over the Corps.
- d) The Police Chief may appoint, subject to the approval of the City Manager, as members of the Police Reserve Corps, any persons whom he deems to be qualified and he may reject any application for membership.

15.2.2 EMPLOYMENT STATUS OF POLICE RESERVE OFFICERS.

The members of the Police Reserve Corps, as such, shall not be in or under the Civil Service System of the City, the Public Employees' Retirement Act or System membership of the City; but each male or female member of the Corps, who has qualified and been sworn as such and who is injured or killed while performing active and specific duties as a peace officer of the City under the direction of the Police Chief or his agent, is deemed to be an employee of the City and shall be

entitled to the benefits of Workmen's Compensation Insurance as provided in the Labor Code.

15.2.3 FUNCTION OF CORPS.

The Police Reserve Corps shall function as a unit of the Police Department in the program and activities of the Civil Defense and Disaster Plan of the City and shall also function to assist regular police officers of said City in law enforcement and the maintenance of peace and order in all cases where, in the opinion of the Police Chief it is impracticable to furnish adequate police protection solely by means of the regular police officers of the City.

15.2.4 QUALIFICATIONS.

No person shall be appointed as a member of the Police Reserve Corps until he has taken the training and is able to meet all other requirements prescribed by the Police Chief for such membership. When so qualified, and when selected by the Police Chief, candidates shall be sworn in by the Police Chief, or his duly authorized representative, as members of the Corps and shall take and file with the City Clerk the required loyalty oath.

15.2.5 RULES AND REGULATIONS.

In order to effectuate the purpose of said Corps the Police Chief may, subject to the approval of the City Manager, establish and make amendments to rules and regulations to govern the Corps, including, but not limited to, the fixing of specific duties of its members and providing for the maintenance of discipline.

15.2.6 TRAINING AND ASSIGNMENTS.

The Police Chief shall provide for the training of candidates for membership in the Police Reserve Corps and for the further training of members of the Corps in all fields of Police activity, and for that purpose may assign such members to any of the various police duties of the Police Department of the City, subject to the approval of the City Manager.

15.2.7 ISSUANCE OF IDENTIFICATION.

When a selected candidate has been duly sworn in and has subscribed and filed the required loyalty oath, an identification card, badge, and cap piece, and such other insignia or evidence of identification as the Police Chief may prescribe, shall be issued to the candidate who shall then be considered appointed a member of the Police Reserve Corps. The insignia or badge shall be and remain the property of the City.

15.2.8 CARRYING ARMS.

- a) No member of the Police Reserve Corps shall carry any firearms until he has qualified for and received a gun permit signed by the Police Chief.
- b) All members of the Corps when on duty shall carry the regulation police baton unless otherwise instructed by the Police Chief.

15.2.9 AUTHORITY OF POLICE RESERVE CORPS MEMBERS.

A member of the Corps when on duty as assigned by the Police Chief, or his duly authorized

representative, shall have the authority to direct traffic in accordance with the provisions of the ordinances of the City of Torrance and the laws of the State of California, and shall have the same general power of arrest as any regular member of the Police Department, subject, however, to any limitation which the Police Chief, or his duly authorized representative may impose.

15.2.10 TERMINATION AND RESIGNATION FROM MEMBERSHIP.

Any member of the Police Reserve Corps may be terminated from the Corps by the Police Chief at any time, and any member of the Corps may resign from the Corps at any time upon notifying the Police Chief in writing of his resignation.

15.2.11 INCREASING OR DECREASING MEMBERSHIP.

Subject the provisions of Sec. 15.2.1., the Police Chief, with the approval of the City Manager, may by order, diminish or expand the membership of the Corps at any time as in his discretion may be required.

15.2.12 UNIFORM, SIDEARMS, BELT, HOLSTER, ETC.

- a) The uniform for members of the Police Reserve Corps shall be similar to the uniform worn by members of the regular Police Department, but with an identifying insignia to be prescribed by the Police Chief. Sidearms carried by members are to be carried in the regulation police Sam Browne belt and holster, as approved by the Police Chief.
- b) The uniform, badge, cap piece, insignia (other than identification card), gun, belt, holster, and baton shall be carried only while the member carrying same is on duty as assigned by the Police Chief.

15.2.13 MISREPRESENTATION UNLAWFUL.

It shall be unlawful for any person (other than a regular police officer of said City) who is not a member of said Corps:

- a) To wear, carry or display any identification card, badge, cap piece, uniform or insignia of said Corps; or
- b) In any manner to represent himself to be connected with said Corps.

15.2.14 COURT ATTENDANCE PAY.

(Added by O-2828)

Whenever any member of the Police Reserve Corps is called to testify as a witness in any civil action as to facts observed by him in the course of performance of his duties as a reserve officer, such reserve officer shall be paid the sum of Seventy-five Dollars (\$75.00).

CHAPTER 6

EMERGENCY PREPAREDNESS

(Added by O-334; Amended by O-438; O-549; O-2419)

ARTICLE 1 - GENERAL

(Amended by O-3749)

16.1.1 DEFINITIONS.

The following words and phrases shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section as defined by the California Emergency Services Act (Chapter 7 of Division 1 of Title 2 of the Government Code, Section 8550 et seq.)

- a) **Emergency.** The term emergency shall mean the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this City caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including conditions resulting from war or imminent threat of war, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this City, requiring the combined forces of other political subdivisions to combat.
- b) **Local Emergency.** The term local emergency shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of this City, caused by such conditions as air pollution, fire, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy, which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of that political subdivision and require the combined forces of other political subdivisions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.
- c) **State of War Emergency.** The term state of war emergency shall mean the condition which exists immediately, with or without a proclamation thereof by the Governor, whenever this state or nation is attacked by an enemy of the United States, or upon receipt by the state of a warning from the federal government indicating that such an enemy attack is probable or imminent.
- d) **State of Emergency.** The term state of emergency shall mean the duly proclaimed existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by such conditions as air pollution, fire, flood, storm, epidemic, riot,

drought, sudden and severe energy shortage, plant or animal infestation or disease, the Governor's warning of an earthquake or volcanic prediction, or an earthquake, or other conditions, other than conditions resulting from a labor controversy or conditions causing a "state of war emergency," which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city and require the combined forces of a mutual aid region or regions to combat, or with respect to regulated energy utilities, a sudden and severe energy shortage requires extraordinary measures beyond the authority vested in the California Public Utilities Commission.

e) Emergency plans. The term emergency plan shall mean those official and approved documents which describe the principles and methods to be applied in carrying out emergency operations or rendering mutual aid during emergencies. These plans include such elements as continuity of government, the emergency services of governmental agencies, mobilization of resources, mutual aid, and public information.

16.1.2 PURPOSE.

- a) The declared purposes of this Chapter are to provide for the preparation and carrying out of plans for the protection of persons, property and the environment within this City in the event of a emergency; the direction of the emergency organization; and the coordination of the emergency functions with all other public agencies, corporations, organizations, and affected private persons.
- b) 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.

ARTICLE 2 - ORGANIZATION

(Amended by O-2550; O-2580; O-3373; O-3410; O-3741; O-3749)

16.2.1 DISASTER COUNCIL CREATED, COMPOSITION, COMPENSATION AND QUALIFICATIONS.

The Torrance Disaster Council is created and consists of the following members (or, due to their unavailability, appropriate designees):

- a) The Director of Emergency Services, who shall be the chair.
- b) The Assistant Director of Emergency Services, who shall be vice chair.
- c) The Deputy Director of Emergency Services.
- d) The Division Commander of Emergency Services.
- e) The Emergency Services Coordinator.
- f) Such chiefs of emergency services as are provided for in the current emergency plan of

this jurisdiction, adopted pursuant to this Chapter.

16.2.2 MEETINGS.

The Torrance Disaster Council shall meet upon call of the chair or, upon call of the vice chair (in the absence of the chair).

16.2.3 POWERS AND DUTIES GENERALLY; RECOMMENDATIONS TO COUNCIL.

It is the duty of the Torrance Disaster Council and it is empowered, to develop and recommend for adoption by the City Council, emergency and mutual aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement those plans and agreements.

16.2.4 DIRECTOR, ASSISTANT DIRECTOR, DEPUTY DIRECTOR, DIVISION COMMANDER AND EMERGENCY SERVICES COORDINATOR; OFFICES CREATED; CITY MANAGER, ASSISTANT CITY MANAGER, POLICE CHIEF, POLICE LIEUTENANT, EMERGENCY SERVICES COORDINATOR DESIGNATED.

- a) There is hereby created the office of Director of Emergency Services. The City Manager shall be the Director of Emergency Services.
- b) There is hereby created the office of Assistant Director of Emergency Services. The Assistant City Manager shall be the Assistant Director of Emergency Services.
- c) There is hereby created the office of Deputy Director of Emergency Services. The Police Chief shall be the Deputy Director of Emergency Services.
- d) There is hereby created the office of Division Commander of Emergency Services. A Police Lieutenant, as designated by the Police Chief, shall be the Division Commander of Emergency Services.
- e) There is hereby created the office of Emergency Services Coordinator. The Emergency Services Coordinator, as designated by the Chief of Police, shall be the Emergency Services Coordinator.

16.2.5 POWERS AND DUTIES OF THE DIRECTOR.

It is the duty of the Director of Emergency Services and hereby empowered to do the following:

- a) Proclamations Generally. To request the City Council to proclaim the existence of or threatened existence of a local emergency if the City Council is in session, or to issue that proclamation if the City Council is not in session. Whenever the director proclaims a local emergency, the City Council shall take action to ratify the proclamation within seven (7) days thereafter or the proclamation shall have no further force or effect;
- b) Request to Governor. To request the Governor to proclaim a state of emergency when in the opinion of the director, the locally available resources are inadequate to cope with the emergency;

- c) Control and Direction of Effort. To control and direct the effort of the emergency organization of this City for the accomplishment of the purposes of this Chapter;
- d) Direct Coordination and Cooperation. To direct cooperation between and coordination of, services and staff of the emergency organization of this City, and to resolve questions of authority and responsibility that may arise between them;
- e) Represent Organization of City. To represent this City in all dealings with public or private agencies on matters pertaining to emergencies as defined in this Chapter.
- f) Designate the Order of Succession. To designate the order of succession to that office, to take effect in the event the director is unavailable to attend meetings and otherwise perform duties during an emergency. Such order of succession shall be approved by the City Council.

16.2.6 IN EVENT OF AN EMERGENCY.

In the event of the proclamation of a local emergency, the proclamation of a state of emergency by the Governor or the Secretary of the California Emergency Management Agency, or the existence of a state of war emergency, the Director of Emergency Services is empowered to do the following:

- a) Rules and Regulations. To make and issue rules and regulations on matters reasonably related to the protection of life, property, and the environment as affected by the emergency; provided, however, that all such rules and regulations must be confirmed at the earliest practicable time by the City Council;
- b) Vital Supplies. To obtain vital supplies, equipment and such other properties found lacking and needed for the protection of life, property, and the environment and to bind the City for the fair value of those items, and if required immediately, to commandeer the same for public use;
- c) Emergency Services. 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 the Director deems necessary in the execution of emergency services. Persons required to perform emergency services are entitled to all privileges, benefits and immunities as are provided by State law for registered disaster services workers;
- d) Personnel or Material. To requisition necessary personnel or material of any City department or agency;
- e) Execution of Powers. To execute all of the Director of Emergency Services' ordinary powers as City Manager, all of the special powers conferred by this Chapter or by resolution or emergency plan adopted by the City Council, all powers conferred upon the Director by any statute, by any agreement approved by the City Council and by any other lawful authority.

16.2.7 APPOINTMENT, POWERS, DUTIES, ETC. OF ASSISTANT DIRECTOR OF EMERGENCY SERVICES.

- a) The Assistant Director of Emergency Services is under the supervision of the Director of Emergency Services and with the assistance of the Deputy Director, the Division Commander, the Emergency Services Coordinator and other emergency services chiefs as designated in Section [16.2.1](#) (f), will develop emergency plans, manage the emergency programs of this City and exercise such other duties and powers as may be assigned by the Director of Emergency Services.
- b) The Assistant Director of Emergency Services will exercise the powers and duties of the Director of Emergency Services, in the absence of the Director from the City or the Director's inability to exercise designated powers and duties.

16.2.8 SAME; DEPUTY DIRECTOR OF EMERGENCY SERVICES.

The Deputy Director of Emergency Services is responsible for provisions of emergency law enforcement, traffic control and Public Safety communications services. The Deputy Director will review emergency preparedness plans, proposals and reports originating within the office of the Emergency Services Coordinator.

16.2.9 SAME; DIVISION COMMANDER OF EMERGENCY SERVICES.

Under the supervision of the Director, Assistant Director and Deputy Director of Emergency Services, the Division Commander of Emergency Services will:

- a) Oversee the emergency preparedness plans, proposals and reports originating within the office of the Emergency Services Coordinator.
- b) Actively participate as a member of the Torrance Disaster Council.
- c) Advise in the writing and submission of necessary reports and proposals.
- d) Manage the operations necessary for the continuous support and maintenance of the Torrance Emergency Management Program.

16.2.10 SAME; EMERGENCY SERVICES COORDINATOR.

Under the supervision of the Director, Assistant Director, Deputy Director of Emergency Services, and the Division Commander of Emergency Services, the Emergency Services Coordinator will:

- a) Promote the development and coordination of effective emergency service plans and programs for the community in coordination with other appropriate emergency coordination agencies.
- b) Actively participate as a member of the Torrance Disaster Council.
- c) Assist and advise in the writing and submission of necessary reports and proposals.
- d) Aid the Assistant Director in that officer's public information and public relations activities.
- e) Coordinate the operations necessary for the continuous support and maintenance of the Torrance Emergency Management Program.

16.2.11 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 laws, including persons impressed into service, under the provisions of Section [16.2.6\(c\)](#), of this ordinance be charged with duties incident to the protection of life, property, and the environment in this City during an emergency, constitute the emergency organization of the City.

16.2.12 EMERGENCY PLAN.

The Torrance Disaster Council is responsible for the development of the City of Torrance Emergency Plan, which will provide for the effective mobilization of all of the resources of this City, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency; and the Disaster Council will provide for the organization, powers and duties, services, and staff of the emergency organization. The City of Torrance Emergency Plan will take effect upon adoption by resolution of the City Council.

16.2.13 PROHIBITED ACTS.

It is a misdemeanor punishable as provided in Section 728 of the Charter of the City of Torrance for any person during a disaster:

- a) Obstructing Enforcement of Chapter. To willfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this Chapter or in the performance of any duty imposed upon that member by virtue of this Chapter.
- b) Violating Rules and Regulations. To do any act forbidden by any lawful rules, regulations, or emergency orders issued pursuant to this Chapter.
- c) Displaying Unauthorized Identification. To wear, carry or display, without authority, any means of identification specified by the emergency agency of the State.

CHAPTER 7

CAMPAIGN CONTRIBUTION LIMITS

(Added by O-3404; Amended by O-3437; O-3462)

ARTICLE 1 - GENERAL PROVISIONS

17.1.1 PURPOSE.

This chapter imposes a maximum limitation on the amount of campaign contributions that may be solicited and received by a candidate from a single source with respect to any single election campaign.

17.1.2 RELATION TO POLITICAL REFORM ACT OF 1974.

This chapter is intended to be a supplement to and in no way to conflict with the Political Reform Act of 1974, which is codified in Title 9 of the California Government Code and its implementing regulations. Unless otherwise defined in this chapter, words and phrases have the same meanings here as those given to them by Title 9 of the California Government Code and its implementing regulations, and with the interpretations of these provisions by the California Fair Political Practices Commission.

17.1.3 DEFINITIONS.

- a) "City of Torrance Elective Office" means the offices of Mayor, Councilmember, City Clerk and City Treasurer.
- b) "Family Contributions." Contributions by a husband and wife will be treated as contributions by separate persons and will not be aggregated. Contributions by children under eighteen years of age will be treated as contributions by their parents and attributed proportionately to each parent (one-half to each parent or the total amount to a single custodial parent).

17.1.4 LIMITATIONS ON CAMPAIGN CONTRIBUTIONS.

- a) "Declaration of Candidacy." No person may make, and no candidate for City of Torrance elective office and the controlled committee of that candidate may solicit or accept, any campaign contribution until such time as the candidate has filed a statement of intention to be a candidate.
- b) "Contribution Limits." No person may make any campaign contribution to a candidate for City of Torrance elective office, or to the controlled committee of that candidate, that will cause the total amount contributed by that person to the candidate to exceed One Thousand Dollars (\$1,000.00) during an election cycle. The contribution limits established by this section will apply to all contributions received after March 1, 1999. Notwithstanding the foregoing, a candidate may make campaign contributions in any amount to the candidate's own controlled committee.
- c) "Solicitation and Acceptance of Campaign Contributions." No candidate for City of Torrance elective office and no controlled committee of that candidate may solicit or accept any campaign contribution that will cause the total amount contributed by any one person to the candidate to

exceed One Thousand Dollars (\$1,000.00) during an election cycle.

- d) "Return of Contributions." A contribution will not be considered to be received or accepted if it is not negotiated or deposited, and in addition it is returned to the donor within fourteen (14) days of receipt.
- e) "Post-Election Fundraising." A contribution for an election may be accepted by a candidate for City of Torrance elective office through the last day of the seventeenth (17th) month following the month in which the election occurred, only to the extent that the contribution does not exceed net debts outstanding from the election, and the contribution does not otherwise exceed the applicable contribution limit for that election. For elections occurring prior to November 1, 2002, contributions may be accepted through September 30, 2003, subject to the restrictions set forth above.

17.1.5 LIMITATION ON LOANS.

(Added by O-3668)

A candidate for any City of Torrance Elective Office may not personally loan to his or her campaign, including the proceeds of a loan obtained by the candidate from a commercial lending institution, an amount, the outstanding balance of which exceeds thirty thousand dollars (\$30,000.) A candidate may not charge interest on any loan he or she made to his or her campaign.

17.1.6 CASH CONTRIBUTIONS.

(Added by O-3698)

No person may make, and no candidate for City of Torrance elective office, or controlled committee of that candidate, may solicit or accept, any cash contribution in excess of \$20.

17.1.7 LATE CONTRIBUTIONS.

(Added by O-3699)

- a) Each candidate or committee that receives a contribution that in the aggregate totals more than \$100 from a single source that is received before the date of the election at which the candidate is to be voted on but after the closing date of the last pre-election campaign statement, must report that contribution to each office with which the candidate or committee is required to file its next campaign statement and in compliance with this section.
- b) The recipient of the late contribution must report his or her full name and street address, the date and amount of the contribution, and whether the contribution was made in the form of a loan. The recipient must also report the full name of the contributor, his or her street address, occupation, and the name of his or her employer, or if self-employed, the name of the business.
- c) A late contribution must be reported by electronic transmission, facsimile transmission, guaranteed overnight delivery, or personal delivery within 24 hours of the time it is received. A late contribution must be reported on subsequent campaign statements without regard to reports filed

pursuant to this section.

- d) A late contribution need not be reported nor will it be deemed accepted if it is not cashed, negotiated or deposited and is returned to the contributor within 24 hours of its receipt.

17.1.8 IDENTIFICATION OF SENDERS OF CAMPAIGN INFORMATION.

(Added by O-3700)

- a) U.S. Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar pieces of mail that support or oppose a candidate, unless the name, street address, and city of the candidate or committee are shown on the outside of each piece of mail and on at least one of the inserts included within each piece of mail in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the sender of the mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.
- b) Electronic Mail. No candidate for City of Torrance elective office or committee may send more than 200 substantially similar transmissions of electronic mail that support or oppose a candidate, unless the name, electronic mail address, street address, and city of the candidate or committee are shown on the electronic mail in no less than 12 point type in a color or print that contrasts with the background so as to be easily legible. If the sender of the electronic mail is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State.
- c) Door Hangers and Printed Materials. No candidate for City of Torrance elective office or committee may distribute more than 200 substantially similar pieces of written material in the form of door hangers or other printed material, that support or oppose a candidate, left on private property, unless the name, street address, and city of the candidate or committee are displayed in no less than 12 point type that will be in a color or print that contrasts with the background so as to be easily legible. If the distributor of the door hanger or printed material is a controlled committee, the name of the person controlling the committee must also be included. A post office box may be stated in lieu of a street address only if the organization's address is a matter of public record with the Secretary of State. A copy of the door hanger or other printed material must be delivered to the City Clerk within forty-eight hours of distribution of the first piece. This section does not apply to printed material delivered directly to a person.
- d) Telephone Calls. No candidate for City of Torrance elective office or committee may make or pay for 200 or more substantially similar telephone calls, which support or oppose a candidate, made by an individual or by electronic means, that advocate support of, or opposition to, a candidate, unless during the course of the call the name of the organization that authorized or paid

for the call is disclosed to the recipient of the call. Unless the organization that authorized the call and in whose name it is placed has filing obligations under the Political Reform Act, and the name announced in the call either is the full name by which the organization or individual is identified in any statement or report required to be filed under the Political Reform Act or is the name by which the organization or individual is commonly known, the candidate, controlled committee, or slate mailer organization that paid for the call must be disclosed. This section does not apply to telephone calls made by the candidate, the campaign manager, or individuals who are volunteers. A candidate, controlled committee, or slate mailer organization that pays for telephone calls as described by this section must maintain a record of the script of the call for a period of one year. If any of the calls qualifying under this section were recorded messages, a copy of the recording must be maintained for one year.

CHAPTER 8

USE OF CITY BUILDINGS AND EQUIPMENT

(Added by O-3701)

ARTICLE 1 - GENERAL PROVISIONS

18.1.1 PURPOSE.

This Chapter prohibits the use of City Buildings and equipment for political fundraising.

18.1.2 DEFINITIONS.

- a) Candidate - Any individual seeking election to a public office of the federal government, state, county, municipality, school district or political organization at an election.
- b) City - This municipality and any officer, department, board, commission, or agency thereof.
- c) City official, employee and appointee - Any person holding elective municipal office or holding an appointed position in the City, or in any agency, commission, board, or office thereof, whether the position is full time or part time, compensated or uncompensated; and any employee of the City or in any agency, commission, board, or office thereof, whether the position is full time or part time.
- d) Contribution - means a payment, a forgiveness of a loan, a payment of a loan by a third party, or an enforceable promise to make a payment except to the extent that full and adequate consideration is received, unless it is clear from the surrounding circumstances that it is not made for political purposes.
- e) Person - means an individual, proprietorship, firm, partnership, joint venture, syndicate, business trust, company, corporation, limited liability company, association, committee, and any other organization or group of persons acting in concert.
- f) Property of the City - Buildings, land, vehicles, phones, fax machines, computers or other office equipment or supplies and other real or personal property owned, leased or controlled by the municipality, except for public roads, sidewalks, and open park land.
- g) Solicit - To seek by oral or written communication a Contribution.

18.1.3 PROHIBITIONS.

A. No person shall make a contribution to a candidate and no person shall solicit or accept a contribution or engage in prohibited fundraising while on or in the property of the City. Prohibited forms of fundraising include but are not limited to:

- (1) Rental of City rooms or facilities to accept or solicit contributions.
- (2) Soliciting or accepting contributions using publicly-owned telephones, fax machines or computers.

- (3) Soliciting or accepting contributions using personal telephones while on the property of the City.
- (4) Soliciting or accepting contributions through the use of publicly-owned computers or privately-owned personal computers while on the property of the City.
- (5) Using City letterhead to solicit or accept contributions.
- (6) Sending written correspondence from property of the City or by the use of City services, equipment or postage.
- (7) Face-to-face soliciting of an individual or an owner or representative of a business entity while on the property of the City.
- (8) Use of automobiles owned or leased by the City to solicit or accept contributions.

B. Reporting requirements. It shall be the responsibility of every City official, employee, or appointee who observes any prohibited form of fund-raising to promptly report such conduct to their supervisor, City Manager, City Attorney or a law enforcement agency.

C. Whistleblower provision. It shall be unlawful for any employee, elected official or appointee to be dismissed, reprimanded, retaliated against or otherwise intimidated for complying with these reporting requirements mandated by this chapter.

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CHAPTER 1 DEMANDS AGAINST THE CITY

(Added by O-11; Amended by O-29; O-348; O-463; O-617; O-2573)

ARTICLE 1 - PRESENTING, AUDITING AND PAYMENT

21.1.1 DEMAND REQUIREMENTS.

- a) Except as otherwise provided in this Article, all claims or demands against the City shall be made in writing and shall set forth, in reasonable detail, the basis on which such claim or demand is presented.
- b) The payment of demands covering payrolls shall be based on departmental time sheets that have been signed by the department head, or other persons authorized to sign on his behalf, certifying as to the accuracy of the time worked by each employee.
- c) The provisions of this Article shall not apply to claims against the City which must be presented and processed in accordance with the provisions of Part 3, Division 3.6 (Sections 900-935.6), of the State Government Code.

21.1.2 AUDITING PRIOR TO PAYMENT.

- a) The Finance Director, after receipt of any claim or demand and before payment, shall audit the same giving particular attention to:
 - 1) A comparison of the items reflected in such claim or demand as compared with the corresponding items set forth in the requisition, purchase order or contract;
 - 2) Verification of the receipt of the materials, supplies or services covered by the claim or demand, and that the amounts reflected are due and payable.
- b) Prior to payment of payrolls the time sheets shall be audited by the Finance Director with particular attention given to the mathematical computations and extensions, and compliance with the provisions of the Code regulating employees' salaries and working conditions.

21.1.3 PREPARATION AND LISTING OF WARRANTS.

Upon auditing of claims and demands as required by the preceding Section, the Finance Director shall prepare a warrant covering the claims or demands which he finds to be in order after his examination thereof, and shall cause such warrants to be numbered and listed on warrant registers prior to presenting the same to the City Treasurer for payment.

21.1.4 CERTIFICATION BY FINANCE DIRECTOR.

There shall be included in, or attached to, each warrant register the affidavit of the Finance Director, certifying as to the accuracy of the demands and the availability of funds for payment thereof.

21.1.5 DUTY OF TREASURER TO PAY WARRANTS.

Upon the presentation of a warrant, properly executed and endorsed, the City Treasurer shall pay the same out of the monies in the City Treasury properly applicable to that purpose.

21.1.6 DELEGATION OF DUTIES.

The Finance Director may designate one or more assistants to perform any of the duties delegated to him pursuant to this Article.

ARTICLE 2 - DISPOSITION OF CITY'S OBSOLETE PERSONAL PROPERTY

(Amended by O-1506; O-2579; O-2608; O-3069; O-3399; O-3450)

21.2.1 DEFINITIONS.

- a) "City Manager" means the City Manager of the City of Torrance or his or her authorized representative.
- b) "Obsolete Personal Property" means any and all equipment, materials, supplies, vehicles, fixtures and other personal property of the City that are obsolete, worn-out, scrap, surplus, or no longer useful to the City.

21.2.2 AUTHORITY TO DISPOSE OF OBSOLETE PERSONAL PROPERTY.

- a) Obsolete Personal Property Valued At Less Than \$25,000. The City Manager is authorized to dispose of Obsolete Personal Property that the City Manager determines has a value of less than Twenty-Five Thousand Dollars (\$25,000.00)
- b) Obsolete Personal Property Valued At \$25,000 or More. The City Council is authorized to dispose of Obsolete Personal Property that has a value of Twenty-Five Thousand Dollars (\$25,000.00) or more.

21.2.3 METHODS OF DISPOSITION OF OBSOLETE PERSONAL PROPERTY.

- a) Abandonment, Destruction or Donation. Obsolete Personal Property that has no commercial value or of which the estimated cost of continued care, handling, maintenance or storage would exceed the estimated proceeds of sale, may be abandoned, destroyed or donated. The determination to dispose of Obsolete Personal Property of no commercial value must be made in a writing signed by the City Manager and countersigned by the City's Purchasing Agent.
- b) Formal Bidding. Obsolete Personal Property may be offered for sale by formal, sealed bidding, in the manner provided by Article [3](#) of Chapter [2](#) of this Division.
- c) Informal Price Quotations. Obsolete Personal Property with a value of less than Twenty-Five Thousand Dollars (\$25,000.00) may be offered for sale by means of informal telephone price quotations, in the manner provided by Article [4](#) of Chapter [2](#) of this Division.
- d) Public Auction. Obsolete Personal Property may be sold at auction. When appropriate, an experienced auctioneer should be used to conduct the sale and assist in preparation of the sale.

- e) Trade-ins. Obsolete Personal Property may be traded-in for credit to a vendor of new goods, provided one of the following conditions is met:
 - 1) The Purchasing Agent determines that the trade-in value is equal to or exceeds the value estimated to be obtained by an auction of the Obsolete Personal Property; or
 - 2) The Purchasing Agent determines that the trade-in value is equal to or exceeds the price offered by the lowest responsive and responsible bidder in the solicitation of bids.
- f) Retail Sales. Obsolete Personal Property that has an estimated value of less than Twenty-Five Thousand Dollars (\$25,000.00) may be offered for sale to the public, either at advertised one-time sales, or by offering the personal property for sale in a retail store operated by the City or in joint venture with an established retail sales establishment, provided all of the following conditions are met:
 - 1) The value and asking price for the goods are established at current market value of like goods in the market;
 - 2) The goods are offered for sale openly to the general public; and
 - 3) No licensed motor vehicle may be sold in this manner.
- g) Transfer to a Public Agency or a Charitable, Civic or Non-profit Organization. The City Council may authorize the sale, lease or donation of Obsolete Personal Property to the federal government or one of its agencies; to the State of California; to any county, city, school district, special district; other governmental agency; or to any charitable, civic or non-profit organization. The price and terms of transfer must be established by the City Council, but may be made without advertisement for or receipt of bids.

21.2.4 RESTRICTIONS APPLICABLE TO DISPOSITION OF PERSONAL PROPERTY.

- a) Government Grant Funds. Disposal of Obsolete Personal Property purchased with federal or state grant money is subject to the conditions of the grant.
- b) Conflicts of Interest. City officers, employees and agents may not be purchasers at any sale, nor may they obtain or receive any City-owned personal property by any other means, while serving in their official capacity.

ARTICLE 3 - REFUND OF MONIES COLLECTED

(Added by O-1527; Amended by O-2573)

21.3.1 APPROVAL OF REFUND.

Subject to the provisions of Section [21.3.5](#). of this Article, the City Manager shall refund in whole or in part or cause to be refunded monies collected by the City where:

- a) The money was either paid by the claimant or received by the City through mistake, inadvertence, or error of law or fact; or
- b) The claimant was entitled to an exemption from payment of monies collected or received but neglected or otherwise failed to claim such exemption at the time of payment; or
- c) The exercise of a right or privilege for which the money was paid was made illegal or physically impossible before such exercise began without the fault of the person making the payment or the person entitled to exercise the right or privilege; or
- d) A refund is otherwise provided by law.

21.3.2 ADMINISTRATIVE EXPENSES; LIMITATIONS.

- a) When a refund is made under the provisions of this Article, the City shall retain from the amount so refunded twenty (20) percent thereof for administrative expenses, but not to exceed Twenty-five Dollars (\$25.00). If, in the opinion of the City Manager or the City Council, the City was at fault, such retained amount may be waived.
- b) Notwithstanding any other provisions of this Section, when a refund is made pursuant to paragraph c) of Section [21.3.1](#). due to the physical impossibility of a person to exercise a right or privilege offered by the Park and Recreation Department, the City shall retain from the amount so refunded no more than One Dollar (\$1.00) for administrative expenses; except, however, where the fee charged by the City for such exercise exceeds Ten Dollars (\$10.00), the City shall retain for administrative expenses no more than Two Dollars (\$2.00).

21.3.3 REQUESTS FOR REFUND.

All requests for refunds shall be made in writing on forms provided for this purpose by the City. Such requests may be initiated either by an officer of the City or by the person claiming the refund.

21.3.4 QUALIFICATIONS FOR REFUND.

In order to qualify for a refund under the provisions of this Article, claims must be filed not later than one hundred (100) calendar days from the date the money is collected or received by the City, except that where the claim for refund is based upon Section [21.3.1](#)., the claim must be filed not later than one hundred (100) calendar days from the date on which the exercise of the right or privilege for which the money was paid was made illegal or physically impossible.

21.3.5 APPLICATION OF REFUND TO DEBT.

Any refunds payable under the provisions of this Article shall first be applied to pay any debt owed by the applicant to the City.

CHAPTER 2

PURCHASES OF PERSONAL PROPERTY AND SERVICES

(Added by O-2660)

ARTICLE 1 - GENERALLY

22.1.1 PURPOSE.

Subject to the provisions of this Chapter, all property and services shall be purchased at the lowest cost possible commensurate with both the quality required and the maintenance of practical and effective administrative controls.

22.1.2 CITY MANAGER'S RESPONSIBILITY.

- a) Except as otherwise provided in the City Charter or in this Code, the City Manager shall purchase all property and services for the City.
- b) The City Manager may delegate to any employee of the City under his jurisdiction all or any of his authority under this Chapter.
- c) All purchases of property or services shall be made in accordance with those Federal and State laws which are applicable to Charter cities in this State and with the provisions of this City's Charter and Code.

22.1.3 DEFINITIONS.

(Amended by O-2987; O-3380)

- a) For the purposes of this Chapter, the term "purchases" shall include leasing or renting or any other transaction by which the City acquires either temporary or permanent use or possession of property or whereby it acquires services.
- b) For the purposes of this Chapter, the term "property" shall include all items of property other than real property.
- c) For the purposes of this Chapter, the term "services" shall include anything of value, other than property.
- d) For the purposes of this Chapter, the term "responsible bid" shall mean an offer submitted by a responsible bidder to furnish property and/or services in conformity with the specifications, delivery terms, conditions and other requirements included in the invitation for bids.

22.1.4 LOWEST RESPONSIBLE BIDDER.

(Added by O-3493)

The lowest responsible bidder will be determined after a consideration of the following factors:

- a) The lowest cost to the City;

- b) The ability, capacity, facilities and skill of the bidder to perform the contract;
- c) The ability of the bidder to perform the contract within the time specified, without delay;
- d) The character, integrity, trustworthiness and reputation of the bidder;
- e) The competence, reputation and record of performance and experience of the bidder for the successful recent completion of similar work of comparable magnitude;
- f) The previous and existing compliance by the bidder with laws and ordinances relating to the type of work to be performed under the contract;
- g) The sufficiency of the bidder's financial resources as they relate to the ability of the bidder to perform the contract;
- h) The quality, availability and adaptability of the supplies and equipment to the particular use required;
- i) The ability of the bidder to provide future maintenance and service for the use of the subject of the contract;
- j) The number and scope of conditions and exceptions attached to the bid by the bidder.

22.1.5 DISASTERS.

The authority of the City Manager and other City officers to purchase property and services in the event of a disaster is set forth in Section [16.2.7](#).

22.1.6 UNAUTHORIZED PURCHASES.

It shall be unlawful for any City officer or employee to purchase any property or services or enter into any contract therefor except in accordance with the provisions of this Chapter. The City shall not be bound by any purchase order or contract which is inconsistent with the provisions of this Chapter.

ARTICLE 2 - PUBLIC WORKS PROJECTS**22.2.1 PUBLIC WORKS PROJECTS AND CONTRACTS DEFINED.**

- a) For the purposes of this Article, the term public works project shall mean any project for the construction or improvement, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds.
- b) For the purpose of this Article, the term public works contract shall mean any contract for the construction or improvement, excluding maintenance and repair, of public buildings, works, streets, drains, sewers, utilities, parks and playgrounds and each separate purchase of materials and supplies for the same.

22.2.2 AWARDING PUBLIC WORKS CONTRACTS.

(Amended by O-3278; O-3380; O-3520)

Except as otherwise provided in Section 1450 of the City Charter, every public works contract involving an estimated expenditure of Fifty Thousand Dollars (\$50,000.00) or more, shall be let by the City Council pursuant to those competitive bidding procedures set forth in said Section 1450 and in Article [3](#) of this Chapter.

22.2.3 OTHER PUBLIC WORKS CONTRACTS.

(Amended by O-3278; O-3380; O-3520)

- a) Every public works contract involving an estimated expenditure of Twenty-Five Thousand Dollars (\$25,000.00) or more, but less than Fifty Thousand Dollars (\$50,000.00), may be awarded following the procedures set forth in Article [4](#) of this Chapter, but must be approved by the City Council.
- b) Every public works contract involving an estimated expenditure of Five Thousand Dollars (\$5,000.00) or more, but less than Twenty-Five Thousand Dollars (\$25,000.00), may be let by the City Manager pursuant to the procedures set forth in Article [4](#) of this Chapter.
- c) Every public works contract involving an estimated expenditure of less than Five Thousand Dollars (\$5,000.00) may be let by the City Manager pursuant to procedures and regulations established by the City Manager.

22.2.4 EMERGENCIES.

The City Council may let public works contracts without advertising for bids in emergencies as set forth in Section 1450 of the City Charter.

22.2.5 FORCE ACCOUNT PROJECTS.

- a) Public works projects may be performed by employees of the City (force account) without contracting therefor or advertising for contract bids.
- b) Public works projects may be performed by employees of the City (force account) where contract bids therefor have been advertised and rejected pursuant to the procedures set forth in Section 1450 of the City Charter.

ARTICLE 3 - FORMAL BIDDING

(Amended by O-2696; O-3278; O-3380; O-3432; O-3435; O-3493)

22.3.1 FORMAL BIDS.

(Amended by O-3714)

Except as otherwise provided in this Chapter, every contract for the purchase of property or services involving an estimated expenditure in excess of \$39,999 shall be let by the City Council

pursuant to the procedures set forth in this Article.

22.3.2 NOTICES INVITING BIDS.

Notices inviting bids will include a general description of the property to be purchased or work to be performed and will state both where bid documents and specifications may be secured and the time and place for opening bids.

22.3.3 PUBLICATION AND POSTING OF NOTICES.

- a) Notices inviting bids for non-public works contracts will be published in a newspaper of general circulation within this City at least once, which insertion will be at least ten (10) days before the time for opening bids. Notices inviting bids for public works contracts will be published by two (2) or more insertions, the first of which will be at least ten (10) days before the time for opening bids.
- b) Notices inviting bids will also be posted on a public bulletin board in the City Hall.

22.3.4 BIDDERS' LIST.

The City Manager may also solicit sealed bids from responsible prospective suppliers whose names are on any City Bidders' List. The term Bidders' List will mean a current file of sources of supply of each category of commodities or services repetitively purchased for City use, which list will be maintained by the City Manager.

22.3.5 BIDDERS' SECURITY.

- a) When deemed necessary by the City Manager, bidders' security may be required in the public notices inviting bids. Bidders will be entitled to return of bid security; provided, however, that a successful bidder will forfeit his bid security upon his refusal or failure to execute the contract within a reasonable time after the notice of award of contract has been mailed, unless in the latter event the City is solely responsible for the delay in executing the contract.
- b) The City Council may, on refusal or failure of the successful bidder to execute the contract, award it to the next lowest responsible bidder. In such case, if the City Council awards the contract to the next lowest responsible bidder, the amount of the lowest responsible bidders' security will be applied by the City to the contract price differential between the lowest bid and the second lowest bid, and the surplus, if any, will be returned to the lowest bidder. However, if in any such case, the City Council rejects all other bids presented and re-advertises, the amount of the lowest bidders' security may be used to offset the cost of receiving new bids, and the surplus, if any, will be returned to the lowest bidder.

22.3.6 BID OPENING PROCEDURE.

- a) Sealed bids will be submitted to the City Clerk and will be identified as bids on the envelope. Bids will be opened in public at the time and place stated in the public notices. A tabulation of all bids received will be available for public inspection during regular business hours for a period of not less than thirty (30) calendar days following the bid opening.
- b) Nothing in this Chapter will be deemed to require the disclosure of confidential financial or

trade secret information submitted with bids.

22.3.7 REJECTION OF BIDS.

In its discretion, the City Council may reject any and all bids presented and re-advertise for bids pursuant to the procedures prescribed in this Article.

22.3.8 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 re-advertising for bids, the City Council may in its discretion accept the one it chooses or, in the alternative, direct the City Manager to enter into negotiations with the tie bidders and thereafter accept the lowest resulting bid.

22.3.9 AWARD OF CONTRACTS.

- a) Except as otherwise provided in this Article, contracts will be awarded by the City Council to the lowest responsible bidder.
- b) For the purpose of this Section, the lowest responsible bidder will be determined pursuant to the criteria set forth in Section [22.1.4](#). of this Chapter.
- c) The City is authorized to award contracts to the second lowest responsible bidder when:
 - 1) The apparent lowest bidder is non-responsive due to defects, technicalities or informalities in their bid proposal or the required bonds and insurance documents; or
 - 2) Any owner, officer or employee who has a proprietary interest in the apparent lowest bidder, has been disqualified, removed, debarred, or otherwise prevented from bidding on, or completing a federal, state, or local project because of a violation of law or a safety regulation.

22.3.10 WAIVER OF DEFECTS AND TECHNICALITIES.

The City may waive defects, technicalities or informalities when to do so is in the best interests of the City.

22.3.11 PERFORMANCE AND PAYMENT BONDS.

The City Manager will have authority to require a performance bond and a payment bond before entering a contract in such amount as the City Manager finds reasonably necessary to protect the best interests of the City. If the City Manager requires a performance bond and a payment bond, the form and amount of the bonds will be described in the notice inviting bids.

22.3.12 EMERGENCIES.

Notwithstanding any other provision of this Article, where the City Manager determines that an emergency exists (other than where a disaster type emergency has been proclaimed or exists as provided in Section [16.2.7](#).), he may purchase such property or services as, in his opinion, are required for the preservation of the health, safety or welfare of the residents of the City or for the protection of property therein. The City Manager will report such emergency purchases to the City

Council at the next regular or adjourned regular Council meeting.

22.3.13 EXCEPTION; PROFESSIONAL SERVICES.

- a) The provisions of this Article will not apply to contracts for the purchase of professional services, which contracts will be let pursuant to such regulations and procedures as will be established by the City Manager.
- b) For the purposes of this Section, the term professional services, means services entailing a high degree of specialized technical or mental skill. Such services include, but are not limited to the service of attorneys, physicians, architects, engineers and appraisers.

22.3.14 EXCEPTION; AUDITORS.

The provisions of this Chapter will not apply to any certified public account or accountants retained to audit the accounts of the City. Such person(s) will be selected by the City Council pursuant to such procedures as that body may from time to time adopt.

22.3.15 EXCEPTION; COOPERATIVE PURCHASES.

- a) The provisions of this Article will not apply to purchases made pursuant to any cooperative governmental purchase program, which purchases will be made in accordance with such procedures and regulations as will be established by the City Manager.
- b) For the purposes of this Section, the term cooperative governmental purchase program means any combination between the City of Torrance and any other public agency or public agencies for the joint purchase of property or services.

22.3.16 EXCEPTION; REPAIRS.

The provisions of this Article will not apply to the purchase of parts or service for repairs upon City equipment, which purchases will be made in accordance with such procedures and regulations as will be established by the City Manager.

22.3.17 EXCEPTION; SOLE-SOURCE PURCHASES.

- a) The provisions of this Article will not apply to purchases of sole-source services or property, which purchases will be made in accordance with such procedures and regulations as will be established by the City Manager.
- b) For purposes of this Section, "sole-source purchases" means those purchases where it would be undesirable or impossible for the City to advertise for bids for particular work or for patented items, or experimental or unique services or products, or where competitive purchases would be unavailable or would not prove advantageous for the City. No sole-source purchases may be made where to do so would show favoritism, improvidence, extravagance, fraud or corruption, or result in the waste of public funds, but may be used only to obtain the best economic result for the public.

22.3.18 EXCEPTION; SPECIAL OPPORTUNITY PURCHASES.

Special opportunity purchases may be made by the City Manager where:

- a) The City Council finds that a proposed purchase that is subject to this Article is either below the current market price and will result in a significant cost savings to the City, or that the proposed purchase is not more than the current market price, and that significant time will be saved in delivery or installation of the equipment by such a purchase; and
- b) The City has a current need for the item or items of property to be purchased.

22.3.19 EXCEPTION; COMPUTER AND NETWORKING HARDWARE AND SOFTWARE PURCHASES.

The provisions of this Article do not apply to contracts for the purchase of computer and networking hardware and software. The purchase of computer and networking hardware and software will be done pursuant to regulations and procedures established by the City Manager.

22.3.20 MULTI-STEP SEALED BIDDING.

- a) **Definition.** Multi-step sealed bidding is a two-phase process consisting of a technical first phase composed of one or more steps in which bidders submit unpriced technical offers to be evaluated by the City, and a second phase in which those bidders whose technical offers are determined to be acceptable during the first phase have their price bids considered. It is designed to obtain the benefits of competitive sealed bidding by award of a contract to the lowest responsive, responsible bidder, and at the same time obtain the benefits of the competitive sealed proposals procedure through the solicitation of technical offers and the conduct of discussions to evaluate and determine the acceptability of technical offers.
- b) **Conditions for Use.** The multi-step sealed bidding method may be used when it is not practical to prepare initially a definitive purchase description which will be suitable to permit an award based on price. Multi-step sealed bidding may thus be used when it is considered desirable:
 - 1) To invite and evaluate technical offers to determine their acceptability to fulfill the purchase description requirements;
 - 2) To conduct discussions for the purposes of facilitating understanding of the technical offer and purchase description requirements and, where appropriate, obtain supplemental information, permit amendments of technical offers, or amend the purchase description;
 - 3) To accomplish Subsections 22.3.20.b(1) and (2) of this Section prior to soliciting priced bids; and
 - 4) To award the contract to the lowest responsive and responsible bidder in accordance with the competitive sealed bidding procedures.

22.3.21 PRE-BID CONFERENCES IN MULTI-STEP SEALED BIDDING.

Prior to the submission of unpriced technical offers, a pre-bid conference may be conducted. The City may also hold a conference of all potential bidders at any time during the evaluation of the unpriced technical offers.

22.3.22 PROCEDURE FOR PHASE ONE OF MULTI-STEP SEALED BIDDING.

- a) **Form.** Multi-step sealed bidding will be initiated by the issuance of a notice inviting bids. In addition to the normal bid requirements, the multi-step notice inviting bids will state:
- 1) That unpriced technical offers are requested;
 - 2) Whether priced bids are to be submitted at the same time as unpriced technical offers; if they are, the priced bids must be submitted in a separate sealed envelope;
 - 3) That it is a multi-step sealed bid procurement, and priced bids will be considered only in the second phase and only from those bidders whose unpriced technical offers are found acceptable in the first phase;
 - 4) The criteria to be used in the evaluation of the unpriced technical offers;
 - 5) That the City, to the extent it finds necessary, may conduct oral or written discussions of the unpriced technical offers;
 - 6) That bidders may designate those portions of the unpriced technical offers that contain trade secrets or other proprietary data which are to remain confidential; and
 - 7) That the item being procured must be furnished generally in accordance with the bidder's technical offer, as found to be finally acceptable, and must meet the requirements of the notice inviting bids.
- b) **Amendment to the Notice Inviting Bids.** After receipt of unpriced technical offers, amendments to the notice inviting bids will be distributed only to bidders who submitted unpriced technical offers, and they will be permitted to submit new unpriced technical offers or to amend those submitted. If, in the opinion of the City, a contemplated amendment will significantly change the nature of the procurement, the notice inviting bids will be canceled, and a new notice inviting bids issued.
- c) **Receipt and Handling of Unpriced Technical Offers.** Unpriced technical offers will not be opened publicly but will be opened in front of two or more City officials. Offers will not be disclosed to unauthorized persons. Bidders may request nondisclosure of trade secrets and other proprietary data identified in writing.
- d) **Evaluation of Unpriced Technical Offers.** The unpriced technical offers submitted by bidders will be evaluated solely in accordance with the criteria set forth in the notice inviting bids. The unpriced technical offers will be categorized as:
- 1) Acceptable;
 - 2) Potentially acceptable, that is, reasonably susceptible of being made acceptable; or

- 3) Unacceptable. The City will record in writing the basis for finding an offer unacceptable and make it part of the procurement file.

The City may initiate Phase Two of the procedure if, in its opinion, there are sufficient acceptable unpriced technical offers to assure effective price competition in the second phase without technical discussions. If the City finds that such is not the case, the City will issue an amendment to the notice inviting bids or engage in technical discussions.

e) **Discussion of Unpriced Technical Offers.** The City may conduct discussions with any bidder who submits an acceptable or potentially acceptable technical offer. During the course of those discussions the City will not disclose any information derived from one unpriced technical offer to any other bidder. Once discussions are begun, any bidder who has not been notified that its offer has been finally found unacceptable may submit supplemental information amending its technical offer at any time until the closing date established by the City. Submissions of supplemental information may be made at the request of the City or upon the bidder's own initiative.

f) **Notice of Unacceptable Unpriced Technical Offer.** When the City determines a bidder's unpriced technical offer to be unacceptable, no additional opportunity to supplement its technical offer will be afforded.

22.3.23 MISTAKES DURING MULTI-STEP SEALED BIDDING.

Mistakes may be corrected or bids may be withdrawn at any time during Phase One. During Phase Two, mistakes may be corrected or withdrawal permitted only by the City Council in the exercise of its discretion.

22.3.24 PROCEDURE FOR PHASE TWO.

a) **Initiation.** Upon the Completion of Phase One, the City must either:

- 1) Open priced bids submitted in Phase One (if priced bids were required to be submitted) from bidders whose unpriced technical offers were found to be acceptable; or
- 2) If priced bids have not been submitted, technical discussions have been held, or amendments to the notice inviting bids have been issued, invite each acceptable bidder to submit a priced bid.

b) **Conduct.** Phase Two will be conducted as any other competitive sealed bid procurement except:

- 1) As specifically set forth in the Multi-Step Sealed Bidding Process;
- 2) No public notice need be given of this invitation to submit priced bids because notice was previously given;
- 3) After award the unpriced technical offer of the successful bidder will be disclosed as

follows. The City will examine written requests of confidentiality for trade secrets and proprietary data in the bidder's technical offer to determine the validity of any requests. If the parties do not agree as to the disclosure of data, the City will inform the bidder in writing what portion of the unpriced technical offer will be disclosed and that, unless the bidder timely protests, the offer will be so disclosed. The City Council will hear and resolve any protests. The technical offer will be open to public inspection subject to any continuing prohibition on the disclosure of confidential data; and

- 4) Unpriced technical offers of bidders who are not awarded the contract will not be open to public inspection unless the City determines in writing that public inspection of such offers is essential to assure confidence in the integrity of the procurement process; provided, however, that the provisions of Subsection [22.3.24\(b\)\(3\)](#) of this Section will apply with respect to the possible disclosure of trade secrets and proprietary data.

ARTICLE 4 - INFORMAL PRICE QUOTATIONS

22.4.1 OPEN MARKET PURCHASES.

(Amended by O-3278; O-3380; O-3714; O-3714)

Purchases of property or services of an estimated cost of less than \$40,000 may be made by the City Manager in the open market and shall be exempt from the procedures set forth in this Chapter and shall be let pursuant to such regulations and procedures as shall be promulgated by the City Manager. The City Manager shall report to the City Council on all such purchases between \$5,000 and \$39,999 made in the preceding quarter.

22.4.2 MINIMUM NUMBER OF QUOTATIONS.

(Amended by O-3380)

Purchases of the type described in Section [22.4.1](#) of this Article may be made on the open market, but wherever practicable, as determined by the City Manager, shall be based on at least three (3) price quotations and be awarded to the lowest responsible bidder.

22.4.3 NOTICE INVITING QUOTATIONS.

(Amended by O-3380)

The City Manager shall solicit price quotations by written requests to prospective vendors, or by telephone, or by public notice posted on a public bulletin board in the City Hall or by any combination thereof.

22.4.4 Repealed by O-3380.

22.4.5 SPECIAL OPPORTUNITY PURCHASES.

(Added by O-2987; O-3380)

Special opportunity purchases may be made by the City Manager where:

- a) The City Manager finds that the proposed purchase that is subject to this Article is either below the current market price and will result in a significant cost savings to the City, or that the proposed purchase is not more than the current market price, and that significant time will be saved in delivery or installation of the equipment by such a purchase; and
- b) The City has a current need for the item or items of property to be purchased.

ARTICLE 5 - PURCHASES OF LESS THAN ONE THOUSAND DOLLARS

(Repealed by O-3278)

CHAPTER 3

CITY OF TORRANCE HEALTH FACILITY REVENUE BOND LAW

(Added by O-2972)

ARTICLE 1 - GENERAL PROVISIONS AND DEFINITIONS

23.1.1 CITATION.

This Chapter may be cited as the City of Torrance Health Facility Revenue Bond Law.

23.1.2 DECLARATION OF NECESSITY.

The City Council hereby finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to health institutions within the City that provide essential services to residents of the City in order to aid such health institutions in containing costs and thereby to enable such health institutions to establish lower rates and charges than would otherwise prevail and to provide better service at such rates and charges. Unless the City intervenes to provide such financing, such rates and charges may increase at an ever accelerated pace because such health institutions cannot obtain financing at equivalent cost from private sources.

23.1.3 DEFINITIONS.

Unless the context otherwise requires, the terms defined in this Chapter shall have the following meanings:

- a) Bond means any bonds, notes, certificates, debentures or other obligations issued or entered into by the City pursuant to this Chapter and payable exclusively from revenues as in this Chapter defined and from any other funds specified in this Chapter upon which such obligations may be made a charge and from which they are made payable.
- b) City means the City of Torrance.
- c) Cost means the total of all costs incurred by or on behalf of a participating health institution necessary or incident to the acquisition, construction, rehabilitation or improvement of a health facility, or the refunding or refinancing of obligations incurred to finance such acquisition, construction, rehabilitation or improvements as are approved by the City as reasonable and necessary for carrying out all works and undertakings necessary or incident to acquisition, construction, financing or refinancing of a health facility.
- d) Council means the City Council of the City of Torrance.
- e) Health facility means any facility, place or building within the City which is maintained and operated for the diagnosis, care, prevention and treatment of human illness, physical or mental, including convalescence, rehabilitation and care during and after pregnancy or for any one or more of these services, and which provides and will continue providing to residents of the City essential

health care services designated as such in an agreement between the City and the participating health institution providing or operating such facility, place or building.

Health facility includes a portion of one of the above types of facilities and includes the following facilities if operated in conjunction with one of the above types of facilities: a laboratory, a laundry, a nurses' or interns' residence, a housing facility for patients, staff or employees and the families of any of them, an administration building, an office building, a research, maintenance, storage, utility or parking facility and all structures or facilities related to any of the foregoing or required or useful for the operation of a health facility.

Health facility shall not include any facility or building used or to be used primarily for sectarian instruction or study or as a place for devotional activities or religious worship.

f) Participating health institution means a private nonprofit corporation or association authorized by the laws of the State to provide or operate a health facility as defined in this Chapter and which, pursuant to the provisions of this Chapter, undertakes the financing of the acquisition and construction of a health facility or undertakes the refunding or refinancing of obligations incurred to finance the acquisition and construction of a health facility.

g) Revenues means amounts received by the City as repayment of principal, interest, and all other charges with respect to a loan under this Chapter, any proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan, all other rents, charges, fees, income and receipts derived by the City from the financing or refinancing of a health facility under this Chapter, any amounts received by the City as investment earnings on moneys deposited in a reserve fund or any similar fund securing bonds, and such other moneys as the Council may, in its discretion lawfully designate as revenues.

ARTICLE 2 - FINANCING HEALTH FACILITIES

23.2.1 LOAN FOR HEALTH FACILITY.

The City may make, purchase or otherwise contract for the making of, a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution for the cost of acquiring or constructing a health facility or financing thereof; provided, however, that no such loan shall exceed the total cost of such health facility as determined by the participating health institution and approved by the City.

23.2.2 LOAN TO REFUND OR REFINANCE HEALTH FACILITY.

The City may make, purchase, or otherwise contract for the making of a mortgage or other secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participating health institution to refund or refinance outstanding obligations of such participating health institution incurred to finance the cost of acquiring or constructing a health facility, whether such obligations were incurred prior to or after the enactment of this Chapter, if the City finds that such refunding or refinancing is in the public interest and either alleviates a financial or operating

hardship of such participating health institution, or is in connection with other financing by the City for such participating health institution or may be expected to result in lower charges or containment of the rate of increase in hospital rates and a saving to third parties, including government, and to others who must pay for care, or any combination thereof.

23.2.3 SALE OR LEASE OF HEALTH FACILITY BY CITY.

The City may acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip, own and lease as lessee a health facility for the purpose of selling or leasing such health facility to a participating health institution, and may designate such participating health institution as its agent to undertake to construct, enlarge, remodel, renovate, alter, improve, furnish and equip such health facility.

The City may sell or lease, upon such terms and conditions as the City shall deem proper, to a participating health institution any health facility owned by the City under this Chapter, including a health facility conveyed to the City in connection with a financing under this Chapter but not being financed or refinanced hereunder.

23.2.4 RECOVERY OF COSTS AND EXPENSES BY CITY.

The City may charge participating health institutions application, commitment, financing and other fees, in order to recover all administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this Chapter.

23.2.5 INSURANCE OR GUARANTEE OF PAYMENT.

The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest or principal, or both, or any part thereof, on any loan, lease or sale obligation or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this Chapter; and may accept payment in such manner and form as provided therein in the event of default by a participating health institution, and may assign any such insurance or guarantee as security for bonds.

23.2.6 FIXING RENTS, FEES, RATES, ETC.

The City may fix rents, payments, fees, charges and interest rates for financing under this Chapter and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this Chapter, including City administrative expenses.

23.2.7 DEEDS OF TRUST OR MORTGAGES AS SECURITY.

The City may hold deeds of trust or mortgages as security for loans under this Chapter and may pledge or assign the same as security for repayment of bonds. Such deeds of trust or mortgages may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

23.2.8 EMPLOYMENT OF EXPERTS AND CONSULTANTS.

The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this Chapter.

23.2.9 DO ALL THINGS NECESSARY AND CONVENIENT.

In addition to all other powers specifically granted by this Chapter, the City may do all things necessary or convenient to carry out the purposes of this Chapter.

ARTICLE 3 - BONDS

23.3.1 ISSUE LIMITED OBLIGATION BONDS.

- a) The City may, from time to time, issue bonds for any of the purposes specified in Sections [23.2.1](#), [23.2.2](#), and [23.2.3](#). Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.
- b) Every issue of bonds shall be a limited obligation of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this Chapter to be pledged or assigned to secure payment of bonds. Such revenues, moneys and assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this Chapter shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.
- c) All bonds shall contain on the face thereof a statement to the following effect: Neither the faith and credit nor the taxing power of the City is pledged to the payment of the principal of or premium or interest on this bond.

23.3.2 AMOUNT OF BONDS.

In determining the amount of bonds to be issued, the City may include all costs of the issuance of such bonds, reserves for debt service and for repairs, replacements, additions and improvements, and capitalized bond interest for such period as the City may determine.

23.3.3 TYPE, FORM AND SALE OF BONDS.

Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. Bonds shall be authorized by Resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such Resolutions or any indenture authorized by such Resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City shall determine. Pending preparation of definitive bonds, the City may issue temporary bonds, which shall be exchanged for such

definitive bonds when prepared.

23.3.4 TERMS AND CONDITIONS OF BONDS.

Any Resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such Resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions, which shall be a part of the contract with the holders of such bonds:

- a) The terms, conditions and form of such bonds and the interest and principal to be paid thereon;
- b) Limitations on the uses and purposes to which the proceeds of sale of such bonds may be applied, and the pledge or assignment of such proceeds to secure the payment of such bonds;
- c) Limitations on the issuance of additional parity bonds, the terms upon which additional parity bonds may be issued and secured, and the refunding of outstanding bonds;
- d) The setting aside of reserves, sinking funds, and such other funds as are necessary and the regulation and disposition thereof;
- e) The pledge or assignment of all or any part of the revenues and the use and disposition thereof, subject to such agreements with the holders of bonds as may then be outstanding;
- f) Limitation on the use of revenues for expenditures for operating, administration or other expenses of the City;
- g) Specification of the acts or omissions to act which shall constitute a default in the duties of the City or a participating health institution to holders of such bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders;
- h) The appointment of a corporate trustee to act on behalf of the City and the holders of its bonds, the pledge or assignment of loans, deeds of trust, mortgages and any other contracts or agreements to such trustee, and rights of such trustee;
- i) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such bonds the holders of which must consent thereto, and the manner in which such consent may be given; and
- j) Any other provisions which the Council may deem reasonable and proper for the purposes of this Chapter and the security of the bondholder.

23.3.5 PLEDGE OF REVENUES.

Any pledge or revenues or other moneys or assets pursuant to the provisions of this Chapter shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and

binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the Resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

23.3.6 LIABILITY OF COUNCIL AND OFFICERS.

Neither the members of the Council, the officers and employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

23.3.7 PURCHASE OF BONDS BY CITY.

The City shall have the power out of any funds available therefor to purchase its bonds. The City may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with the bondholders.

23.3.8 COMPELLING PERFORMANCE.

Any holder of bonds issued under the provisions of this Chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any Resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such Resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus, or other proceedings, protect or enforce any and all rights specified in law or in such Resolution or indenture, and may enforce and compel the performance of all duties required by this Chapter or by such Resolution or indenture to be performed by the City or by any officer, employee or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such Resolution or indenture to be fixed, charged, and collected.

23.3.9 REFUNDING BONDS; USE OF PROCEEDS.

a) The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.

b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.

c) Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to subsection b) may be invested and reinvested as provided in the Resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds. After the terms of the escrow have been fully satisfied

and carried out, any balance of such proceeds and any interest or increment earned or of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the City to be used by it for any lawful purpose.

- d) All bonds issued pursuant to this Section shall be subject to the provisions of this Chapter in the same manner and to the same extent as other bonds issued pursuant to this Chapter.

23.3.10 INDEPENDENT VALIDITY OF BONDS.

The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for the making of any loan or the entering into of any agreement, or by the failure to make any loan or enter into any agreement, for which bonds are authorized to be issued under this Chapter.

ARTICLE 4 - SUPPLEMENTAL PROVISIONS

23.4.1 LIBERAL CONSTRUCTION.

This Chapter being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purpose.

23.4.2 EFFECT OF OMISSION OR DEFECT.

If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer or the City in proceedings under this Chapter or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this Chapter.

23.4.3 AUTHORITY.

This Chapter is full authority for the issuance of bonds by the City for the purpose specified herein.

23.4.4 PROVISIONS OF THIS ARTICLE ARE COMPLETE; ALTERNATIVE.

This Chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this Chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and the bonds may be issued for any such purposes under this Chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

CHAPTER 4

REVENUE BOND PROCEDURAL LAW

(Added by O-3086)

ARTICLE 1 - GENERAL PROVISIONS

24.1.1 CITATION.

This Chapter may be cited as the Torrance Revenue Bond procedural law.

24.1.2 PROCEDURE FOR ISSUING REVENUE BONDS.

The procedure for the issuance of revenue bonds shall be as follows:

- a) The City Council, exercising the powers reserved to the City under the Constitution of the State of California and provisions of the Charter of the City, by resolution, may issue and sell revenue bonds, including without limitation, refunding bonds, when the public interest requires.
- b) By a regular or special meeting and by a majority vote of all members, the City Council shall adopt a resolution authorizing the issuance of said revenue bonds without the requirement of submitting the proposition of issuing revenue bonds to the qualified voters of the City. The resolution shall state all the terms and conditions upon which the bonds are being offered for sale, that the bonds are to be revenue bonds payable exclusively from the revenues of an enterprise and such other funds as may be legally available for such purpose, and that the bonds are not to be secured by the taxing power of the City.
- c) Before selling the revenue bonds, or any part thereof, the City Council shall either negotiate the private sale of the revenue bonds with a responsible purchaser or purchasers, who may be purchasing for their own account or for purposes of resale, or give notice inviting sealed bids for the sale of the revenue bonds by publication of the notice once in a newspaper of general circulation within the City at least ten (10) days prior to the date of opening bids stated in the notice, together with such other notices as are deemed advisable pursuant to a resolution of the City Council or as may be required by law. If bids are invited and satisfactory bids are received, the revenue bonds offered for sale shall be awarded to the lowest responsible bidder. If no bids are received, or if the City Council determines that the bids received are either not responsive to the notice inviting the same or not satisfactory as to price or responsibility of the bidders, the City Council may reject all bids received, if any. In the event no bids are received or all bids are rejected, the City Council may either readvertise or sell the bonds at private sale subject to confirmation thereof by resolution adopted by a majority of all members of the City Council. The private sale may be made upon terms and conditions other than those contained in the resolution authorizing issuance of the revenue bonds and the notice inviting bids therefor.
- d) The City may exercise all of the rights and powers and perform the duties and covenants contained in the Revenue Bond Law of 1941 (commencing with Government Code Section 54300), if

included in the resolution authorizing issuance of the revenue bonds, which are by this reference, with the exceptions stated in this Chapter, incorporated in this Chapter. Government Code Sections 54380 through 54388, both inclusive, and Government Code Sections 54310, 54311 and 54402 (b) are not incorporated in this Chapter and shall not be applicable to revenue bonds issued by the City.

CHAPTER 5

CITY OF TORRANCE ECONOMIC DEVELOPMENT REVENUE BOND LAW

(Added by O-3091)

ARTICLE 1 - GENERAL PROVISIONS AND DEFINITIONS

25.1.1 DECLARATION OF NECESSITY.

The City Council hereby finds and declares that it is necessary, essential, a public purpose and a municipal affair for the City to be authorized to provide financing to induce industrial, commercial, manufacturing, retail and nonprofit enterprises to locate in the City, to expand, enlarge or modernize existing enterprises within the City and otherwise to promote commerce and industry within the City.

25.1.2 DEFINITIONS.

Unless the context otherwise requires, the terms defined in this Chapter shall have the following meanings:

- a) "Bonds" means any bonds, notes, certificates, debentures or other obligations issued by the City pursuant to this Chapter and payable exclusively from revenues as in this Chapter defined and from any other funds specified in this Chapter upon which such obligations may be made a charge and from which they are payable.
- b) "City" means the City of Torrance.
- c) "Cost" means the total of all costs incurred by or on behalf of a participant as approved by the City as reasonable and necessary for carrying out all works and undertakings necessary or incident to acquisition, construction, improvement, equipping, financing or refinancing of a facility. "Costs" shall include all such costs, including costs for construction undertaken by a participant as its own contractor, which under generally accepted accounting principles are not properly chargeable as an expense of operation and maintenance and also including, without limitation, the fees of participant's counsel, bond counsel, administrative fees of the City, trustee's fees, survey fees and architect's compensation, commitment fees and the cost of bond insurance, letter of credit commissions, or other related costs.
- d) "Council" means the City Council of the City of Torrance.
- e) "Facility" means any land, building or other improvement for use by any participant for manufacturing, processing, assembling, warehousing, transporting, expediting or other handling of agricultural or manufactured products, any commercial, retail or office building enterprise or any other enterprise operated for profit or not for profit which will, directly or indirectly, provide goods or services to the residents of the City of Torrance, and any research enterprise in support of any of the foregoing, including, without limitation, all real or personal property necessary for the operation of such facility for its intended purposes.

- f) "Participant" means any person, company, corporation, partnership, firm or other entity or group of entities engaged in business, commercial, recreational or cultural operations or activities within this City as a facility, or desiring to establish, improve or expand such facility, which requires and applies for financing pursuant to the terms of this Chapter.
- g) "Revenues" means amounts received by the City as repayment of principal, interest, premium, if any, and all other charges with respect to a loan made under this Chapter, any proceeds received by the City from mortgage, hazard or other insurance on or with respect to such a loan, including bond insurance and guarantee bonds, all other rents, charges, fees, income and receipts derived by the City from the financing or refinancing of a facility under this Chapter, any amounts received by the City as investment earnings on moneys deposited in a reserve fund or any similar fund securing the bonds, and such other moneys as the Council may, in its discretion, lawfully designate as revenues.

ARTICLE 2 - FINANCING FACILITIES

25.2.1 LOAN TO CONSTRUCT FACILITY.

The City may use the proceeds of bonds issued hereunder to make, purchase, or otherwise contract for the making of, a secured or unsecured loan, upon such terms and conditions as the City shall deem proper, to any participant for the cost of acquiring or constructing a facility or refinancing thereof; provided, however, that no such loan shall exceed the total cost of such facility as determined by the participant and approved by the Council.

25.2.2 LOAN TO REFINANCE FACILITY.

- a) The City may use the proceeds of bonds or other moneys provided by or on behalf of a participant to acquire, construct, enlarge, remodel, renovate, alter, improve, furnish, equip and lease a facility solely for the purpose of selling or leasing such facility to such participant and may contract with such participant to undertake on behalf of the City to construct, enlarge, remodel, renovate, alter, improve, furnish and equip such facility.
- b) The City may sell or lease, upon such terms and conditions as the City shall deem proper, to a participant any facility owned by the City under this Chapter, including a facility conveyed to the City in connection with a financing under this Chapter, but not then being financed hereunder.

25.2.3 APPLICATION FOR LOAN.

Any person may apply to the City for approval as a participant and for approval of a facility for financing under this Chapter by submitting an application to the City in the form approved by the City.

25.2.4 EQUAL OPPORTUNITY EMPLOYMENT.

The City shall require that participants and contractors or subcontractors engaged in the construction of a facility financed or refinanced under this Chapter shall provide equal opportunity for employment, without discrimination as to race, marital status, sex, color, religion, national origin

or ancestry.

25.2.5 STANDARDS AND PROCEDURES.

The City Manager shall propose standards and procedures for applications submitted under this Chapter and shall prepare a form for such applications, such standards, procedures and form to be approved by the Council and used by participants applying after the date of such approval.

25.2.6 RECOVERY OF COSTS AND EXPENSES.

The City may charge participants application, commitment, financing and other fees, in order to recover all direct administrative and other costs and expenses incurred in the exercise of the powers and duties conferred by this Chapter.

25.2.7 INSURANCE OR GUARANTY OF PAYMENT.

The City may obtain, or aid in obtaining, from any department or agency of the United States or of the State of California or any private company, any insurance or guarantee as to, or of, or for the payment or repayment of, interest or principal, or both, or any part thereof, on any loan, lease or sale obligation or any instrument evidencing or securing the same, made or entered into pursuant to the provisions of this Chapter; and may accept payment in such manner and form as provided therein in the event of default by a participant, and may assign any such insurance or guarantee as security for the bonds.

25.2.8 FIXING RENTS, FEES AND RATES.

The City may fix rents, payments, fees, charges and interest rates for financing under this Chapter and may agree to revise from time to time such rents, payments, fees, charges and interest rates to reflect changes in interest rates on bonds, losses due to defaults or changes in other expenses related to this Chapter, including City administrative expenses.

25.2.9 DEEDS OF TRUST OR MORTGAGES AS SECURITY.

The City may hold deeds of trust or mortgages as security for loans under this Chapter and may pledge or assign the same as security for repayment of bonds. Such deeds of trust or mortgages may be assigned to, and held on behalf of the City by, any bank or trust company appointed to act as trustee by the City in any resolution or indenture providing for issuance of bonds.

25.2.10 EMPLOYMENT OF EXPERTS AND CONSULTANTS.

The City may employ such engineering, architectural, financial, accounting, legal or other services as may be necessary in the judgment of the City for the purposes of this Chapter.

25.2.11 DO ALL THINGS NECESSARY AND CONVENIENT.

In addition to all other powers specifically granted by this Chapter, the City may do all things necessary or convenient to carry out the purposes of this Chapter.

ARTICLE 3 - BONDS

25.3.1 ISSUE LIMITED OBLIGATION BONDS.

- a) The City may, from time to time, issue bonds for any of the purposes specified in Sections

25.2.1 and 25.2.2. Bonds shall be negotiable instruments for all purposes, subject only to the provisions of such bonds for registration.

b) Every issue of bonds shall be a limited obligation of the City payable from all or any specified part of the revenues and the moneys and assets authorized in this Chapter to be pledged or assigned to secure payment of bonds. Such revenues, moneys or assets shall be the sole source of repayment of such issue of bonds. Bonds issued under the provisions of this Chapter shall not be deemed to constitute a debt or liability of the City or a pledge of the faith and credit of the City but shall be payable solely from specified revenues, moneys and assets. The issuance of bonds shall not directly, indirectly, or contingently obligate the City to levy or pledge any form of taxation or to make any appropriation for their payment.

All bonds shall contain on the face thereof a statement to the following effect:

NEITHER THE FAITH AND CREDIT NOR THE TAXING POWER OF THE STATE OF CALIFORNIA OR THE CITY OF TORRANCE IS PLEDGED TO THE PAYMENT OF THE PRINCIPAL OF, OR PREMIUM OR INTEREST ON THIS BOND.

25.3.2 AMOUNT OF BONDS.

In determining the amount of bonds to be issued, the City may include all costs of the issuance of such bonds, reserve funds, and capitalized bond interest.

25.3.3 TYPE, FORM AND SALE OF BONDS.

Bonds may be issued as serial bonds, term bonds, installment bonds or pass-through certificates or any combination thereof. Bonds shall be authorized by resolution of the Council and shall bear such date or dates, mature at such time or times, bear interest at such fixed or variable rate or rates, be payable at such time or times, be in such denominations, be in such form, either coupon or registered, carry such registration privileges, be executed in such manner, be payable in lawful money of the United States of America at such place or places, be subject to such terms of redemption and have such other terms and conditions as such resolution or any indenture authorized by such resolution to be entered into by the City may provide. Bonds may be sold at either a public or private sale and for such prices as the City shall determine. Pending preparation of definitive bonds, the City may issue temporary bonds, which shall be exchanged for such definitive bonds when prepared.

25.3.4 TERMS AND CONDITIONS OF BONDS.

Any resolution authorizing any bonds or any issue of bonds, or any indenture authorized by such resolution to be entered into by the City, may contain provisions respecting any of the following terms and conditions which shall be a part of the contract with the holders of such bonds:

- a) The terms, conditions and form of such bonds and the interest and principal to be paid thereon;
- b) Limitations on the uses and purposes to which the proceeds of sale of such bonds may be

- applied, and the pledge or assignment of such proceeds to secure the payment of such bonds;
- c) Limitations on the issuance of additional parity bonds, the terms upon which additional parity bonds may be issued and secured, and the refunding of outstanding bonds;
 - d) The setting aside of reserves, sinking funds and such other funds as are necessary and the regulation and disposition thereof;
 - e) The pledge or assignment of all or any part of the revenues and the use and disposition thereof, subject to such agreements with the holders of bonds as may then be outstanding;
 - f) Limitation on the use of revenues for expenditures for operating, administration or other expense of the City or a participant;
 - g) Specification of the acts or omissions to act which shall constitute a default in the duties of the City or a participant to holders of such bonds, and providing the rights and remedies of such holders in the event of default, including any limitations on the right of action by individual bondholders;
 - h) The appointment of a corporate trustee to act on behalf of the City and the holders of its bonds, the pledge or assignment of loans, deeds of trust, mortgages and any other contracts to such trustee, and the rights of such trustee;
 - i) The procedure, if any, by which the terms of any contract with bondholders may be amended or abrogated, the amount of such bonds the holders of which must consent thereto, and the manner in which such consent may be given; and
 - j) Any other provisions which the Council may deem reasonable and proper for the purposes of this Chapter and the security of the bondholders.

25.3.5 PLEDGE OF REVENUES.

Any pledge of revenues or other moneys or assets pursuant to the provisions of this Chapter shall be valid and binding from the time such pledge is made. Revenues, moneys and assets so pledged and thereafter received by the City shall immediately be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of any such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the City, irrespective of whether such parties have notice thereof. Neither the resolution nor any indenture by which a pledge is created need be filed or recorded except in the records of the City.

25.3.6 LIABILITY OF COUNCIL AND OFFICERS.

Neither the members of the Council, the officers or employees of the City, nor any person executing any bonds shall be liable personally on the bonds or be subject to any personal liability or accountability by reason of the issuance thereof.

25.3.7 PURCHASE OF BONDS BY CITY.

The City shall have the power out of any funds available therefor to purchase its bonds. The City may hold, pledge, cancel, or resell such bonds, subject to and in accordance with agreements with bondholders.

25.3.8 COMPELLING PERFORMANCE.

Any holder of bonds issued under the provisions of this Chapter or any of the coupons appertaining thereto, and any trustee appointed pursuant to any resolution authorizing the issuance of bonds, except to the extent the rights thereof may be restricted by such resolution or any indenture authorized thereby to be entered into by the City, may, either at law or in equity, by suit, action, mandamus or other proceedings, protect or enforce any and all rights specified in law or in such resolution or indenture, and may enforce and compel the performance of all duties required by this Chapter or by such resolution or indenture to be performed by the City or by any officer, employee, or agent thereof, including the fixing, charging, and collecting of rates, fees, interest, and charges authorized and required by the provisions of such resolution or indenture to be fixed, charged, and collected.

25.3.9 REFUNDING BONDS; USE OF PROCEEDS.

- a) The City may issue bonds for the purpose of refunding any bonds then outstanding including the payment of any redemption premiums thereof and any interest accrued or to accrue to the earliest or any subsequent date or dates of redemption, purchase, or maturity of such bonds.
- b) The proceeds of bonds issued for the purpose of refunding any outstanding bonds may, in the discretion of the City, be applied to the purchase or retirement at maturity or redemption of such outstanding bonds, either at their earliest or any subsequent redemption date or dates or upon the purchase or retirement at the maturity thereof and may, pending such application, be placed in escrow, to be applied to such purchase or retirement at maturity or redemption on such date or dates as may be determined by the City.
- c) Pending use for purchase, retirement at maturity or redemption of outstanding bonds, any proceeds held in escrow pursuant to subdivision (b) may be invested and reinvested as provided in the resolution or indenture. Any interest or other increment earned or realized on any such investment may be applied to the payment of the outstanding bonds to be refunded or to the payment of interest on the refunding bonds. After the terms of the escrow have been fully satisfied and carried out, any balance of such proceeds and any interest or increment earned or realized from the investment thereof may be returned to the City to be used by it for any lawful purpose.
- d) All bonds issued pursuant to this Section shall be subject to the provisions of this Chapter in the same manner and to the same extent as other bonds issued pursuant to this Chapter.

25.3.10 INDEPENDENT VALIDITY OF BONDS.

The validity of the authorization and issuance of any bonds is not dependent on and shall not be affected in any way by any proceedings taken by the City for the making of any loan or the entering

into of any agreement, or by the failure to make any loan or enter into any agreement, for which bonds are authorized to be issued under this Chapter.

ARTICLE 4 - SUPPLEMENTAL PROVISIONS

25.4.1 LIBERAL CONSTRUCTION.

This Chapter, being necessary for the welfare of the City and its inhabitants, shall be liberally construed to effect its purposes.

25.4.2 EFFECT OF OMISSION OR DEFECT.

If the jurisdiction of the Council to order the proposed act is not affected, any omission of any officer of the City in proceedings under this Chapter or any other defect in the proceedings shall not invalidate such proceedings or the bonds issued pursuant to this Chapter.

25.4.3 AUTHORITY.

This Chapter is full authority for the issuance of bonds by the City for the purposes specified herein.

25.4.4 PROVISIONS OF THIS CHAPTER COMPLETE.

This Chapter shall be deemed to provide a complete, additional, and alternative method for doing the things authorized thereby, and shall be regarded as supplemental and additional to the powers conferred by other laws. The issuance of bonds under the provisions of this Chapter need not comply with the requirements of any other law applicable to the issuance of bonds. The purposes authorized hereby may be effectuated and bonds may be issued for any such purposes under this Chapter notwithstanding that any other law may provide for such purposes or for the issuance of bonds for like purposes and without regard to the requirements, restrictions, limitations or other provisions contained in any other law.

CHAPTER 6
SEISMIC SAFETY BUILDING REHABILITATION BOND PROCEDURAL ORDINANCE

ARTICLE 1 - GENERAL PROVISION

(Added by O-3221, O-3222)

26.1.1 CITATION.

This Chapter may be cited as the "Torrance Seismic Safety Building Rehabilitation Bond Procedural Law."

26.1.2 PROCEDURE FOR ISSUING BONDS OR OTHER OBLIGATIONS.

The procedure for the issuance of bonds or other obligations to finance seismic safety building rehabilitation shall be as follows:

- a) The City Council, exercising the powers reserved to the City under the Constitution of the State of California and provisions of the Charter of the City, by resolution (or agreement the terms of which are incorporated by reference in such resolution), may issue and sell bonds or other obligations to finance seismic safety building rehabilitation when the public interest requires.
- b) At a regular or special meeting and by a majority vote of all members, the City Council shall adopt a resolution authorizing the issuance of such bonds or other obligations without the requirement of submitting the proposition of issuing bonds or other obligations to the qualified voters of the City, except as and to the extent otherwise required hereby. The resolution shall state all the terms and conditions upon which the bonds or other obligations are being offered for sale or may incorporate the terms and conditions contained in a separate agreement setting forth such matters, and shall state that the bond or other obligations are to be payable exclusively from moneys received from the recipients of the proceeds of such bonds or other obligations and from such other funds as may be legally available for such purpose and that the bonds or other obligations are not to be secured by the taxing power of the City.
- c) Before selling the bonds or other obligations, or any part thereof, the City Council shall either negotiate the private sale of the bonds or other obligations with a responsible purchaser or purchasers, who may be purchasing for their own account or for purposes of resale, or give notice inviting sealed bids for the sale of the bonds or other obligations by publication of the notice once in a newspaper of general circulation within the City at least ten days prior to the date of opening bids stated in the notice, together with such other notices as are deemed advisable pursuant to a resolution of the City Council or as may be required by law. If bids are invited and satisfactory bids are received, the bonds or other obligations offered for sale shall be awarded to the lowest responsible bidder. If no bids are received, or if the City Council determines that the bids received are either not responsive to the notice inviting the same or not satisfactory as to price or responsibility of the bidders, the City Council may reject all bids received, if any. In the event no bids are received or all bids are rejected, the City Council may either readvertise or sell the bonds

or other obligations at private sale subject to confirmation thereof by resolution adopted by a majority of all members of the City Council. The private sale may be made upon terms and conditions other than those contained in the resolution authorizing issuance of the bonds or other obligations and the notice inviting bids therefor.

- d) Any district formed pursuant to this Chapter may consist of contiguous and/or noncontiguous parcels.
- e) The resolution authorizing the issuance of the respective bonds or other obligations issued pursuant to this Chapter (or an agreement the terms of which are incorporated by reference in such resolution) may establish (i) the form of such bonds or other obligations, (ii) redemption terms and redemption notice provisions relating to such bonds or other obligations, (iii) structures eligible for financing, (iv) costs eligible for financing, and (v) provisions relating to the issuance of additional bonds or other obligations prior to, on parity with or subordinated to the lien of the bonds or other obligations issued pursuant to such resolution.
- f) The bonds or other obligations issued pursuant to this Chapter may be issued from time to time in any number of series and may be issued to refund bonds or other obligations issued pursuant hereto.
- g) The City is authorized to join by agreement with any other entity, public or private, to facilitate the exercise of the City's powers pursuant to this Chapter. The City is authorized to acquire and/or dispose of real and/or personal property in any manner that is deemed appropriate by a majority of the City Council to facilitate the exercise of the City's powers pursuant to this Chapter.
- h) All elections and public hearings shall be conducted in accordance with the statutes incorporated by reference into this Chapter.
- i) The City may exercise all of the rights and powers and perform the duties and covenants contained in (i) the Improvement Bond Act of 1915 (commencing with Section 8500 of the Streets and Highways Code of the State of California), (ii) the Refunding Act of 1984 for 1915 Improvement Act Bonds (commencing with Section 9500 of the Streets and Highways Code of the State of California), (iii) the provisions of the Public Resources Code of the State of California relating to Geologic Hazard Abatement Districts (commencing with Section 26500 of Public Resources Code of the State of California), and (iv) the provisions of the Health and Safety Code of the State of California relating to Seismic Safety Building Rehabilitation Loans (commencing with Section 55000 of the Health and Safety Code of the State of California), as appropriate and to the extent referenced in the resolution authorizing the issuance of the bonds or other obligations, which are by this reference, with the exceptions stated in this Chapter, incorporated in this Chapter as in effect on the date of adoption of the ordinance codified in this Chapter and as they may be amended to the extent set forth in the resolution authorizing the issuance of the respective bonds or other obligations. Each of the provisions set forth above shall serve as independent authority for the

issuance of bonds or other obligations pursuant to this Chapter. Sections 8651.5, 8652, 8689, 9403, 9404, 9405, 9406, 9407, 9408, 9409, 9410, 9411, 9414, 9415, 9416, 9417, 9450, 9451, 9452, 9453, 9454, 9455, and 9456 of the Streets and Highways Code of the State of California, Sections 26550, 26560, 26566, 26569.7, 26570 and 26583 and the second and third sentences of Section 26567 and the second sentence of Section 26571 of the Public Resources Code of the State of California, and Sections 55001(b), 55001(c), 55002 and 55115 and the second, third and fourth paragraphs of Section 55100 of the Health and Safety Code of the State of California, and any other provisions of the statutes incorporated by reference into this Chapter inconsistent herewith to the extent of such inconsistencies and no further, are not incorporated in this Chapter and shall not be applicable to bonds or other obligations issued by the City pursuant to this Chapter.

ARTICLE 2 - PROCEDURES FOR FORMING ASSESSMENT DISTRICTS AND LEVYING ASSESSMENTS

(Added by Ord. 3228)

26.2.1 CONSTRUCTION GOVERNED BY DEFINITIONS.

Unless the context otherwise requires, the definitions contained in this chapter shall govern the construction of this Article. For purposes of this Article, words importing the singular number shall include the plural number and vice versa, and words importing persons shall include firms, associations, corporations, partnerships, districts, agencies and bodies, unless the context clearly requires otherwise.

- a) "Assessment district" means the area of land or certain specified parcels (which may be contiguous or noncontiguous parcels) within an area of land to be specially benefited by the improvements and to be specially assessed to pay the costs and expenses of the improvements and any damages caused by the improvements.
- b) "Assessment Engineer" means the City Engineer, the Building and Safety Director of the City or such other officer of the City or competent person employed by the City for the purpose of preparing the report required by Section [26.2.7](#) of this Article.
- c) "County" means the County of Los Angeles, California.
- d) "Improvement," and any of its variants, includes all work and improvements, whether acquired, installed or constructed, authorized or undertaken by the City or by any owner which are necessary or incidental to comply with the provisions of Section 811.1.5 of Chapter [11](#) of Division [8](#) of this Code.
- e) "Owner" means the person owning the fee, or the person in whose name the legal title to the property appears, by deed duly recorded in the County Recorder's office of the County, or the person in possession of the property or buildings under claim of, or exercising acts of ownership over the same for himself, or as the executor, administrator, guardian, or conservator of the owner.

If the property is leased, the possession of the tenant or lessee holding and occupying such property shall be deemed to be in possession of the owner.

- f) "Resolution of intention" means the resolution of the City required by Section [26.2.4](#) of this Article.

26.2.2 REFERENCE TO MAP ON FILE AND OPEN TO PUBLIC INSPECTION.

Any resolution, notice, report, diagram or assessment which is required to contain a description of the improvements, the boundaries of the assessment district or any zones therein, or the lines and dimensions of any parcel of land, may, for a full and detailed description thereof, refer to any plan or map which is on file with the City Clerk, the Assessment Engineer, the County Auditor or the County Assessor and which is open to public inspection. The plan or map so referred to shall govern for all details of the description.

26.2.3 POWER TO CONSTRUCT, ACQUIRE, INSTALL, ETC., IMPROVEMENTS; ACQUISITION OF LAND AND EASEMENTS.

Whenever the public interest or convenience requires, the City Council may acquire, construct or install, or may loan money to or make payments to the owners of land within the assessment district to acquire, construct or install, any or all of the improvements necessary to comply with the provisions of Section 811.1.5 of Chapter [11](#) of Division [8](#) of this Code and any and all works and improvements mentioned in the provisions of the Public Resources Code of the State of California relating to geological hazard abatement districts (commencing with Section 26500 of Public Resources Code of the State of California), or the provisions of the Health and Safety Code of the State of California relating to Seismic Safety Building Rehabilitation Loans (commencing with Section 55000 of the Health and Safety Code of the State of California), or any other works and improvements, and the City may acquire by gift, purchase or eminent domain proceedings, land, rights-of-way, leases and easements necessary for any such works and improvements.

26.2.4 RESOLUTION OF INTENTION.

Before either (i) ordering any improvement for which an assessment will be levied within an assessment district, or (ii) authorizing any owner to proceed with any improvement for which the owner will be reimbursed under the provisions of this Chapter, the City Council shall adopt a resolution declaring its intention to do so. The resolution of intention shall (i) briefly describe the proposed improvements, (ii) specify the exterior boundaries of the assessment district or the parcels of land to be included therein, (iii) declare the intention of the City to issue bonds payable from the assessments, if any bonds are to be issued, (iv) declare the intention of the City to levy an assessment for any such improvements and whether the assessment will be collected on a lump sum basis or in installments, (v) declare the intention of the City to levy an assessment or a fee to operate, maintain or repair the improvements if it intends to levy such an assessment or fee, (vi) declare the intention of the City to levy an assessment or a fee to pay administrative costs of the City incurred as a result of the assessments or any bonds if it intends to levy such an assessment or fee, (vii) if the improvements are to be constructed, acquired or installed by the affected owners

or their designated appointees or contractors, the procedure for the owners' to apply for funds, (viii) provide for the disposal of any surplus remaining in any improvement fund after completion of the improvements, (ix) declare the intention of the City to include in the assessment any damages suffered by any private utility by virtue of the acquisition, construction or installation of the proposed improvements, and (x) name an Assessment Engineer for the assessment district. Notwithstanding the foregoing, if the City has received applications from owners who wish to voluntarily participate in any assessment district created hereunder, then the resolution of intention may describe the proposed improvements by reference to such notices and any plans and specifications submitted pursuant to Section 811.1.5 of Chapter [11](#) of Division [8](#) of this Code. The descriptions need not be detailed and shall be sufficient if they enable the Assessment Engineer to generally identify the nature, location and extent of the improvements and the location of, or the parcels included in, the assessment district. The resolution of intention may also contain a brief statement of the intention of the City Council to enter into an agreement with any other public agency or public utility for the performance of any work or service by such public agency or public utility in connection with the improvements.

26.2.5 PAYMENT OF COST AND EXPENSES OUT OF GENERAL FUND AUTHORIZED.

In the resolution of intention, the City Council may order as a contribution that a specified portion or percentage of the cost and expenses of the improvements shall be paid out of the general fund of the City or from any other fund as the City Council may designate.

26.2.6 CALL FOR REPORT.

In the resolution of intention the City Council shall refer the proposed improvements to the Assessment Engineer named in the resolution of intention, and direct such Assessment Engineer to make and file with the City Clerk a report in writing. In the event, however, that the Assessment Engineer has prepared or commenced the preparation of such a report prior to the adoption of the resolution of intention, the City Council may confirm and ratify the preparation of the report by such Assessment Engineer and order such Assessment Engineer to file such written report with the City Clerk at the time of completion of the report.

26.2.7 CONTENTS OF REPORT.

The report of the Assessment Engineer to whom the improvements are referred by the City Council shall contain all of the following:

- a) Plans and specifications of the proposed improvements if the improvements are not already acquired, constructed or installed. Such plans and specifications do not need to be detailed and are sufficient if they show or describe the general nature, location and extent of the improvements. Such plans and specifications may consist of the individual plans and specifications submitted by owners pursuant to Section 811.1.5 of Chapter [11](#) of Division [8](#) of this Code. If the assessment district is divided into zones, the plans and specifications shall indicate the class and type of improvements to be provided for each zone. The plans or specifications may be prepared as separate documents, or either or both may be incorporated in the report as a combined document.

- b) A general description of any improvements already acquired, constructed or installed and any other works, appliances or property necessary or convenient for the operation of the improvements, if such works, appliances or property are to be acquired, constructed or installed as part of the improvements.
- c) An estimate of the cost of the improvements and of the cost of any lands, rights-of-way, easements, leases and incidental expenses in connection with the improvements (including, but not limited to, expenses relating to the financing of the improvements, the assessment proceedings and the levy and collection of the assessment). If the City Council in the resolution of intention has ordered that private utility damages be included in the assessment, the report shall contain an estimate of such damages. If the City Council in the resolution of intention has declared its intention to levy an assessment or fee for the operation, maintenance or repair of the improvements, the report shall contain an estimate of the amount of this assessment per parcel for each of the first five (5) years during which the assessment would be levied.
- d) A diagram showing, as they existed at the time of the passage of the resolution of intention, all of the following:
 - 1) The exterior boundaries of, or the parcels included in, the assessment district.
 - 2) The boundaries of, or the parcels included in, any zones within the assessment district.
 - 3) The lines and dimensions of each parcel of land within the assessment district. Each parcel, including any condominium interest, as defined in Section 783 of the Civil Code of the State of California, shall be given a separate number upon the diagram. The diagram may refer to the County Assessor's maps for a detailed description of the lines and dimensions of any parcels, in which case those maps shall govern for all details concerning the lines and dimensions of the parcels.
- e) A proposed assessment of the total amount of the costs and expenses of the proposed improvements upon the several parcels of land in the assessment district in proportion to the estimated special benefits to be received by each parcel, respectively, from the improvements. Such proposed assessment may be collected in installments with or without interest on an annual basis, semi-annual basis, or any other basis determined to be appropriate under the circumstances. Such proposed assessment may be in the form of a formula, so long as each owner may reasonably determine the maximum and minimum amount of the assessment which may be levied on such owner pursuant to the formula. The report shall also include the approximate times and for how long any installments for the assessment will be levied, if applicable. The assessment shall refer to the parcels by their respective numbers as assigned pursuant to subsection (d) of this Section.
- f) A proposed maximum annual assessment upon each of the parcels within the assessment

district to pay costs incurred by the City and not otherwise reimbursed which result from the administration and collection of assessments or from the administration or registration of any associated bonds and reserve, improvement or other funds.

26.2.8 ALLOWANCE FOR INTEREST.

If bonds are to be issued to finance the improvements pursuant to the provisions of this Chapter, the costs and expenses of the proposed improvements may include an allowance for interest not exceeding three (3) years' estimated interest on the bonds from the date thereof.

26.2.9 PRESUMPTION THAT IMPROVEMENTS WILL BENEFIT UNDEVELOPED OR UNDERDEVELOPED PROPERTIES.

In preparing the report in which assessments are apportioned pursuant to Subsection (e) of Section [26.2.7](#), the Assessment Engineer may (but shall not be required to) presume that improvements which are required to meet the needs of future owners of property within an area, as indicated by a general or specific plan for the area, will benefit undeveloped and underdeveloped property within the area. If the City Council adopts the report, that presumption shall be conclusive.

26.2.10 SPECIFICATION AND DESCRIPTION OF BOUNDARIES OF DISTRICT.

The exterior boundaries of the assessment district may be specified and described as provided in the Improvement Act of 1911 in Section 5181 and Sections 5231 through 5234 of the Government Code of the State of California.

26.2.11 ASSESSMENT OF LAND; CREDIT FOR DEDICATIONS AND IMPROVEMENTS.

In determining the amount of the assessment, credit may be given for dedications and/or for improvements constructed at private expense.

26.2.12 LOANS TO SPECIAL FUNDS.

To expedite the conduct of proceedings and the construction, acquisition or installation of any improvement authorized by Division [8](#) of Chapter [11](#) of this Code, the City Council may at any time transfer into a special fund designated by the name of the improvement proceeding, out of any available funds of the City, such sums as it deems necessary. The sums so transferred are a loan to the special fund, and may, or at the discretion of the City Council shall, be repaid out of the proceeds of the assessments provided for in this Article.

26.2.13 CONSIDERATION OF REPORT; MODIFICATION.

When the report provided for in Sections [26.2.6](#) and [26.2.7](#) is filed with the City Clerk, he/she shall present such report to the City Council for consideration. The City Council may modify such report in any respect. The report, as modified, shall stand as the report for the purpose of all subsequent proceedings except that such report may be confirmed, modified or corrected as provided in this Article.

26.2.14 PUBLIC HEARING OF PROTESTS.

After passing on the report, the City Council by resolution shall appoint a time and place for hearing protests to the proposed assessment district or the proposed improvements and shall direct the

City Clerk or the Assessment Engineer to give notice of the hearing as provided in this Article, and shall designate a daily or weekly newspaper published and circulated in the City in which the notice shall be published. The hearing shall be held not less than thirty (30) days after the passage of such resolution unless the City Clerk or the Assessment Engineer receives written consents, signed by each owner of a parcel within the assessment district, to an earlier hearing date or to a waiver of the protest hearing.

26.2.15 WAIVER OF PROTEST HEARING AND NOTICES.

Notwithstanding anything to the contrary contained in this Article, any provision contained herein requiring the mailing, publication or posting of notices or requiring a public protest hearing may be waived or modified with consent of all of the owners of land included within an assessment district. Any such waiver or modification shall be in writing and shall be executed by each owner or each parcel of land included or proposed to be included in the assessment district; provided, however, that any such written waiver or modification may be executed by an owner in counterparts. If the City Clerk or the Assessment Engineer shall receive any such executed waiver or modification, it shall submit the same to the City Council for approval and, once approved by the City Council, such waiver or modification shall be deemed an amendment to the provisions of this Article with respect to the assessment district which is the subject of such waiver or modification.

26.2.16 NOTICE OF PASSAGE OF RESOLUTION OF INTENTION; POSTING.

After the adoption of the resolution of intention, the filing of the report, and the setting of the time and place for hearing protests, the City Clerk or the Assessment Engineer shall cause notices of the passage of the resolution of intention to be posted. The notices shall be posted conspicuously on all the open streets within the assessment district, at not more than three hundred (300) feet apart on each street so posted, but no less than three (3) in all.

26.2.17 CONTENTS OF NOTICE.

The notices required by Section [26.2.16](#) shall:

- a) Be headed "Notice of Improvement," in letters of not less than one inch in height.
- b) In legible characters state the fact and date of passage of the resolution of intention, the filing of the report, and the time and place set for hearing of protests.
- c) Briefly describe the improvements proposed to be constructed, acquired or installed.
- d) Refer to the resolution of intention and report for further particulars.
- e) Contain the name and telephone number of a local department or agency designated by the City Council to answer queries regarding the protest proceedings.

26.2.18 PUBLICATION OF NOTICE.

The City Clerk or the Assessment Engineer shall also cause a notice similar in substance to the notice described in Section [26.2.17](#) to be published in the City pursuant to Section 6066 of the

Government Code of the State of California. The notices shall be posted and first published at least twenty (20) days before the date set for hearing of protests.

26.2.19 EFFECT OF FAILURE TO POST.

No proceeding shall be held invalid for failure to post notices on any street or streets if the Sections herein relating to notices have been substantially complied with or if waivers meeting the requirements set forth in Section [26.2.15](#) have been received.

26.2.20 NOTICE TO OWNERS; EFFECT OF FAILURE TO MAIL NOTICE.

At least twenty (20) days before the date set for hearing of protests, the City Clerk or the Assessment Engineer shall mail, postage prepaid, notices of the adoption of the resolution of intention and the filing of the report to all persons owning real property proposed to be assessed whose names and addresses appear on the last equalized assessment roll for City taxes or who are known to the City Clerk or the Assessment Engineer. The failure of the City Clerk or the Assessment Engineer to mail the notice to any owner or the failure of any owner to receive the notice shall not affect the validity of any proceedings taken under this Article. If property assessed by the State under Section 14 of Article XIII of the Constitution is proposed to be assessed, such notice shall be mailed to every owner of such property at the address thereof shown on the last board roll transmitted to the County Auditor.

26.2.21 CONTENTS OF NOTICE TO OWNERS.

The notice mailed to owners pursuant to Section [26.2.20](#) shall contain:

- a) A statement of the time, place and purpose of the hearing on the resolution of intention and report.
- b) A statement of the total estimated cost of the proposed improvements.
- c) The amount (or the formula pursuant to which the amount of the assessment will be determined), as shown by the report, to be assessed against the particular parcel covered by the notice, and whether the assessment will be collected on a lump sum basis, on an annual or semi-annual basis, or whether the assessment shall be payable in installments in some other manner, and the approximate times and for how long the installments will be collected, if applicable.
- d) A statement that any person interested may file a protest in writing as provided in this Article.
- e) The name and telephone number of a local department or agency designated by the City Council to answer inquiries regarding the protest proceedings.

26.2.22 AFFIDAVIT OF CITY CLERK OR ASSESSMENT ENGINEER.

Upon the completion of the mailing of the notices, the City Clerk or the Assessment Engineer, as appropriate, shall file with the City Council an affidavit setting forth the time and manner of the compliance with the requirements of this Article for publishing, posting and mailing notices.

26.2.23 FILING OF PROTESTS; EVIDENCE OF PROPERTY OWNERSHIP; DUTIES OF CITY CLERK OR

ASSESSMENT ENGINEER.

After the City Council passes on the report pursuant to Sections [26.2.13](#) and [26.2.14](#), any interested person may object to the proposed improvements, the extent of the assessment district or to the proposed assessment, by filing a written protest with the City Clerk on or before the time set for the hearing. The protest shall contain a description of the property in which each signer thereof is interested sufficient to identify the property, and, if the signers are not shown on the last equalized assessment roll as the owners of the property, the protest shall contain or be accompanied by written evidence that the signers are the owners of the property. The City Clerk shall endorse on each protest the date of its receipt, and, at the time appointed for the hearing, the City Clerk shall present to the City Council all protests filed with him or her.

26.2.24 WAIVER OF RIGHT TO PROTEST.

Any written protest not made at the time and in the manner provided in Section [26.2.23](#) shall be deemed to be waived voluntarily by any person who might have made such protest and such person shall be deemed to have consented to the proposed improvement, the extent of the assessment district, the proposed assessment and any other act, determination, or proceeding on which protest could be made.

26.2.25 CORRECTION OF ERROR OR INFORMALITY.

The City Council may remedy, revise and correct any error or informality in any act, determination or proceeding of the City Council or any officer of the City. The City Council may confirm, amend, alter, modify or correct the assessment and diagram in such manner as the City Council shall deem just and may instruct and direct the officer or person making the same to correct them in any particular.

26.2.26 MAJORITY PROTEST; WITHDRAWAL OF PROTESTS.

If the protest is against the proposed improvements and the City Council finds that the protest is made by the owners of more than one-half (1/2) of the area of the land to be assessed for the improvements, and protests are not withdrawn so as to reduce the protest to less than a majority, no further proceedings shall be taken for a period of one (1) year from the date of the decision of the City Council on the hearing, unless the protests are overruled by an affirmative vote of four-fifths (4/5) of the members of the City Council pursuant to its powers under Article [16](#), Section 19 of the California Constitution. Any person making a protest may withdraw the protest, in writing, at any time prior to the conclusion of the protest hearing. The City Council may confirm, modify or correct the proposed assessment.

26.2.27 MAJORITY PROTEST; DETERMINATION OF OWNERSHIP OF SIGNERS; EVIDENCE CONSIDERED.

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the "owners" of property to be assessed, the City Council shall make such determination from the last equalized assessment roll, any written evidence submitted with a written protest and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to ownership of property

and its determination of ownership shall be final and conclusive.

26.2.28 RESOLUTIONS; CONFIRMATION OF ASSESSMENT.

- a) When, upon the hearing, the proposed assessment provided for in Subsections (d) and (e) of Section [26.2.7](#) and the maximum annual assessment provided for in Subsection (f) of Section [26.2.7](#) are confirmed as filed, as modified, or as corrected, by resolution, the City Council shall order the proposed improvements to be constructed, acquired or installed, and declare its action upon the report and assessment. The resolution shall be final as to all persons, and the assessment thereby levied upon the respective parcels of land in the assessment district.
- b) If an annual assessment to pay for administrative costs is provided for pursuant to subsection (a), the City Council shall determine, by resolution, the amount of the annual assessment for this purpose, which shall not exceed the maximum assessment provided for in subsection (a) and shall not exceed a reasonable estimate of costs actually incurred or likely to be incurred. This determination may be included in the resolution adopted pursuant to subsection (a). The City Council may subsequently determine by resolution that the annual assessment shall be a different amount, but in no event shall the annual assessment exceed the maximum annual assessment provided for in subsection (a). Resolutions adopted pursuant to this subsection shall be final as to all persons, and the annual assessment in the amount determined shall thereby be levied annually until changed by resolution adopted pursuant to this Section. These assessments may be collected in the same manner and in the same installments as the assessments levied pursuant to subsection (a), and may be combined with those assessments for collection in any manner which is convenient and economical.

26.2.29 AUTHORITY FOR CITY COUNCIL TO MAKE CHANGES BEFORE COMPLETION OF PROCEEDINGS; BOUNDARIES NOT TO BE CHANGED TO INCLUDE TERRITORY NOT BENEFITED.

Unless the power to proceed shall have ceased at the conclusion of the hearing on the proposed improvements because of a majority protest, at any time before completion of the improvement proceedings, the City Council may make changes in, to or from the boundaries of or the parcels included in the proposed assessment district, the improvements ordered to be constructed, acquired or installed, the assessment (including the amounts of any of the individual assessments therein), or in the proceedings, or any act, determination or provision made, or permitted to be made, by the City Council under and pursuant to this Article, which act, determination or provision does not affect the jurisdiction of the City Council to order the improvements or the assessment. The City Council shall not change the boundaries to include any territory which will not, in its judgment, be benefited by the improvements.

26.2.30 CHANGES TO BE MADE ON NOTICE AND HEARING; EXCEPTIONS.

All changes shall be made on notice and hearing as provided in this Article, except changes may be made:

- a) At the hearing on the report, which:

- 1) Without substantially altering the improvements, reduce the amount of the assessment or make no change in the amount of the assessment and no increase or decrease in the amount of money assessed on each parcel of property included in the assessment; or
 - 2) Eliminate a portion of the improvements or provide a substitution therein without increasing the cost of any assessment by reason thereof or substantially affecting the distribution of benefits from the improvements; or
 - 3) Eliminate a portion of the assessment district without increasing the amount of any assessment by reason thereof or substantially affecting the distribution of benefits from the improvements; or
 - 4) Exclude territory which will not be benefited by the remaining improvements without increasing the amount of any assessment by reason thereof; or
 - 5) Modify the improvements or the assessment with respect to a particular parcel of land within the assessment district with the written consent of the owner thereof; and
- b) At any time after the improvements are ordered and during the pendency of the proceedings, which:
- 1) Do not increase the total amount of the assessment, unless the owners of the parcels affected consent in writing to the increase in assessment; or
 - 2) Provide for the elimination or addition of work or substitutions therein, though they result in an increase in some assessments, unless the owners of the parcels affected consent in writing to the changes in the work and to the changes in the assessments; or
 - 3) Exclude territory which will not be benefited by the remaining improvements without increasing the amount of any assessment by reason thereof, unless the owners of the parcels affected consent in writing to the increase in the assessment.

26.2.31 RESOLUTION; DESCRIPTION OF PROPOSED CHANGES; REFERENCE TO MAPS, PLATS, ETC.; PUBLICATION.

Before ordering any changes made, other than as provided in Section [26.2.30](#) hereof, the City Council shall adopt a resolution briefly describing the changes proposed to be made, stating the amount of the estimated increase or decrease in the cost of the improvements by reason of the proposed changes and giving notice of a time and place when and where any interested person having any objection to the changes proposed to be made may appear before the City Council and show cause why the changes should not be ordered. The resolution shall also contain the name and telephone number of a local department or agency designated by the City Council to answer inquiries regarding the hearing proceedings. The resolution may describe the changes by referring to maps, plats, plans, profiles, detailed drawings or specifications on file in the office of the City Clerk or City Engineer, which shall indicate the changes proposed to be made and which shall

govern for all details thereof. The resolution shall be published pursuant to Section 6061 of the Government Code of the State of California, at least ten (10) days prior to the date of the hearing.

26.2.32 PROPOSALS TO INCLUDE ADDITIONAL TERRITORY OR TO INCREASE ASSESSMENT; TO WHOM COPY TO BE MAILED.

If the resolution adopted pursuant to Section [26.2.31](#) proposes to include additional territory in the assessment district, or to increase any assessment without written consent of the affected owner, at least twenty (20) days prior to the hearing fixed therein the City Clerk or the Assessment Engineer shall mail a copy of said resolution to all persons owning real property within said additional territory, or whose assessment is increased, whose names and addresses appear on the last equalized assessment roll or as known to the City Clerk or the Assessment Engineer.

26.2.33 WRITTEN OBJECTION TO PROPOSED CHANGES; FILING WITH CITY CLERK; HEARING AND DETERMINATION; JURISDICTION TO ORDER CHANGES; CONCLUSIVENESS OF ORDER.

Written objection to the proposed changes may be filed with the City Clerk by any interested person at any time not later than the time set for the hearing. The City Council shall hear and pass upon such objections at the time appointed, or at any time to which the hearing thereof may be adjourned, and its decision thereof shall be final and conclusive. If no written objections to said changes have been delivered to the City Clerk up to the hour set for hearing thereon, or if said objections have been heard and found by the City Council to be insufficient or have been overruled or denied, immediately thereupon the City Council by an affirmative vote of four-fifths (4/5) of its members shall acquire jurisdiction to order said changes made. The decision and determinations of the City Council ordering such changes after notice and hearing shall be final and conclusive upon all persons entitled to appeal thereupon to the City Council.

26.2.34 ANNUAL ESTIMATE OF EXPENDITURES FOR ENSUING YEAR; AUTHORITY TO LEVY SPECIAL ASSESSMENT OR FEE.

- a) Following the levy of an assessment pursuant to this Article to pay, in whole or in part, the costs and expenses of acquiring, constructing or substantially reconstructing the improvements within an assessment district benefited thereby, the City Council may prepare and approve an estimate of the expenditures required during the ensuing fiscal year for the operation, maintenance and repair of the improvements previously assessed.
- b) The City Council may, by resolution adopted at a public hearing, determine to levy and collect in any year upon and against any or all the businesses, residents, tenants and/or owners within the assessment district a fee or special assessment sufficient to raise a sum of money not to exceed the amount estimated pursuant to subsection (a) of this Section. Subject to applicable law, such fee or assessment may be levied and determined in any form or manner approved by the City Council and may be levied upon any person, category of persons or property within the assessment district so long as such fee or assessment is designed to charge the persons or property subject to the fee or assessment for the special benefit such person or property receives, and is not designed to raise revenue, in excess of the cost of the benefit to be received.

c) Any special assessment may be levied, collected, and enforced at the same time, in the same manner, by the same officers, and with the same interest and penalties, as in the case of other special assessments for improvements levied pursuant to this Chapter by the City, or in any other manner determined by resolutions of the City Council to be appropriate. Any fee may be levied, collected and enforced in the same manner as other fees are levied, collected and enforced with the City. The proceeds of the assessment or fee, as applicable, shall be expended only for the operation, maintenance, or repair of the works, systems, facilities or improvements previously assessed.

26.2.35 NOTICE OF HEARING REGARDING SPECIAL ASSESSMENT OR FEE.

Prior to any hearing pursuant to Section [26.2.34](#)(b) the City Clerk or the Assessment Engineer shall cause notice of the hearing to be published and given to the extent required by applicable law.

26.2.36 PROCEEDINGS WHEN SUPPLEMENTAL ASSESSMENT DEEMED NECESSARY; CREDIT.

If, as a result of any proposed changes or other events, the City Council shall determine that a supplemental assessment shall be necessary, the proceedings provided for by this Article may either be combined with or conducted separately from the proceedings for such supplemental assessment. If said proposed changes shall eliminate or substantially reduce the estimated benefits to be received from the improvements by any parcel of land within the assessment district, the City Council shall not order any such changes without ordering a corresponding credit upon the individual assessment theretofore imposed upon such parcel.

26.2.37 CONTEST OF VALIDITY.

The validity of an assessment or supplementary assessment levied under this Article shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty (30) days after the assessment is recorded. Any appeal from a final judgment in such an action or proceeding shall be perfected within thirty (30) days after the entry of judgment.

26.2.38 DIAGRAM AND ASSESSMENT; TRANSMISSION AND RECORDATION.

Upon the passage of the resolutions provided for in Section [26.2.28](#), the City Clerk shall transmit to the City Tax Collector the diagram and assessments adopted pursuant to Section [26.2.28](#), and any changes, modifications or corrections made by the City Council.

26.2.39 RECORDING DIAGRAM AND ASSESSMENT; EFFECT.

The City Tax Collector shall record the diagram and assessment received pursuant to Section [26.2.38](#) in a substantial book to be kept for that purpose in his or her office. Upon the date of recordation with the City Tax Collector, the assessment shall become due and payable in accordance with its terms, except that the City Council may provide in the resolution adopted pursuant to Section [26.2.28](#) that all or any portion of the assessment becomes due and payable on the dates necessary for payment of the bonds which represent the assessment or portion thereof.

26.2.40 RECORDATION OF NOTICE OF ASSESSMENT; TIME; EFFECT.

Upon the passage of the resolutions provided for in Section [26.2.28](#), the City Clerk shall record a

notice of assessment, as provided in Section 3114 of the Streets and Highways Code of the State of California, modified to reflect any annual assessment for administrative costs, whereupon the assessment shall attach as a lien upon the property assessed, except that the annual assessment for administrative costs shall become a lien at the same time the property tax becomes a lien each year.

26.2.41 TIME FOR PAYMENT OF ASSESSMENT; PENALTY.

All assessments or installments not paid within thirty (30) days after they become due, shall become delinquent and the City Clerk shall add to each delinquent assessment or installment an amount equal to the maximum amount which may be added to delinquent property tax payments under applicable law, as such amount may change from time to time. Assessments or installments may be paid in whole or in part during the thirty (30) day period after the same become due and payable.

26.2.42 NOTICE TO OWNERS OF RECORDATION OF ASSESSMENT.

- a) Notice of recordation of assessment shall be given as provided in this Section.
- b) Upon recording of the assessment, the City Tax Collector or the Assessment Engineer shall mail, as provided in subdivision (a) of Section 5070 of the Streets and Highways Code of the State of California, a statement containing all of the following:
 - 1) A description by street number, or some other description, of the property assessed sufficient to enable the owner to identify it.
 - 2) The amount of, or the manner in which the amount of, the assessment will be determined, whether such assessment will be collected in installments or on an annual basis, semi-annual basis or some other basis, and at approximately what times and for how long any installment for the assessment will be levied, if applicable.
 - 3) The date of the recordation of the assessment.
 - 4) The time and place of payment of the assessment and the effect of failure to pay the assessment or an installment for the assessment as it is due and payable.
 - 5) If bonds are to be issued, a statement of that fact.
- c) The failure of the City Tax Collector or the Assessment Engineer to mail the notice to any owner or the failure of any owner to receive the notice shall not affect the validity of any proceedings taken under this Article.
- d) The City Tax Collector or the Assessment Engineer also shall give notice by publication pursuant to Section 6066 of the Government Code of the State of California, which notice shall state all of the following:

- 1) That the assessment has been recorded as provided in Section [26.2.40](#)
- 2) Where and when the payment of the assessment is to be made.

26.2.43 PAYMENT OF ASSESSMENTS.

To the extent not inconsistent with the provisions of this Chapter, an assessment for any improvements shall be payable in the manner and subject to the conditions set forth in the resolution of intention or in any other manner adopted by the City Council for the collection of the assessment, to the extent permitted by applicable law. To the extent the resolution of intention specifies that the assessments shall be collected in the same manner as taxes levied and collected, such assessments shall be levied and collected by the County in the same manner and at the same time as taxes are levied and collected.

26.2.44 PURPOSE OF ASSESSMENT.

The assessment for the improvements may be levied in a manner to directly or indirectly reimburse the City for obligations paid or incurred by the City, directly or indirectly, in connection with the acquisition, installation and/or construction of the improvements. The assessment may also be levied in the assessment district in amounts which are sufficient in the aggregate, together with revenues already collected therefor, to pay, or reimburse the City, for such obligations.

Assessments in the assessment district and zones, if any, therein shall be calculated to reflect, as accurately as possible, the special benefit received by the property assessed in the assessment district or zones, if any, therein as a result of the improvements.

26.2.45 SALE; REDEMPTION.

Upon default in the payment of any assessment or installment, the lands securing such assessments or installments shall be sold in the same manner in which real property in the City is sold for the nonpayment of general City taxes, and be subject to redemption in the same manner and to the same extent that real property in the City sold for the nonpayment of City taxes may be redeemed for such taxes. In addition, as a cumulative remedy, if any assessment or reassessment or installment thereof together with any penalties and other charges accruing thereon are not paid when due, the City may order the same to be collected by an action brought in Superior Court to foreclose the lien thereof. These remedies are in lieu of and not in substitution for any other remedies which may be available to the City.

26.2.46 EFFECT OF CERTIFICATE OF SALE OR DEED.

If any lot or parcel of land is sold for the nonpayment of any assessment thereon, or of the penalties, interest or costs on the same, or for the nonpayment of any installment of the assessment or of the penalties, interest or costs on the same, any certificate of such sale and deed issued pursuant thereto is primary evidence of the regularity of all proceedings had prior thereto, and such deed conveys to the grantee the absolute title to the lands described therein, free of all encumbrances, except the lien for other State, County and City taxes and unpaid installments, interest and penalties under the same proceeding and except all public improvement assessments which may have priority thereover.

26.2.47 PURCHASE BY THE CITY.

The City may be the purchaser at any delinquent sale in the same manner in which it becomes or may become the purchaser of property sold for nonpayment of general City taxes.

26.2.48 PURCHASE SUBJECT TO UNPAID ASSESSMENTS.

The purchaser, at the tax collector's sale, or at a resale by the City if the City has become the purchaser, or at a foreclosure sale by order of the court, shall take the property subject to all unpaid assessments or reassessments or installments, interest and penalties under the same proceeding and subject to all public improvement assessments which may have priority thereover.

26.2.49 POWERS OF CITY COUNCIL.

The City Council shall possess all powers necessary for, incidental to, or convenient for, the collection, enforcement, administration, or distribution of the assessment in accordance with its Charter and California law.

26.2.50 USE OF REVENUE; COLLECTION; PENALTIES.

The proceeds of any assessments may be used to pay or to reimburse the City, in whole or in part, directly or indirectly, for the cost of providing improvements provided to persons within the assessment district, to pay or reimburse the City, in whole or in part, directly or indirectly, for any payments made on bonds secured by the assessments or for any other lawful purpose. The assessment may be collected in the same manner as ad valorem property taxes are collected and may be subject to the same penalties and the same procedure and sale in case of delinquency as provided for ad valorem taxes, or any other procedure may be adopted by the City Council for the collection of the assessment, to the extent permitted by applicable law. The collector of the assessment may deduct the reasonable administrative costs incurred in collecting the assessment.

26.2.51 ASSESSMENT LIENS; PRIORITY; CONTINUANCE; NOTICE.

From the date of the recordation pursuant to Sections [26.2.39](#) and [26.2.40](#), each assessment levied under this Article is a lien upon the land upon which it is levied. This lien is paramount to all other liens, except prior assessments, property taxes and other forms of taxation the nonpayment of which creates a lien paramount to the assessment. Unless sooner discharged, the lien continues for a period of ten (10) years from the date of recordation or, if bonds are issued to represent the assessments, until the expiration of four years after the due date of the last installment on the bonds. All persons have constructive notice of this lien from the date of the recordation.

26.2.52 SUPPLEMENTAL AND ADDITIONAL POWERS.

This Article shall be deemed to provide a complete, additional, and alternative method for doing the things authorized hereby, and shall be regarded as supplemental and additional to the powers conferred by the City Charter and other laws.

26.2.53 BONDS.

The City Council may issue or cause the issuance of bonds payable from and secured by the assessments levied pursuant to this Article, as provided in Section [26.1.2](#) of this Chapter.

Notwithstanding anything to the contrary contained in Section [26.1.2](#), the City Council may issue or cause the issuance of such bonds as serial or term bonds, or both.

26.2.54 AMENDMENT.

This Article may be amended at any time for the purpose of curing any ambiguity, or of curing, correcting or supplementing any defective provision contained in this Article, as the City may deem necessary or desirable as long as such amendment does not, (i) materially impair or adversely affect the interests of any owner within an assessment district established pursuant to the provisions of this Article in a manner inconsistent with the provisions of this Article, without the written consent of such owner, or (ii) materially impair or adversely affect the interests of any owner of bonds payable from assessments levied under this Article, without the written consent of such bondowner.

26.2.55 ACTION TO DETERMINE VALIDITY; LAW GOVERNING.

An action to determine the validity of any assessments, bonds, contracts or improvements may be brought by the City Council, or by any person designated by the City Council, pursuant to Chapter 9 of the Code of Civil Procedure of the State of California. For such purpose an improvement shall be deemed to be in existence upon its authorization and an assessment upon its confirmation.

CHAPTER 7

MOBILE SOURCE AIR POLLUTION REDUCTION FUNDS

(Added by O-3339)

ARTICLE 1 - FUND CREATED

27.1.1 FUND CREATED.

There is hereby created an Air Quality Improvement Trust Fund, into which all fee revenues distributed to the City of Torrance pursuant to Chapter 7 (commencing at Section 44220) to Part 5, of Division 26 of the Health and Safety Code of the State of California, shall be deposited, and from which expenditures to implement the California Clean Air Act of 1988, or the plan prepared pursuant to Section 40460 of the Health and Safety Code, shall be made.

ARTICLE 2 - PURPOSE OF FUND

27.2.2 SUPPORT OF CLEAN AIR ACT.

As a mechanism to provide funding for the reduction of air pollution, the City of Torrance supports the imposition of motor vehicle fees to be used to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing at Section 40460) of the Health and Safety Code.

27.2.3 USE OF FUNDS.

All funds deposited into the Air Quality Improvement Trust fund pursuant to Section 44243 of the Health and Safety Code shall be spent to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988, or the plan prepared pursuant to Article 5 (commencing at Section 40460) of the Health and Safety Code.

CHAPTER 8

INDUSTRIAL DEVELOPMENT AUTHORITY

(Added by O-3401)

ARTICLE 1 - ACTIVATION

28.1.1 STATUTORY METHOD OF ORIGINATION.

The California Industrial Development Financing Act (California Government Code Sections 91500-91574) (the "Act") provides that there is in each public agency a public, corporate instrumentality of the State of California, known as the industrial development authority of the public agency, and that each public agency is authorized to utilize such authority in the issuance of revenue bonds in the accomplishment of the public purposes as provided in the Act.

28.1.2 ACTIVATION OF AUTHORITY.

The City Council of the City of Torrance hereby declares that there is a need for the Industrial Development Authority of the City of Torrance and that the Industrial Development Authority of the City of Torrance shall function.

CHAPTER 9 IMPACT FEES

ARTICLE 1 - TRANSPORTATION IMPACT FEES

(Added by O-3670)

29.1.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for transportation facilities.
- B. Failure to enhance the ability of the City's transportation system to accommodate increased traffic by improving traffic flow will make it more difficult for residents, employers, and employees to access residences and places of employment and could cause unacceptable harm to the quality of life in the City.
- C. Sources of City revenue other than transportation impact fees, including tax revenues which will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on transportation facilities created by new development.
- D. It is the intent of the City to require every person or organization that develops land to mitigate the impacts of that development on the City's transportation system. The City may therefore require developers to mitigate transportation impacts caused by their development and to pay a transportation impact fee that will be used to mitigate those impacts by constructing transportation facilities pursuant to the most current Transportation Facilities Plan.
- E. The amount of transportation impact fees collected pursuant to this chapter shall be limited to the cost of transportation impact mitigation attributable to new development. The amount of transportation impact fees collected shall not include the cost of transportation impact mitigation measures made necessary by existing development.

29.1.2 RESIDENTIAL TRANSPORTATION IMPACT FEES REQUIRED.

- A. Except as provided in Section [29.1.4](#), the required transportation impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required transportation impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.
- B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the transportation impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the transportation impact fee. In calculating such fee, the Community Development Director shall

utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.1.3 NON-RESIDENTIAL TRANSPORTATION IMPACT FEES REQUIRED.

A. Except as provided in Section [29.1.4](#), the required transportation impact fee for a nonresidential development shall be paid in an amount established by resolution of the City Council. The required transportation impact fee shall be due and paid on a lump-sum basis on the date of the final building inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the transportation impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the transportation impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.1.4 TRANSPORTATION IMPACT FEES - EXEMPTION OR REDUCTION.

A. The following uses and types of developments may be exempted from the payment of transportation impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.
2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint

above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.

3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.

4. Facilities serving the health and safety of the public, including but not limited to, hospitals, police, fire and safety facilities.

B. A developer may be exempted or allowed a reduction in fees from the transportation impact fee requirements of Sections [29.1.2](#) and [29.1.3](#) if the developer enters into a development agreement with the City pursuant to which transportation impact fees are assessed to the developer, or equivalent or comparable transportation improvements are implemented by the developer.

C. A developer may be entitled to a reduction in the amount of the transportation impact fee required by Sections [29.1.2](#) and [29.1.3](#) if the developer constructs transportation improvements pursuant to the most current Transportation Facilities Plan. The transportation impact fee may be reduced by the amount of transportation improvement costs that would be reasonably incurred by the City in building those same transportation improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the transportation improvement.

D. A developer may be entitled to a reduction in the amount of the transportation impact fee required by Sections [29.1.2](#) and [29.1.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Transportation Facilities Plan. The transportation impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of transportation improvements. The amount of such reduction shall not exceed the amount of the transportation impact fee required by Sections [29.1.2](#) and [29.1.3](#).

E. The Community Development Director may grant a reduction in the amount of the transportation impact fee required by Sections [29.1.2](#) and [29.1.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.

F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.1.4](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the transportation impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

29.1.5 APPEALS.

A. A developer subject to the transportation impact fee required by this chapter for a particular

project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the traffic level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.

C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The application must be filed within fifteen (15) calendar days after notice of the Director's decision has been mailed to the applicant.

D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.

E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen (15) calendar days after notice of the Commission's decision has been mailed to the applicant.

F. The City Council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.

G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.1.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the transportation impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.1.5](#), then upon the payment of the required fees, the City shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the ninety (90) day protest period has begun.

29.1.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all transportation impact fees paid and collected pursuant to this chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing transportation improvements pursuant to the most current Transportation Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use transportation impact fees collected pursuant to this chapter for the purpose of constructing transportation improvements in accordance with the most current Transportation Facilities Plan as altered or amended.

29.1.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of transportation impact fees required by Section [29.1.2](#) or [29.1.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.1.2\(A\)](#) for residential transportation impact fees or Section [29.1.3\(A\)](#) for non-residential transportation impact fees. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.1.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the transportation impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Transportation Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

ARTICLE 2 - UTILITY UNDERGROUNDING IMPACT FEES

(Added by 0-3671)

29.2.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for utility improvements.
- B. Utility undergrounding benefits future residents and employees by providing safe and aesthetic vehicular access to properties. An increase in traffic volume generated by new development increases the probability of vehicular accidents with above-ground utilities. The undergrounding of utilities will reduce vehicular accidents, electrical fires, network maintenance costs and tree trimming costs.
- C. Sources of City revenue other than utility undergrounding impact fees, including tax revenues which will be paid by new residential and non-residential development, will be needed for many

public purposes and therefore will not be sufficient to offset the burdens on utility facilities created by new development.

D. It is the intent of the City to require every person or organization that develops land to mitigate the impacts of that development on the City's utility system. The City may therefore require developers to mitigate utility impacts caused by their development and to pay a utility undergrounding impact fee that will be used to mitigate those impacts by constructing utility facilities pursuant to the most current Utility Undergrounding Facilities Plan.

E. The amount of utility undergrounding impact fees collected pursuant to this chapter shall be limited to the cost of utility impact mitigation attributable to new development. The amount of utility undergrounding impact fees collected shall not include the cost of utility impact mitigation measures made necessary by existing development.

29.2.2 RESIDENTIAL UTILITY UNDERGROUNDING IMPACT FEES REQUIRED.

A. Except as provided in Section [29.2.4](#), the required utility undergrounding impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required utility undergrounding impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the utility undergrounding impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the utility undergrounding impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.2.3 NON-RESIDENTIAL UTILITY UNDERGROUNDING IMPACT FEES REQUIRED.

A. Except as provided in Section [29.2.4](#), the required utility undergrounding impact fee for a nonresidential development shall be paid in an amount established by resolution of the City Council. The required utility undergrounding impact fee shall be due and paid on a lump-sum basis on the date of the final building inspection of the building, or the date the certificate of occupancy is

issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the utility undergrounding impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the utility undergrounding impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.2.4 UTILITY UNDERGROUNDING IMPACT FEES - EXEMPTION OR REDUCTION

A. The following uses and types of developments may be exempted from the payment of utility undergrounding impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.
2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.
3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.
4. Facilities serving the health and safety of the public, including but not limited to, hospitals, police, fire and safety facilities.

B. A developer may be exempted or allowed a reduction in fees from the utility undergrounding impact fee requirements of Sections [29.2.2](#) and [29.2.3](#) if the developer enters into a development agreement with the City pursuant to which utility undergrounding impact fees are assessed to the developer, or equivalent or comparable utility improvements are implemented by the developer.

C. A developer may be entitled to a reduction in the amount of the utility undergrounding impact fee required by Sections [29.2.2](#) and [29.2.3](#) if the developer constructs utility improvements pursuant to the most current Utility Undergrounding Facilities Plan. The utility undergrounding

impact fee may be reduced by the amount of utility improvement costs that would be reasonably incurred by the City in building those same utility improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the utility improvement.

D. A developer may be entitled to a reduction in the amount of the utility undergrounding impact fee required by Sections [29.2.2](#) and [29.2.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Utility Undergrounding Facilities Plan. The utility undergrounding impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of utility improvements. The amount of such reduction shall not exceed the amount of the utility undergrounding impact fee required by Sections [29.2.2](#) and [29.2.3](#).

E. The Community Development Director may grant a reduction in the amount of the utility undergrounding impact fee required by Sections [29.2.2](#) and [29.2.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.

F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.2.4](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the utility undergrounding impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

29.2.5 APPEALS.

A. A developer subject to the utility undergrounding impact fee required by this chapter for a particular project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the traffic level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.

C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The application must be filed within fifteen (15) calendar days after notice of the Director's decision has

been mailed to the applicant.

D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.

E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen (15) calendar days after notice of the Commission's decision has been mailed to the applicant.

F. The City Council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.

G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.2.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the utility undergrounding impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.2.5](#), then upon the payment of the required fees, the City shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the ninety (90) day protest period has begun.

29.2.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all utility undergrounding impact fees paid and collected pursuant to this chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing utility improvements pursuant to the most current Utility Undergrounding Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use utility undergrounding impact fees collected pursuant to this chapter for the purpose of constructing utility improvements in accordance with the most current Utility Undergrounding Facilities Plan as altered or amended.

29.2.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of utility undergrounding impact fees required by Section [29.2.2](#) or [29.2.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.2.2\(A\)](#) for residential utility undergrounding impact fees or Section [29.2.3\(A\)](#) for non-residential utility undergrounding impact fees. The amount of the fee is the amount specified by resolution of

the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.2.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the utility undergrounding impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Utility Undergrounding Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

ARTICLE 3 - STORM DRAIN IMPACT FEES

(Added by O-3672)

29.3.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for storm drain facilities.
- B. Failure to enhance the ability of the City's storm drain system to accommodate increased storm water could cause unacceptable harm to the quality of life in the City by increasing the risk of flooding in various portions of the City, thereby decreasing accessibility to various portions of the City by residents.
- C. Sources of City revenue other than storm drain impact fees, including tax revenues which will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on storm drain facilities created by new development.
- D. It is the intent of the City to require every person or organization that develops land to mitigate the impacts of that development on the City's storm drain system. The City may therefore require developers to mitigate storm drain impacts caused by their development and to pay a storm drain impact fee that will be used to mitigate those impacts by constructing storm drain facilities pursuant to the most current Storm Drain Facilities Plan.
- E. The amount of storm drain impact fees collected pursuant to this chapter shall be limited to the cost of storm drain impact mitigation attributable to new development. The amount of storm drain impact fees collected shall not include the cost of storm drain impact mitigation measures made necessary by existing development.

29.3.2 RESIDENTIAL STORM DRAIN IMPACT FEES REQUIRED.

- A. Except as provided in Section [29.3.4](#), the required storm drain impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required storm

drain impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the storm drain impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the storm drain impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.3.3 NON-RESIDENTIAL STORM DRAIN IMPACT FEES REQUIRED.

A. Except as provided in Section [29.3.4](#), the required storm drain impact fee for a nonresidential development shall be paid in an amount established by resolution of the City Council. The required storm drain impact fee shall be due and paid on a lump-sum basis on the date of the final building inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the storm drain impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the storm drain impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.3.4 STORM DRAIN IMPACT FEES - EXEMPTION OR REDUCTION.

A. The following uses and types of developments may be exempted from the payment of storm drain impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.
 2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.
 3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.
 4. Facilities serving the health and safety of the public, including but not limited to hospitals, police, fire and safety facilities.
- B. A developer may be exempted or allowed a reduction in fees from the storm drain impact fee requirements of Sections [29.3.2](#) and [29.3.3](#) if the developer enters into a development agreement with the City pursuant to which storm drain impact fees are assessed to the developer, or equivalent or comparable storm drain improvements are implemented by the developer.
- C. A developer may be entitled to a reduction in the amount of the storm drain impact fee required by Sections [29.3.2](#) and [29.3.3](#) if the developer constructs storm drain improvements pursuant to the most current Storm Drain Facilities Plan. The storm drain impact fee may be reduced by the amount of storm drain improvement costs that would be reasonably incurred by the City in building those same storm drain improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the storm drain improvement.
- D. A developer may be entitled to a reduction in the amount of the storm drain impact fee required by Sections [29.3.2](#) and [29.3.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Storm Drain Facilities Plan. The storm drain impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of storm drain improvements. The amount of such reduction shall not exceed the amount of the storm drain impact fee required by Sections [29.3.2](#) and [29.3.3](#).
- E. The Community Development Director may grant a reduction in the amount of the storm drain impact fee required by Sections [29.3.2](#) and [29.3.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.
- F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.3.4](#), any subsequent

change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the storm drain impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

29.3.5 APPEALS.

- A. A developer subject to the storm drain impact fee required by this chapter for a particular project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the storm drain level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.
- B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.
- C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The application must be filed within fifteen (15) calendar days after notice of the Director's decision has been mailed to the applicant.
- D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.
- E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen (15) calendar days after notice of the Commission's decision has been mailed to the applicant.
- F. The City Council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.
- G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.3.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the storm drain impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.3.5](#), then upon the payment of the required fees, the City shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the ninety (90) day protest period has begun.

29.3.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all storm drain impact fees paid and collected pursuant to this chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing storm drain improvements pursuant to the most current Storm Drain Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use storm drain impact fees collected pursuant to this chapter for the purpose of constructing storm drain improvements in accordance with the most current Storm Drain Facilities Plan as altered or amended.

29.3.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of storm drain impact fees required by Section [29.3.2](#) or [29.3.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.3.2\(A\)](#) for residential storm drain impact fees or Section [29.3.3\(A\)](#) for non-residential storm drain impact fees. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.3.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the storm drain impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Storm Drain Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

ARTICLE 4 - SEWER IMPACT FEES

(Added by O-3673)

29.4.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for sewer facilities.
- B. Failure to enhance the ability of the City's sewer system to accommodate increased waste water would cause unacceptable harm to the quality of life in the City by causing a reduction in the planned rate of flow in existing sewer lines, the potential for waste water to back-up into private

property sewer lines, and result in property damage.

C. Sources of City revenue other than sewer impact fees, including tax revenues which will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on sewer facilities created by new development.

D. It is the intent of the City to require every person or organization that develops land to mitigate the impacts of that development on the City's sewer system. The City may therefore require developers to mitigate sewer impacts caused by their development and to pay a sewer impact fee that will be used to mitigate those impacts by constructing sewer facilities pursuant to the most current Sewer Facilities Plan.

E. The amount of sewer impact fees collected pursuant to this chapter shall be limited to the cost of sewer impact mitigation attributable to new development. The amount of sewer impact fees collected shall not include the cost of sewer impact mitigation measures made necessary by existing development.

29.4.2 RESIDENTIAL SEWER IMPACT FEES REQUIRED.

A. Except as provided in Section [29.4.4](#), the required sewer impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required sewer impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the sewer impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the sewer impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.4.3 NON-RESIDENTIAL SEWER IMPACT FEES REQUIRED.

A. Except as provided in Section [29.4.4](#), the required sewer impact fee for a nonresidential

development shall be paid in an amount established by resolution of the City Council. The required sewer impact fee shall be due and paid on a lump-sum basis on the date of the final building inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the sewer impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the sewer impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.4.4 SEWER IMPACT FEES - EXEMPTION OR REDUCTION

A. The following uses and types of developments may be exempted from the payment of sewer impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.
2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.
3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.
4. Facilities serving the health and safety of the public, including but not limited to, hospitals, police, fire and safety facilities.

B. A developer may be exempted or allowed a reduction in fees from the sewer impact fee requirements of Sections [29.4.2](#) and [29.4.3](#) if the developer enters into a development agreement with the City pursuant to which sewer impact fees are assessed to the developer, or equivalent or comparable sewer improvements are implemented by the developer.

C. A developer may be entitled to a reduction in the amount of the sewer impact fee required by Sections [29.4.2](#) and [29.4.3](#) if the developer constructs sewer improvements pursuant to the most

current Sewer Facilities Plan. The sewer impact fee may be reduced by the amount of sewer improvement costs that would be reasonably incurred by the City in building those same sewer improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the sewer improvement.

D. A developer may be entitled to a reduction in the amount of the sewer impact fee required by Sections [29.4.2](#) and [29.4.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Sewer Facilities Plan. The sewer impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of sewer improvements. The amount of such reduction shall not exceed the amount of the sewer impact fee required by Sections [29.4.2](#) and [29.4.3](#).

E. The Community Development Director may grant a reduction in the amount of the sewer impact fee required by Sections [29.4.2](#) and [29.4.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.

F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.4.4](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the sewer impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

29.4.5 APPEALS.

A. A developer subject to the sewer impact fee required by this chapter for a particular project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the sewer level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.

C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The application must be filed within fifteen (15) calendar days after notice of the Director's decision has been mailed to the applicant.

D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.

E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen calendar days after notice of the Commission's decision has been mailed to the applicant.

F. The City Council shall consider the appeal at a public hearing to be held within sixty (60) calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.

G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.4.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the sewer impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.4.5](#), then upon the payment of the required fees, the City shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the ninety (90) day protest period has begun.

29.4.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all sewer impact fees paid and collected pursuant to this chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing sewer improvements pursuant to the most current Sewer Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use sewer impact fees collected pursuant to this chapter for the purpose of constructing sewer improvements in accordance with the most current Sewer Facilities Plan as altered or amended.

29.4.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of sewer impact fees required by Section [29.4.2](#) or [29.4.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.4.2\(A\)](#) for residential sewer impact fees or Section [29.4.3\(A\)](#) for non-residential sewer impact fees. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired

through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.4.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the sewer impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Sewer Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

ARTICLE 5 - FIRE FACILITIES IMPACT FEES

(Added by O-3688)

29.5.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for fire facilities.
- B. Failure to enhance the ability of the City's fire facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the fire services they need.
- C. Sources of City revenue other than fire facilities impact fees, including tax revenues which will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on fire facilities created by new development.
- D. It is the intent of the City to require persons or organizations that develop land to mitigate the impacts of that development on the City's fire facilities system. The City may therefore require developers to mitigate fire facilities impacts caused by their development and to pay a fire facilities impact fee that will be used to mitigate those impacts by constructing fire facilities pursuant to the most current Fire Facilities Plan.
- E. The amount of fire facilities impact fees collected pursuant to this Chapter shall be limited to the cost of fire facilities impact mitigation attributable to new development. The amount of fire facilities impact fees collected shall not include the cost of fire facilities impact mitigation measures made necessary by existing development.

29.5.2 RESIDENTIAL FIRE FACILITIES IMPACT FEES REQUIRED.

- A. Except as provided in Section [29.5.4](#), the required fire facilities impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required fire facilities impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the fire facilities impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the fire facilities impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.5.3 NON-RESIDENTIAL FIRE FACILITIES IMPACT FEES REQUIRED.

A. Except as provided in Section [29.5.4](#), the required fire facilities impact fee for a nonresidential development shall be paid in an amount established by resolution of the City Council. The required fire facilities impact fee shall be due and paid on a lump-sum basis on the date of the final building inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the fire facilities impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the fire facilities impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.5.4 FIRE FACILITIES IMPACT FEES - EXEMPTION OR REDUCTION.

A. The following uses and types of developments may be exempted from the payment of fire facilities impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.

2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.
 3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.
 4. Facilities serving the health and safety of the public, including but not limited to, hospitals, police, fire and safety facilities.
- B. A developer may be exempted or allowed a reduction in fees from the fire facilities impact fee requirements of Sections [29.5.2](#) and [29.5.3](#) if the developer enters into a development agreement with the City pursuant to which fire facilities impact fees are assessed to the developer, or equivalent or comparable fire facilities improvements are implemented by the developer.
- C. A developer may be entitled to a reduction in the amount of the fire facilities impact fee required by Sections [29.5.2](#) and [29.5.3](#) if the developer constructs fire facilities improvements pursuant to the most current Fire Facilities Plan. The fire facilities impact fee may be reduced by the amount of fire facilities improvement costs that would be reasonably incurred by the City in building those same fire facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the fire facilities improvement.
- D. A developer may be entitled to a reduction in the amount of the fire facilities impact fee required by Sections [29.5.2](#) and [29.5.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Fire Facilities Plan. The fire facilities impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of fire facilities improvements. The amount of such reduction shall not exceed the amount of the fire facilities impact fee required by Sections [29.5.2](#) and [29.5.3](#).
- E. The Community Development Director may grant a reduction in the amount of the fire facilities impact fee required by Sections [29.5.2](#) and [29.5.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.
- F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.5.4](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the fire facilities impact fee requirement applicable to the entire development based on the fee in

effect at the time of the change or expansion, less any amount previously paid.

29.5.5 APPEALS.

- A. A developer subject to the fire facilities impact fee required by this Chapter for a particular project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the fire facilities level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.
- B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.
- C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The application must be filed within fifteen calendar days after notice of the Director's decision has been mailed to the applicant.
- D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.
- E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen calendar days after notice of the Commission's decision has been mailed to the applicant.
- F. The City Council shall consider the appeal at a public hearing to be held within sixty calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.
- G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.5.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the fire facilities impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.
- H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.5.5](#), then upon the payment of the required fees, the City shall, pursuant to

Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

29.5.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all fire facilities impact fees paid and collected pursuant to this Chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing fire facilities improvements pursuant to the most current Fire Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use fire facilities impact fees collected pursuant to this Chapter for the purpose of constructing fire facilities improvements in accordance with the most current Fire Facilities Plan as altered or amended.

29.5.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of fire facilities impact fees required by Section [29.5.2](#) or [29.5.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.5.2\(A\)](#) for residential fire facilities impact fees or Section [29.5.3\(A\)](#) for non-residential fire facilities impact fees. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.5.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the fire facilities impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Fire Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

ARTICLE 6 - POLICE FACILITIES IMPACT FEES

(Added by O-3689)

29.6.1 FINDINGS AND INTENT.

- A. New residential and non-residential development in the City of Torrance (the "City") has attracted and will continue to attract employees and residents to the City, and there is a causal connection between such development projects and the increased need for police facilities.
- B. Failure to enhance the ability of the City's police facilities system to accommodate additional service calls will make it more difficult for residents, employers, and employees to obtain the police services they need.
- C. Sources of City revenue other than police facilities impact fees, including tax revenues which

will be paid by new residential and non-residential development, will be needed for many public purposes and therefore will not be sufficient to offset the burdens on police facilities created by new development.

D. It is the intent of the City to require persons or organizations that develop land to mitigate the impacts of that development on the City's police facilities system. The City may therefore require developers to mitigate police facilities impacts caused by their development and to pay a police facilities impact fee that will be used to mitigate those impacts by constructing police facilities pursuant to the most current Police Facilities Plan.

E. The amount of police facilities impact fees collected pursuant to this Chapter shall be limited to the cost of police facilities impact mitigation attributable to new development. The amount of police facilities impact fees collected shall not include the cost of police facilities impact mitigation measures made necessary by existing development.

29.6.2 RESIDENTIAL POLICE FACILITIES IMPACT FEES REQUIRED.

A. Except as provided in Section [29.6.4](#), the required police facilities impact fee for a residential building shall be paid in an amount established by resolution of the City Council. The required police facilities impact fee shall be due and paid on a lump-sum basis on the date the first dwelling in the development or development phase receives its final building inspection, or certificate of occupancy, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the police facilities impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the police facilities impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "final building inspection" shall mean the physical inspection of the building by the Building & Safety Division of the Community Development Department of the City of Torrance for compliance with all applicable building codes and the issuance by all applicable City, county, regional, state and federal agencies of their respective clearances for occupancy.

D. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms with all the applicable provisions of the Torrance Municipal Code, ordinances and conditions of approval.

29.6.3 NON-RESIDENTIAL POLICE FACILITIES IMPACT FEES REQUIRED.

A. Except as provided in Section [29.6.4](#), the required police facilities impact fee for a nonresidential development shall be paid in an amount established by resolution of the City Council. The required police facilities impact fee shall be due and paid on a lump-sum basis on the date of

the final building inspection of the building, or the date the certificate of occupancy is issued, whichever occurs first.

B. The Community Development Director, or his or her designee, shall be responsible for calculating the amount of the police facilities impact fee required for each development project based on the applicable land use category and corresponding rate specified in the resolution which adopts the police facilities impact fee. In calculating such fee, the Community Development Director shall utilize the fee rate that is assigned to the land use category that is most applicable to the development project.

C. For the purposes of this section, "certificate of occupancy" shall mean a document issued by the proper authority allowing the occupancy or use of a building and certifying that the structure, building or development conforms to all the applicable building codes, the Torrance Municipal Code, and conditions of approval.

29.6.4 POLICE FACILITIES IMPACT FEES - EXEMPTION OR REDUCTION.

A. The following uses and types of developments may be exempted from the payment of police facilities impact fees:

1. Any residential development that does not increase the number of permanent housing units on the parcel where the construction takes place, such as remodeling or rebuilding existing units.
2. The remodeling or rebuilding of an existing non-residential structure, provided the remodeling or rebuilding does not do any of the following: (i) increase the square footage of the structure above that of the previously existing structure; (ii) increase the building footprint above that of the previously existing structure; (iii) change the use to which the property or structure is to be put; or (iv) increase the average daily trips generated from the property above the amount generated by the prior use of the property.
3. Publicly owned facilities, including but not limited to, public libraries, public administration facilities, public parks, public utilities, schools, and related facilities.
4. Facilities serving the health and safety of the public, including but not limited to, hospitals, police, fire and safety facilities.

B. A developer may be exempted or allowed a reduction in fees from the police facilities impact fee requirements of Sections [29.6.2](#) and [29.6.3](#) if the developer enters into a development agreement with the City pursuant to which police facilities impact fees are assessed to the developer, or equivalent or comparable police facilities improvements are implemented by the developer.

C. A developer may be entitled to a reduction in the amount of the police facilities impact fee

required by Sections [29.6.2](#) and [29.6.3](#) if the developer constructs police facilities improvements pursuant to the most current Police Facilities Plan. The police facilities impact fee may be reduced by the amount of police facilities improvement costs that would be reasonably incurred by the City in building those same police facilities improvements. The amount of such reduction shall be subject to the approval of the Community Development Director prior to construction of the police facilities improvement.

D. A developer may be entitled to a reduction in the amount of the police facilities impact fee required by Sections [29.6.2](#) and [29.6.3](#) if the development is located in an assessment district that has been formed to construct facilities pursuant to the most current Police Facilities Plan. The police facilities impact fee may be reduced by the amount of the total assessment placed upon the development for the costs of police facilities improvements. The amount of such reduction shall not exceed the amount of the police facilities impact fee required by Sections [29.6.2](#) and [29.6.3](#).

E. The Community Development Director may grant a reduction in the amount of the police facilities impact fee required by Sections [29.6.2](#) and [29.6.3](#) if the Community Development Director determines that the development will contribute extraordinary sales tax revenue to the City and thereby confer an extraordinary financial benefit upon the City.

F. If a fee exemption or a fee reduction is granted pursuant to this Section [29.6.4](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption or fee reduction, and the applicant shall be subject to the police facilities impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

29.6.5 APPEALS.

A. A developer subject to the police facilities impact fee required by this Chapter for a particular project may apply to the Community Development Director for: (1) a fee adjustment based upon a showing of substantial evidence of a lesser impact upon the police facilities level of service, or (2) a land use category adjustment based upon a showing of substantial evidence that another land use category is more appropriate for a particular development. The application shall be made in writing and filed with the Community Development Director prior to the issuance of building permit. If a development review is not required for the development, then the application shall be made in writing and filed not later than the time at which the building permit is issued. The application shall state in detail the factual basis for the request for reduction.

B. The Community Development Director shall make a decision on the application for adjustment within thirty calendar days after the application has been filed. Notice of the Director's decision shall be mailed to the applicant.

C. The decision of the Community Development Director may be appealed to the Planning Commission by filing an application for appeal with the Community Development Director. The

application must be filed within fifteen calendar days after notice of the Director's decision has been mailed to the applicant.

D. The Planning Commission shall consider the appeal at a public hearing to be held within sixty calendar days after the appeal application has been filed. Notice of the Planning Commission's decision shall be mailed to the applicant.

E. The decision of the Planning Commission may be appealed to the City Council by filing an application for appeal with the City Clerk. The application must be filed within fifteen calendar days after notice of the Commission's decision has been mailed to the applicant.

F. The City Council shall consider the appeal at a public hearing to be held within sixty calendar days after the appeal application is filed. The decision of the City Council shall be final. The decision of the City Council shall be in writing and shall be mailed to the applicant.

G. If a fee exemption, a fee reduction or a land use category adjustment is granted pursuant to this Section [29.6.5](#), any subsequent change or intensification of the use or uses of the property or any expansion of the structures on the property, shall invalidate the fee exemption, fee reduction or land use category adjustment, and the applicant shall be subject to the police facilities impact fee requirement applicable to the entire development based on the fee in effect at the time of the change or expansion, less any amount previously paid.

H. If a fee exemption, fee reduction or land use category adjustment is not granted pursuant to this Section [29.6.5](#), then upon the payment of the required fees, the City shall, pursuant to Government Code Section 66020, provide the applicant a written notice of the amount of the fees or a description of the dedications, reservations, or other exactions, and shall also provide notification that the 90-day protest period has begun.

29.6.6 USE OF FUNDS.

Pursuant to California Government Code Section 66006, all police facilities impact fees paid and collected pursuant to this Chapter shall be placed into one or more separate account(s) established for such fee and used solely for the purpose of constructing police facilities improvements pursuant to the most current Police Facilities Plan; provided, however, that if the Community Development Director authorizes minor alterations to such plan, then those alterations shall not affect the ability of the City to use police facilities impact fees collected pursuant to this Chapter for the purpose of constructing police facilities improvements in accordance with the most current Police Facilities Plan as altered or amended.

29.6.7 FEE AMOUNT APPLICABLE TO PENDING PROJECTS.

Except as may otherwise be provided in the resolution which adopts the fee amount, an applicant subject to the payment of police facilities impact fees required by Section [29.6.2](#) or [29.6.3](#) must pay the amount of the fee that is in effect when the fee becomes due as provided in Section [29.6.2\(A\)](#) for residential police facilities impact fees or Section [29.6.3\(A\)](#) for non-residential police facilities

impact fees. The amount of the fee is the amount specified by resolution of the City Council, as amended from time to time. The fee imposed on a development project for which vested rights have been acquired through a vesting tentative subdivision map shall be the fee in effect at the time the rights became vested, plus any adjustment for inflation made between that date and the date the fee becomes due.

29.6.8 PERIODIC ADJUSTMENT TO FEE AMOUNT.

The amount of the police facilities impact fee may be annually adjusted for inflation as specified in the resolution which adopts the fee amount or by the periodic preparation of a new Police Facilities Plan and required studies prepared and adopted pursuant to the Mitigation Fee Act.

CHAPTER 10 SPECIAL DEPOSITS FUND

(Added by O-1018)

ARTICLE 1 - FUND CREATED

210.1.1 CREATION OF FUND.

Notwithstanding any of the other provisions of this Code, there is hereby created in the treasury of the City, a special fund to be known as the Special Deposits Fund.

ARTICLE 2 - GENERAL

210.2.1 RECEIPTS.

Moneys received by the City as security for the proper performance of a specific act or acts, or received by the City as agent for another government or subdivision thereof, or deposited with the City as a guarantee of good faith, or paid to the City as a deposit required by any other provision of this Code or by resolution of the City Council may be placed in this fund by the Director of Finance.

210.2.2 DISBURSEMENTS.

Moneys placed in the Special Deposits Fund shall be paid only upon demand of the proper City officer or employee as determined by the Director of Finance. The demand shall be made upon forms authorized by the Director of Finance.

210.2.3 AUDITING OF DEMANDS.

The Director of Finance, or his authorized deputy, shall audit the same, and shall verify to his satisfaction that:

- a) The moneys demanded had been deposited in the City treasury.
- b) The purpose for which the money was deposited is no longer in existence.
- c) The payee, or the assignor of the payee, named by the demand had been the depositor of the money.
- d) The City had no claim against the named payee which could be set off against the deposit.

210.2.4 PREPARATION OF WARRANTS.

The Director of Finance, or his authorized deputy, shall, upon auditing of demands as required by the preceding section, prepare a warrant covering the demands which he finds to be in order after his examination thereof, and such warrants shall be signed by the Mayor and countersigned by the Director of Finance.

210.2.5 SEPARATE WARRANT REGISTER.

A separate warrant register shall be prepared by the Director of Finance for warrants drawn on the Special Deposits Fund.

210.2.6 EXAMINATION BY FINANCE COMMITTEE.

All demands against the Special Deposits Fund shall be presented for examination to the Finance Committee of the City Council no later than the second regular meeting subsequent to the date of preparation of the warrants therefor.

CHAPTER 11 SPECIAL FUND FOR CAPITAL OUTLAYS

(Added by O-348)

ARTICLE 1 - FUND CREATED

211.1.1 CREATION OF FUND.

A fund is hereby created for capital outlays for public improvements under the provisions of that certain act of the legislature of the State, entitled "An Act to provide for the levy and collection of taxes and assessments for the purpose of creating a fund for capital outlays by cities, counties, cities and counties, or districts", approved July 1, 1937, and being Chapter 717 of the Statutes of 1937, as amended.

ARTICLE 2 - GENERAL

211.2.1 DESIGNATION; RESTRICTIONS AS TO DISBURSEMENTS.

The fund created by the preceding Article shall be known as the Special Fund for Capital Outlays. Such fund shall remain inviolate for the making of such capital outlays as the City Council shall direct to be made from such fund. No moneys shall be disbursed therefrom for any other purpose, excepting upon consent of the electors obtained as provided in such act, as amended.

211.2.2 TAXES LEVIED TO RAISE MONIES PERMITTED; LIMITATION UPON LEVIES.

Taxes may be levied upon the taxable property in the City for the raising of monies for the Special Fund for Capital Outlays, but no levies so made shall exceed the limitations imposed by the general laws of the State upon the right of the City to impose taxes, without the assent of two-thirds (2/3) of the qualified electors of this City voting at any general or special election at which such proposition may be submitted.

211.2.3 TRANSFERRAL OF MONIES TO FUND.

The City Council may transfer to the Special Fund for Capital Outlays any unencumbered surplus funds remaining on hand in the City at the end of any fiscal year.

CHAPTER 12

SPECIAL GAS TAX STREET IMPROVEMENT FUND

(Added by O-271)

ARTICLE 1 - FUND CREATED

212.1.1 CREATION OF FUND.

To comply with the provisions of Article 5 of Chapter 1 of Division 1 of the Streets and Highways Code, with particular reference to the amendments made thereby by Chapter 642, Statutes of 1935, there is hereby created in the City treasury a special fund to be known as the Special Gas Tax Street Improvement Fund.

ARTICLE 2 - GENERAL

212.2.1 SOURCE OF REVENUE.

All monies 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 Special Gas Tax Street Improvement Fund.

212.2.2 EXPENDITURES.

All monies in the Special Gas Tax Street Improvement Fund shall be expended exclusively for the purposes authorized by, and subject to all the provisions of Article 5, Chapter 1, Division 1 of the Streets and Highways Code.

CHAPTER 15

RIGHT-OF-WAY ACQUISITION AND IMPROVEMENT FUND

(Added by O-1539)

ARTICLE 1 - FUND CREATED

215.1.1 CREATION OF FUND.

A fund is hereby created for the purpose of acquiring property and rights-of-way for adequate access to lot splits and subdivisions. The fund shall be known as the Right-of-Way Acquisition and Improvement Fund.

215.1.2 USE OF FUNDS.

Monies deposited in said fund shall be earmarked within said fund to be used exclusively for the acquisition of property or rights-of-way necessary in order to supply adequate access to a particular lot split or subdivision, for building relocation, rehabilitating site improvements, paving costs, condemnation costs, legal, appraisal, sales and other reasonable administrative costs.

ARTICLE 2 - GENERAL

215.2.1 ACCESS STANDARDS.

Adequate access shall be determined on the basis of standards set by the City Engineer, and only with his approval and the approval of the City Council may said fund be utilized to allow temporary substandard access rather than permanent adequate access. Approval shall be granted where in the discretion of the City Engineer and City Council substandard access would not create a material hardship and to require immediate standard access would create undue hardship to the developer.

215.2.2 COMPUTATION OF CONTRIBUTIONS.

The City Engineer shall appraise or direct an appraisal as to the cost of future acquisition of the required property or right-of-way. He shall then determine contemplated subdivisions or lot splits which the access shall serve. The applicants receiving the benefit of said access shall then, as a condition of approval of their subdivision or lot split, either supply adequate access or in lieu of this, deposit an amount of money equal to the area of their land benefited by the access divided by the total area of all land benefited by access and available for lot split or subdivision served, times the total cost of contemplated acquisition.

215.2.3 DISPOSAL OF PROCEEDS.

When, in the discretion of the City Engineer, sufficient money is accumulated in said fund for the acquisition of the property needed, said property will be purchased by the City. Any acquired property not needed for access will be sold by competitive bidding and the proceeds of said sale, less the costs set forth in Sec. 215.1.2., plus any monies in excess of acquisition costs shall be refunded to the contributors to the fund in an amount proportionate to that which their contribution bears to the total contribution.

CHAPTER 16 SECRET SERVICE ACCOUNT

(Added by O-1286)

ARTICLE 1 - ACCOUNT CREATED

216.1.1 CREATED; ADMINISTRATION.

There is hereby established a Secret Service Account to be administered by the Chief of Police of the City.

216.1.2 PURPOSE.

- a) The secret service account is established for the purpose of paying expenses incurred by the Chief of Police in the detection or prevention of crime within the City, and in criminal cases arising within the City in which the people of the City or of the State are interested.
- b) The Chief of Police shall not disburse or permit any of the funds from said account to be used for augmenting the salary or allowance of any member of the Police Department for personal services, or for the purchase of any materials, supplies or equipment for the general use of the Police Department.

ARTICLE 2 - GENERAL

216.2.1 APPROPRIATION OF FUNDS.

(Amended by O-1691; O-2157; O-2746)

- a) The City Council may appropriate funds annually, or more often, to the Secret Service Account, such appropriation not to exceed the sum of Five Thousand Dollars (\$5,000) in any one fiscal year.
- b) All appropriations made to the Chief of Police for secret service work shall be placed to the credit of said account and no expenditures shall be made hereunder except from funds appropriated therefor.

216.2.2 USE OF FUNDS.

The Chief of Police may expend funds from the Secret Service Account in securing the opinion of handwriting experts, ballistic experts, other experts in police science, special investigators, persons furnishing special information, and for any other purpose reasonably related to the purpose set forth in Sec. 216.1.2.

216.2.3 ACCOUNTING TO DIRECTOR OF FINANCE.

- a) At least once a month the Chief of Police shall submit to the Director of Finance an account itemized in reasonable detail showing amounts and general purposes for which the funds so paid to him were expended.

216.2.4 REPORT TO CITY COUNCIL.

At least once each fiscal year, the City Manager shall submit to the City Council a report showing the amounts and general purposes for which the funds in the Secret Service Account were expended.

216.2.5 EXPENDITURES CONFIDENTIAL.

- a) When, in the opinion of the Chief of Police, the public interest would suffer by the disclosure of the name of any person to whom any sum or sums were paid or advanced, or the investigation or cause for which the same was expended or advanced, he shall not be required to disclose such name, investigation or cause.
- b) For accounting purposes, the Chief of Police may indicate such name or police operation by an appropriate code or symbol. Upon request of the City Manager, the Chief of Police shall disclose to the City Manager such name, investigation or cause; and any disclosures made as required hereunder shall be maintained confidential by the City Manager, except where such disclosure reveals illegal use of such funds, or illegal use of any City funds, or malfeasance in relation thereto.

216.2.6 MANNER OF DRAWING FUNDS.

(Amended by O-1691; O-2746)

- a) The Chief of Police may prepare demands against the Secret Service Account, payable to himself as Chief of Police, and upon receipt of said monies, shall thereafter safely keep and expend them for secret service purposes.
- b) The cash balance on hand in said account in the possession of the Chief of Police shall not exceed Five Hundred Dollars (\$500) at any one time.
- c) In drawing such demands, it shall be sufficient to designate the purpose therefor as "For Secret Service." The Director of Finance may audit any such demands, and the City Treasurer may pay the same without further specifications as to object.

216.2.7 PAYMENT OF DEMANDS.

No warrant shall be issued in payment of such demand until the Chief of Police shall first have accounted as required herein for all amounts previously advanced to him.

216.2.8 SERVICES NOT WITHIN CLASSIFIED SERVICE.

No person paid by the Chief of Police from the Secret Service Account for any services rendered under this Article, shall be deemed to be an employee of the City for any purpose.

216.2.9 DELEGATION OF AUTHORITY.

The Chief of Police, City Manager and the Director of Finance may delegate any of the powers and duties conferred on them by this Article to any officer or employee of the City, but in such event the Chief of Police, City Manager and Director of Finance, as the case may be, shall remain responsible for the proper performance thereof.

**CHAPTER 17
PAYROLL REVOLVING FUND**

(Added by O-617; Amended by O-2573)

ARTICLE 1 - FUND CREATED

217.1.1 CREATION OF FUND; AMOUNT.

Notwithstanding any of the other provisions of Chapter [1](#) of this Division, there is hereby created in the records and accounts of the City, a fund to be known as the "Payroll Revolving Fund". This fund is created to control the payments of employee paychecks and authorized or legally required payroll withholdings.

ARTICLE 2 - Repealed by O-3078

CHAPTER 18

WATER REVENUE FUND

(Added by O-589)

ARTICLE 1 - FUND CREATED

218.1.1 CREATION OF FUND.

There is hereby established a fund to be known as the Water Revenue Fund.

ARTICLE 2 - GENERAL.

218.2.1 USE OF REVENUE.

All revenues on hand and all revenues received from the distribution and sale of water within Municipal Water District No. 1, Municipal Water District No. 2, Municipal Water District No. 3 and Municipal Improvement District No. 1 and from other portions of the City, shall be paid into the Water Revenue Fund, out of which fund there shall first be paid the salary of the Water Superintendent and employees in the Water Department and the cost of operation of the municipal waterworks system and the maintenance thereof. After payment of the costs, from the remaining balance in the Water Revenue Fund, there shall be paid into Municipal Water District No. 3, Interest and Redemption Fund; Municipal Water District No. 1, Interest and Redemption Fund; and Municipal Water District No. 2, Interest and Redemption Fund; Improvement District No. 1, of the City Bond Election 1930 Interest and Sinking Fund, respectively, sufficient funds to provide for the payment of principal and interest on all bonds issued, sold and outstanding against each of the districts without any levy of taxes therefor. Such funds so placed in each of the interest and redemption funds or in such interest and sinking funds shall be used only for the payment of principal and interest on bonds issued, sold and outstanding against such district and for no other purpose.

218.2.2 SURPLUS FUNDS.

Any surplus of funds after payment of the amounts hereinbefore required to be paid may be used from time to time as the City Council may determine. The Council, however, hereby declares its policy to be, in the administration of any such surplus funds, to use such funds only for the maintenance and operation and extension of the water system of the City and for the payment of principal and interest and redemption of all outstanding bonds issued for water purposes.

CHAPTER 20 SALES AND USE TAX

(Added by O-379; Amended by O-380; O-384; O-397; O-489; O-733; O-754; O-773; O-797; O-1109)

ARTICLE 1 - SALES OF TANGIBLE PERSONAL PROPERTY AT RETAIL; SALES TAX

220.1.1 IMPOSITION AND RATE OF TAX.

For the privilege of selling tangible personal property at retail a tax is hereby imposed upon all retailers at the rate of one (1) percent of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in the City on or after August 15, 1955.

220.1.2 IN ADDITION TO ALL OTHER TAXES.

The license tax imposed by the provisions of Section [220.1.1](#). is in addition to any and all other taxes imposed by any other license tax ordinance of the City.

220.1.3 TAX LEVIED IN SAME MANNER AS STATE TAX.

The tax levied by this Article, except as otherwise herein provided, is levied in the same manner, to the same extent and under the same conditions as sales taxes are levied pursuant to Part 1 of Division 2 of the California Revenue and Taxation Code, known as the Sales and Use Tax Law, as amended and in force and effect on December 1, 1947.

220.1.4 ADOPTION OF STATE SALES AND USE TAX LAW; ADDITIONAL EXEMPTIONS.

All of the provisions of the Sales and Use Tax Law, as amended and in force and effect on October, 1946, except the provisions thereof pertaining solely to the Use Tax and Sections 6051, 6052, 6053, 6066, 6067, 6068, 6069, 6070, 6071, 6451, 7052, 7056, 7101, 7102, 7103, 7151, 7152 and 7153, applicable to sales of property at retail, are hereby adopted and made a part of this Article as though fully set forth herein, and all provisions of any other provision of this Chapter, this Code or any other ordinance of the City in conflict therewith are inapplicable to this Article, and the tax hereby imposed; provided, however, that the term "gross receipts" as used herein, does not include the amount of any tax imposed by the State upon or with respect to retail sales whether imposed upon the retailer or upon the consumer.

In addition to the exemptions contained in Part I of Division 2 of the Revenue and Taxation Code of the State, there shall be excluded from the computation of the tax gross receipts from:

- a) Sales made to or by the State, or any agency, department, political subdivision, district or municipal corporation thereof;
- b) Sales of property which is shipped to a point outside the City pursuant to the contract of sale by delivery by the retailer to such points by means of:
 - 1) Facilities operated by the retailer;
 - 2) Delivery by the retailer to a carrier for shipment to a consignee at such point; or

- 3) Delivery by the retailer to a customs broker or for the forwarding agent for shipment outside this City;
- c) Sales of property to be used in connection with the erection, construction, repair or alteration of either public works, or buildings belonging to or being constructed by or on behalf of, or for the use of the United States government, the State or any agency, department, political subdivision, district or public or municipal corporation of the State;
- d) Sales of property which is shipped from outside the City to purchasers within the City and which property, before being put to any use within the City, is transported to points without the City for principal use or other consumption outside the City;
- e) Sales of property to operators of common carriers and waterborne vessels to be used or consumed, in the operation of such common carriers or waterborne vessels, principally outside the City;
- f) Sales of property by manufacturers to purchasers engaged in manufacturing or commercial enterprises located wholly or partly outside the City where the property is to be transported outside the City without undue delay. Such property is to be used only outside the City and exclusively in such commercial or manufacturing enterprises; provided, this exemption shall not apply to sales made to officers, agents, managers, employees or servants of such purchasers. The purchaser shall deliver to the seller such certificate or other evidence of the proposed transportation and use mentioned herein as may be required by the City Clerk of the City.
- g) Sales of property upon which a sales tax, purchase tax, use tax, purchase and use tax, or any of these has been legally imposed by and paid on the same transaction to any City of the State having a similar reciprocal exemption.

220.1.5 ALLOCATION OF DUTIES TO CITY OFFICIALS.

All of the provisions of the Sales and Use Tax Law adopted by the preceding section, providing for the adoption of rules and regulations and for hearings on the part of the State Board of Equalization shall be performed by the City Council. All other provisions of the Sales and Use Tax Law, providing for the performance of official action on the part of the State Board of Equalization shall be performed by the City Clerk.

The City shall be deemed substituted for the State whenever the State is referred to in the Sales and Use Tax Law.

The City Attorney shall be deemed substituted for the Attorney General whenever the Attorney General is referred to in the Sales and Use Tax Law.

The City Auditor shall be deemed substituted for the State Controller and State Board of Control whenever the State Controller and State Board of Control are referred to in the Sales and Use Tax

Law.

The County of Los Angeles shall be deemed substituted for the County of Sacramento whenever the County of Sacramento is referred to in the Sales and Use Tax Law.

220.1.6 APPOINTMENT AND DUTIES OF DELINQUENT SALES TAX ADMINISTRATOR.

(Amended by O-434)

It shall be the duty of the delinquent sales tax administrator, when so appointed by the City Council, to perform the duties incident to the collection of delinquent sales taxes due, owing and unpaid the City and to proceed to collect any and all delinquent license fees which are due, owing and unpaid the City at the date this Section takes effect and which may thereafter become due the City by reason of delinquency, and to take such action and perform such further duties in respect to the collection of delinquent taxes as the City Council may hereafter prescribe and set forth.

220.1.7 ADOPTION OF RULES AND REGULATIONS OF STATE BOARD OF EQUALIZATION.

The rules and regulations of the State Board of Equalization pertaining to the interpretation, administration and enforcement of the Sales and Use Tax Law, insofar as applicable to the City, shall apply in the interpretation of this Article until specifically abandoned by the rules and regulations adopted by the City Council pursuant to this Article.

220.1.8 EFFECT OF INCLUSION OF PORTIONS OF STATE LAW VERBATIM RELATIVE TO ADOPTION.

The inclusion of any clause, portion or part of the Sales and Use Tax Law, Part 1, Division 2 of the Revenue and Taxation Code of the State verbatim in this Article shall not in or of itself be deemed to exclude any of the remaining provisions of the Sales and Use Tax Law that are made a part hereof by reference only.

220.1.9 PERMIT REQUIRED; APPLICATION.

Every person desiring to engage in or conduct business as a seller within the City shall file with the City Clerk an application for a permit for each place of business. Every application for a permit shall be made upon a form prescribed by the City Clerk and shall set forth the name under which the applicant transacts or intends to transact business, the location of his place of business and such other information as the City Clerk may require. The application shall be signed by the owner, if a natural person; in the case of an association or partnership, by a member or partner; in the case of a corporation, by an executive officer or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

220.1.10 PERMIT FEE.

At the time of making application for a permit, under the preceding Section, the applicant shall pay to the City Clerk a permit fee of One Dollar (\$1.00) for each permit.

220.1.11 ISSUANCE OF PERMIT; SEPARATE PERMIT REQUIRED FOR EACH PLACE OF BUSINESS.

After compliance with the two preceding sections by the applicant, the City Clerk shall grant and issue to each applicant a separate permit for each place of business within the City.

220.1.12 PERMIT NOT ASSIGNABLE; FEE FOR CHANGE OF LOCATION OF BUSINESS.

A permit required by this Article is not assignable and is valid only for the person in whose name it is issued and for the transaction of business at the place designated therein; provided, however, that a change of location may be endorsed upon the permit by the City Clerk upon the payment of a fee of One Dollar (\$1.00).

220.1.13 DISPLAY OF PERMIT.

The permit required by this Article shall at all times be conspicuously displayed at the place for which issued.

220.1.14 REVOCATION OF PERMIT; ISSUANCE OF NEW PERMIT AFTER REVOCATION.

Whenever any person fails to comply with any of the provisions of this Article, or any rule or regulation adopted pursuant hereto, the City Council upon hearing, after giving the person ten (10) days notice in writing, specifying the time and place of hearing and requiring him to show cause why his permit or permits should not be revoked, may revoke or suspend any one or more of the permits held by the person. The notice may be served personally or by mail in the manner prescribed for the service of notice of a deficiency determination under the Sales and Use Tax Law. The City Clerk shall not issue a new permit after the revocation of a permit unless the City Council is satisfied that the former holder of a permit will comply with the provisions of this Article and the rules and regulations adopted pursuant hereto and directs the City Clerk to issue such permit.

220.1.15 FEE FOR ISSUANCE OF NEW PERMIT AFTER REVOCATION.

A seller whose permit has been previously suspended or revoked, shall pay the City Clerk a fee of One Dollar (\$1.00) for the renewal or reissuance of a permit.

220.1.16 CARRYING ON BUSINESS WITHOUT PERMIT.

A person who engages in business as a seller in the City without a permit, or after a permit has been suspended or revoked and before the renewal or reissuance of a permit, and each officer of any corporation which so engages in business is guilty of a misdemeanor.

220.1.17 WHEN TAX DUE AND PAYABLE; GRANTING OF EXTENSION; PENALTY ON DELINQUENT PAYMENTS.

The license taxes imposed by this Article are due and payable to the City Clerk on or before the last day of the month next succeeding each quarterly period.

The City Clerk, for good cause, may extend for not more than thirty (30) days, the time for making any return or paying any sum required to be paid by this Article. The extension may be granted at any time; provided, that a written request therefor is filed with the City Clerk prior to the delinquency date.

All taxes payable monthly and all taxes payable quarterly under this Article shall be deemed delinquent if not paid on or before the close of business on the last day of the month following the monthly or quarterly period for which the tax is payable. Taxes payable under this Article for periods other than monthly or quarterly periods shall be deemed delinquent at the times designated by the City Clerk in his rules and regulations. Whenever any tax required to be paid by this Article

is not paid on or before the date on which it becomes delinquent, a penalty of ten (10) percent of the amount due shall be imposed and an additional five (5) percent of the original tax shall be added at the close of business on the last day of each calendar month thereafter. Every penalty shall become part of the tax imposed by this Article. In no case, however, shall the total penalty exceed fifty (50) percent of the original tax.

220.1.18 TAX TO BE COLLECTED FROM CONSUMER.

The tax imposed by this Article shall be collected by the retailer from the consumer insofar as it can be done.

220.1.19 REPRESENTATIONS BY RETAILER AS TO ABSORPTION OF TAX PROHIBITED.

It shall be unlawful for any retailer to advertise or hold out or state to the public or to any customer, directly or indirectly, that the tax or any part thereof, required by this Article, will be assumed or absorbed by the retailer or that it will not be added to the selling price of the property sold or that, if added, it or any part thereof will be refunded. Any person violating any provisions of this Section is guilty of a misdemeanor.

220.1.20 TAXES PAYABLE TO CITY CLERK; COLLECTION BY CIVIL SUIT.

All taxes levied by this Article shall be payable to the City Clerk. Any civil suit for collection of such taxes may be filed in any Court of competent jurisdiction in the State, and the City Attorney shall prosecute the action.

220.1.21 EVIDENCE THAT SALE IS NOT A SALE AT RETAIL.

The City Clerk may, at his option, accept a State resale certificate as evidence that any sale is not a sale at retail, or he may, in his discretion, require an affidavit from the seller, setting forth such information respecting such sale as he deems necessary to determine the nature of such sale.

220.1.22 DISPOSITION OF PROCEEDS.

All monies collected under and pursuant to the provisions of this Article shall be deposited and paid into the general fund of the City.

220.1.23 INFORMATION NOT TO BE DIVULGED BY CITY OFFICIALS; EXCEPTIONS.

It shall be unlawful for any officer or employee of the City, having an administrative duty under this Article, to make known in any manner whatsoever the business affairs, operations or information obtained by an investigation of records and equipment of any retailer or any other person visited or examined in the discharge of his official duty, or the amount or source of income, profits, losses, expenditures or any particulars thereof set forth or disclosed in any return, or to permit any return, or copy thereof or any book containing any abstract or particulars thereof, to be seen or examined by any person. The City Council may, however, by resolution, authorize examination of the returns by Federal or State officers or employees or by the tax officers of this or any other City if a reciprocal arrangement exists. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest

and penalties.

220.1.24 FALSE OR FRAUDULENT RETURNS.

Any person required to make, render, sign or verify any report under the provisions of this Article, who makes any false or fraudulent return, with the intent to defeat or evade the determination of any amount due and required to be paid, under the provisions of this Article, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished as provided by Sec. 11.2.1. of this Code.

ARTICLE 2 - USE TAX.

(Added by O-753; Amended by O-1109)

220.2.1 DEFINED.

Use includes the exercise of any right or power over tangible personal property incident to the ownership of that property, subject, however, to the following exemptions:

- a) It does not include the sale of that property in the regular course of business;
- b) It does not include the keeping, retaining or exercising of any right or power over tangible personal property shipped or brought into this City and which is thereafter transported outside the City for principal use or consumption outside the City, and which property is actually so used or consumed;
- c) It does not include the use of such property for the purpose of being processed, fabricated, or manufactured into, attached to or incorporated into, other tangible personal property which is to be transported outside the City and thereafter used principally outside the City, or which is to be subsequently sold or resold in the regular course of business;
- d) It does not include the exercise of any right or power over tangible personal property incident to ownership of that property if such property was purchased for principal use or consumption outside the City and is so used or consumed.
- e) It does not include the use of tangible personal property actually employed in the transportation or transmission of persons, property, gas, electricity or communications in intrastate, interstate or foreign commerce by public utilities regulated by the Public Utilities Commission of the State of California.

220.2.2 IMPOSITION AND RATE OF TAX.

An excise tax is hereby imposed on the use or other consumption in the City of tangible personal property purchased from any retailer on or after the effective date of this Article for use or other consumption in said City at the rate of one (1) percent of the sales price of the property.

220.2.3 USE TAX LEVIED IN SAME MANNER AS STATE TAX.

The tax hereby levied, except as otherwise herein provided, is levied in the same manner, to the

same extent and under the same conditions as use taxes are levied pursuant to Part 1 of Division 2 of the California Revenue and Taxation Code, known as the Sales and Use Tax Law as amended.

220.2.4 ADOPTION OF STATE USE TAX LAW BY REFERENCE; EXCEPTIONS.

- a) All of the provisions of the Sales and Use Tax Law as amended, except the provisions thereof pertaining solely to the Sales Tax and Sections 6008, 6201 to 6204, inclusive, 6207, 6226, 6241 to 6246, inclusive, 6403, 6453, 7052, 7056, 7057, 7101, 7102, 7151, 7152 and 7153, are hereby adopted and made a part of this Article as though fully set forth herein, and all provisions of any other Article in conflict therewith are inapplicable to this Article and the tax hereby imposed; provided, that the term sales price shall not include the amount of any California State sales tax or use tax, and that the word storage shall for the purposes of this Article be deemed deleted from those provisions of the California Revenue and Taxation Code adopted by reference, it being the intent of the Council that the tax imposed by this Article shall not apply to the storage of tangible personal property.
- b) All of the provisions of the Sales and Use Tax Law hereby adopted providing for the adoption of rules and regulations and for hearings on the part of the State Board of Equalization shall be performed by the City Council. All other provisions of the State Sales and Use Tax Law hereby adopted providing for performance of official action on the part of the State Board of Equalization shall be performed by the City Clerk and License Collector.
- c) The City shall be deemed substituted for the State of California whenever the State is referred to in said Sales and Use Tax Law.
- d) The City Attorney shall be deemed substituted for the Attorney General whenever the Attorney General is referred to in said Sales and Use Tax Law.
- e) The City Clerk shall be deemed substituted for the State Controller and State Board of Control whenever the State Controller or State Board of Control are referred to in said Sales and Use Tax Law.
- f) The County of Los Angeles shall be deemed substituted for the County of Sacramento whenever the County of Sacramento is referred to in said Sales and Use Tax Law.

220.2.5 ADOPTION OF RULES AND REGULATIONS BY REFERENCE.

The rules and regulations of the State Board of Equalization pertaining to the interpretation, administration and enforcement of the Sales and Use Tax Law insofar as applicable, shall apply to the interpretation of this Article until specifically abandoned by the rules and regulations adopted by the City Council pursuant to this Article.

220.2.6 INTERPRETATION.

The inclusion of any clause, portion or part of the Sales and Use Tax Law, Part 1, Division 2 of the Revenue and Taxation Code of the State of California, verbatim in this Article shall not in or of itself

be deemed to exclude any of the remaining provisions of said Sales and Use Tax Law that are made a part hereof by reference only.

220.2.7 DUTY TO COLLECT TAX.

Every retailer maintaining a place of business in this City shall apply to the City Clerk and License Collector for authorization to collect the tax imposed by this Article. Any retailer not maintaining a place of business in this City may apply to the City Clerk and License Collector for authorization to collect the tax hereby imposed. Upon receipt of any application in such form as required by him, the City Clerk and License Collector, in the case of a retailer maintaining a place of business in the City, shall authorize, and in the case of a retailer not maintaining a place of business in the City, may authorize the applicant to make such collections and to forward the same to the City Clerk and License Collector.

220.2.8 PERSONS LIABLE TO TAX.

Every person using or otherwise consuming in this City tangible personal property purchased from a retailer, is liable for the tax; provided, however, no tax shall be due hereunder if the tax imposed by Ordinance No. 397 of the City, as amended, has been paid on the sale of such property. The liability of such person is not extinguished until the tax has been paid to the City, except that a receipt from a retailer authorized pursuant to Sec. 220.2.7. to collect the tax, given to the purchaser pursuant to Sec. 220.2.9. is sufficient to relieve the purchaser from further liability for the tax to which the receipt refers.

220.2.9 COLLECTION OF TAX BY RETAILER.

Every retailer who is authorized by the City Clerk and License Collector to collect the tax imposed by this Article and who makes sales of tangible personal property for use or other consumption in this City, not exempted under the provisions of this Article, shall collect the tax from the purchaser at the time of making the sale, or if the use or other consumption of the tangible personal property is not then taxable hereunder, at the time the use or other consumption becomes taxable. Upon collecting the tax, the retailer, on demand, shall give to the purchaser a receipt therefor in the manner and form prescribed by the City Clerk and License Collector. The tax so collected by the retailer shall be held in trust by him for the City and shall be paid to the City by the retailer in the manner and at the times elsewhere provided in this Article.

220.2.10 SEPARATE DISPLAY OF TAX FROM LIST OR OTHER PRICE.

The tax so collected by the retailer from the purchaser shall be displayed separately from the list price, the price advertised in the premises, the marked price or other price on the sales check or other proof of sale.

220.2.11 PERSONAL PROPERTY TO WHICH TAX APPLIED.

Except as otherwise specifically exempted, the tax hereby imposed applies to all tangible personal property located in this City and purchased from a retailer; provided, however, that if the retailer in good faith takes from the purchaser a certificate that the property was purchased prior to the effective date of this Article or was not purchased for use or consumption in this City and has not

been nor will be so used, or consumed, he shall be relieved of liability to collect and pay the tax. The certificate shall be signed by and bear the name of the purchaser, shall indicate the address of the purchaser and the place where such tangible personal property will be used or consumed, the date of purchase, and shall be substantially in such form as the City Clerk and License Collector may prescribe.

220.2.12 EXEMPTIONS.

In addition to those exemptions contained in Part 1 of Division 2 of the California Revenue and Taxation Code which are incorporated into this Article by reference, there shall be excluded from the computation of the tax the sales price of:

- a) Purchases made by the State or by any agency, department, political subdivision, district or municipal corporation thereof;
- b) Purchases of tangible personal property to be used in connection with the erection, construction, repair or alteration of either public works or buildings belonging to or being constructed by or on behalf of or for the use of the United States Government, the State or any agency, department, political subdivision, district or public or municipal corporation of the State;
- c) Purchases made pursuant to contracts actually executed in good faith prior to August 1, 1955;
- d) Purchases of property upon which a sales tax, purchase tax, use tax or any of them has been legally imposed by and paid on the same transaction to any city of the State.

220.2.13 REGISTRATION OF RETAILERS.

Every retailer selling tangible personal property for use or other consumption in the City and which retailer maintains a place of business in said City or acts through agents located in said City and which retailer is not licensed under the provisions of Ordinance No. 397, as amended, shall register with the City Clerk and License Collector and give the name and address of such agent or agents and office or other place of business in the City.

220.2.14 DUE DATE OF TAXES.

Taxes imposed by this Article are due and payable to the City Clerk and License Collector on or before the last day of the month next succeeding each quarterly period, the first quarterly payment to be due and payable under this Article on or before the first day of October, 1955. The City Clerk and License Collector may require returns and payment of the amount of taxes for quarterly periods other than calendar quarters depending upon the principal place of or the nature of the business of the seller or retailer or may require returns and payment of the amount of taxes for other than quarterly periods.

220.2.15 RETURNS.

Each return filed by a retailer shall show the total sale price of the property sold by him during the reporting period in respect of which he collected the tax hereby imposed. Each return filed by a purchaser shall show the total sale price of the property purchased by him during the reporting

period, in respect of which a tax is due under this Article. All returns shall also show the amount of the taxes for the period covered by the return and such other information as the City Clerk and License Collector deem necessary to the proper administration of this Article.

220.2.16 EXTENSION OF TIME; WAIVER OF COMPROMISE.

The City Clerk and License Collector shall have power, for good cause shown, to extend for a period of not to exceed thirty-one (31) days, the time for making any return or paying any amount required to be paid under this Article, when requested to do so in writing, before the same becomes delinquent. The City Clerk and License Collector may, with the written approval of the City Attorney, waive or compromise any penalty or interest that would otherwise accrue under the provisions of this Article. The City Clerk and License Collector shall make and transmit to the City Council quarterly, a detailed report of any sums so waived or compromised with the reasons therefor.

220.2.17 SCHEDULES FOR PAYMENT OF TAX.

The City Council, by resolution, shall adopt rules prescribing methods and schedules for the collection and payment of the tax. Such schedules shall be so determined as to facilitate collection of this tax at the same time that the retailer collects the tax imposed under the California Sales and Use Tax Law and so as to produce an average tax return of one (1) percent on all purchases subject to the use tax.

220.2.18 SUIT FOR TAX.

All taxes hereby levied shall be payable to the City Clerk and License Collector and any civil suit for the collection thereof may be filed in any court of competent jurisdiction in the State of California and the City Attorney of the City shall prosecute the action.

220.2.19 RESALE CERTIFICATE.

The City Clerk and License Collector may at his option, accept a State of California resale certificate as evidence that any sale is not a sale for use or consumption in the City, or he may in his discretion, require an affidavit from the seller setting forth such information respecting such sale as he deems necessary to determine the nature of such sale.

220.2.20 DISPOSITION OF PROCEEDS.

All monies collected under and pursuant to the provisions of this Article shall be deposited and paid into the general fund of the City.

220.2.21 DIVULGING OF INFORMATION FORBIDDEN.

No officer or employee of the City having an administrative duty under this Article shall make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment or any retailer or any other person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particulars thereof, set forth or disclosed in any return, or permit any return or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the City Council may, by resolution, authorize examination of the returns by Federal or

State officers or employees or by the tax officers of or any other City if a reciprocal arrangement exists. Successors, receivers, trustees, executors, administrators, assignees and guarantors, if directly interested, may be given information as to the items included in the measure and amounts of any unpaid tax or amounts of tax required to be collected, interest and penalties.

220.2.22 FALSE OR FRAUDULENT RETURNS.

No person required to make, render, sign or verify any report under the provisions of this Article, shall make any false or fraudulent return, with intent to defeat or evade, the determination of an amount due and required to be paid hereunder.

220.2.23 FAILURE TO MAKE RETURN OR FURNISH DATA.

No retailer or other person shall fail or refuse to furnish any return required to be made or fail or refuse to furnish a supplemental return or other data required by the City Clerk and License Collector, or render a false or fraudulent return.

ARTICLE 3 - UNIFORM LOCAL SALES AND USE TAX

(Added by O-1109; Amended by O-2434)

220.3.1 SHORT TITLE.

This Article shall be known as the Uniform Local Sales and Use Tax Ordinance of the City.

220.3.2 PURPOSE.

(Amended by O-1278)

The City Council hereby declares that this Article 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 of the State of California;
- b) To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;
- c) To adopt a sales and use tax ordinance which imposes a tax and provides a measure therefor that can be administered and collected by the State Board of Equalization in a manner that adapts itself as fully as practical to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the State Board of Equalization in administering and collecting the California State Sales and Use Taxes;
- d) To adopt a sales and use tax ordinance which can be administered in a manner that will, to the degree possible consistent with the provisions of Part 1.5 of Division 2 of the said Revenue and

Taxation Code, minimize the cost of collecting City sales and use taxes and, at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Article.

220.3.3 CONTRACT WITH STATE.

Prior to the operative date this City shall contract with the State Board of Equalization to perform all functions incident to the administration and operation of this sales and use tax Article; 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 Article.

220.3.4 SALES TAX.

(Amended by O-1278)

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the City at the rate stated in Section [220.3.12.](#) 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.

220.3.5 USE TAX.

(Amended by O-1278)

An excise tax is hereby imposed on the storage, use or other consumption in this City of tangible personal property purchased from any retailer on and after the operative date for storage, use or other consumption in this City at the rate stated in Section [220.3.12.](#) 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.

220.3.6 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 said Revenue and Taxation Code shall automatically become a part of this Article.

220.3.7 ENJOINING COLLECTION FORBIDDEN.

No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or this City, or against any officer of the State or this City, to prevent or enjoin the collection under this Article, or Part 1.5 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

220.3.8 PLACE OF SALE.

For the purposes of this Article, 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.

220.3.9 ADOPTION OF PROVISIONS OF STATE LAW.

Except as otherwise provided in this Article, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part I of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Article as though fully set forth herein.

220.3.10 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 Article; 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.

220.3.11 PERMIT NOT REQUIRED.

If a seller's permit has been issued to a retailer under Section 6067 of the Revenue and Taxation Code, an additional seller's permit shall not be required by this Article.

220.3.12 RATE.

The rate of sales tax and use tax imposed by this Article shall be one (1) percent.

220.3.13 OPERATIVE DATE.

This Article shall be operative on January 1, 1974.

220.3.14 EXCLUSIONS AND EXEMPTIONS.

(Amended by O-3082)

- 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.

220.3.15 EXCLUSIONS AND EXEMPTIONS.

(Amended by O-3082)

- 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 waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessels for commercial purposes.
- d) The storage, use, or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property of such vessels for commercial purposes is exempted from the use tax.

- e) There are exempted from the computation of the amount of the sales tax the gross receipts from the sale of tangible personal property to operators of aircraft to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
- f) In addition to the exemptions provided in Sections 6366 and 6366.1 of the Revenue and Taxation Code, the storage, use, or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government is exempted from the use tax.

220.3.16 APPLICATION OF PROVISIONS RELATING TO EXCLUSIONS AND EXEMPTIONS.

(Amended by O-3082)

- a) Section [220.3.14](#). shall become operative on January 1, 1984.
- b) Section [220.3.15](#). shall be operative on the operative date of any act of the Legislature of the State of California which amends Section 7202 of the Revenue and Taxation Code or which repeals and reenacts Section 7202 of the Revenue and Taxation Code to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in subdivisions (i) (7) and (i) (8) of Section 7202 as those subdivisions read on October 1, 1983.

220.3.17 EXISTING SALES AND USE TAX PROVISIONS SUSPENDED.

At the time this Article goes into operation, the provisions of Article [2](#) of this Chapter and Ordinance Nos. 753, 754 and 773 shall be suspended and shall not again be of any force or effect until and unless for any reason the State Board of Equalization ceases to perform the functions incident to the administration and operation of the sales and use tax hereby imposed; provided, however, that if for any reason it is determined that the City is without the power to adopt this Article, or that the State Board of Equalization is without power to perform the functions incident to the administration and operation of the taxes imposed by this Article, the provisions of Article [2](#) of this Chapter and Ordinances Nos. 753, 754 and 773 shall not be deemed to have been suspended, but shall be deemed to have been in full force and effect at the rate of one (1) percent continuously from and after April 1, 1956. Upon the ceasing of the State Board of Equalization to perform the functions incident to the administration and operation of the taxes imposed by this Article, the provisions of Article [2](#) of this Chapter and Ordinances Nos. 753, 754 and 773 shall again be in full force and effect at the rate of one (1) percent.

220.3.18 CREDIT AGAINST TAXES DUE AND PAYABLE TO REDEVELOPMENT AGENCY.

(Added by O-3216)

In the event that the Redevelopment Agency of the City adopts an ordinance pursuant to the provisions of Section 7202.6 of the Revenue and Taxation Code of California which provides for the levying of a sales and use tax within a project area of the Redevelopment Agency, any retailer or other person required to pay a sales or use tax pursuant to the provisions of this Section shall be given a credit against amounts payable under this Section in the amount of sales and/or use taxes payable to the Redevelopment Agency of the City under such ordinance adopted pursuant to the provisions of said Section 7202.6.

CHAPTER 21

CIGARETTE TAX

(Added by O-1503; Amended by O-1664; O-1696; O-1697; provisions suspended by O-1809)

221.1.1 CIGARETTE TAX PROVISIONS.

These provisions have been suspended due to passage by the Legislature of Senate Bill 556, adding Chapter 963 to the Statutes of 1967 which establishes a State Cigarette Tax of Ten (10) cents commencing October 1, 1967; three (3) cents of which will be allocated and paid to cities and counties. Should these State provisions become invalid for any reason, then the provisions of this Chapter 21 shall have been deemed to have been in full force and effect since October 1, 1967.

CHAPTER 22 UNIFORM OCCUPANCY TAX

(Added by O-1500; Amended by O-1831; O-3275)

ARTICLE 1 - GENERAL

222.1.1 TITLE.

This Chapter shall be known as the Uniform Occupancy Tax Law of the City of Torrance.

222.1.2 DEFINITIONS.

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

- a) 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.
- b) Hotel means any structure, or any portion of any structure, which is occupied or intended or designed for occupancy, 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.
- c) Occupancy means the use or possession, or the right to the use or possession of any room or rooms or portion thereof, in any hotel for dwelling, lodging or sleeping purposes.
- d) Lodger means any person who exercises occupancy or is entitled to occupancy by reason of concession, permit, right of access, license or other agreement in a hotel as defined above. Except as hereinbelow provided such entitlement to occupancy does not include a tenancy contract. If the hotel is located in a zoning district which permits transient lodging accommodation and prohibits other residential uses, then it shall be conclusively presumed that a lodging relationship exists for purposes of this Chapter.
- e) 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.
- f) Operator means the person who is proprietor of the hotel, whether in the capacity of owner, lessee, sublessee, mortgagee in possession, licensee, or any other capacity. Where the operator performs his functions through a managing agent of any type or character other than an employee, the managing agent shall also be deemed an operator for the purposes of this 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.

- g) Tax Administrator means the City Manager or his designated nominee.

ARTICLE 2 - REGULATIONS

222.2.1 TAX IMPOSED.

(Amended by O-1831; O-2494; O-2495; O-3062; O-3064; O-3169; O-3288; O-3315; O-3389)

For the privilege of occupancy in any hotel, each lodger is subject to and shall pay a tax in the amount of eleven (11) percent of the rent charged by the operator, commencing March 1, 1994. Said tax constitutes a debt owed by the lodger to the City, which is extinguished only by payment to the operator or to the City. The lodger shall pay the tax to the operator of the hotel at the time rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the lodger's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the Director of Finance may require that such tax shall be paid directly to the Director of Finance.

222.2.2 EXEMPTIONS.

(Amended by O-3076; O-3306; O-3308)

- a) No tax shall be imposed upon 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. 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.
- b) Notwithstanding the provisions of Section [222.2.1](#) above, no tax shall be imposed upon any person who:
 - 1) Is the head of the household; and
 - 2) Stayed in the hotel for longer than sixty (60) days; and
 - 3) Has a combined gross income for the most recently completed calendar year of all members of the household residing in the same room or rooms that does not exceed twelve thousand dollars (\$12,000).

A request for such exemption shall be filed with the Tax Administrator.

222.2.3 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 lodger. The amount of tax shall be separately stated from the amount of the rent charged, and each lodger 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.

222.2.4 REGISTRATION.

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 an 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 Occupancy Registration Certificate signifies that the person named on the face hereof has fulfilled the requirements of the Uniform Occupancy Tax Law by registering with the Tax Administrator for the purpose of collecting from lodgers the 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.

222.2.5 REPORTING AND REMITTING.

(Amended by O-3342; O-3389)

- a) 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 that 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 occupancy tax collected. 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.
- b) During the period beginning January 1, 1994 and ending December 31, 1996, each operator may declare up to ten (10) percent of gross revenue earned from the rental of rooms as subject to the exemption from paying tax by reason of the rental of such rooms thereof to persons for over thirty (30) days; effective January 1, 1997, tax shall be paid on all revenues derived from the rental

of rooms, except as provided in Section [222.2.2](#)

222.2.6 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 (10) 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 (10) percent of the amount of the tax in addition to the amount of the tax and the ten (10) percent penalty first imposed.
- c) Fraud. If the Tax Administrator determines that the non-payment 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 Chapter shall pay interest at the rate of one-half (1/2) of one (1) 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.

222.2.7 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 Chapter 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 (10) days after the serving or mailing of such notice make application in writing to the Tax Administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the Tax Administrator shall become final and conclusive and immediately due and payable. If such application is made, the Tax Administrator shall give not less than five (5) days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in said notice why said amount specified therein should not be fixed for such tax, interest and penalties. At such hearing, the operator may

appear and offer evidence why such specified tax, interest and penalties should not be so fixed. After such hearing the Tax Administrator shall determine the proper tax to be remitted and shall thereafter give written notice to the person in the manner prescribed herein of such determination and the amount of such tax, interest and penalties. The amount determined to be due shall be payable after fifteen (15) days unless an appeal is taken as provided in Sec. 222.2.8.

222.2.8 RIGHT OF APPEAL.

(Amended by O-2822)

The decision of the Tax Administrator may be appealed to the City Council pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing with Section [11.5.1](#).

222.2.9 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 three (3) years, all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the Tax Administrator shall have the right to inspect at all reasonable times.

222.2.10 REFUNDS.

- a) Whenever the amount of any tax, interest and penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the City under this Chapter, it may be refunded as provided in subsections b) and c) of this Section provided a claim in writing therefor, stating under penalty of perjury the specific grounds upon which the claim is founded, is filed with the Tax Administrator within three (3) years of the date of payment. The claim shall be on forms furnished by the Tax Administrator.
- b) An operator may claim a refund or take as credit against taxes collected and remitted, the amount overpaid, paid more than once or erroneously or illegally collected or received when it is established in a manner prescribed by the Tax Administrator that the person from whom the tax has been collected was not a lodger; 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 lodger or credited to rent subsequently payable by the lodger to the operator.
- c) A lodger 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 lodger directly to the Tax Administrator, or when the lodger having paid the tax to the operator, establishes to the satisfaction of the Tax Administrator that the lodger 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.

222.2.11 ACTIONS TO COLLECT.

Any tax required to be paid by any lodger under the provisions of this Chapter shall be deemed a debt owed by the lodger 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 of Torrance for recovery of such amount.

222.2.12 VIOLATIONS; INFRACTION.

Any person violating any of the provisions of this Chapter shall be guilty of a misdemeanor and shall be punishable therefor by a fine as provided for in Section 36900 of the California Government Code.

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 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 an infraction, 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 Chapter to be made, is guilty of a misdemeanor and is punishable as aforesaid.

CHAPTER 23 PARK AND RECREATION FACILITIES TAX

(Added by O-705; Amended by O-960; O-1631; O-2239; O-2256; O-2283; O-2284)

ARTICLE 1 - GENERAL

223.1.1 TITLE.

This tax shall be known as the Park and Recreation Facilities Tax of the City of Torrance.

223.1.2 CREATION OF FUND.

There is hereby established a 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.

223.1.3 PURPOSE.

The City Council of the City of Torrance hereby declares that the taxes required to be paid hereby are assessed pursuant to the taxing power of the City of Torrance and solely for the purpose of producing revenue. The continued increase in the development of dwelling units in the City of Torrance 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.

223.1.4 DEFINITIONS.

(Amended by O-2239)

- a) The term dwelling unit includes each single family dwelling and each unit of an apartment, duplex or multiple dwelling structure designed as a separate habitation for one or more persons, motel unit, or trailer park space.
- 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.

ARTICLE 2 - REGULATIONS

(Amended by O-2239; O-2256; O-2283; O-2284; O-2654)

223.2.1 TAXES; APPLICATION.

The taxes imposed by this Chapter shall be applicable to every dwelling unit hereinafter constructed in the City of Torrance.

223.2.2 TAXES; AMOUNT.

- a) Commencing October 6, 1971, every person constructing any new dwelling unit in the City for which a Park and Recreation Facilities Tax is required to be paid by Sec. 223.2.1. shall pay to the

City therefor the sum of Three Hundred Fifty Dollars (\$350) for each dwelling unit.

- b) Commencing July 1, 1972, every person constructing any new dwelling unit in the City for which a Park and Recreation Facilities Tax is required to be paid by Sec. 223.2.1. shall pay to the City therefor the sum of Four Hundred Dollars (\$400) for each dwelling unit.
- c) Commencing July 1, 1973, every person constructing any new dwelling unit in the City for which a Park and Recreation Facilities Tax is required to be paid by Sec. 223.2.1. shall pay to the City therefor the sum of Four Hundred Fifty Dollars (\$450) for each dwelling unit.
- d) Commencing July 1, 1974, every person constructing any new dwelling unit in the City for which a Park and Recreation Facilities Tax is required to be paid by Sec. 223.2.1. shall pay to the City therefor the sum of Five Hundred Dollars (\$500) for each dwelling unit.
- e) Commencing July 1, 1975, every person constructing any new dwelling unit in the City for which a Park and Recreation Facilities Tax is required to be paid by Sec. 223.2.1. shall pay to the City therefor the sum of Five Hundred Fifty Dollars (\$550) for each dwelling unit.

223.2.3 TAXES; WHEN PAYABLE.

- a) The tax imposed by Section [223.2.2](#). 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 Section [223.2.2](#). shall be a condition precedent to the issuance 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.
- c) In the event that construction of any such dwelling unit is not commenced within sixty (60) days after the issuance of a building permit therefor and an extension of time for the commencement of such construction is granted by the Director of Building and Safety or other official or body of the City, then such building permit shall be deemed to have been issued at the time such extension is granted and the payment of any additional fees due under the schedule set forth in Section [223.2.2](#). shall be a condition precedent to the granting of such extension.

223.2.4 EXEMPTION FROM TAX.

There shall be exempted from the tax set forth in Section [223.2.2](#). the construction of any dwelling unit to be used exclusively for housing for elderly or handicapped persons which is owned and operated by foundations or corporations which, pursuant to the provisions of Section 33396 of the Health and Safety Code are entitled to the welfare exemption provided for in Section 1-c of Article XIII of the State Constitution.

223.2.5 REFUND OF TAX.

(Added by O-2654)

In any case where an owner-occupied single family dwelling unit is replaced by another single family dwelling unit and the owner-occupier of the replaced unit retains ownership and occupancy of the replacement unit for a continuous period of at least one hundred eighty (180) days after the issuance of the occupancy permit for the replacement unit, any taxes paid for such replacement dwelling pursuant to the provisions of Section [223.2.2](#). shall be refunded to such owner-occupant.

CHAPTER 24 REAL PROPERTY TRANSFER TAX

(Added by O-1826; O-1827)

224.1.1 AUTHORITY TO LEVY.

The tax imposed by this Chapter shall be known as the Real Property Transfer Tax of the City of Torrance. The provisions of this Chapter are adopted pursuant to the authority contained in Part 6.7 (commencing with Section 11091) of Division 2 of the Revenue and Taxation Code of the State of California.

224.1.2 TAX IMPOSED.

(Amended by O-3333)

There is hereby imposed on each deed, instrument or writing by which any lands, tenements, or other realty sold within the City of Torrance 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), a tax at the rate of twenty-seven and one-half cents (\$0.275) for each Five Hundred Dollars (\$500) or fractional part thereof; provided, however, that effective July 1, 1991, the tax imposed by this Section shall be at the rate of fifty-five cents (\$0.55) for each Five Hundred Dollars (\$500), or fractional part thereof, which tax shall be in addition to any such tax imposed by the County of Los Angeles pursuant to Revenue and Taxation Code Section 11911; provided further, that effective July 1, 1993, the tax imposed by this Section shall be at the rate of twenty-seven and one-half cents (\$0.275) for each Five Hundred Dollars (\$500) or fractional part thereof, which tax shall be in addition to any such tax imposed by the Court of Los Angeles pursuant to Revenue and Taxation Code Section 11911.

224.1.3 LIABILITY TO PAY.

Any tax imposed pursuant to Section [224.1.2](#). 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.

224.1.4 MORTGAGES.

Any tax imposed pursuant to this Chapter 24, shall not apply to any instrument in writing given to secure a debt.

224.1.5 GOVERNMENTAL AGENCIES.

(Amended by O-2052)

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 Chapter 24 when the exempt agency is acquiring title.

224.1.6 PLANS FOR REORGANIZATION AND ADJUSTMENT.

Any tax enforced pursuant to this Chapter 24 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; or
- d) Whereby a mere change in identity, form or place of organization is affected.

Subdivisions a) to d), inclusive, of this Section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five (5) years from the date of such confirmation, approval or change.

224.1.7 ORDERS OF SECURITIES AND EXCHANGE COMMISSION.

Any tax imposed pursuant to this Chapter 24 shall not apply to the making or delivery of conveyances to make effective any order of the Securities and Exchange Commission, as defined in subdivision a) of Section 1083 of the Internal Revenue Code of 1954; but only if:

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

224.1.8 PARTNERSHIP INTERESTS.

- a) In the case of any realty held by a partnership, no levy shall be imposed pursuant to this Chapter 24 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 24, 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 24, by reason of a termination described in subdivision b) and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination.

224.1.9 ADMINISTRATION.

The County Recorder shall administer this Chapter 24 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.

224.1.10 CLAIMS FOR REFUNDS.

Claims for refund of taxes imposed pursuant to this Chapter 24 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.

CHAPTER 25 **UTILITY USERS' TAX**

(Added by O-1983; O-2016; Amended by O-2492; O-2493)

225.1.1 DEFINITIONS.

(Amended by O-3230; Ord. of 6-3-08 [Res. 2008-88])

The following words and phrases whenever used in this Chapter shall be construed as defined in this Section:

- a) 'Ancillary telecommunications services' means services that are associated with or incidental to the provision, use or enjoyment of telecommunications services including, but not limited to:
 - (1) Services that link two or more participants of an audio or video conference call, including the provision of a telephone number.
 - (2) Services that separately state information pertaining to individual calls on a customer's billing statement.
 - (3) Services that provide telephone number information, and/or address information.
 - (4) Services offered in connection with one or more telecommunications services, which offer advanced calling features that allow customers to identify callers and to manage multiple calls and call connections.
 - (5) Services that enable customers to store, send or receive recorded messages.
- b) 'Billing address' means the mailing address of the service user to which the service supplier addresses invoices or bills for payment by the customer.
- c) 'City' shall mean the City of Torrance.
- d) 'Director' shall mean the Director of Finance of the City of Torrance or his or her designee.
- e) 'Month' shall mean a calendar month.
- f) 'Non-utility supplier' shall mean a service supplier, other than an electrical corporation franchised to serve the City, which generates electrical energy in capacities of at least fifty (50) kilowatts for its own use or for sale to others.
- g) 'Person' shall mean all domestic and foreign corporations, associations, syndicates, joint stock companies, partnerships of every kind, joint ventures, clubs, Massachusetts business or common law trusts, societies, and individuals, and shall include a municipal corporation.
- h) 'Service address' means the residential street address or the business street address of the

service user's primary place of usage of the service which is subject to tax under this Chapter.

- i) 'Service supplier' shall mean a person required to collect or self-impose and remit a tax imposed by this Chapter.
- j) 'Service user' shall mean a person required to pay a tax imposed by this Chapter.
- k) 'Telephone communication services' includes the transmission, conveyance, or routing of voice, data, audio, video, or any other information or signals to a point, or between or among points, whether or not such information is transmitted through interconnected service with the public switched network, whatever the technology used, whether such transmission, conveyance or routing occurs by wire, cable, fiber-optic, light wave, laser, microwave, radio wave (including, but not limited to, cellular service, commercial mobile service, personal communications service (PCS), specialized mobile radio (SMR), and other types of personal wireless service - see 47 USCA Section 332(c) (7) (C) (i) - regardless of radio spectrum used), switching facilities, satellite or any other technology now existing or developed after the adoption of this ordinance, and includes, without limitation, fiber optic, coaxial cable, and wireless. The term "telephone communication 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 telecommunications services. "Telephone communication services" include, but are not limited to, the following services, regardless of the manner or basis on which such services are calculated or billed: central office and custom calling features (including, but not limited to, call waiting, call forwarding, caller identification and three-way calling), local number portability, text messaging, ancillary telecommunication services, prepaid and post-paid telecommunications services (including, but not limited to, prepaid calling cards); mobile telecommunications service; private telecommunication service; paging service; 800 service (or any other toll-free numbers designated by the Federal Communications Commission); and value-added non-voice data service. For purposes of this section, "private telecommunication service" means any dedicated telephone communications service that entitles a user to exclusive or priority use of communications channels. Telephone Communication Service does not include charges for access to the internet or digital downloads, such as downloads of books, music, ringtones, games and similar digital products or the provision of television signals by satellite dish or other wireless means.
- l) 'Telephone corporation,' 'electrical corporation,' 'gas corporation,' 'water corporation,' and 'cable television corporation' shall have the same meanings as defined in Section 234, 218, 222, 241, and 215.5, respectively, of the Public Utilities Code of the State of California, as said sections existed on January 1, 1969. Electrical corporation and water corporation, shall be construed to

include any City-franchised organization or agency and any municipality or agency engaged in the selling or supplying of electrical power or water to a service user.

225.1.2 CONSTITUTIONAL EXEMPTIONS.

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.

225.1.3 TELEPHONE COMMUNICATIONS SERVICES TAX.

(Amended by O-2372; O-2671; O-2672; O-2841; O-3274; O-3299; O-3332; O-3377; O-3705; Ord. of 6-3-08 [Res. 2008-88])

- a) There is imposed a tax upon every person, other than a telephone corporation, who uses telephone communication services in the city, including intrastate, interstate, and international telephone communication services, to the extent permitted by federal and state law. The telephone users tax is intended to, and does, apply to all charges within the city's tax jurisdiction, such as charges billed to a telephone account having a situs in the city as permitted by the Mobile Telecommunications Sourcing Act of 2000, 4 U.S.C. § 116 et seq. The tax imposed by this section shall be at the rate of 6 1/2 percent. The tax shall apply to all charges made for such telephone communication services and shall be collected from the service user by the telephone communication services supplier or its billing agent. There is a rebuttable presumption that telephone communication services billed to a billing or service address in the city are used, in whole or in part, within the city's boundaries, and that such services are subject to taxation under this chapter. There is also a rebuttable presumption that telephone communication services sold within the city that are not billed to a billing address or provided to a primary physical location, including, without limitation, calling card services, are used, in whole or in part, within the city's boundaries and that such services are subject to taxation under this chapter.
- b) The tax imposed in this Section shall be collected from the service user by the person providing the telephone communication services. The amount of tax collected in one (1) month shall be remitted to the Director on or before the 20th day of the following month.
- c) The following shall be exempt from the tax imposed by this section:
 - (1) Charges paid for by inserting coins in coin-operated telephones available to the public with respect to local telephone service, or with respect to long distance telephone service if the charge for such long distance telephone service is less than 25 cents; except that where such coin-operated telephone service is furnished for a guaranteed amount, the amounts paid under such guarantee plus any fixed monthly or other periodic charge shall be subject to the tax.
 - (2) Except with respect to local telephone service, on any charges for services used in the collection of news for the public press, or a news ticker service furnishing a general news

service similar to that of the public press, or radio broadcasting, or in the dissemination of news through the public press, or a news ticker service furnishing a general news service similar to that of the public press, or by means of radio broadcasting, if the charge for such service is billed in writing to such person.

- (3) Charges for services furnished to an international organization or to the American National Red Cross.
 - (4) Charges for any long distance telephone service which originates within a combat zone, as defined in section 112 of the Internal Revenue Code, from a member of the Armed Forces of the United States performing service in such combat zone, as determined under such section, provided a certificate, setting forth such facts as the Secretary of the U.S. Treasury may by regulations prescribe, is furnished to the person receiving such payment.
 - (5) Charges for any long distance telephone service to the extent that the amount so paid is for use by a common carrier, telephone or telegraph company, or radio broadcasting station or network in the conduct of its business as such.
 - (6) Amounts paid by a nonprofit hospital for services furnished to such organization. For purposes of this subsection, the term 'nonprofit hospital' means a hospital referred to in Internal Revenue Code section 170(b)(1)(A)(iii) which is exempt from income tax under Internal Revenue Code section 501(a).
 - (7) Charges for services or facilities furnished to the government of any State, or any political subdivision thereof, or the District of Columbia.
 - (8) Charges paid by a nonprofit educational organization for services or facilities furnished to such organization. For purposes of this subsection, the term 'nonprofit educational organization' means an educational organization described in Internal Revenue Code section 170(b)(1)(A)(ii) which is exempt from income tax under Internal Revenue Code section 501(a). The term also includes a school operated as an activity of an organization described in Internal Revenue Code section 501(c)(3) which is exempt from income tax under Internal Revenue Code section 501(a), if such school normally maintains a regular faculty and curriculum and normally has a regularly enrolled body of pupils or students in attendance at the place where its educational activities are regularly carried on.
 - (9) Charges for maritime mobile services as defined in Section 2.1 of Title 47 of the Code of Federal Regulations as such section existed on October 1, 1967.
- d) 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 telephone communication services.

e) The Director may, from time to time, issue and disseminate to telecommunication service suppliers which are subject to the tax collection requirements of this chapter administrative rulings identifying those telecommunication services that are subject to the tax of subsection A of this section. Such administrative rulings shall be consistent with legal nexus and laws pertaining to telephone communications services and shall not impose a new tax, revise an existing tax methodology, or increase an existing tax, except as permitted by California Government Code Section 53750(h)(2) and (3) or other law. The Director may consider state-wide interpretive rules and guidelines promulgated by any government agency or association of government agencies as a factor in determining the intent of voters adopting this section. To the extent that the tax administrator determines that the tax imposed under this section shall not be collected in full for any period of time, such an administrative ruling falls within the tax administrator's discretion to settle disputes. The tax administrator's exercise of prosecutorial forbearance under this Chapter does not constitute a change in taxing methodology for purposes of Government Code section 53750(h), and the city does not waive or abrogate its ability to impose the telephone users' tax in full as a result of issuing such administrative rulings and may suspend such rulings and recommence collection of the tax without additional voter approval.

225.1.4 ELECTRICITY USERS' TAX.

(Amended by O-2671; O-2672; O-2841; O-3230; O-3332; O-3377)

- a) There is hereby 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 (6) percent of the charges made for such energy; provided, however, that effective July 1, 1991, the tax imposed by this Section shall be at the rate of six and one-half (6 1/2) percent of the charges made for such energy by an electrical corporation franchised to serve the City and shall be paid by the person using such services. The tax applicable to electrical energy provided by a nonutility supplier shall be determined by applying the tax rate to the equivalent charges the service user would have incurred if the energy used had been provided by the electrical corporation franchised by the City. Nonutility suppliers shall install and maintain an appropriate utility-type metering system which will enable compliance with this Section. Charges as used in this Section shall include charges made for 1) metered energy, and 2) minimum charges for service, including customer charges, service charges, demand charges, standby charges and annual and monthly charges.
- b) As used in this Section, the term "using electrical energy" shall not be construed to apply to the storage of such energy in a battery, or the use thereof in a motor vehicle or other device apart from the premises where the battery was charged; nor shall the term include the mere receiving of such energy by an electric public utility or governmental agency at a point within the City for resale.
- c) There shall be excluded from the base on which the tax imposed in this Section is computed, charges made for electricity used in the production or distribution of water.
- d) There shall be excluded from any tax imposed in this Section, an amount equal to the amount

of any Utility User's Tax paid by the nonutility supplier for natural gas used as fuel in the production of electricity.

- e) The tax imposed in this Section shall be collected from the service user by the person supplying such energy. The tax shall be self-imposed by nonutility suppliers as to their own use. The amount of tax collected or self-imposed in one (1) month shall be remitted to the Director on or before the 20th day of the following month.

225.1.5 GAS USERS' TAX.

(Amended by O-2518; O-2671; O-2672; O-2841; O-3332; O-3377; O-3395)

- a) There is hereby imposed a tax upon every person using in the City gas that is transported through a gas pipeline distribution system or by mobile transport. The tax imposed by this Section shall be at the rate of six and one-half (6 1/2) percent of the charges made for such gas, including all services related to the transportation and delivery of such gas, and shall be paid by the person paying for such gas.

"Charges" as used in this Section shall include: (1) the commodity charges for purchased gas, or the cost of gas owned by the service user, that is delivered through a gas pipeline distribution system or by mobile transport; (2) gas transportation charges (including interstate charges to the extent not included in commodity charges); and (3) capacity or demand charges, service charges, customer charges, minimum charges, annual and monthly charges, and any other charges authorized by the California Public Utilities Commission or the Federal Energy Regulatory Commission. "Charges" shall also 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 gas or services related to the delivery of such gas.

The "cost of gas owned by the service user" shall include the actual costs attributable to drilling, production, lifting, storage, gathering, trunkline, pipeline, and other operating costs associated with the production and delivery of such gas.

- b) There shall be excluded from the base on which the tax imposed in this Section is computed charges made for gas which is to be resold and delivered through mains or pipes; charges made for gas sold for use in the generation of electrical energy by a public utility or a governmental agency; charges made from gas used in the production or distribution of water; and charges made by a gas public utility for gas used and consumed in the conduct of the business of gas public utilities.
- c) The tax imposed in this Section shall be collected from the service user by the person selling the gas. The amount collected in one (1) month shall be remitted to the Director on or before the 20th day of the following month.
- d) As used in this Section, the term "using gas" shall not be construed to include the use of natural gas in the operation of motor vehicles.

225.1.6 WATER USERS' TAX.

(Amended by O-2671; O-2672; O-2841)

- a) There is hereby imposed a tax upon every person in the City using water in the City which is delivered through mains or pipes. The tax imposed by this Section shall be at the rate of five and one-half (5 1/2) percent of the charges made for such water and shall be paid by the person paying for such water; provided, however, that effective January 1, 1979, the tax imposed in this Section shall be at the rate of six (6) 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 for 1) metered quantities of water, 2) service or minimum charges, and 3) private fire protection service.
- b) There shall be excluded from the base on which the tax imposed in this Section is computed, charges made for water which is to be resold and delivered through mains or pipes; 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 in the conduct of the business of such department, utility or district; and water used in the production of electrical energy.
- c) The tax imposed in this section shall be collected from the service user by the person selling the water. The amount collected in one (1) month shall be remitted to the Director on or before the 20th day of the following month.

225.1.7 CABLE TELEVISION USERS' TAX.

(Amended by O-2671; O-2672; O-2841; O-3332; O-3377)

- a) There is hereby imposed a tax upon every person in the City using cable television service in the City. The tax imposed by this Section shall be at the rate of six (6) percent of the charges made for such service and shall be paid by the person paying for such service; provided, however, that effective July 1, 1991, the tax imposed in this Section shall be at the rate of six and one-half (6 1/2) percent of the charges made for such service and shall be paid by the person paying for such service.
- b) The tax imposed in this Section shall be collected from the service user by the service supplier. The amount of the tax collected in one (1) month shall be remitted to the Director on or before the 20th day of the following month.

225.1.8 POWERS AND DUTIES OF DIRECTOR.

The Director shall have the power and duty and is hereby directed to enforce each and all of the provisions of this Chapter.

225.1.9 DUTY TO COLLECT; PROCEDURE.

The duty to collect and remit the taxes imposed by this Chapter shall be performed as follows:

- 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 practice. If the amount paid by a service user

is less than the full amount of the charge and tax which has accrued for the billing period, a proportionate share of both the charge and the tax shall be deemed to have been paid.

- b) The duty to collect tax from a service user shall commence with the beginning of the first regular billing period applicable to the person which starts on or after the operative date of this Chapter. Where a service user receives more than one billing, one or more being for different periods than another, the duty to collect shall arise separately for each billing period.
- c) Where the remittance of taxes collected under this Chapter is based upon the estimated percentage of the total amount billed, less uncollectibles and delinquents, the service supplier may submit a payment plan to the Director for his approval. If the Director determines after examining the plan that it is reasonable based on prior systemwide bill collection experience he shall approve the plan. If there is indication to the Director that the payments made are less than ninety-five (95) percent of the actual taxes due he is authorized to investigate and determine whether the service supplier shall submit a new plan.

225.1.10 FAILURE TO REMIT; PENALTY AND INTEREST.

- a) Original Delinquency. Any service supplier who fails to remit any tax imposed by this Chapter on or before the due dates provided in this Chapter is delinquent and shall pay a penalty of ten (10) percent of the total tax collected or imposed herein in addition to the amount of the tax.
- b) Continued Delinquency. Any service supplier 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 (10) percent of the amount of the tax due in addition to the amount of the tax and the ten (10) percent penalty first imposed.
- c) Fraud. If the Director 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 service supplier who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one-half (1/2) of one (1) 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.

225.1.11 RECORDS.

(Amended by O-3230)

It shall be the duty of every service supplier to keep and preserve for a period of three (3) years all records as may be necessary to determine the amount of such tax as he may have been liable for the remittance to the Director, which records the Director shall have the right to inspect at all reasonable times.

225.1.12 FAILURE TO PAY; PENALTY AND INTEREST.

- a) Whenever the Director 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 failed to pay the amount of the tax to such person for a period of two (2) or more billing periods, or whenever the Director 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. The Director 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 the last known address. If a service user fails to remit the tax to the Director 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 accomplished in person, a penalty of twenty-five (25) percent of the amount of the tax set forth in the notice shall be imposed, but not less than Five Dollars (\$5.00). The penalty shall become part of the tax herein to be paid.
- b) In addition to the penalties imposed, any service user who fails to pay any tax imposed by this Chapter shall pay interest at the rate of one-half (1/2) of one (1) percent per month or fraction thereof on the amount of the tax, exclusive of penalties from the date on which the payment first became delinquent until paid.

225.1.13 ASSESSMENT.

- a) The Director may make an assessment for taxes not paid or remitted by a person required to pay or remit. A notice of the assessment which shall refer briefly to the amount of the taxes and penalties imposed and the time and place when such assessment shall be submitted to the City Council for confirmation or modification. The Director shall mail a copy of such notice to the service supplier and to the service user at least ten (10) days prior to the date of the hearing and shall post such notice for at least five (5) continuous days prior to the date of the hearing on the chamber door of the City Council. Any interested party having any objection may appear and be heard at the hearing provided his objection is filed in writing with the Director prior to the time set for the hearing.
- b) At the time fixed for considering said assessment, the City Council shall hear the same together with any objection filed as aforesaid and thereupon may confirm or modify said assessment by motion.

225.1.14 ACTIONS TO COLLECT.

Any tax required to be paid by a service user under the provisions of this Chapter shall be deemed a debt owed by the service user to the City. Any such tax collected from a service user which has not been remitted to the Director shall be deemed a debt owed to the City by the person required to collect and remit. 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.

225.1.15 REFUNDS.

(Amended by O-3160; O-3230; O-3692)

- (a) Whenever the amount of any tax has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the Finance Director under this Chapter, it may be refunded as provided in this section.
- (b) The Finance Director may refund any tax that has been overpaid, paid more than once, or has been erroneously or illegally collected or received by the Finance Director under this Chapter, provided that no refund shall be paid under the provisions of this section unless the claimant or his or her guardian, conservator, executor or administrator has submitted a written claim, under penalty of perjury, to the Finance Director within one year of the overpayment or erroneous or illegal collection of said tax. The claim must clearly establish the claimant's right to the refund by written records demonstrating the claimant's entitlement to a refund. Filing of a refund claim on behalf of a class or group of taxpayers is prohibited, unless each member of the class has submitted a written claim under penalty of perjury as provided by this subsection.
- (c) It is the intent of the City that the one year written claim requirement of this section be given retroactive effect; provided, however, that any claims which arose prior to the enactment of the one year claims period of this section, and which are not otherwise barred by a then-applicable statute of limitations or claims procedure, must be filed with the Finance Director as provided in this subsection within 90 days following the effective date of this ordinance.
- (d) The Finance Director or his or her designee must act upon the refund claim within 45 days of its receipt. The decision of the Finance Director is final. The Finance Director will give notice of the action in a form which substantially complies with that set forth in Government Code Section 913.

If the Finance Director fails or refuses to act on a refund claim within the 45 day period, the claim will be deemed to have been rejected on the 45th day. An appeal may be taken from the decision of the Finance Director, in accordance with the provisions of Article 11.5 of the Torrance Municipal Code.

- (e) The filing of a written claim pursuant to Government Code Section 935 is a prerequisite to any suit for refund. Any action brought against the City pursuant to this section is subject to the provisions of Government Code Sections 945.6 and 946.
- (f) Notwithstanding the notice provisions of subsection (a) of this section, in the event that a service supplier, or a person required to self-impose a tax imposed by this Chapter, remits a tax to City in excess of the amount of tax imposed by this Chapter, the service supplier, or a person required to self-impose a tax imposed by this Chapter, may claim credit for such overpayment against the amount of tax which is due upon any other monthly returns to the Finance Director, provided the credit is claimed in a return dated no later than one year from the date of overpayment

of tax. The Finance Director must first determine the validity of the service supplier's claim of credit, and the underlying basis for the claim.

(g) Notwithstanding the notice provisions of subsection (a) of this section, a service supplier that has collected any amount of tax in excess of the amount of tax imposed by this Chapter and actually due from a service user (whether due to overpayment or erroneous or illegal collection of said tax), may refund the amount to the service user, or credit to charges subsequently payable by the service user to the service supplier, and claim credit for the overpayment against the amount of tax which is due upon any other monthly returns to the Finance Director, provided the credit is claimed in a return dated no later than one year from the date of overpayment or erroneous or illegal collection of the tax. The Finance Director must first determine the validity of the service supplier's claim of credit, and the underlying basis for the claim.

225.1.16 TENANT USERS.

(Added by O-2398)

- a) All persons who are tenants, lessees, or who are the actual consumers of any telephone, electrical, gas, water or cable television service as defined in this Chapter but who have these services provided at no cost or in accordance with provisions of any lease or other agreement by another person shall be a service user for the purposes of this Chapter.
- b) Any person who provides any telephone, electrical, gas, water or cable television service to any person defined as a service user in subsection a) of this Section shall either collect the taxes as required by this Chapter from any such service user and remit the amounts collected to the service supplier or remit an equal amount to the service supplier in lieu of the collection of such taxes from the service user. Any person responsible for collection of taxes required under this Section shall be liable for the penalties and shall be subject to the same penalties as set forth in Sections [225.1.9](#). and [225.1.10](#). of this Chapter.

225.1.17 UTILITY USERS' TAX EXEMPTION.

(Added by O-2542; O-2543; Amended by O-2563; O-2671; O-2672; O-3089; O-3335;O-3513)

- a) The tax imposed by this Chapter shall not apply to any individual taxpayer sixty-two (62) years of age or older or any permanently disabled individual who uses telephone, electric, gas, cable television or water services in or upon any premises occupied by such taxpayer which is the principal residence of such taxpayer, provided the combined gross income for the most recently completed calendar year of all members of the household residing in such principal residence does not exceed two and one-half (2.5) times the Federal Poverty Guidelines for a Family Unit size of one (1) in the forty-eight (48) contiguous states and D.C. For calendar year December 2001 the exempted amount totals Twenty-Two Thousand One Hundred and Fifty Dollars (\$22,150). Proof of permanent disability shall be deemed sufficient if the applicant receives permanent disability insurance from social security or furnishes a statement signed by a licensed physician attesting to the applicant's permanent disability.

- b) The exemption 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 from 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 Section [225.1.18](#)

225.1.18 PROCESSING OF EXEMPTION.

(Added by O-2563)

Any service user exempt from the taxes imposed by this Chapter because of the provisions of Section [225.1.17](#). above, may file an application with the Finance Director for an exemption. Such application shall be made upon forms supplied by the Finance Director and shall recite facts under oath which qualify the applicant for an exemption. The Finance Director shall review all such applications and certify as exempt those applicants determined to qualify therefor 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 service user from 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 Finance Director is given. The service supplier shall eliminate such exempt service user from its tax billing procedure for bills dated no later than sixty (60) days after receipt of such notice from the Finance Director.

225.1.19 CONTINUANCE OF EXEMPTION.

(Added by O-2563; Amended by O-3513)

- a) All individuals that are exempted shall sign and file an affidavit bi-annually with the Finance Director stating that the prerequisite facts supporting the initial qualification for exemption remains true and unchanged provided, however, that the exemption shall automatically terminate with any change in the service address or residence of the exempt individual; and provided further that such individual may nevertheless apply for a new exemption with each change of address or residence.
- b) Any individual exempt from the tax shall notify the Finance Director within ten (10) 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.

225.1.20 NOTIFICATION RE: NONEXEMPT USER.

(Added by O-2563)

Notwithstanding any other provision of this Chapter, any service supplier who determines by any means that a new or nonexempt service user is receiving service through a meter or connection

exempt by virtue of an exemption issued to a previous user or exempt user of the same meter or connection, such service supplier shall immediately notify the Finance Director of such fact and the Finance Director shall conduct an investigation to ascertain whether or not the provisions of this Chapter have been complied with, and where appropriate, order the service supplier to commence collecting the tax from the nonexempt service user.

225.1.21 RIGHT OF APPEAL.

(Added by O-2563; Amended by O-2822)

In the event the Finance Director shall grant or reject any claim for exemption, an appeal may be taken pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing at Section [11.5.1](#).

225.1.22 BUNDLING TAXABLE AND NONTAXABLE CHARGES.

(Added by O-3705)

If a non-taxable service and a taxable service are billed together under a single charge, the entire charge shall be deemed taxable unless the Service Supplier or taxpayer reasonably identifies actual charges not subject to the utility users tax based upon books and records that are kept in the regular course of business, in a manner consistent with generally accepted accounting principles. The Service Supplier or Taxpayer has the burden of proving to the reasonable satisfaction of the Director the proper apportionment of taxable and nontaxable charges.

225.1.23 EFFECT OF STATE AND FEDERAL AUTHORIZATION.

(Added by Ord. of 6-3-08 [Res. 2008-88])

To the extent that the City's authorization to impose or collect any tax imposed under this chapter is expanded or limited as a result of changes in state or federal law, no amendment or modification of this chapter shall be required to conform the tax to those changes, and the tax shall be imposed and collected to the full extent of the city's authorization up to the full amount of the tax imposed under this chapter.

225.1.24 INDEPENDENT AUDIT.

(Added by Ord. of 6-3-08 [Res. 2008-88])

The City shall annually verify that the taxes owed under this chapter have been properly applied, exempted, collected, and remitted in accordance with this chapter, and properly expended according to applicable law. The annual verification shall be performed by a qualified independent third party and the review shall employ reasonable, cost-effective steps to assure compliance, including the use of sampling audits. The verification shall not be required of as to a service supplier where the cost of the verification is expected to exceed the tax revenues to be reviewed.

CHAPTER 27

REMITTANCE OF ALCOHOLIC BEVERAGE CONSUMPTION TAX

(Added by O-1989; repealed by O-2110; interim O-2119; re-added by O-2126)

ARTICLE 1 - GENERAL

227.1.1 PURPOSE.

The purpose of this Chapter is to provide for the remittance of the Alcoholic Beverage Consumption Taxes collected or required to be collected under Ordinance No. 1989 codified as Article [1](#), Chapter [27](#) of Division [2](#) of the Torrance Municipal Code and repealed by Ordinance No. 2110 and to repeal Emergency Ordinance No. 2119 which provided for the interim collection of said taxes and to codify provisions therein.

227.1.2 DEPOSIT IN SPECIAL FUND.

All sums collected pursuant to this Chapter shall be deposited in the Alcoholic Beverage Consumption Fund created by Ordinance No. 1989. Expenditures from said Fund shall be restricted solely to capital improvement projects with priority to be given to acquisition of park land.

227.1.3 TAXES TO BE REMITTED.

The taxes to be remitted under this Chapter are those taxes levied and assessed under Ordinance No. 1989 for the privilege of consuming alcoholic beverages upon the premises of any retailer in the City. A retailer for purposes of this Chapter means any person who sold an alcoholic beverage or beverages for consumption on the premises upon which the sale took place between August 1, 1969, and June 30, 1970, in accordance with the definitions set forth in Ordinance No. 1989 in effect during that period.

227.1.4 COLLECTION AND PAYMENT.

All taxes collected or required to be collected under former Chapter [27](#), Division [2](#) of the Torrance Municipal Code, as repealed on June 30, 1970, constitutes a debt owed by any person who sold alcoholic beverages for consumption on the premises upon which the sale took place.

227.1.5 SCHEDULE OF REMITTANCE.

Each retailer shall remit by August 15, 1970, the total amount collected or required to be collected which has not been previously remitted to the City, to the City Manager or his designated representative, together with a statement on a form provided by the City Manager showing the gross sales receipts for alcoholic beverages sold to consumers, the amount of tax collected, and such other information as may be required. Statements and payments are due immediately upon cessation of the business of selling alcoholic beverages within the City of Torrance by any retailer as defined in Section 1 of this Chapter. All taxes collected by retailers pursuant to former Chapter [27](#), Division [2](#) of the Torrance Municipal Code shall be held in trust for the account of the City until payment thereof is made to the City Manager.

227.1.6 PENALTIES AND INTEREST.

Taxes collected or required to be collected by the retailer in accordance with former Chapter [27](#), Division [2](#) of the Torrance Municipal Code which are not remitted to the City Manager on the dates specified in Section 2 of this Chapter or as specified in former Chapter [27](#), Division [2](#), are delinquent according to the following schedule:

- a) Original Delinquency. Any retailer who fails to remit any tax imposed by this Chapter within the time required shall pay a penalty of ten (10) percent of the amount of the tax in addition to the amount of the tax.
- b) Continued Delinquency. Any retailer 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 (10) percent of the amount of tax in addition to the amount of the tax and the ten (10) percent penalty first imposed.
- c) Fraud. If the City Manager determines that the non-payment 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 retailer who fails to remit any tax imposed by this Chapter shall pay interest at the rate of one-half (1/2) of one (1) 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.

227.1.7 RECORDS.

It shall be the duty of every retailer liable for the collection and payment to the City of any tax imposed by former Chapter [27](#), Division [2](#), of the Torrance Municipal Code to keep and preserve for a period of four (4) years all records as may be necessary to determine the amount of such tax as he may have been liable for the collection of and payment to the City, which records the City Manager shall have the right to inspect at all reasonable times.

227.1.8 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 under former Chapter [27](#), Division [2](#) of the Torrance Municipal Code and under this Chapter, it may be refunded as provided in subsection b) and c) of this Section.
- b) A retailer 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 City Manager that the person from whom the tax has been collected was not a consumer as that term is referred to in subsection c) of Sec. 227.1.1. of

former Chapter [27](#), Division [2](#) of the Torrance Municipal Code; 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 purchaser erroneously required to pay the tax or otherwise credited to him.

- c) No refund shall be paid under the provisions of this Section unless the same is claimed in writing within one hundred (100) days after the amount overpaid, paid more than once, or erroneously or illegally collected or received, has been remitted to the City.

227.1.9 ACTIONS.

Any person consuming alcoholic beverages upon the premises of any retailer in the City who has not paid the tax required by the provisions of this Chapter, and any retailer who has failed to collect or who has collected but not remitted any tax required to be paid by the provisions of this Chapter, shall be liable to an action brought in the name of the City for recovery of such amount.

CHAPTER 28 SEVERANCE TAX LAW

(Added by O-2201; Amended by O-2222)

ARTICLE 1 - DEFINITIONS

228.1.1 CHAPTER TITLE.

This Chapter is known and may be cited as the Severance Tax Law.

228.1.2 GOVERNING DEFINITIONS.

Unless the context otherwise requires, the definitions set forth in this Article govern the construction of this Chapter.

228.1.3 PERSON.

Includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.

228.1.4 OIL.

Shall mean crude oil, condensate, or other mineral oil produced or recovered from the earth as liquid, regardless of specific gravity.

228.1.5 PRODUCER.

Shall mean any person owning, controlling, managing or leasing any oil well and any person who produces or severs oil from the earth in any manner in this City, including any person owning any royalty or other interest in any oil taken from the earth in this City or the proceeds of any such oil, whether produced by him or by some other person, either by lease, contract or otherwise.

228.1.6 OPERATOR.

Shall mean the producer in actual charge of production operations.

228.1.7 PRODUCED.

Shall mean the total gross amount of oil produced and saved, including that attributable to royalty or other interest. Allowance shall be made for any reasonable and bona fide deduction for basic sediment and water, and for correction of temperature to sixty (60) degrees Fahrenheit.

228.1.8 SEVERING.

Shall mean extracting or withdrawing any oil from the earth in this City, whether such extraction or withdrawal is by natural flow, mechanically enforced flow, pumping or any other means.

228.1.9 BARREL.

Shall mean forty-two (42) U. S. gallons of oil.

228.1.10 DIRECTOR.

Shall mean the Director of Finance of the City.

228.1.11 IN THE CITY.

Shall mean the exterior limits of the City of Torrance, and includes all territory within such City limits. A well shall be deemed to be located in the City if the surface location of the well, or the surface of the well itself, is located in the City regardless of where the hole is bottomed.

ARTICLE 2 - IMPOSITION OF TAX

(Added by O-2201)

228.2.1 BARREL RATE.

(Amended by O-2417; O-2496; O-2497; O-2836; O-3231; O-3314)

- a) A tax is hereby imposed upon every person producing or severing oil from the earth in the City at the rate of fifteen (15) cents per barrel per well per year.
- b) The minimum tax to be paid by any person producing or severing oil from the earth in the City shall be Fifty-Six Dollars and Twenty-Five Cents (\$56.25) per well per calendar quarter.
- c) Computation of production for purposes of establishing the minimum tax shall be made quarterly from and including the quarter beginning July 1, 1988.
- d) If the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor for the last calendar month available on October 31, 1990 shall stand at 130.5 (using the price prevailing during the years 1982-84 as a base of 100) then the amount of the taxes in this Division 2 shall remain as written herein.
- e) If the said index for said month shall stand at other than 130.5 then the amount of fees provided in this Section shall be increased or decreased a corresponding amount, provided however, the fees shall be rounded to the nearest penny, except as provided in Sections [35.7.3](#) and [35.8.4](#).
- f) The amount of adjustment shall be determined by the Director of Finance who shall provide such adjustment figures annually thereafter.
- g) In the event the said bureau shall revise the said index, the Director of Finance shall accept the method of revisions or conversion recommended by the bureau.
- h) If the said bureau shall discontinue the preparation of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor, using prices prevailing in the year 1982-84 as a base of 100, and if no transposition table prepared by the Bureau is available which is applicable to the years 1982-84, then the fees shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product

228.2.2 OPERATIVE DATE.

(Amended by O-3231)

The tax imposed by Section [228.2.1](#). shall become operative June 1, 1988 shall be paid at the time and in the manner hereinafter provided, and shall be in addition to any and all other taxes.

228.2.3 TAX ON PRODUCER.

The tax imposed by Section [228.2.1](#). is imposed upon each producer of oil in respect to his interest in the oil or the proceeds therefrom, at the time of severance. The operator shall collect or withhold from each producer the amount of the tax due with respect to the oil produced or severed by the operator and shall return and remit all taxes payable for himself and the other producers in accordance with this part.

228.2.4 RESPONSIBILITY OF PURCHASER.

In the event that the oil produced or severed is sold to any person under a contract requiring the purchaser to make payments directly to those owning any royalty or other interests in the oil or the proceeds therefrom, the purchaser shall be regarded as the operator as respects the requirement of the collection or withholding tax to the Director. Nothing contained herein shall be construed as to relieving the producer in actual charge of production operations from liability for the payment of the entire amount of the tax.

228.2.5 TAX A DEBT.

The tax required to be collected or withheld by the operator from each producer constitutes a debt owed by the operator to the City and the operator shall be personally liable for the payment of any amount of tax required to be collected or withheld by him in the event of his failure to collect or withhold as required herein.

ARTICLE 3 - PERMITS

228.3.1 APPLICATION FOR PERMIT.

- a) It shall be unlawful, after May 31, 1971, for any person to act as an operator in the City without first securing a permit as prescribed herein.
- b) An application for a permit shall be made to the Director upon a form prescribed by the Director. The application shall be signed by the applicant individually if a natural person; in the case of an association or partnership, by a member or partner thereof; and in the case of a corporation, by an executive officer thereof or some person specifically authorized by the corporation to sign the application, to which shall be attached the written evidence of his authority.

228.3.2 PERMIT FEE.

At the time of making an application for each permit, the applicant shall pay to the Director a permit fee of Five Dollars (\$5.00).

228.3.3 ISSUANCE OF PERMIT.

Upon the payment of such permit fee and compliance with other requirements imposed herein, the

Director shall issue to each applicant a permit to act as an operator.

228.3.4 ASSIGNABILITY OF PERMIT.

A permit is not assignable and shall be valid only for the person in whose name it is issued.

228.3.5 DURATION OF PERMIT.

A permit issued under this Chapter shall be valid and effective without further payment of fees until suspended or revoked by the City.

228.3.6 REVOCATION OF PERMIT.

Whenever the holder of a permit fails to comply with any provision of this Chapter or any rule or regulation of the Director prescribed and adopted under this Chapter, the Director, upon hearing, after giving the holder ten (10) days notice in writing of the time and place of the hearing to show cause why his permit should not be revoked, may revoke or suspend the permit. The notice may be served personally or by mail in the manner prescribed in Section [228.5.6](#). for the service of a notice of a deficiency determination.

228.3.7 ISSUANCE OF PERMIT AFTER REVOCATION.

A fee of Five Dollars (\$5.00) shall be collected by the Director for the renewal or issuance of a permit to an operator whose permit has been previously suspended or revoked.

228.3.8 OPERATION WITHOUT PERMIT.

Any person who acts as an operator in the City without a permit, or after a permit has been suspended or revoked, and each officer of any corporation which so acts, is guilty of a misdemeanor.

ARTICLE 4 - RETURNS AND PAYMENTS

228.4.1 DATE PAYABLE.

The taxes imposed by this Chapter are due and payable on or before the 20th day of the month following the calendar quarter in which oil is produced or severed.

228.4.2 QUARTERLY FILING.

(Amended by O-2325)

Every operator shall, on or before the 20th day of July, 1971, and on or before the last day of the month following every calendar quarter thereafter, file with the Director on forms prescribed by the Director a return showing such information as the Director may require to carry out the purposes of this part.

228.4.3 REMITTANCE.

The operator shall transmit with each return a remittance payable to the Director for the amount of taxes due, including the amount required to be collected or withheld.

228.4.4 LESS THAN QUARTERLY FILING.

If the Director deems it necessary, in order to insure the payment of the taxes imposed by this

Chapter or to facilitate the administration of this Chapter, he may require returns and payment of the taxes to be made for other than quarterly periods.

228.4.5 EXTENSIONS.

The Director, for good cause, may extend for not to exceed one (1) month the time for making any return required by this Chapter. The extension may be granted at any time, provided that a request therefor is filed with the Director within or prior to the period for which the extension may be granted.

228.4.6 EXTENSION INTEREST.

Any person to whom an extension is granted shall pay, in addition to the tax, interest at the rate of one-half (1/2) of one (1) percent per month, or fraction thereof, from the date on which the tax would otherwise have been due to the date of payment.

ARTICLE 5 - DEFICIENCY DETERMINATIONS

228.5.1 AMOUNT OF DEFICIENCY.

If the Director is not satisfied with a return filed or the amount of taxes paid by or on behalf of any person, he may compute and determine the amount required to be paid upon the basis of the facts contained in the return or upon the basis of any information that may come into his possession. One or more deficiency determinations may be made of the amount due for one or for more than one (1) quarter. When a business is discontinued a determination may be made at any time thereafter, within the periods specified in Sec. 228.5.7. whether the determination is issued prior to the date of the liability as otherwise specified in this part.

228.5.2 INTEREST.

The amount of the determination, exclusive of penalties, shall bear interest at the rate of one-half (1/2) of one (1) percent per month, or fraction thereof, from the 20th day after the close of the quarter for which the determination is made until the date of payment.

228.5.3 OVERPAYMENTS.

In making a determination the Director may offset overpayments for any month or months together with interest on the overpayments against underpayments for another month or months, against penalties, and against interest on underpayments.

228.5.4 NEGLIGENCE PENALTY.

If any part of the deficiency for which a deficiency determination is made is due to negligence or intentional disregard of this part or authorized rules and regulations, a penalty of ten (10) percent of the amount of the determination shall be added thereto.

228.5.5 FRAUD PENALTY.

If any part of the deficiency for which a deficiency determination is made is due to fraud or an intent to evade this part or authorized rules and regulations, a penalty of twenty-five (25) percent of the amount of the determination shall be added thereto.

228.5.6 NOTICE OF DETERMINATION.

The Director shall give to the person written notice of his determination. The notice may be served personally or by mail; if by mail, service shall be made pursuant to Section 1013 of the Code of Civil Procedure and shall be addressed to the person at his address as it appears in the records of the Director, but the service shall be deemed complete at the time of deposit of the notice in the mail without extension of time for any reason.

228.5.7 EXCEPTIONS.

Except in the case of fraud, intent to evade the tax, or failure to make a return, every notice of a deficiency determination shall be given within three (3) years after the date when the amount should have been reported.

ARTICLE 6 - DETERMINATIONS WHERE NO RETURN**228.6.1 ESTIMATE OF AMOUNT DUE.**

(Amended by O-2325)

If a return is not made, the Director shall make an estimate of the amount due from any person liable for the tax. The estimate shall be made for the quarter or quarters in respect to which a return was not made and shall be based upon any information available to the Director. The Director shall add to the estimated amount interest at the rate of one-half (1/2) of one (1) percent per month or fraction thereof, and penalty equal to ten (10) percent of the amount of principal and interest due. One or more determinations may be made for one or for more than one (1) quarter.

228.6.2 OVERPAYMENTS.

In making a determination the Director may offset overpayments for any quarter or quarters together with interest on the overpayments, against underpayments for another month or months, and against interest and penalties on the underpayments.

228.6.3 FRAUD PENALTY.

If the failure of a person to file a return is due to fraud or intent to evade the tax a penalty of twenty-five (25) percent of the amount required to be paid by the person, exclusive of penalties, shall be added thereto in addition to the ten (10) percent penalty provided in Sec. 228.6.1.

228.6.4 NOTICE OF DETERMINATION.

Promptly after making his determination the Director shall give to the person against whom the determination is made written notice of his estimate and determination, and of the penalty. The notice shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

ARTICLE 7 - JEOPARDY DETERMINATIONS**228.7.1 DETERMINATION OF AMOUNT.**

If the Director believes that the collection of any amount of tax due from any person under this part will be jeopardized by delay, he shall thereupon make a determination of the amount, noting the fact

upon the determination. The amount determined is immediately due and payable.

228.7.2 FINALIZATION OF DETERMINATION.

If the amount specified in the determination is not paid within ten (10) days after service of notice thereof upon the person against whom the determination is made, the determination becomes final at the expiration of that period unless a petition for redetermination is filed within the ten (10) days, and the delinquency penalty and interest provided in Article [9](#) of this Chapter shall attach to the amount specified.

228.7.3 PETITION FOR REDETERMINATION.

The person against whom a jeopardy determination is made may petition for the redetermination thereof pursuant to Article [8](#) of this Chapter. He shall, however, file the petition for redetermination with the Director within ten (10) days after the service upon him of notice of the determination. The person shall at the time of filing the petition for redetermination deposit with the Director such security as he may deem necessary to insure compliance with this Chapter. The security may be sold by the Director at public sale if it becomes necessary in order to recover any amount due under this part. Notice of the sale may be served upon the person who deposited the security personally or by mail in the same manner as prescribed for service of notice of a deficiency determination. Upon any such sale, the surplus, if any, above the amount due under this part shall be returned to the person who deposited the security.

ARTICLE 8 - REDETERMINATIONS

228.8.1 THIRTY DAY PERIOD.

Any person against whom a determination is made under Articles [5](#) or [6](#) of this Chapter may petition for a redetermination within thirty (30) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

228.8.2 HEARING FOR RECONSIDERATION.

If a petition for redetermination is filed within the thirty (30) day period, the Director shall reconsider the determination and, if the person has so requested in his petition, shall grant him an oral hearing and give him ten (10) days notice of the time and place of the hearing. The board may continue the hearing from time to time as may be necessary.

228.8.3 FINAL DECISION.

The order or decision of the Director upon a petition for redetermination becomes final thirty (30) days after mailing of notice thereof.

228.8.4 PAYABLE UPON FINALIZATION.

All determinations made by the Director under Article [2](#) or [3](#) of this Chapter are due and payable at the time they become final. If they are not paid when due and payable, a penalty of ten (10) percent of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

228.8.5 NOTICE OF DETERMINATION.

Any notice required by this Article shall be served personally or by mail in the manner prescribed for service of notice of a deficiency determination.

ARTICLE 9 - INTEREST AND PENALTIES**228.9.1 INTEREST AND PENALTY.**

Any person who fails to pay any tax, except taxes determined by the Director under Article 5 or 6 of this Chapter, within the time required shall pay a penalty of ten (10) percent of the amount of the tax, in addition to the tax, plus interest at the rate of one-half (1/2) of one (1) percent per month, or fraction thereof, from the date on which the tax became due and payable until the date of payment.

ARTICLE 10 - SECURITY FOR TAX**228.10.1 SECURITY LIMITS.**

The Director, whenever he deems it necessary to insure compliance with this Chapter, may require any person subject thereto to deposit with him such security as the Director may determine. The amount of security shall be fixed by the Director, but shall not be greater than twice the estimated quarterly liability of the person for the tax ascertained in such manner as the Director may deem proper. The total amount of security required of any person shall never be less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00). Within the limitations prescribed herein, the Director may increase or reduce the amount of security at any time.

228.10.2 BONDS.

The security shall be in the form of a bond or bonds executed by the person from whom the taxes imposed under this Chapter are required to be paid as principal, and a corporation such as mentioned in Section 1056 of the Code of Civil Procedure in this State as surety, in such form as the Director prescribes, payable to the City conditioned upon the payment of all taxes, penalties, and other obligations of the person arising under this part.

228.10.3 DEPOSITING OF BONDS.

In lieu of a bond a person, under such conditions as the Director may prescribe, may deposit with the City Treasurer an amount of lawful money equivalent to the amount of the bond or bonds or he may deposit bonds or other obligations of the United States, the State of California, or any county of this state of an actual market value not less than the amount of the bond or bonds fixed by the board.

228.10.4 SALE AND PAYMENT.

Upon receipt of a certificate of the Director setting forth the amount of a person's delinquencies, the City Treasurer shall pay to the Director the amount so certified from the money deposited with him by the person or from the amounts received from the sale of bonds or other obligations deposited with the Treasurer by the person. Securities deposited with the Treasurer which have a prevailing market price may be sold by him for the purposes of this Section at private sale at a price not lower than the market price thereof.

ARTICLE 11 - CLAIM FOR REFUND

228.11.1 CREDIT FOR OVERPAYMENT.

If the Director determines that any amount not required to be paid under this Chapter has been paid more than once or has been erroneously or illegally collected or computed, the excess amount collected or paid shall be credited on any amounts then due and payable from the person under this Chapter, and the balance shall be refunded to the person, or his successors, administrators, executors, or assigns.

228.11.2 FILING PERIOD.

No refund shall be allowed or approved after three (3) years from the 20th day after the close of the quarterly period for which the overpayment was made, or, with respect to a determination made under Articles [5](#) and [6](#) of this Chapter, after six (6) months from the date the determination becomes final, or after six (6) months from the date of overpayment, whichever period expires the later, unless a claim therefor is filed with the Director within such period. No credit shall be approved or allowed after the expiration of such period unless a claim for credit is filed with the board within such period.

228.11.3 GROUNDS OF CLAIM.

Every claim for refund or credit shall be in writing and shall state the specific grounds upon which it is founded.

228.11.4 WAIVER OF CLAIM.

Failure to file a claim within the time prescribed in this Article constitutes a waiver of all demands against the City on account of the overpayment.

228.11.5 NOTICE OF DISALLOWANCE.

Within thirty (30) days after disallowing any claim in whole or in part, the Director shall serve written notice of his action on the claimant in the manner prescribed for the service of a deficiency determination.

228.11.6 INTEREST ON OVERPAYMENT.

Interest shall be computed, allowed, and paid upon any overpayment of any amount of tax at the rate of one-half (1/2) of one (1) percent per month from the 20th day of the calendar month following the quarterly period for which the overpayment was made, but no refund or credit shall be made of any interest imposed upon the claimant with respect to the amount being refunded or credited.

The interest shall be paid:

- a) In the case of a refund, to the 20th day of the calendar month following the date upon which the claimant is notified by the Director that a claim may be filed.
- b) In the case of a credit, to the same date as that to which interest is computed on the tax or amount against which the credit is applied.

228.11.7 DISALLOWANCE OF INTEREST.

If the Director determines that any overpayment has been made intentionally or by reason of carelessness, he shall not allow any interest thereon.

ARTICLE 12 - SUITS FOR TAX**228.12.1 AUTHORITY OF DIRECTOR.**

The Director is authorized to bring suit in the name of and on behalf of the City in any Court of competent jurisdiction to collect all sums due the City under this Chapter and to obtain any legal or equitable relief therefore.

228.12.2 DUTY OF CITY ATTORNEY.

The City Attorney shall prosecute any such action and may incur costs and expenses therefor.

ARTICLE 13 - ADMINISTRATION**228.13.1 ENFORCEMENT BY DIRECTOR.**

The Director shall enforce the provisions of this Chapter and may prescribe, adopt, and enforce rules and regulations relating to the administration and enforcement of this Chapter. The Director may prescribe the extent to which any ruling or regulation shall be applied without retroactive effect.

228.13.2 REPRESENTATIVES OF DIRECTOR.

The Director may designate representatives of his department to conduct hearings or perform any other duties imposed by this Chapter.

228.13.3 RECORDS OF TRANSACTIONS.

Every operator and producer and every person dealing in or transporting oil shall keep such records, receipts, charts, invoices, and other pertinent papers and information with respect to producing or severing oil on such form as the Director may require.

228.13.4 EXAMINATION FOR VERIFICATION.

The Director or his representative may examine the books, papers, records, files, meters, charts, and equipment of any operator or producer to verify the accuracy of any return made, or if no return is made, to ascertain and determine the amount required to be paid under this part.

228.13.5 CONFIDENTIALITY OF RECORDS.

It is unlawful for the Director or any person having an administrative duty under this Chapter to make known in any manner whatever the business affairs, operations, or information obtained by an investigation of records and equipment of any person visited or examined in the discharge of official duty, or the amount or source of income, profits, losses, expenditures, or any particular thereof, set forth or disclosed in any report, or to permit any report or copy thereof or any book containing any abstract or particulars thereof to be seen or examined by any person. However, the Director may authorize examination of the records maintained by the Director under this Chapter by County or State officers, by tax officers of another State, by the Federal Government, or by any officer of the

City.

ARTICLE 14 - DISPOSITION OF PROCEEDS

228.14.1 PAYMENT OF REMITTANCE.

(Amended by O-3079)

All amounts required to be paid to the City under this Chapter shall be paid to the Director in the form of remittances payable to the City of Torrance. The Director shall transmit the payments to the City Treasurer to be deposited in the City Treasury to the General Fund.

228.14.2 REPEALED BY O-3079.

CHAPTER 29 CONSTRUCTION TAX LAW

(Added by O-2249; O-2250)

ARTICLE 1 - GENERAL

229.1.1 PURPOSE.

The City Council of the City of Torrance hereby declares that the taxes required to be paid by this Chapter are assessed pursuant to the taxing power of the City of Torrance, and are solely for the purpose of producing revenue.

229.1.2 CHAPTER TITLE.

This Chapter is known and may be cited as the Construction Tax Law.

ARTICLE 2 - DEFINITIONS

229.2.1 DEFINITIONS GOVERNING.

Unless otherwise specified, the definitions set forth in this Article govern the construction of this Chapter.

- a) Person - includes any individual, firm, partnership, joint venture, association, corporation, estate, trust, business trust, receiver, syndicate, or any other group or combination acting as a unit.
- b) Alter or alteration - is any change, addition, or modification in construction.
- c) Building - is a structure, shelter, or enclosure but does not include a dwelling unit or addition or accessory structure thereto.
- d) Building existing - is any building erected prior to the effective date of this Chapter, or one for which a legal building permit has been issued.
- e) Structure - is that which is built or constructed, an edifice or building of any kind but does not include a dwelling unit or addition or accessory structure thereto, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- f) Building official - is the Director of Building and Safety for the City, or his authorized deputy.
- g) Construction - is to erect, enlarge, alter, repair, improve, make, put together, or move any building or structure, or cause the same to be done.
- h) City - shall mean the City of Torrance.
- i) Value - is the total value of all construction work for which a building permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent work or equipment.

ARTICLE 3 - IMPOSITION OF TAX

229.3.1 CONSTRUCTION PROHIBITED.

It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, make, put together, or convert any building or structure, as defined herein, in the City, or attempt to do so, or cause the same to be done without first paying the tax imposed by this Chapter.

229.3.2 RATE OF TAX.

(Amended by O-2739; O-3300)

A tax is hereby imposed upon every person who constructs or alters any building or structure, excluding a dwelling unit or addition or accessory structure thereto, in the City at the rate of one and one-half (1 1/2) percent of the total value of all construction work for which the building official requires a permit pursuant to Section 81.1.1. of this Code; provided, however, that the rate of tax therefor shall be one (1) percent for any building or structure which is exempt from taxation pursuant to the provisions of Section 214 of the State Revenue and Taxation Code (the welfare exemption) and which is constructed by or for any organization a contribution or gift to which would be a charitable contribution under the provisions of Section 170(C)(2) of the United States Internal Revenue Code of 1954 (26 U.S.C.-(C)(2)). The applicant for the reduced rate shall have the burden of proving compliance with the provisions of this Section.

229.3.3 VALUATION.

The determination of value or valuation under the provisions of this Chapter shall be made by the building official.

229.3.4 TIME OF PAYMENT.

The tax imposed by this Chapter shall be paid to the building official in the form of remittances payable to the City of Torrance at the time of the issuance of the building permit required for the proposed construction.

229.3.5 PAYMENT REQUIRED.

The building official shall not issue a building permit to any person prior to the payment of the tax imposed by this Chapter.

229.3.6 EXCEPTION; PAINTED SIGNS.

(Added by O-2332)

The tax imposed by this Chapter shall not apply to the painting of a sign or the repainting of an existing sign regardless of whether or not a permit has been issued therefor, where such work does not result in structural changes being made thereto.

ARTICLE 4 - REFUND OF TAX

229.4.1 REFUND OF TAX.

The tax imposed by this Chapter shall be refunded to the person who paid it in the event that the

construction for which the tax was required to be paid is not started; provided that in the event of such refund, it shall be unlawful for any person to proceed in any way with further construction without first applying for another building permit, and paying the tax imposed by this Chapter.

229.4.2 LIMITATIONS ON REFUNDS.

The provisions of Section [229.4.1](#). above shall be subject to the requirements and limitations of Division [1](#), Chapter [1](#), Article [3](#) of this Code.

ARTICLE 5 - CREDITS

229.5.1 CREDITS.

The following sums shall be deducted from the amount of tax which is required by the provisions of Article [2](#) of this Chapter:

- a) The amount of tax which has been paid to the City pursuant to Chapter [23](#) of Division [2](#) of this Code on account of the proposed construction of the same building or structure.

CHAPTER 30 BICYCLE TRANSPORTATION FUND

(Added by O-2369; Amended by O-2526)

ARTICLE 1 - FUND CREATED

230.1.1 CREATION OF FUND.

There is hereby created the Bicycle Transportation Fund to be composed of all monies paid to the City pursuant to provisions of Article 2 of Chapter 2 of Division [6](#) of this Code. Said fund shall be used solely to develop and maintain a system of bicycle routes and for any other projects of benefit to the bicyclist.

230.1.2 USE OF FUNDS.

(Amended by O-2526)

Monies derived from the registration and licensing of bicycles shall be deposited in said fund and shall be earmarked within said fund to be used as follows:

- a) Thirty cents (\$0.30) to the General Fund for administrative costs.
- b) The balance to be paid into the Bicycle Transportation Fund.

230.1.3 FUNDS DERIVED FROM AUCTION OF BICYCLES.

All funds derived from the auction of unclaimed bicycles shall be deposited in the Bicycle Transportation Fund.

CHAPTER 31

DWELLING UNIT TAX

(Added by O-3271)

231.1.1 TITLE.

This tax shall be known as the Dwelling Unit Tax of the City of Torrance.

231.1.2 DEFINITIONS.

- a) The term Dwelling Unit includes each single-family dwelling and each unit of apartment, duplex or multiple dwelling constructed or designed as a separate habitation for one or more persons, motel unit, or trailer park space.
- b) The term Person includes every person, firm, or corporation constructing, remodeling or enlarging a dwelling unit itself or through the services of any employees, agents or independent contractors.
- c) The term Enlarge means increasing the total floor area of the dwelling, excluding any garage, more than eighty-five percent (85%).
- d) Remodel means improving or enhancing the dwelling unit to the extent that the cost of such improvement or enhancement exceeds eighty-five percent (85%) of the replacement value of the dwelling unit before such remodeling.

231.1.3 TAXES, APPLICATION.

The tax imposed by this Chapter shall be applicable to every dwelling unit constructed, enlarged or remodeled in the City of Torrance.

231.1.4 TAX, AMOUNT.

- a) Commencing May 10, 1989 every person constructing, enlarging or remodeling any dwelling unit in the City of Torrance shall pay the sum of Seven Hundred and Fifty Dollars (\$750.00) for each dwelling unit.
- b) Commencing July 1, 1990, the tax shall be adjusted in relation to the change, if any, in the Consumer Price Index, All Urban Consumers, as follows:
- c) If the Consumer Price Indexes, All Urban Consumers, Los Angeles, Anaheim, Riverside, prepared by the United States Bureau of Labor Statistics, Department of Labor, for the last calendar month available March 1, 1990 shall stand at 125.5 (using the price prevailing during the year 1982-84 as a base of 100) then the amount of the tax provided in this Section shall remain as written herein.
- d) If the said index for said month shall stand at other than 125.5 then the amount of tax provided in this Section shall be increased or decreased a corresponding amount; provided, however, that the tax shall be rounded to the nearest cent.

- e) The amount of adjustment shall be determined by the Director of Finance, and she shall provide such adjustment figures annually thereafter.
- f) In the event the said bureau shall revise the said index, the Director of Finance shall accept the method of revisions or conversion recommended by the bureau.
- g) If the said bureau shall discontinue the preparation of the Consumer Price Indexes, All Urban Consumers, Los Angeles, Anaheim, Riverside, using prices prevailing in the years 1982-84 as a base of 100, and if no transposition table prepared by the bureau is available which is applicable to the years 1982-84, then the tax shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product prices.

231.1.5 TAXES; WHEN PAYABLE.

- a) The tax imposed by Section [231.1.3](#) shall be due and payable at the time of the issuance of the building permit for the construction, enlargement or remodeling of any such dwelling unit.
- b) Payment of the taxes imposed by Section [231.1.3](#) shall be a condition precedent to the issuance by the City of a building permit for the construction, enlargement or remodeling 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.
- c) In the event that construction, enlargement or remodeling of any such dwelling unit is not commenced within sixty (60) days after the issuance of a building permit therefor and an extension of time for the commencement of such construction is granted by the Director of Building and Safety or other official or body of the City, then such building permit shall be deemed to have been issued at the time such extension is granted and the payment of any additional fees due under the schedule set forth in Section [231.1.3](#) shall be a condition precedent to the granting of such extension.

231.1.6 EXEMPTION FROM TAX.

- a) There shall be exempted from the tax set forth in Section [231.1.3](#) the construction, enlargement or remodeling of any dwelling unit to be used exclusively for housing for elderly or handicapped persons which is owned and operated by foundations or corporations which, pursuant to the provisions of Section 33396 of the Health and Safety Code, are entitled to the welfare exemption provided for in Section 1-c of Article XIII of the State Constitution.
- b) In the event any person responsible for paying the tax imposed by Section [231.1.3](#) pays, instead, the construction fee imposed by Resolution 89-98, or any subsequent resolution imposing such a fee by the City Council, the tax imposed by Section [231.1.3](#) shall be waived.

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(Added by O-5; Amended by O-50; O-151; O-235; O-317; O-483; O-495; O-585; O-624; O-809; O-829; O-849; O-866; O-996; O-1045; O-1104; O-1105; O-1102; O-1725)

CHAPTER 1 GENERAL

ARTICLE 1 - DEFINITIONS

For the purposes of this Division, certain words and phrases shall have the meanings ascribed to them as follows:

31.1.1 CARRYING ON BUSINESS.

Shall mean conducting, engaged in, managing or carrying on any profession, trade, calling, occupation or commercial enterprise in the City.

31.1.2 CONCESSIONAIRE.

Shall mean any person who regularly conducts any business by renting or leasing floor space from another person in the latter's place of business, on a cash rental, or commission basis, or otherwise.

31.1.3 FIXED PLACE OF BUSINESS.

Shall mean a business which is fixed or settled in the City rather than temporary and transient, the proprietor of which occupies any building or place or portion thereof for the purpose of selling real or personal property or services.

31.1.4 LICENSE SUPERVISOR.

(Amended by O-1501)

Shall mean the License Supervisor of the City of Torrance.

31.1.5 MERCHANDISE.

Shall mean goods, wares, merchandise or other tangible personal property.

31.1.6 PERSON.

Shall mean, except where the context requires a different meaning, an individual, a co-partnership, joint venture, a firm, an unincorporated association, a syndicate, a club, a society, a trust and all private or political or charitable or social organizations doing business or existing under and by virtue of any law, as a corporation or otherwise.

31.1.7 SALE AND SELL.

Shall each mean:

- a) Any contract to sell, sale or conditional sale as defined in Part IV, Division 3 of the California Civil Code;
- b) Any supplying of merchandise to the special order of the purchaser; and
- c) Any transfer of possession of merchandise where a person other than the transferee retains or receives the Title thereto for security purposes.

31.1.8 TRANSIENT BUSINESS.

- a) Shall include any business, not specifically listed elsewhere in this Division, which by its nature is only conducted intermittently for periods of five (5) days or less.
- b) Shall not include businesses which have a business license at regular business locations and which for any reason discontinues business in five (5) days or less.

31.1.9 PEDDLER.

Shall mean any person selling or offering for sale goods, wares, merchandise of any kind or food or drink from a pack, stand or vehicle or by going from place to place who has such goods, wares or merchandise in his possession at the time of selling or offering for sale and who primarily relies on present solicitation of chance customers for purchases of uncertain quantities of such goods, wares or merchandise and concurrently sells and delivers them.

ARTICLE 2 - PAYMENT OF TAX**31.2.1 SCHEDULE OF LICENSE TAXES.**

(Amended by O-297; O-1501; O-1725; O-2129; O-2288; O-2416; O-2843; O-3170; O-3229; O-3354; O-3364)

Effective December 16, 1992, every person carrying on in the City any business or rendering any services, except those businesses expressly enumerated in Chapter [3](#), shall pay a basic license tax of \$138.00* per year, and in addition thereto, shall pay an additional license tax of \$40.00¹ for each person engaged in the business (except owner) up to a maximum of two thousand five hundred (2,500) employees.

31.2.2 ADDITIONAL LICENSE TAX.

(Amended by O-2129)

The additional license tax shall be based on the number of persons engaged in the business in the City on December 31st of the year preceding the year for which the license was issued.

31.2.3 DEFINITION OF PERSON ENGAGED IN THE BUSINESS.

(Amended by O-2288)

For the purpose of computing the additional license tax, person engaged in business shall mean all individuals engaged in the operation or conduct of any business, whether as owner, member of the owner's family, partner, agent, manager and any and all other persons employed or working in said business for a wage, salary, commission or board and room. Number of persons may be determined by dividing by forty (40) the total number of hours worked per week by all persons engaged in business.

31.2.4 NEW APPLICANTS.

Every applicant applying for the first time for a business license under this Division shall file an affidavit estimating the number of persons he intends or expects to have engaged in the business

for the balance of the year for which he is applying, and shall pay the license tax based on such estimate.

31.2.5 UNCLASSIFIED BUSINESS.

(Amended by O-1501; O-1725; O-2129; O-2288; O-2416; O-2843; O-3170; O-3229; O-3354; O-3364)

- a) Effective July 1, 1988, every person who carried on a business from a fixed place within the City and which business is not specifically listed elsewhere in this Division, shall pay an annual license tax composed of a basic license tax of \$138.00* and an additional license tax of \$35.00* for each employee therein.
- b) Effective July 1, 1988, every person not having a fixed place of business in the City who engaged in business within the City and which business is not specifically listed elsewhere in this Division shall pay an annual license tax of \$135.00* and an additional tax of \$35.00* for each employee working within the City of Torrance.

31.2.6 CONCESSION.

Every person carrying on business as a concessionaire at a fixed place of business in the City shall pay the license taxes as provided in this Division the same as if such business were conducted under a separate roof.

31.2.7 ROUTES NOT OPERATED FROM FIXED PLACE OF BUSINESS.

(Amended by O-2129; O-2288; O-2843; O-3170; O-3229; O-3354; O-3364)

- a) Every person not having a fixed place of business in the City who carries on the business of a retail route within the City, and which business is not specifically listed elsewhere in this Division, shall pay an annual license tax of \$158.00² per year per vehicle.
- b) Every person not having a fixed place of business in the City who carries on the business of a wholesale route within the City and which business is not specifically listed elsewhere in this Division shall pay an annual license tax of \$112.00* per year per vehicle.

31.2.8 ROUTES OPERATED FROM FIXED PLACE OF BUSINESS.

Any person carrying on a business at a fixed place of business for which a license tax has been paid shall not be charged an additional license tax for retail or wholesale routes operated from such business.

31.2.9 TWO TYPES OF BUSINESS AT SAME LOCATION.

Where two (2) or more types of business are carried on at the same address and under one (1) ownership, the license tax shall be paid for the classification of the business conducted for which the higher fee is required.

31.2.10 LICENSES PAYABLE ANNUALLY.

(Amended by O-743)

The annual license tax shall be due and payable to the City in the Office of the License Supervisor at the time specified in this Division or when not so specified, on the first day of January of each year.

31.2.11 DAILY LICENSES.

(Amended by O-396)

The daily license tax provided in this Division shall be due and payable to the City in the office of the License Supervisor each day, in advance, and shall become delinquent on the following day.

31.2.12 PRORATION OF TAXES.

(Amended by O-809; O-2129; O-2288)

Notwithstanding the provisions of any section of this Division, the basic annual flat rate or plus fee license tax shall be pro-rated so that the applicant shall pay therefor the following amounts:

- a) January 1 through March 15-Total tax due
- b) March 16 through June 15-Three-fourths of such tax
- c) June 16 through September 15-One-half of such tax
- d) September 16 through December 15 or after December 15th at the option of the person applying, the total fee for the following year.-One-fourth of such tax
- e) Notwithstanding subsections a), b), c) or d)-The minimum fee shall not be less than \$1.00.

31.2.13 REFUNDS.

(Amended by O-3061)

- a) Whenever any money is collected or received by the Revenue Administrator, it shall be refunded with the approval of the License Review Board only under the following conditions:
 - 1) Where a refund is specifically authorized by the provisions of law not requiring payment of the license tax;
 - 2) Where the money is paid to secure a license not required by law;
 - 3) Where the amount paid was in excess of the amount required by law;
 - 4) Where the applicant has not at any time after applying for a license actually commenced to engage in the business or performed any act for which a license is required.
- b) When a refund is made under the provisions of this Section, the City shall retain from the amount refunded twenty (20) percent thereof for administrative expenses, but not to exceed

Twenty-five Dollars (\$25.00). If, in the opinion of the City Manager or the City Council, the City was at fault, such retained amount may be waived.

- c) All requests for refunds shall be made in writing to the Revenue Administrator.
- d) All refunds payable under the provisions of this Section shall first be applied to pay any debt owed by the applicant to the City.

31.2.14 DISPOSITION OF MONIES COLLECTED.

(Amended by O-1742)

The License Supervisor shall deposit daily with the City Treasurer all monies collected for licenses, for which the City Treasurer shall issue a receipt.

31.2.15 MINOR ERRORS IN PAYMENTS.

(Added by O-2129; Amended by O-2288)

In the event a discrepancy exists between the amount of tax paid and the amount of tax due, resulting in an underpayment or overpayment of the tax in an amount of \$7.00 or less, the License Supervisor may accept and record such underpayment or overpayment without notification to the taxpayer.

31.2.16 CHANGES IN LICENSE TAX.

(Amended by O-2843; O-3376)

- a) The rate of license tax due and owing on January 1, 1994 shall remain the same as for the same license on January 1, 1993. Commencing, however, on July 1, 1994, the rate of business license tax shall increase by the percentage of increase, if any, of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics between the months of May 1993 and May 1994.
- b) Annually thereafter, if the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor for the month of May shall stand at the same index number as in May 1994 (using the price prevailing during the years 1982-84 as a base of 100) then the amount of the taxes in this Division 3 shall remain as written herein.
- c) If the said index for said month shall stand at other than the index number in May 1994, then the amount of fees provided in this Division 3 shall be increased or decreased a corresponding amount; provided, however, that the fees shall be rounded to the nearest dollar, except as provided in Sections [35.7.3](#) and [35.8.4](#).
- d) The amount of adjustment shall be determined by the Director of Finance, who shall provide

such adjustment figures each calendar year thereafter.

- e) In the event the said bureau shall revise the said index, the Director of Finance shall accept the method of revisions or conversion recommended by the bureau.
- f) If the said bureau shall discontinue the preparation of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor, using prices prevailing in the year 1982-84 as a base of 100, and if no transportation table prepared by the Bureau is available which is applicable to the years 1982-84, then the fees shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product prices.

31.2.17 COMMERCIAL OFFICE TAX.

(Added by O-3298; amended by O-3313)

- a) A tax is hereby imposed upon every person owning or operating a commercial office building in the City at the rate of five (5) cents per gross square foot per year, except as provided in Section [31.2.20](#) below.
- b) The amount of tax shall be determined by the Director of Finance annually, and shall be billed to the owner or operator annually. Said tax shall be increased or decreased in relation to the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor.
- c) If the said Index for said month shall stand at other than 130.5 then the amount of fees provided in this Section may be increased a corresponding amount; provided, however, that the fees shall be rounded to the nearest one-tenth of one cent, but shall not be less than five (5) cents per square foot, except as provided in Sections [35.7.3](#) and [35.8.4](#)
- d) The amount of adjustment shall be determined by the Director of Finance, and she shall provide such adjustment figures annually thereafter.
- e) In the event the said Bureau shall revise the said Index, the Director of Finance shall accept the method of revisions or conversion recommended by the Bureau.
- f) If the said Bureau shall discontinue the preparation of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor, using prices prevailing in the years 1982-84 as a base of 100, and if no transposition table prepared by the bureau is available which is applicable to the years 1982-84, then the fees shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product prices.

31.2.18 OPERATIVE DATE.

(Added by O-3298)

The tax imposed by this Article shall be effective July 1, 1990.

31.2.19 DEFINITIONS.

(Added by O-3298)

a) For purposes of Section [31.2.17](#), the term "commercial office building" shall mean any building which is used to the extent of more than fifty percent (50%) for office uses.

b) For purposes of Section [31.2.17](#), the term "office uses" shall mean those uses which are customarily associated with offices where such work as clerical, consulting or computing is performed, including, but not by way of limitation, professional offices, such as legal, medical, dental, engineering, scientific, fine arts, literary, social services, architects, designers, employment agencies, secretarial services, accounting, stocks and bonds, typing and labeling services, travel agencies, public relations, escrow offices, mortgage or loan offices, insurance agencies, collection agencies, advertising agencies, and business offices, both general and corporate, but not including banks, savings and loans or laboratories.

31.2.20 TAX APPLICATION.

(Added by O-3298)

The tax imposed by this Article shall be calculated on the gross floor area of each building identified as a commercial office building; provided, however, that such tax shall be applied only to those commercial office buildings, or portions of commercial office buildings, which exceed five thousand (5,000) square feet in area.

31.2.21 THIRTY-DAY PERIOD.

(Added by O-3298)

Any person against whom a determination is made under Section [31.2.14](#) of this Article may petition for a redetermination within thirty (30) days after service upon the person of notice thereof. If a petition for redetermination is not filed within the thirty (30) day period, the determination becomes final at the expiration of the period.

31.2.22 HEARING FOR RECONSIDERATION.

(Added by O-3298)

If a petition for redetermination is filed within the thirty (30) day period, the Director shall reconsider the determination and, if the person has so requested in his petition, shall grant him an oral hearing and give him ten (10) days notice of the time and place of the hearing. The Director may continue the hearing from time to time as may be necessary.

31.2.23 FINAL DECISION.

(Added by O-3298)

The order or decision of the Director upon a petition for redetermination becomes final thirty (30) days after mailing of notice thereof.

31.2.24 PAYABLE UPON FINALIZATION.

(Added by O-3298)

All determinations made by the Director under this Article are due and payable at the time they become final. If they are not paid when due and payable, a penalty of ten percent (10%) of the amount of the determination, exclusive of interest and penalties, shall be added thereto.

31.2.25 NOTICE OF DETERMINATION.

(Added by O-3298)

Any notice required by this Article shall be served personally or by mail.

ARTICLE 3 - PENALTIES AND ENFORCEMENT

(Amended by O-1725)

31.3.1 CARRYING ON BUSINESS WITHOUT LICENSE.

(Added by O-3385)

No person (whether as principal or agent, clerk or employee, either for himself or for any other person, or otherwise) shall carry on any business in the City without first having obtained a license therefor from the City, and without complying with any and all applicable provisions of this Division. Each day that such business is so carried on shall constitute a separate violation of this Division.

31.3.2 COMMENCEMENT OF BUSINESS WITHOUT LICENSE; PENALTY.

(Amended by O-2288)

Any person who carries on any business without first having obtained a license therefor shall pay a penalty of ten (10) percent of the prescribed business tax; an additional one (1) percent penalty shall be added for each three (3) days or fraction thereof after notice shall have been issued to such person directing him to appear at the Office of the City License Inspector and until the appropriate business application is filed and tax paid, except that the total amount of penalty added shall in no event exceed fifty (50) percent of the amount of tax due. Such penalty shall be collected and the payment thereof shall be enforced in the same manner as other business taxes are collected and payment enforced.

31.3.3 DELINQUENT TAXES; PENALTIES.

(Amended by O-47; O-2288)

- a) Annual or quarterly taxes shall be delinquent if not paid by 5:00 p.m. on the last day of the month following the close of the previous period. A penalty of one (1) percent of the tax due shall be added to the tax for every three (3) days or fraction thereof that tax is delinquent, provided that the

total amount of such penalty to be added shall in no event exceed fifty (50) percent of the amount of tax due. Such penalty shall be collected and the payment thereof shall be enforced in the same manner as other business taxes are collected and payment enforced.

b) Daily taxes shall be delinquent if not paid before the close of the City's business day on the day the tax was due and payable. A penalty of ten (10) percent of the tax shall be added to the tax if not paid by that time and an additional one (1) percent of the tax shall be added for each additional day of delinquency thereafter, provided that the total amount of such penalty to be added shall in no event exceed fifty (50) percent of the amount of tax due. Such penalty shall be collected and the payment thereof shall be enforced in the same manner as other business taxes are collected and payment enforced.

31.3.4 SEPARATE LICENSE FOR EACH BRANCH OF BUSINESS.

(Amended by O-2288)

A separate business license shall be obtained for each business location. No person shall carry on any business except at the location stated in the license issued to such person. No person shall conduct any business except that specified in the license issued to such person.

31.3.5 EFFECT OF ISSUANCE.

The issuance of any license shall not authorize the commencing or conducting of any business in the City contrary to the provisions of the zoning or other provisions of this Code.

31.3.6 UNLAWFUL BUSINESS.

(Amended by O-495; O-629; O-3684)

No license issued under the provisions of this Division shall be construed as authorizing the conduct of or continuance of any illegal or unlawful business or practice, or the furnishing, sale, or provisioning of any service, good, or product that is illegal under this Code, the Laws of the State of California, or the Laws of the United States of America.

31.3.7 INDEBTEDNESS FOR PAST LICENSES.

No license shall be issued for any succeeding current or unexpired license period knowingly to any person who, at the time of requesting any new license, is indebted to the City for any unpaid license tax.

31.3.8 CIVIL AND CRIMINAL ACTIONS.

(Amended by O-47; O-50; O-109)

a) The amount of any license tax imposed by this Division shall be deemed a debt to the City, and any person carrying on any business mentioned in this Division without having a license therefor from the City shall be subject to an action in the name of said City in any court of competent jurisdiction for the collection of the amount of license tax by this Division imposed on such business.

- b) The conviction and punishment of any person for carrying on any business without a license shall not excuse or exempt such person from the payment of such license tax due or unpaid at the time of such conviction.
- c) Nothing herein contained shall prevent a criminal prosecution of any person violating any of the provisions of this Division; provided, however, that persons holding a license issued by the State to carry on any business shall not be subject to criminal prosecution for failure to pay any license tax required by this Division.

31.3.9 AUTHORITY OF LICENSE SUPERVISOR.

- a) The License Supervisor and his deputies shall be appointed police officers of the City and shall have the authority of police officers in the enforcement of this Division, including, but not limited to the authority:
 - 1) To make arrests for the violation of any of the provisions of this Division;
 - 2) To enter free of charge, at any time, any place of business for which a license is required by this Division and to demand the exhibition of such license for the current term by any person engaged or employed in the transaction of such business;
 - 3) To examine the books and records of any applicant or licensee when reasonably necessary to the administration and enforcement of the provisions of this Division.
- b) If any such person shall then and there fail to permit entry of the License Supervisor or his deputy, or fail to exhibit such license, books or records, such person shall be liable to the penalty provided for a violation of this Division.

31.3.10 RULES AND REGULATIONS.

The License Supervisor is hereby authorized to make such rules and regulations as may be necessary for the enforcement of the provisions of this Division.

ARTICLE 4 - THE LICENSE

(Amended by O-50; O-110; O-624; O-1725)

31.4.1 APPLICATIONS.

(Amended by O-2129; O-2538; O-3684)

- a) Every person required to have a business license shall make application to the License Supervisor. The applicant shall furnish all information required to enable the License Supervisor to properly classify the business of the applicant and determine the proper license tax to be paid by such applicant. This information shall include, but not be limited to:

- 1) Name of firm;

- 2) Address and phone number;
 - 3) Mailing address;
 - 4) Nature of business;
 - 5) Name of applicant;
 - 6) Address and phone number of applicant;
 - 7) Driver's license number of applicant;
 - 8) Social Security number of applicant;
 - 9) An affirmation by the applicant that the business does not furnish or provide any service, good, or product that is illegal under this Code, the Laws of the State of California, or the Laws of the United States of America.
- b) Upon the payment of the prescribed license tax, the License Supervisor shall, except as otherwise provided in this Division, issue to such person a license which shall contain:
- 1) The name of the person to whom the license is issued;
 - 2) The address of the business being conducted;
 - 3) The name and description of the business licensed;
 - 4) The amount of license tax paid for current year;
 - 5) The date of expiration of such license;
 - 6) Such other information as may be necessary for the enforcement of this Division.
- c) No person shall make any false, misleading or fraudulent statement or misrepresent any fact in any application for a license.

31.4.2 HEALTH PERMIT REQUIRED.

No license shall be issued to any business for which a health permit is required by law until such permit has been obtained from the health officer of the City.

31.4.3 STATE LICENSEES.

(Amended by O-495)

Notwithstanding any other provision of this Code, no person holding a license issued by the State to carry on any business shall be required to perform any acts as a condition of the issuance of a license therefor by the City under this Division, except the payment of a City license tax for revenue only and the filing of an application for a license with the License Supervisor containing the

information required by Section [31.4.1](#).

31.4.4 TRANSFER.

(Amended by O-2129; O-2288)

- a) No business license shall be transferable; provided, however that where a license is issued authorizing a person to conduct a business at a particular location, such licensee, upon application and the payment of \$8.00* may have the license previously issued amended so as to authorize the conduct of the same type of business from such other location.
- b) It shall be unlawful for any licensee to sell, give or otherwise transfer to another person, or allow any other person to use or display, damage or remove, or to have in his possession, except as authorized by this Division, any license or insignia which has been issued to such licensee.
- c) The transfer of the stock or assets of any licensed business which results in the control of the business passing to the buyer, shall constitute a change of ownership.

31.4.5 EXHIBITION OF LICENSE.

(Amended by O-50; O-110; O-629)

Every person having a business license and carrying on a business at a fixed place of business shall keep such license posted and exhibited while in force in some conspicuous part of said place of business. Every person having such a license and not having a fixed place of business shall carry such license with him at all times while carrying on the business for which the same was issued.

31.4.6 REPLACEMENT.

(Amended by O-2129; O-2288)

The License Supervisor shall make a charge of \$3.00* for each duplicate license issued to replace any license which has been lost or destroyed.

31.4.7 MISTAKES.

(Amended by O-50; O-110)

In no case shall any mistake made by the License Supervisor in stating the amount of a license tax prevent or prejudice the collection by the City of the amount which shall be actually due from anyone carrying on a business subject to a license under this Division.

31.4.8 CHANGE OF NAME.

(Added by O-2129; Amended by O-2288)

The owner of a business desiring to change the name of the business, may upon application to the License Supervisor and the payment of \$8.00³ have the license previously issued amended to show new name under which business is to be conducted.

ARTICLE 5 - VEHICLE IDENTIFICATION TAGS

(Amended by O-829; O-1045; O-1102; O-1725; O-2116)

31.5.1 VEHICLE IDENTIFICATION TAG REQUIRED.

When a person pays a license tax to engage in business, and as an incident to such business uses or operates any motor vehicle, as defined in the State Vehicle Code, in said business, the License Supervisor shall issue to such person at the time of issuing the license, a vehicle identification tag for each such vehicle used in the business, or the number of identification tags thereof as he deems necessary for any such business. The vehicle identification tag shall be numbered and be of such size, style and design as the License Supervisor shall designate.

31.5.2 DISPLAY OF VEHICLE IDENTIFICATION TAG.

No person to whom a vehicle identification tag has been issued pursuant to Section [31.5.1](#)., whether owner, employee, agent, or otherwise, shall operate any such vehicle as above mentioned, in the City unless such vehicle identification tag is displayed in a conspicuous place on the exterior of the vehicle.

31.5.3 REPLACEMENT OF VEHICLE IDENTIFICATION TAG.

In case of loss or mutilation of such vehicle identification tag a duplicate may be issued by the License Supervisor providing a fee of One Dollar (\$1.00) is paid for each duplicate.

31.5.4 TRANSFER OF VEHICLE IDENTIFICATION TAG.

No person to whom a vehicle identification tag has been issued shall give away, sell or transfer any such identification tag or permit its use by any other person.

31.5.5 INSPECTION BY CHIEF OF POLICE.

(Added by O-3385)

In addition to those vehicles described in California Vehicle Code Section 34500, before a business license is issued to any person, firm or corporation for collecting, hauling or disposing of solid waste, or for the collection, hauling or disposal of recyclable materials, or for the operation of a refreshment or catering vehicle, or a vehicle for the sale of ice cream, candy or other foodstuffs on the City streets, each vehicle or trailer that will be used in such collection, delivery, distribution, sale or disposing shall be inspected by the Chief of Police and shall be found by him to be in compliance with the requirements of the California Vehicle Code.

ARTICLE 6 - EXEMPTIONS⁴

(Amended by O-629; O-1725)

31.6.1 CONSTITUTIONAL EXEMPTIONS.

Nothing in this Division shall be deemed or construed to apply to any person carrying on any business exempt from the payment of license taxes by virtue of the Constitution or laws of the

United States or of the State of California.

31.6.2 PARTICULAR EXEMPTIONS.

(Amended by O-3137)

Except as hereinafter provided in this Article, and subject to the provisions of Chapter [4](#), the provisions of this Division shall not be construed to require the payment of a license tax to carry on any business or activity for solely charitable, benevolent, religious or political purposes, the receipts of which are to be immediately appropriated for such purpose, or any business or activity operated as part of the City-sponsored Certified Farmers' Market, whether for monetary gain or otherwise.

31.6.3 EXCEPTIONS.

The exemptions provided in Section [31.6.2](#). shall not apply to any person not organized and existing for solely charitable, benevolent, religious or political purposes who, for monetary gain, carries on, participates in or sponsors any such exempt business or activity.

31.6.4 APPLICATION FOR EXEMPTION.

(Amended by O-2499)

Any person who claims exemption from the payment of the license tax shall make an application for such exemption upon a form furnished by the License Supervisor. The License Supervisor shall make, or cause to be made, an investigation of the applicant and the business or activity for which the exemption is claimed to determine whether the applicant qualifies for an exemption. If the License Supervisor finds that the applicant qualifies for an exemption, he shall issue a No Fee license to such applicant.

31.6.5 RIGHT OF APPEAL.

(Added by O-2499; Amended by O-2822)

If the License Supervisor fails or refuses to issue a no fee license to an applicant for an exemption, the applicant may appeal such decision to the License Review Board which shall hold a hearing thereon in accordance with the provisions of Article [7](#) of this Chapter. The License Review Board, following such hearing, shall determine whether or not the applicant is entitled to such exemption. The decision of the License Review Board may be appealed to the City Council in accordance with the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing with Section [11.5.1](#).

31.6.6 CITY SPONSORED EVENTS.

(Added by O-3464)

The City may exempt any person carrying on a business at a City conducted or sponsored event from the requirements of this Division for business activity conducted at the event.

ARTICLE 7 - LICENSE REVIEW BOARD

(Added by O-1101; Amended by O-1725)

31.7.1 DUTIES OF LICENSE REVIEW BOARD.

- a) The License Review Board is hereby created to review applications for a business license in the following cases:
 - 1) When a license is denied by the License Supervisor or any other officer or employee of the City;
 - 2) Applications made for the issuance of free licenses;
 - 3) For those businesses which, under the provisions of this Division, require License Review Board approval before a license may be issued; and
 - 4) All such other business license applications as in the discretion of the License Supervisor should be sent to the License Review Board.

- b) All matters pertaining to the revocation and suspension of business licenses shall be referred to the License Review Board for hearing and findings.

- c) The License Review Board shall review applications for fund solicitation certificates, as set forth in Article 2 of Chapter 4.

31.7.2 MEMBERS OF THE LICENSE REVIEW BOARD.

(Amended by O-2169; O-3501)

The License Review Board will be composed of three City employees designated by the City Manager.

31.7.3 APPROVAL OF LICENSE REVIEW BOARD.

(Amended by O-1173; O-1493; O-1590; O-1725; O-2021; O-2266; O-2288; O-2894; O-3087; O-3102)

No license shall be issued to carry on any of the following businesses except upon approval of the License Review Board:

- 1) Animal shelter, humane society or dog pound
- 2) Automobile parts and supplies; secondhand
- 3) Automobile wrecking
- 4) Baths
- 5) Billiard or pool hall
- 6) Bowling alley

- 7) Boxing, wrestling exhibitions
- 8) Brick yard
- 9) Carnival, circuses, rodeos or itinerant shows
- 10) Cemetery
- 11) Dance halls
- 12) Entertainment
- 13) Fireworks stands
- 14) Foster homes
- 15) Handbills, religious or political
- 16) Junk dealer, junk collector, salvage pickup
- 17) Mausoleum
- 18) Mining operations
- 19) Rebound tumbling center (trampolines)
- 20) Secondhand dealers
- 21) Swap meets
- 22) Swim-at-home instruction
- 23) Taxicabs
- 24) Used car dealers
- 25) Massage parlors - massagist
- 26) Transfer of on-sale liquor sales licenses pursuant to the provisions of Section 95.3.3. of this Code
- 27) Hypnotist
- 28) Fortune-telling
- 29) Escorts and escort bureaus

31.7.4 STANDARDS.

(Amended by O-3011)

- a) Every application for a license for the businesses listed in Section [31.7.3](#). of this Article shall be in the form required by the License Review Board and shall be accompanied by a fee sufficient to cover the cost of processing the application and conducting the investigation required by this Section. The License Review Board may adopt regulations and procedures to implement this Division.
- b) The Revenue Administrator shall cause such investigation of the application to be made as he deems necessary. The License Review Board shall, within thirty (30) days after receiving the application, deny the permit or issue the same as applied for or with conditions. Such thirty (30) days shall be extended by the time required for reporting the application to state or federal agencies. The time for processing may be further extended with consent of the applicant.
- c) The License Review Board shall deny a license provided for in this Article if it finds the applicant is unfit for the particular business. The Board may find the applicant is unfit based on the following factors where relevant to the business activity for which the application is made:
 - 1) If the applicant has engaged in an unlawful, fraudulent, unfair or deceptive business acts or practices;
 - 2) If the applicant has been convicted of a felony;
 - 3) If the applicant has been convicted of a misdemeanor involving moral turpitude;
 - 4) If the applicant has violated any law or lawful regulation of the United States, or any state, county or city relevant to the business or activity for which he is making application;
 - 5) If the applicant has made any material misstatement or concealment in the application for such a permit; or
 - 6) If the Board finds on any of the foregoing bases that the applicant is unfit to conduct such a business.

The Board may also deny a permit if it shall reasonably determine that the conduct of such business or activity by the applicant at the location for which application is made will violate any law, or lawful regulation of the City of Torrance, the State of California, the United States or any agency thereof; or will constitute a public nuisance; or by reason of the nature of the activity or subject of the business or the proposed location, can reasonably be expected to be substantially detrimental to the health or safety of the public.

- d) Upon issuance of any license, the Board may limit the permit by any condition reasonably necessary to preserve the intent and purpose of this Chapter.

31.7.5 HEARING.

Any person denied a license by the License Supervisor or the License Review Board shall be entitled to a hearing thereon before the License Review Board upon the filing of a written request therefor with the License Supervisor. The License Review Board shall hold such hearing not later than ten (10) days thereafter, unless an extension of time therefor is requested by the applicant. The hearing shall be conducted in the manner provided in Section [31.9.4](#).

31.7.6 RIGHT OF APPEAL.

(Amended by O-2822)

In any case where the License Review Board approves or fails to approve the issuance of a business license, an appeal may be taken pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing at Section [11.5.1](#).

ARTICLE 8 - RECORDS

(Amended by O-1725)

31.8.1 RECORDS TO BE KEPT.

Every record required by this Division to be filed or kept by a licensee shall be written or printed entirely in the English language, in a clear and intelligible manner.

31.8.2 LIST OF BUSINESSES REQUIRED TO KEEP RECORDS.

Every person carrying on any of the following businesses shall keep a complete record of all items of merchandise or other property received, pledged or purchased by him or sold or otherwise disposed of:

- 1) Automobile parts and supplies; secondhand
- 2) Automobile wrecking
- 3) Junk dealer, junk collector, salvage pickup
- 4) Pawnbroker
- 5) Secondhand dealers
- 6) Swap meet
- 7) Used car dealer

31.8.3 INSPECTION.

Any person required by the provisions of this Division to keep records shall produce such records for inspection at the request of the License Supervisor or his deputy, or any police officer of the City.

ARTICLE 9 - DENIAL, REVOCATION AND SUSPENSION OF LICENSES

(Amended by O-1725)

31.9.1 DENIAL OF LICENSE.

Any license issued to any person to carry on any business under the provisions of this Division may be revoked or suspended in the manner hereinafter provided.

31.9.2 NOTICE OF HEARING.

The City Clerk shall, upon motion of the License Review Board, or upon written charges filed by any officer or department head of the City, give notice to any licensee to appear before the License Review Board at a time and place set for such hearing by the City Clerk to show cause why the license issued to such licensee should not be revoked or suspended. Said notice shall state the grounds for complaint or reasons for the proposed revocation or suspension and shall be served upon the licensee not less than five (5) days prior to the date set for said hearing.

31.9.3 SUSPENSION WITHOUT NOTICE.

- a) The Chief of Police, Chief of the Fire Department, Superintendent of Building Inspection, City Health Officer or the License Review Board, upon its own motion, may suspend any license without previous notice, and pending a hearing when it appears to such officers or the License Review Board that the immediate suspension of any license is necessary for the public health, morals, safety or general welfare.
- b) At the time of the suspension of the license, the licensee shall be served with a written statement containing the reasons for such suspension and giving notice of the time and place for hearing thereon before the License Review Board as determined by the License Supervisor.
- c) The hearing of the charges upon which the suspension was based shall be held not later than forty-eight (48) hours after such suspension unless an extension of time therefor is requested by the licensee, in which event the hearing will be held not later than fifteen (15) days after such suspension.

31.9.4 HEARING.

The License Review Board shall hold a hearing at the time set therefor as provided. The licensee may appear personally or by counsel. The License Review Board and the licensee may call witnesses. The License Review Board may continue the hearing from time to time; provided, however, that a hearing held pursuant to the provisions of Section [31.9.3](#). may be continued only with the consent of the licensee. At the conclusion thereof, the License Review Board may revoke, suspend or reinstate any such license upon such terms and conditions as in the exercise of reasonable discretion it shall determine.

31.9.5 NOTICE.

Any notice required to be given by this Article shall be deemed sufficient if given by personal delivery to the licensee, to any employee of such licensee at his place of business mentioned in

said license in the event that said licensee is absent from said place of business, or if sent by registered mail, postage prepaid, to the licensee at the address shown on said license or in other public records pertaining to the matter to which such notice is directed. Service by mail shall be deemed to have been completed twenty-four (24) hours following the time of the deposit in the Post Office.

31.9.6 NOTICE OF LICENSE SUPERVISOR.

After a license has been revoked or suspended, no license shall be issued by the License Supervisor to any licensee to carry on any business or do any act for which such license was granted until an order to the contrary shall have been issued by the License Review Board.

31.9.7 EFFECT OF SUSPENSION OR REVOCATION.

No person whose license has been revoked or suspended pursuant to this Article shall carry on any business, or do any act permitted to be done pursuant to such license during the period of suspension, or after revocation thereof, until the license is reinstated or a new license shall have been granted.

31.9.8 RIGHT OF APPEAL.

(Amended by O-2822)

In any case where the License Supervisor, any officer or department head of the City or the License Review Board approves or fails to approve an application for a business license, or in any case where the License Supervisor, any officer or department head of the City or the License Review Board has suspended or revoked, or refuses to suspend or revoke a license, the decision may be appealed pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing at Section [11.5.1](#).

31.9.9 STATE LICENSEES.

(Added by O-1743)

Any person who holds both a license issued by the State to carry on any business or perform any activity and a license issued by the City, shall hold his City license subject to revocation or suspension only to the extent such revocation or suspension is not prohibited by State Law.

31.9.10 GROUNDS FOR SUSPENSION OR REVOCATION.

(Added by O-1845; Amended by O-2924)

Any such suspension or revocation shall occur only upon one or more of the following grounds:

- a) Failure to pay any fee required by this Division.
- b) Misstatement found to have been made when applying for the license.
- c) The business activity conducted is prohibited by law.

- d) The business activity conducted is found to be a public nuisance.
 - e) Failure to allow the License Supervisor or his deputy to examine the books and records of any licensee when reasonably necessary to the administration and enforcement of the provisions of this Division.
 - f) Such suspension or revocation is necessary for the preservation of the public health, morals, safety or general welfare.
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- 1

1

Fees increased/decreased pursuant to Section [31.2.16](#).

2

Fees increased/decreased pursuant to Section [31.2.16](#).

3

Fees increased/decreased pursuant to Section [31.2.16](#).

4

For State law as to persons exempt from license charges, see B & PC, Section 16001 and Section 16002.

CHAPTER 2 BUSINESSES SUBJECT TO ADDITIONAL LICENSE TAX

(Amended by O-55; O-59; O-1725; O-2129; O-2843)

ARTICLE 1 - GENERAL

32.1.1 GENERALLY.

(Amended by O-1501; O-1725; O-2129; O-2288; O-2416; O-3170; O-3229; O-3354; O-3364)

Effective July 1, 1986, every person carrying on in the City any business expressly set forth in this Chapter shall pay the basic license tax as prescribed in each Section thereof, and in addition thereto shall pay an additional license tax of \$40.00¹ for each person engaged in the business, as set forth in Section [31.2.1](#).

32.1.2 AUTOMOBILE PARTS AND SUPPLIES; SECONDHAND.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of selling secondhand automobile parts and supplies shall be \$526.00* per year.

32.1.3 AUTOMOBILE WRECKING.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of automobile wrecking shall be \$526.00* per year. Automobile wrecking shall mean the wrecking or dismantling of automobiles and trucks for the purpose of salvaging or selling parts and accessories therefrom.

32.1.4 PAWNBROKER.

(Amended by O-585; O-1104; O-1501; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

- a) The license tax for carrying on the business of a pawnbroker shall be \$285.00.*
- b) Pawnbroker shall mean any person carrying on the business of receiving goods in pledge as security for a loan.
- c) Pawnbrokers shall keep a register containing, in addition to the matters prescribed by State Law (Sec. 21050 et seq., Financial Code), a description of all property received or sold by him and a description of all persons from whom he received such property, and such other information as prescribed by the Chief of Police.
- d) Once every twenty-four (24) hours, each pawnbroker shall make a report to the Chief of Police of the information contained in his register during the preceding twenty-four (24) hour period in the form and at the time as prescribed by the Chief of Police.

32.1.5 SECONDHAND DEALERS.

(Amended by O-1501; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a secondhand dealer shall be \$285.00* per year. Secondhand dealer shall mean any person carrying on the business of buying, selling, or otherwise dealing in secondhand merchandise, except auto wrecking, dealers in used motor vehicles, and secondhand automobile parts and supplies.

32.1.6 USED CAR DEALERS.

(Amended by O-297; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a used car dealer shall be \$526.00* per year. Used car dealer shall mean any person carrying on the business of buying, selling or offering for sale, consignment to be sold, or otherwise dealing in used motor vehicles or in new motor vehicles which are sold or offered for sale below the fixed retail price of motor vehicles of the same type or model, but shall not include dealers engaged in the sale of new motor vehicles whose dealings in used motor vehicles consist merely of receiving used motor vehicles in trade and disposing of same.

32.1.7 AMUSEMENT PARK AND ENTERTAINMENT ENTERPRISES.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an amusement park within grounds, garden or enclosure wherein shows, exhibitions or amusements of any character are presented, shown or staged, shall be \$146.00² per year, or \$28.00* per day.

32.1.8 BILLIARD OR POOL HALL.³

(Amended by O-1501; O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a billiard or pool hall shall be \$285.00* per year.

32.1.9 BOWLING ALLEY.

(Amended by O-1501; O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a bowling alley shall be \$285.00* per year.

32.1.10 CEMETERY.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a cemetery shall be \$285.00* per year.

32.1.11 CIGAR STAND.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a cigar stand shall be \$145.00* per year.

32.1.12 DETECTIVE AGENCY.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a detective agency shall be \$285.00* per year.

32.1.13 DRIVING SCHOOL.

(Amended by O-1501; O-1725; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an automobile driving school shall be \$138.00* per year.

32.1.14 DUMP.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a dump shall be \$526.00* per year.

32.1.15 EQUIPMENT AND TRAILER RENTAL; RESIDENT.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business in the City of renting trailers and equipment shall be \$138.00* per year. A license tax shall be payable under this Section for renting trailers, power mowers, spray guns, cement mixers, renovators and other tools, power tools and such equipment.

32.1.16 FINANCE AND LOAN COMPANIES.

(Amended by O-1501; O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a finance and loan company shall be \$285.00* per year. A license tax shall be payable under this Section for any firm or agency which loans money on personal property, whether new or secondhand which charges an interest rate or fee for such loan, excepting legitimate banking institutions.

32.1.17 GUARD SERVICE.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of guarding and patrolling stores, manufacturing plants and similar establishments for a compensation paid by the owners of such stores and plants shall be \$285.00* per year.

32.1.18 MAUSOLEUM.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a mausoleum shall be \$285.00* per year.

32.1.19 Repealed by O-2252.

32.1.20 POLICE PATROL.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of police patrol shall be \$285.00⁴. A license tax shall be payable under this Section for the business of policing and patrolling stores, manufacturing plants, etc., for a compensation paid by the owners of such stores and plants.

32.1.21 SHOE SHINE STAND.

(Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a shoe shine stand shall be \$35.00* per year.

32.1.22 TRAMPOLINES.

(Added by O-1173; Amended by O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a rebound tumbling center (trampolines) shall be \$526.00* per year.

32.1.23 SWIM-AT-HOME INSTRUCTION.

(Added by O-1180; Amended by O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

a) The license tax for carrying on the business of swim-at-home instruction shall be \$135.00* per year. No license shall be issued for swim-at-home instruction except upon approval of the License Review Board.

b) The License Review Board shall not consider such license application until there has been presented to the License Supervisor:

1) Proof of the qualifications of each instructor (a Red Cross Senior Lifeguard Certificate or its equivalent as determined by the License Supervisor); and

2) A statement from the Chief of Police that each instructor has been fingerprinted and that his police record shows no instructor has been found guilty of a crime involving moral turpitude.

32.1.24 MASSAGE PARLORS; MASSAGIST.

(Added by O-1493; Amended by O-1725; O-2129; O-2288; O-3121; O-3170; O-3229; O-3354; O-3364)

The license fee for a massage or acupressure establishment shall be \$324.00* per year, and for each massage or acupressure technician in such establishment the license fee shall be \$138.00* per year.

32.1.25 NEW CAR DEALER.

(Added by O-1501; Amended by O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a new car dealer shall be \$285.00* per year.

32.1.26 ROUTE OPERATOR; COIN-OPERATED LAUNDRY MACHINES.

(Added by O-1829; Amended by O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a route operator, coin-operated laundry machine shall be \$158.00⁵ per year.

- a) Every operator required to have a license by the provisions of this Section shall be required to file with the License Supervisor a list of all locations where his coin-operated laundry machines are installed.
- b) Every operator required to have a license by the provisions of this Section will be required to place a label or card on each coin-operated machine in plain sight, bearing the name, address and telephone number of such person.
- c) The License Supervisor shall seal off the coin opening or slot on each and every machine operated by said operator who fails to obtain the required license or to properly identify his coin-operated laundry machine and the seal shall remain until said license is obtained and identifying card or label is affixed.
- d) It shall be unlawful for any person to break any seal affixed by the provisions of this Article without written consent of the License Supervisor.

32.1.27 SELF-SERVICE LAUNDRY.

(Added by O-1181; Amended by O-1829; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a self-service laundry shall be \$138.00* per year.

- a) Self-service laundry shall mean any laundry where the majority of the named operations are performed by the patrons or customers.
- b) All self-service laundries shall have an attendant on duty at all times during the hours of operation thereof; such attendant shall be at least eighteen (18) years of age and shall have the physical and mental ability to effectively operate the machines used therein.

32.1.28 COMMISSION BROKER OR MERCHANT.

(Added by O-2288; Amended by O-3170; O-3229; O-3354; O-3364)

- a) The license tax for carrying on the business of a commission broker or merchant shall be \$285.00* per year.
- b) The term commission broker or merchant means and includes any person who engages in, carries on or conducts the business of buying or selling produce, foodstuffs or any food product, commodities, or merchandise as a broker or agent for the owner or assignor thereof, for a fee or commission, whether or not the operation of such business customarily includes the actual possession, custody or control of such foodstuffs, goods, wares or merchandise.

32.1.29 BARBER SHOPS AND BEAUTY SHOPS.

(Added by O-2288; Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a barber shop or beauty shop shall be \$100.00* per year.

32.1.30 SHOE REPAIR SHOP.

(Added by O-2363; Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a shoe repair shop shall be \$100.00* per year.

32.1.31 WELCOMING SERVICE.

(Added by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a welcoming service shall be \$100.00⁶ per year.

32.1.32 BODY ART FACILITY.

(Added by O-3783; Amended by O-3784)

The license tax for carrying on the business of a body art facility shall be Two Hundred Twenty-Three Dollars (\$223.00) per year and shall be subject to the provisions of Section [31.2.16](#).

*

1

Fees increased/decreased pursuant to Section [31.2.16](#).

2

Fees increased/decreased pursuant to Section [31.2.16](#).

3

For regulatory provisions for billiard or pool halls, see Section [45.5.5](#) of Division [4](#) of this Code.

4

Fees increased/decreased pursuant to Section [31.2.16](#)

5

Fees increased/decreased pursuant to Section [31.2.16](#).

6

Fees increased/decreased pursuant to Section [31.2.16](#).

CHAPTER 3 BUSINESSES NOT SUBJECT TO ADDITIONAL LICENSE TAX

(Amended by O-1725; O-2129; O-2288)

ARTICLE 1 - GENERAL

33.1.1 GENERALLY.

Every person carrying on any business specifically listed in this Chapter shall pay the license tax as prescribed in each Section thereof. The businesses listed in this Chapter are not subject to the additional license tax.

ARTICLE 2 - ADVERTISING

(Amended by O-1725; O-2843)

33.2.1 BILLBOARDS.

(Amended by O-3229; O-3354; O-3364)

The license tax for billboards shall be \$32.00* per sign location. The license tax shall be payable under this Section for the construction, erection, installation and maintenance of advertising structures, billboards, advertising signs, sign boards, electric signs, sign devices, gas filled luminous tube signs or designs.

33.2.2 Repealed by O-2288.

33.2.3 DECORATIVE DISPLAYS.

(Amended by O-3229; O-3354; O-3364)

The license tax for decorative displays shall be \$19.00* per day with a \$127.00* daily maximum license tax. A license tax shall be payable under this Section for the installation or maintaining of flags, banners or other decorative advertising displays over or upon any street or public place.

33.2.4 SEARCHLIGHTS; STEREOPTICON.

(Amended by O-3229; O-3354; O-3364)

The license tax for searchlights shall be \$32.00¹ per day, per location. A license tax shall be payable under this Section for the construction, erection, installation or operation of any stereopticon, motion picture machine, searchlight or any similar device intended to attract the attention of the public and visible from any street or other public place.

33.2.5 Repealed by O-2647.

33.2.6 Repealed by O-2288.

33.2.7 Repealed by O-2288.

ARTICLE 3 - HANDBILLS

(Amended by O-211; O-999; O-1274; O-1300; O-1725; O-2129; O-2288)

33.3.1 LICENSE TAX.

(Amended by O-1274; O-2176; O-2129; O-2288; O-2843; O-3229; O-3354; O-3364; O-3400)

a) A license tax shall be payable under this Section for distributing any handbill. The term handbill shall include any handbill, dodger, circular, folder, booklet, letter, card, pamphlet, sheet, poster, sticker, banner, notice or other written, printed or painted matter which advertises any business, person or product; provided, however, that the term handbill shall not include printed information or materials prepared by and distributed by California licensed real estate brokers or agents in the normal course of their real estate practice.

b) The license tax for distributing handbills shall be either Thirty-Two Dollars (\$32.00)* per day per person with a maximum daily tax of One Hundred Twenty-Eight Dollars (\$128.00)*, or, at the discretion of the licensee, an annual license tax of Three Thousand Three Hundred Seventy-Two Dollars (\$3,372.00)* per calendar year; provided, however, that when the cumulative total of daily license taxes paid by a licensee during any one (1) calendar year reaches Three Thousand Three Hundred Seventy-Two Dollars (\$3,372.00)² it shall be treated as an annual license tax for the rest of that calendar year.

33.3.2 DELIVERY OF HANDBILLS.

All handbills must be delivered to the door of any house, apartment or place of business, or handed to a person, and not otherwise left or thrown upon private or public property. One (1) copy only of

the same handbill shall be delivered to any house, apartment, place of business or person in any one (1) day. This Section shall not apply to handbills sent through the United States mails.

33.3.3 NOT TO BE PLACED ON VEHICLES.

No handbill shall be placed within or upon any automobile or other vehicle.

33.3.4 DRUGS OR MEDICINES.

No person shall distribute free of charge, except in an established place of business, any samples containing drugs or medicines.

33.3.5 DISTRIBUTING RELIGIOUS OR POLITICAL LITERATURE.

(Amended by O-2288)

- a) There shall be no license tax or permit required for the distribution of religious or political literature.
- b) If a handbill which contains religious or political literature also contains any commercial advertising matter of any kind or description whatsoever, it shall be deemed to be a commercial handbill and the distribution shall be taxable as provided in Section [33.3.1](#).
- c) All such religious or political literature must be delivered to the door of any house or place of business, or handed to a person, and not otherwise thrown upon private or public property.
- d) One (1) copy only of the same religious or political literature shall be delivered to any house, apartment, place of business or person in any one day without the express consent of the owner or occupant thereof, or of such person.

33.3.6 SIGNS APPLYING TO HANDBILLS.

(Added by O-3357; O-3381)

No person shall distribute, deposit, place, throw, scatter or cast or cause or hire others to distribute, deposit, place, throw, scatter or cast any commercial or noncommercial handbill upon any premises if requested by anyone thereon not to do so, or if there is placed on said premises in a conspicuous position near the entrance a sign bearing the words: "No Trespassing," "No Peddlers," "No Advertisement," "No Canvassers," "No Solicitors" or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed, or to have any such handbills left upon such premises.

ARTICLE 4 - AMPLIFIED SOUND

(Amended by O-829; O-889; O-952; O-961; O-1102; O-1108; O-1377; O-1725; O-2129; O-2288; O-2843; O-3329; O-3354; O-3360)

33.4.1 FILING APPLICATION.

- a) Every user of sound amplifying equipment shall file an application with the License Supervisor

ten (10) days prior to the date on which the equipment is intended to be used, which application shall be accompanied by a fee of \$34.00.³

b) When the equipment is certified by the Environmental Officer to meet the requirements set forth in Section [46.5.3](#), the license shall be issued by the License Supervisor, if the application is for a one-time permit to use sound amplifying equipment at a fixed location, or if the application is for a mobile use of sound amplifying equipment. In the event the sound amplifying equipment is to be used in a fixed location, and the use will be repetitive, the License Supervisor shall submit the application to the License Review Board for consideration.

33.4.2 CONTENTS OF APPLICATION.

The application shall contain the following information:

- a) The name, address and telephone number of both the owner and user of the sound amplifying equipment;
- b) The maximum sound-producing power of the sound amplifying equipment, which shall include the wattage to be used, the noise level (in decibels) of the sound which will be produced at a stated distance and at the angular position for which the noise level is a maximum, and the approximate distance for which sound will be audible from the sound amplifying equipment;
- c) The license number if a vehicle is to be used;
- d) A general description of the sound amplifying equipment which is to be used; and
- e) Whether the sound amplifying equipment will be used for commercial or noncommercial purposes.

33.4.3 APPROVAL OF LICENSE SUPERVISOR OR LICENSE REVIEW BOARD SUPERVISOR.

The License Supervisor or License Review Board shall approve the application unless the Supervisor or Board finds that:

- a) The conditions of the motor vehicle movement are such that, in the opinion of the Supervisor or Board, use of the equipment would constitute a detriment to traffic safety; or
- b) The conditions of pedestrian movement are such that, in the opinion of the Supervisor or Board, use of the equipment would constitute a detriment to traffic safety; or
- c) The issuance of the license would be otherwise detrimental to the public health, safety or welfare; or
- d) The issuance of the license will substantially interfere with the peace and quiet of the neighborhood or the community; or
- e) The applicant would violate the provisions of this Code or of any other law.

33.4.4 CONDITION OF APPROVAL.

The License Supervisor or License Review Board may impose such conditions on the operation to be conducted under the permit as may be deemed necessary or proper.

33.4.5 RIGHT OF APPEAL.

- a) The decision of the License Review Board may be appealed pursuant to the provisions of Article 5, Chapter 1, Division 1 of this Code, commencing at Section [11.5.1](#).
- b) The decision of the License Supervisor may be appealed to the License Review Board.

33.4.6 FEES.

- a) Prior to the issuance of the sound permit, a fee in the amount of \$26.00⁴ per day or portion thereof shall be paid by the applicant to the City.
- b) The fee as set forth in this Section and in Section [33.4.1](#) of this Code may be waived by the License Supervisor if he or she finds that the operation of the sound amplifying equipment is for charitable, eleemosynary, civic betterment or nonpartisan purposes in accordance with the provisions of Section [31.6.4](#).

ARTICLE 5 - AMUSEMENT, VENDING AND SERVICE MACHINES

(Added by O-502; Amended by O-518; O-829; O-849; O-1181; O-1620; O-1653; O-1700; O-1725; O-2412)

33.5.1 RESTRICTIONS.

No license shall be issued for any lottery, gaming device or other article or device which violates any of the provisions of either the Penal Code of the State of California, or Section 45.5.4. of this City Code.

33.5.2 LICENSE REQUIRED.

A license shall be obtained for each and every other such coin-operated music vending machine and each slot of each coin-operated vending and service machine or device by the owner of such machine, or the person in whose place of business such machine, or slot device is located, and any person having control over such machine shall be liable to pay the license tax therefor; provided, however, that the payment of any such tax as may be hereinafter required shall be deemed a compliance with this Section.

33.5.3 RECORDS TO BE FILED WITH LICENSE SUPERVISOR.

Every person required to have a license by the provisions of this Article shall file with the License Supervisor a list of all the amusement and coin-operated machines placed within the City by or for such person, giving the exact location and number, type and serial number of such machines.

33.5.4 LABELS ON MACHINES.

Every person required to have a license by the provisions of this Article shall place a label or card

on each amusement or coin-operated machine in plain sight, bearing the name, address and telephone number of such person.

33.5.5 LICENSE STAMP.

The License Supervisor shall issue one (1) stamp or label for each machine operated by a licensee, which stamp or label shall be affixed thereto to indicate that the required fee has been paid for each current year. The License Supervisor shall seal the coin opening or slot on each machine not bearing such a label. The license shall not be transferable from one machine to another.

33.5.6 SEALS ON MACHINES.

(Amended by O-2288; O-2843)

It shall be unlawful for any person to remove any such seals affixed by the provisions of this Article. A service charge of \$17.00 shall be paid to the City by the owner or operator of any such machine or device for removal of such seals. Upon payment of the required business tax and \$17.00⁵ service charge, the License Supervisor or his designated representative shall remove such seals.

33.5.7 AMUSEMENT MACHINES; LICENSE TAX; EXCEPTIONS.

(Amended by O-1620; O-1700; O-1725; O-2075; O-2288; O-2843; O-2900; O-2944; O-2945)

a) The license tax for amusement machines shall be as follows:

- 1) For machines which require ten (10) cents or less to operate same, the license tax shall be \$11.00* per slot per machine per year.
- 2) For machines which require eleven (11) cents or more to operate same, the license tax shall be \$64.00* per slot per machine per year.

A license tax shall be payable under this Section for the maintenance of any amusement machine, device, apparatus or any pin marble game, table or board, or any combination amusement and vending machine, device, apparatus or pin marble game, table or board for use by the public except such machines, apparatus or devices as coin-operated music vending and service and stamp machines, the operation or use of which is permitted, controlled, allowed or made possible by the deposit or placing of any coin, plate, disc, slug or key into any slot, crevice or other opening or by the payment of any fee or fees.

33.5.8 COIN-OPERATED MUSIC MACHINES; LICENSE TAX.

(Amended by O-1620; O-2843; O-2900; O-2944; O-2945)

The license tax for coin-operated music machines shall be \$47.00* per year.

33.5.9 VENDING AND SERVICE MACHINES: LICENSE TAX.

(Amended by O-1620; O-2800; O-2843; O-2900; O-2944; O-2945)

- a) For machines which require not less than six (6) cents nor over ten (10) cents to operate same, the license tax shall be \$11.00* per slot, per machine per year.
- b) For machines which require eleven (11) cents and over to operate same, the license tax shall be \$20.00* per slot per machine per year.
- c) For machines which require one (1) to five (5) cents to operate same, the license tax shall be \$6.00 per slot per machine per year.
- d) The license tax for a stamp machine shall be \$6.00* per machine per year.
- e) The license tax for a scale or weighing machine shall be \$3.00* per machine per year.
- f) The license tax for a map vending machine shall be \$11.00* per year.
- g) The license tax for a cigarette vending machine shall be \$22.00* per year.

33.5.10 Repealed by O-1829.**33.5.11 BULK VENDING MACHINES; LICENSE TAX.**

(Added by O-1943; Amended by O-2288; O-2843; O-2900; O-2944; O-2945)

Bulk Vending Machine definition and fee: A non-electrically operated vending machine unit, dispensing assorted confections, nuts or merchandise in equal but random portion, and which contains no more than one (1) coin slot, is construed to be a bulk vending machine, and the license tax shall be \$6.00* per year.

33.5.12 LICENSE TAX LIMITATION.

(Added by O-2944; O-2945)

The license tax for coin-operated machines which are located in one fixed place of business and which are owned by one person shall not be more than \$3,850.00⁶ per year.

ARTICLE 6 - AUCTIONS

(Amended by O-597; O-1725; O-2129; O-2288)

33.6.1 AUCTIONEER LICENSE TAX.

(Amended by O-2363; O-2843; O-3229; O-3354; O-3364)

The license tax for an auctioneer shall be \$94.00* per day. A license tax shall be payable under this Section for any person who shall sell or advertise for sale or arrange for the disposal to the highest bidder at a public auction any interest in real or personal property in any place in the City.

33.6.2 AUCTION HOUSE; LICENSE TAX.

(Amended by O-2843; O-3229; O-3354; O-3364)

The license tax for an auction house shall be \$280.00* per day or \$1,107.00^Z per year. A license tax shall be payable under this Section for any place where an auction is held, unless such place be an established place of business in the City which has a current business license to operate a business other than an auction.

ARTICLE 7 - SPECIAL SALES OF MERCHANDISE

33.7.1 LICENSE TAX.

(Amended by O-1725; O-2129; O-2288; O-2843; O-3229; O-3354; O-3364)

Every person carrying on a special sale of merchandise shall pay a license tax of \$116.00* for sixty (60) days and \$14.00* per day thereafter.

33.7.2 SPECIAL SALES OF MERCHANDISE.

Special sales of merchandise shall mean any sale of goods which is represented or held out to be an insurance, bankruptcy, mortgage, insolvency, assignee's, executor's, administrator's, receiver's, trustee's, creditor's, forced, liquidation, removal or closing out sale, or a sale of goods damaged by fire, smoke, water or otherwise or in connection with which any word or phrase is used which reasonably conveys to the public the belief that a person is retiring from or closing out his business in the City.

33.7.3 LICENSE REQUIRED.

No special sales of merchandise, as defined in this Article, shall be held in the City unless a license therefor has been obtained from the License Supervisor.

33.7.4 APPLICATION FOR LICENSE.

(Amended by O-2129)

a) Every person managing, conducting or carrying on a special sale of merchandise shall make written application therefor to the License Supervisor. Said application shall be signed and sworn to by the applicant and shall contain the following information:

- 1) The time, date and place of the sale, which period shall not exceed sixty (60) days;
- 2) A statement that the merchandise which applicant proposes to sell is a bona fide part of his stock in trade and that the same has not been secured, purchased or brought into applicant's place of business for or in anticipation of such sale;
- 3) The reason for such sale;
- 4) An inventory of goods, which inventory shall show the actual purchase price, names of persons from whom such goods were obtained, the date of delivery of such goods, and all details necessary to identify fully the goods to be sold;
- 5) A statement as to whether or not the goods to be sold were purchased at a former sale,

conducted in compliance with this Section.

- b) Anything in this Section to the contrary notwithstanding, if at any time during said sixty (60) day period, a sworn application is filed with the License Supervisor in which it shall appear that all of the goods in the original inventory have not been sold, accompanied by an inventory of remaining merchandise, showing actual purchase price, a supplemental license may be issued at the reasonable discretion of the License Supervisor, upon compliance by the applicant with the requirements of the original license and upon the payment of an additional license tax of \$9.00⁸ per day. Such supplemental license shall continue in effect only so long as daily license tax shall be paid and the licensee complies with the provisions of this Section.
- c) No license shall be issued to any person if it appears that the stock of goods was purchased at a former special sale, as hereinabove defined, less than six (6) months prior to the date of his application.
- d) The License Supervisor shall file said application and shall endorse thereon the date such license is granted or refused.

33.7.5 INVENTORY.

- a) A license under the provisions of this Article shall be valid only for the inventoried goods;
- b) No person carrying on a sale as specified in this Article shall secure goods other than those enumerated in said inventory for the purpose of selling same at said sale;
- c) No person having a license under this Article shall add any goods to the inventoried stock, and no goods shall be sold except that included in the original inventory.

33.7.6 EXCEPTION; COURT SALES.

This Article shall not apply to public or court officers or to any person acting under the direction of State or Federal courts in the course of their official duties.

33.7.7 FAKE SALES PROHIBITED.

- a) No person shall operate or advertise at retail any fake sale of goods within the City;
- b) For the purpose of this Article, a fake sale is hereby defined as follows:
 - 1) The sale of goods at auction or otherwise to agents, or any other persons purchasing the same for or on behalf of the owner or other person interested in the sale thereof;
 - 2) The sale of goods or the offering of goods for sale in limited quantity or quantities of less than the full amount of such merchandise, owned or carried in stock by the person offering the same for sale;
 - 3) The sale or offering for sale of goods of a different quality or brand or bearing a different trademark as a substitute for merchandise previously advertised for sale;

- 4) The sale or offering for sale of any goods misrepresented as to quantity, quality, brand or otherwise;
- 5) The sale or offering for sale of any goods which is contingent upon the concurrent purchase or sale of any other article.

ARTICLE 8 - BENCHES

(Added by O-502; Amended by O-1725; O-1738)

33.8.1 LICENSE TAX.

(Amended by O-1781; O-2129; O-2288; O-2363; O-2843; O-3229; O-3354; O-3364)

The license tax for carrying on the business of placing or selling advertising on benches shall be \$280.00* per year plus \$18.00* per bench per year.

33.8.2 INSPECTION FEE.

(Amended by O-1781; O-2129; O-2288; O-2843)

In addition to the license tax, an inspection fee of \$8.00⁹ shall be paid to the City at the time that any bench on which advertising space is placed or sold is first placed in the City or is relocated within the City.

33.8.3 PERMIT REQUIRED; PUBLIC PROPERTY.

(Added by O-1781)

No person shall place, install, relocate, or maintain any bench on any public property or right-of-way without a permit therefor having been obtained from the City Manager. Permits shall be granted on terms and conditions prescribed by the City Council.

ARTICLE 9 - CHRISTMAS TREE LOTS

(Amended by O-1725)

33.9.1 CHRISTMAS TREE LOTS; SALE OF RELATED ITEMS; LICENSE TAX.

(Amended by O-2129; O-2288; O-2843)

The license tax for Christmas tree lots and sale of related items on such lot shall be \$8.00* per day. A license tax shall be payable under this Section for conducting, managing or carrying on the business of selling, at retail or wholesale, Christmas trees, Christmas wreaths or tree ornaments and decorations.

33.9.2 DEFINITION.

(Amended by O-2975)

A Christmas tree lot shall mean any or all of the following:

- a) A location where cut, natural Christmas trees, Christmas wreaths, or tree ornaments and decorations are maintained, stored, or sold at retail or wholesale;
- b) A location where cut, natural Christmas trees are flocked, sprayed or processed.

33.9.3 APPLICATION FOR LICENSE.

(Amended by O-2975; O-3171)

- a) The License Supervisor shall supply each license applicant with both the business license application form and the application forms for any permit required by Division [8](#) of this Code;
- b) The applicant shall file the following with the Licensing Supervisor:
 - 1) All completed permit and license application forms along with the permit fees; and
 - 2) A One Thousand Dollar (\$1,000.00)* cash deposit which shall be refunded if the lot is cleared in accordance with subsection n) of Section 85.2.19;
- c) The License Supervisor shall transmit the completed permit application forms to the appropriate permit issuing authority.

33.9.4 OPERATIONAL PERIOD.

(Added by O-2975)

A license issued pursuant to this Article shall be valid for the period from November 15th to December 25th of the year in which the license is issued.

33.9.5 EXCEPTION.

(Added by O-2975)

Nothing in this Article shall be construed to apply to the holder of a valid and unrevoked general merchandise license who operates a Christmas tree lot in conjunction with the sale of other merchandise.

ARTICLE 10 - CONTRACTORS

(Added by O-137; Amended by O-151; O-152; O-153; O-235A; O-303; O-502; O-670; O-1261; O-1725; O-2129; O-2288; O-2843; O-3170)

33.10.1 CONTRACTORS; LICENSE TAX.

(Amended by O-3229; O-3354; O-3364)

All persons licensed as contractors by the State shall pay a license tax in accordance with the following schedule:

Type of Contractor	Annual License Tax
Boilers, hot water heating, steam fitting (C-4)	\$146.00*
Cabinet and millwork (C-6)	146.00*
Cement and concrete (C-8)	146.00*
Drywall (C-9)	146.00*
Electrical signs (C-45)	146.00*
Electrical (General, C-10)	146.00*
Elevator installation (C-11)	146.00*
Engineering (A)	279.00*
Excavating, grading, trenching, paving, surfacing (C-12)	146.00*
Fence installation (C-13)	146.00*
Fire protection engineering (C-16)	146.00*
Flooring (wood, C-15)	146.00*
General (B-1)	279.00*
Glazing (C-17)	146.00*
House or building moving (C-21)	146.00*
Insulation (C-2)	146.00*
Landscaping (C-27)	146.00*
Lathing (C-26)	146.00*
Masonry (C-29)	146.00*
Ornamental metals (C-23)	146.00*
Painting, decorating (C-33)	146.00*
Plastering (C-35)	146.00*
Plumbing (C-36)	146.00*
Refrigeration (C-38)	146.00*
Roofing (C-39)	146.00*
Sewers, sewage disposal, drains, cement pipe laying (C-42)	146.00*
Sheet Metal (C-43)	146.00
Steel, reinforcing (C-50)	146.00*
Steel, structural (C-51)	146.00*
Structural pest control (C-22)	146.00*
Swimming pools (C-53)	146.00*

Tile (Ceramic and mosaic, C-54)	146.00*
Warm air heating, ventilating, air conditioning (C-20)	146.00*
Welding (C-60)	146.00*
Well drilling (water wells, C-57)	146.00*
Classified specialists (C-61)	146.00*
All others	146.00*

*Fees increased/decreased pursuant to Section [31.2.16](#).

33.10.2 LICENSE REQUIRED FOR SUBCONTRACTORS.

- a) It shall be the responsibility of every general building and engineering contractor to require subcontractors under his control or direction to obtain a business license as herein provided before permitting said subcontractor to begin or perform services for said general building or engineering contractor.
- b) Each general building or engineering contractor shall furnish the License Supervisor with a list of each subcontractor upon forms furnished by the License Supervisor.

33.10.3 OWNER-BUILDER.

It shall be the responsibility of every owner-builder to require subcontractors under his control or direction to obtain a business license as herein provided before permitting said subcontractor to begin or perform any services for said owner-builder. Each owner-builder shall furnish the License Supervisor with a list of each subcontractor upon forms furnished by the License Supervisor.

33.10.4 LICENSE REQUIRED FOR OWNER-BUILDER.

(Amended by O-1261)

- a) A business license shall be required of every person acting as an owner-builder who builds any building or structure for sale, and he shall pay the license tax as herein provided.
- b) The sale or offering for sale of two (2) or more such buildings or structures within one (1) year following the completion of any such building or structure shall be presumptive evidence that such buildings or structures were built for the purpose of sale.
- c) This Section shall not apply to owners of property, buildings or structures thereon for the exclusive occupancy of such owner-builder and not offered for sale.

33.10.5 CONTRACTORS HAVING A FIXED PLACE OF BUSINESS.

(Added by O-2288; O-3354)

Contractors having a fixed place of business in the City of Torrance shall pay a license fee in accordance with Sections [31.2.1](#). and [31.2.2](#).

ARTICLE 12 - JUNK COLLECTOR AND JUNK DEALER

(Added by O-255; Amended by O-1725)

33.12.1 LICENSE TAX.

(Amended by O-2129; O-2288; O-2843; O-3170; O-3229; O-3354; O-3364)

The license tax for junk collectors and junk dealers shall be \$558.00¹⁰

33.12.2 DEFINITION OF JUNK COLLECTOR.

Junk collector shall mean any person having no fixed place of business in the City, carrying on the business of collecting, buying or selling, from house to house or from place to place, any old rags, sacks, bottles, cans, paper, metal or other articles commonly known as junk or salvage.

33.12.3 DEFINITION OF JUNK DEALER.

Junk dealer shall mean any person having a fixed place of business in the City carrying on the business of buying, selling or otherwise dealing in, either at wholesale or retail, any old rags, sacks, bottles, cans, paper, metal or other article commonly known as junk or salvage.

33.12.4 EXEMPTION.

In the case where the junk collector is an organization formed and operated for charitable, benevolent or religious purposes, the license tax may be waived by the License Review Board in accordance with the procedure set forth in Section [31.6.4](#).

ARTICLE 13 - OIL WELLS

(Added by O-71; Amended by O-46; O-1725; O-2129; O-2202; O-2288)

33.13.1 LICENSE TAX.

(Amended by O-2843; O-3170; O-3229; O-3354; O-3364)

- a) A license tax (called the spud-in-fee) of \$505.00* shall be paid for initially drilling any oil or gas well hole.
- b) A license tax of \$505.00* shall be paid for each deepening of any oil or gas well hole.
- c) In addition, an annual license tax of \$563.00¹¹

ARTICLE 15 - REFUSE AND RUBBISH COLLECTION

(Amended by O-996; O-1725; O-3355)

33.15.1 LICENSE TAX.

(Amended by O-2129; O-2288; O-2363; O-2843; O-3170; O-3229)

The license tax for operating a service for the collection, transportation or disposal of solid waste

shall be \$625.00* for one (1) truck, plus \$137.00¹² for the second, and each additional truck, trailer or semi-trailer. For purposes of this Article, solid waste shall have the same meaning as that in Section 40191 of the California Public Resources Code, and as it may from time to time be amended.

33.15.2 PRORATION OF TAXES.

The tax for the largest truck only (the base tax) shall be prorated in accordance with the provisions in Section [31.2.12](#).

33.15.4 IDENTIFICATION OF LICENSEE.

Before the issuance of a license for the collection, transportation or disposal of solid waste, the licensee shall paint upon the side of each truck, trailer and semi-trailer used therefor, the name and telephone number of the owner thereof and of the licensee, if different from the owner, all in plain black letters and figures not less than four (4) inches in height on a white or green background, and the same shall be distinct and unobscured at all times while such trucks, trailers and semi-trailers are being operated in the City.

33.15.5 LIST OF CUSTOMERS.

(Amended by O-3201)

Every person having a license for the collection, transportation or disposal of solid waste shall furnish the Revenue Administrator with a list of the customers served by such licensee on January 1, March 1, June 1 and September 1 of each year, in the format specified by the Revenue Administrator.

33.15.6 LIABILITY INSURANCE.

(Added by O-3199)

a) Before the issuance of a license for the collection, transportation or disposal of solid waste, the applicant shall furnish the license supervisor with a certificate showing that the applicant has in full force and effect a policy or policies of general comprehensive insurance including provisions for premises and operations, and specifically insuring against injury or property damage which may be caused by solid waste bins or containers, and a policy or policies of insurance for owned or nonowned automobiles. Both the general comprehensive and automobile insurance shall be in amounts not less than one million dollars (\$1,000,000) combined single limit. The failure of a licensee to maintain such liability insurance in full force and effect at all times during the license period shall be grounds for revocation of the license.

b) The insurance policy shall provide and the certificate shall state that the insurance coverage shall not be cancelled or reduced by the insurance carrier without the City Clerk having been given thirty (30) days prior written notice thereof by the carrier.

33.15.7 COMPLIANCE WITH SOLID WASTE REPORTING REQUIREMENTS.

(Amended by O-3527)

Each person, firm or corporation collecting, transporting or disposing of solid waste from the City of Torrance shall comply with the requirements of reporting and paying the necessary fees provided in Chapter [3](#) of Division [4](#) of this Code. Any such failure to comply shall be grounds for revocation of the license.

ARTICLE 16 - TAXICAB FRANCHISES

(Added by O-3551)

33.16.010 SHORT TITLE.

This Article shall be known as the "Taxicab Franchise Ordinance" of the City of Torrance and shall apply to all taxicab service originating within the City of Torrance.

33.16.020 PURPOSE.

The City declares and determines that the operation of taxicabs affects the health, safety and general welfare of the residents of the City. The operation of taxicabs requires that a high level of trust and confidence by the traveling public be established and maintained in the equipment, personnel and procedures used for providing taxicab service. Such services are determined to be necessary for the use of residents who do not drive personal vehicles for obtaining the necessities of life and for the efficient movement of guests and visitors about the City. Maintaining the vital role of taxicabs in the overall transportation assets of the City requires that only those taxicab owners and drivers who have demonstrated that they possess the facilities, control systems and knowledgeable personnel to protect the interests of the City and the traveling public be authorized to provide taxicab service within the City. Therefore it is a purpose of this Article to adopt procedures to regulate this service to the community.

The purpose of this Article is to enable the City to grant one (1) or more nonexclusive franchises for the use of its streets and highways for the provision of taxicab services initiated within the City.

This Article constitutes an exercise of the City's police powers pursuant to Article XI, Section 7 of the California Constitution and enables a method of regulation intended to protect consumers and minimize hazards in the City's streets and highways by:

- a) Regulating the number of taxicabs and providing a method of registering all taxicabs permitted to operate within the City of Torrance city limits;
- b) Providing adequate information regarding the ownership and operation of taxicab businesses franchised to do business in the City of Torrance;
- c) Regulating the operation of taxicab businesses to ensure that their operation does not adversely affect the general welfare; and
- d) Regulating taxicab drivers to ensure the safe operation of taxicabs in the City of Torrance.

33.16.030 DEFINITIONS.

For purposes of this Article, the following words shall have the following meanings:

- a) "City" shall mean the City of Torrance.
- b) "Board" shall mean the License Review Board of the City of Torrance.
- c) "Business License Supervisor" shall mean the Business License Supervisor of the City of Torrance or his/her designee.
- d) DMV means Department of Motor Vehicles.
- e) "Operating area" shall mean and include the City of Torrance.
- f) RFP shall mean Request for Proposal.
- g) "Street" shall mean and include the portion of any public street, road, highway, freeway, lane, alley, sidewalk, parkway or public space which now exists or which may hereafter exist within the City of Torrance.
- h) "Taxicab" shall mean every automobile or motor-propelled vehicle which is designated to carry not more than eight (8) persons, excluding the driver, and is either equipped with a taxicab meter or a top light or has the words "taxi," "cab," or "taxicab" displayed on the exterior of the vehicle and used for the transportation of passengers for hire over the streets of this city, irrespective of whether such operations extend beyond the boundary limits of this city, at rates for distance traveled, or for waiting, standby or traffic delay time, or for any combination of such rates, and not operating over a defined route but routed under the direction of such passengers or persons hiring same.
- i) "Taxicab driver" shall mean the driver of an individual taxicab.
- j) "Taxicab franchisee" shall mean a person, firm, association, solely owned partnership, stock corporation, cooperative organization or other organization, however organized, that is granted a taxicab franchise by the City Council of the City of Torrance.
- k) "Taxicab service" shall mean the transportation service provided by taxicab companies.
- l) "Taximeter" shall mean and include a device that automatically calculates a predetermined rate or rates for taxicab service and indicates the charge for the hire of a taxicab.
- m) "Taxicab vehicle permit" shall mean the seal/sticker approved, issued and affixed to the rear of a taxicab by the City of Torrance upon payment of fees, the city's approval of a taxicab company's franchise and the passing of the taxicab vehicle inspection.
- n) "Taxicab driver's permit" shall mean the personal permit approved and issued by the City of

Torrance to a driver that is a member of and/or employed by a taxicab company franchised to operate in the City of Torrance, has paid the required fees, and has met all other requirements of the taxicab regulations.

33.16.040 FRANCHISE REQUIRED.

- a) 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 to do so awarded pursuant to the provisions of this Article. The City Council may in its discretion issue one (1) or more nonexclusive 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 (1) or more franchises, the City shall not accept new or renewal applications for an existing license 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.
- b) The City shall award one (1) or more nonexclusive franchises for taxicab service through a competitive bidding process. Franchise proposals shall be evaluated based upon demonstrated quality of service, safety, past experience, driver qualifications, financial stability, age and condition of taxicabs, insurability and extra services available to the public. Upon selection, each Franchisee shall enter into a franchise agreement with the City. The agreement may impose obligations on the Franchisee that are additional to but not inconsistent with those imposed by this Article. The City may at any time initiate a competitive bidding process for the issuance of new franchises. Nothing shall prohibit a Franchisee from competing for a new franchise; however, any Franchisee whose franchise has been revoked shall thereafter be prohibited from competing for award of a franchise for a period of three (3) years following the scheduled expiration of its franchise agreement.
- c) Upon receipt of a franchise proposal and payment of the required application fee, staff shall review the information to determine that it is complete. A proposal that is incomplete will not be considered responsive or responsible and will not be evaluated. Staff will evaluate the proposals and make recommendations to the City Council relative to the award of one (1) or more franchises.
- d) Franchisees will be reviewed annually for performance and consistency with their proposal and City operating and service requirements.
- e) Each Franchisee shall be required annually to obtain a taxicab vehicle permit and pay the required vehicle permit fees for every taxicab in its service into which passengers are accepted for transportation in the City of Torrance. Vehicle permits will be issued only to vehicles that pass the required annual inspection. A franchise shall be subject to revocation if the Franchisee operates unpermitted taxicabs or not bearing the decal or tag issued by the City designating it for operation in the City. Vehicle permits shall be valid for a period of one (1) year unless revoked pursuant to the provisions of this Article.

- f) No taxicab company shall permit any taxicab driver in its employ to operate a taxicab in the City of Torrance into which passengers are accepted for transportation without having first obtained a valid Torrance taxicab driver's permit.

33.16.050 FRANCHISEE BUSINESS PROFILE.

The following information is required of each Franchisee:

- a) The legal names, mailing and street addresses, and telephone numbers of the applicant, specified owners, directors, officers and employees. If the Franchisee advertised to the public and operates under a name other than the legal name of the applicant, that name must be included as well. The proposal must include all fictitious business names used by the applicant in Los Angeles County in the five (5) years preceding the calendar year in which the proposal is made. A post office box, mailbox, message service, or other similar device may not be used as an actual street address, but is acceptable as a mailing address;
- 1) Corporate Franchisee. The corporate name must be exactly as set forth in the corporation's articles of incorporation. The names, mailing and street addresses, and telephone numbers of all directors, every shareholder holding ten (10) percent or more the shares of the corporation, corporate officers, and the designated agent for service of legal process must be included. A corporate Franchisee must also provide a Certificate of Domestic Stock Ownership and a current certificate of good standing issued by the California Secretary of State.
- 2) Partnerships. The names, mailing and street addresses, and telephone numbers of each general partner must be stated. If one (1) or more of the general partners is a corporation, the provisions of this section pertaining to corporate Franchisee also apply. The name, mailing and street addresses, and telephone number of a person authorized to accept service of legal process must also be included.
- 3) Other Businesses. If the Franchisee is a cooperative, member stock-type operation, service organization, or association, the application must include the names, mailing and street addresses, and telephone number of each officer, director, and each shareholder owning any share or portion of any share in the organization or association. The name, mailing and street address, and telephone number of a person authorized to accept service of legal process must also be included.
- 4) Sole Proprietorships. The name, mailing and street addresses and telephone number of the owner and any person authorized to accept service of legal process must be included.
- b) The street addresses from which the Franchisee conducts or will conduct the taxicab service business, where dispatch will be conducted, and each location at which the business's vehicles will be garaged;

- c) The number of taxicabs to be operated under the franchise and the number of taxicabs in the Franchisee's fleet (the City of Torrance requires an overall minimum fleet size of fifty (50) vehicles for hire or taxicabs);
- d) The manufacturer, model year, vehicle type, vehicle identification number ("VIN"), license plate number, company identification number, passenger capacity and proof of commercial registration for each vehicle to be operated in the City of Torrance, together with evidence satisfactory to the Business License Supervisor that each taxicab proposed to be operated under the franchise has been safety-inspected within a period of time satisfactory to the Business License Supervisor, and otherwise complies in all respects with all applicable laws, rules, and regulations;
- e) The proposed color scheme, insignia or other distinguishing characteristic of the taxicab, including the style and legend of any illuminated sign to be mounted on the top of the vehicle;
- f) Legal and registered ownership of the vehicles to be used by the Franchisee;
- g) Prior experience of the Franchisee in a taxicab business, including the details of any prior permit denial, revocation or suspension by any public agency of any type of operator's or driver's permit, license, certificate, or franchise;
- h) The name of each driver who will operate a taxicab in the City;
- i) A certification that no driver employed or to be employed by the Franchisee has been convicted of driving under the influence of alcohol or drugs within seven (7) calendar years preceding the date of application;
- j) A certification that each driver has received a minimum of sixteen (16) hours of training;
- k) A certification that drivers and dispatchers are proficient in the English language and able to communicate effectively with the public;
- l) Description of the required uniform its drivers will wear;
- m) A copy of the Franchisee's vehicle maintenance program, including preventative maintenance. The program must be in accordance with the vehicle manufacturer's warranty specifications and any applicable state and federal laws;
- n) Satisfactory evidence establishing that the Franchisee has complied and currently complies with the provisions of California Government Code Section 53075.5(b)(3), or any successor provision, pertaining to pre-employment and periodic testing of drivers for controlled substances and alcohol, and with provisions pertaining to payment for drug and alcohol testing programs and related reporting requirements. The Franchisee must also provide satisfactory evidence that each driver who will operate a taxicab within the City has tested negative for drugs and alcohol within the previous twelve (12) months;

- o) The names, street 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;
- p) An explanation of how the taxicab service will provide service to people with disabilities that make it difficult to use conventional taxicab sedans;
- q) Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requestor Code Number, as defined in Vehicle Code Section 1808.1, issued to the Franchisee. As a condition of accepting a franchise, the Franchisee is required to notify the Business License Supervisor immediately if it receives a DMV Pull Notice on one of its drivers that would affect that person's driver's permit. In the event a driver's DMV record indicates that a driver no longer qualifies for a driver's permit, the Franchisee must require the driver to surrender the driver's permit to the Business License Supervisor. DMV Pull Notice records must be made available for review by the Business License Supervisor upon request;
- r) Submission of records of any convictions in any court of any state of the United States or in any United States court with respect to any of the persons identified in subsection a of this section; and
- s) Any additional information pertinent to the operation of the proposed taxicab service, including but not limited to the business backgrounds of the officers and directors, certified business financial statements, and lease arrangements as the City may require.

33.16.060 INSURANCE REQUIREMENTS.

Proof that the Franchisee maintains at its sole expense insurance meeting the following requirements, which shall be full coverage not subject to self-insurance provisions:

- a) Separate commercial automobile liability insurance, utilizing coverage form CA0001 for each vehicle proposed to be operated within the City pursuant to the franchise, with at least the following limits of liability:
 - 1) Primary Bodily Injury with limits of at least Two Hundred Fifty Thousand Dollars (\$250,000.00) per person and Five Hundred Thousand Dollars (\$500,000.00) per occurrence; and Primary Property Damage of at least One Hundred Thousand Dollars (\$100,000.00) per occurrence; or
 - 2) Combined single limits of Five Hundred Thousand Dollars (\$500,000.00) per occurrence.
- b) General Liability including coverage for premises, independent contractors/vendors, personal injury and contractual obligations with combined single limits of at least Five Hundred Thousand Dollars (\$500,000.00) per occurrence.

- c) Workers' Compensation with limits as required by the State of California and Employer's Liability with limits of at least Five Hundred Thousand Dollars (\$500,000.00).
- d) Insurance provided by the Franchisee must be primary and non-contributory.
- e) Required insurance must be issued by companies admitted to do business in California, rated "B+" or better in the most recent edition of Best's Key Rating Guide, and only if they are of a financial category Class VII or better, unless these requirements are modified or waived in writing by the Risk Manager of the City due to unique circumstances.
- f) The City, the City Council, and each present and former member of the City Council, City boards and commissions, and every officer, agent, official, employee and volunteer of the City (collectively, "City entities") must be named as additional insureds under the automobile and general liability policy.
- g) Each policy of required insurance must contain a provision that no termination, cancellation or change of coverage can be made without thirty (30) days' notice to the City.
- h) The Franchisee must provide certificates of insurance and endorsements to the City Clerk of the City of Torrance prior to issuance of a permit.
- i) The insurance carrier for the licensee must provide a complete copy of the insurance policy, including all forms and endorsements to the Risk Manager of the City of Torrance within sixty (60) days of commencement of work.

33.16.070 INDEMNIFICATION.

Franchisee will indemnify, defend, and hold harmless City, the City Council, each member thereof, present and future, its officers, agents and employees from and against any and all liability, expenses, including defense costs and legal fees, and claims for damages whatsoever, including, but not limited to, those arising from breach of contract, bodily injury, death, personal injury, property damage, loss of use, or property loss however the same may be caused and regardless of the responsibility for negligence. The obligation to indemnify, defend and hold harmless includes, but is not limited to, any liability or expense, including defense costs and legal fees, arising from the negligent acts or omissions, or willful misconduct of Franchisee, its officers, employees, agents, subcontractors or vendors. It is further agreed, Franchisee's obligations to indemnify, defend and hold harmless will apply even in the event of concurrent negligence on the part of City, the City Council, each member thereof, present and future, or its officers, agents and employees, except for liability resulting solely from the negligence or willful misconduct of City, its officers, employees or agents. Payment by City is not a condition precedent to enforcement of this indemnity. In the event of any dispute between Franchisee and City, as to whether liability arises from the sole negligence of the City or its officers, employees, agents, subcontractors or vendors, Franchisee will be obligated to pay for City's defense until such time as a final judgment has been entered adjudicating the City as solely negligent. Franchisee will not be entitled in the event of such

a determination to any reimbursement of defense costs including but not limited to attorney's fees, expert fees and costs of litigation.

33.16.080 TRANSFERS.

a) No franchise issued under this Article shall be sold, transferred or assigned without the written approval of the City. The following transactions shall be considered transfers:

- 1) The addition or withdrawal of a new partner or partners;
 - 2) The transfer of a business from one partnership to another;
 - 3) The transfer of a business from a partnership to a corporation;
 - 4) The transfer from one corporation to another;
 - 5) The transfer of a business from a corporation to a partnership;
 - 6) The transfer of a business from a partnership to an individual, or vice versa;
 - 7) The transfer of a majority share of stock in a corporation from one shareholder to another; or
 - 8) The transfer of a business from an individual, partnership, corporation, cooperative, member stock-type operation, service organization, or other association to any other such individual, partnership, corporation, cooperative, member stock-type operation, service organization, or other association.
- b) Any attempted sale, lease, transfer, assignment or other attempted disposition of this franchise without the prior written consent of the City shall render the franchise null and void.
- c) An association, solely owned partnership, stock corporation, franchise operation, cooperative stock-type operation, licensed as a taxicab company under this Article shall notify the Business License Supervisor immediately of any changes in membership, stock ownership, corporate officers, operating officers, or modification in operations, agreements, articles, bylaws or other memoranda of the licensee, in the operation of the taxicab service.

33.16.090 MINIMUM FRANCHISE REQUIREMENTS.

a) The following information shall be included in every taxicab franchise issued under this Article:

- 1) The minimum number of taxicabs the taxicab company is required to operate;
 - 2) Any other conditions imposed by the City Council.
- b) Contracts and Agreements. Any taxicab authorized under a taxicab company's franchise may be operated pursuant to a driver's contract, agreement or understanding between either such taxicab company or a permitted taxicab driver operating under such taxicab company's franchise

and any other permitted taxicab driver. Such contract, agreement or understanding shall not relieve any taxicab company or taxicab driver from full and complete compliance with applicable provisions of this Article or franchise agreement.

c) Company Compliance Responsibility. Every taxicab company franchised under this Article is responsible for complying with the provisions of this Article, the franchise agreement, any rules or regulations adopted by the License Review Board, or promulgated by the Business License Supervisor, and for obtaining the compliance of its officers, employees, taxicab drivers, association members, agents or any other person connected with such taxicab company in providing taxicab service.

d) Inspection of Property and Records.

1) At all reasonable times, the Franchisee shall permit any duly authorized officer or employee of the City to examine all property of the Franchisee, whether such property be situated within or outside the City, and to examine and transcribe any and all books, accounts, papers, maps, and other records kept or maintained by the Franchisee which treat of the operations, affairs, transactions, property or financial condition of the Franchisee, including those which treat of the operations and property of the Franchisee outside the City.

2) The Franchisee shall prepare and furnish to the Business License Supervisor, at the times and in the form prescribed by the Business License Supervisor, such data with respect to Franchisee's operations, affairs, transactions, property or financial condition as may be reasonably necessary or appropriate to the performance of any of the Business License Supervisor's duties.

3) Requested data may include but shall not be limited to: membership and lease driver records, waybills, maintenance records, financial statements, insurance, fleet schedules, dispatch records, vehicle records, affirmative action records, and employment records. In addition, a copy of every application, petition or schedule concerning rates and service within the City filed by the Franchisee with any local or State of California agency, and all amendments thereof, shall be filed with the Business License Supervisor within one (1) day thereafter.

4) Upon request, every taxicab company franchised under this Article shall inform the Business License Supervisor or Police Chief or any duly authorized peace officer of the names, addresses, and the sources of all taxicab drivers' permits or vehicle licenses, of all taxicab drivers which such taxicab company employs, manages or is otherwise connected.

5) Failure to comply with any request for any information pursuant to this Article shall be grounds for revocation of the franchise.

33.16.100 SUSPENSION OR REVOCATION OF FRANCHISE.

- a) Suspension or Revocation. A Franchisee's authority to operate may be suspended or revoked by the City Council pursuant to the provisions of this section.
- b) Suspension. City shall have the right to suspend Franchisee's operations under the franchise in the event of a lapse in required insurance or any other violation of the franchise agreement or of the provisions of this Article that, in the judgment of the Business License Supervisor, create an immediate safety hazard. In the event of a suspension, all Franchisee's taxicab operations in the City shall cease until such time as the suspension is lifted. No suspension made pursuant to this Section may exceed fifteen (15) days pending a hearing before the License Review Board.
- c) Revocation. City shall have the right to revoke the franchise and terminate the franchise agreement in the event that Franchisee fails to cure any default within the required time as provided in the franchise agreement. City shall further have the right to revoke the franchise and terminate the franchise agreement if Franchisee violates any material provision of any applicable law or ordinance; fails to maintain required insurance or fails to pay to City any monies due City pursuant to this franchise agreement (and fails to remedy such default within five (5) days after written notice thereof from City); fails to maintain in force all required licenses and permits; violates any orders or filings of any regulatory body having jurisdiction over Franchisee relative to its operations under the franchise agreement, if Franchisee fails to make any payment required under the franchise agreement and/or refuses to provide City with required information, reports, and/or records in a timely manner as provided for in the franchise agreement; if Franchisee practices, or attempts to practice, any fraud or deceit upon City.

Franchisee may respond in writing to a notice of intent to terminate from the Business License Supervisor. The matter will then be referred to the City Council for consideration pursuant to this section. The City Council will set the matter for a hearing and the City Clerk shall give Franchisee thirty (30) days written notice of the time and place of the hearing. At the hearing, the City Council shall consider the all relevant evidence and testimony and if the City Council determines that the Franchisee is in breach of the franchise agreement as above described, the Council, in the exercise of its discretion, may order Franchisee to take remedial actions to cure the breach or impose any other remedy in accordance with this franchise agreement, including but not limited to suspension for a designated period of time, or revocation of the franchise and termination of the franchise agreement. The decision or order of the City Council shall be final and binding.

- d) Effect of Suspension or Revocation.
 - 1) No fee refunds shall be issued to any Franchisee upon revocation of a franchise.
 - 2) Upon revocation of any taxicab franchise under this Article, no franchise to operate the same business activity shall be granted to the Franchisee within the remainder of the original term or extension term of the franchise agreement and for a period of three (3) years thereafter.

3) Upon revocation or suspension of a franchise, the Franchisee shall cease operation of its taxicab service in the City within the time specified in the order of suspension or revocation. Except as otherwise provided, in the event that the franchise is suspended, the Franchisee may resume operation once the suspension has been lifted.

33.16.110 TAXICAB DRIVER'S PERMITS AND REQUIREMENTS.

- a) Taxicab Drivers - License Preconditions. A taxicab company shall not permit any person to operate a taxicab authorized under his or her taxicab company's franchise unless such person has in his or her possession a valid driver's license issued by the State of California of Motor Vehicles, a current taxicab driver's permit from the Franchisee that is franchised to operate in Torrance and a current Torrance personal taxicab driver's identification card obtained in accordance with the provisions of this Article.
- b) Taxicab Driver Obligations and Requirements.
 - 1) No taxicab driver shall operate a taxicab into which passengers are accepted for transportation within the City of Torrance without having first obtained a valid Torrance taxicab driver's permit and paid the required fees therefore.
 - 2) No taxicab driver shall operate a taxicab in the City of Torrance into which passengers are accepted for transportation unless such driver is employed by, or is associated with, a taxicab company approved to do business within the City of Torrance pursuant to a franchise agreement.
 - 3) Every taxicab driver shall ensure that any taxicab he/she is operating in the City of Torrance has a taxicab vehicle permit. The taxicab company shall receive a decal for each approved taxicab. The decal must be prominently displayed on the left side of the rear bumper of the vehicle.
 - 4) No taxicab driver shall operate a taxicab within the City of Torrance into which passengers are accepted for transportation without a valid Torrance vehicle permit affixed on the rear of the taxicab so that it is clearly visible from outside the vehicle. Failure to display the decal shall be a violation of this Article and a citable offense.
 - 5) Taxicab driver's personal permits shall be valid for one (1) year from the date of issuance, unless sooner revoked pursuant to the provisions of this Article.
- c) A Taxicab Driver Permit may be obtained provided the prospective driver has submitted all of the following:
 - 1) A completed taxicab driver permit application signed and dated by the Franchisee and accompanied by the permit application fee determined by resolution of the City Council.

- 2) Typed documentation that is dated and signed from a franchised taxicab company in the City of Torrance that the Franchisee will be hired or is employed as a taxicab driver upon issuance of a taxicab driver's permit;
 - 3) The name, residence address, and age of the applicant;
 - 4) The number and expiration date of the applicant's California driver's license, and disclosure of whether any state driver's license or taxi driver's permit held by the applicant has ever been revoked or suspended;
 - 5) The name and address of the Franchisee by whom the applicant is to be employed as a driver, and the endorsement of that Franchisee;
 - 6) The names and addresses of every person by whom the applicant has been employed at any time during the five (5) calendar years preceding the year of application;
 - 7) The names and addresses of three (3) responsible persons, excluding relatives of the applicant, who have known the applicant for at least three (3) years;
 - 8) Proof of insurance and agreement to maintain at all times in full force and effect, insurance at levels required by 33.16.060 of this Article;
 - 9) Assent to a background investigation and fingerprinting by the Police Department;
 - 10) Two (2) copies of a one (1) inch-square photograph of the applicant, taken within ninety (90) days of the date of application. (One photograph will be attached to the driver's permit certificate or identification card; the other will be retained by the Business License Supervisor);
 - 11) The identification number and expiration date of each taxi driver's permit issued by every other jurisdiction in which the applicant is licensed;
 - 12) Any other information the Business License Supervisor may require;
 - 13) A current valid California Driver License;
 - 14) Proof that the Franchisee is at least eighteen (18) years of age;
 - 15) A negative drug and alcohol screening test taken within the previous thirty (30) days in compliance with California Government code Section 53075.5(b)(3); and
 - 16) Payment of all applicable fees.
- d) Submission of Application. Upon receipt of an application for a taxicab driver's permit and the required fees therefore, staff shall review the application to determine that it is complete. An

application that is not complete shall be returned to the applicant along with a list of the deficiencies. Once an application is determined to be complete, it shall be filed and accepted for processing and review.

e) Review and Investigation.

- 1) Generally. Once an application for a taxicab driver's permit is filed, the Business License Supervisor shall initiate an investigation of facts for each application with the appropriate City or County agencies.
- 2) An applicant shall not have been convicted, during the preceding seven (7) years of any offense relating to the use, sale, possession or transportation of narcotics or addictive or dangerous drugs, or of any act involving violence against persons, or of any sexual offense constituting a felony, or of any offense punishable as a felony or of theft in either degree. For the purposes of this rule, a subsequent change of plea or vacation of verdict and dismissal of charges pursuant to California Penal Code Section 1203.4 does not release the applicant from the penalties and disabilities resulting from the offense of which he or she has been convicted.
- 3) Every taxicab driver and/or company shall ensure that the driver has tested negative to controlled substances and alcohol pursuant to SB 46 (Ayala), enacted as Chapter 405 of Statues of 1995 amending Government Code Section 53075.5. Upon request the driver and/or company shall provide written proof of compliance to the City.

f) Grounds for Denial. The Business License Supervisor shall not grant a taxicab driver's permit if he or she finds that:

- 1) The applicant has been convicted of a felony or a misdemeanor involving moral turpitude, and has not subsequently demonstrated rehabilitative characteristics;
- 2) The applicant has made a material misrepresentation of fact in the application for permit;
- 3) The applicant has been convicted of the following types of California Vehicle Code violations (not limited to the sections enumerated);
 - a) Resulting in hit and run injury or death (violation 20001-20004).
 - b) Reckless driving - causing in injury (violation 23104).
 - c) Driving while under the influence of alcohol or drugs - causing injury to others (violation 23153).
- 4) The applicant's Department of Motor Vehicles printout indicates either the following within the preceding seven (7) years;

- a) Hit and Run- property damage, including vehicles (20002).
 - b) Reckless driving - no injury (violation 23103).
 - c) Driving while under the influence of alcohol or drugs - no injury (23152).
 - d) Driving drinking while operating motor vehicle on highway (23220).
 - e) Any sexual offense or moral turpitude not constituting a felony (647 of the California Penal Code).
- 5) A conviction (or plea of guilty or nolo contendere) in any state for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances; crimes involving the use of a weapon; or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions, or responsibilities of a taxi driver;
- 6) Any conviction (or plea of guilty or nolo contendere) within five (5) years of application in any state or any final administrative determination of a violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of a Driver's Permit under this ordinance;
- 7) The applicant has been convicted or pleaded guilty of no contest to three (3) or more moving violations under the State Vehicle Code within the preceding twelve (12) month period;
- 8) The applicant is physically incapable of operating a taxicab without risking the life or property of passengers.
- g) Effect of Denial.
- 1) Limitation on New Applications. Upon denial of a taxicab driver's permit, the applicant shall be disqualified from re-application absent a showing of changes circumstances that would result in a different outcome.
 - 2) Appealability.
 - a) The Business License Supervisor's decision denying a taxicab driver's permit may be appealed by any interested person to the License Review Board. Written notice of the appeal must be served with the City Clerk within fifteen (15) days after the decision.
 - b) Any interested person, applicant, or Franchisee may seek review of any action of the License Review Board in accordance with the provisions of Section [11.5.1](#) of the Torrance Municipal Code.
- h) Prohibition on Transfers. Taxicab driver's permits are personal in nature and shall not be

transferred. Any purported transfer shall be null and void.

- i) Revocation. A taxicab driver's permit may be revoked, modified, conditioned or suspended for cause by the Business License Supervisor for any violation of this Article or of the franchise agreement. A revocation preceding will be initiated if the driver accumulates three (3) or more DMV violation points in the calendar year. Prior to such revocation, modification, conditioning or suspension, the applicant shall be notified in writing of the grounds for such action. Within ten (10) days of notification, the applicant may respond in writing or request a hearing before the Business License Supervisor. The hearing shall be conducted within ten (10) days of the request. The Business License Supervisor's decision shall be final.
- j) Conditions of Approval. The Business License Supervisor may condition the taxicab driver's permit to ensure that the permit shall comport with the public health, safety and welfare.

k) Permit Issuance.

- 1) Upon approval of an application, the Business License Supervisor shall issue a taxicab driver's permit to the applicant.
- 2) Every taxicab driver, while in charge of, or driving, a taxicab, shall have in his or her possession a valid and current taxicab driver's permit issued by the Business License Supervisor and a valid driver's license issued by the California Department of Motor Vehicles. The taxicab driver shall post the taxicab driver's permit in a permanent fixture in prominent view of passengers in the taxicab.

33.16.120 OPERATING REQUIREMENTS.

Every taxicab driver and Franchisee will be jointly and severally responsible for all of the following requirements. Each Franchisee and driver must:

- a) Maintain, at all times in full force and effect, insurance as required by Section [33.16.060](#) of this Article;
- b) Maintain, at all times, valid business licenses for the City of Torrance;
- c) Display at all times on each taxicab operating within the City of Torrance a valid taxicab identification decal issued by the Business License Supervisor. The identification decal must be permanently affixed to the lower left corner of the rear windshield of the vehicle so that it is clearly visible from the outside of the vehicle. If, because of the presence of other stickers or decals required by law, the decal cannot be affixed on the lower left corner of the rear windshield, the decal must be attached to the vehicle in a conspicuous location, as close as possible to the lower left corner of the rear windshield;
- d) Keep an accurate, legible record of all passengers carried, the pick up and drop off points, and the date and time carried. This record must be available for up to one (1) year for review by the

Business License Supervisor;

- e) 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.
- f) Display a photo I.D. badge identifying the driver's association with permitted taxicab service;
- g) Keep the taxicab in good mechanical condition and in compliance with any and all applicable rules and regulations;
- h) Charge only those rates as established by the Franchisee but shall not be more than that which is charged by the City of Los Angeles. All rate increases will be indexed to the City of Los Angeles rates;
- i) 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 must have printed thereon the name of the Franchisee under which the taxicab is permitted to operate and the business address and telephone number where comments or complaints regarding the taxicab service may be directed;
- j) Keep the taxicab in a clean and sanitary condition;
- k) Participate in periodic testing for controlled substances and alcohol, must report the results thereof, as specified in Government Code Section 53075.5 (b) (3), must test negative for drugs and/or alcohol as required in said Code Section, and must carry in his or her vehicle a certificate of compliance with the provisions described in this subsection;
- l) Not permit any person to operate a taxicab unless such person is authorized to operate a taxicab pursuant to this part;
- m) Not stop for or accept any passenger except at such areas as may be authorized by the City; or where the taxicab driver has driven a passenger to a particular location and is waiting for that passenger; or when picking up a passenger who has contacted the driver's Franchisee and requested taxicab service;

- n) Drive passengers to their point of destination by the most direct practical route, unless specifically directed otherwise by such passengers;
- o) 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;
- p) Immediately report the fact of any revocation of any permit required to operate a taxicab within the City;
- q) Surrender the taxicab driver's permit to the City if no longer employed by a City-permitted Franchisee;
- r) Ensure that each driver operating within the City maintains a valid California driver's license at all times;
- s) Perform a yearly inspection of each vehicle operating within the City as part of his or her taxicab service. The inspection must be made by a certified mechanic or automotive repair dealer. Inspection records, signed by the mechanic or repair dealer, must be maintained in the business office of the Franchisee attesting that the vehicle has been inspected and is in good working order. A taxicab which has been inspected pursuant to the requirements of the City or County of Los Angeles taxicab regulations may maintain proof of that inspection in lieu of the inspection required by this section;
- t) Permit any police officer of the City or any person authorized by the City and having the duty to enforce this Article to inspect or thoroughly examine any taxicab at any time.

33.16.130 EQUIPMENT REQUIREMENTS.

Every taxicab driver and Franchisee will be jointly and severally responsible for all of the following requirements. Each Franchisee and driver must fulfill the following equipment requirements:

- a) Taxicab Equipment.
 - 1) A trunk device which will permit the opening of the trunk lid from the inside of the trunk;
 - 2) A permanent fixture to display the taxicab driver's permit in prominent view of the passengers;
 - 3) Prominent signs giving the name and telephone number of the taxicab Franchisee and the taxicab number on the sides of the vehicle. The taxicab number must also be conspicuously displayed on the rear portion and inside the vehicle;
 - 4) A prominent sign within the passenger area of each taxicab informing passengers to call the City's Business License Division at (310) 618-5923 with comments or complaints on the

service provided;

- 5) No fewer than four (4) working doors, except that a handicapped accessible mini-van may be used;
- 6) A fire extinguisher;
- 7) Four (4) flares;
- 8) At least two (2) emergency reflectors;
- 9) Spare tire and jack;
- 10) Windows which patrons can open from inside; and
- 11) 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.

b) Taxicab Equipment. In addition to the equipment requirements of Section [33.16.120\(I\)](#) of this Article, every taxicab into which passengers are accepted for transportation within the City must have the following equipment:

- 1) A taximeter, as defined in Section [33.16.150](#) of this Article;
- 2) A two way radio and a mobile display terminal capable of communication with a dispatcher.

c) Prohibited Equipment. No taxicab may be equipped with a scanner or other device that can be used to intercept radio signals and dispatches sent to specific destinations.

d) Equipment Waiver Conditions. Notwithstanding the provisions of this Article, the License Review Board, following application, notice and public hearing, may waive any equipment requirement upon a showing of good cause by any Franchisee. Each waiver must be specified on the Franchisee franchise and any applicable vehicle permit.

33.16.140 VIOLATIONS.

a) It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Article. Any person, firm, partnership, or corporation violating any provision of this Article or failing to comply with any of its requirements will be deemed guilty of a misdemeanor and upon conviction thereof will be punished by fine not exceeding One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm partnership, or corporation will 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 this Article is committed, continued or permitted by such person, firm, partnership, or corporation, and will be deemed punishable therefore as provided in this Article.

b) The Police Chief, any duly authorized police officer, and any persons authorized by the City and having the duty to enforce this Article are hereby authorized to impound the taxicab of any person violating the provisions of Sections [33.16.040\(A\)](#) and [\(F\)](#) and [33.16.110\(B\)](#). The taxicab may be recovered upon payment of the fees prescribed therefore.

c) Taxicab drivers accumulating three (3) or more DMV points during a twelve (12) month licensing period shall not be eligible for renewal of the taxicab driver's permit for a period of one (1) year.

33.16.150 TAXIMETERS REQUIRED.

a) Except as otherwise provided by law, each taxicab must be equipped with a taximeter that has been inspected and certified by the Los Angeles County Agricultural Commissioner/Weights and Measures. Each taximeter must 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 a type and design approved by the Los Angeles County Agricultural Commissioner/Weights and Measures. It will be the duty of every Franchisee and driver using any taximeter to, at all times, keep such meter accurate. Taximeters will 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 Franchisee must 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 Los Angeles County Agricultural Commissioner/Weights and Measures.

33.16.160 ANNUAL FRANCHISE FEE.

Each Franchisee shall pay an annual fee to the City for the privilege of operating a taxicab service in the City for each year of any franchise term. The amount of the annual franchise fee will be set by resolution of the City Council. The fee shall be due upon execution of the franchise agreement by the City and the anniversary date thereof in each successive year of the term of the franchise. Failure to pay the franchise fee when due shall be cause for revocation of the franchise.

33.16.170 PERFORMANCE STANDARDS.

- a) The minimum Performance Standards are: eighty (80) percent of calls will be picked up within twenty (20) minutes of receiving the telephone request for service and ninety-five (95) percent of all calls will be picked up within forty-five (45) minutes of receiving the telephone request for service; and
- b) Service Time Orders and Notice of Delays. Patrons shall be informed of the availability of taxi service. Orders for immediate service shall be dispatched within a fifteen (15) minute period unless the patron is informed of a probable time delay. "Time orders" shall be dispatched so that the

taxicab can arrive at the time promised. An order for service that cannot be met within a reasonable time shall be referred to another taxicab company authorized to serve the city.

ARTICLE 17 - TAXICABS AND VEHICLES FOR HIRE

(O-366; Amended by O-390; O-1106; O-1120; O-1725; O-2116; O-2129; O-2288; O-2817; O-3170; O-3174; O-3229; O-3354; O-3364; O-3470)

33.17.010 PURPOSE.

The purpose of this Article is to provide rules and regulations governing the operation and permitting of vehicle for hire and taxicab service companies, and vehicle for hire and taxicab drivers. This Article also serves as the taxicab and vehicle for hire transportation service policy of the City of Torrance, which is required to be adopted by California Government Code Section 53075.5(b).

33.17.020 DEFINITIONS.

Driver means any person driving a taxicab or vehicle for hire, either as an independent contractor or under the direction, employment, control, or service of a service operator.

License Supervisor means the Assistant Finance Director of the City of Torrance or his or her designee.

Person means any individual, firm, corporation, association, partnership, or other form of business entity, other than a governmental entity.

Service Operator means every person having control, whether by a ten (10) percent or greater ownership interest of any taxicab service or vehicle for hire service.

Taxicab means any vehicle designed to carry not more than eight (8) passengers, excluding the driver, and that is used to provide taxicab service.

Taxicab service means any public passenger transportation service using a taxicab 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 points and over routes directed by the person(s) hiring the taxicab, and irrespective of whether the operations extend beyond the corporate limits of the City. The term "taxicab service" includes the act of picking up any passenger in the City, but does not include the sole act of delivering any passenger to a location within the City.

Vehicle for hire means every motor-propelled vehicle, other than a taxicab, 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. This term does not include a limousine business that provides service within the City and that holds a certificate or permit issued by the California Public Utilities Commission pursuant to the provisions of Chapter 8, Division 2 of the California Public Utilities Code.

Vehicle for hire service means a business that provides a vehicle for hire for transportation service.

33.17.030 SERVICE OPERATOR'S PERMIT REQUIRED.

It is unlawful for any person to operate or cause to be operated any vehicle for hire or taxicab service within the City without having a service operator's permit issued pursuant to this Article.

33.17.040 DRIVER'S PERMIT REQUIRED.

It is unlawful for any person to drive a vehicle for hire or taxicab in the City without having a driver's permit issued pursuant to this Article.

33.17.050 APPLICATION FOR SERVICE OPERATOR'S PERMIT.

Any person desiring to obtain or to renew a service operator's permit to operate a vehicle for hire or a taxicab service must complete a City application form, sign it under penalty of perjury and submit it to the License Supervisor. Each application must be accompanied by an application fee in an amount to be established by resolution of the City Council. An incomplete application will be returned to the applicant within seven (7) calendar days along with a list of the deficiencies. The application will be deemed abandoned if, within fourteen (14) calendar days following the mailing of a notice of incomplete application, an amended application correcting all identified deficiencies is not received by the City. Within seven (7) calendar days of receiving a complete application, the City will send a letter acknowledging receipt of the completed application.

The following information is required:

A) The legal names, mailing and street addresses, and telephone numbers of the applicant, specified owners, directors, officers and employees. If the vehicle for hire or taxicab service is advertised to the public and operates under a name other than the legal name of the applicant, that name must be included as well. The application must include all fictitious business names used by the applicant in Los Angeles County in the five (5) years preceding the calendar year in which the application is made. A post office box, mailbox, message service, or other similar device may not be used as an actual street address, but is acceptable as a mailing address.

- 1) Corporate Applicants. The corporate name must be exactly as set forth in the corporation's articles of incorporation. The names, mailing and street addresses, and telephone numbers of all directors, every shareholder holding ten (10) percent or more the shares of the corporation, corporate officers, and the designated agent for service of legal process must be included. A corporate applicant must also provide a Certificate of Domestic Stock Ownership and a current certificate of good standing issued by the California Secretary of State.
- 2) Partnerships. The names, mailing and street addresses, and telephone numbers of each general partner must be stated. If one (1) or more of the general partners is a corporation, the provisions of this section pertaining to corporate applicants also apply. The name, mailing and

street addresses, and telephone number of a person authorized to accept service of legal process must also be included.

3) Other Businesses. If the applicant is a cooperative, member stock-type operation, service organization, or association, the application must include the names, mailing and street addresses, and telephone number of each officer, director, and each shareholder owning any share or portion of any share in the organization or association. The name, mailing and street address, and telephone number of a person authorized to accept service of legal process must also be included.

4) Sole Proprietorships. The name, mailing and street addresses and telephone number of the owner and any person authorized to accept service of legal process must be included;

B) The street addresses from which the applicant conducts or will conduct the vehicle for hire or taxicab service business, where dispatch will be conducted, and each location at which the business's vehicles will be garaged;

C) The number of vehicles for hire or taxicabs to be operated under the permit and the number of vehicles for hire or taxicabs in the applicant's fleet (the City of Torrance requires an overall minimum fleet size of fifty (50) vehicles for hire or taxicabs);

D) The manufacturer, model year, vehicle type, vehicle identification number ("VIN"), license plate number, company identification number, passenger capacity and proof of commercial registration for each vehicle to be operated in the City of Torrance, together with evidence satisfactory to the License Supervisor that each taxicab or vehicle for hire proposed to be operated under the permit has been safety-inspected within a period of time satisfactory to the License Supervisor, and otherwise complies in all respects with all applicable laws, rules, and regulations;

E) The proposed color scheme, insignia or other distinguishing characteristic of the taxicab or vehicle for hire, including the style and legend of any illuminated sign to be mounted on the top of the vehicle;

F) Proof that the applicant maintains at its sole expense insurance meeting the following requirements:

1) Separate commercial automobile liability insurance for each vehicle proposed to be operated within the City pursuant to the operator's permit, with at least the following limits of liability:

a) Primary Bodily Injury with limits of at least two hundred fifty thousand dollars (\$250,000.00) per person and five hundred thousand dollars (\$500,000.00) per occurrence; and Primary Property Damage of at least one hundred thousand dollars (\$100,000.00) per occurrence; or

- b) Combined single limits of five hundred thousand dollars (\$500,000.00) per occurrence.
 - 2) Unless otherwise provided by law, evidence that the applicant has procured workers compensation insurance covering all drivers to be employed by the applicant;
 - 3) Required insurance must be issued by companies admitted to do business in California, rated "B+" or better in the most recent edition of Best's Key Rating Guide, and of a financial category Class VII or better.
 - 4) The City, the City Council, and each present and former member of the City Council, City boards and commissions, and every officer, agent, official, employee and volunteer of the City (collectively, "City entities") must be named as additional insureds under the automobile liability policy.
 - 5) Each policy of required insurance must contain a provision that no termination, cancellation or change of coverage can be made without thirty (30) days' notice to the City.
 - 6) The applicant must provide certificates of insurance and/or endorsements to the City Clerk of the City of Torrance prior to issuance of a permit.
- G) Acknowledgment and acceptance of indemnification requirement. As a condition of receiving a service operator's permit, the applicant will be required to execute a statement agreeing to indemnify, defend, and hold harmless the City entities from and against any and all liability, expenses, including defense costs and legal fees, and claims for damages whatsoever, including, but not limited to, those arising from bodily injury, death, personal injury, property damage, loss of use, or property loss, however the same may be caused and regardless of the responsibility for negligence. The obligation to indemnify, defend and hold harmless will include, but not be limited to, any liability or expense, including defense costs and legal fees, arising from the negligent acts or omissions, or willful misconduct of the applicant, its officers, employees, agents, joint venturers, subcontractors or vendors. The applicant's obligations to indemnify, defend and hold harmless will apply even in the event of concurrent negligence on the part of a City entity, except for liability resulting solely from the negligence or willful misconduct of a City entity. Payment by City will not be a condition precedent to enforcement of this indemnity. In the event of a dispute between the applicant and the City as to whether liability arises from the sole negligence of a City entity, the applicant will be obligated to pay for the City entity's defense until a final judgment has been entered adjudicating the City entity as solely negligent. In the event a final judgment is entered adjudicating a City entity as solely negligent, the applicant will not be entitled to a reimbursement of any defense costs, including but not limited to, attorney's fees, expert fees and costs of litigation. This indemnity will apply regardless of whether the City approved a service operator's or driver's permit or whether the City inspected or approved any vehicle used in conjunction with a permit.

- H) Legal and registered ownership of the vehicles to be used by the applicant;
- I) Prior experience of the applicant in a vehicle for hire or taxicab business, including the details of any prior permit denial, revocation or suspension by any public agency of any type of operator's or driver's permit, license or certificate;
- J) The name of each driver who will operate a taxicab or vehicle for hire in the City;
- K) A certification that no driver employed or to be employed by the operator has been convicted of driving under the influence of alcohol or drugs within five calendar years preceding the date of application;
- L) A certification that each driver has received a minimum of sixteen (16) hours of training;
- M) A certification that drivers and dispatchers are proficient in the English language and able to communicate effectively with the public;
- N) Description of the required uniform its drivers will wear;
- O) A copy of the service operator's vehicle maintenance program, including preventative maintenance. The program must be in accordance with the vehicle manufacturer's warranty specifications and any applicable state and federal laws;
- P) Rates to be charged to the public throughout the term of the service operator's permit;
- Q) Satisfactory evidence establishing that the applicant has complied and currently complies with the provisions of California Government Code Section 53075.5(b)(3), or any successor provision, pertaining to pre-employment and periodic testing of drivers for controlled substances and alcohol, and with provisions pertaining to payment for drug and alcohol testing programs and related reporting requirements. The applicant must also provide satisfactory evidence that each driver who will operate a taxicab or vehicle for hire within the City has tested negative for drugs and alcohol within the previous twelve (12) months;
- R) The names, street 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;
- S) An explanation of how the vehicle for hire or taxicab service will provide service to people with disabilities that make it difficult to use conventional taxicab sedans;
- T) A public convenience and necessity proposal containing the following information:
 - 1) A demonstration of the need for additional vehicle for hire or taxicab service in the City; and

- 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 five (5) calendar years preceding the year of application;
- U) Submission of Department of Motor Vehicles (DMV) Pull Notice Program Requestor Code Number, as defined in Vehicle Code Section 1808.1, issued to the applicant. As a condition of accepting a service operator's permit, the service operator is required to notify the License Supervisor immediately if it receives a DMV Pull Notice on one of its drivers that would affect that person's driver's permit. In the event a driver's DMV record indicates that a driver no longer qualifies for a driver's permit, the service operator must require the driver to surrender the driver's permit to the License Supervisor. DMV Pull Notice records must be made available for review by the License Supervisor upon request;
- V) Submission of records of any convictions in any court of any state of the United States or in any United States court with respect to any of the persons identified in subdivision A of this section; and
- W) Any additional information pertinent to the operation of the proposed taxicab or vehicle for hire service, including but not limited to the business backgrounds of the officers and directors, certified business financial statements, and lease arrangements as the City may require.

33.17.060 INVESTIGATION AND HEARING ON SERVICE OPERATOR'S PERMIT.

The License Supervisor will conduct an investigation of the applicant. Upon completion of the investigation, the License Supervisor will set a date for public hearing on the application before the License Review Board. A notice specifying the time and place of the hearing and a copy of the investigatory report will be mailed to the applicant and to all existing service operators and will be made available to the public, at least seven (7) days before the date of the hearing. The License Review Board will make a determination within fourteen (14) calendar days following the close of the hearing.

33.17.070 APPROVAL OR DENIAL OF SERVICE OPERATOR'S PERMIT; CRITERIA FOR DENIAL.

The License Review Board may approve, deny or conditionally approve an application for a service operator's permit. The License Review Board may deny an application for a service operator's permit if, based on substantial evidence, the License Review Board finds any of the following:

- A) The public convenience and necessity is not served;
- B) The application contains any material misrepresentation;
- C) The applicant is not morally or financially responsible;
- D) Any vehicle proposed to be operated lacks required equipment, is improperly licensed, or unsafe;

- E) The applicant's proposed color scheme, name, insignia, or monogram will conflict with or imitate any color scheme, name, insignia, or monogram used by any other person operating any vehicle described in this Article, in such a manner as to be misleading to the public;
- F) The applicant's proposed schedule of rates is unjust, unreasonable, discriminatory, or preferential;
- G) Additional vehicle for hire or taxicab service will have a detrimental effect on traffic and parking within the City, or will otherwise be contrary to the public welfare; or
- H) The applicant has not otherwise complied with this Article.

33.17.080 APPLICATION FOR DRIVER'S PERMIT.

Any person who wishes to obtain a driver's permit must file an application with the License Supervisor. Each application must be accompanied by an application fee in an amount to be set by resolution of the City Council. An incomplete application will be returned by mail to the applicant along with a list of deficiencies. An incomplete application will be deemed abandoned if a corrected application is not received by the City within fourteen (14) calendar days following the date the City mailed the applicant notice of the deficiency. Within seven (7) calendar days of receiving a complete application, the City will send a letter acknowledging receipt of the completed application.

The application must be signed under penalty of perjury and must include the following:

- A) The name, residence address, and age of the applicant;
- B) Any convictions in any court of any state of the United States or in any United States court;
- C) The number and expiration date of the applicant's California driver's license, and disclosure of whether any state driver's license or taxi driver's permit held by the applicant has ever been revoked or suspended;
- D) The name and address of the permitted service operator by whom the applicant is to be employed as a driver, and the endorsement of that service operator;
- E) The names and addresses of every person by whom the applicant has been employed at any time during the five (5) calendar years preceding the year of application;
- F) The names and addresses of three (3) responsible persons, excluding relatives of the applicant, who have known the applicant for at least three (3) years;
- G) Proof of insurance and agreement to maintain at all times in full force and effect, insurance at levels required by 33.17.050(F) of this Article;
- H) Assent to a background investigation and fingerprinting by the Police Department;

- I) Two (2) copies of a one (1) inch-square photograph of the applicant, taken within ninety (90) days of the date of application. (One (1) photograph will be attached to the driver's permit certificate or identification card; the other will be retained by the License Supervisor); and
- J) The identification number and expiration date of each taxi driver's permit issued by every other jurisdiction in which the applicant is licensed;
- K) Any other information the License Supervisor may require.

33.17.090 INVESTIGATION AND APPROVAL OR DENIAL OF APPLICATION FOR DRIVER'S PERMIT.

If an applicant holds a valid driver's permit issued by another jurisdiction whose application process included an investigation and background check by a law enforcement agency, the License Supervisor may immediately issue a driver's permit, upon confirmation of the issuance and current validity of that prior permit.

The License Supervisor will otherwise forward the completed application to the Police Department, which will conduct and complete an investigation of the applicant, within sixty (60) days after a completed application has been received by it. The Police Department will approve or deny the application and report its action to the License Supervisor. The Police Department must specify its grounds for any denial. The License Supervisor will notify the applicant by mail of Police Department approval or denial within seven (7) calendar days of the Police Department action.

The Police Department must recommend denial of an application if the applicant has:

- A) Falsified material information on the application;
- B) Registered as a sex offender pursuant to California Penal Code Section 290;
- C) Served or is on formal probation or parole for any offense in this section;
- D) A conviction (or plea of guilty or nolo contendere) in any state for any of the following: murder; robbery; pandering; pimping; crimes related to the sale or transportation of controlled substances; crimes involving the use of a weapon; or any other offense involving moral turpitude or any crime that is substantially related to the qualifications, functions, or responsibilities of a taxi driver;
- E) A conviction (or plea of guilty or nolo contendere) in any state for a felony other than those listed in the previous subsection within eight (8) years of application; or
- F) Any conviction (or plea of guilty or nolo contendere) within five (5) years of application in any state or any final administrative determination of a violation of any statute, ordinance, or regulation reasonably and rationally pertaining to the same or similar business operation which would have resulted in suspension or revocation of a Driver's Permit under this ordinance.

33.17.100 RIGHT TO LICENSE REVIEW BOARD REVIEW OF DENIAL OF APPLICATION FOR DRIVER'S PERMIT.

Any person whose application for a driver's permit is denied is entitled to a de novo hearing before

the License Review Board upon the filing of a written request with the license Supervisor. A request for hearing must be filed with the License Supervisor within fourteen (14) calendar days following mailing of a notice of denial.

33.17.110 CONDITIONING APPROVALS OF PERMITS.

- A) Right to Condition Service Operator's Permit. The License Review Board may condition any permit in order to ensure that the vehicle for hire or taxicab operation will comport with the public health, safety, and welfare. The permittee must sign an affidavit affirming his or her acceptance of the conditions.
- B) Right to Condition Driver's Permit. The Police Department may condition any driver's permit at any time in order to ensure that a driver's operation of a vehicle for hire or taxicab within the City will comport with the public health, safety and welfare. The permittee must sign an affidavit affirming his or her acceptance of the conditions.
- C) Application to Change Conditions. The License Review Board may change, modify or eliminate any conditions previously placed on a 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 will be noticed and set for public hearing in a manner consistent with Section [33.17.060](#)

33.17.120 TRANSFER PROHIBITED.

No permit issued under this Article will be sold, transferred, assigned, mortgaged or otherwise conveyed without the prior consent of the License Review Board, and any sale, transfer, assignment, mortgage or otherwise conveying any such permit without the prior consent of the Board will render the permit automatically void.

33.17.130 ANNUAL PERMIT FEES.

- A) Every service operator must pay an annual per-vehicle operating permit fee in an amount established by resolution of the City Council. Required fees must be paid at the time an application for a permit or renewal is submitted.
- B) Every operating permit issued under this Article will terminate at the expiration of one (1) year from the date of its issuance unless revoked prior to said termination. Any renewal of an operating permit issued under this Article will be pursuant to the same requirements, procedures, provisions and regulations set forth in this Article for an original permit, except as otherwise provided. A service operator may not drive a taxicab or vehicle for hire without also possessing a current taxicab or vehicle for hire driver's permit and otherwise satisfying all requirements of this Article pertaining to City approval of taxicab and vehicle for hire drivers. Every service operator must provide written notification to the License Supervisor upon the termination or resignation from employment of any person holding a driver's permit.

33.17.140 ISSUANCE OF TAXICAB AND VEHICLE FOR HIRE IDENTIFICATION DECAL.

The License Supervisor will issue an identification decal for each taxicab and vehicle for hire permitted to operate in the City.

33.17.150 OPERATING REQUIREMENTS.

Every taxicab and vehicle for hire driver and service operator will be jointly and severally responsible for all of the following requirements. Each service operator and driver must:

- A) Maintain, at all times in full force and effect, insurance as required by Section [33.17.050\(F\)](#) of this Article.
- B) Maintain, at all times, valid business licenses for the City of Torrance.
- C) Display at all times on each taxicab or vehicle for hire operating within the City of Torrance a valid taxicab or vehicle for hire identification decal issued by the License Supervisor. The identification decal must be permanently affixed to the lower left corner of the rear windshield of the vehicle so that it is clearly visible from the outside of the vehicle. If, because of the presence of other stickers or decals required by law, the decal cannot be affixed on the lower left corner of the rear windshield, the decal must be attached to the vehicle in a conspicuous location, as close as possible to the lower left corner of the rear windshield.
- D) Keep an accurate, legible record of all passengers carried, the pick up and drop off points, and the date and time carried. This record must be available for up to one (1) year for review by the License Supervisor.
- E) 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.
- F) Display a photo I.D. badge identifying the driver's association with permitted taxicab or vehicle for hire service;
- G) Keep the taxicab or vehicle for hire in good mechanical condition and in compliance with any and all applicable rules and regulations;
- H) Charge only those rates as submitted on the application or such rates as have been approved by the License Review Board;

- I) 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 must have printed thereon the name of the service operator under which the taxicab or vehicle for hire is permitted to operate and the business address and telephone number where comments or complaints regarding the taxicab or vehicle for hire service may be directed.
- J) Keep the taxicab or vehicle for hire in a clean and sanitary condition;
- K) Participate in periodic testing for controlled substances and alcohol, must report the results thereof, as specified in Government Code Section 53075.5 (b) (3), must test negative for drugs and/or alcohol as required in said Code Section, and must carry in his or her vehicle a certificate of compliance with the provisions described in this subsection.
- L) Not permit any person to operate a taxicab unless such person is authorized to operate a taxicab pursuant to this part.
- M) Not stop for or accept any passenger except at such areas as may be authorized by the City; or where the taxicab or vehicle for hire driver has driven a passenger to a particular location and is waiting for that passenger; or when picking up a passenger who has contacted the driver's service operator and requested taxicab or vehicle for hire service;
- N) Drive passengers to their point of destination by the most direct practical route, unless specifically directed otherwise by such passengers;
- O) 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;
- P) Immediately report the fact of any revocation of any permit required to operate a taxicab or vehicle for hire within the City.
- Q) Surrender the taxicab or vehicle for hire driver's permit to the City if no longer employed by a City-permitted service operator.
- R) Ensure that each driver operating within the City maintains a valid California driver's license at all times.
- S) Perform a yearly inspection of each vehicle operating within the City as part of his or her vehicle for hire or taxicab service. The inspection must be made by a certified mechanic or automotive repair dealer. Inspection records, signed by the mechanic or repair dealer, must be maintained in the business office of the service operator attesting that the vehicle has been

inspected and is in good working order. A vehicle for hire or taxicab which has been inspected pursuant to the requirements of the City or County of Los Angeles taxicab regulations may maintain proof of that inspection in lieu of the inspection required by this section.

- T) Permit any police officer of the City to inspect or thoroughly examine any taxicab or vehicle for hire at any time.

33.17.160 EQUIPMENT REQUIREMENTS.

Every taxicab and vehicle for hire driver and service operator will be jointly and severally responsible for all of the following requirements. Each service operator and driver must fulfill the following equipment requirements:

- A) Vehicles for hire and taxicab equipment.
- 1) A trunk device which will permit the opening of the trunk lid from the inside of the trunk;
 - 2) A permanent fixture to display the taxicab or vehicle for hire driver's permit in prominent view of the passengers;
 - 3) Prominent signs giving the name and telephone number of the taxicab or vehicle for hire permittee and the taxicab or vehicle for hire number on the sides of the vehicle. The taxicab or vehicle for hire number must also be conspicuously displayed on the rear portion and inside the vehicle.
 - 4) A prominent sign within the passenger area of each taxicab or vehicle for hire informing passengers to call the City's Business License Division at (310) 618-5923 with comments or complaints on the service provided.
 - 5) No fewer than four (4) working doors, except that a handicapped accessible mini-van may be used;
 - 6) A fire extinguisher;
 - 7) Four (4) flares;
 - 8) At least two (2) emergency reflectors;
 - 9) Spare tire and jack;
 - 10) Windows which patrons can open from inside; and
 - 11) 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.
- B) Taxicab equipment. In addition to the equipment requirements of Section [33.17.150\(I\)](#) of this

Article, every taxicab into which passengers are accepted for transportation within the City must have the following equipment:

- 1) A taximeter, as defined in Section [33.17.180](#) of this Article;
 - 2) A two (2) way radio and a mobile display terminal capable of communication with a dispatcher;
- C) Prohibited Equipment. No vehicle for hire or taxicab may be equipped with a scanner or other device that can be used to intercept radio signals and dispatches sent to specific destinations.
- D) Equipment Waiver Conditions. Notwithstanding the provisions of this Article, the License Review Board, following application, notice and public hearing, may waive any equipment requirement upon a showing of good cause by any applicant or permittee. Each waiver must be specified on the permittee's permit and any applicable vehicle permit.

33.17.170 TAXICAB STANDS.

- A) At its discretion, the City Council may permit the License Supervisor to locate, designate, and approve taxicab stands, which will be available for the exclusive use of City-approved taxicabs.
- B) Established taxicab stands will be in operation twenty-four (24) hours of every day, unless otherwise provided by the License Supervisor.
- C) No taxicab will remain standing unless it is attended by a driver, except when necessary to assist passengers in loading or unloading.

33.17.180 TAXIMETERS-REQUIRED.

- A) Except as otherwise provided by law, each taxicab must be equipped with a taximeter that has been inspected and certified by the Los Angeles County Agricultural Commissioner/Weights and Measures. Each taximeter must 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 a type and design approved by the Los Angeles County Agricultural Commissioner/Weights and Measures. It will be the duty of every service operator and driver using any taximeter to, at all times, keep such meter accurate. Taximeters will 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 must 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 Los Angeles County Agricultural Commissioner/Weights and Measures.

33.17.190 SUSPENSION OF PERMITS.

Any permit described under this Article may be immediately suspended by the Police Department or License Supervisor if either deems it necessary to remedy an immediate threat to the public health, safety or welfare, or failure to maintain any insurance required by this Article. Repeated failure to maintain required insurance will constitute grounds for revocation.

No suspension made pursuant to this Section may exceed fifteen (15) days pending a hearing before the License Review Board.

33.17.200 REVOCATION OF PERMITS.

In the event the License Review Board has reasonable cause to believe that grounds exist to revoke any permit issued pursuant to this Article, a written notice of intent to revoke will be served by mail upon the permit holder. Unless timely appealed, the revocation will be effective as of midnight on the date specified in the notice which will not be less than twenty-one (21) calendar days following the date of mailing of the notice.

Any taxicab or vehicle for hire service operator or driver having a permit revoked will not be eligible to apply for another permit for one (1) year after the effective date of revocation.

The License Review Board may instead of revocation provide a permit holder with an opportunity to cure certain violations, or may place certain conditions on the permit where it finds that grounds for revocation of the permit exist or that the permit holder's activities have been conducted in a manner detrimental to the public health, safety or welfare.

33.17.210 GROUNDS FOR REVOCATION OF SERVICE OPERATOR'S PERMIT.

A service operator's permit may be denied or revoked by the License Review Board for any of the following reasons:

- 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 the application for a service operator's permit;
- C) Failure to pay any fees required under this Article;
- D) Repeated and persistent violations by the service operator or the service operator's drivers of the traffic and motor vehicle laws of the City, County or State;
- E) Employment of a driver who does not have a valid California driver's license;
- F) Poor safety record or a record of complaints with respect to the operation of the vehicle for hire or taxicab service within the City or other operating areas outside the City;
- G) Charging rates in excess of the amounts stated in the permit application;
- H) Failure to procure, post or maintain in effect approved comprehensive automobile liability

insurance as required under Section [33.17.050](#)(F) of this Article; a temporary lapse in insurance coverage will result in immediate suspension pursuant to Section [33.17.190](#) of this Article.

- I) Commission of a crime involving moral turpitude that is substantially related to operation of a taxicab or vehicle for hire service, by the 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;
- J) 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 and equipment located within the City and used to conduct the vehicle for hire or taxicab service activity;
- K) Detriment to the public health, safety or welfare due to the operation of the vehicle for hire or taxicab service;
- L) Violation by the service operator, or any of his employees or agents, of any rule or regulation adopted by any governmental entity with respect to the applicant's operation of an vehicle for hire or taxicab service in other operating areas or within the City;
- M) Determination that the permit is not justified by public convenience and necessity. In making this determination, the Board 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 Torrance Municipal Code;
 - 2) The applicant is financially responsible;
 - 3) The applicant has sufficient liability insurance coverage to operate a taxicab or vehicle for hire service.
- N) Failure to comply with the requirements of Sections [33.17.150](#) and [33.17.160](#) of this Article;
- O) Failure to satisfy, or violation of, any requirement of this Article.

33.17.220 RIGHT OF APPEAL.

Any interested person, applicant or permittee may seek review of any action of the License Review Board in accordance with the provisions of Section [11.5.1](#) of the Torrance Municipal Code.

33.17.230 EXEMPTIONS.

This Article does 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.

33.17.240 PENALTY FOR VIOLATION.

It is unlawful for any person to violate any provision or to fail to comply with any of the requirements of this Ordinance. Any person, firm, partnership, or corporation violating any provision

of this Ordinance or failing to comply with any of its requirements will be deemed guilty of a misdemeanor and upon conviction thereof will be punished by fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. Each such person, firm partnership, or corporation will 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 this Ordinance is committed, continued or permitted by such person, firm, partnership, or corporation, and will be deemed punishable therefor as provided in this Ordinance.

33.17.250 REMEDIES AVAILABLE.

A violation of any of the provisions of this Ordinance will 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 abatement of such nuisance.

ARTICLE 18 - MISCELLANEOUS BUSINESS

(Amended by O-1725; O-2129; O-2288; O-2843)

33.18.1 APARTMENT HOUSE, BUNGALOW COURTS, COURTS, HOTEL, MOTEL, ROOMING HOUSE, ETC.

(Amended by O-1502; O-3033; O-3170; O-3229; O-3354; O-3358)

Subject to the provisions of Section [31.2.16](#), a license tax shall be payable for operating any apartment house, bungalow court, court, hotel, motel, rooming house or other multiple dwelling place, or for engaging in the business of renting or letting rooms or other accommodations for dwelling, sleeping or lodging, which contains three (3) or more such units. The license tax for engaging in such business shall be \$15.00* per year for each non-owner occupied unit, which tax may be prorated as provided in Section [31.2.12](#).

33.18.2 ARCADE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an arcade shall be \$146.00* per year plus applicable tax for each vending machine on the premises. A license tax shall be payable under this Section for carrying on the business of operating or exhibiting or letting the use of any shooting gallery, microscope, lung tester, muscle tester, galvanic battery, weighing machine, or any other type of machine which offers any service or amusement.

33.18.3 BOXING, WRESTLING EXHIBITIONS.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of boxing and wrestling exhibitions shall be \$146.00¹³ per day. No contest or exhibition of boxing or wrestling shall be licensed under this Division until an application for permit has been filed with the License Supervisor and approved by the Chief of Police.

33.18.4 CIRCUSES, CARNIVALS, RODEOS, ITINERANT SHOWS AND AMUSEMENT RIDES.

(Added by O-183; Amended by O-1565; O-1725; O-2129; O-2255)

No person shall be granted a license to operate any circus, carnival, rodeo, itinerant show or amusement ride unless the following conditions are met:

- a) The application for a permit shall disclose:
 - 1) The owner, whether sole owner, partnership, corporation or other form of organization.
 - 2) The position of the applicant whether owner, partner, officer of a corporation or agent of the owner.
 - 3) The names of all partners or joint owners or the names of the President, Secretary and Treasurer, if it is a corporation.
 - 4) The home address of the owner or owners with a banking reference.
- b) A plan of the layout including the placement of all structures and equipment and their contemplated use has been prepared by the applicant, presented to the License Supervisor and approved by him.
- c) The applicant has submitted to the License Supervisor a policy of insurance naming the City of Torrance and all elected and appointed officers and employees as additional assureds when acting in their official capacity, in the amount of One Million Dollars (\$1,000,000).
- d) The applicant has posted a One Thousand Dollar (\$1,000) bond to guarantee all charges or fees due the City, to guarantee pay for the services of a City inspector if an inspector's presence is required by the License Supervisor; to guarantee pay for any cleanup costs created by the failure of the applicant to clean up the site; to guarantee pay for any damages to City property, and to guarantee compensation for any other costs to the City as a result of granting the permit.
- e) That the site is in a commercial, manufacturing or industrial zone, or on public property and adequate parking areas are available which do not in any manner impair or interfere with the percentage area requirements with regard to parking in the zone in which it is located.
- f) The applicant has, if required by the License Supervisor, supplied the License Supervisor with the following regarding his employees:
 - 1) Whether or not an employee has been convicted of a crime other than misdemeanor traffic violations.
 - 2) The names and addresses of persons having employed his employees for the three (3) years last past.

- 3) The fingerprints of his employees.
- 4) The date of birth, physical description, social security number and drivers license number of each employee.

33.18.5 CARNIVALS, CIRCUSES, RODEOS OR ITINERANT SHOWS: FEES.

(Added by O-1565; Amended by O-1725; O-21295; O-3170; O-3229; O-3354; O-3360; O-3364)

The license tax for itinerant carnivals, circuses, rodeos, or itinerant shows or amusement rides shall be \$870.00* for the first day and \$506.00* for each additional day, plus any building, health or other fees which may be required by law. The license tax shall be payable under this Article only if an admission fee is charged, and if said exhibition or entertainment is conducted, managed or carried out by a person having no regularly established place of business in the City, provided that the License Supervisor may grant a no-fee license to a charitable organization as provided for in Section [31.6.4](#).

33.18.6 CATERER, OTHER THAN VEHICLE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of caterer, other than vehicle, shall be \$146.00* per year, or \$26.00¹⁴ per day.

33.18.7 CHECK CASHING SERVICE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a check cashing service shall be \$285.00* per year.

33.18.8 CHILD CARE.

(Amended by O-1250; O-1725; O-2129; O-2288; O-3170; O-3229; O-3354; O-3364)

- a) The license tax for carrying on the business of operating a day nursery or any similar or related child care activity, in the home, shall be \$79.00* per year for four (4) or less children or \$146.00* per year for five (5) or more children.
- b) This Section shall not apply to State licensed foster homes which are hereby exempt from the license tax, provided that a no fee license is required to be issued by the License Review Board.

33.18.9 Repealed by O-2288.**33.18.10 DANCE HALLS AND PLACES WHERE LIVE ENTERTAINMENT IS DISPLAYED.**

(Amended by O-1586; O-1587; O-1725; O-2129; O-3229; O-3354; O-3364)

The license tax for holding or conducting public dances where an admission fee is charged shall be \$447.00* per year or \$52.00* per night. Nothing in this Section shall be deemed or construed to require the holder of a license to conduct the business of a public dance hall to produce any additional license to conduct a dancing academy or school in the event that such dancing academy

is conducted at the same location and under the same management as said public dance hall.

33.18.11 LIVE ENTERTAINMENT OTHER THAN PIANO OR ORGAN PLAYING.

(Amended by O-1586; O-1587; O-1725; O-2129; O-3170; O-3229; O-3354; O-3364)

The license tax for holding or displaying live entertainment other than piano or organ playing in places where alcoholic beverages are sold shall be \$237.00* per year in addition to any other applicable fee. Alcoholic beverage shall include all beverages so defined by Section 23004 of the Business and Professions Code.

33.18.12 DANCING, PIANO OR ORGAN PLAYING FOR PATRONS ONLY.

(Amended by O-1586; O-1587; O-1725; O-2129; O-3170; O-3229; O-3354; O-3364)

Where dancing or piano or organ playing is conducted for patrons only on premises where alcoholic beverages are sold, and no admission fee or fee for dancing is charged or received, the license fee shall be \$163.00* for such license in addition to any other applicable fee.

33.18.13 DELIVERY SERVICE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a delivery service, other than a wholesale or retail route, shall be \$111.00* per year. A license tax shall be payable under this Section for running, driving or operating any automobile, automobile truck or other motor-propelled vehicle used for the delivery of parcels, wares or merchandise.

33.18.14 Repealed by O-2288.

33.18.15 EXHIBITIONS, SHOWS.

(Amended by O-3229; O-3354; O-3364)

- a) The license tax for carrying on the business of exhibitions or shows shall be \$32.00¹⁵ per day.
- b) Exhibitions or shows shall mean the operating of any alligator, ostrich or wild animal farm or exhibition; or any exhibition of freaks, animals, fish, electrical phenomena, pictures, paintings, glass blowing, mirrors or any fun house, maze, aquarium or any other exhibition or show of a similar character.
 - 1) Conducting or operating any house or garden exhibition;
 - 2) Conducting any cat, dog, livestock or poultry show or exhibition;
 - 3) Conducting any exhibition of crafts;
 - 4) Any lecture, entertainment, show or exhibition not otherwise specifically provided for in this Division where a fee is charged, received or collected, or where donations are solicited or accepted.

33.18.16 MOTION PICTURE OR TELEVISION: COMMERCIAL USE.

(Amended by O-2288; O-2843; O-2872; O-3170; O-3229; O-3354; O-3364)

- a) The license tax for carrying on the business of making motion or television pictures or for conducting radio or television broadcasts for purposes other than news reporting shall be:
 - 1) Use of public property (except Airport) - \$344.00* for the first day and \$178.00* per day thereafter.
 - 2) Use of private property exclusively - \$158.00* for the first day and \$48.00* per day thereafter.
- b) The license tax for engaging in the business of commercial still photography, either at a fixed place of business or at various sites within the City on an appointment or as-necessary basis, shall be \$111.00* per calendar year.
- c) No license tax shall be required of any of the following:
 - 1) Any still photography, motion picture, radio or television production, determined by the License Review Board to be conducted or carried on wholly for a charitable or educational purpose or as a public service.
 - 2) Any activity relating to the reporting or dissemination of current news as such is described in subsection 1) of subsection b) of Section [310.1.1](#). of this Code.
- d) The requirements of this Section shall be in addition to the requirements of Chapter [10](#) of this Division (commencing with Section [310.1.1](#).).
- e) Nothing contained herein shall be deemed to relieve any person of the duty of paying appropriate fees for use of the Torrance Municipal Airport as set out on the currently effective resolution regarding Airport rates and charges in addition to the license tax prescribed herein.

33.18.17 RUMMAGE SALE.

The license tax for carrying on the business of a rummage sale shall be \$3.00* per day.

33.18.18 SEWING AND ALTERATIONS; RESIDENTIAL.

(Amended by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of sewing and alterations in the home, shall be \$79.00¹⁶ per year.

33.18.19 STANDS: STREET OR HIGHWAY.

(Amended by O-3137)

No license shall be issued for any temporary highway or street stand; provided, however, nothing in

this Division shall be construed so as to prohibit the sale of produce from a temporary stand when said produce is raised at the same location, or when such stand is operated as part of the City-sponsored Certified Farmers' Market.

33.18.20 THEATRE CONCESSIONS.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a theatre concessions stand shall be \$38.00* per year.

33.18.21 THEATRICAL PERFORMANCES.

(Amended by O-3229; O-3354; O-3364)

The license tax for carrying on the business of presenting theatrical performances shall be \$32.00* per performance.

33.18.22 TRAILER, AUTO AND TRAILER PARKS.

(Amended by O-1107; O-1438; O-3170; O-3229; O-3354; O-3358)

The license tax for carrying on the business of trailer, auto and trailer parks shall be \$51.00* per space per year.

33.18.23 TRAILER OR EQUIPMENT RENTAL; NON-RESIDENT.

(Amended by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of trailer or equipment rental, non-resident, shall be \$65.00* per year per location. A license tax shall be payable under this Section where trailers or equipment are not owned by a person or firm having an established place of business in the City, but are placed in established places of business on commission, lease, rental or consignment basis, and are incidental to licensed places of business.

33.18.24 BEACH UMBRELLAS; RENTING OR SELLING.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of renting or selling beach umbrellas, beach chairs, surf boards or other beach or surf paraphernalia shall be \$48.00* a quarter year.

33.18.25 VOICE TEACHER OR MUSIC TEACHER - HOME.

(Amended by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a voice teacher or music teacher, in the home, shall be \$79.00* per year.

33.18.26 ARMORED TRUCKS.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of operating armored trucks shall be \$158.00¹⁷ per year per vehicle.

33.18.27 BARBER SUPPLY DELIVERY.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of barber supply delivery shall be \$112.00* per year per vehicle.

33.18.28 BEVERAGE DELIVERY ROUTE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a beverage delivery route shall be \$112.00¹⁸ per year per vehicle.

33.18.29 BUTANE TANK INSTALLATION AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of butane tank installation and maintenance shall be \$112.00* per year per vehicle.

33.18.30 CONCRETE: READY MIX DELIVERY.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of ready mix delivery of concrete shall be \$267.00* per year.

33.18.31 DRY CLEANING ROUTE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a dry cleaning route shall be \$112.00* per year per vehicle.

33.18.32 EGG ROUTE.

(Amended by O-3229; O-3354; O-3364)

The license tax for carrying on the business of an egg route shall be \$112.00* per year per vehicle.

33.18.33 GROCERY ROUTE: RETAIL, MOBILE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a retail, mobile grocery route shall be \$158.00* per year per vehicle.

33.18.34 ICE AND FUEL ROUTE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an ice and fuel route shall be \$112.00* per year per vehicle.

33.18.35 LAUNDRY ROUTE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a laundry route shall be \$158.00* per year per vehicle.

33.18.36 LINEN SUPPLY ROUTE.

(Amended by O-3170; O-3229; O-3354; O-3364)

a) The license tax for carrying on the business of a linen supply route shall be \$158.00¹⁹ per year per vehicle.

b) Linen supply shall mean the business of furnishing or letting the use of any towels, linens, aprons, bedding, napkins, table covers, or any other article of personal property of a similar nature, for use by such customers, for a fee or charge, where such customer does not own the linen, towels or other personal property so furnished whether or not such business is conducted in conjunction with any other business or businesses.

33.18.37 LUNCH WAGON; CATERING TRUCK.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of any lunch or refreshment wagon in or upon any public street or upon any unenclosed area, vacant lot or parcel of land shall be \$158.00* per year per vehicle.

33.18.38 TRUCKING AND HAULING.

(Amended by O-2156; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of trucking and hauling shall be \$112.00* per year, per vehicle; provided however, that after January 1, 1971, no license tax shall be assessed upon the inter-city transportation business of any express corporation, freight forwarding motor transportation broker, or person or corporation, owning or operating motor vehicles in the transportation of property for hire upon the public highways where both the origin point and the destination point of such transported property are not within the exterior boundaries of the City of Torrance.

33.18.39 VEGETABLE AND PRODUCE ROUTE: RETAIL.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a retail vegetable and produce route shall be \$112.00* per year per vehicle.

33.18.40 WATER ROUTE; BOTTLED.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a bottled water route shall be \$112.00* per year per vehicle.

33.18.41 WATER SOFTENERS; INSTALLATION AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of installation and maintenance of water softeners shall be \$112.00* per year per vehicle.

33.18.42 AWNING INSTALLATION AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of awning installation and maintenance shall be \$112.00* per year.

33.18.43 BUILDING MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of building maintenance shall be \$79.00* per year.

33.18.44 CARPET INSTALLATION.

(Amended by O-1501; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of carpet installation shall be \$146.00* per year.

33.18.45 CARPENTER.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a carpenter shall be \$146.00²⁰ per year.

33.18.46 CESSPOOLS, CLEANING AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of cleaning and maintenance of cesspools shall be \$146.00* per year.

33.18.47 CUTLERY GRINDING.

(Amended by O-1501; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of cutlery grinding shall be \$79.00* per year.

33.18.48 DRIVEWAY SEAL COATING.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of driveway seal coating shall be \$146.00* per year.

33.18.49 ELECTRICAL MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of electrical maintenance shall be \$146.00* per year.

33.18.50 ELEVATOR MAINTENANCE AND REPAIR.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of elevator maintenance and repair shall be \$146.00* per year.

33.18.51 FENCE INSTALLATION.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of fence installation shall be \$146.00* per year.

33.18.52 FIRE EXTINGUISHERS, INSTALLATION AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of installation and maintenance of fire extinguishers shall be \$146.00* per year.

33.18.53 GARDENER MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of gardener maintenance shall be \$79.00* per year.

33.18.54 HOUSE WRECKING.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of house wrecking shall be \$146.00* per year.

33.18.55 HOUSE CLEANING.

(Amended by O-1501; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of house cleaning shall be \$79.00* per year.

33.18.56 INTERCOM SYSTEM; INSTALLATION AND REPAIR.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of installation and repair of intercom systems shall be \$146.00* per year.

33.18.57 JANITOR SERVICE.

(Amended by O-1501; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a janitor service shall be \$79.00* per year.

33.18.58 OIL WELL DRILLING CONTRACTOR.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an oil well drilling contractor shall be \$146.00* per year.

33.18.59 OIL WELL SERVICE; WELL PULLING.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of an oil well service and well pulling service shall be \$146.00* per year.

33.18.60 PAINTERS; NOT STATE LICENSED.

(Amended by O-1501; O-1725; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a painter shall be \$146.00* per year.

33.18.61 PEST CONTROL.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for operating the business of pest control, other than state licensed, shall be \$146.00²¹ per year.

33.18.62 SCREENS, WINDOW AND DOOR; INSTALLATION AND SERVICE.

(Amended by O-1501; O-1725; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of the installation and service of screens on windows and doors shall be \$146.00* per year.

33.18.63 SWIMMING POOL MAINTENANCE.

(Amended by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of swimming pool maintenance shall be \$79.00* per year.

33.18.64 TOILETS, PORTABLE; INSTALLATION AND MAINTENANCE.

(Amended by O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of installation and maintenance of portable toilets shall be \$206.00* per year.

33.18.65 TREE TRIMMER.

(Amended by O-1501; O-1725; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of a tree trimmer shall be \$146.00* per year.

33.18.66 WINDOW CLEANING.

(Amended by O-1501; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of window cleaning shall be \$79.00* per year.

33.18.67 MOBILE REPAIR SERVICE.

(Added by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of mobile repair service shall be \$79.00* per year.

33.18.68 TRANSIENT BUSINESS.

(Added by O-2363; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on a transient business as described in Section [31.1.8](#). shall be \$62.00* per quarter or fractional part thereof, or at the option of the licensee which may not be revoked as to any period for which tax has been paid, \$24.00* per day.

33.18.69 PEDDLER.

(Amended by O-3229; O-3354; O-3364)

The license tax for carrying on the business of peddler shall be \$24.00* per day.

33.18.70 HYPNOTIST; FEES.

(Added by O-2894; O-3170; O-3229; O-3354; O-3364)

The license tax for carrying on the business of hypnotist shall be \$138.00* per year, plus \$29.00²² per employee per year.

33.18.71 HYPNOTIST; LICENSE REQUIREMENTS.

(Added by O-2894)

No license shall be issued under the provisions of this Article:

- a) Until the applicant has furnished the Revenue Administrator with a statement, or application containing the following information:
 - 1) Name and address of applicant and place of the proposed business;
 - 2) Name and address of the person for whom applicant will work, if any;
 - 3) Record of convictions for violations of the law, except minor traffic violations, but not excluding driving under the influence of alcoholic beverages or drugs or reckless driving resulting in injury to others;
 - 4) Name and address of persons for whom the applicant has worked for the past five (5) years;
 - 5) Name and address of three (3) responsible persons who have known the applicant for

more than three (3) years;

- 6) Fingerprints of the applicant;
 - 7) Proof of registration by a hypnotists organization approved by the Office of Private Post Secondary Education, of the California Department of Education, pursuant to Section 94311 (d) of the California Education Code, and membership in at least one (1) statewide or nationwide organization of professional hypnotists;
 - 8) Such other information as the Revenue Administrator may deem necessary; and
- b) Until the following conditions have been met:
- 1) The application has been reviewed by the Chief of Police, and a report has been submitted to the License Review Board, recommending approval or denial. Such report shall be prepared and submitted by the Chief of Police within thirty (30) days of receipt of the application from the Revenue Administrator;
 - 2) That the License Review Board, after a hearing at which all interested parties have been heard, finds and determines that:
 - a) The applicant meets the qualifications set forth herein;
 - b) The business or practice proposed by the applicant shall be conducted in accordance with the provisions of Section [45.6.25.](#) of the Torrance Municipal Code;
 - c) The recommendation submitted by the Chief of Police has been reviewed and considered;
 - d) Issuance of a license to the applicant will not be detrimental to the public health, safety, morals or general welfare.

33.18.72 PUMPKIN LOTS.

(Added by O-2976; Amended by O-3171)

- a) The license tax for the operation of a pumpkin lot shall be Eight Dollars (\$8.00)²³ per day;
- b) The License Supervisor shall supply each license applicant with both the business license application form and the application forms for any permit required by Division [8](#) of this Code;
- c) The applicant shall file with the License Supervisor all completed permit and license application forms along with the permit fees;
- d) At the time all application forms are filed, the applicant shall provide the License Supervisor with a Five Hundred Dollar (\$500.00)* cash deposit, which shall be refunded if the premises have

been cleaned to the reasonable satisfaction of the Environmental Division Administrator by November 10th, which immediately follows the October 31st that ends the sales period for which the security deposit was collected.

33.18.73 FORTUNE-TELLING.

(Added by O-3087; O-3354; O-3364)

The license fee for fortune-telling shall be Six Hundred Forty-Two Dollars (\$642.00)* per year, subject to the provisions of Section [31.2.16](#).

33.18.74 ESCORTS AND ESCORT BUREAUS.

(Added by O-3102; O-3354; O-3364)

The license fee for an escort bureau shall be Six Hundred Forty-Two Dollars (\$642.00)* per year, and for each person employed in said bureau, the license fee shall be One Hundred Thirty-One Dollars (\$131.00)* per year.

¹

1

Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

9

Fees increased/decreased pursuant to Section [31.2.16](#).

10

Fees increased/decreased pursuant to Section [31.2.16](#) per year.

11

Fees increased/decreased pursuant to Section [31.2.16](#) shall be paid for every oil or gas well hole, whether producing or not.

12

Fees increased/decreased pursuant to Section [31.2.16](#).

13

Fees increased/decreased pursuant to Section [31.2.16](#).

14

Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

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Fees increased/decreased pursuant to Section [31.2.16](#).

22

Fees increased/decreased pursuant to Section [31.2.16](#).

23

Fees increased/decreased pursuant to Section [31.2.16](#).

CHAPTER 4 SOLICITORS

(Added by O-317; Amended by O-846; O-1708; O-1725)

ARTICLE 1 - CANVASSERS AND SOLICITORS

34.1.1 LICENSE TAX.

(Amended by O-2129; O-2288; O-2363; O-2843; O-3170; O-3229; O-3354; O-3364)

In addition to the license tax payable under this Division as required for a resident business, there shall be payable:

- a) An annual tax of One Hundred Dollars (\$100.00)* for each person acting as a canvasser or

solicitor in the City, which One Hundred Dollar (\$100.00)* tax shall be prorated by the unexpired quarters, or, at the discretion of the licensee;

- b) An annual tax of Eight Hundred Sixty-Five Dollars (\$865.00)* plus an additional annual tax of Thirty-Two Dollars (\$32.00)* for each person representing the licensee as canvasser or solicitor in the City. The additional Thirty-Two Dollars (\$32.00)¹ shall not be prorated.

34.1.2 DEFINITION.

(Amended by O-3400)

Canvasser or solicitor shall mean an individual, whether resident of the City or not, traveling either by foot or by vehicle or by any other type of conveyance, from place to place, from house to house, or from street to street, taking or attempting to take orders for the sale of real or personal property or for service to be furnished or performed whether or not such person has for sale or sample the subject of such sale, or whether he is collecting advance payments on such sale or not. Such definition shall include any person who for himself or for another hires, leases, uses or occupies any building, structure, tent, hotel room, lodging house, apartment, shop or any other place within the City for the sole purpose of exhibiting samples and taking orders for future delivery.

Canvassers or solicitors shall not include California licensed real estate brokers or agents in the normal course of their real estate practice.

34.1.3 APPLICATION OF ARTICLE.

The provisions of this Article are applicable to all canvassers and solicitors, as herein defined, but shall not apply to salesmen calling on established business in the City.

34.1.4 CONDITIONS FOR ISSUANCE OF LICENSE.

No license shall be issued under the provisions of this Article whether pursuant to Sections [34.1.1](#). and [34.1.2](#). hereof, or otherwise:

- a) Until the applicant has furnished the License Supervisor with a statement containing the following information:
- 1) Name and address of applicant and type of business for which license is required;
 - 2) Name and address of person, firm or corporation represented by applicant;
 - 3) Letter authorizing applicant to represent said person, firm or corporation;
 - 4) Record of convictions for violation of any law, except minor traffic laws;
 - 5) Name and address of persons by whom applicant has been employed for the past five (5) years (not over five);
 - 6) Names and addresses of three (3) responsible persons who have known applicant for more than three (3) years;

- 7) Fingerprints of applicant;
 - 8) Two (2) copies of a one (1) inch square photograph of applicant taken within two (2) years from date of application, one of which shall be attached to the license certificate or identification card, if the same is issued, and the other to be retained by the License Supervisor;
 - 9) Such other information as the License Supervisor may require.
- b) and except as provided in Section [34.1.1](#). herein, until the following conditions have been satisfied:
- 1) The application shall have been approved by the Chief of Police. If it is the judgment of the Chief of Police that the granting of the license would probably 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 Supervisor that the application be denied;
 - 2) The application shall have been approved by the Chief of the Fire Prevention Bureau where such approval is otherwise required by the laws of the City;
 - 3) The application shall have been approved by the County or City Health Officer where such approval is otherwise required by the laws of the City.

34.1.5 HOURS OF CANVASSING OR SOLICITING.

(Amended by O-1708)

No canvasser or solicitor selling or pretending to sell, or offering for sale or demonstration, goods, wares or merchandise of any kind or character, or any article, material or substance, shall ring the bell or knock on the door of, or attempt to gain entrance to, any residence, dwelling, flat, or apartment after 9:00 P.M., in the evening of any day and before 9:00 A.M. in the morning of any day.

34.1.6 SIGNS APPLYING TO CANVASSERS OR SOLICITORS.

(Amended by O-1708; O-3357; O-3381)

- a) No person for the purpose of peddling or soliciting, or pretending to peddle or solicit shall ring the bell or knock at or on any door or building, or attempt to gain admittance to or cause or hire others for the purpose of peddling or soliciting to attempt to gain admittance to any premises whereon a sign bearing the words: "No Trespassing," "No Peddlers," "No Advertisement," "No Canvassers," "No Solicitors" or any similar notice, indicating in any manner that the occupants of said premises do not desire to be molested or to have their right of privacy disturbed.

- b) The above provision shall apply to either canvassers, solicitors or both of them if any sign bears the words set forth in this section or refers by other terms to those persons who are defined in Section [34.1.2](#)
- c) The provisions of this Section shall not apply to any peddler or solicitor who knocks at any door or rings any bell at the prior invitation or with the prior consent of some member of the household at which he so applies for admission.

34.1.7 MINORS.

(Amended by O-1387; O-1725)

- a) No licensee or person required to have a license by the provisions of this Code shall permit children under the age of sixteen (16) years to canvass or solicit, unless accompanied by an adult: provided, however, that no more than five (5) such children may canvass or solicit under the supervision of one (1) adult where such solicitation is conducted in a group, each member of which can be visually observed at all times by such adult;
- b) In no event shall any children under the age of sixteen (16) years be permitted to solicit funds after the hour of 6:00 P.M. during the months of May, June, July and August or after the hour of 5:00 P.M. during all other months;
- c) This Section shall not apply to newsboys selling, delivering or making collections for newspapers or magazines; provided, however, that no such sales, deliveries or collections shall be made after the hour of 9:00 P.M.

34.1.8 INTERSTATE AND FOREIGN COMMERCE EXEMPTION.

(Amended by O-1708; O-2129; O-2288)

- a) Any person claiming to be engaged in interstate or foreign commerce shall file a verified statement with the License Supervisor disclosing the basis upon which he claims such exemption, which statement shall contain such information as required by the License Supervisor and the City Attorney.
- b) Upon the filing of the statements as hereinabove required by this Section, the License Supervisor shall present the same to the City Attorney. If it appears to the City Attorney that the applicant is entitled to exemption from the payment of a license tax he shall approve the issuance of a license without the payment of a tax. The License Supervisor shall thereupon forthwith comply with said approval.
- c) Notwithstanding the provisions of subsection a) and b), a processing and investigation fee of \$8.50² shall be charged to each applicant for a canvassers or solicitors license.

34.1.9 DISABLED VETERAN'S EXEMPTION.

(Added by O-196; Amended by O-846)

- a) Every disabled veteran of the United States shall receive a canvassers and solicitors license free of charge to said person, provided that the applicant has filed with the License Supervisor, as proof of his right to said exemption, the following documents:
 - 1) A certificate of honorable discharge from any of the Armed Forces of the United States, or a certified or exemplified copy thereof;
 - 2) A certificate of total disability, issued by the United States or a certified or exemplified copy thereof; or
 - 3) A certificate of disability in the amount of fifty (50) percent or more issued by the United States, or a certified or exemplified copy thereof, and a statement that the applicant is physically unable to earn his livelihood by manual labor signed by a practicing physician or surgeon employed by the United States, or the County of Los Angeles, or by any physician or surgeon who is engaged in private practice in the City.
- b) No license issued pursuant to this Article shall be assigned or transferred and no person, except the person named in said license, shall be permitted to carry on any of the business authorized by such license;
- c) The exemption provided in this Section is personal to the veteran exempted from the payment of a license tax, and shall not apply to any other business conducted by such veteran in which others are employed or to any business other than house-to-house, or place-to-place canvassing or soliciting of merchandise, or soliciting orders thereof by such veteran personally.

ARTICLE 2 - FUND SOLICITATIONS

(Amended by O-1725)

34.2.1 FUND CERTIFICATE.

(Amended by O-2970; O-2980)

- a) Except as hereinafter provided, no person shall solicit funds for himself or on behalf of any other person without a certificate to do so and except in compliance with the provisions of this Article. When such certificate has been issued to any person, other than an individual, the individual agents and solicitors for such person shall not be required to obtain individual certificates, but shall be required to have and keep with them and available for inspection a true and legible copy of the original certificate issued to the person on behalf of whom or which the solicitation is being done.
- b) The provisions of this Article shall apply to telephone solicitations where any portion of the process, including the making of telephone calls or the physical collection of monies solicited occurs in the City.

34.2.2 FUNDS DEFINED.

Funds shall mean money or property other than money and a subscription, pledge or promise to pay money, or property other than money.

34.2.3 LICENSE TAX.

No license tax shall be required as a condition of the issuance of a fund certificate nor shall any license tax be required of any person holding a fund certificate, or of those individual persons authorized to solicit funds thereunder, as a corollary of such person's right to conduct such solicitation.

34.2.4 APPLICATION.

- a) An application for a fund certificate shall be made to the License Supervisor on forms furnished by him. The License Supervisor shall require of the applicant such information as is reasonably necessary to enable the License Review Board to determine whether or not to issue the certificate.
- b) Unless waived by the License Supervisor, the application shall be filed at least fifteen (15) days prior to the effective date of the certificate.

34.2.5 INVESTIGATION

(Amended by O-2970; O-2980; O-3053; O-3055)

- a) Immediately upon receipt of an application for a fund solicitation certificate, the Revenue Administrator shall review, or cause to be reviewed, the said application. The Revenue Administrator shall thereupon either accept the application as complete or he shall advise the applicant that additional information will be required to constitute a complete application. If the applicant has submitted the application in person, the applicant shall be told of the acceptance, or of the need for additional information at the time of submission. In the event the application is received by the Revenue Administrator in the mail, the Revenue Administrator shall dispatch or cause to be dispatched a written response to the applicant within twenty-four (24) hours of the fact of acceptance of the application, or of the need for additional information.
- b) Within three (3) working days after receipt of a complete application, the Revenue Administrator shall commence, or cause to be commenced, an investigation of the applicant, in order to verify the information contained in the application and the supporting data as required by Section [34.2.6](#). All inquiries shall be initiated within five (5) working days thereafter, except as provided in this Section. The investigation shall be completed within three (3) working days after receipt of all responses to inquiries, but in no event later than twenty-one (21) working days after initiation of the said inquiries. In the event the Revenue Administrator receives any information, in answer to inquiries or otherwise, which tends to show that any of the criteria for issuance of a certificate cannot be met, he shall advise the applicant within twenty-four (24) hours of receipt of such information, of the fact of such information; and shall allow applicant to file a response.
- c) Upon request by the Revenue Administrator, the applicant shall make available for inspection

by the Revenue Administrator, or any person designated by the Revenue Administrator, at the Revenue Administrators office, those books and other financial records which contain the information required for the application, and other supporting data required by Section [34.2.6](#). Applicant is not required to disclose, and the Revenue Administrator shall not seek, trade secrets or other legally privileged financial information. Any such inspection of the applicant's books or other financial records shall be done during business hours, at the convenience of the applicant, shall be completed within twenty-one (21) working days after commencement of the investigation provided in (b) above, and shall not require access to applicant's books and other financial records for more than four (4) working days, provided applicant makes such books and other financial records available in a timely manner to the Revenue Administrator.

- d) Upon completion of the investigation, the Revenue Administrator shall set the application for hearing at the next regular meeting of the License Review Board which will permit not less than five (5) days' notice to interested parties and the applicant. The Revenue Administrator shall submit to the applicant and the License Review Board the results of his investigation and any response to adverse information submitted by the applicant.

34.2.6 REQUIREMENT FOR CERTIFICATE.

(Amended by O-2970; O-2980)

Together with its application, each applicant shall submit the following documents or evidence of having taken the required actions:

- a) Applicant or applicant's organization, its officers, employees and administrative staff have no record of conviction of any crime of moral turpitude involving fraud, theft, larceny or embezzlement or any violation of any federal or state statute in the course of operating a financing activity substantially similar in nature to the one proposed.
- b) Applicant shall screen all of its canvassers and solicitors for the matters specified in subsection a) and, in addition, shall screen such canvassers and solicitors who may have personal contact with the public to exclude persons having been convicted of robbery, burglary, or any crime of violence against persons or property and shall so certify.
- c) Applicant shall provide to the City a record of its income and expenses for the three (3) years preceding the application and said record shall have been audited pursuant to recognized accounting standards. The records shall disclose all income and expenses of the applicant for the period in question with specific indication of which expenses are program expenses and which are expenses of fund solicitation and financing.
- d) Applicant shall provide a budget for the current fiscal year and a budget for the proposed fund solicitation showing the cost thereof.
- e) Applicant shall provided a copy of any prepared text or material to be used in the proposed

fund solicitation.

34.2.7 ISSUANCE OF CERTIFICATE.

(Amended by O-2970; O-2980; O-3053; O-3055)

- a) The License Review Board shall conduct a hearing at the time set by the Revenue Administrator as provided in Section [34.2.5](#) above, and no such hearing shall be continued without the agreement of the applicant.
- b) The License Review Board shall issue a fund solicitation certificate to the applicant if it finds:
 - 1) That all the statements made in the application and other supporting data are true.
 - 2) That the purpose of the solicitation is to finance a charitable, benevolent, religious or political cause, as described in the application.
 - 3) That the solicitation materials are not extortionate or otherwise in violation of the law, and they are not misleading or inaccurate when reviewed with the application and supporting data, and the facts established by the Revenue Administrator's investigation.
 - 4) That no other charitable solicitations are occurring during the same time period in the same geographic locations.
 - 5) That the duration of the solicitation will not exceed four (4) weeks.

34.2.8 CONDUCT OF SOLICITATION.

(Amended by O-1387; O-1725; O-2970; O-2980; O-3053; O-3055; O-3070)

- a) Applicant, or any person engaging in solicitation on behalf of an applicant, shall fully identify themselves, the organization they represent, that they are soliciting funds on behalf of that organization, and the purpose for which the funds obtained will be used.
- b) All persons engaging in solicitation shall present to each person solicited for examination an identity card stating their name, age, height, weight, skin, hair and eye color, picture, social security number, the name of their employer and of the organization represented if the two differ, and the dates for which the solicitation is authorized.
- c) No solicitation shall be done after 9:00 p.m. in the evening of any day and before 9:00 a.m. in the morning of any day.
- d) Prior to soliciting any funds, any person engaged in solicitation shall present to the person solicited, for examination, copies of the information specified in Section [34.2.6](#)
- e) During the course of the solicitation, the certificate holder shall make available to the Revenue Administrator, upon request, at the Revenue Administrator's office, its books and other financial

records dealing with the costs and revenues of the charitable fund solicitation which is the subject of the certificate issued pursuant to this Chapter. Said books and other financial records need be available only during business hours, and for no more than four (4) days, and for not more than one such review during the course of the fund solicitation.

f) At the conclusion of the fund solicitation, and within eight (8) months thereafter, the certificate holder shall make available to the Revenue Administrator upon request, at the Revenue Administrator's office, its books and other financial records dealing with the costs and revenues of the charitable fund solicitation which is the subject of the certificate issued pursuant to this Chapter. Said books and other financial records need be made available only during business hours, and for no more than five (5) days, and for not more than one such review following the conclusion of the fund solicitation.

34.2.9 EMPLOYEES.

(Amended by O-2970; O-2980)

- a) No person having a fund solicitation certificate, or required to have such certificate, shall permit children under the age of sixteen (16) years to solicit funds unless accompanied by an adult; provided, however, that not more than five (5) such children may solicit funds under the supervision of one (1) adult where such solicitation is conducted in a group, each member of which can be visually observed at all times by such adult.
- b) In no event may any children under the age of sixteen (16) years be permitted to solicit funds after the hour of 6:00 P.M. during the months of May, June, July or August or after the hours of 5:00 P.M. during all other months.
- c) No minor may work more than eight (8) hours in any day.
- d) No person who is paid to engage in fund solicitation may receive less than the federal minimum wage. If payment on a commission basis, the average amount received, divided by the hours worked, may not be less than the federal minimum wage.

34.2.10 RENEWAL OF CERTIFICATE.

(Amended by O-2970; O-2980)

- a) Upon the expiration of any certificate, and if requested in writing to do so, the Revenue Administrator may renew the certificate if no violation of this Article has occurred.
- b) If a violation has occurred, he shall require a new application, which shall be processed in the same manner and by the same standards as the granting or withholding of the certificate in the case of an original application.
- c) No new certificate or renewal of an original certificate shall be issued for more than four (4) weeks.

34.2.11 WAIVER.

(Amended by O-2970; O-2980)

- a) The License Review Board may waive or modify the requirements of this Article upon request of an applicant if it finds any of the following:
 - 1) The requirement is unreasonable, burdensome and oppressive as applied to the proposed solicitation in question.
 - 2) Strict enforcement of the requirement is not necessary to prevent fraud or other criminal activity.
 - 3) Other means that are as effective and less burdensome exist to protect the interests or provide the information sought by this Article and such alternative means will be used.
 - 4) The solicitation will support a project of overriding public interest which would not otherwise be able to obtain funding.
 - 5) The applicant has conducted a solicitation in the same or a substantially similar purpose for a period of not less than five (5) years next preceding the dates applied for without any complaints as to its solicitation having been substantiated by the City, and without any violations of law involving fraud, moral turpitude or matters relevant to the policies of this Article.
- b) The License Review Board may, in granting a waiver, impose reasonable conditions designed to carry out the policies of this Article.

34.2.12 RELIGIOUS AND POLITICAL ORGANIZATION.

- a) Notwithstanding the above provisions of this Article, upon the receipt of an application for a fund certificate by a religious or political organization in the form prescribed in Section [34.2.1](#), the License Supervisor shall forthwith issue such certificate to the applicant;
- b) Following the issuance of such certificate, the License Supervisor shall make the investigation required by Section [34.2.5.](#), and submit the application to the License Review Board as soon as practicable thereafter;
- c) If the License Review Board determines that the certificate ought to have been issued in conformance with the standards set forth in Section [34.2.4.](#), no further action shall be taken. If the License Review Board determines that the applicant does not so qualify for a certificate, then it shall suspend the certificate and hold a hearing to determine whether or not to revoke the certificate in accordance with the procedure for revocation and suspension of licenses set forth in Article [9](#);
- d) Except as provided in this Section, the provisions of this Article shall apply to all religious and political organizations.

34.2.13 EXCEPTION.

The provisions of this Article shall not apply to any established person organized and operated exclusively for charitable, benevolent, religious or political purpose and not operated for the pecuniary benefit of any person if the solicitations by such established person are conducted only among the members thereof by other members or officers thereof, voluntarily and without remuneration for making such solicitations, or the solicitations are in the form of collections or contributions at the regular meetings, assemblies or services of any established person.

▲

1Fees increased/decreased pursuant to Section [31.2.16](#).**CHAPTER 5
MISCELLANEOUS**

(Added by O-1531; Amended by O-1552)

2Fees increased/decreased pursuant to Section [31.2.16](#).**ARTICLE 1 - CARD ROOMS AND
CARD SCHOOLS****35.1.1 DEFINITIONS.**

(Amended by O-2959; O-2960)

- a) Game Room shall include game or card club, game or card school, social game or card club or any other place maintained, operated or conducted where game or card playing or instruction is conducted as the primary or as a substantial part of the activities therein, and where:
 - 1) A fee is charged either as membership dues for admission to such place or for the privilege of playing at cards; or
 - 2) Any collection or donation of money is made or received.

- b) A Game or Card School means any place maintained, operated or conducted for the purpose of giving instructions in the playing of games of any type. The term game room shall include a game or card school.

35.1.2 LICENSE REQUIRED.

(Amended by O-2959; O-2960; O-3451)

- a) It shall be unlawful for any person to maintain, operate, conduct or carry on, directly or indirectly, any game room without a license therefor having been issued in accordance with the provisions of this Article. No license issued shall authorize the conduct of any game 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) The provisions of this Article do not apply to events conducted for any of the purposes set forth in Section [31.6.2](#), if a No Fee license is obtained, pursuant to this section and 31.6.4. In order to receive a No Fee license, an applicant must submit to the License Supervisor the information required by Sections [31.4.1\(a\)](#) and [31.6.4](#), together with the following additional information:
 - 1) The name of any vendor, contractor, concessionaire or caterer that the applicant intends to use during the event.
 - 2) A Police Department "Notification of Prohibited Activity" signed by the applicant.
 - 3) A description of the activities to be conducted during the event.

The License Supervisor will submit the application to the Chief of Police or the Chief's designee for

approval. In determining whether to approve the application, the Chief of Police will consider the willingness of the applicant to comply with all City and State laws prohibiting gambling and the public health, safety and welfare.

The License Supervisor and the Chief of Police will have fifteen (15) calendar days to deny an application from the date that a complete application is filed with the License Supervisor or the application will be deemed approved.

The License Supervisor will not approve any application that has been denied by the Chief of Police. The License Supervisor will not approve any application unless all vendors, contractors, concessionaires, or caterers participating in the event have appropriate Business Licenses and Permits. If the License Supervisor or Chief of Police deny the application or fail to issue the license, the applicant may appeal the denial to the License Review Board pursuant to Section [31.7.5](#).

35.1.3 CONDITIONS FOR ISSUANCE OF LICENSE.

(Amended by O-2959; O-2960)

No license shall be issued under the provisions of this Article:

- a) Until the applicant has furnished the License Supervisor with an application containing the following:
 - 1) If the applicant is a corporation, the names of any person owning more than twenty (20) percent of the stock;
 - 2) If the applicant is a partnership, the names of all partners;
 - 3) If the applicant is an association, the names of all members;
 - 4) The signature of those required by the License Supervisor to be named in that application;
 - 5) The location of any other game room operated by the applicant or in which the applicant or any person signing 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) 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;
 - 9) A statement that the applicant understands that the application shall be considered by the License Review Board 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

- 10) A statement that the applicant has read the provisions of this Article and understands the same.
- b) Until the following conditions have been satisfied:
 - 1) The application shall have been approved by the Chief of Police. The Chief of Police may recommend denial of the license for any of the following reasons:
 - i) The applicant is unfit to operate a game club due to a continuing course of activities which are detrimental to the public morals, health or safety;
 - ii) The applicant has been convicted of a crime of moral turpitude which is related in nature and in time to his qualification and fitness to own or operate a game club;
 - iii) The applicant has aided or abetted any crime or activity which would be grounds for discipline against the licensee under this Article;
 - iv) The Chief of Police shall notify the applicant of his recommendation to deny said application either personally or by mail and the reasons therefor. Thereafter, the applicant shall be entitled to a hearing on the application before the License Review Board, if applicant requests such a hearing thereon within ten (10) days of denial of the application. The hearing date shall be set for within fifteen (15) days of the communication of the request for hearing by the Board. However, if the Chief does not disapprove the application within thirty (30) days of the application (excluding any time period attributable to a delay caused by applicant in processing the application), the application shall be deemed to be approved.
 - 2) The application shall have been approved by the Superintendent of Building Inspection, Fire Department, and all other affected departments of City government.

35.1.4 Repealed by O-2959; O-2960.

35.1.5 PERMIT FEES AND DEPOSITS.

(Amended by O-2062; O-2129; O-2959; O-2960)

- a) For purposes of clarification, the license fees set forth in this Article are for both regulations and revenue purposes.
- b) Each initial application for a license hereunder shall be accompanied by an application fee in the amount of \$142.00*, which shall be non-refundable and retained by the City for payment of the cost of investigating the applicants.
- c) The license tax for carrying on the business of a game room shall be as required in Section

31.2.1**35.1.6 LICENSES NON-TRANSFERABLE.**

(Amended by O-2959; O-2960)

No license shall be transferred except as provided in this Article. When a business for which a game room license has been issued is sold or transferred, any license for a game room shall be deemed revoked and the successor or transferee shall make application for a license in the same manner as the original application.

35.1.7 LICENSE FOR ONE LOCATION ONLY.

(Amended by O-2129; O-2843; O-2959; O-2960; O-3170; O-3229; O-3354; O-3364)

A license issued for a particular location shall authorize 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 without the written consent of the License Review Board or the City Council, and without the payment of a fee of \$138.00¹ plus \$190.00 for investigation.

35.1.8 UNLAWFUL TO PLAY IN UNLICENSED PREMISES.

(Amended by O-2959; O-2960)

It shall be unlawful for any person to knowingly play cards or any other game in premises for which a valid license has not been issued by the City in accordance with the provisions of this Article.

35.1.9 UNLAWFUL TO MAINTAIN UNLICENSED PREMISES.

(Amended by O-2959; O-2960)

It shall be unlawful for any person to keep, conduct, or maintain within the City any house, room, apartment, office or place used for a game room 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.

35.1.10 HOURS OF OPERATION.

(Amended by O-2193; O-2959; O-2960)

No game club shall be opened for the playing of games as defined herein and no games shall be played therein except between the hours of 10:00 A.M. and 12:00 o'clock midnight.

35.1.11 MUSIC OR DANCING PROHIBITED.

(Amended by O-2959; O-2960)

No music or dancing shall be permitted in any game room.

35.1.12 ALCOHOLIC LIQUOR PROHIBITED.

(Amended by O-2959; O-2960)

No alcoholic liquor shall be possessed, sold, or consumed in any game room, with the exception of billiard rooms and bridge clubs.

35.1.13 MINORS PROHIBITED; EXCEPTION.

(Amended by O-197; O-2649; O-2959; O-2960)

a) Except as otherwise provided in this Section, no person under the age of eighteen (18) shall be present in or play in any card room.

b) The provisions of this Section shall not apply to any card room solely used for the playing of duplicate bridge. For the purposes of this Section, the term duplicate bridge shall be that certain card game defined in Section 53070 of the California Government Code.

35.1.14 GAMBLING DEVICES PROHIBITED.

(Amended by O-2959; O-2960)

No device or equipment, other than game tables, games, and scoring devices, which could be or are used for gambling or amusement purposes, shall be kept or operated in any card room.

35.1.15 POSTING OF PRICES.

(Amended by O-2959; O-2960)

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 game club.

35.1.16 LICENSING OF EMPLOYEES.

(Amended by O-2959; O-2960)

No person shall be employed or otherwise permitted to work in a game room unless a license has been issued to such person therefor. No such license shall be issued:

a) Until the applicant has furnished the License Supervisor 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 (5) years (not over five);
- 4) Names and addresses of three (3) responsible persons who have known applicant for more than three (3) years;
- 5) Fingerprints of applicant;

- 6) Two (2) copies of a one (1) inch square photograph of applicant taken within two (2) years from date of application, one (1) of which shall be attached to the license certificate or identification card, and the other to be retained by the License Supervisor;
 - 7) Such other information as the License Supervisor may require.
- b) Until the application shall have been approved by the Chief of Police. The Chief of Police may recommend denial of the license for any one or more of the following reasons:
- 1) The applicant is unfit to be employed in a game club due to a continuing course of activities which are detrimental to the public morals or safety;
 - 2) The applicant has been convicted of a crime of moral turpitude which is related in nature and in time to his qualifications and fitness to be employed in a game club;
 - 3) The applicant has aided or abetted any crime or activity which would be grounds for discipline against a licensee under this Article.
- c) The Chief of Police shall notify the applicant of his recommendation to deny said application either personally or by mail and the reasons therefor.
- d) The applicant shall be entitled to a hearing on the application before the License Review Board, if applicant requests a hearing thereon within ten (10) days of denial of the application. The hearing date shall be set for within fifteen (15) days of the communication of the request for hearing by the Board.
- e) If the Chief does not disapprove the application within thirty (30) days of the application (excluding any time period attributable to a delay caused by the applicant in processing the application), the application shall be deemed to be approved.

35.1.17 NATURE OF PREMISES.

(Added by O-2959; O-2960)

No license under this Section shall be issued or granted to any person to operate, maintain, conduct or carry on any game room, card club or social club, as defined herein, in any building or premises which has more than one (1) door to be unlocked to gain admission to any room therein, or which has an entrance equipped with a transparent mirror, other polarized material or controlled lighting, whereby persons outside cannot see inside, or which has any kind of sound or sight signal system which can be used to warn or give warning of the presence of any police officer to any person or persons in or about such premises.

ARTICLE 2 - OUTDOOR RESTAURANTS

(Added by O-1629; Amended by O-1637)

35.2.1 OUTDOOR RESTAURANTS DEFINED.

- a) Outdoor restaurants as used in this Article shall mean any place of business, required to be licensed under the provisions of Sec. 42.1.4.(a), which sells or serves food products or beverages for consumption of such food products or beverages on any portion of such premises not within a fully enclosed building.
- b) A fully enclosed building for the purpose of this Article only means a permanently located structure having a roof and four (4) walls all of which conform to the Building Code.

35.2.2 PERMIT REQUIRED.

No person shall operate or cause to be operated or participate in the operation of any outdoor restaurant between the hours of 10:00 P.M. of any day and 8:00 A.M. of the next succeeding day without a permit from the License Department to do so having first been secured. No person, having obtained said permit, shall operate an outdoor restaurant between 10:00 P.M. of any day and 8:00 A.M. of the next day while such permit is suspended or after such permit has been revoked.

35.2.3 PERMIT NOT ASSIGNABLE.

Permits issued under the provisions of this Article shall not be assignable to any other person.

35.2.4 PERMIT APPLICATION.

The application for a permit required by this Article shall be made and signed by the person intending to operate such outdoor restaurant and be filed with the License Department Supervisor. The application shall contain the following information:

- a) The intended hours of operation;
- b) The name and address of the owner or in the event more than one natural person is financially interested in the proposed outdoor restaurant, the names and addresses of all owners, partners, officers and directors of the applicant;
- c) Any other information reasonably required by the License Review Board.

35.2.5 REQUIREMENTS FOR ISSUANCE UPON THE ORIGINAL APPLICATION.

Upon receipt of an application for a permit required by this Article from a person not then holding a valid permit for operation of such outdoor restaurant, the Chief of Police shall make an investigation of the applicant, the neighborhood or vicinity where such proposed outdoor restaurant is or will be located, and the past and anticipated characteristics of the intended use of the premises involved. Within twenty (20) days after receipt of said application, the License Review Board shall issue the permit if it finds:

- a) That the application is complete and proper in form and all statements therein are true and correct;
- b) That the proposed outdoor restaurant will create no apparent danger to the health and safety of the neighborhood or vicinity in which the restaurant is located;

- c) That the conducting of the proposed outdoor restaurant at the location and during the hours applied for will not result in disturbing the peace and quiet of the neighborhood or vicinity in which such restaurant is located; and
- d) That the intended use of the premises for which the permit is sought will not conflict with any laws of the State of California or ordinances of the City.

35.2.6 PERMIT REFUSAL; ISSUANCE OF PERMIT UPON CONDITIONS.

If the License Review Board finds that one or more of the requirements stated in Section [35.2.5](#). will not be satisfied in the operation of the proposed outdoor restaurant, said Board shall refuse to issue the permit. Provided, however, that the License Department may issue the permit upon the imposition of reasonable conditions appearing on the permit which, if observed by the applicant, will bring the intended operation into compliance with all of the requirements stated in Section [35.2.5](#). Violation of the conditions on the permit shall be a violation of this Code and shall subject the offenders to penalties.

35.2.7 PERMIT REVOCATION; SUSPENSION; HEARING.

(Amended by O-1674; O-1703)

Whenever any permit shall be issued by the License Department under the terms of this Article, the same may be revoked at any time thereafter, pursuant to Article [9](#) of Chapter [1](#). Revocation shall be effected if the conduct of the business in question does or will in any manner endanger the public welfare or is conducted in an illegal, improper or disorderly manner, or if any requirement of this Article or condition to the granting of a permit is not complied with.

35.2.8 LOITERING WARNING SIGN.

It shall be the duty of the property owner at his expense to erect a sign approved by the License Review Board and the City Attorney, giving notice of application of Sections [45.1.1](#). and [45.1.2](#). of Division [4](#). Said sign shall be exempt from the requirements of the City Sign Ordinance and shall be subject to any conditions imposed as to shape and placement by the License Review Board.

35.2.9 ESTABLISHMENT OF RULES AND REGULATIONS.

The License Review Board may establish such rules and regulations, regulating the operation of such restaurants as will promote the purposes of this Article.

ARTICLE 3 - AFTER-HOURS RESTAURANTS

(Added by O-1729)

35.3.1 AFTER-HOURS EATING ESTABLISHMENTS.

After-hours eating establishments as used in this Article can be any place of business required to be licensed under the provisions of Sec. 42.1.4.(a) of Division [4](#) which sells or serves food products or beverages for consumption of such food products or beverages on any portion of such

premises between the hours of 2:00 A.M. and 6:00 A.M.

35.3.2 PERMIT REQUIRED.

No person shall operate or cause to be operated or participate in the operation of any after-hours restaurant without a permit from the License Division to do so having first been procured.

35.3.3 PERMITS NOT ASSIGNABLE.

Permits issued under the provisions of this Article shall not be assignable to any other person.

35.3.4 PERMIT APPLICATION.

The application for permit required by this Article shall be made and signed by the person intending to operate such after-hours restaurants and be filed with the License Supervisor. The application shall contain the following information:

- a) The intended hours of operation;
- b) The name and address of the owner or in the event more than one natural person is financially interested in the proposed restaurant, the names and addresses of all owners, participants, officers and directors of the applicant; and
- c) Any other information reasonably required by the License Review Board.

35.3.5 REQUIREMENTS FOR ISSUANCE OF PERMIT.

Upon receipt of an application for a permit required by this Article from a person not then holding a valid permit for operation of such restaurant, the Chief of Police shall make an investigation of the applicant, the neighborhood and vicinity where such proposed restaurant will be located, and the past and anticipated characteristics of the intended use of the premises involved. Within twenty (20) days after receipt of said application, the License Review Board shall issue the permit if it finds:

- a) That the application is complete and proper in form and all statements therein are true and correct;
- b) That the proposed restaurant will create no apparent danger to the health and safety of the neighborhood or vicinity in which the restaurant is located;
- c) That the intended use of the premises for which the permit is sought will not conflict with any laws of the State of California or ordinances of the City;
- d) That either no alcoholic beverages are served at any hour of the day by said restaurant or said restaurant has a permit as a bona fide public eating place issued by the California State Department of Alcoholic Beverage Control; and
- e) That no entertainment will be conducted on the premises between the hours of 2:00 A.M. and 6:00 A.M.

35.3.6 ISSUANCE OF PERMIT UPON CONDITIONS.

If the License Review Board finds that one or more of the requirements stated in Section [35.3.5](#). will not be satisfied in the operation of the proposed restaurant, said Board shall refuse to issue the permit; provided, however, that the license division may issue the permit upon the imposition of reasonable conditions appearing on the permit which, if observed by the applicant, will bring the intended operation into compliance with all the requirements stated in Section [35.3.5](#).

35.3.7 VIOLATION A MISDEMEANOR.

Violation of any of the conditions on the permit or operation without a permit shall constitute a misdemeanor.

35.3.8 REVOCATION; SUSPENSION; HEARING.

Whenever any permit shall be issued by the License Division under the terms of this Article, the same may be revoked at any time thereafter pursuant to Article [9](#) of Chapter [1](#). Revocation shall be effected if the conduct of the business in question will in any manner endanger the public health, or is conducted in an illegal, improper or disorderly manner, or any requirement or condition of this Article to the granting of a permit is not complied with.

ARTICLE 4 - PUBLIC DANCE HALLS

(Added by O-291; Amended by O-1111; O-1582; O-1590)

35.4.1 DEFINITIONS.

- a) Public dance halls shall mean any room, place or space, excepting a private residence, where dancing is held or carried on.
- b) Public dance shall mean any dance not held or conducted in a private residence.

35.4.2 LICENSE REQUIRED.

See Section [33.18.10](#). of this Division.

35.4.3 PERMIT REQUIRED.

(Amended by O-2267)

- a) No person shall conduct a public dance without having first obtained a permit therefor from the License Review Board.
- b) The License Review Board shall refuse to issue a permit when in its reasonable discretion it determines that the issuance of the permit would be contrary to the public health, safety or welfare. In making such determination, the License Review Board shall consider, among other criteria:
 - 1) The effect the issuance of the permit will have on occupants and owners of adjacent property.
 - 2) The adequacy of kitchen, if any, bar, if any, toilet and other facilities.

- 3) The record of the applicant and his employees in conducting similar activities in the past.
 - 4) The effect that the issuance of the permit will have on traffic flow, traffic safety and on parking facilities; and
 - 5) The proximity of bars and liquor stores to the dance hall.
- c) The License Review Board may impose such conditions on the issuance of the permit and the conduct of the dance thereafter as it reasonably believes necessary to protect the public health, safety or welfare.

35.4.4 REGULATIONS.

(Amended by O-2267)

- a) The License Review Board may make reasonable regulations governing the operation of public dance halls supplementing the provisions of this Division.
- b) Such regulations shall be filed with the City Clerk and the License Supervisor and shall remain posted in a conspicuous place in every public dance hall for which a license has been issued.

35.4.5 HOURS AND DAYS OF OPERATION.

(Amended by O-1523; O-1526)

It shall be unlawful for any person to carry on or have charge or control of any dance or dancing in any public or private place, other than a private residence, between the hours of 2:00 A.M. and 8:00 A.M.

35.4.6 ILLUMINATION.

No person carrying on the business of a public dance hall or having charge of or control thereof shall carry on a public dance therein after sunset of any day unless the room or hall in which dancing takes place, including any loge, booth or alcove, be lighted or illuminated in such manner and to such extent so that all occupants of the dance hall are clearly visible at all times, but in no case shall the candlepower be less than five (5) footcandles at a distance of (30) inches from the floor of said room or place.

35.4.7 MINORS.

(Added by O-109)

- a) No person under eighteen years of age shall enter, be in or dance in any public dance hall unless accompanied by his or her parent or legal guardian; no parent or guardian of a minor under eighteen (18) years of age, or the proprietor or person in charge of any public dance hall shall permit any such person to enter, be in, or dance in any public dance hall unless accompanied by his or her parent or legal guardian.
- b) The provisions of this Section shall not apply to dances conducted by or under the auspices of

the Park and Recreation Department or the Board of Education of the City, or by any club or organization expressly authorized by the Chief of Police to conduct dances for minors under eighteen (18) years of age.

35.4.8 ENCLOSURES.

There shall be no enclosures of any kind in a public dance hall, except office rooms to which patrons shall not have access and toilet facilities.

35.4.9 MARATHONS.

(Amended by O-2648)

- a) It shall be unlawful for any person to carry on any marathon dancing contest, exhibition or race or any contest or exhibition of endurance in dancing, or any walkathon or any contest of a similar nature.
- b) The provisions of paragraph a) of this Section shall not apply to any event that does not endanger the health or safety of the participants if that event is sponsored by a charitable organization whose purpose is to further medical research, combat a disease, improve patient care or patient rehabilitation facilities, or to provide services for handicapped persons, and if the event is held to raise funds for those purposes.

35.4.10 OFFENSES.

- a) No person shall smoke on a public dance floor while dancing.
- b) No person shall dance in a lewd or suggestive manner in a public dance hall.
- c) No person shall conduct himself in a disorderly manner in a public dance hall.
- d) No person in an intoxicated condition shall enter or remain in a public dance hall.

35.4.11 REVOCATION OF PERMIT.

- a) A permittee who violates or permits a violation of any of the provisions of this Article or the regulations adopted hereunder shall be subject to having his permit revoked or suspended.
- b) The permit may be revoked or suspended in the same manner as provided for the revocation and suspension of licenses by the provisions of Article [9](#) of Chapter [1](#).

35.4.12 POLICE SUPERVISION.

The presence of any police officer at any such public dance shall not relieve the permittee thereof, or any of his employees, from the responsibility of enforcing the provisions of this Article or the regulations issued hereunder.

ARTICLE 5 - CAFE ENTERTAINMENT

(Added by O-1582; O-1590; Amended by O-2361; O-2362)

35.5.1 PERMIT REQUIRED.

No person shall operate, conduct or manage any public place where any form of live entertainment is provided or furnished without having obtained an entertainment permit from the License Review Board.

35.5.2 APPROVAL OF ENTERTAINMENT PERMITS.

- a) In determining whether to grant an entertainment permit, the License Review Board shall consider the following factors:
 - 1) Whether the proponent can comply with all the rules and laws of the State of California and the City of Torrance governing establishments presenting live entertainment.
 - 2) Whether the facilities of the establishment will be adequate for the presentation of the type of entertainment proposed. In making this determination, the License Review Board shall consider the following factors:
 - i) The size of the premises;
 - ii) The proposed facilities;
 - iii) The existing facilities;
 - iv) The potential of such type of entertainment to attract patrons;
 - v) The area of the establishment compared to the proposed seating to be available in the establishment;
 - vi) The availability of parking.
 - 3) Whether the proposed use of any establishment (licensed under this Article) will be compatible with the neighborhood in which the establishment is located. In making such determination, the License Review Board shall consider the following factors which may reasonably be attributable to the proposed use of the establishment:
 - i) Any increase in traffic congestion or confusion;
 - ii) Hazards to public health or safety;
 - iii) General annoyances to the neighborhood;
 - iv) Proximity to educational and religious establishments and family residences.
 - 4) Whether the establishment will be in compliance with all zoning ordinances of the City of Torrance and all the terms of any applicable conditional use permits or variances.

35.5.3 PUBLIC HEARINGS.

The License Review Board shall require a public hearing prior to taking action on an application for a permit pursuant to this Article.

- a) Upon the filing of an application for a license for any establishment under this Article, the License Supervisor shall set a time for a public hearing before the License Review Board on whether said application should be approved or denied. Such hearing must be set for no later than thirty (30) days after the filing of the application.
- b) The License Supervisor shall cause to be published a notice of public hearing two (2) times at intervals of not less than five (5) days, within the fifteen (15) day period following the filing of an application, in a newspaper of general circulation in the district where the business is to be located. Furthermore, the License Supervisor shall give notice by mail to all property owners within three hundred (300) feet of the proposed business. The License Supervisor shall cause a suitable notice to be posted at the location where the business is to be conducted. The applicant shall bear all expense involved in mailing, printing, publishing and posting such notice. Such public notice shall conform to the rules and regulations adopted by the License Review Board and shall be designed to inform the public as to the nature of the business to be engaged in, its location, the names of the applicant or applicants, the time of the public hearing and the right of persons objecting to be heard.
- c) Any interested person may file written protests or objections, or appear at the hearing. The License Review Board shall give consideration to all such protests in reaching a decision on such application.
- d) The License Review Board shall render its decision within five (5) days after the close of the public hearing. Where there has been a hearing at the Planning Commission previous to the License Review Board hearing, the License Review Board hearing shall be posted not more than seven (7) days after the final action of the Planning Commission.

35.5.4 RIGHT OF APPEAL.

(Amended by O-2822)

Any action by the License Review Board as to the promulgation of any rule or the decision on any license shall be subject to appeal to the City Council pursuant to the provisions of Article 5, Chapter 1, Division 1 of this Code, commencing at Section [11.5.1](#).

35.5.5 CHANGES OF TYPE OF ENTERTAINMENT PRESENTED.

(Added by O-2361; Amended by O-2362)

Where a permit to present live entertainment has previously been granted and the licensee proposes to change the type of entertainment to be presented, the following requirements shall apply.

- 1) The licensee shall appear before the Planning Commission for determination that all of the conditions of the existing conditional use permit have been complied with.

- 2) The Planning Commission shall also determine at such time that the proposed type of entertainment would be in compliance with the existing conditional use permit or, if not, whether a new conditional use permit should be granted. In making such determination, the Planning Commission shall consider the following factors:
 - a) Whether the new type of entertainment will differ materially in the amount or type of equipment and facilities needed.
 - b) Whether the facilities are adequate for the proposed entertainment.
 - c) Whether the new type of entertainment will have a tendency to increase the amount of patronage coming to the premises.
 - d) Whether the proposed use will have a deleterious effect on the neighborhood including its effect on zoning, traffic congestion, safety, public health, morals and welfare or any other impact upon the neighborhood in which the Planning Commission may find to be significant.
- 3) When the Planning Commission finds that the proponent has complied with the conditions of the existing conditional use permit and that the proposed entertainment is consistent with the conditional use permit as granted or a new conditional use permit has been issued, then the permittee shall appear before the License Review Board for an entertainment permit. At that time, the License Review Board shall consider whether to grant such entertainment permit based upon all the provisions in this Section as delineated in subsection 2.

ARTICLE 6 - AMUSEMENT DEVICE PERMIT

(Added by O-1635)

35.6.1 AMUSEMENT DEVICE PERMIT.

All businesses having, or planning to install, amusement devices shall be required to obtain an amusement device permit. This permit shall be granted only if the License Review Board determines that the installation or use of such devices shall not be detrimental to the public peace, health, safety or welfare.

35.6.2 REVOCATION AND DECLARATION OF NUISANCE.

In the event that such devices at any time become detrimental to public peace, health, safety or welfare, the License Review Board may order a public hearing to determine whether or not such amusement devices should be forthwith removed, and whether or not these devices constitute a public nuisance.

35.6.3 REVOCATION OF ENTERTAINMENT AND/OR BUSINESS LICENSE.

If at said hearing it is determined that such devices should be removed and no appeal is requested,

or if requested and such appeal is denied, then such devices must be removed within ten (10) days of the order of the License Review Board or the City Council, whichever is later. If not removed within that time, the entertainment license granted pursuant to Article 5 of this Chapter, or the business license granted pursuant to this Division, or both, shall be revoked without further hearing.

35.6.4 SUMMARY ABATEMENT OF NUISANCE.

If after the License Review Board determines that any amusement device is a public nuisance and there is no appeal or if an appeal is denied by the City Council, and the owner or operator of the premises or the devices does not remove said devices from the premises within ten (10) days of the filing of administrative decision by the License Review Board or the City Council, the Chief of Police may immediately abate the nuisance and remove any or all of said devices.

35.6.5 BETTING A MISDEMEANOR.

Every person who operates or causes to be operated, whether as an owner or employee, whether for hire or not, any amusement device for the purpose of wagering or betting, or any person who wagers or bets at, in relation to, any such machine is guilty of a misdemeanor and shall be punished by a fine of not less than One Hundred Dollars (\$100.00) or more than Five Hundred Dollars (\$500.00), or by imprisonment in the County jail not exceeding six months, or by both such fine and imprisonment.

ARTICLE 7 - MINING OPERATIONS

(Added by O-2251; O-2252)

35.7.1 MINING OPERATIONS; EARTH, SAND AND GRAVEL.

(Amended by O-2843; O-3354; O-3364)

The license tax for carrying on the business of earth, sand, and gravel mining shall be \$332.00² per year, and in addition thereto, one (1) cent per ton for each ton of earth, sand, gravel, or combination thereof, severed from the location of the mine or mines.

35.7.2 PAYMENT OF SEVERANCE TAX.

The severance tax of one (1) cent per ton as provided in Section 35.7.1. shall be paid to the License Supervisor quarterly within thirty (30) days following the end of each calendar quarter for which the tax is due.

35.7.3 CHANGE OF FEE.

(Added by O-2843; O-3313)

- a) If the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor for the last calendar month available on October 31, 1990 shall stand at 130.5 (using the price prevailing during the years 1982-84 as a base of 100) then the amount of the fees provided in Section 35.7.1 shall remain as written herein.

- b) If the said index for said month shall stand at other than 130.5 then the amount of fees provided in Section [35.7.1](#) shall be increased or decreased a corresponding amount; provided, however, that the fees shall be rounded to the nearest cent.
- c) The amount of adjustment shall be determined by the Director of Finance, who shall provide such adjusted figures annually thereafter.
- d) In the event the said Bureau shall revise the said index, the Director of Finance shall accept the method of revisions or conversion recommended by the Bureau.
- e) If the said Bureau shall discontinue the preparation of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor, using prices prevailing in the years 1982-84 as a base of 100, and if no transposition table prepared by the Bureau is available which is applicable to the years 1982-84, then the fees shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product prices.

ARTICLE 8 - SWAP MEETS

(Added by O-929; Amended by O-2253; O-2254)

35.8.1 DEFINITIONS.

- a) Swap meet shall mean any location, enclosure, lot or building where two (2) or more persons assemble from time to time to trade, barter, or sell personal property.
- b) Swap meet operator shall mean any person who conducts a swap meet.
- c) Swap meet participant shall mean any person who rents or is allotted a space from the swap meet operator and conducts the business of selling, buying or trading therein.
- d) Participant space shall mean ground space occupied for one (1) day or fraction thereof by a participant, consisting of three hundred (300) square feet more or less.

35.8.2 LICENSE TAX.

(Amended by O-2843; O-3354; O-3364)

The license tax for operating a swap meet shall be \$1,101.00³ per quarter year, to be paid in advance. This tax shall entitle the operator to conduct a swap meet at the location specified in the license and in addition thereto shall entitle the operator to use parking lots in connection with said business and transport customers or prospective customers from said parking lot or lots to the swap meet location.

35.8.3 COLLECTION OF TAX.

(Amended by O-2843)

The swap meet operator shall collect from each participant twenty-six (26) cents per day or portion thereof for the privilege of occupying one (1) participating space. This fee when collected shall be the property of the City of Torrance and shall be paid to the License Supervisor within thirty (30) days following the end of each calendar quarter during which the license tax was collected from the participant.

35.8.4 CHANGE OF FEE.

(Added by O-2843; amended by O-3313)

- a) If the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor for the last calendar month available on October 31, 1990 shall stand at 130.5 (using the price prevailing during the years 1982-84 as a base of 100) then the amount of the fees provided in Section [35.8.2](#) shall remain as written herein.
- b) If the said index for said month shall stand at other than 130.5 then the amount of fees provided in Section [35.8.2](#) shall be increased or decreased a corresponding amount; provided, however, that the fees shall be rounded to the nearest cent.
- c) The amount of adjustment shall be determined by the Director of Finance, and he shall provide such adjustment figures annually thereafter.
- d) In the event the said Bureau shall revise the said index, the Director of Finance shall accept the method of revisions or conversion recommended by the Bureau.
- e) If the said Bureau shall discontinue the preparation of the Consumer Price Index, Urban Wage Earner and Clerical Worker, Los Angeles, Anaheim, Riverside Metropolitan Area, prepared by the United States Bureau of Labor Statistics, Department of Labor, using prices prevailing in the year 1967 as a base of 100, and if no transposition table prepared by the Bureau is available which is applicable to the years 1982-84, then the fees shall be increased or decreased on the basis of any other nationally recognized indicator of increases or decreases in consumer product prices.

ARTICLE 9 - FORTUNE-TELLING

(Added by O-3087)

35.9.1 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 processes 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, mind-reading, 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 Article, shall pay the license fee required by Section [33.18.73](#) and shall procure a license in the manner prescribed in this Chapter.

35.9.2 COMPLIANCE WITH LICENSE.

No person shall commence, engage in, carry on, or advertise that he will engage in or carry on any trade, calling, profession, or occupation specified in Section [35.9.1](#) without first having procured a license as required by the licensing provisions of this Division 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.

35.9.3 LICENSE APPLICATION.

Every person desiring to practice a profession, art or business specified in Section [35.9.1](#) shall make application to the Revenue Administrator. 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 Revenue Administrator may find necessary to process the application.

35.9.4 INVESTIGATION.

- a) The Revenue Administrator 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 Revenue Administrator shall submit the application and the results of the investigation to the License Review Board, who shall conduct a hearing on the

matter of the application.

35.9.5 ISSUANCE OF LICENSE.

a) At the conclusion of the hearing, the License Review Board shall approve the issuance of the license if they 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 License Review Board as a result of the investigation which would require the said board to refuse such license.
- b) The Revenue Administrator 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 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.

35.9.6 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 [35.9.1](#) 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 [35.9.5](#) 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.

35.9.7 BOND TERMINATION.

- a) The liability on any bond deposited with the City as required by Section [35.9.5](#) 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 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 Section, the license of the principal of the bond shall be automatically revoked.

35.9.8 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 License Review Board, 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.

35.9.9 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 [35.9.1](#), 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 newspapers, magazines or other publications or by 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 Section 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.

35.9.10 EXCEPTIONS.

- a) The provisions of this Article 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 Section, 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 title.
- 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 or religious

association maintaining a 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 Section, shall, before practicing the profession specified in this Article, file with the tax collector a certified copy of his 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 Section, may, however, pay to its ministers, missionaries, mediums, or workers a salary or compensation based upon a percentage basis; provided, that 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, for the purpose of amusement to the patrons of the restaurant, where no charge for such readings is made.

ARTICLE 10 - ESCORTS AND ESCORT BUREAUS.

(Added by O-3102)

35.10.1 LICENSE REQUIRED.

(Amended by O-3374; O-3479)

Every person or business agency who, for a fee, commission, hire, reward or profit, furnishes or offers to furnish names of persons, or who introduces, furnishes or arranges for persons, who may accompany other persons to or about social affairs, entertainments or places of amusement, or who may consort with others about any place of public resort or within any private quarters shall pay the license fee required by Section [33.18.74](#) and procure a license in the manner described in this Article.

35.10.2 LICENSE APPLICATION.

Every person desiring to provide escort services as provided in Section [35.10.1](#) shall make application to the Revenue Administrator. The applicant shall provide the following:

- a) Name and address of the applicant, and the name under which the proposed business is to be conducted;
- b) Address of the proposed location for the conduct of the proposed business;
- c) Record of conviction for violations of the law, excluding minor traffic violations;
- d) Two copies of a photograph, two inch by two 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) Written proof that the applicant is over the age of eighteen (18);
- h) If the applicant is a corporation, the name of the corporation shall be set forth exactly as shown in its articles of incorporation or charter, together with the state and date of incorporation, and the names, residence addresses, and dates of birth of each of its current officers and directors, and each stockholder holding more than five (5) percent of the stock in the corporation. If the applicant is a partnership, the applicant shall set forth the names, residence addresses and dates of birth of each of the partners, including limited partners and profit interest holders. If the applicant is a limited partnership, the applicant shall furnish a copy of the certificate of limited partnership as filed with the county clerk. If one or more of the partners is a corporation, the provisions of this Subsection pertaining to corporations shall apply. The corporation or partnership applicant shall designate one of its officers or general partners to act as its responsible managing officer. Such designated person shall complete and sign all application forms required of an individual applicant under this Article, but only one application fee shall be charged;
- i) In the event the applicant is not the owner of record of the real property upon which the escort bureau is or is to be located, the application must be accompanied by a notarized statement from the owner of record of the property acknowledging that an escort bureau is or will be located on the property. In addition to furnishing such notarized statement, the applicant shall furnish the name and address of the owner of record of the property, as well as a copy of the lease or rental agreement pertaining to the premises in which the escort bureau is or will be located;
- j) A definition of the service to be provided;
- k) The true names and residential addresses of all persons employed or intended to be employed as escorts;
- l) Each applicant for an escort permit, or renewal thereof, shall furnish a certificate from a medical doctor licensed to practice in the State of California, stating that the applicant has within thirty (30) days immediately preceding the date of the application been examined and found to be free of any contagious or communicable disease;
- m) Such other and further information as the Revenue Administrator may find necessary to process the application.

35.10.3 INVESTIGATION.

- a) The Revenue Administrator 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 Revenue Administrator shall submit the application and the results of the investigation to the License Review Board, who shall conduct a hearing on the matter of the application.

35.10.4 ISSUANCE OF LICENSE.

- a) At the conclusion of the hearing, the License Review Board shall approve the issuance of the license if they shall find:

- 1) All the information contained in the application or supporting data is true;
- 2) Neither the applicant if an individual; nor any of the directors, officers or stockholders holding more than five (5) percent of the stock of the corporation; nor any of the partners, including limited partners, the holder of any lien of any nature or profit interest holder, manager; nor other person principally in charge of the operation of the existing or proposed escort bureau; nor any natural person employed or contracted with to be an escort or to provide escort services, has been convicted or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving sexual misconduct, including but not limited to all offenses listed in Penal Code Section 290, Penal Code Sections 311.2 through 311.7, Penal Code Sections 314 through 318, and Subsections (a), (b), (c), (d) or (h) of Section 647 of the Penal Code or any offenses involving pimping, pandering, prostitution or lewd conduct; or has permitted, through an act of omission or commission, his or her employee or agent to engage in any type of moral turpitude or sexual misconduct offense, whether misdemeanor or felony (under such circumstances, the conduct of the employee or agent, if such resulted in a conviction or a plea of nolo contendere or guilty, will be considered imputed to the principal and shall be grounds for permit denial);
- 3) The applicant has not had an escort bureau, introductory service or escort permit or other similar license or permit denied or suspended or revoked for cause by the City of Torrance or any other city or county located in or out of this State within the five-year period immediately preceding the date of the filing of the application;
- 4) No information has been brought to the attention of the License Review Board as a result of the investigation which would require the said board to refuse such license.

- b) The Revenue Administrator shall thereafter issue the license when the required fee has been paid.

35.10.5 SEPARATE LICENSE FOR EACH PERSON.

Every natural person actively carrying on, conducting, or engaging in any of the activities for which a license is required, and enumerated in Section [35.10.1](#) shall file a separate application, separate photograph and fingerprints and pay a separate license fee as required by the licensing provisions of this Article, regardless of whether or not such natural person is participating on behalf of or for

any firm, corporation, copartnership, association, society, or any other such organization.

35.10.6 ADVERTISING RESTRICTED.

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 the activities specified in Section [35.10.1](#), 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 activities may advertise in newspapers, magazines or other publications or by handbills, pamphlets, posters or cards only the name, address, telephone number and hours of business of such person or firm, together with the name or names of the services provided.

35.10.7 SEVRICES OF ESCORTS.

- a) No holder of an escort bureau license shall employ as an escort any person under eighteen (18) years of age.
- b) No holder of an escort bureau license shall furnish any escort to, or accept employment from any patron, customer or person to be escorted, who is under eighteen (18) years of age, except at the special instance and request of a parent, guardian or other person in lawful custody of the person upon whose behalf the escort or introductory service is engaged.
- c) No holder of an escort permit shall escort, offer to escort or perform any activity described in this Article to any person under eighteen (18) years of age, except at the special instance and request of the parent, guardian or other person in lawful custody of the person on whose behalf the escort or introductory service is engaged.

35.10.8 TERM OF ESCORT LICENSE.

The term of an escort license, unless sooner suspended or revoked, shall be for a period of one year.

35.10.9 ESCORT LICENSE RENEWAL.

An escort license, issued pursuant to the provisions of this Article, which has not been suspended or revoked, may be renewed for a period of one year on written application to the Revenue Administrator. The application for renewal of a permit shall contain all of the information required in Section [35.10.2](#) of this Article, and shall be processed in accordance with the provisions of this Article.

35.10.10 ESCORT IDENTIFICATION CARD.

Each escort license holder shall be issued an identification card which will also serve as an escort permit. The permit holder shall carry such card in a visible position upon his or her person when acting as an escort and produce the same for inspection upon request. Each permit holder shall immediately surrender, to the Chief of Police, any escort permit issued by the City of Torrance upon the suspension, revocation or expiration of such permit, or upon leaving employment as an

escort.

35.10.11 NUISANCE.

Any escort bureau operated, conducted or maintained contrary to the provisions of this Article shall be and the same is hereby declared to be unlawful and a public nuisance and the City Attorney may, in addition to or in lieu of prosecuting a criminal action hereunder, commence an action or actions, proceeding or proceedings, for the abatement, removal or injunction thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such establishment and restrain and enjoin any person from operating, conducting or maintaining an escort bureau or introductory service contrary to the provisions of this Article.

35.10.12 SUSPENSION OR REVOCATION.

In addition to the provisions of Section [31.9.10](#), if the License Review Board finds that any person holding an escort bureau license under the provisions of this Article has violated any of the provisions of this Article or conducts such business in such a manner as would have been grounds for denial of a license as set forth in Section [35.10.4](#), or if the License Review Board finds that any person holding an escort license is engaging in behavior or actions which violate any of the provisions of this Article or which would have been grounds for denial of an escort license as set forth in Section [35.10.4](#) above, it may suspend the license. No such suspension shall become effective, nor shall it result in a revocation of said license, until the licensee has been notified in writing of the right of such licensee to appear before the License Review Board and hear the evidence which is offered in support of the suspension or revocation and examine any witnesses offering such evidence. Notification of the licensee shall be made either by personal delivery or by certified mail, return receipt requested addressed to the licensee at the most recent residence or business address as set forth on the most recent application for license or renewal. If a timely appeal is filed, pursuant to the provisions of Article [5](#), Chapter [1](#), commencing at Section [11.5.1](#) of this Code, the suspension or revocation shall be stayed and shall become effective only upon decision of the City Council. Otherwise, the suspension or revocation shall become effective after the time for appeal has expired.

ARTICLE 13 - REVERSE VENDING MACHINES

(Added by O-3214)

35.13.1 INTENT AND PURPOSE.

The intent and purpose of these regulations is to meet the requirements of the State Beverage Container Recycling and Litter Reduction Act of 1986; to meet community recycling needs; and to ensure the compatibility of recycling facilities with surrounding uses for the protection of the health, safety and general welfare of the City of Torrance and its residents.

35.13.2 DEFINITIONS.

Reverse vending machine(s) shall mean an automated mechanical device which accepts at least

one or more types of empty beverage containers including, but not limited to aluminum cans, glass and plastic bottles, and issues a cash refund or a redeemable credit slip with a value not less than the container's redemption value as determined by the state. A reverse vending machine may sort and process containers mechanically; provided, that the entire process is enclosed within the machine. In order to accept and temporarily store all three 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.

35.13.3 CRITERIA AND STANDARDS, AND LICENSE FEES.

- a) Reverse vending machines shall be permitted in all zones except residential zones upon administrative approval by the Building and Safety Director and obtaining a business license from the Finance Department.
- b) Reverse vending machines shall comply with the following standards:
 - 1) Shall be established in conjunction with a commercial use or community service facility which is in compliance with the zoning, building and fire codes of the City of Torrance;
 - 2) Shall not obstruct pedestrian or vehicular circulation;
 - 3) Shall not occupy parking spaces required by the primary use;
 - 4) Shall cumulatively occupy no more than fifty square feet of floor space per site, including any protective enclosure, and shall be no more than eight feet in height;
 - 5) Shall be constructed and maintained with durable waterproof and rustproof material;
 - 6) Shall be clearly marked to identify the type of material to be deposited, operating instructions, and the identity and phone number of the operator or responsible person to call if the machine is inoperative;
 - 7) Shall have a sign area of a maximum of four (4) square feet per machine, solely for the purpose of identifying the recycling facility or materials accepted for recycling. Additional area is permitted to provide operating instructions;
 - 8) Shall be maintained in a clean, litter-free condition on a daily basis;
 - 9) Operating hours shall be at least the operating hours of the host use;
 - 10) Shall be illuminated to ensure comfortable and safe operation if operating hours are between dusk and dawn;
 - 11) Shall be located adjacent to building walls and designed to be aesthetically compatible with the host use and with surrounding uses.

- c) Failure to comply with the above standards will result in a revocation of the administrative permit.
- d) The license fee shall be Fifty Dollars (\$50.00) per year per machine, along with an application fee of Seventy-seven Dollars (\$77.00) per site.
- e) The collection facilities, as defined under Section 96.3.42 (b)(4) shall be subject to a license fee of One Hundred Fifty Dollars (\$150.00) plus Thirty-two Dollars (\$32.00) per year per person working on site.
- f) Large collection facilities and processing facilities as defined under Section 95.3.42 (b)(5) through (b)(8) shall be subject to a license fee of Three Hundred Dollars (\$300.00) plus Thirty-two Dollars (\$32.00) per year per person working on site.

ARTICLE 14 - MASSAGE THERAPY REGULATIONS

(Added by O-3720)

35.14.010 STATE CERTIFICATION REQUIRED-DEADLINE FOR COMPLIANCE.

Except where a specific exemption is applicable pursuant to Section [35.14.030](#), it is a violation of this Article for:

- (a) Any person to engage in the practice of massage therapy and any massage business or establishment to employ or retain such a person, unless such person first obtains and continues to maintain in full force and effect a valid State Certificate.
- (b) Any person holding a valid Massage Technician Permit pursuant to Torrance Municipal Code section 35.12.1 et seq. may continue to provide massage therapy under that Massage Technician permit until December 31, 2009. All Massage Technician Permits will expire at 11:59 p.m. on December 31, 2009. Upon expiration of the Massage Technician Permit, any person who wants to engage in the practice of massage therapy will be required to obtain a valid State Certificate prior to performing any massage therapy.
- (c) Any massage business or establishment holding a valid Massage Establishment License pursuant to Torrance Municipal Code section 35.11.1 et seq. may continue to provide massage therapy services until December 31, 2009, as long as their employees, agents, independent contractors or other representatives providing massage therapy have a valid Massage Technician Permit or State Certificate. All Massage Establishment Licenses will expire at 11:59 p.m. on December 31, 2009. Upon expiration of the Massage Establishment License, any massage business or establishment will be required to get a license under this Article.

35.14.020 DEFINITIONS.

- (a) Compensation. The term "compensation" means the payment, loan, advance, donation, contribution, deposit, exchange, or gift of money or anything of value.

- (b) Employed or Retained By. The term "employed or retained by" includes:
- (1) Any person who is a directly paid employee of a massage business or establishment;
 - (2) Any person whose association with a massage business or establishment is that of an independent contractor who receives compensation for massage therapy provided to patrons of the business or establishment; and
 - (3) Any person who receives a referral of patrons from a massage business or establishment and who at any time before or after the referral arranges in any way for compensation to flow to the massage business or establishment or any of its owners (regardless of whether the parties involved acknowledge that compensation is flowing in exchange for the referral, or such parties record such compensation in their financial records).
- (c) Massage, Massage Therapy, Bodywork. The terms "massage," "massage therapy," and "bodywork" are used in this Article interchangeably and mean the application of various techniques to the muscular structure and soft tissues of the human body, including, but not limited to, any method of pressure or friction against, or stroking, kneading, rubbing, tapping, compression, pounding, vibrating, rocking or stimulating of the external surfaces of the body with hands or with any object or appliance. The terms "massage," "massage therapy," and "bodywork" specifically exclude the diagnosis, prescription, intentional manipulation or adjustments of the skeletal structure, or any other service, procedure or therapy which requires a license to practice (e.g., chiropractic, osteopathy, orthopedics, physical therapy, podiatry, or medicine), hypnosis, naturopathic, colonic irrigation, acupuncture, vacuum cupping, nutritional or dietary counseling, detoxification programs, yoga, exercise, spiritual healing, or procedures which penetrate body cavities, either manually or with any other method of intrusion.
- (d) License Supervisor. The term "License Supervisor" means the License Supervisor of the City of Torrance or his or her authorized representative(s).
- (e) Massage Business or Establishment. The term "massage business or establishment" means any business or establishment which offers massage therapy in exchange for compensation at a fixed place of business. Any business or establishment which offers any combination of massage therapy and bath facilities, including, but not limited to, showers, baths, wet and dry heat rooms, pools and hot tubs, will be deemed a massage business or establishment under this Article.
- (f) Massage Practitioner. The term "massage practitioner" means any person to whom a State Certificate has been issued pursuant to subdivision (b) of Section 4601 of the California Business and Professions Code, or subdivision (a) or (c) of Section 4604 of the California Business and Professions Code, and who is engaged in the practice of massage therapy for compensation. As used in this Article, the terms "bodywork practitioner" or "massage and bodywork practitioner" will have the same meaning as "massage practitioner."

(g) **Massage Therapist.** The term "massage therapist" means any person to whom a State Certificate has been issued pursuant to subdivision (c) of Section 4601 of the California Business and Professions Code and who is engaged in the practice of massage therapy for compensation. As used in this Article, the terms "bodyworker," "bodywork therapist," or "massage and bodywork therapist" will have the same meaning as "massage therapist."

(h) **State Certificate.** The term "State Certificate" means the certificate issued by the California Massage Therapy Council (referred to as the Massage Therapy Organization in SB 731) to massage therapists pursuant to subdivision (c) of Section 4601 of the California Business and Professions Code, and to massage practitioners pursuant to subdivision (b) of Section 4601 of the California Business and Professions Code or subdivision (a) or (c) of Section 4604 of the California Business and Professions Code.

(i) **Operator.** The term "operator" means any person who supervises, manages, directs, organizes, controls or in any other way is responsible for or in charge of the overall operation, conduct or activities of a massage business or establishment.

(j) **Owner.** The term "owner" means any of the following persons:

(1) The sole proprietor of a massage business or establishment. As used in this Article, the term "sole proprietor" will mean a massage business or establishment where the owner is the only person employed by that business or establishment to provide massage therapy;

(2) Any general partner of a partnership that owns and operates a massage business or establishment; or

(3) Any person who has a 20 percent or greater ownership interest in a corporation that owns and operates a massage business or establishment.

(k) **Person.** The term "person" means any individual, proprietorship, partnership, corporation, firm, association, joint stock company, or combination of the above in whatever form or character.

(l) **Police Chief.** The term "Police Chief" means the Police Chief of the City of Torrance or his or her authorized representative(s).

(m) **Recognized School of Massage.** The term "recognized school of massage" means a facility that teaches the theory, ethics, practice, profession and work of massage therapy and that is approved by any of the following:

(1) The Bureau for Private Postsecondary and Vocational Education pursuant to former Section 94739 of the California Education Code prior to July 1, 2007;

(2) The Department of Consumer Affairs;

- (3) An institution accredited by the Accrediting Commission for Senior Colleges and Universities or the Accrediting Commission for Community and Junior Colleges of the Western Association of Schools and Colleges and that is one of the following: (a) a public institution; (b) an institution incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the California Corporations Code, and that is not managed by any entity for profit; (c) a for-profit institution; (d) an institution that does not meet all of the criteria in subsection 3.(b) of this definition, that is incorporated and lawfully operating as a nonprofit public benefit corporation pursuant to Part 2 (commencing with Section 5110) of Division 2 of Title 1 of the California Corporations Code, that has been in continuous operation since April 15, 1997, and that is not managed by any entity for profit;
- (4) A college or university of the state higher education system, as defined in Section 100850 of the California Education Code; or
- (5) A school of equal or greater training that is approved by the corresponding agency in another state or territory of the United States or accredited by an agency recognized by the United States Department of Education.

The term "recognized school of massage" does not include a school or institution of learning offering or allowing correspondence course credit not requiring actual attendance at class.

- (n) Sexually Related Crime. The term "Sexually Related Crime" means:
 - (1) A violation of Section 266i, 315, 316, 318, 647(a), or 647(b) of the Penal Code, or any similar offenses under the criminal or penal code of this state or any other states or countries.
 - (2) Has been required to register under the provisions of Penal Code section 290.
- (o) Specified Criminal Activity. The term "Specified Criminal Activity" means:
 - (1) Conviction of a Sexually Related Crime, or conviction of any felony offense involving the sale of a controlled substance specified in Section 11054, 11055, 11056, 11057, or 11058 of the Health and Safety Code, or any similar offenses under the criminal or penal code of this state or any other states or countries.
 - (2) The fact that a conviction is being appealed will have no effect on the determination of whether the Applicant or Licensee has been convicted of a specified criminal activity under this Article.

35.14.030 EXEMPTIONS FROM ARTICLE.

This Article will not apply to:

- (a) Persons holding a valid certificate to practice the healing arts under the laws of the state of

California and their employees, including, but not limited to, holders of medical degrees such as physicians, surgeons, chiropractors, osteopaths, naturopaths, podiatrists, acupuncturists, physical therapists, registered nurses and licensed vocational nurses;

- (b) State-licensed hospitals, nursing homes, sanitariums, physiotherapy establishments, or other state-licensed physical or mental health facilities and their employees;
- (c) Recognized schools of massage described under Section [35.14.020](#)(m)(3) or Section [35.14.020](#)(m)(4) and their students in training, provided such students provide massage therapy only under the direct personal supervision of an instructor;
- (d) Barbers and cosmetologists who are licensed under the laws of the State of California while providing massage therapy within the scope of their licenses; provided, that such massage therapy is limited solely to the neck, face, scalp, feet and lower limbs up to the knees, and hands and arms, of their patrons;
- (e) Persons who provide massage therapy to amateur, semi-professional or professional athletes or athletic teams, facilities or events, so long as such persons do not practice massage therapy as their primary occupation within City limits;
- (f) Persons who hold a valid State Certificate and who are practicing consistent with the qualifications established by such certificate; and
- (g) Massage businesses or establishments as defined under paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, except that such businesses or establishments will not be exempt from this Article to the extent Section 4612 expressly permits the regulation of such businesses or establishments by local ordinance.

35.14.040 REGISTRATION AND NOTIFICATION REQUIREMENTS.

- (a) Every nonexempt massage business or establishment, and every massage business or establishment as defined under paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, must:
 - (1) Provide the License Supervisor with a copy or other evidence of the State Certificate of every person who is employed or retained by the business or establishment to provide massage therapy, prior to the commencement of such person's period of employment;
 - (2) Maintain on its premises a copy or other evidence of each such State Certificate for review by the Police Department; and
 - (3) Notify the License Supervisor of any intention to rename, change management, or convey the business or establishment to another person. Any change of name, management, ownership, or address will require approval by the License Supervisor.

- (4) Provide, on or before the 5th day of each calendar month, a full list of all employees, agents, independent contractors or other representatives that are providing massage therapy at the massage business or establishment.
- (5) Provide the License Supervisor a report regarding any change of employees, agents, independent contractors or other representatives that are providing massage therapy at the massage business or establishment. All hires will be reported to the License Supervisor prior to any employee, agent, independent contractor or other representative commencing work at the massage business or establishment. All discharges or terminations will be reported to the License Supervisor within 5 working days.
- (6) Provide the License Supervisor the name, address, and date of birth of every person listed above in subsection (a)(1). Any change of home address will be reported to the License Supervisor within 15 days of the change of address.

35.14.050 HOURS OF OPERATION.

(Amended by O-3721; O-3738)

No licensee, and no nonexempt massage business or establishment, or massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, will provide massage therapy to the public for compensation between the hours of 9:00 p.m. and 8:00 a.m. of the following day. Provided, however, that any licensee or establishment identified in this Section that is operating as an ancillary business or operation on the premises of a primary business and whose gross floor area constitutes less than 5% of the gross floor area of the primary business may provide massage therapy to the public for compensation during any hours when the primary business is open to the public.

35.14.060 PROHIBITED ADVERTISING PRACTICES.

- (a) It is a violation of this Article for any person who does not possess a valid State Certificate on or after September 1, 2009, and for any massage business or establishment that employs or retains such a person, to:
 - (1) State or advertise or put out any sign or card or other device, or to represent to the public through any print or electronic media, that such person is certified, registered or licensed by a governmental agency as a massage therapist or massage practitioner; or
 - (2) Hold oneself out or use the title of "certified massage therapist," "certified massage practitioner," or any other term, such as "licensed," "registered," or "CMT," that implies or suggests that such person is the holder of a State Certificate.
- (b) It is a violation of this Article for any massage business or establishment, licensee, or any other person providing massage therapy to the public for compensation, to advertise through any print or electronic media that is classified for adults only or similar classification.

(c) It is a violation of this Article for a massage business or establishment to place an advertisement, in any print or electronic media, that does not include the State Certificate number of the massage practitioner or massage therapist that will be performing the services advertised. A massage business or establishment may comply with this subsection by listing in the print advertisement at least one State Certificate number along with a link to the website of the massage business or establishment that lists all of the State Certificate numbers of the massage practitioners or massage therapists that will be performing the services advertised.

35.14.070 MINORS.

It is unlawful for any nonexempt massage business or establishment, and for any massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code, to:

- (a) Employ or retain any person who is under the age of 18 years to provide any massage therapy to the public for compensation; or
- (b) Provide massage therapy to any person who is under the age of 18 years, except at the special instance and request of a parent or other person in lawful custody of the minor.

35.14.080 PHYSICAL FACILITY AND BUILDING CODE REQUIREMENTS.

The following physical facility and building code requirements are applicable to all nonexempt massage businesses or establishments, and to all massage businesses or establishments described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code:

- (a) All exit doors will be kept unlocked during business hours.
- (b) All doors to dressing rooms, toilet rooms and massage therapy rooms or cubicles will open inward and will be self-closing. Draw drapes, curtain enclosures, or accordion-pleated closures in lieu of doors are acceptable on all inner dressing rooms and massage therapy rooms or cubicles.
- (c) Minimum lighting as required by California Building Code section 1205.3 or any successor section.
- (d) A massage table will be used for all massage therapy, with the exception of "Thai," "Shiatsu," and similar forms of massage therapy, which may be provided on a padded mat on the floor, provided the patron is fully attired in loose clothing, pajamas, scrubs or similar style of garment. The tables should have a minimum height of 18 inches. Beds, floor mattresses and waterbeds are not permitted on the premises of the business or establishment.
- (e) All locker facilities that are provided for the use of patrons will be fully secured for the protection of the patron's valuables, and the patron will be given control of the key or other means of access.

- (f) The business or establishment will comply with the following state building standards:
- (1) The California Building Code as adopted by Torrance Municipal Code section 81.1.1 and as amended by Article 2 of Chapter 1 of Division [8](#) of the Torrance Municipal Code.
 - (2) The California Electrical Code as adopted by Torrance Municipal Code section 82.1.1 and as amended by Article 2 of Chapter 2 of Division [8](#) of the Torrance Municipal Code.
 - (3) The California Plumbing Code as adopted by Torrance Municipal Code section 83.1.1 and as amended by Article 2 of Chapter 3 of Division [8](#) of the Torrance Municipal Code.
 - (4) The California Fire Code as adopted by Torrance Municipal Code section 85.1.1 and as amended by Article 2 of Chapter 5 of Division [8](#) of the Torrance Municipal Code.
 - (5) The California Mechanical Code as adopted by Torrance Municipal Code section 89.1.1 and as amended by Article 2 of Chapter 9 of Division [8](#) of the Torrance Municipal Code.

35.14.090 HEALTH AND SAFETY REQUIREMENTS.

The following health and safety requirements are applicable to all nonexempt massage businesses or establishments, and to all massage businesses or establishments described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code:

- (a) The business or establishment will at all times be equipped with an adequate supply of clean sanitary towels, coverings and linens, and all massage tables will be covered with a clean sheet or other clean covering for each patron. After a towel, covering or linen has once been used it will be deposited in a closed receptacle and not used until properly laundered and sanitized. Towels, coverings and linens will be laundered either by regular commercial laundering or by a noncommercial laundering process which includes immersion in water at least 140 degrees Fahrenheit for not less than 15 minutes during the washing or rinsing operation. Clean towels, coverings and linens will be stored in closed, clean cabinets when not in use.
- (b) All massage therapy rooms or cubicles, wet and dry heat rooms, toilet rooms, shower compartments, and hot tubs and pools will be thoroughly cleaned and disinfected as needed, and at least once each business day the premises are open and such facilities are in use. All bathtubs will be thoroughly cleaned and disinfected after each use.
- (c) All liquids, creams, or other preparations used on or made available to patrons will be kept in clean and closed containers. Powders may be kept in clean shakers. All bottles and containers will be distinctly and correctly labeled to disclose their contents. When only a portion of a liquid, cream or other preparation is to be used on or made available to a patron, it will be removed from the container in such a way as not to contaminate the remaining portion.
- (d) No invasive procedures will be performed on any patron. Invasive procedures include, but are not limited to: (1) application of electricity which contracts the muscle; (2) application of topical

lotions, creams, or other substances which affect living tissue, such as chemical peel preparations or bleaches; (3) penetration of the skin by metal needles; (4) abrasion of the skin below the nonliving, epidermal layers; (5) removal of skin by means of any razor-edged instrument or other device or tool; and (6) any needle-like instrument which is used for the purpose of extracting skin blemishes and other similar procedures.

(e) All bathrobes, bathing suits and/or other garments that are provided for the use of patrons will be either fully disposable and will not be used by more than one patron, or will be laundered after each use pursuant to subsection A of this section.

(f) All combs, brushes, and/or other personal items of grooming or hygiene that are provided for the use of patrons will be either fully disposable and will not be used by more than one patron, or will be fully disinfected after each use.

(g) No patrons will be allowed to use any shower facilities of the business or establishment unless such patrons are wearing slip-resistant sandals or flip-flops while in the shower compartment. All footwear such as sandals or flip-flops that are provided for the use of patrons will be either fully disposable and will not be used by more than one patron, or will be fully disinfected after each use.

(h) The patron's genitals, pubic area, anus, and female patron's breasts below a point immediately above the top of the areola must be fully draped at all times while any employee of the business or establishment is in the massage therapy room or cubicle with the patron. No massage therapy will be provided to a patron that results in intentional contact, or occasional and repetitive contact, with the genitals, anus, or areola of a patron.

(i) The massage business or establishment must comply with the Public Health Code as adopted by Torrance Municipal Code section [47.1.1](#) and as amended by Article [2](#) of Chapter [7](#) of Division [4](#) of the Torrance Municipal Code.

(j) The massage business or establishment will keep a record of the dates and hours of each treatment or service, name, address and birth date of the patron, which must be verified by the patron showing legal identification prior to the provision of service, the name of the Massage Therapist or Massage Practitioner administering such service, and a description of the treatment or service rendered. These records will be open to inspection by the health officials charged with the responsibility of preventing the spread of communicable and contagious diseases and to officials, including a police officer, charged with the enforcement of the provisions of this Article. The information furnished or secured as a result of any such records will be used only to ensure and enforce compliance with this Article and other applicable laws and will otherwise remain confidential. Officials charged with enforcement of this Article will periodically inspect the records to ensure compliance with this Article. The records must be maintained for a period of not less than one year.

(k) The massage business or establishment must display the State Certificate of each massage therapist or massage practitioner that is providing massage therapy in a conspicuous place within the massage business or establishment so that it may be readily seen by persons entering the premises.

35.14.100 ATTIRE AND PHYSICAL HYGIENE REQUIREMENTS.

The following attire and physical hygiene requirements will be applicable to all massage therapists and massage practitioners who are employed or retained by a nonexempt massage business or establishment, or by a massage business or establishment described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code:

(a) All persons will be clean and wear clean and sanitary outer garments at all times. All outer garments will be of a fully opaque, nontransparent material and provide complete covering from at least the mid-thigh to two inches below the collarbone. The midriff may not be exposed.

(b) All persons will thoroughly wash their hands with soap and water or any equally effective cleansing agent immediately before providing massage therapy to a patron. No massage therapy will be provided upon a surface of the skin or scalp of a patron where such skin is inflamed, broken (e.g., abraded, cut) or where a skin infection or eruption is present.

(c) No person afflicted with an infection or parasitic infestation capable of being transmitted to a patron will knowingly provide massage therapy to a patron, or remain on the premises of a massage business or establishment while so infected or infested. Infections or parasitic infestations capable of being transmitted to a patron include, but are not limited to:

(1) Cold, influenza or other respiratory illness accompanied by a fever, until 24 hours after resolution of the fever;

(2) Streptococcal pharyngitis ("strep throat"), until 24 hours after treatment has been initiated and 24 hours after resolution of fever;

(3) Purulent conjunctivitis ("pink eye"), until examined by a physician and approved for return to work;

(4) Pertussis ("whooping cough"), until five days of antibiotic therapy has been completed;

(5) Varicella ("chicken pox"), until the sixth day after onset of rash or sooner if all lesions have dried and crusted;

(6) Mumps, until nine days after onset of parotid gland swelling;

(7) Tuberculosis, until a physician or local health department authority states that the person is noninfectious;

- (8) Impetigo (bacterial skin infection), until 24 hours after treatment has begun;
- (9) Pediculosis (head lice), until the morning after first treatment; and
- (10) Scabies ("crabs"), until after treatment has been completed.

Blood-borne diseases, such as HIV/AIDS and hepatitis B (HBV), will not be considered infectious or communicable diseases for the purpose of this subsection.

35.14.110 INSPECTION BY GOVERNMENT OFFICIALS.

- (a) All nonexempt massage businesses or establishments, and all massage businesses or establishments described in paragraph (1) of subdivision (b) of Section 4612, will permit representatives of the county health department, the City of Torrance Police Department, Fire Department, Community Development Department, and/or other City or county departments or agencies, to conduct a reasonable inspection of the public areas of and areas otherwise open to plain view on or within the premises, to the extent allowed by law and during the regular business hours of the business or establishment, for the purpose of ensuring compliance with state and local law, including, but not limited to, Chapter 10.5 (commencing with Section 4600) of the California Business and Professions Code, the requirements of this Article, or other applicable fire and health and safety requirements.
- (b) Nothing in this section will be deemed to prohibit the above-described government officials from pursuing any and all available legal remedies to secure entry into and inspection of the premises of the business or establishment if such entry is refused, or for any other reason allowed by law.
- (c) It is a violation of this Article for the business or establishment to prohibit or interfere with such lawful inspection of the premises at any time it is open for business.

35.14.120 OWNER AND OPERATOR RESPONSIBILITY-DENIAL, REVOCATION, RESTRICTION OR SUSPENSION OF BUSINESS LICENSE.

The following provisions will apply to all nonexempt massage businesses or establishments, and all massage businesses or establishments described in paragraph (1) of subdivision (b) of Section 4612 of the California Business and Professions Code:

- (a) For the purpose of enforcement of the requirements of this Article, all owners and operators of the business or establishment will be responsible for the conduct of all of its employees, agents, independent contractors or other representatives, while on the premises of the business or establishment or providing massage therapy.
- (b) The City may:
 - (1) Require the business or establishment in its application for a business license, or for the renewal of a business license, to provide relevant information to the activities of the business

or establishment regulated by this Article;

- (2) Make reasonable investigations into the information so provided;
 - (3) Charge a business licensing fee sufficient to cover the costs of the business licensing activities regulated by this Article; and
 - (4) Deny, revoke, restrict or suspend a business license for any of the following causes: (a) an employee, agent, independent contractor or other representative of the business or establishment has committed a violation of this Article, or of Chapter 10.5 (commencing with Section 4600) of Division 2 of the California Business and Professions Code; or (b) the business or establishment has provided materially false information in its application for a business license, (c) allowing an employee, agent, independent contractor or other representative of the business or establishment to provide massage therapy without a State Certificate, or (d) any criminal offense listed under Section [35.14.020\(n\)](#) or Section [35.14.020\(o\)](#).
- (c) No business or establishment may apply for a license under this Article within one year from denial of a license to such business or establishment or within one year from the revocation of a license issued to such business or establishment, unless the cause of the denial or revocation has been remedied to the satisfaction of the License Review Board, or the City Council upon appeal.

35.14.130 SUMMARY SUSPENSION.

A business license issued under this Article may be summarily and temporarily suspended by the Police Chief or License Supervisor in the event it is determined that the massage business or establishment or any of its owners, operators, employees, agents, independent contractors or other representatives has violated or permitted to be violated any of the provisions of this Article or of Chapter 10.5 of Division 2 of the California Business and Professions Code. The suspension will be accomplished by posting a notice of the suspension on the premises. A copy of the notice of suspension will be sent by First Class mail to the owner or operator of the massage business or establishment. A hearing will be held by the City Manager, or the City Manager's designee, within 10 days of the suspension, unless a continuance is requested by the owner or operator of the massage business or establishment.

35.14.140 SUSPENSION OR REVOCATION.

- (a) The License Review Board may suspend or revoke a massage business or establishment license pursuant to this Article if the Board finds: (1) that any owner, operator, corporation or partnership, or employee, agent, independent contractor, or other representative of the massage business or establishment has violated any of the provisions of this Article or Chapter 10.5 of Division 2 of the Business and Professions Code; (2) that any owner, operator, corporation or partnership, or employee, agent, independent contractor, or other representative of the massage business or establishment conducts business in any manner that would have been grounds for denial of a license; or (3) that any owner, operator, corporation or partnership, or employee, agent,

independent contractor, or other representative of the massage business or establishment is engaging in behavior or actions which violate any of the provisions of this Article or Chapter 10.5 of Division 2 of the Business and Professions Code.

- (b) No suspension or revocation will become effective until the massage or business establishment has been notified in writing of the right of such licensee to appear before the License Review Board and hear the evidence which is offered in support of the suspension or revocation, and to examine witnesses offering such evidence; to offer evidence in his or her own behalf, to be represented at such hearing, and to have the services of an interpreter paid for at their own expense.
- (c) Written notification of the suspension or revocation, as well as the right to a hearing before the License Review Board, will be served upon the licensee at the last address shown in the records of the Revenue Administrator for the massage business or establishment. This notification will be sent by First Class mail or by personal delivery to the premises of the massage establishment or business. Upon mailing or personal service of the notice, the massage business or establishment will have 15 days to petition for a hearing before the License Review Board. If a petition for a hearing is filed, the hearing will be set within 30 days and may be continued from time to time thereafter. If no such petition for hearing is filed, the suspension or revocation will become effective on the 16th day after mailing or personal service.

35.14.150 APPEAL.

Upon the denial, revocation, or suspension of any license required by this Article by the License Review Board, the applicant or licensee may appeal to the City Council pursuant to the provisions of Article [5](#) of Chapter [1](#) of Division [1](#).

35.14.155 OPENING OF A NEW MASSAGE ESTABLISHMENT WHERE A PRIOR MASSAGE ESTABLISHMENT HAS BEEN CLOSED DUE TO CRIMINAL ACTIVITY.

(Added by O-3776)

Notwithstanding any other provision of this Code to the contrary, when a massage establishment has been closed due to criminal activity, no new massage establishment is permitted to open in that location for a period of two (2) years from the date of the closure decision.

35.14.160 REMEDIES CUMULATIVE—EACH DAY A SEPARATE OFFENSE.

Any person subject to this Article who personally, or through an agent, employee, independent contractor or other representative, violates any provision of this Article will be guilty of a separate offense for each and every day during any portion of which any such violation is committed, continued or permitted by such person. All remedies provided herein will be cumulative and not exclusive.

35.14.170 PUBLIC NUISANCE.

Any use or condition caused or permitted to exist in violation of any of the provisions of this Article

will be and is hereby declared a public nuisance and, as such, may be abated or enjoined from further operation pursuant to Penal Code Section 370 et seq., Penal Code Section 11225 et seq., Civil Code Section 3479 et seq., Torrance Municipal Code Section 92.35.2, or any other federal, state, or local law.

35.14.180 CRIMINAL PENALTIES.

Any person subject to this Article who personally, or through an agent, employee, independent contractor or other representative, violates any provision of this Article commits a misdemeanor. Any person convicted of a misdemeanor will be subject to punishment by fine and/or imprisonment to the maximum extent permitted by state law.

35.14.190 CIVIL INJUNCTION.

The violation of any provision of this Article will be and is hereby declared to be contrary to the public interest and will, at the discretion of the City, create a cause for injunctive relief.

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Fees increased/decreased pursuant to Section [31.2.16](#).

**CHAPTER 6
REPEALED BY O-3470**

2

Fees increased/decreased pursuant to Section [35.7.3](#).

CHAPTER 7 PARADES

(Added by O-1709: O-1717)

3

Fees increased/decreased pursuant to Section [31.2.16](#).

ARTICLE 1 - GENERAL

37.1.1 DEFINITION OF PARADE.

Parade shall mean any parade, march, procession, assembly, or demonstration consisting of persons, animals or vehicles, or combination thereof, upon any public street, sidewalk, alley or other public place, which does not comply with normal and usual traffic regulation or control.

37.1.2 EXCEPTION.

This Chapter shall not apply to:

- a) Funeral processions;
- b) Students going to and from school classes and participating in educational activities provided such conduct is under the immediate direction and supervision of the proper school authorities;
- c) A governmental agency acting within the scope of its function;
- d) Picketing by persons engaged in a labor dispute provided that such picketing does not take place in the traffic lanes of a traveled roadway in a public street, alley, or other public place.

ARTICLE 2 - REGULATIONS; PERMIT

37.2.1 PERMIT REQUIRED.

No person shall conduct, manage or participate in any parade until a parade permit therefor has been obtained from the License Review Board.

37.2.2 COMPLIANCE WITH PERMIT.

No person shall conduct, manage or participate in any parade in violation of or in any manner contrary to the provisions of such parade permit.

37.2.3 INTERFERENCE WITH PARADE.

No person shall join or participate in a parade without the consent of the permittee, nor in any manner interfere with its progress or orderly conduct.

37.2.4 APPLICATION FOR PERMIT.

(Amended by O-2037)

Any person desiring to conduct or manage a parade shall file with the License Supervisor a verified application for a parade permit on a form furnished by the License Review Board.

37.2.5 TIME OF FILING.

(Amended by O-2037)

The application shall be filed at least thirty (30) days before the date on which it is proposed to conduct such parade; provided, however, that the License Supervisor in his discretion, may consider any such application filed less than thirty (30) days prior to the proposed parade.

37.2.6 CONTENTS OF APPLICATION.

The application shall contain the following information:

- a) The name of the person or organization wishing to conduct such parade;
- b) If the parade is proposed to be conducted for, on behalf of, or by an organization, the name, address and telephone number of the headquarters of the organization, and the authorized and responsible head of such organization;
- c) The name, address and telephone number of the person who will be the parade chairman and will be responsible for its conduct;
- d) The name, address and telephone number of the person or organization to whom the permit is desired to be issued;
- e) The date when such parade is to be conducted;
- f) The route to be traveled, the starting point, and the termination point;
- g) The approximate number of persons who, and animals and vehicles which will constitute such parade; the type of animals, and a description of the vehicles;
- h) The hour when such parade will start and terminate;
- i) Whether such parade will occupy all or less than all of the width of the streets proposed to be traveled;
- j) The description of assembly and disassembly areas and streets to be used by such parade;
- k) The time at which units of the parade will begin to assemble at any such assembly area;
- l) The interval of space to be maintained between units of such parade;
- m) Such other information as required by the License Review Board.

37.2.7 AUTHORIZATION.

If such parade is designed to be held by and on behalf of or for any organization other than the applicant, the applicant for such permit shall file with the License Review Board a communication in writing, from the governing body of such organization, authorizing the applicant to apply for such permit on its behalf.

37.2.8 ISSUANCE OF PERMIT.

The License Review Board shall issue a permit for a parade if, from the consideration of the application, or such other information as it may otherwise obtain, or both, the Board finds that:

- a) The conduct of such parade will not substantially interrupt the safe and orderly movement of other traffic contiguous to its route;
- b) The conduct of such parade will not require a diversion of so great a number of police officers to properly police the line of movement and the areas contiguous thereto as to prevent normal police protection to the rest of the City;
- c) The concentration of persons, animals and vehicles at the assembly areas of the parade will not unduly interfere with the proper fire and police protection of, or ambulance service to, areas contiguous to such assembly areas;
- d) The conduct of such parade will not interfere with the movement of fire-fighting equipment enroute to a fire;
- e) The conduct of such parade is not reasonably likely to cause injury to persons or property or a riot;
- f) Such parade will move from its point of origin to its point of termination expeditiously and without stopping enroute;
- g) The conduct of such parade will not obstruct any construction or maintenance work scheduled to take place upon the public roads.

37.2.9 NOTICE OF DECISION.

Within ten (10) days after the filing of the application, the License Review Board shall render its decision to grant or deny the permit as applied for or suggest an alternate plan as provided in Section [37.2.10](#). and shall notify the applicant of such decision by mail. In the event that such decision is not mailed within said ten (10) day period, it shall be deemed to have been denied.

37.2.10 ALTERNATIVES.

- a) If the conduct of the parade on the proposed date, time and route is found by the License Review Board to conflict with any of the requirements of this Chapter, it may suggest an alternative date, time and route.
- b) If the applicant desires to accept the alternative plan, he may file a notice of acceptance with the License Review Board within five (5) days after its receipt; and the Board shall issue the permit.
- c) If such acceptance is not so filed, the applicant shall be deemed to have rejected the alternative plan. The License Review Board then shall reconsider the matter, render its decision on the plan originally proposed by the applicant and notify the applicant thereof within three (3) days

after the alternative plan was rejected.

37.2.11 RIGHT OF APPEAL.

(Amended by O-2822)

In the event a permit is granted or denied, the matter may be appealed pursuant to the provisions of Article 5, Chapter 1, Division 1 of this Code, commencing at Section [11.5.1](#).

37.2.12 HEARING BY CITY COUNCIL.

The City Council shall grant or deny the permit in accordance with the provisions of Section [37.2.8](#), and Section [37.2.13](#).

37.2.13 PERMIT CONTENTS.

Parade permits shall prescribe the following:

- a) Starting time;
- b) Minimum speed;
- c) Maximum speed;
- d) Maximum interval of space to be maintained between the units of such parade;
- e) What portions of the streets to be traversed may be occupied by such parade; and
- f) The maximum length of such parades in miles or fractions thereof.

37.2.14 OFFICIALS TO BE NOTIFIED.

(Amended by O-2129)

Immediately upon the granting of a parade permit the License Review Board shall send a copy thereof to the following officers:

- a) The Fire Chief;
- b) The City Engineer;
- c) The Bus Superintendent;
- d) The General Manager or responsible head of each public transportation utility, the regular routes of which vehicles will be effected by the route of the proposed parade; and
- e) The Traffic Engineer;
- f) The Superintendent of Sanitation;
- g) The Superintendent of Street Department

37.2.15 FINDINGS OF DETRIMENT.

(Added by O-1822; O-1823)

The City Council of the City of Torrance does hereby find and determine 1) that certain streets in the City of Torrance as described in Section [37.2.16](#). have unusually high levels of traffic, 2) that the conduct of a parade on any of said streets would be detrimental to the control of traffic, the health, welfare, comfort and convenience of the citizens of Torrance, the adequate supply of police and fire protection, the free exchange of commerce and the reasonable use of the streets and highways of this City, and 3) that under any circumstances said streets would be unfit for the conduct of a parade.

37.2.16 EXCLUDED STREETS.

(Added by O-1822; O-1823; Amended by O-2997)

Notwithstanding any other provisions of this Code, the following streets shall under no circumstances be utilized for a parade as herein defined for the reasons set forth in Sec. 37.2.15.:

- 1) Hawthorne Boulevard from northerly city limits to Pacific Coast Highway;
- 2) Crenshaw Boulevard from northerly to southerly city limits; provided, however, that the City Council may waive this prohibition for Crenshaw Boulevard between 190th Street and Torrance Boulevard to accommodate running events which, in its judgment under prescribed conditions, will not unduly interfere with vehicular traffic;
- 3) San Diego Freeway from easterly to northerly city limits;
- 4) Artesia Boulevard from easterly to westerly city limits;
- 5) Sepulveda Boulevard from easterly to westerly city limits;
- 6) Pacific Coast Highway from easterly to westerly city limits;

37.2.17 LICENSE FEE.

(Amended by O-2129; O-2288; O-2843)

No parade may be held unless a license fee is first paid. The license fee for parades shall be set by the License Review Board in an amount which it determines will pay the costs of police personnel and public works personnel and equipment made necessary by the parade. Such additional personnel and equipment shall be deemed necessary if the License Review Board determines on the basis of competent evidence that said personnel is necessary to protect the public health and convenience and to protect the health or safety of the paraders or the spectators. In no case shall the license fee exceed \$1,543.00.¹

¹

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Fees increased/decreased pursuant to Section [31.2.16](#).

CHAPTER 8 ALARM SYSTEMS

(Added by O-2584; Amended by O-2717;
O-3259)

ARTICLE 1 - GENERAL PROVISIONS AND DEFINITIONS

38.1.1 PURPOSE.

a) The purpose of this Chapter is to set forth regulations governing burglary and robbery alarm systems that require police response or investigation in order to protect the public health, safety and welfare.

38.1.2 DEFINITIONS.

For the purpose of this Chapter, certain words and phrases shall be construed in this Chapter as set forth in this Section, unless it is apparent from the context or the intent of the City Council that a different meaning is intended:

a) "Administrative Hearing Board" means a board constituted pursuant to Article [2](#) of Chapter [2](#) of Division [1](#) of this Code.

b) "Alarm system" means any mechanical or electrical device which is designed or used for the detection of an unauthorized entry into a building, structure or facility or both, for the commission of an unlawful act within a building, structure or facility or both, and which emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, direct dial telephone devices, audible alarms and proprietor alarms. Devices which are not designed or used to register alarms that are audible, visible or perceptible outside of the protected building, structure or facility are not included within this definition, nor are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

c) "Applicant" means a person who files an application for a permit as provided for in this Chapter.

d) "Audible alarm" means a device designed for the detection of unauthorized entry on premises which generates an audible sound on the premises when it is activated.

e) "False alarm" means an alarm signal activated through a mechanical malfunction, negligence or for reasons not requiring a police response.

f) "Finance Director" means the Finance Director of the City or his designated representative.

g) "Nonresponse status" means that the Police Department will not respond to any alarm signal emanating from a particular alarm system.

- h) "Permittee" means any person, firm, partnership, association or corporation holding an alarm system permit issued pursuant to the provisions of this Chapter.
- i) "Police Chief" means the Police Chief of the City or his designated representative.
- j) "Proprietor alarm" means an alarm system which does not require police response when activated.
- k) "Revenue Division" means the Revenue Division of the Finance Department of the City.

38.1.3 PERMIT REQUIRED.

- a) No person shall install or have installed or maintain on any premises under his control an alarm system without first applying for and obtaining an alarm system permit therefor in accordance with the provisions of this Chapter.
- b) No alarm system installer or alarm company shall install an alarm system unless a permit under this Chapter has been issued and remains in force for the location.

38.1.4 EXEMPTIONS.

The provisions of this Chapter are not applicable to proprietor alarms, audible alarms affixed to motor vehicles, a public telephone utility regulated by the California Public Utilities Commission, or alarms installed on premises wholly occupied by any governmental or public educational entity.

38.1.5 STANDARDS AND REGULATIONS.

The Police Chief may prescribe and enforce minimum standards and regulations for the installation, maintenance and operation of all alarm systems installed, serviced or maintained within the City.

The Police Chief may require inspection and approval of all alarm systems installed, serviced or maintained within the City.

38.1.6 RIGHT OF ENTRY.

The Police Chief shall have the right to enter or go on or about any building or premises for the purpose of inspecting the alarm system.

38.1.7 NO ASSUMPTION OF DUTY.

By the enactment of this Chapter the City of Torrance assumes no obligation or duty to any permittee or any other person by reason of any provision thereof or by the exercise of any right or privilege by any permittee thereunder.

ARTICLE 2 - ISSUANCE OF PERMITS**38.2.1 APPLICATION FORMS.**

Applications for all permits required hereunder shall be filed with the Revenue Division and shall be accompanied by the requisite fee. The fee is established to cover the actual cost of investigating and processing the applications and permits and is not refundable. The Finance Director shall prescribe the form of the application and request such information as is necessary to evaluate and

act upon the permit application. The application for an alarm system permit shall require the name, address and telephone number of all persons responsible for the location and who will render service or repairs during any hour of the day or night.

38.2.2 ALARM SYSTEM PERMIT FEE.

- a) A fee prescribed by resolution of the City Council shall be charged to the applicant for an alarm system permit. The fee shall be paid before any permit to install an alarm system is issued. Upon any change of location of the alarm system, a new fee in the amount of the original fee shall be due and payable.
- b) Notwithstanding the provisions of subsection (a) of this Section, no fee shall be charged for the issuance of any alarm system permit for any premises wholly occupied by any governmental or public educational entity.
- c) No alarm system permit fee shall be charged for the issuance of a permit for a residence where the applicant is sixty-five (65) years of age or older or physically disabled and who resides at the location for which the permit is requested.

38.2.3 NOTICE OF CHANGE.

Whenever any change occurs relating to the written information required on the permit application, the permittee shall give written notice of such change to the Revenue Division within five (5) days.

38.2.4 CONFIDENTIALITY.

The information furnished and secured pursuant to this Chapter shall be confidential and shall not be subject to public inspection and shall be kept so that the contents thereof shall not be known except to persons charged with the administration of this Chapter.

38.2.5 ISSUANCE OF PERMITS.

- a) Permits of the type described in this Chapter shall be issued by the Revenue Division.
- b) Any application for any alarm system permit may be denied if:
 - 1) The applicant knowingly made any false, misleading or fraudulent statement of a material fact in an application for a permit or in any report or record required to be filed pursuant to this Chapter.
 - 2) The alarm system does not comply with the standards and regulations adopted pursuant to this Chapter.
 - 3) The applicant has had a similar type permit previously revoked for good cause within the past year unless the applicant can show a material change in circumstances since the date of revocation.
- c) Any permit for an alarm system issued under this Chapter shall be nontransferable.

- d) The granting of a permit hereunder does not entitle the permittee to a hookup to any police communications system.
- e) The provisions of this Chapter do not apply to the Torrance Police Department engaged in the nonprofit installation and maintenance of tactical alarm systems or to alarms installed by the Police Department.

ARTICLE 3 - REQUIREMENTS

38.3.1 AUDIBLE ALARM REQUIREMENTS.

- a) Every person maintaining an alarm system shall provide the Police Chief with the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. It is the responsibility of every person maintaining an alarm system to assure that the names and telephone numbers recorded with the Police Department are kept current.
- b) No person shall install an audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil defense warning system.
- c) No person shall install an audible alarm system except one which automatically discontinues emitting an audible sound within one-half (1/2) hour after it is activated, and which must be manually reset.

ARTICLE 4 - FALSE ALARMS

38.4.1 PROHIBITED.

No person shall knowingly turn in a false alarm. This Section does not prohibit a test of an alarm system as permitted in advance by the Police Chief. Activation of audible alarm systems for one (1) second or less shall not be considered a false alarm.

38.4.2 FEES.

- a) A fee prescribed by resolution of the City Council shall be charged to the permittee of a particular alarm system for the fourth (4th) and each and every subsequent false burglary alarm in any twelve (12) month period.
- b) No fee shall be charged to a permittee for the first three (3) false burglary alarms in a twelve (12) month period.
- c) A fee prescribed by resolution of the City Council shall be charged to the permittee of a particular alarm system for each false robbery alarm.

38.4.3 NONRESPONSE.

(Amended by O-3366)

- a) An alarm system and its location may be placed on a nonresponse status as defined in Section

[38.1.2\(i\)](#) for a period of six (6) months for the eleventh (11th) and any additional false alarms within any twelve (12) month period.

b) An alarm system and its location may be placed on a nonresponse status when any permittee fails to pay any fee imposed pursuant to this Chapter within thirty (30) days from the date said fee was imposed.

38.4.4 NOTIFICATION.

a) After each false alarm, the Police Chief shall notify the permittee in writing of the date and time that the Police Department responded to said false alarm. The permittee shall also be notified in writing in each instance of the number of false alarms of record attributed to that alarm system within the previous twelve (12) month period. The permittee shall further be informed in writing of the provisions of this Chapter and of any fee or nonresponse status to be imposed.

b) Within ten (10) days from the date of said notice, the permittee may present written evidence to the Police Chief that the alarm response in question was not in fact a false alarm as defined in Section [38.1.2\(f\)](#), or that there was a justifiable reason for the activation of the alarm. If no such response is made by the permittee within said ten (10) day period, the Police Chief's order shall be final. If the Police Chief determines that the alarm in question was not a false alarm, the alarm response shall not be counted against the permittee. The permittee shall be notified in writing of the Police Chief's determination within ten (10) days of the receipt of a response from the permittee.

c) No false alarms shall be counted against the permittee that were the result of fire, earthquake, flood, acts of God or other natural disasters.

d) Nothing contained in this Chapter shall be construed to either require or prohibit a response by the Police Department to any alarm signal or to, in any way, regulate the discretion of the police chief in allocating police resources in the official performance of his duties.

e) When an alarm system is placed on a "nonresponse status" and the review by the Police Chief pursuant to the provisions of subsection (b) of this Section has been completed, the permittee may appeal the Police Chief's nonresponse order to the Administrative Hearing Board in accordance with the procedure set forth in subsection (f) of this Section. The Police Chief's "nonresponse status" order shall remain in effect pending the appeal unless stayed by action of the Administrative Hearing Board. The Administrative Hearing Board may affirm, modify or overrule the Police Chief's order.

f) The hearing shall be conducted in accordance with the requirements of due process of law. The permittee shall have the right to be represented by counsel, to be apprised of the evidence of the false alarms, to offer evidence and to examine witnesses. The Administrative Hearing Board shall adopt rules of procedure for such purpose.

g) The decision of the Administrative Hearing Board may be appealed to the City Council

pursuant to the provisions of Article [5](#) of Chapter [1](#), Division [1](#) of this Code.

38.4.5 REPAIRS.

After any false alarm caused by a malfunction of the alarm system, an alarm system permittee shall cause the alarm system to be repaired so as to eliminate such malfunction before reactivating the alarm. A person shall not reactivate such alarm until such repairs have been made.

ARTICLE 5 - ALARM SYSTEM PERMIT - SUSPENSION OR REVOCATION

38.5.1 GROUNDS.

A violation of any of the provisions of this Chapter or of any alarm system standards and regulations prescribed by the Police Chief pursuant to this Chapter shall constitute grounds for suspension and revocation of an alarm system permit.

38.5.2 AUTHORITY.

Any alarm system permit issued under this Chapter may be suspended by the Police Chief for the grounds listed in Section [38.5.1](#).

38.5.3 HEARING.

- a) No permit issued pursuant to the provisions of this Chapter shall be suspended until after a hearing by the Police Chief relating to such suspension.
- b) Notice of the hearing shall be given in writing to the permittee and served at least fifteen (15) days prior to the date of the hearing. Service shall be upon the permittee or his manager or agent.
- c) The notice shall state the grounds for suspension and shall also state the time and place of such hearing.
- d) The notice shall be served upon the permittee. In the case of a business, the notice shall be served upon the permittee by delivering the same to the permittee, his manager or agent, or to any person in charge of, or employed in the place of business of the permittee. If the permittee has no place of business service must be made by leaving the notice at the place of business or residence of the person with some person of suitable age and discretion. In the event the permittee cannot be found and the service of the notice cannot be made upon him in the manner provided, then a copy of the notice shall be mailed, postage fully prepaid, addressed to the permittee for delivery by certified mail at his place of business or residence at least fifteen (15) days prior to the date of the hearing.
- e) Any permit suspended by order of the Police Chief shall be deemed permanently revoked fifteen (15) days after the order of suspension becomes effective.
- f) When an appeal is filed, the order of suspension shall be stayed pending the determination of the appeal by the Administrative Hearing Board. The suspension shall become a revocation of the permit if the decision of the Administrative Hearing Board upholds the order of suspension made by

the Police Chief. The suspension shall be dissolved immediately if the decision of the Administrative Hearing Board reverses the order of suspension made by the Police Chief.

g) Any permit revoked pursuant to the provisions of this Chapter shall be surrendered by the permittee to the Police Chief or his representative who shall transmit it to the Revenue Division.

38.5.4 APPEAL.

a) Any applicant for a permit, which may be required under this Chapter, whose application for such permit has been denied, or any permittee whose permit has been suspended pursuant to an order of suspension may, within ten (10) days after such denial or order of suspension, appeal to the Administrative Hearing Board by filing with the Administrative Hearing Board a notice of such appeal setting forth the decision and the grounds upon which he deems himself aggrieved thereby.

b) The Police Chief shall make a written report to the Administrative Hearing Board setting forth the basis of the determination denying the application for a permit or issuing the order of suspension.

c) The Administrative Hearing Board shall set the appeal for hearing to be held not less than ten (10) days nor more than thirty (30) days thereafter. The hearing may be continued for good cause by the order of the Administrative Hearing Board.

d) The hearing shall be conducted in accordance with the requirements of due process of law. The permittees shall have the right to be represented by counsel, to be apprised of the evidence against him, to offer evidence and to examine witnesses. The Administrative Hearing Board shall adopt rules of procedure for such purpose.

e) The decision of the Administrative Hearing Board may be appealed to the City Council pursuant to the provisions of Article [5](#) of Chapter [1](#), Division [1](#) of this Code.

CHAPTER 9 STREET CLOSING PERMITS

(Added by O-2743)

ARTICLE 1 - GENERALLY

39.1.1 PERMIT REQUIRED.

- a) Except as otherwise provided by law, it shall be unlawful, to close any public street unless a Street Closing Permit therefor has been issued in accordance with the provisions of this Chapter.
- b) Any Street Closing Permit may be issued subject to such terms and conditions as are determined to be necessary and proper for the protection of the public health, safety and welfare. Street Closing Permits shall be issued to adults only.

39.1.2 FIRE LANES.

Any street closed pursuant to the provisions of this Chapter shall at all times have a fifteen (15) foot wide emergency vehicle lane which lane shall extend throughout the closed area of the street and beyond to the next intersection in both directions. Said lane, shall be at all times kept clear of all obstructions to provide emergency vehicular access.

39.1.3 FIRE HYDRANTS.

No obstruction shall be erected or maintained within a fifteen (15) foot wide radius of any fire hydrant.

39.1.4 TIME LIMITS.

No Street Closing Permit shall be issued for any duration longer than one (1) calendar day, nor for any time before 8:00 AM or after 12:00 midnight.

39.1.5 CLOSURE LIMITS.

No Street Closing Permit shall be issued to allow the closure of an intersection or any street for more than six hundred (600) feet measured along the centerline of the road, or three hundred (300) feet on a cul-de-sac or dead end.

39.1.6 NUMBER.

No more than five (5) temporary street closures will be permitted on the same calendar day in any fire station initial response area. Applications therefor will be considered on a chronological (first come - first served) basis.

39.1.7 DEPORTMENT.

Any event for which a Street Closing Permit has been issued shall be conducted in such a manner as not to unduly disturb the public peace.

39.1.8 ALCOHOLIC BEVERAGES.

At no event for which a Street Closing Permit has been issued shall there be permitted the sale of alcoholic beverages nor the consumption thereof by any minor.

39.1.9 CLEANUP.

Any person or persons issued a Street Closing Permit shall, at the conclusion of the event for which such permit was issued, return all public properties to their original condition.

39.1.10 STREET BARRICADES.

Any person or persons issued a Street Closing Permit shall personally pick up and return all necessary street barricades, place, remove and maintain their proper position during the approved time, and notify Fire and Police Departments as to exact time of their placement and removal.

39.1.11 ADDITIONAL REQUIREMENTS.

Notwithstanding any other provision of this Chapter, the Chief of Police and/or the Fire Chief or their delegates may impose such additional conditions or requirements as each may deem reasonably necessary for the protection of health and safety.

39.1.12 INTERFERENCE WITH EVENT.

No person shall join or participate in any event for which a Street Closing Permit has been issued without the express or implied consent of the permittee, nor shall any person interfere with its orderly conduct.

39.1.13 REVOCATION OR SUSPENSION.

Any Street Closing Permit may be suspended or revoked pursuant to the provisions of Article 9 of Chapter 1, Division 3 (Section 31.9.1. et seq.) of this Code.

ARTICLE 2 - APPLICATION PROCEDURES

39.2.1 APPLICATIONS.

- a) Every application for a Street Closing Permit shall be made in writing upon such forms as shall be designed and promulgated by the City Manager.
- b) All applications for a Street Closing Permit shall include:
 - 1) The names, addresses and signatures of the applicant or applicants, or, if the applicant is an organization, of its responsible officer(s).
 - 2) The exact location of the desired street closure and the date and times therefor.
 - 3) The names, addresses and written consent of all owners of property abutting the affected street.
 - 4) A description of the nature of the event, the estimated number of participants, and the nature of entertainment at the event, if any.

39.2.2 FILING.

Every application for a Street Closing Permit shall be filed with the City Manager or his designate not less than thirty (30) days nor more than ninety (90) days prior to the date of the event.

39.2.3 DEPOSIT.

As a condition of issuance of any Street Closing Permit, a refundable deposit may be required to insure cleanup or repair of public property after the event for which the street has been closed.

39.2.4 DAMAGES; INSURANCE.

- a) Any person or persons to whom a Street Closing Permit has been issued shall be liable for any loss or damage to any City property arising out of the issuance or exercise of said permit.
- b) As a condition to the issuance of any Street Closing Permit, the permittee or permittees may be required to provide insurance to indemnify the City from any and all damages and costs of litigation arising out of the issuance and use of such permit.

39.2.5 PERMIT PROCESSING.

Upon receipt of any Street Closing Permit application, the City Manager or his designate, prior to his issuing a permit, shall forward the same to the Chief of Police, Fire Chief, and Director of Transportation for their review and approval. The City Manager shall issue a Street Closing Permit upon his finding of the following:

- a) That the proposed activity or use of the street will not unreasonably interfere with traffic circulation in the area, and
- b) That the proposed activity and use will not be detrimental to the public health, welfare, safety and recreation, and
- c) That the proposed activity or use will not entail extraordinary or burdensome expense to the emergency services of the City.

39.2.6 APPEAL.

- a) The decision to grant or deny any application for a Street Closing Permit may be appealed to the Traffic Commission.
- b) The decision of the Traffic Commission may be appealed to the City Council in accordance with Article [5](#) of Chapter [1](#) of Division [1](#) of the Torrance Municipal Code.

CHAPTER 10 COMMERCIAL FILMING PERMITS

(Added by O-2872)

ARTICLE 1 - PERMIT REQUIREMENTS

310.1.1 PERMIT REQUIRED.

- a) Except as otherwise provided in subsection b) of this Section no person shall use any public or private property, facility or residence, within the City for the purpose of taking commercial motion or television pictures or commercial still photography or for the purpose of radio broadcast or television telecasts without first obtaining a Commercial Filming Permit from the City Manager or his designee.
- b) The provisions of this Chapter shall not apply to the following:
 - 1) Reporters, photographers, or cameramen in the employ of a newspaper, news service, radio broadcasting station, or similar entity engaged in on-the-spot broadcasting of news events concerning those persons, scenes, or occurrences which are in the news and of general public interest.
 - 2) Still photography, motion picture, television or radio broadcasting when operating only at a licensed and fixed place of business within the City.

310.1.2 APPLICATIONS.

- a) Every application for a Commercial Filming Permit shall be made in writing to the Revenue Administrator upon such forms as shall be designed and promulgated by the City Manager.
- b) All applications for a Commercial Filming Permit shall include:
 - 1) The names, addresses and signatures of the applicant or applicants, or, if the applicant is an organization, of its responsible officer(s).
 - 2) The exact location of the desired filming or broadcasting and the date and times therefore.
 - 3) A description of the nature of the filming or broadcasting and the estimated number of participants.
- c) Completed applications for Commercial Filming Permits shall be submitted not less than ten (10) working days prior to the date upon which filming or broadcasting is proposed to begin.

310.1.3 PERMIT PROCESSING.

Upon receipt of any Commercial Filming Permit application the Revenue Administrator shall forward the same to the Chief of Police, Fire Chief and Director of Transportation and Risk Manager for his review and recommendation to the City Manager. The City Manager or his designee shall issue a

Commercial Filming Permit upon his finding the following:

- a) That the proposed activity or use of property will not unreasonably interfere with traffic circulation in the area; and
- b) That the proposed activity and use will not be detrimental to the public health, welfare, and safety; and
- c) That the proposed activity or use will not entail extra-ordinary or burdensome expense to the emergency services of the City.

310.1.4 APPEAL.

- a) The decision of the City Manager or his designee on issuance of a Commercial Filming Permit may be appealed to the License Review Board by an interested party by filing a notice of such appeal, stating the grounds for such appeal and paying a fee of Fifty Dollars (\$50.00) within ten (10) days after the decision of the City Manager.
- b) Appeals pursuant to this Section shall be heard by the License Review Board within fifteen (15) days from the date of filing of such appeal, except as may be mutually agreed upon by the applicant and the Revenue Administrator.
- c) Hearing shall be held in accordance with the requirements of Section [31.9.4](#). of this Code. The License Review Board shall use the criteria set forth in Section [310.1.3](#).
- d) The decision of the License Review Board may be appealed to the City Council pursuant to the provisions of Section [11.5.1](#). of this Code.

310.1.5 SERVICES BY CITY.

When any traffic, crowd or fire control services are required as a result of activities conducted pursuant to a Commercial Filming Permit, such services shall be performed by City personnel and under City direction and control.

310.1.6 SERVICE CHARGE.

- a) A service charge as estimated by the City Manager or his designee equal to the actual cost to the City thereof shall be paid in advance for the performance by the City of traffic, crowd, or fire control services as provided in Section [310.1.5](#). For purposes of such service charge, cost to the City includes, but is not limited to, labor, supervision, overhead, benefits, administration, equipment and materials.
- b) If the actual cost to the City exceeds the amount of the deposit, the permittee shall reimburse the City for the difference. If the actual cost to the City is less than the amount of the deposit, the excess shall be refunded to the permittee.

310.1.7 INSURANCE.

Prior to issuance of a Commercial Filming Permit, the applicant shall submit to the Revenue

Administrator a certificate of insurance from a carrier approved by the City Manager and in an amount approved by the City Manager.

310.1.8 CHANGE OF DATE.

Filming dates specified in a Commercial Filming Permit may be modified upon request of the permit holder and approval of the City Manager or his designee where the project for which the permit was issued remains unchanged and where there are no objections from any affected City departments.

310.1.9 REVOCATION; SUSPENSION.

Any Commercial Filming Permit may be suspended or revoked pursuant to the provisions of Article 9 of Chapter 1, Division 3 (Section 31.9.1., et seq.) of this Code.

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CHAPTER 1 ANIMALS AND FOWL

ARTICLE 1 - KEEPING OF ANIMALS

(O-236; O-344; O-560; O-608; O-642; O-644; O-3252)

41.1.1 DEFINITIONS.

(Amended by O-3801)

- a) "Animal" means any living being that is not human or vegetable.
- b) "Small animal" as used in this Article means a cat, dog or rabbit.
- c) "Unusual pets" as used in this Article means any animal not including cat, dog, rabbit, hamster, guinea pig, white rat, mouse, squirrel, canary, parakeet, cockatoo, or any animal usually considered a pet; provided, that farm type animals will not be considered as pets, with the exception of hens with the approval of a special animal permit as provided for in Section [41.11.010](#). Roosters are farm type animals and will not be considered as pets.
- d) For the purpose of this Chapter, "tethering" is defined as the tying by rope or chain, or the like by which an animal is so fastened to a stake, pole, tree or otherwise, so that it can range only within certain limits.

41.1.2 ANIMALS KEPT ON RESIDENTIAL PROPERTY.

(Amended by O-3397; O-3801)

The following uses are unlawful and a public nuisance:

- a) Keeping or maintaining more than three (3) small animals of any one (1) kind or an aggregate total of four (4) small animals which are kept, harbored or maintained after the weaning period of not to exceed nine (9) weeks on property used for residential purposes except as otherwise permitted in this Code and except with a special permit from the Director of Community Development as provided in Section [41.11.010](#).
- b) Keeping or maintaining animals which create objectionable odors or noises, if said odors or noises are substantially detrimental to adjacent residential units or properties. Such maintaining or keeping will be substantially detrimental to residential units or properties if:
 - 1) Said odors or noises if they in fact unreasonably interfere with the comfortable or peaceful use of said property; or
 - 2) Cause a substantial diminution to adjoining property value or prevent its development; or
 - 3) Constitute a health hazard because of its generation, attraction or perpetuation of bacteria or vermin.

c) Keeping or maintaining farm type animals, with the exception of hens with the approval of a special animal permit as provided for in Section [41.11.010](#). Roosters are farm type animals and are not exempt from this provision.

41.1.3 HEARING ON NUISANCE ABATEMENT.

a) If upon investigation the Director of Building and Safety determines that a nuisance exists, as defined in Section [41.1.2](#), he shall notify the owner of the property by registered letter within ten (10) days of such determination that the owner must either:

- 1) Abate the nuisance within a time period to be specified by the Director of Building and Safety; or
- 2) That the owner must show cause why the nuisance should not be abated at a hearing before the Environmental Quality and Energy Conservation Commission to be specified by the Director of Building and Safety.

b) In the event the nuisance is not abated within the time period set by the Director of Building and Safety, the Environmental Quality and Energy Conservation Commission shall conduct a hearing at the time and place previously specified by the Director of Building and Safety to determine whether the use in question is a nuisance pursuant Section [41.1.2](#), and whether such nuisance should be abated. At the hearing the property owner shall have the opportunity to be heard, to present evidence and to be represented by counsel if he or she chooses.

c) Upon completion of the hearing, if the Environmental Quality and Energy Conservation Commission determines that a nuisance exists, it may either:

- 1) Order the nuisance abated within a period of time to be set by the Commission; or
- 2) Set conditions, which if complied with will remove the use from being a nuisance.

41.1.4 WILD ANIMALS PROHIBITED.

No person shall harbor or keep any wild animal within the City except for the purpose of exhibition and then only with the written consent of the Poundmaster and Chief of Police and in accordance with any conditions which they deem necessary or proper therefor. If any wild animal found running at large cannot be safely taken up and impounded, such animal may be slain forthwith by the Poundmaster or any police or health officer of the City.

41.1.5 LEASHING OF DOGS REQUIRED.

No person owning or having charge, care, custody or control of any dog shall cause, permit, or allow the same to be or to run at large upon any street, lane, alley, court or other public place, or upon any private property or premises, other than those of the person owning or having charge, care, custody or control of such dogs, unless such dog be restrained by a substantial chain or leash not exceeding six (6) feet in length and is in the charge, care, custody or control of a

competent person.

41.1.6 KEEPING OF UNUSUAL PETS.

It is unlawful and a nuisance for unusual pets to be kept, harbored or maintained within the City without the written approval of the Director of Building and Safety with right of appeal to the Environmental Quality and Energy Conservation Commission.

41.1.7 REMOVAL OF DOG DEFECATION.

- a) It is unlawful for the owner or person having custody of any dog to fail to immediately remove and dispose of in a sanitary manner, by placing in a closed or sealed container and depositing in a trash receptacle, any feces deposited by such dog upon public or private property not owned or controlled by the owner or person having custody of such dog.
- b) Any person who has charge or control of any dog in a location other than on property owned or controlled by such person or on the property of the owner of the dog shall have in his or her possession a suitable wrapper, bag or container for the purpose of complying with the requirements of this Section. Failure of any person to carry such wrapper, bag or container when in charge or control of any dog in a location other than on property owned or controlled by said person, or on the property of the owner of the dog, shall constitute a violation of this Section. The provisions of this Section shall not apply to a blind person being accompanied by a guide dog.

41.1.8 TETHERING, PROHIBITED.

It is unlawful for any person to tether horses or cattle within the City.

41.1.9 TETHERING, DECLARED A NUISANCE.

It is declared a nuisance for any person to tether, or cause to be tethered, horses or cattle within the City.

ARTICLE 2 - IMPOUNDMENT

(Amended by O-843)

41.2.1 DEFINITIONS.

- a) California Estray Law shall mean and include the provisions of Article 2, Chapter 5, Division 3 of the Agricultural Code of the State of California, as amended.
- b) Kennel shall mean any building, structure, enclosure or premises whereon or wherein three (3) or more dogs are kept or maintained for any purpose.

41.2.2 PUBLIC POUND; CREATED.

A public pound shall be maintained for the impounding of animals at such place or places as the City Council may, by resolution or contract, determine.

41.2.3 SAME. EXPENSES PAID BY CITY; EXCEPTION.

The expenses of operating the pound and all charges incurred therefor shall be paid by the City

unless otherwise provided by contract.

41.2.4 POUNDMASTER, OFFICE CREATED; TERM.

The City Council shall appoint a poundmaster who shall hold office during the pleasure of the Council.

41.2.5 SAME. POWER AND AUTHORITY OF SPECIAL POLICE OFFICER.

The poundmaster, except when such office is conferred by contract as hereinafter provided, is hereby vested with the power and authority of a police officer and shall be duly sworn in as a special police officer of the City.

41.2.6 SAME. WHEN CHIEF OF POLICE TO HOLD OFFICE; DUTIES.

In the absence of the appointment of a poundmaster, the Chief of Police of the City shall act as poundmaster and shall discharge all of the duties thereof.

41.2.7 SAME. DELEGATION OF POWERS AND AUTHORITY TO ASSISTANTS, ETC.

Any of the powers and duties of the poundmaster as provided in this Article shall be deemed to have been delegated by the poundmaster to such assistants or deputies as may be employed or authorized by him or by the City.

41.2.8 SAME. DUTIES GENERALLY.

The poundmaster shall:

- a) Maintain a public pound in such place as authorized by the City Council.
- b) Take up, receive into said pound, maintain therein, release or dispose of all animals subject to impoundment or which are delivered to him for disposal.
- c) Provide necessary housing, sustenance and care for all animals impounded.
- d) Keep accurate records of all animals impounded, their description, the date of such impounding and the date and manner of their disposal.
- e) Send notice in writing to the owner of any dog impounded as shown on the license therefor, if any, within forty-eight (48) hours thereafter, unless such dog is impounded with the consent of its owner. Unless such dog so impounded is reclaimed within ten (10) days after said notice has been deposited in the United States mail, it shall be sold, killed or otherwise disposed of in accordance with this Article or the California Estray Law.
- f) If an impounded dog has no license, the poundmaster shall make a reasonable effort to notify the owner of its impounding, unless such dog is impounded with the consent of its owner. Unless such unlicensed dogs so impounded are reclaimed within five (5) days thereafter, they shall be sold, killed or otherwise disposed of in accordance with this Article or the California Estray Law.
- g) Pick-up and humanely dispose of any dogs or cats which by reason of age or infirmity are

delivered to the pound to be disposed of.

- h) Unless otherwise provided by contract, pay promptly to the accounting officer of the City, all monies received by him in the performance of his office.
- i) Perform all other duties required by law.

41.2.9 CONTRACT WITH PRIVATE PERSON TO ACT AS POUNDMASTER.

The City may enter into a contract whereby a private person shall be authorized to perform the duties of the poundmaster and may provide therein for the payment to such person of a reasonable sum for the discharge of such duties.

41.2.10 FEES FOR IMPOUNDING AND KEEPING ANIMALS.

(Amended by O-752; O-1306; O-2077; O-3272; O-3378; O-3396)

Effective July 1, 1994, the poundmaster shall collect from the owner or owners of all animals impounded, the following fees for impounding and keeping the same, to wit:

- a) For every animal, other than a dog or cat, impounded by him, the fees provided in the California Estray Law;
- b) For every dog or cat impounded by him, Ten Dollars (\$10.00) for the first offense, Twenty Dollars (\$20.00) for the second offense and Thirty Dollars (\$30.00) for subsequent offenses occurring within one (1) year of the previous offenses;
- c) In addition to the foregoing impounding fee, the sum of Seven Dollars and 50/100 (\$7.50) per day board fee for each day any such animal so impounded is necessarily held in said pound;
- d) Such other fees as required by law;
- e) Such other fees as established from time to time by resolution of the City Council.

41.2.11 CAPTURE AND IMPOUNDING OF TRESPASSING ANIMALS.

(Amended by O-1251)

Every animal found trespassing upon any private property within the City may be captured by the party owning, controlling or having possession of such property, or by his representative, and committed to the poundmaster, or any police or health officer of the City; provided, however, that the only trap used in such capture shall be a trap approved by the S.P.C.A. (Society for the Prevention of Cruelty to Animals). Any person capturing an animal found running at large or trespassing upon any private property shall promptly notify the poundmaster of such capture and it shall be unlawful for any such person to fail or refuse to surrender such animal to the poundmaster, or to any police or health officer of the City.

41.2.12 IMPOUNDMENT OF UNLICENSED DOGS.

(Amended by O-131; O-982)

- a) The poundmaster shall capture and impound any dog found within the City limits of the City which is not wearing a dog tag issued by the City, or by any other municipality in the County of Los Angeles or by the County of Los Angeles.
- b) No dog so impounded shall be released to any person except where there has been a performance of the following conditions:
 - 1) There has been presented to the poundmaster a current City dog license, or if the person keeping, harboring or having such dog is not a resident of the City, a current license for such dog issued either by any other municipality in the County of Los Angeles or by the County of Los Angeles; and
 - 2) There has been shown to the satisfaction of the poundmaster that such dog has been vaccinated with rabies vaccine within the time periods and according to the other requirements as prescribed in Sec. 41.5.1. of this Chapter; or
 - 3) Where such dog has not been so vaccinated, there has been paid to the poundmaster a fee for its vaccination not to exceed Five Dollars (\$5.00), and the poundmaster has caused such dog to be vaccinated as aforesaid. Within seventy-two (72) hours after the receipt of the aforesaid vaccination fee, or as soon thereafter as possible, and except as provided in Sec. 41.5.7. of this Chapter, the poundmaster shall cause the dog for whom the fee has been paid to be vaccinated with rabies vaccine by a person licensed by the State of California to practice veterinary medicine or shall secure from such veterinarian a certificate of permanent infirmity for such dog.
 - 4) There has been paid to the poundmaster;
 - A) Impounding and collection fees;
 - B) The dog license fee;
 - C) All other fees as provided in this Chapter.
 - 5) The poundmaster has determined that such dog does not have and is not reasonably suspected of having rabies.

41.2.13 RECLAIMING IMPOUNDED ANIMALS; EXCEPTION.

(Amended by O-131)

Except as provided in Article 5 of this Chapter, the owner or any person entitled to the possession of any impounded animal, may reclaim the animal at any time prior to the sale or disposal thereof upon payment to the poundmaster of all of the said impounding fees.

41.2.14 RIGHT OF POUNDMASTER, POLICE OFFICER, ETC. TO ENTER UPON PRIVATE PROPERTY; WHEN SEARCH WARRANT REQUIRED.

The poundmaster, any police officer of the City, and the health officer of the City, or any health officer so designated by the City shall have the right to enter upon any private or public property in the City in order to examine or capture any dog therein; provided, however, that no such poundmaster, officer or employee shall have the right to enter an inhabited dwelling or a fenced or locked yard without first having obtained a search warrant therefor.

41.2.15 INTERFERENCE WITH POUNDMASTER, POLICE OFFICER, ETC. PROHIBITED.

No person shall interfere with, molest, hinder or prevent the poundmaster, his authorized representative, a police officer or health officer of the City in the discharge of his duties as herein prescribed.

ARTICLE 3 - LICENSES

(Added by O-12; Amended by O-26; O-30; O-8431)

41.3.1 DOG LICENSE REQUIRED.

(Amended by O-2755; O-3761)

- a) Except as provided in this Article, it shall be unlawful for any person to have, keep, maintain or harbor within the City, any dog without first having obtained from the City an annual license as provided in Section [41.3.2](#) or a tax exempt license as provided in Section [41.3.8](#) and Section [41.3.9](#) of this Code.
- b) Any violation of this section is a misdemeanor, or alternatively, an infraction.
- c) This section may be enforced by a city police officer, animal control officer, animal control supervisor, code enforcement officer, or any City employee authorized under Section [11.2.5](#) of the Torrance Municipal Code.

41.3.2 ANNUAL FEE; WHEN DUE AND PAYABLE; PENALTY FOR FAILURE TO PAY FEE.

(Amended by O-280; O-560; O-568; O-752; O-1382; O-2077; O-2483; O-2757; O-2758; O-2835; O-2906; O-3043; O-3103; O-3200; O-3330; O-3378; O-3415; O-3517; O-3763)

Effective May 1, 2013, the license fee for keeping and maintaining a dog in the City shall be the sum of Forty Dollars per year per dog. If at the time of licensing, a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered, then the license fee for that dog shall be the sum of Twenty Dollars. Proof of current and valid rabies vaccination for each dog to be licensed must be presented for a license to be issued. The license is valid for one year from the date of issuance and must be renewed annually for each dog. Such license fee shall be paid within thirty days after moving into the City, or within thirty days after acquiring ownership of the dog. If such license fee is not paid within the above mentioned thirty days, or if the annual license has expired, a penalty of Twenty Dollars shall be added to such fee and collected therewith.

41.3.3 FEE FOR REPLACEMENT OF DOG TAG.

(Amended by O-3272; O-3763)

Whenever it is necessary to replace a dog license tag, a fee of Five Dollars shall be charged.

41.3.4 LICENSE TAX FOR KENNELS.

Any person conducting, managing or maintaining a dog kennel shall pay to the City a license tax on such dog kennel (hereinafter called a kennel tax) as follows:

- a) For any kennel of less than eleven (11) dogs, Ten Dollars (\$10.00) per year or fraction thereof.
- b) For eleven (11) to fifteen (15) dogs, inclusive, Fifteen Dollars (\$15.00) per year or fraction thereof.
- c) For sixteen (16) or more dogs, Twenty Dollars (\$20.00) per year or fraction thereof.

The kennel tax shall be due and payable in the manner and for the period provided for in Section [41.3.2](#). for the license tax on dogs.

In ascertaining the number of dogs being kept and maintained in kennels, for the purpose of computing the kennel tax, licensed dogs shall be excluded from such number in the event that the person conducting, managing or maintaining such kennel furnishes to the poundmaster or City Clerk, at the time of making application for such kennel license, an affidavit stating therein the number of such licensed dogs and their license numbers; provided, however, that for any kennel containing licensed dogs, there shall be paid a kennel tax in an amount equal to the minimum amount required by the provisions of this Section for dog kennels. The kennel tax shall not apply to any dog kept or maintained exclusively in any dog kennel in the City and not permitted to run at large.

41.3.5 LICENSES OR KENNEL TAXES AND PENALTIES TO BE OWNER'S DEBT TO THE CITY.

The amount of any license or kennel tax, together with penalties, any impounding fee and all other charges provided for in this Article shall be a debt owed to the City by the owners of the animal for which such tax, fee or charge is due. For the purpose of this Section, the licensed owner and every person in possession of any dog who shall permit such dog to remain about the premises for a period of five (5) days shall be deemed the owner thereof.

41.3.6 SALE AND PURCHASE OF DOG AND KENNEL LICENSES.

The City Clerk shall sell said dog and kennel licenses and collect said taxes; provided, however, that the City Council may by contract, confer such duties upon the poundmaster, in which case the City Clerk shall purchase all dog and kennel licenses or otherwise provide for an accounting of all such licenses issued by the poundmaster.

41.3.7 COUNTERFEIT LICENSES PROHIBITED.

No person shall imitate or counterfeit the licenses provided for in this Article or use any imitation or

counterfeit of such tag.

41.3.8 SENIOR CITIZEN EXEMPTION.

(Added by O-2766; O-2767)

- a) The license tax imposed by Section [41.3.2](#). for keeping and maintaining a dog in the City shall not apply to any individual taxpayer sixty-five (65) years of age or older who keeps and maintains a dog in or upon any premises occupied by such taxpayer, and of which said taxpayer is the head of the household, provided the combined gross income for the most recently completed calendar year of all members of the household residing in such principal residence does not exceed Seven Thousand Five Hundred Dollars (\$7,500.00).
- b) The exemption granted by this Section shall not eliminate the duty of the licensing authority to collect the license tax from such exempt individuals or the duty of such exempt individuals to pay said license tax to the licensing authority unless an exemption is applied for by the individual who keeps and maintains a dog and is granted in accordance with the provisions of Section 41.4.9.
- c) No individual may be issued or possess more than one (1) tax exempt license at any given time and no more than one (1) tax exempt license per household shall be issued.

41.3.9 PROCESSING CLAIM FOR EXEMPTION.

(Added by O-2766; O-2767)

- a) Any person who keeps and maintains a dog and is exempt from the taxes imposed by this Article because of the provisions of Section [41.3.8](#). may file an application with the Finance Director for an exemption. Such application shall be made upon forms supplied by the Finance Director and shall recite facts under oath which qualify the applicant for an exemption.
- b) The Finance Director shall review all such applications and certify as exempt those applicants determined to qualify therefor and shall notify the licensing authority that such exemption has been approved, stating the name of the applicant, the address where the dog is kept and maintained, and such other information as may be necessary for the licensing authority to exempt the applicant from the license tax.
- c) Upon receipt of such notice, the licensing authority shall not be required to collect the license tax imposed by this Article from such exempt person who keeps and maintains a dog until further notice from the Finance Director is given.

41.3.10 CONTINUANCE OF EXEMPTION.

(Added by O-2766; O-2767)

- a) All exemptions shall continue and be renewed automatically by the Finance Director so long as the prerequisite facts supporting the initial qualification for exemption shall continue; provided, however, that such individual may apply for a new exemption with each change of address or

residence.

- b) Any individual exempt from the tax shall notify the Finance Director within ten (10) 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 Article when the basis for such exemption either does not exist or ceases to exist.

41.3.11 DISCONTINUANCE OF EXEMPTION.

(Added by O-2766; O-2767)

Notwithstanding any provisions of this Article, if the licensing agency determines by any means that a person knowingly receives the benefits of the exemption provided for by this Article when the basis for such exempt license either does not exist or ceases to exist, such licensing authority shall immediately notify the Finance Director of such fact and the Finance Director shall conduct an investigation to ascertain whether or not the provisions of this Article have been complied with, and where appropriate, order the licensing authority to commence collecting the tax from the non-exempt individual who keeps and maintains a dog.

41.3.12 APPEAL TO COUNCIL.

(Added by O-2766; O-2767)

If the Finance Director rejects any claim for exemption, the applicant may appeal to the City Council in accordance with the procedures established in Article 5 of Chapter 1 of Division 1 of this Code.

ARTICLE 4 - RABIES VACCINATION

(Added by O-236A; Amended by O-776; O-982)

41.4.1 RABIES VACCINATION REQUIRED.

(Amended by O-3761)

- a) Every person owning, keeping, harboring, or having a dog over the age of four months in the City, shall cause that dog to be vaccinated with rabies vaccine within a period of thirty days from the date of harboring, keeping or having the dog within the City or from the date the dog attains the age of four months.
- b) Thereafter, every person shall cause the dog to maintain current and valid vaccinations with rabies vaccine as prescribed by a person licensed by the State of California or by any other state in the United States to practice veterinary medicine.
- c) Proof of a current and valid rabies vaccination is required at the time of application of an annual dog license. The rabies vaccination must be valid for one full year from the date of

application for dog license.

- d) Any violation of this section is a misdemeanor, or alternatively, an infraction.
- e) This section may be enforced by a city police officer, animal control officer, animal control supervisor, code enforcement officer, or any City employee authorized under Section [11.2.5](#) of the Torrance Municipal Code.

41.4.2 POUNDMASTER TO PROVIDE FACILITIES FOR RABIES VACCINATION.

During the month of June of each year, the poundmaster of the City shall provide facilities for the inoculation with rabies vaccine of any dog for which a license is required by the City. Such facilities shall be sufficient to accommodate not less than one hundred (100) nor more than two hundred (200) dogs during any one (1) day during such period of time.

41.4.3 VETERINARIANS' FEE SCHEDULE FOR RABIES VACCINATION.

Every licensed and practicing veterinarian in the City shall, prior to inoculating dogs with rabies vaccine, file and maintain with the City Clerk of the City a fee schedule for such services which shall indicate thereon fees applicable for inoculating one (1) dog during any one (1) day, from two (2) to twenty (20) dogs during any one (1) day, from twenty-one (21) to one hundred (100) during any one (1) day and for one hundred (100) or more dogs during any one (1) day.

41.4.4 CERTIFICATES OF RABIES 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 said veterinarian and which states thereon the name and description of said dog, the date of such vaccination and the type of vaccine used, and shall send a duplicate copy thereof to the poundmaster.

41.4.5 PRESENTATION OF VACCINATION CERTIFICATE.

Every person applying for a dog license, either to the poundmaster or to the City Clerk, must exhibit a certificate issued by a person licensed by the State of California or by any other state or nation to practice veterinary medicine, which certificate shall show that the dog for which the license shall be issued either:

- a) Has been vaccinated in accordance with the provisions of Section [41.4.1.](#);
- b) Should not be vaccinated with rabies vaccine by reason of permanent infirmity; or
- c) Should not be vaccinated with rabies vaccine by reason of a short-term illness for which such dog is being confined, in which case, a license shall be paid for and held either in the Office of the City Clerk or by the poundmaster until such time the aforesaid certificate of vaccination or of permanent infirmity is presented for such dog. A license shall not be issued unless and until such a certificate is so exhibited.

41.4.6 INFORMATION ON LICENSE.

At the time a dog license of the City is issued, it shall be stamped with the date of vaccination and the type of vaccine used as shown on said certificate, or if the license is issued as a result of the aforesaid certificate of infirmity, the words "No Vaccination Required" shall be stamped thereon. The tag issued with such license shall be worn at all times by the dog for which said license is issued.

41.4.7 DISPOSITION OF DOGS SUSPECTED OF HAVING OR OF DEVELOPING RABIES.

If the poundmaster suspects that any dog so impounded has rabies, he shall hold such dog for inspection by a health officer of Los Angeles 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 Section [41.2.12](#).

ARTICLE 5 - SWINE

(O-284; O-293; O-367; O-656; O-2235)

41.5.1 PROHIBITED.

It is unlawful for any person, as principal, agent, employee or otherwise, to maintain or cause or permit to be maintained any swine, hogs or pigs within the City.

ARTICLE 6 - REGULATING SALE OF ANIMALS

(Added by O-1370)

41.6.1 SALE OF ANIMALS AS NOVELTIES ON STREET.

No person shall display, sell, offer for sale, barter or give away, upon any street or sidewalk, or other public place in the City, any rabbits, baby chicks, ducklings or other fowl, as pets or novelties, whether or not dyed, colored or otherwise artificially treated.

41.6.2 SALE OF ARTIFICIALLY COLORED ANIMALS.

(O-602)

No person shall sell, offer for sale, barter or display any rabbits, baby chicks, ducklings or other fowl which have been dyed, colored or otherwise treated so as to impart to them an artificial color.

41.6.3 PROPER BROODER FACILITIES REQUIRED.

No person shall sell, offer for sale, barter or give away any rabbits, baby chicks, ducklings or other fowl unless such person provides proper brooder facilities for the care of such fowl during the time they are in the possession of such person.

41.6.4 SALE OF ANIMALS UNDER FOUR WEEKS OF AGE.

No person shall sell, offer for sale, barter or give away any rabbits, baby chicks, ducklings or other

fowl under four (4) weeks of age in any quantity less than six (6).

41.6.5 SCOPE OF ARTICLE.

This Article shall not be construed to prohibit the display or sale of rabbits, natural chicks, ducklings or other fowl, in proper facilities by dealers, hatcheries, or stores engaged in the business of selling the same, to be raised for food purposes.

ARTICLE 7 - BOVINE ANIMALS

(Added by O-1687)

41.7.1 MAINTENANCE OF BOVINE ANIMALS PROHIBITED.

It shall be unlawful for any person as principal agent, employee or otherwise to maintain or cause or permit to be maintained or kept on any premises in the City, any bulls, steers, cows (both dry and milking), calves or any bovine animal of any kind.

ARTICLE 8 - PIGEONS

(Amended by O-2915)

41.8.1 KEEPING OF PIGEONS AND DOVES.

(Amended by O-1544; O-1545; O-1598; O-3252)

Notwithstanding any other provision of this Code, it is unlawful and a public nuisance to keep more than four (4) pigeons and doves under one ownership or upon any one parcel of land in any zone except with a Special Permit from the Director of Building and Safety as provided in Section 41.11.1.

41.8.2 SAME. ERECTION OR MAINTENANCE OF HOUSES, ETC. WITHIN THIRTY-FIVE FEET OF DWELLINGS.

(Amended by O-3152)

No person shall erect or maintain any pigeon house, dovecote or other structure or place where pigeons or doves are kept, or keep any pigeons or doves within thirty-five (35) feet of any dwelling house, provided, however, that:

- a) Pigeons and doves may be kept in a pigeon house, dovecote, other structure, or in any cage or other enclosure if it be enclosed in such manner as to prevent the escape of any pigeons or doves therefrom, and if situated outside required yard setbacks and if such structures do not preempt the required open space and land coverage requirements.
- b) Carrier and homing pigeons, which are not raised or kept for the market or any other commercial purpose, may be kept and liberated for exercise or racing within not less than thirty-five (35) feet from any door, window or other opening of any dwelling.

41.8.3 REQUIREMENTS AS TO LOFTS OR HOUSES FOR KEEPING CARRIER AND HOMING PIGEONS.

(Amended by O-3252)

The lofts or pigeon houses for the keeping of carrier and homing pigeons shall be elevated at least eighteen (18) inches above the ground or other foundation, upon postlegs or pillars, or shall have rodentproof concrete floor if on the ground and shall be soundly constructed and landscaped to blend in with and conform to surrounding areas.

It shall be the duty of each person owning carrier and homing pigeons to scrape or clean such pigeon loft and house wherein such carrier or homing pigeons are kept at least once each week.

41.8.4 CONFINEMENT OF HOMING AND AIR PERFORMING PIGEONS.

Homing and air performing pigeons shall be confined within the lofts or flypen, except during periods not to exceed one and one-half (1-1/2) hours in the morning and during a like period in the afternoon.

41.8.5 PERMITTING HIGH-FLYING PIGEONS TO FLY.

High-flying pigeons may be permitted to fly at large at the discretion of their owner; provided, that flights are continuous and that such pigeons return to their loft immediately upon completion of such flight.

41.8.6 KILLING, CAPTURING, ETC. OF PIGEONS.

No person, except the owner thereof, shall catch, kill, capture or detain any homing, high-flying or air performing pigeon, which at the time of its capture or detention has upon its leg a seamless numbered band as issued by any national pigeon organization or by the United States Army, Navy or Marine Corps; or which has upon its leg a band bearing the name or initials of its owner; or which has the name of its owner stamped upon a tail or wing feather. No person shall molest a pigeon of the above description that has been grounded by injury or bad weather.

ARTICLE 9 - DOGS AND OTHER DANGEROUS ANIMALS

(Added by O-3209)

41.9.1 UNLAWFUL TO KEEP A DANGEROUS ANIMAL.

No person shall keep, harbor or own any dog or other dangerous animal with the City, except in accordance with the provisions of this Article 9. A dog or other animal is deemed to be dangerous when it shall have attacked or bitten any person or domestic or farm animal without reasonable provocation, or when propensity to attack or bite persons or domestic or farm animals shall exist and is known or ought reasonably to be known to the person keeping, harboring or owning such animal.

41.9.2 IMPOUNDMENT OF ATTACKING OR BITING ANIMAL.

- a) Any police or health officer of the City, the Poundmaster and Environmental Quality Administrator, hereinafter in this Article called "the Administrator," shall have the authority to summarily and immediately impound a dog or other animal where there is evidence it has attacked, bitten or to otherwise have injured any person or other domestic or farm animal.

- b) Any of such officials may enter and inspect private property to enforce the provisions of this Article.
- c) Any person keeping or harboring such dog or other animal subject to being impounded who fails to surrender such animal to such official upon demand shall be guilty of a misdemeanor.
- d) If such dog or other dangerous animal cannot be safely taken up and impounded, it may be slain forthwith by such police or health officer.

41.9.3 ALTERNATIVE CONFINEMENT.

- a) In lieu of impound, the Administrator may permit the dog or other animal to be confined at the owner's or custodian's expense in an approved dog kennel or veterinary facility or at the owner's or custodian's residence, provided that the owner or custodian:
 - 1) Shall not remove the dog or other animal from the kennel, veterinary facility or residence without the prior written approval of the Administrator; and
 - 2) Shall make the dog or other animal available for observation and inspection by the Administrator, Poundmaster and law enforcement personnel.
- b) The Administrator or Poundmaster may have a dog or other animal, impounded or confined as provided in Sections [41.9.2](#) and [41.9.3](#), permanently identified by means of photo and other identification prior to release from impound or confinement.

41.9.4 DELEGATION OF AUTHORITY.

Any authority or duties of the Poundmaster or Administrator set forth in this Article 9 may be delegated to employees and assistants of the Poundmaster or Administrator, as the case may be.

41.9.5 DANGEROUS ANIMAL HEARING.

The Administrator shall conduct a hearing to determine whether or not a dog or other animal confined or impounded pursuant to Sections [41.9.2](#) or [41.9.3](#) is a dangerous animal.

41.9.6 NOTICE TO APPEAR.

The Administrator shall commence a hearing by issuing to and serving a written notice upon the owner of the dog or other animal. Notice shall be served at least ten (10) days prior to the date set for the hearing. The notice shall state in clear and concise language:

- a) The purpose and reason for holding the hearing, and
- b) The time and place where the hearing is to be held.

Any written notice provided for in this Section shall be served upon the owner of the dog or other animal by personal service, posting or certified mail, or a combination of the above. Service by posting is complete upon posting.

The Administrator may continue the hearing from time to time upon good cause being shown.

41.9.7 SUBPOENA POWER.

The Administrator is authorized and empowered to summon witnesses for the hearing by requesting the City Clerk to issue subpoenas requiring the attendance of such witnesses at the time and place specified. Such subpoenas shall be signed by the Mayor and attested by the City Clerk prior to issuance.

41.9.8 WITNESSES.

At the hearing, the owner of the dog or other animal, the complainant or complainants, if any, and the Department shall be given an opportunity to present evidence, and call and cross-examine witnesses.

41.9.9 EVIDENCE.

- a) Hearings will be conducted in an informal manner. The rules of evidence shall not apply.
- b) In making a determination that a dog or other animal is or is not dangerous, evidence of the following shall be considered:
 - 1) Any previous history of the dog or other animal attacking, biting or causing injury to a person or other domestic or farm animal;
 - 2) The nature and extent of injuries inflicted and the number of victims involved;
 - 3) The place where the bite, attack or injury occurred;
 - 4) The presence or absence of any provocation for the bite, attack or injury;
 - 5) The extent to which property has been damaged or destroyed;
 - 6) Whether the dog or other animal exhibits any characteristics of being trained for fighting or attack or other evidence to show such training or fighting;
 - 7) Whether the dog or other animal exhibits characteristics of aggressive or unpredictable temperament or behavior in the presence of human beings or dogs or other animals;
 - 8) Whether the dog or other animal can be effectively trained or retrained to change its temperament or behavior;
 - 9) The manner in which the dog or other animal had been maintained by its owner or custodian;
 - 10) Any other relevant evidence concerning the maintenance of the dog or other animal;
 - 11) Any other relevant evidence regarding the ability of the owner or keeper or the City government to protect the public safety in the future if the dog or other animal is permitted to

remain in the City.

41.9.10 REPORTING.

A recording or transcript of the hearing shall be taken.

41.9.11 ADMINISTRATOR'S REPORT.

The Administrator shall issue a report at the conclusion of the hearing. The report shall contain a summary of the evidence, including oral testimony, and shall state the Administrator's findings and recommendation. Findings must be based upon evidence listed under Section [41.9.9\(1\)](#) through [41.9.9\(11\)](#). The report shall be a public record and shall be served upon the owner of the dog in accordance with the provision of Section [41.9.6](#).

41.9.12 DISPOSITION OF DANGEROUS ANIMALS.

- a) It is unlawful for any person to own, possess, harbor or keep any dog or other animal declared by the Administrator, after a hearing, to be dangerous.
- b) Any dog or other animal declared by the Administrator to be dangerous, if not already impounded by the City, shall be immediately surrendered to the Poundmaster to be taken up and impounded.
- c) Any dog or other animal declared to be a dangerous animal shall be humanely destroyed. The Administrator shall sign an order authorizing the destruction of the dog or other animal no earlier than five (5) days following the determination of the Administrator that the animal is dangerous; provided, however, that if the owner or custodian of the animal within such five-day period files a notice of appeal of such determination with the City Clerk, pays the filing fee therefor, and, if the animal has been impounded, pays to the Poundmaster the accrued and estimated cost of impoundment pending the decision on appeal of the Environmental Quality Commission, not to exceed Two Hundred Dollars (\$200.00), then the order of destruction shall not be issued until at least three (3) days following an affirmance by the Commission of the determination of the Administrator that the animal is dangerous.

41.9.13 REVOCATION OF LICENSE.

If it is determined by the Administrator that the dog or other animal is not dangerous, but that the bite, attack or injury was the result of improper or negligent training, handling or maintenance, the dog license or animal permit may be revoked by the Administrator if it is determined that the owner or custodian is unable or unwilling to properly train, handle or maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

41.9.14 REISSUANCE OF LICENSE.

- a) In the event of such a determination of non-dangerousness with negligent training, handling or maintenance, in lieu of license revocation, the Administrator may reissue the license with protective conditions if the Administrator determines that the owner or custodian is able to properly train, handle and maintain the dog or other animal and a similar incident is not likely to occur in the future with proper training, handling or maintenance.

- b) In such event, the license shall be subject to such reasonable terms, conditions and restrictions as shall be imposed for the training, handling and maintenance of the dog which the Administrator determines are necessary to protect the public health, safety and welfare, including, but not limited to the following:
- 1) To keep the animal confined in its premises in an enclosure approved by the Administrator;
 - 2) To keep the animal securely muzzled, leashed and under the control of a person eighteen (18) years of age or older, who is physically capable of restraining the animal when it is not contained in a secure pen;
 - 3) To immediately inform any city, county, postal service, utility company employees and anyone else who comes on the property with implied consent or peaceably and lawfully of the animal's dangerousness and to inform applicable public agencies again if the animal is moved to another location.

41.9.15 REMOVAL OF ANIMAL FROM CITY.

If a dog or other animal has been impounded or confined pursuant to Section [41.9.2](#) or [41.9.3](#) and its license or permit has been revoked pursuant to Section [41.9.13](#) and the owner or custodian wishes to reclaim and remove it from the City, the Poundmaster shall release it provided that the dog or other animal is taken to its new location immediately and directly upon its release from impound or confinement. Failure to remove the dog or other animal immediately and directly from the City upon release from impound or confinement is a misdemeanor.

41.9.16 DISPOSITION OF ABANDONED ANIMAL.

- a) Any dog or other animal which has previously been impounded or otherwise confined and which has not been claimed within five (5) calendar days of service of a notice of revocation of its license or permit shall be deemed abandoned and shall be disposed of by the Poundmaster in accordance with this Article.
- b) Notwithstanding subsection (a) of this Section, the owner may enter into a written agreement with the Administrator to take additional time to remove, or to cause the dog or other animal to be removed, to a new location outside the City. Such additional time shall not exceed ten (10) days. For each additional day agreed to, the pound fees shall be paid prior to the release of the dog or other animal.

41.9.17 RETURN OF IMPOUNDED DOG TO OWNER.

A dog or other animal, impounded pursuant to the authority of this Article, shall be returned to the owner or custodian as provided in Article [2](#) of this Chapter 1 (Section [41.2.1](#) et sequitur) or when it is no longer required as evidence, or if a notice of a hearing pursuant to Section [41.9.6](#) to declare the dog or other animal a dangerous animal has not been served on the owner or custodian within

ten (10) days after the impoundment, or if it is not to be disposed of in accordance with the other provisions of this Article.

41.9.18 IDENTIFICATION PRIOR TO RELEASE.

Any dog or other animal impounded or confined in accordance with the provisions of this Article shall be permanently identified by the Poundmaster by the use of photographs or permanent markings, or both, prior to its release from impound or confinement.

41.9.19 APPEAL TO COMMISSION.

The determination of the Administrator that a dog or other animal is a dangerous animal pursuant to the provisions of Section [41.9.5](#) or to revoke a license pursuant to the provisions of Section [41.9.13](#) or to reissue a license pursuant to the provisions of Section [41.9.14](#) may be appealed by any interested person to the Environmental Quality Commission in accordance with the provisions of Article [5](#), Chapter [1](#) of Division [1](#) of this Code (Section [11.5.1](#) et sequitur), subject to the provisions of this Article, however, the decision of the Environmental Quality Commission shall be appealable to the City Council.

ARTICLE 10 - KEEPING OF BEES

(Added by O-3252; Amended by O-3792)

41.10.010 DEFINITIONS.

As used in this Article, the following words, terms and phrases will have the meanings ascribed to them in this Section.

- a) "Apiary" means the assembly of one (1) or more colonies of bees at a single location.
- b) "Bee" means any stage of the common domestic honey bee, *Apis mellifera* species. Africanized honey bees shall be prohibited.
- c) "Beekeeper" means a person who owns or has charge of one (1) or more colonies of bees.
- d) "Colony" means one (1) hive and its contents and appurtenances, including bees, comb, honey, pollen, brood and appliances.
- e) "Hive" means a structure for the housing of a bee colony.
- f) "Requeen" means to replace the queen bee in a colony with a younger and more productive queen, a common practice to prevent bee swarming.

41.10.020 APPLICABILITY.

- a) It is unlawful for any person to keep bees or permit the keeping of bees within the City of Torrance except:
 - 1) The keeping of bees will be permitted on land which is zoned for industrial uses provided:

- A) A permit for keeping bees shall first have been issued by the Environmental Quality and Energy Conservation Commission, pursuant to reasonable rules for application as may be established by that Commission, and subject to any conditions imposed.
 - B) The hive in which any such bees are kept shall be no nearer than three hundred (300) feet from any residence except that of the owner or keeper of the bees, and no nearer than one hundred (100) feet from any property line.
- 2) The keeping of bees will be permitted on land which is used as a single-family residence provided:
- A) A special animal permit for keeping bees must first have been issued by the Director of Community Development, pursuant to reasonable rules for application as may be established, and subject to any conditions imposed.
 - B) The number of hives will be limited to one (1) for every two thousand five hundred (2,500) square feet of lot area, and there will be a maximum of no more than two (2) hives per property.
 - C) The hive must be placed in the rear yard of the property, and no nearer than fifteen (15) feet from the rear property line, and no nearer than ten (10) feet from a side property line, with the hive entrance facing away from adjacent property lines.
 - D) The maximum size of the hive will be no larger than five (5) cubic feet.
 - E) The single-family residence must have a six (6) foot tall perimeter solid barrier, that may be vegetative, around the rear yard; or, the hive shall be placed at a minimum of eight (8) feet above ground level of the adjacent lot(s).
 - F) The hive must be maintained and continually monitored to ensure the bees remain healthy and the colony size remains manageable, to prevent swarming or aggressive behavior.
 - G) The application must make the property available at all reasonable times for an inspection by the City Manager, or his/her designee, without an inspection warrant to ensure compliance with code and special provisions that may be placed upon the permit.
 - H) A water source for bees must be provided at all times to discourage bee visitation at other water sources on surrounding property.
 - I) The applicant(s) must register the hive(s) as required by the California Food and Agricultural Code and the County of Los Angeles. Beekeepers must be registered with the Los Angeles County Agricultural Commissioner.

J) Hives must be requeened at least once every two (2) years to prevent swarming, or following any swarming or aggressive behavior.

K) The hive must be maintained in accordance with the most current best management practices as established by a professional beekeeping organization, such as the Los Angeles County Beekeepers Association or the Beekeepers Association of Southern California.

41.10.030 APPLICATION REQUIREMENTS.

a) An application for a special animal permit for keeping bees pursuant to Article [11](#) of this Chapter must be filed with the Community Development Director on a form provided by the Community Development Director with the applicable fee. The form must be fully completed and executed and returned to the Community Development Department. The application must include the following:

- 1) Complete applicant information including address, telephone number, and e-mail address;
- 2) Information pertaining to the applicant's registration status with the County of Los Angeles;
- 3) Scaled plot plan indicating all site improvements and the location of proposed hive;
- 4) Details of the hive itself, including dimensions.

41.10.040 PERMIT ISSUANCE.

If all requirements of this Article are satisfied, the Community Development Director will issue a special animal permit within thirty (30) days of the filing of the application. If a special animal permit is not issued, the Community Development Director will notify the applicant in writing. The notice will set forth the Community Development Director's reasons for denial and the procedures for an appeal of the Community Development Director's determination.

41.10.050 APPEAL PROCESS.

Pursuant to Section [41.11.010](#)(a)(8), the determination of the Community Development Director may be appealed to the Environmental Quality and Energy Conservation Commission, by any applicant who has been denied, or has been granted a special animal permit with conditions, or any other interested person. The appeal must be made in writing to the City Clerk within fifteen (15) days of the determination of the Community Development Director. The fee for such appeal, which must accompany the appeal, will be the same as for an appeal to the City Council not involving a public hearing, nor advertising. Notice of the time and place of the appeal hearing will be made to the proponent and any person appealing.

41.10.060 REVOCATION.

a) The Community Development Director may revoke a special animal permit for keeping bees upon notice and hearing for any violation of this Article.

b) Furthermore, at-risk individuals within the specified notification area—two (2) lots or parcels on either side of the subject property and the two (2) lots or parcels nearest behind the subject property—with adequate medical certification of a bee sting allergy may request that hives be removed from a neighbor's property.

41.10.070 NUISANCE.

- a) Bees or hives shall be considered a public nuisance when any of the following occurs:
- 1) Colonies of bees exhibit defensive or objectionable behavior, or interfere with the normal use of neighboring properties.
 - 2) Colonies of bees are living in trees, buildings, or any other space except in hives.
 - 3) Colonies of bees swarm.
 - 4) Bees or hives do not conform to Federal, State, or local laws.
 - 5) Hives are abandoned by the resident bees or by the owner.
 - 6) Diseased bees.
- b) It is unlawful and declared a public nuisance for any person who violates any provision of this Article. Any person in violation will be subject to civil action and/or criminal prosecution. Each day in which a violation is committed will constitute a new and separate offense. In addition, the maintenance of a hive considered a public nuisance may be abated or summarily abated by the City in any manner by this Code or otherwise by law for the abatement of public nuisances. Pursuant to Government Code Section 38773, all expenses incurred by the City in connection with any action to abate a public nuisance will be chargeable to the persons creating, causing, committing, or maintaining the public nuisance.

ARTICLE 11 - SPECIAL PERMITS

(Added by O-3252; Amended by O-3792; O-3801)

41.11.010 REQUIREMENTS FOR SPECIAL ANIMAL PERMITS.

(Amended by O-3397)

- a) A special animal permit may be granted to: keep more than three (3) small animals of any one (1) species; keep more than four (4) pigeons and doves; keep an aggregate of more than four (4) small animals; keep bees; or keep hens, if the following requirements are met:
- 1) The applicant must show that a hardship exists such as prior ownership, family size, etc., or that extra animals will be used for educational or hobby purposes. The keeping of animals for commercial purposes is prohibited.

- 2) The keeping of bees must comply with the provisions of Article [10](#) of Chapter [1](#) of this Division.
- 3) The keeping of hens must comply with the provisions of Article [14](#) of Chapter [1](#) of this Division.
- 4) The yard area, fences, coops, hives, etc., must be sufficient to accommodate the proposed animals or bees in a safe and sanitary manner and in a manner to prevent nuisances caused by noise, odors or other causes to neighboring property owners or occupants. Special conditions may be imposed to mitigate possible nuisances.
- 5) Upon receipt of a completed application for a special animal permit to keep extra pigeons or doves, the Director of Community Development will notify, in writing, the residents, and owners if not residing on the property, within a three hundred (300) foot radius of the exterior boundaries of the property for which the special animal permit is sought to keep extra pigeons or doves.
- 6) Upon receipt of a completed application for a special animal permit to either keep extra small animals or keep bees, the Director of Community Development will notify, in writing, the residents and owners on two (2) lots or parcels on either side of the subject property and the two (2) lots or parcels nearest behind the subject property for which a special animal permit is sought to keep extra other small animals, bees, or hens. Those notified will have ten (10) calendar days in which to protest the application in writing.
- 7) An application for a special animal permit to keep hens is not subject to notification.
- 8) The applicant must make the property available at all reasonable times for an inspection by the Director of Community Development or his designee to insure compliance with Code and special provisions that may be placed upon the special animal permit. The special animal permit may be revoked by the Director of the Community Development Department if it can be shown that a nuisance to neighboring property owners or occupants exists or if provisions of the special animal permit are not complied with.
- 9) A fee of Twenty-Five Dollars (\$25.00)* will be charged for a special animal permit to obtain the fourth animal of any one (1) species. A fee of Eighty Dollars (\$80.00)* will be charged for a special animal permit to keep more than four (4) pigeons or doves, or to keep bees, or to keep hens.
- 10) A written objection in response to the notification of the Director of Community Development as provided in subsection (a)(6) of this Section, within the noted ten (10) calendar days of the date shown on the notification, will automatically deny the special animal permit application.

11) Any applicant who has been denied, or has been granted a special animal permit with conditions (to keep extra pigeons or doves, to keep extra small animals, or to keep bees), or any other interested person may appeal the denial or granting of the special animal permit (to keep extra pigeons or doves, to keep extra small animals, or to keep bees) by the Director of Community Development to the Environmental Quality and Energy Conservation Commission. The appeal must be made in writing to the City Clerk within fifteen (15) days of the determination of the Community Development Director. The fee for such appeal, which must accompany the appeal, will be the same as for an appeal to the City Council not involving a public hearing, nor advertising. Notice of the time and place of the appeal hearing will be made to the proponent and any person appealing.

12) A special animal permit to keep hens is not subject to appeal.

13) The decision of the Environmental Quality and Energy Conservation Commission will be appealable to the City Council pursuant to the provisions of Article [5](#) of Chapter [1](#) of Division [1](#) commencing at Section [11.5.1](#).

*Fees increased/decreased by future City-wide fee resolutions.

ARTICLE 12 - LOS ANGELES COUNTY ANIMAL CONTROL

(Added by O-3398)

41.12.1 ADOPTION OF TITLE 10.

That certain document, in book form, entitled Los Angeles County Code, Title 10, Animals, containing Sections [10.04.010](#) through [10.90.010](#), not less than one (1) copy of which has been and is now filed in the office of the City Clerk or the City of Torrance, is hereby adopted by the City Council of the City of Torrance as the Animal Control Ordinance of the City of Torrance.

ARTICLE 13 - FEEDING OF BIRDS

(Added by O-3757)

41.13.1 FEEDING BIRDS PROHIBITED.

- a) It is illegal for any person to deposit on or in any public street, public right-of-way, sidewalk, public building, public parking lot, park or any other public property within the city any food or edible thing that can be consumed by birds.
- b) It is illegal for any person, while on or in any public street, public right-of-way, sidewalk, public building, public parking lot, park or any other public property within the city, to feed or cause to be fed any bird.
- c) Any violation of this section is a misdemeanor, or alternatively, an infraction.
- d) This section may be enforced by a city police officer, animal control officer, animal control

supervisor, code enforcement officer, or any City employee authorized under Section [11.2.5](#) of the Torrance Municipal Code.

ARTICLE 14 - KEEPING OF HENS

(Added by O-3801)

41.14.010 APPLICABILITY.

The keeping of hens will be permitted on land which is used as a single-family residence provided:

- a) A special animal permit for keeping hens must first have been issued by the Director of Community Development, pursuant to reasonable rules for application as may be established, and subject to any conditions imposed.
- b) There will be a maximum of no more than four (4) hens per property.
- c) The hens will be properly housed and cared for to ensure healthy hens and a safe and sanitary environment.
- d) Hens will be kept in a chicken coop or in any cage or other enclosure situated in the rear yard of the property and no nearer than fifteen (15) feet from the rear property line, and no nearer than ten (10) feet from a side property line, and if such structures do not preempt the required open space and land coverage requirements.
- e) Hens and all activities related to the keeping of hens will be limited to the rear yard of the property, and the hens will not be allowed to run at large unattended.
- f) Any chicken coop or cage or other enclosure in which hens are kept will be maintained and cleaned on a regular basis to ensure a sanitary environment. The chicken coop or cage or other enclosure will not exceed sixty (60) square feet in size.
- g) The rear yard area and all other areas related to the keeping of hens will be maintained and cleaned on a regular basis to ensure a clean and sanitary environment, and prevent nuisances. The accumulation of manure and debris is unlawful and a public nuisance.
- h) The miscellaneous activities related to the keeping of hens, such as storing feed, straw, or wood shavings, will be conducted in such a manner to prevent the attraction or perpetuation of bacteria, disease, pests, and vermin.
- i) Unhealthy and/or diseased hens will be provided with immediate medical attention to prevent the spread of disease and sickness. Severely unhealthy and/or diseased hens will be properly disposed of, in accordance with all applicable City, County, and State laws, guidelines, and requirements. Keeping unhealthy and/or diseased hens is unlawful and a public nuisance.
- j) In the event complaints are received concerning the manner of keeping the hens, health or

safety hazards caused by the hens or the activities related to the keeping of hens, or a nuisance caused by the hens, the matter will be reviewed by the Director of the Community Development Department, and the special animal permit will be subject to either modification, abatement as provided for in Section [41.1.3](#), and/or revocation.

k) Roosters are farm type animals and will not be considered as pets. The keeping of roosters is unlawful and a public nuisance.

41.14.020 APPLICATION REQUIREMENTS.

a) An application for a special animal permit for keeping hens pursuant to Article [11](#) of Chapter [1](#) of this Division must be filed with the Community Development Director on a form provided by the Community Development Director with the applicable fee. The form must be fully completed and executed and returned to the Community Development Department. The application must include the following:

- 1) Complete applicant information including address, telephone number, and e-mail address;
- 2) Scaled plot plan indicating all site improvements and the location of proposed coop;
- 3) Details of the coop itself, including dimensions.

41.14.030 PERMIT ISSUANCE.

If all requirements of this Article are satisfied, the Community Development Director will issue a special animal permit within thirty (30) days of the filing of the application. If a special animal permit is not issued, the Community Development Director will notify the applicant in writing.

41.14.040 REVOCATION.

The Community Development Director may revoke a special animal permit for keeping hens upon notice and hearing for any violation of this Article.

41.14.050 NUISANCE.

- a) The keeping of hens is unlawful and a public nuisance when any of the following occurs:
- 1) When the keeping of hens creates objectionable odors, noises, or hazards pursuant to Section [41.1.2\(b\)](#); or
 - 2) When the chicken coop or cage or other enclosure in which hens are kept and/or the rear yard area and all other areas related to the keeping of hens are not maintained and cleaned on a regular basis, resulting in a dirty and unsanitary environment; or
 - 3) Unattended and/or unsupervised hens running at large; or
 - 4) Unhealthy and/or diseased hens.
- b) If it is determined that a nuisance exists, the special animal permit for keeping hens may be

modified, may be subject to abatement per Section [41.1.3](#), or revoked per Section [41.14.040](#).

c) It is unlawful and declared a public nuisance for any person to violate any provision of this Article. Any person in violation will be subject to civil action and/or criminal prosecution. Each day in which a violation is committed will constitute a new and separate offense. In addition, the keeping of hens considered a public nuisance may be abated or summarily abated by the City in any manner by this Code or otherwise by law for the abatement of public nuisances. Pursuant to Government Code Section 38773, all expenses incurred by the City in connection with any action to abate a public nuisance will be chargeable to the persons creating, causing, committing, or maintaining the public nuisance.

CHAPTER 2 HEALTH AND SANITATION

ARTICLE 1 - GENERAL

(O-287; O-324)

42.1.1 APPLICATION OF CHAPTER.

The provisions of this Chapter shall apply to all territory within the corporate limits of the City.

42.1.2 ENFORCEMENT OF CHAPTER.

Except where otherwise specifically provided, it shall be the duty of the health officer to enforce all of the provisions of this Chapter.

42.1.3 INTERFERING WITH HEALTH OFFICER.

It shall be unlawful for any person to interfere with the health officer in the performance of his duties.

42.1.4 PERMIT REQUIRED FOR CERTAIN BUSINESSES OR OCCUPATIONS.

Permits shall be required of the following businesses or occupations:

- a) Establishments or Persons Selling, Serving, etc. Food. All establishments or persons selling or offering for sale, serving, preparing or manufacturing food in any form.
- b) Poultry Markets and Slaughtering Establishments. Poultry markets and poultry slaughtering establishments.
- c) Vendor of Meat, Fish, etc. Vendors of meat, fish and other food products.
- d) Dairies and Dairy Products. Dairies, wholesale and retail milk distributors, milk plants, ice cream factories, cheese factories and any other establishments handling milk or dairy products.
- e) Drug Distributors, Vendors or Salesmen; Exceptions. Drug distributors, vendors or salesmen; provided, however, that this subsection shall not apply to established drugstores or pharmacies operating from a permanent location, nor to salesmen dealing directly with physicians, surgeons, dentists or druggists.
- f) Person Cleaning, etc. Secondhand Bottles, etc. Persons cleaning and sterilizing or dealing in secondhand bottles, glassware and crockery.
- g) Swimming Pools. Public swimming pools.
- h) Dumps. Public dumps.
- i) Operators of Wells, Springs, etc. for Water for Public Consumption. Operators of wells, springs, reservoirs, tanks or piping from which any water is being pumped or drawn or in which

water is being stored, which is being used or intended to be used for public domestic consumption.

- j) Hospitals, Sanitoriums, Rest Homes, etc. Hospitals, sanitoriums, sanitariums, rest homes, convalescent homes, maternity hospitals and lying-in asylums.
- k) Day Nurseries, Boarding Houses, etc. Day nurseries, boarding houses, boarding schools or other places for the reception and care of children.
- l) Coil Cleaners. Beer coil cleaners.
- m) Cesspool Cleaners Cesspool Cleaners.
- n) Hotels, Rooming Houses, etc., Exception. Hotels, rooming houses, lodging houses or any person renting out for sleeping purposes any rooms, lodging or sleeping places; provided, however, that such permit shall not be required unless two (2) or more rooms are so rented in a given building or dwelling, except where three (3) or more persons are accommodated in any one (1) room.
- o) Operators of Campgrounds, etc. Operators of campgrounds, trailer camps, auto camps or tent camp courts or spaces.

42.1.5 APPLICATION; INFORMATION TO BE SHOWN.

(Amended by O-1110; O-3071)

Each applicant for the permit required by the preceding Section shall file with the health officer, a written application therefor, which shall state the name and address of such applicant, the kind of business for which he is making application, also a description by street and number or other appropriate designation, of the location of such business, and such other information as may be required by the health officer.

42.1.6 INVESTIGATION AND CONSIDERATION OF APPLICATION; GRANTING OF PERMIT.

If, after investigation and the consideration of such application and all proper matters in connection therewith, it shall appear to the health officer that the statements made in such application are true, that the premises and vehicles conform to the requirements of this Article and other laws applicable thereto, and that the applicant has complied with all laws, provisions of this Code and other ordinances of the City regulating such business, the health officer shall grant the permit applied for.

42.1.7 SUSPENSION OR REVOCATION; GROUNDS GENERALLY; OPERATION OF BUSINESS AFTER ACTION TAKEN.

The health officer shall have the power and authority to suspend or revoke any permit granted under the provisions of the preceding Section, at his discretion upon proof to his satisfaction of any violation by the holder of any such permit of any law, provision of this Code or other ordinance of the City. Any person who operates or conducts any business in the City during the time when his permit shall have been suspended or revoked shall be guilty of a violation of the provisions of this

Chapter.

42.1.8 HEARING PREREQUISITES; SERVICE AND CONTENTS OF NOTICE.

No permit required by Sec. 42.1.4. shall be suspended or revoked until a hearing shall have been held by the health officer on the matter. At such hearing, the permittee may be present.

Notice of such hearing shall be given by the health officer, in writing, and served upon the holder of the permit, not less than five (5) days prior to the date of such hearing. Such notice shall state the ground of complaint against the permittee and shall also state the time when and the place where such hearing will be had. Such notice shall be served on the permittee by delivering the same to him, his manager or agent, or to any person in charge of or employed in such business, or by leaving such notice at the place of business or residence of the permittee with some person of suitable age and discretion.

If such notice for any reason shall not be served as provided for in this Section, then a copy of such notice shall be mailed, postage prepaid, addressed to the permittee at his place of business or his last known residence, not less than five (5) days prior to the date of such hearing.

42.1.9 PERMIT; EXPIRATION; RENEWAL FEE.

The permit required by Sec. 42.1.4. shall be valid from the date thereof, until revoked or suspended as provided for in Sec. 42.1.7. or unless the holder of the permit changes the location of his place of business, or sells, or otherwise disposes of such business, or ceases for a period of thirty (30) consecutive days to carry on such business, or materially changes the character of such business. Upon the expiration of any such permit, and within seven (7) days thereafter, the person conducting or operating such business or vehicle shall apply for and secure a renewal thereof in the same manner and upon the payment of such fee, if any, as may be required by this Code or any other ordinance of the City.

42.1.10 POSTING PERMIT.

Each permit granted under the provisions of the preceding Sections shall at all times be kept posted and displayed in a conspicuous place in or about such place of business, premises or vehicles.

42.1.11 OPERATING WITHOUT PERMIT.

It shall be unlawful for any person in any way or manner to engage in, conduct or operate any business named in Sec. 42.1.4. without first having applied for and received a permit in writing so to do from the health officer.

42.1.12 PERMIT PREREQUISITE TO ISSUANCE OF BUSINESS LICENSE.

(Amended by O-3071)

No license required by Division 3 of this Code shall be issued to any person owning or operating any business which is required to have a permit under Sec. 42.1.4., unless such permit shall have first been granted by the health officer. It shall be the duty of the health officer, immediately upon the granting of such permit, to forward the same to the person making application therefor and to

file with the Revenue Administrator a duplicate copy thereof.

42.1.13 REQUIREMENTS AS TO SALE AND DISTRIBUTION OF MILK, CREAM AND DAIRY PRODUCTS.

It shall be unlawful for any person to sell, offer for sale or distribute or to cause or permit to be sold, offered for sale or distributed, in the corporate limits of the City, or for any such person, other than a carrier for hire, to bring into, or cause or permit to be brought into, or to receive in, or cause or permit to be received in, the corporate limits of the City, for the purpose of sale or distribution therein, any milk, cream or dairy product for human consumption, any portion of which milk, cream or dairy product shall have been obtained from any cow or any goat, infected or afflicted by or with tuberculosis, or reacting positively to any tuberculin test.

The abovementioned tuberculin test shall be made by any person designated by the City Council, by resolution or otherwise, or tests made by the livestock inspector of the County, or his duly authorized representative, shall be received in any court of competent jurisdiction, and particularly in the City Court as *prima facie* evidence of the contents thereof and of the truth thereof. In the event the City shall make a contract with the County to enforce the health laws of the City, the officer therein designated to enforce the same shall be the person designated and authorized to make such tuberculin tests. Such tests may be made by any other competent person.

42.1.14 Repealed by O-3029.

ARTICLE 2 - INSPECTION OF POULTRY SLAUGHTERED, DISSECTED OR DISMEMBERED IN CITY

(Added by O-616; Amended by O-762)

42.2.1 RIGHT OF LICENSEE TO HAVE INSPECTION PERFORMED BY CITY HEALTH OFFICER.

Every person having a valid, unrevoked license to slaughter, dress and retail poultry, issued by the City, may elect to have all or any portion of such poultry inspected by the City health officer

42.2.2 NOTICE TO HEALTH OFFICER.

Persons desiring the health officer to inspect the slaughtering, dissection or dismembering of poultry shall give notice to the health officer not less than twenty-four (24) hours before such inspection is to commence. Such persons shall then notify the health department at the end of the first and each succeeding working day on which inspection is desired, of the time on the following day when such inspection should be commenced, such notice to be in lieu of the twenty-four (24) hour notice required by this Section.

42.2.3 LABELING, IDENTIFYING OR STAMPING REQUIRED; TO BE DONE IN PRESENCE OF HEALTH OFFICER.

Each dissected primal part or piece of slaughtered, dissected or dismembered poultry inspected by the health officer, or each sealed package inspected by the health officer, shall bear a label, identification or stamp, approved and authorized by the health officer, except that factory or plant packaged dissected poultry need not have each part or piece individually stamped when the package itself bears the official stamp. Such stamping or identification, as provided above, shall be

done in the presence of the health officer.

42.2.4 UNAUTHORIZED LABELING, ETC.

No person shall place any label, identification or stamp on any piece of dissected or dismembered poultry, or package thereof, or in any other way indicate that such poultry has been inspected by the health officer, unless the health officer has inspected such poultry as provided in this Article and approved of the label, identification, stamp or other indication so used.

42.2.5 AGREEMENT AS TO TIME OF INSPECTION; EFFECT OF FAILURE TO AGREE.

The days and parts of days during which the inspection of slaughtering, dissecting or dismembering poultry may be done shall be fixed by agreement between the person requesting the inspection and the health officer. In case of failure to agree, the health officer shall designate the time at which such inspection shall be done.

42.2.6 TO BE INSPECTED BEFORE DISSECTION OR REMOVAL OF HEADS.

The health officer shall inspect all poultry presented for inspection before dissection and before the heads have been removed.

42.2.7 CONDEMNATION OF DISEASED, INJURED, ETC. POULTRY.

The health officer shall follow accepted inspection practices and shall condemn all diseased, injured or emaciated poultry which are presented to him for inspection.

42.2.8 SALE, ETC., OF CONDEMNED POULTRY FOR HUMAN CONSUMPTION PROHIBITED.

It shall be unlawful for any person to sell, contract to sell, give away or otherwise dispose of any poultry for human consumption which has been condemned pursuant to Sec. 42.2.7.

42.2.9 INSPECTION FEE.

In addition to all other fees required by this Article, other provisions of this Code or other ordinances of the City, within ten (10) days after receipt of a bill therefor, the person requesting the inspection by the health officer of slaughtered, dissected or dismembered poultry shall pay a fee of Two Dollars (\$2.00) per hour for the time the health officer is present at such person's slaughterhouse on official duty.

42.2.10 TRAVEL TIME.

In addition to the inspection fee, provided for by the preceding section, the person requesting the inspection, as required by the preceding section, shall pay for all time spent by the health officer in traveling to and from the slaughterhouse at the rate of Two Dollars (\$2.00) per hour, and, in addition thereto, seven (7) cents per mile, both ways, for such travel.

42.2.11 METHOD OF COMPUTING INSPECTION FEES AND TRAVEL TIME.

Travel time and mileage required to be paid under the provisions of the two preceding sections shall be computed from the health officer's headquarters to the slaughterhouse and return to such headquarters.

42.2.12 PRORATION OF CHARGES.

Whenever two or more slaughterhouses operate under the provisions of this Article at such times and places and in such manner that the health officer can inspect and supervise their operations on the same trip, the charges for mileage and travel time may be prorated between the proprietors of such slaughterhouses. The health officer shall designate the route of travel to be followed, regardless of whether the inspection is made by him personally, or by one of his agents acting as the inspector, to and from the slaughterhouse and shall apportion the mileage and travel time charges as provided in this Section.

42.2.13 EFFECT OF FAILURE TO PAY CHARGES; SUSPENSION OF LICENSE; INTEREST.

The health officer shall suspend the slaughterhouse license of any person who fails or refuses to pay any inspection travel time or mileage fees. or any part thereof, required by this Article when or before due and payable, until the whole sum due, plus interest from the past due date at the rate of seven (7) percent per year has been paid.

ARTICLE 3 - RODENT CONTROL

(O-464)

42.3.1 DEFINITIONS.

- a) Unless otherwise expressly stated or the context clearly indicates a different intention, the following terms shall, for the purpose of this Article, have the meanings indicated in this Section:
- b) Place includes land, a place, a building or a structure.
- c) Possess includes control, own, lease, occupy, possess or have charge or domination over.
- d) Rodents means rats, mice, gophers and ground squirrels.

42.3.2 INSPECTION GENERALLY; HOURS OF INSPECTION OF DWELLINGS, HOTELS, ETC.

The health officer of the City may inspect all places for the purpose of ascertaining whether they are infested with rodents and whether the requirements of this Article, as to their extermination and destruction, are being complied with. However, no building occupied as a dwelling, hotel or rooming house shall be entered for inspection purposes, except between the hours of 9:00 A.M. and 5:00 P.M.

42.3.3 ACCUMULATIONS OF RUBBISH, WASTE MATERIALS, ETC.

No rubbish, waste or cast-off materials of any kind shall be placed, left, dumped or permitted to accumulate or remain in any building or place, or upon any premises, so that they may afford food or a harboring place for rodents.

42.3.4 REMOVAL OR STORAGE OF BOXES, LUMBER, PAPER, ETC.

All boxes, lumber, paper and other materials in buildings, places or premises shall be removed or shall be stored or piled so as to eliminate rodent harborage.

42.3.5 MAINTENANCE OF SHEDS, COOPS, BARNS, ETC.

Sheds, coops, hutches, barns and similar buildings shall be so maintained as to avoid and eliminate rodent harborage.

42.3.6 BUILDINGS, ETC. TO BE KEPT IN CLEAN AND SANITARY CONDITION.

All buildings, places and premises shall be kept in a clean and sanitary condition, and free from rodents.

42.3.7 BUILDINGS USED FOR HUMAN HABITATION TO BE RATSTOPPED, ETC.

All buildings used, or intended for use, for human habitation or occupancy shall be ratstopped by such maintenance and repairs as are necessary to eliminate or prevent rodent infestation.

42.3.8 RODENT EXTERMINATION BY TRAPPING, POISONING, ETC.

Rodent extermination by trapping, poisoning or other suitable means shall be diligently done to eliminate rodent infestation in any building or on any premises where evidence of rodent infestation is found.

42.3.9 ARTICLE NOT APPLICABLE TO LAND USED FOR AGRICULTURE; EXCEPTION.

Nothing contained in this Article shall be construed as applying to land used primarily for the production of agricultural or horticultural crops or the raising of livestock, poultry or rabbits, unless such land or the adjoining land is infested in whole or in part with rodents.

42.3.10 MAINTENANCE OF BUILDINGS, ETC. SO AS TO PREVENT BREEDING OR HARBORING OF RODENTS.

It shall be unlawful for any person within the City limits to maintain any building, lot, premises, vehicle or any place in such an unsanitary condition as to permit the breeding or harboring therein or therefrom of rodents. Any place so infested and maintained shall be deemed a nuisance.

42.3.11 PEST HARBORAGE.

(Added by O-933; Amended by O-959)

No person shall occupy or maintain, or cause or permit another person to occupy or maintain any building, lot, premises, vehicle or any other place in such a condition as to permit the breeding or harboring therein or thereon of fleas, bedbugs, cockroaches, lice, flies, mosquitoes or any other vermin.

CHAPTER 3

SOLID WASTE MANAGEMENT

(Added by O-7; Amended by O-293; O-471; O-578; O-790; O-876; O-888; O-891; O-924; O-1065; O-1077; O-1082; O-1142; O-1216; O-1245)

ARTICLE 1 - GENERAL

43.1.1 DEFINITIONS.

(Amended by O-293; O-3355; O-3527)

The following words and phrases shall, for the purpose of this Chapter, have the meanings respectively ascribed to them in this Section:

- a) Solid waste means refuse, garbage, rubbish, recyclables and compostables, and solid waste as defined in Section 40191 of the California Public Resources Code.
- b) Refuse means garbage and rubbish.
- c) Garbage means animal, fruit and vegetable refuse and offal.
- d) Rubbish means combustible rubbish and non-combustible rubbish.
- e) Combustible rubbish means paper, leaves, Christmas trees, chips, grass, pasteboard, carpets, clothing, magazines, books, straw, packing material, barrels, boxes, crates, rags and all other similar articles or materials, which will burn by contact with flames of ordinary temperature, which are rejected by the owner or producer thereof as worthless or useless.
- f) Non-combustible rubbish means ashes, broken glass and crockery bottles, tin cans and containers, metals and all other similar articles or materials other than combustible rubbish or garbage, which are rejected by the owner or producer thereof as worthless or useless.
- g) Recyclables or Compostables means paper, plastic, glass, metal, Christmas trees, grass clippings, leaves or any material determined by the City Manager or the City Manager's designee as suitable for diversion or recycling and separated for diversion or recycling by the owner or producer thereof.

43.1.2 REFUSE COLLECTED OUTSIDE CITY.

(Amended by O-293)

No person shall dispose of any refuse within the City limits or transport any such refuse over any public highway, street, alley or place within the City, when such refuse has been collected outside of the City limits and in any manner brought to the exterior boundary lines thereof, except that such refuse may be transported over such highways, streets, alleys or places when destined for a point outside the City and transported in accordance with the provisions of this Article.

43.1.3 TRANSFER OF REFUSE.

No person shall load or unload any refuse from one vehicle to another or from a vehicle onto the ground or onto any building or structure thereon; provided, however, that the provisions of this Section shall not apply to the City, its agents, employees or contractees as to any refuse originating within the boundary lines of the City, nor shall it apply to any person or his contractor loading his own refuse onto a vehicle at the place where said refuse originated.

43.1.4 TRANSPORTATION OF GARBAGE.

(Amended by O-293; O-924)

No person shall transport or cause to be transported any garbage over any public highway, street, alley or place within the City, except in watertight truck bodies or trailers completely enclosed with metal, or in receptacles which are constructed of metal and have a tight-fitting metal cover.

43.1.5 TRANSPORTATION OF RUBBISH.

(Amended by O-924)

No person shall transport or cause to be transported any rubbish over any public highway, street, alley or place within the City, except in truck bodies or trailers which are completely enclosed or so equipped or constructed that rubbish may not spew therefrom upon the street, or in receptacles or containers so constructed as to prevent rubbish from being scattered by the wind.

43.1.6 PUBLIC DUMPING GROUNDS.

(Amended by O-3527)

The City Manager or the City Manager's designee, with the approval of the City Council, may establish regulations governing the operation of any public dumping grounds operated by the City, and may fix fees for disposing of refuse thereat.

43.1.7 BURYING REFUSE.

(Amended by O-3527)

No person shall deposit or bury any refuse in the City unless it is leveled and covered, and written permission to do so has first been obtained from the health officer and the City Manager or the City Manager's designee.

43.1.8 DUMPING OF REFUSE.

(Amended by O-471; O-578; O-3010)

No person shall dump, unload or otherwise dispose of any refuse on another person's property, or in a trash container owned by or designated for the exclusive use of any other person; or located on the property of any other person, without the consent of that other person, nor shall any person dump, unload or otherwise dispose of any refuse on public property other than in dumping areas designated for such purpose by the owner thereof.

43.1.9 PERIOD OF ACCUMULATION LIMITED.

No person shall cause or permit garbage or combustible rubbish to accumulate at any place or premises under his charge or control for a period in excess of seven (7) days, or permit or allow non-combustible rubbish to accumulate thereat for a period in excess of thirty (30) days.

43.1.10 COMMON RECEPTACLES PROHIBITED.

(Amended by O-3527)

Each person accumulating or producing refuse shall provide their own receptacle for keeping, depositing or accumulating same, unless the receptacles are provided by the City or other authorized collector.

43.1.11 SCAVENGING PROHIBITED.

(Added by O-3295; Amended by O-3527)

- a) It shall be unlawful for any person to interfere with the collection, conveyance or disposal of refuse, recyclable or compostable materials by the City or any licensed, authorized, private collector.
- b) No person, except the City or a licensed private collector authorized by the City, shall gather, collect or transport refuse, recyclable or compostable materials within the City and collect fees for such service.
- c) It shall be unlawful for any person other than an officer or employee of the City, or the owner, or the employee of an authorized private collector to interfere in any manner with any residential or commercial solid waste containers, or the contents thereof, or to remove any residential or commercial solid waste container from the location where the same was placed by the owner thereof, or to remove the contents of any residential or commercial solid waste.
- d) For purposes of this Section, the term "private collector" shall include the following types of persons, firms or corporations which collect, transport or dispose of solid waste from the City specific to their type of business (such as landscapers and contractors) as listed in Section [43.6.4](#)

ARTICLE 2 - MUNICIPAL COLLECTION OF SOLID WASTE

(Amended by O-3527)

43.2.1 DEFINITIONS.

(Amended by O-1437; O-3391; O-3527)

- a) Occupant means every owner, tenant, occupant, or person who is in possession of or who is the inhabitant of, or who has the care or control of an inhabited residence.
- b) Residence means a single-family residence, a two-family residence, or one of two single-family residences on one lot, or a three-or four-unit apartment building provided the following

circumstances are present:

- 1) The apartment building is located in a predominantly single-family or two-family area;
- 2) Not less than eighty-five percent of the dwellings on the same block are single-family or two-family dwellings; and
- 3) The apartment building is suitably built and/or located so that regulation City solid waste containers can be used effectively.

For the purpose of this Article, a residence shall be presumed inhabited if water service is being furnished thereto.

43.2.2 LIABILITY FOR SOLID WASTE COLLECTION FEES.

(Amended by O-1437; O-3527)

The City Council hereby finds and determines that the periodic collection of solid waste from all residences in the City benefits all occupants or residences in the City, and therefore, all such occupants are made liable for the payment to the City of such solid waste collection fees as may be from time to time established by resolution of the City Council.

43.2.3 COLLECTION FROM RESIDENCES ONLY

(Amended by O-3527)

The City Council hereby finds and determines that the City government is unable to provide adequate and economical periodic refuse collection service for industrial and commercial establishments, institutions, apartment houses and buildings, other than residences as defined in Section [43.2.1](#), and therefore further finds and determines that the periodic collection of solid waste by the City government will not benefit occupants of such places and premises except residences.

43.2.4 RIGHT TO CONTRACT.

(Amended by O-3527)

Notwithstanding the provisions of this Article, any occupant shall have the right to remove and dispose of or contract for the removal and disposal of their own solid waste as otherwise provided by law, but the exercise of such right shall not relieve such occupant from the obligation to pay the City the solid waste collection fee as provided in Section [43.2.2](#).

43.2.5 COLLECTION OF FEES.

(Amended by O-1437; O-3527)

- a) All fees established by the provisions of this Article for the collection and disposal of solid waste shall be collected by adding the same to the water bills rendered to customers of the Torrance Municipal Water Department whenever it is possible to do so.

- b) The fees for solid waste collection added to the water bills shall be for the period covered by such bills, and payable at the same time and in the same manner as such bills.
- c) For the purpose of subsections (a) and (b) of this Section, the occupant shall be the person to whom the water bill is addressed.
- d) Whenever it is not practicable to add the refuse fees to the water bills, the Director of Finance shall cause bills to be rendered for such fees in advance, which bills shall be due and payable in the same manner as prescribed for water bills in Chapter 6 of Division [7](#) of this Code.
- e) Any fee imposed pursuant to this Article shall be a civil debt owing the City from the occupant of the residence where solid waste collection service is available.

43.2.6 DEPOSITS.

(Amended by O-1437; O-3527)

A deposit may be required of any occupant whenever, in the opinion of the Director of Finance, such deposit is necessary to insure prompt and satisfactory payment of solid waste collection fees. In the event that any occupant having to their credit a deposit for solid waste service shall, for any reason, discontinue such service, the deposit shall first be applied to any solid waste fees remaining unpaid and any remaining balance of the deposit shall be refunded.

43.2.7 USE OF RECEPTACLES.

(Amended by O-3527)

- a) Each occupant shall place in the designated receptacle(s) all solid waste for collection by the City.
- b) No occupant shall place any garbage in a receptacle for collection unless it is drained and wrapped in newspaper or placed in a paper or plastic bag.

43.2.8 SPECIFICATIONS FOR RECEPTACLES.

(Amended by O-471; O-1957; O-2525; O-2529; O-2541; O-3527)

- a) Solid waste collected from residents as defined in Section [43.2.1](#) must be placed in receptacles provided by the City.
- b) The weight of each receptacle, along with its contents, must not exceed the maximum weight allowed by the manufacturer of the receptacle.

43.2.9 PROHIBITED PLACEMENT OF RECEPTACLES.

(Amended by O-2541; O-3527)

- a) No occupant shall place or cause to be placed for municipal collection any solid waste receptacles in any street or alley at any place or in any manner other than provided in this Article,

or at any time other than on the days established by the City Manager for collection on the particular route or after 6:00 P.M. on the days immediately prior to such collection, or permit such receptacle to remain thereat for more than twelve (12) hours after it has been emptied.

- b) In all cases where in the opinion of the City Manager, practical difficulty exists in complying with the requirements of this Article as to the placing of solid waste for collection, the City Manager or the City Manager's designee shall designate where the same shall be placed or kept for collection and the conditions under which it shall be collected; provided, however, that they may refuse to have collected any materials or quantities which, in their opinion, are too large for collection.
- c) The City Manager or the City Manager's designee shall establish routes, days and hours for collection of solid waste and may change the same from time to time when, in the City Manager's opinion, it becomes necessary or proper.

43.2.10 TIME OF COLLECTION.

(Amended by O-2541; O-3527)

- a) The City Manager or the City Manager's designee shall provide for and supervise the collection and removal of solid waste at least once each week from all residents in the City as defined in Section [43.2.1](#).
- b) The City Manager or the City Manager's designee shall establish routes, day and hours for collection of solid waste and may change the same from time to time when, in the City Manager's opinion, it becomes necessary and proper.

43.2.11 RULES AND REGULATIONS.

(Amended by O-2541; O-3527)

The City Manager shall make rules not inconsistent with the provision of this Chapter as may be necessary and proper to effect the collection and removal of solid waste from residences by the City.

43.2.12 DUTY TO COLLECT.

(Amended by O-2541; O-3527)

Except as provided in subsection (b) of Section [43.2.9](#), the City Manager shall collect and remove only that solid waste which has been placed for collection along a street or alley at the location and time as prescribed by the provisions of this Article, and which is contained in receptacles of the type or kind prescribed by the provisions of this Article and the Rules and Regulations issued thereunder.

43.2.13 DELEGATION OF AUTHORITY.

(Amended by O-2541; O-3527)

The City Manager may delegate any of the powers and duties conferred on the City Manager's designee by this Article to any officer or employee of the City, but in such event the City Manager shall remain responsible for the proper performance thereof.

43.2.14 RECOVERY OF DELINQUENT SOLID WASTE COLLECTION FEES.

(Added by O-3745)

- a) Failure to pay any and all solid waste collection fees established by resolution of the City Council that remain unpaid for a period of 60 or more days after the date upon which they were billed will result in collection of the delinquent fees pursuant to the authority contained in California Government Code Section 38790.1. The City will collect the delinquent fees in the manner described in California Government Code Section 25831. As prescribed in Section 25831, after notice and a public hearing, the unpaid delinquent solid waste collection fees will become liens on the property to which the solid waste collection services are provided and will be collected as a special assessment against the parcel, along with the property taxes.

ARTICLE 3 - GARBAGE GRINDERS

(Added by O-876)

43.3.1 DEFINITIONS.

The following words and phrases shall, for the purpose of this Article, have the meanings respectively ascribed to them in this Section:

- a) Food shall include all articles used for food, drink, confectionery, or condiment, whether simple or compound, and all substances and ingredients used in the preparation thereof.
- b) Food Processing Establishment shall mean any room, building or place or portion thereof, maintained, used or operated for the purpose of commercially storing, packaging, making, cooking, mixing, processing, bottling, canning, packing, slaughtering or otherwise preparing or handling food.

43.3.2 GARBAGE GRINDERS REQUIRED.

Subject to the provisions of Section [43.3.5.](#) of this Article, all buildings which are hereafter constructed, remodeled or altered and which are designed, equipped or used for residential purposes or as a food processing establishment, shall have garbage grinders installed therein; provided, however, that garbage grinders need not be installed in such buildings to dispose of packaged or canned foods which are not opened on the premises on which such building is located.

43.3.3 NUMBER OF GRINDERS REQUIRED.

In all such buildings which are designed, equipped or used for multiple family dwellings, subject, however, to the provisions of Section [43.3.5.](#), a garbage grinder shall be installed in each residential unit thereof. In all other such buildings there shall be installed enough garbage grinders to grind all garbage and food processing wastes produced in such building.

43.3.4 LOCATION OF GRINDERS.

All garbage grinders which are hereafter installed shall be connected to the kitchen sink or sewer drain and so located as to discharge all ground material by flushing it with water through the drain pipe into the sewer.

43.3.5 EXCEPTION.

Garbage grinders shall not be installed in any such building where the City Engineer has determined that the sewer lines or cesspools servicing such building are inadequate to efficiently transport the material which would be expelled therein by such installation.

ARTICLE 4 - LITTER

(Added by O-1082; Amended by O-1441)

43.4.1 DEFINITIONS.

- a) Whenever used in this Article, the word litter shall include garbage and refuse as defined in Section [43.1.1](#). of this Chapter, abandoned motor vehicles, junk, and all other waste materials which, if thrown or deposited as herein prohibited tends to create a danger to public health, safety and welfare. Newspapers placed on private property shall not be deemed to be litter provided they are deposited in such manner as to prevent their being carried away by the elements.
- b) Whenever used in this Article, the words public street, park or place shall include any public street, sidewalk, curb, gutter, alley, parkway, park, place and any other public property.

43.4.2 DEPOSITING LITTER IN PUBLIC PLACES.

- a) No person shall throw or deposit litter in or upon any public street, park or place within the City, unless such property is designated for such purpose by the City Council except in public receptacles and in such a manner that such litter will be prevented from being carried or deposited by the elements upon any part of any public street, park or place.
- b) Where public receptacles are not provided, all such litter shall be carried away from the public street, park or place by the person responsible for its presence and properly disposed of elsewhere.

43.4.3 SWEEPING LITTER ONTO PUBLIC PROPERTY.

(Amended by O-1228; O-3531)

No person shall sweep or otherwise move any litter from private property into or onto any public street, park or place.

43.4.4 DUTY TO KEEP SIDEWALKS CLEAN.

Persons owning or occupying property shall keep the sidewalk, parkway, gutter and alley in front of or adjacent to the side or rear of their property free of litter.

43.4.5 MAINTAINING LITTER ON PRIVATE PROPERTY.

No person shall maintain, or cause or permit to be maintained any litter on any private property owned, occupied or maintained by such person except as may be designated therefor by the Director of Public Works of the City; provided, however, that this Section shall not apply to the ordinary accumulation of dirt and debris through the ordinary usage of a private residence and its premises or a private business or its premises; and provided further, this Section shall not prohibit the storage of refuse in receptacles authorized therefor by the Director of Public Works.

43.4.6 PLACEMENT OF LITTER IN RECEPTACLES.

Persons placing litter in private receptacles shall do so in such a manner as to prevent it from being carried away by the elements.

43.4.7 REFUSE RECEPTACLES; CONSTRUCTION.

(Added by O-3128; Amended by O-3267)

a) It shall be unlawful for any person to place, or cause to be placed, a refuse receptacle on public property, including any street, alley or right-of-way, for the private collection of refuse or debris resulting from any project of construction, remodeling, renovation or demolition except in compliance with the following regulations:

- 1) The landowner or contractor conducting the construction, remodeling, renovation or demolition, or the person owning the refuse receptacle, shall have obtained from the Engineering Department a permit for the placement of such refuse receptacle, which permit application shall clearly show:
 - A) The name and address of the owner of the property being constructed, remodeled, renovated or demolished;
 - B) The name and address of the owner of the person, firm or corporation conducting the construction, remodeling, renovation or demolition;
 - C) The name and address of the person, firm or corporation which owns the refuse receptacle;
 - D) The date the construction, remodeling, renovation or demolition is to start;
 - E) The size and configuration of the refuse receptacle;
 - F) The exact location where the refuse receptacle is to be placed.
- 2) The permit shall be issued for a period not to exceed sixty (60) days, but may be renewed two (2) times, not to exceed sixty (60) days each time, if the City Engineer shall find:
 - A) The construction, remodeling, renovation or demolition is not completed, and work has been proceeding diligently; and

- B) The continued presence of the refuse receptacle will not cause unusual damage to the street, alley or other public property or have a deleterious effect on adjacent property; and
 - C) A new permit fee and inspection fee have been paid, and the deposit for cleanup remains in effect.
- 3) A permit fee and an inspection fee shall be posted with the City Engineer in sums to be fixed by resolution of the City Council from time to time. A deposit or a bond in the amount of Two Hundred Dollars (\$200.00) to assure cleanup and repair of the public street upon removal of the said refuse receptacle shall also be posted with the City Engineer.
- 4) The refuse receptacle shall be safely and securely blocked and shall be placed in such a position as to cause the least amount of damage to public property, interference with traffic, interference with sight distances of drivers and pedestrians; and shall not be placed so as to impede surface water runoff to storm drains, or interfere with access to fire hydrants, traffic-control boxes, manhole covers, and other installations.
- 5) The refuse receptacle shall be equipped with reflectors, lights or other devices for warning approaching traffic of its location.
- b) If at the conclusion of the time period for which a permit, as provided in a) above, has been granted, the refuse receptacle is not removed from the public property, the City may remove or cause to be removed such refuse receptacle and impound it. The cost of such impounding shall be charged to the person, firm or corporation in whose name the permit is issued.

ARTICLE 5 - REMOVAL OF ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLES OR PARTS THEREOF ON PUBLIC OR PRIVATE PROPERTY

(Added by O-2206)

43.5.1 SUPPLEMENTS OTHER CODES AND STATUTES.

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

43.5.2 ADMINISTERED BY CITY MANAGER.

Except as otherwise provided herein, the provisions of this Article shall be administered and enforced by the City Manager or other regularly salaried, full time employee of the City designated by him, except that the removal of vehicles or parts thereof from property may be by any other duly authorized person.

43.5.3 DEFINITION OF TERMS.

- a) The term vehicle means a device by which any person or property may be propelled, moved, or drawn upon a highway, except a device moved by human power or used exclusively upon stationary rails or tracks.
- b) The term highway means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes streets.
- c) The term public property does not include highway.

43.5.4 EXCLUSION FROM ARTICLE.

- a) A vehicle or part thereof which is completely enclosed within a building in a lawful manner where it is not visible from the street or other public or private property; or
- b) A vehicle or part thereof which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, or a junk yard, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise; provided, however, that this exception shall not authorize the maintenance of a public or private nuisance as defined under provisions of law other than this Article.
- c) A vehicle or part thereof which is located behind a solid fence six (6) feet in height or which is not visible from a highway.
- d) A camper body in operative condition.
- e) A trailer in such condition as to be legally used on a highway.
- f) Nothing in this Section shall regulate the maintenance of a public or private nuisance as defined under provisions of law other than Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this Article.

43.5.5 MISDEMEANOR.

It shall be unlawful and a misdemeanor for any person to abandon, park, store, or leave or permit the abandonment, parking, storing or leaving of any licensed or unlicensed vehicle or part thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any public or private property, not including highways, within the City after fifteen (15) days written notice to the owner thereof by the City Manager or his representative to remove such abandoned, wrecked, dismantled or inoperative vehicles from public or private property.

43.5.6 ABATEMENT PROCEEDINGS; PUBLIC HEARING.

A public hearing shall be held on the question of abatement and removal of the vehicle or part thereof as an abandoned, wrecked, dismantled or inoperative vehicle and the assessment of the administrative costs and the cost of removal of the vehicle or part thereof against the property on which it is located.

43.5.7 NOTICE OF HEARING.

Notice of such hearing shall be mailed by the City Manager at least twenty (20) days before the hearing by certified mail, with a five (5) day return requested. The notice shall inform the owner of land and vehicle that the purpose of the hearing is to abate and remove the vehicle or parts thereof as a public nuisance. The owner of land and vehicle shall be informed in the notice that he may appear in person or by counsel or by an agent or may present a sworn written statement denying responsibility for the presence of the vehicle or parts thereof on the land with his reasons for such denial, in lieu of appearing. The notice shall be served on the person or be mailed by registered mail to the owner of the land as shown on the last equalized assessment roll and to the last registered and legal owner of record unless the vehicle is in such condition that identification numbers are not available to determine ownership. If any of the foregoing notices are returned by the United States Post Office undelivered the hearing date shall be continued ten (10) days.

43.5.8 NOTICE OF HEARING TO CALIFORNIA HIGHWAY PATROL.

Notice of hearing shall also be given to the California Highway Patrol identifying the vehicle or part thereof proposed for removal, such notice to be mailed at least twenty (20) days prior to the public hearing.

43.5.9 HEARING BEFORE THE ENVIRONMENTAL QUALITY COMMISSION.

(Amended by O-2411)

- a) All hearings under this Article shall be held before the Environmental Quality Commission which shall hear all facts and testimony it deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or part thereof, the ownership thereof and the circumstances concerning its location on the said public or private property. The Environmental Quality Commission shall not be limited by the technical rules of evidence.
- b) The owner of the land on which the vehicle is located may appear in person or by an attorney or agent at the hearing or may present a sworn written statement denying responsibility for the presence of the vehicle or parts thereof on the land, with the reasons for such denial. If it is determined at the hearing that the vehicle was placed on the land without the consent of the landowner and that he has not subsequently acquiesced in its presence then no costs of removal or administration shall be assessed against the property upon which the vehicle or parts thereof is located or otherwise attempt to collect such cost from such owner.
- c) The Environmental Quality Commission may impose such conditions and take such other action as it deems appropriate under the circumstances to carry out the purpose of this Article. It may delay the time for removal of the vehicle or part thereof if, in its opinion, the circumstances justify it. At the conclusion of the public hearing, the Environmental Quality Commission may find that a vehicle or part thereof has been abandoned, wrecked, dismantled or is inoperative on public or private property and order the same removed from the property as a public nuisance and disposed of as hereinafter provided and determine the administrative costs and cost of removal to be charged against the owner of the parcel of land on which the vehicle or part thereof is located, or

against the owner of the abandoned, wrecked, dismantled or inoperative vehicle. The order requiring removal shall include a description of the vehicle or part thereof and the correct identification number and license number of the vehicle, if available at the site.

43.5.10 NOTICE OF ORDER REQUIRING REMOVAL.

(Amended by O-2411)

a) Notice of the order of the Environmental Quality Commission with a copy of the order attached thereto shall within ten (10) days of the hearing be served personally or mailed to the owner of the land and vehicle in the manner provided for Notice of Hearing in Section [43.5.7](#). hereof.

b) If an interested party makes a written presentation to the Environmental Quality Commission but does not appear, he shall be notified in writing of the decision.

43.5.11 RIGHT OF APPEAL.

(Amended by O-2411; O-2822)

The decision of the Environmental Quality Commission may be appealed pursuant to the provisions of Article [5](#), Chapter [1](#), Division [1](#) of this Code, commencing at Section [11.5.1](#).

43.5.12 DISPOSAL OF VEHICLES.

(Amended by O-2411)

Twenty (20) days after notice of the order by the Environmental Quality Commission declaring the vehicle or parts thereof to be a public nuisance, and at least ten (10) days from the date of mailing of notice of the decision as provided in Section [43.5.10](#). hereof, or fifteen (15) days after such action of the governing body authorizing removal following appeal, the vehicles or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard or any suitable site operated by the City for processing of scrap or other final disposition. The City may operate such a disposal site when the City Council determines that commercial channels of disposition are not available or are inadequate, and it may make final disposition of such vehicles or parts, or the City may transfer such vehicle or parts to another provided such disposal shall be only as scrap. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

43.5.13 ENTRY UPON PRIVATE PROPERTY.

Any person authorized by the City Manager to administer the provisions of this Chapter may enter upon private property for the purpose specified in this Chapter to examine vehicle or parts thereof, obtain information as to the identity of vehicle and to remove or cause removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Chapter.

43.5.14 REMOVAL OF VEHICLES BY AUTHORIZED PERSON.

When the City Council has contracted with or granted a franchise or contract to any person or persons, such person or persons shall be authorized to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this Article.

43.5.15 COSTS OF REMOVAL.

(Amended by O-2411)

The Environmental Quality Commission or, if an appeal is taken under Section [43.5.11](#). hereof, the City Council may assess costs of administration and removal of the vehicle against the property upon which the vehicle or part thereof was located.

43.5.16 ADMINISTRATIVE COSTS.

The administrative costs of removal of any vehicle or part thereof is hereby fixed at twenty (20) percent of the cost of removal.

43.5.17 NOTICE TO DEPARTMENT OF MOTOR VEHICLES.

Within five (5) days after the date of removal of the vehicles or part thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or part thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including but not limited to registration certificates, certificates of title and license plates.

43.5.18 COSTS TO BE ASSESSED AGAINST OWNER OF LAND.

If the administrative costs and the cost of removal which are charged against the owner of a parcel of land pursuant to Sections [43.5.15](#). and [43.5.16](#). are not paid within thirty (30) days of the date of the order, or final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Sections 38773.5 and 25845 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other City taxes.

43.5.19 DISPOSITION OF MONEY.

Should the money received from the sale of the vehicle or parts thereof be in excess of the cost of removal and administrative costs then the excess thereof shall be forwarded to the Department of Motor Vehicles for disposition as provided in Section 22707 of the Vehicle Code.

ARTICLE 6 - COMMERCIAL SOLID WASTE REPORTING

(Added by O-3355; Amended by O-3527; O-3789)

43.6.1 DUTY TO REPORT.

(Amended by O-3527; O-3789)

Pursuant to the authority contained in the California Integrated Waste Management Act of 1989 (California Public Resources Code Sections 40000 – 49620) each person, firm or corporation which collects, transports or disposes of solid waste from the City of Torrance must render periodic reports of such collection, transportation, disposal and related information, and shall pay a fee calculated to permit the City to recover the reasonable costs of administering the California Integrated Waste Management Act to the Finance Director of the City. Failure to render such reports and information, or to pay such fees, may result in the revocation of the City Business

License for such person, firm or corporation, or such other sanctions, either civil or criminal, which the law allows.

43.6.2 REPORTING REQUIREMENTS.

(Amended by O-3379; O-3527; O-3789)

Each calendar quarter, or as requested by the City, each person, firm or corporation which collects, transports or disposes of solid waste from the City of Torrance shall render a report to the Finance Director of the City or their designee, which report shall show the number of tons of solid waste and recyclable material collected from the City in the calendar quarter immediately preceding the reporting date, the amount of gross revenues derived from such solid waste or recycling collection, transportation or disposal and any and all other information requested by the City to comply with the requirements of and related to the California Integrated Waste Management Act. Such reports shall be submitted on forms approved by the Finance Director or their designee.

43.6.3 PAYMENT OF QUARTERLY FEE.

(Amended by O-3527; O-3789)

Not later than one (1) month following the end of each calendar quarter, except as provided in Section [43.6.4](#), each person, firm, or corporation collecting, transporting or disposing of solid waste within the City shall pay to the City of Torrance a fee based on the gross revenues received from the collection, transportation or disposal of solid waste collected within the City. The fee shall be set by resolution of the City Council from time to time. The fee shall be sufficient to recoup the costs of implementing and administering the California Integrated Waste Management Act of 1989.

43.6.4 FAILURE TO REMIT; PENALTY AND INTEREST.

(Amended by O-3527; O-3789)

The fees are due thirty (30) days after the quarter end. If payment is not received by the due date, a penalty of ten percent (10%) and interest of five-tenths of one percent (0.5%) will be applied. An additional penalty of five-tenths of one percent (0.5%) interest will be applied each month thereafter until the payment is received.

43.6.5 EXEMPTIONS.

(Amended by O-3379; O-3527; O-3789)

The following classes of persons, firms or corporations which collect, transport or dispose of solid waste from the City shall be exempted from the requirement to file quarterly reports, or to pay the California Integrated Waste Management Act fee:

- a) Landscapers: Any person, firm or corporation which performs landscaping functions, and therefore collects, transports or disposes of solid waste as an incident to the landscaping. Landscapers include such job descriptions as tree trimmers, yard cleanup, residential or commercial gardeners.

- b) Junk Dealers: Any person, firm or corporation which goes from house to house or business to business buying or collecting small quantities of solid waste such as scrap metal, batteries or salvageable building materials.
- c) Miscellaneous Contractors: Any person, firm or corporation which performs construction, remodeling or renovation work, and collects, transports and disposes of solid waste in its own vehicles as an incident to the construction, remodeling or renovation.
- d) City employees in the course of their work, or contractors working under contract with the City.
- e) Any other person, firm or corporation which, upon application, is able to demonstrate to the reasonable satisfaction of the Finance Director that such person, firm or corporation is entitled to an exception from the reporting or payment requirements imposed by the California Integrated Waste Management Act.

43.6.6 AUDITING OF RECORDS.

(Added by O-3454; Amended by O-3527; O-3789)

The City Manager, or the City Manager's designee may, from time to time, audit the books and records of each person, or corporation collecting, transporting or disposing of solid waste or recyclable materials within the City to assure compliance with the California Integrated Waste Management Act of 1989, and this Chapter.

43.6.7 EQUAL ACCESS PROVISION.

(Added by O-3552; Amended by O-3789)

The Mandatory Commercial Recycling Act (Public Resources Code Section 42649.2), requires that all multifamily units of five (5) or more must have a recycling program as defined therein. This will also apply to all three (3) and four (4) multifamily units in the City to assure equal access to recycling programs under this requirement. Any waste management or recycling requirement that the City must adhere to shall apply equally to all residents, businesses and others if not fully included in the language, but included in the intent of the law, policy or regulation that must be administered.

ARTICLE 7 - WASTE DIVERSION, RECYCLING AND GRAFFITI

(Added by O-3454; Amended by O-3789)

43.7.1 WASTE DIVERSION, RECYCLING AND GRAFFITI.

(Amended by O-3789)

- a) Each person, firm or corporation engaged in the collection of solid waste within the boundary limits of the City of Torrance (hereinafter referred to as "waste hauler") must meet or exceed the City's requirements of the Source Reduction and Recycling Element (SRRE) with respect to the

solid waste it collects within the City, including but not limited to compliance with the requirements set forth in the California Integrated Waste Management Act of 1989 (AB939) or any source reduction programs including recycling, composting, special waste, education and public information programs instituted by the City. In furtherance of those requirements, each waste hauler must defend, indemnify, and hold harmless the City, the City Council, and all members of boards and commissions against any fines or penalties imposed by the State of California in the event that (1) the goals of AB939 or other applicable legislation are not met by the City with respect to the quantity of the solid waste collected and the percentage of diversion attained by that waste hauler, or (2) that the waste hauler has delayed in providing information which prevents the City from submitting reports in a timely manner required by AB939 or other applicable legislation, or (3) the waste hauler does not put forth a good faith effort in meeting or exceeding the established goals and criteria of AB939 or other applicable legislation as may be amended from time to time, the programs detailed in the City's SRRE, or other provisions of the Torrance Municipal Code which may cause or result in potential liability being incurred by the City.

b) Each waste hauler must comply with the following solid waste diversion schedule. The City will have the discretion to reduce or amend the provisions of this Section should the State of California and/or other legislative body reduce, relax or amend the requirements of AB939 and/or those requirements imposed by other applicable legislation:

- 1) Year 1998 diversion - thirty percent (30%);
- 2) Year 1999 diversion - forty percent (40%);
- 3) Year 2000 diversion and continuing diversion - fifty percent (50%).

c) Each waste hauler must not commingle solid waste collected from outside the City with that collected within the City. In the event such a practice is not practical for that waste hauler, the waste hauler must establish an accounting system subject to the reasonable satisfaction of the City to assure accurate measurement of solid waste collected outside the City and solid waste collected within the City limits when submitting the quarterly reports required by Section [43.6.2](#).

d) Should a waste hauler fail to comply with the recycling provisions set forth in this Code, the City reserves the right to require that a solid waste characterization study be performed on the non-complying hauler's waste stream. Should the City require such a waste characterization study to be performed, it will be performed by an independent firm designated by the City and the expense of such study and any related administrative expenses from the City will be solely born by the waste hauler. In the event the City makes the determination that an independent waste characterization study is warranted, the City will set and approve any and all procedures and/or minimum specifications relative to the conducting of the study.

e) Each waste hauler must defend, indemnify and hold the City, the City Council, each member

thereof and all officers, employees and agents of the City, and all members of boards and commissions from and against any and all fines, losses, penalties, claims, damages, liabilities or judgments, including attorneys' fees arising from or attributable to any repair, clean up or detoxification, or preparation and implementation of any removal, remedial, response, closure or other plan concerning any hazardous substance in any solid waste collected, sorted, stored or disposed of resulting in a release of hazardous substance into the environment which may arise as a result of waste collected within the City by the waste hauler. This indemnity is intended to operate as an agreement pursuant to Section 107(3) of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), 42 USCA Section 9601 et seq., and California Health and Safety Code Section 25364, to defend, protect, hold harmless and indemnify the City from all forms of liability under CERCLA, other statutes or common law for any and all matters addressed in this Section and will be limited to the extent of the City's liability. This provision will survive the expiration of the period during which collection services are provided. The CERCLA liability provisions required under this Section will be applicable to all solid waste and recyclable materials a waste hauler may dispose of during the period which collection services are provided. The City will have the discretion to require each waste hauler to pay into a CERCLA indemnification fund to assist in defending the City against CERCLA liability. If so directed, the funds exacted for CERCLA indemnification will be set by resolution of the City Council and will be deposited into a special CERCLA Defense Fund. The Director of Finance is hereby authorized under this Section to establish the appropriate accounting procedures in accordance with the provisions set forth in this Chapter. Funds deposited into this special fund together with any accrued interest thereon, will be used and applied to protect and indemnify the City against any claims which may arise. The City may from time to time loan or advance such funds available in the CERCLA Defense Fund account into other special accounts necessary to protect and defend the City against potential liability. The funds deposited under this Section will remain with the City during the entire period for which liabilities may be incurred. Liability established under this Section will be specific to the quantity of solid waste a waste hauler may have disposed of either in the present or the past at a specified landfill or other depository establishment falling under the context or purviews of CERCLA as may be amended from time to time. Nothing contained within the context of this Section or ordinance will prevent, limit, or otherwise alter the City's alternatives to the extent allowable by law.

- f) Each waste hauler, or any other person, firm or corporation, who provides containers for solid waste storage at various places of business, industry or residential units from which they collect, must maintain such solid waste containers free from graffiti. Each solid waste container which shows graffiti must be repainted, cleaned or replaced within seven (7) days of the first discovery or reporting of the graffiti.
- g) Should a waste hauler be found not to be in compliance with the solid waste performance schedule established in subsection (b) of this Section, or any other applicable sections of this Code, any business license or other provisions for operating a business issued in accordance with the Torrance Municipal Code will be subject to immediate disciplinary action up to and including

suspension or termination of the business license.

ARTICLE 8 - WASTE REDUCTION AND RECYCLING REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION PROJECTS

(Added by O-3805)

43.8.1 DEFINITIONS.

For the purposes of this Article, the following definitions apply:

- a) "Addition" means an extension or increase in floor area of an existing building or structure.
- b) "Administrative penalty" means any penalty or fine assessed to an applicant.
- c) "Alteration" or "alter" means any construction or renovation to an existing structure other than repair for the purpose of maintenance or addition.
- d) "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever that applies to the City for the applicable permits or approvals to undertake construction, demolition, or renovation projects within the City.
- e) "Certified facility program" means a program wherein a recycling/reuse facility has been pre-approved by the City or other applicable agency to provide a minimum diversion percentage for all processed loads.
- f) "Construction" means the building or improvement of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- g) "Construction and demolition debris" ("C&D debris") means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair or demolition operations on any pavement, residential or commercial building or other structure.
- h) "Conversion factor" means the value set forth in the standardized volume-to-weight conversion table approved by the City for use in estimating the volume or weight of materials identified in a Waste Management Plan.
- i) "Covered project" means any project included in the recycling requirements as defined by the California Green Building Code.
- j) "Deconstruction" means the process of carefully dismantling a building or structure in order to salvage components for reuse or recycling.
- k) "Demolitions" means the razing, ruining, tearing down or wrecking of any facility, structure,

pavement or building, whether in whole or in part, whether interior or exterior.

l) "Divert" means to use material for any purpose other than disposal in a landfill or transformation facility.

m) "Diversion requirement" means redirection from the waste stream of a percentage of the total C&D debris generated by a project via reuse or recycling as defined and required by the California Green Building Code.

n) "Project" means any activity that requires an application for a building permit, demolition permit, or any similar permit from the City.

o) "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.

p) "Renovation" means any change, addition or modification in an existing structure.

q) "Reuse" means further or repeated use of materials in their original form.

r) "Salvage" means the controlled removal of C&D debris from a permitted building or demolition site for the purpose of recycling, reuse or storage for later recycling or reuse.

s) "Total costs" means the total construction value of the project using standard commercial and residential valuation formulas.

t) "Waste Management Plan" ("WMP") means a completed WMP form, approved by the City for the purpose of compliance with this Article, submitted by an applicant for any covered project.

u) "WMP Compliance Official" ("Official") means the designated City employee(s) authorized and responsible for implementing this Article.

43.8.2 THRESHOLD FOR COVERED PROJECTS.

a) Covered projects are as defined by the California Green Building Code.

b) Exception for Public Health or Safety. WMP approval will not be required when the City determines that an emergency demolition is required to protect public health or safety.

43.8.3 SUBMITTAL, REVIEW, AND COMPLIANCE WITH A WASTE MANAGEMENT PLAN.

a) Documentation. Prior to the issuance of a certificate of occupancy for any covered project, the applicant must submit documentation that it has met the diversion requirement for the project to the Official. This documentation must include the following:

1) Receipts or reports from all disposal and diversion facilities and/or vendors that received

material showing the type and weight of the received material, whether the material was landfilled or deconstructed, reused and/or recycled; and

2) Any additional information that the applicant believes is relevant to determining its efforts to comply with this Article; and

3) If the City creates a certified facility program, documentation that a certified facility was used for disposal/recycling for a project will achieve compliance with the requirements of this Article.

b) Weighing of C&D Debris. An applicant must make reasonable efforts to ensure that all C&D debris diverted or landfilled is measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris must be weighed by measurement on scales. Scales must be in compliance with all regulatory requirements for accuracy and maintenance as set forth by the State of California Bureau of Weights and Measures. For C&D debris for which weighing is not practical due to its small size or to other considerations as determined by the Official, a volumetric measurement will be used. For conversion of volumetric measurements to weight, the applicant must use the standardized conversion rates approved by the City for this purpose.

c) Determination of Compliance. The Official will review the information submitted by the applicant and determine whether the applicant has complied with the diversion requirement as follows:

1) Full Compliance. If the Official determines that the applicant has fully complied with the diversion requirement applicable to the project, such compliance will be indicated on the WMP.

2) Noncompliance; Administrative Penalty. If the Official determines that the applicant has not complied with this Article, or the applicant fails to submit the documentation required, then the applicant will be assessed an administrative penalty. The amount of the penalty assessed will be Ten Thousand Dollars (\$10,000.00) for demolition projects and Five Thousand Dollars (\$5,000.00) for construction and remodeling projects. A project that includes demolition in addition to construction or remodeling will be subject to the demolition penalty amount.

43.8.4 INFEASIBILITY EXEMPTION.

a) Application. If an application for a covered project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that the WMP is submitted. An applicant applying for an exemption must indicate on the WMP the specific circumstances that make it infeasible to comply with the diversion requirement.

b) Meeting with the Official. The Official will review the information supplied by the applicant and

may meet with the applicant to discuss possible ways of meeting the diversion requirement.

c) Granting of Exemption. The Official will issue an infeasibility exemption if the following findings are made:

- 1) Circumstances exist which are unique to the project such that compliance with the provisions of this Article would create an unusual burden on the project which is different than that of similarly situated projects; or
- 2) That diversion of one (1) or more substances involved in the project presents unique and burdensome obstacles and would create an especially onerous economic burden on the project unless diversion of that substance is reduced or eliminated.

If the Official is able to make one (1) or more of the above findings for a project, the Official may excuse the project from compliance with this Article, or determine the maximum feasible reduced diversion rate for each material and indicate this rate on the WMP submitted by the applicant.

d) Denial of Exemption. If the Official determines that it is possible for the applicant to meet the diversion requirement, the Official will so inform the applicant in writing. The applicant will have thirty (30) days to resubmit a WMP. If the applicant fails to resubmit the WMP, or to meet the WMP requirements, the Official will find for noncompliance in accordance with Section [43.8.3](#).

43.8.5 APPEAL.

a) The determination of the Official may be appealed to the Public Works Director or his/her designee upon written request of any applicant. An applicant must file the appeal within fifteen (15) days after the rendering of the original decision. The date of the rendering of the original decision will be determined in accordance with Section [11.6.1](#). The decision of the Public Works Director or his/her designee will be final.

b) The notice of appeal of the decision of the Official must contain the following information in addition to the information given by the applicant thereon or reasonably required by the City Clerk therefor:

- 1) The name, address, and telephone number of the applicant; and
 - 2) The type of action requested; and
 - 3) The date on which said decision was made and the name of the Official taking such action; and
 - 4) The grounds on which the appeal is taken.
- c) The fee for filing an appeal will be charged as provided by resolution of the City Council.

CHAPTER 4 OCEAN AND BEACHES

ARTICLE 1 - DEFINITIONS

(Added by O-934; Amended by O-1279; O-2143)

44.1.1 ALCOHOLIC BEVERAGE.

Alcoholic beverage 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.

44.1.2 ARTICLE.

Shall mean an article of this Chapter unless some other Article or statute is mentioned.

44.1.3 BEACH.

a) Beach means a public beach or shoreline area bordering the Pacific Ocean, owned, managed or controlled by the County of Los Angeles or the City of Torrance and located within the City of Torrance. For the purpose of this Section, the beach shall include all of the land in the City lying west of the following described line:

Beginning at the intersection of the Easterly line of the Westerly 123 feet of Lot 2, Block C of Tract No. 10303, as per map recorded in Book 152, pages 34 through 37 of Maps, Records of the County of Los Angeles, with the northerly line of said Lot 2; thence southerly along said easterly line to the Southerly line of said Lot 2; thence Easterly along said southerly line to the Easterly line of said Lot 2; thence Southerly along the Easterly lines of Lots 3 through 20, Block C, of said Tract No. 10303; thence continuing Southerly along the Easterly lines of Lots 1 through 5, Block D, of Tract 10307 as per map recorded in Book 165, pages 15 through 17 of Maps, Records of said County, to the Southerly line of Lot 2, of Tract No. 8875 as per map recorded in Book 145, pages 98 and 99 of Maps, Records of said County; thence Westerly along said Southerly line to the point of intersection of the ground surface with the plane surface twenty-five (25) feet above Mean Sea Level; thence, Southerly along the intersection of said plane surface with the ground of Lots 5 through 13, Block D, of said Tract No. 10307 and Lots 147 through 168 of Tract No. 18379, as per map recorded in Book 563, pages 9 through 14 of Maps, Records of said County.

b) The provisions of this Chapter shall apply to all Ocean beaches in the City whether publicly or privately owned or maintained, which are maintained for the use of the general public by the State of California, or by any department thereof, or by any other public body. This Chapter does not apply to parks.

44.1.4 COUNTY.

Shall mean the County of Los Angeles.

44.1.5 CITY.

Shall mean the City of Torrance.

44.1.6 DIRECTOR.

Shall mean the Director of the Los Angeles County Department of Beaches, his deputy, or other persons authorized by him pursuant to law to act in his stead.

44.1.7 CITY MANAGER.

Shall mean the City Manager of the City of Torrance.

44.1.8 PERSON.

Includes every person, firm or corporation.

44.1.9 SECTION.

Shall mean a Section of this Chapter unless some other statute or ordinance is specifically mentioned.

44.1.10 SHALL AND MAY.

Shall is mandatory and may is permissive.

44.1.11 VESSEL

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, paddle board, or a standard surf mat.

ARTICLE 2 - GENERAL PROVISIONS

44.2.1 COMPLIANCE.

A person shall not enter, be or remain on the beach unless he complies with all of the regulations set forth in this Chapter, applicable to said beach and with all other applicable ordinances, rules and regulations.

44.2.2 SHORT TITLE.

This Chapter shall be known as, and may be cited as, the Beach Ordinance.

44.2.3 EXERCISE OF POWER BY DEPUTY OR AUTHORIZED PERSON.

Whenever a power is granted to, or a duty is imposed upon, the Director or the City Manager, the power may be exercised or the duty performed by a deputy of the officer or by a lifeguard or other person authorized, pursuant to law, by the Director or City Manager, unless this Chapter expressly provides otherwise.

44.2.4 ENFORCEMENT.

The Director and the City Manager shall enforce the provisions of this Chapter.

44.2.5 LIABILITY.

A person exercising any of the privileges authorized by this Chapter does so at his own risk without

liability on the part of the County or the City for any injury to person or property resulting therefrom.

ARTICLE 3 - RULES AND REGULATIONS

44.3.1 GLASS, ETC.

A person shall not place, throw, leave, keep or maintain any bottle, glass, crockery, sharp or pointed article or thing in such a manner that any person on the beach is or may be cut, pricked, or in any way injured thereby.

44.3.2 RUBBISH.

A person shall not throw, place or dispose of any garbage, refuse, waste paper, combustible matter or tin can in any place on the beach other than into a refuse can or other receptacle maintained thereon for that purpose.

44.3.3 THROWING MISSILES.

A person shall not throw, or otherwise propel, any missile, mud or sand anywhere on the beach.

44.3.4 SHOOTING.

A person shall not discharge or shoot any firearms, air gun, slingshot or bow and arrow anywhere on the beach.

44.3.5 FIREWORKS, ETC.

A person shall not take or transport onto the beach, or have in his possession thereon, or fire or discharge thereon any firecracker, rocket, torpedo or any other fireworks of any nature. However, the City of Torrance or an organization or person authorized by the City Manager and the Director of Beaches may on special occasions put on a fireworks display.

44.3.6 BALL REGULATIONS.

It shall be unlawful for any person to cast, toss, throw, kick, or roll any ball, tube or any light object other than inflated rubber balls not less than ten (10) inches in diameter upon or over any beach regulated by this Chapter or upon or over any waters of the Pacific Ocean opposite such beach.

44.3.7 FLORA.

A person shall not dig, remove, destroy, injure, mutilate or cut any tree, plant, shrub, bloom or flower or any portion thereof growing on the beach.

44.3.8 TURF, ETC.

A person shall not remove any wood, turf, grass, soil, rock, sand or gravel from the beach.

44.3.9 STRUCTURES, ETC.

A person other than a duly authorized City or County agent or employee in the performance of his duties shall not:

- a) Cut, break, injure, deface or disturb any rock, building, cage, pen, monument, sign, fence, bench, structure, apparatus, equipment or property on the beach, or any portion thereof.

- b) Mark or place thereon or on any portion thereof, any mark, writing or printing.
- c) Attach thereto any sign, card, display or similar device.

44.3.10 FIRES.

A person shall not light or maintain any fire on the beach unless authorized by the City Manager and the Director.

44.3.11 ANIMALS.

A person shall not lead, ride or bring onto the beach or into the waters of the Pacific Ocean adjacent to the beach, any cattle, horse, mule, goat, sheep, swine, dog, cat or other animal of any kind.

44.3.12 MOTOR VEHICLES.

If the Director or City Manager finds that at certain times, or under specified restrictions, or at designated places, a person can so operate a motor vehicle so as to not interfere in any way with the use of the beach, he may grant such person permission so to operate such motor vehicle. Otherwise, a person shall not bring to, or operate on the beach any motor vehicle except as permitted by the Director or City Manager and subject to all of the conditions which are a part of such permission. If permission to operate a motor vehicle is granted, a person shall park such motor vehicle only in those areas designated by the Director or City Manager for parking.

44.3.13 RECREATION BUILDING.

A person shall not use any recreation building at any time except between the hours of 8:00 A.M. and 12:00 midnight of any day except upon written permit from the Director or City Manager.

44.3.14 SOLICITATION.

A person shall not solicit in any manner or for any purpose, or sell or offer for sale, any goods, wares or merchandise or distribute or pass out any handbills, advertising matter or literature on the beach except when licensed so to do by the City.

44.3.15 ALCOHOLIC BEVERAGES.

(Amended by O-3683)

- a) A person shall not enter, be or remain on any beach while consuming an alcoholic beverage.
- b) A person shall not enter, be or remain on any beach while in possession of 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.
- c) Any person violating subsection (a) will be guilty of a misdemeanor.
- d) Any person violating subsection (b) will be guilty of an infraction as provided in Section 25620 of the California Business and Professions Code.

44.3.16 OVERNIGHT CAMPING.

A person shall not camp on or use for overnight sleeping purposes the beach or bring a house trailer or similar vehicle onto the beach.

44.3.17 SHELTERS.

A person shall not erect, maintain, use or occupy on the beach any tent, lodge, shelter, or structure unless such tent, lodge, shelter or structure shall have two (2) sides thereof entirely open, and unless there shall be an unobstructed view into such tent, lodge, shelter or structure from the outside thereof on at least two (2) sides thereof.

44.3.18 GUY WIRES.

A person shall not fasten or maintain any guy wires, guy rope or exterior bracing or support of any tent, lodge, shelter or structure between it or any portion thereof, and any structure, stake, rock or thing outside of such tent, lodge, shelter or structure.

44.3.19 BATHING.

A person shall not swim, bathe, or immerse himself in the waters of the Pacific Ocean opposite any beach regulated by this Chapter more than two hundred (200) yards from the 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 a derivation thereof, provided that such person is at all times wearing a safety belt approved by the Director.
- 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, paddle board or surf board 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.

44.3.20 BOATING.

A person shall not operate any vessel within three hundred (300) yards of the shoreline of the beach regulated by this Chapter except when necessary in taking it to or from its lawful mooring place or when necessary in the case of emergency.

44.3.21 SURFBOARDS.

A person shall not use or possess in the waters of the Pacific Ocean, opposite the beach regulated by this Chapter, any object commonly known as, or used as a surf mat, paddle board, or surfboard, except within two hundred (200) yards from shore or fifty (50) yards beyond the farthest breaking wave, whichever distance is greater, or when used by a skin diver to hold the flag required by Section [44.3.19.\(c\)](#). A person shall not bring or permit or allow opposite the beach regulated by this Chapter any object commonly known as, or used as, a paddle board or surfboard, within one

hundred (100) feet of any person in the waters thereof, who was not at the time using or possessing a similar object. The preceding sentence does not apply to a standard surf mat constructed as described in Sec. 44.3.23.

44.3.22 MEASUREMENTS.

In Sections [44.3.19.](#), [44.3.20.](#), [44.3.21.](#) and whenever elsewhere a distance from shore is specified, it 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 the measurement.

44.3.23 USE OF INFLATED EQUIPMENT.

A person shall not use in the Pacific Ocean opposite the beach regulated by this Chapter, any inflated equipment of any kind except a standard surf mat which is:

- a) Constructed of a durable material with a non-slippery surface.
- b) So constructed that, when inflated for use, it will not fold in any direction.
- c) Not smaller than twenty-four (24) inches by forty (40) inches.
- d) Not larger than thirty (30) inches by sixty (60) inches.
- e) Equipped with a safety rope.

44.3.24 DESIGNATION OF HAZARDOUS AREAS.

Whenever any County lifeguard finds that because of extra high surf, riptide, or other hazardous conditions, it is unsafe to swim, bathe or surf within a certain area of the waters of the Pacific Ocean opposite the beach regulated by this Chapter, during the time such hazardous conditions exist such lifeguard may instruct all persons not to swim, bathe or surf in such area. Every person shall comply with such instructions.

44.3.25 USE OF SURFBOARDS, SURF MATS AND PADDLE BOARDS.

- a) A person shall not use, possess or operate in the waters of the Pacific Ocean opposite the beach regulated by this Chapter any object commonly known as a surfboard, paddle board or similar device (but not including surf mats and belly boards) at such times when said waters are restricted for swimming and bathing only.
- b) 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 under the control of the Department of Beaches. At such times as the blackball flag is displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean opposite those areas of 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 under the control of the

Department of Beaches along the beach regulated by this Chapter, then all waters of the Pacific Ocean opposite said beach shall be restricted to swimming and bathing only.

- c) Such restrictions shall also be indicated by pairs of red flags put in place by the Director. At such times as said red flags are displayed, swimming and bathing only shall be permitted in the waters of the Pacific Ocean opposite those areas of the beach lying between a given pair of such red flags.
- d) A person shall not use, possess or operate in the waters of the Pacific Ocean opposite the beach regulated by this Chapter, any object commonly known as a surf mat, paddle board, belly board, surfboard, or similar device except within two hundred (200) yards from shore or fifty (50) yards beyond the farthest breaking wave, whichever distance is greater, or when used by a skin diver to hold a flag required by Sec. 44.3.19.(c).
- e) A person shall not bring or permit or allow in the waters of the Pacific Ocean opposite the beach regulated by this Chapter, any object commonly known as, or used as, a paddle board, or surfboard within one hundred (100) feet of any person in the waters thereof who was not at the time using or possessing a similar object.
- f) Notwithstanding any provisions of this Section, the Director of Beaches may from time to time designate certain areas to be used exclusively by persons using surfboards and paddle boards. Such designation may be revoked at any time and the area covered by any such designation may be enlarged or reduced at any time. A person shall not swim or bathe in the waters of the Pacific Ocean included in an area so designated except while using a surfboard or paddle board or as is necessary in order to use a surfboard.
- g) 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 opposite the beach regulated by this Chapter when such restrictions are in force.

44.3.26 TOBACCO PRODUCTS.

(Added by O-3682; Amended by O-3743)

- (a) A person shall not enter, be or remain on any beach while using or consuming any tobacco product.
- (b) Any person who violates this section is guilty of an infraction and subject to a fine of up to \$100 for a first violation, \$200 for a second violation within one year, and \$500 for a third or subsequent violation within one year. Punishment under this section does not preclude punishment pursuant to California Health and Safety Code Section 13002, Section 374.4 of the California Penal Code, or any other provision of law proscribing the act of littering.

ARTICLE 4 - POLLUTION OF WATERS

(Added by O-1475)

44.4.1 OIL POLLUTION.

A person shall not deposit, place, throw, divert or in any manner dispose of or cause or permit to be deposited, placed, thrown, diverted 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 oil substance into the waters of the Pacific Ocean, or into or upon the waters of any lagoon, bay, inlet, or tributary thereof, or deposit, place, throw, divert or in any manner dispose 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 upon the beach, tideland or submerged land or any portion thereof.

44.4.2 INDIRECT POLLUTION.

A person shall not 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 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 the 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.

44.4.3 OTHER POLLUTION.

A person shall not deposit, place, throw or in any manner dispose of any dead animal or any portion thereof, or any vegetable or animal matter or any offal, night soil, manure, rubbish, trash, garbage or any decaying or putrid matter, material or substance which might decay or become putrid 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 person coming in 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 the beach, tideland or submerged land, or any portion thereof, or keep or maintain or cause or permit to be kept or maintained upon any premises or in or at any place, any article, substance or thing hereinabove in this Section enumerated in such 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 the 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.

44.4.4 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 County, City or by employees of the State 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 same has been received from the Director.

CHAPTER 5 OFFENSES - MISCELLANEOUS

ARTICLE 1 - LOITERING; TRESPASSING; OBSTRUCTING

(Added by O-320)

45.1.1 LOITERING DEFINED.

(Amended by O-1629; O-1637)

To linger, to delay, to hang about, to spend time idly, to waste time carelessly. By definition, loitering may be accomplished in a vehicle which is standing or in a vehicle which is moving back and forth frequently at, by or into or adjacent to said business premises or parking lot with no apparent reason therefor, as well as by pedestrian traffic.

45.1.2 LOITERING ON BUSINESS PARKING LOTS OR AT PLACES OF BUSINESS.

(Added by O-1629; Amended by O-1637)

It shall be unlawful for any person without lawful business to stand or loiter upon any business parking lot or upon any place of business after having been directed by the owner or the owner's agent or a police officer of the City to move on.

45.1.3 TRESPASSING ON OR LOITERING ABOUT CERTAIN CLASSES OF PROPERTY.

- a) Purpose. Public safety is hereby declared to require that the uninterrupted operation of certain industries essential to nation defense, such as the aircraft manufacturing industry, and of companies or agencies supplying water, gas, electric and other essential services, be protected by preventing the intrusion upon the properties thereof of idle, curious or malicious persons and of persons whose presence thereon is not necessary, and by prohibiting the loitering about such places by persons capable of inflicting harm or of impeding the operation conducted thereon.
- b) Requirements as to Posting Generally. Any person, governmental agency, department or instrumentality having possession or control of any of the facilities, plants or utility properties enumerated in the preceding paragraph, may post, at each entrance to any structure devoted to any use so enumerated, at each entrance to any fenced or enclosed area devoted to any such use and at intervals of not more than three hundred (300) feet around any area devoted to such use, substantial signs not less than one (1) square foot in area, displaying prominently in addition to such other information as may be deemed desirable, the words, TRESPASSING - LOITERING - FORBIDDEN BY LAW, in legible letters not less than two (2) inches in height; provided, however, that any public waiting room, dining room, office or other portion of any such structure or premises to which general public access is required in the normal use and operation thereof or where materials are delivered to or received by the public shall not be so posted.
- c) Definition as to Posted Boundary. The posted boundary of any area shall be a line running from sign to sign. Such line need not conform to the legal boundary or legal description of any lot, parcel

or acreage of land.

d) Places Which May be Posted. The places which may be posted as provided in the preceding paragraphs are as follows:

- 1) Airports, Fields, etc. Every airport and every plant, field and structure used for the manufacture, assembling or testing of aircraft.
 - 2) Tank Farms, Plants, etc. Used for Handling Petroleum Products. Every tank farm, refinery, compressor plant or absorption plant, marine terminal, pipe line, oil well, pipe line pumping station or reservoir, used for the bulk treatment, bulk handling or bulk storage of petroleum or petroleum products.
 - 3) Reservoirs, Dams, etc. for Public Water System. Every reservoir, dam, pumping station, aqueduct, main canal or pipe line of a public water system.
 - 4) Generating Plants, etc. of Companies Furnishing Electrical Energy. Every reservoir, dam, generating plant, receiving station, distributing station and transmission line of a company or agency furnishing electrical energy.
 - 5) Gas Generating Plants, etc. Every gas generating plant, compressor plant, gas holder, gas tank and gas main used for the production, storage and distribution of gas.
 - 6) Plants, etc. Essential to Telephone or Telegraph Service. Every plant or vital part thereof or other principal property essential to rendering telephone or telegraph service.
 - 7) Radio Broadcasting Plants, etc. Every radio broadcasting central plant, or station.
 - 8) Railroad Bridges or Tunnels. Every railroad bridge or tunnel.
 - 9) Plants for Bulk Storage of Dynamite. Every plant for the bulk storage of dynamite, giant powder, gunpowder or other explosives.
 - 10) Plants Where Steel, etc. is Made. Every plant, where steel, tools, machinery or parts for any machine or motor is manufactured or assembled.
- e) Trespassing Upon Posted Premises. When any premises is posted as provided in this Section, it shall be unlawful for any person to go upon or to remain upon any place within the posted boundary of any such premises, or to enter or to remain in any such posted structure, without having upon his person the express written consent of the person lawfully in possession or control thereof.
- f) Loitering in Immediate Vicinity of Posted Premises. It shall be unlawful for any person to loiter in the immediate vicinity of any premises posted as provided in this Section while having in his

possession any explosive, tool or device of whatever character capable of doing harm or damage to any structure, machinery, equipment or other property of a similar or dissimilar character, installed or located upon such posted premises or area; provided, that the prohibition contained in this subsection shall not be deemed to prohibit or interfere with any lawful activities of a labor organization.

g) Applicability of Section; Exemptions. This Section shall not apply to any entry in the course of duty of any peace officer nor to any person traversing an established and existing public sidewalk, street or highway.

h) Destroying or Damaging Posted Signs. Every person who tears down, defaces, destroys or causes to be torn down, defaced or destroyed any sign placed or posted under the provisions of this Section without the consent of the person, governmental agency, department or instrumentality having possession or control of the premises on which such sign has been erected is guilty of a misdemeanor.

45.1.4 STANDING OR SITTING ON STREETS, SIDEWALKS, ETC. SO AS TO OBSTRUCT FREE PASSAGE.

(Added by O-227; Amended by O-1068)

It shall be unlawful for any person to stand or sit in or upon any public street, alley, sidewalk or crosswalk so as to, in any manner, hinder or obstruct the free passage therein, or thereon, of persons passing along such street, alley, sidewalk or crosswalk, without a permit first granted by the City Council, or so as in any manner to annoy or molest persons passing along the same.

45.1.5 CHURCHES, THEATRES, ETC.; OBSTRUCTING ENTRANCE.

(Added by O-227)

It shall be unlawful for any person to stand or sit in, or at, the entrance of any church, hall, theatre or place of public assemblage so as in any manner to obstruct such entrance.

45.1.6 TRESPASS ON PRIVATE PROPERTY.

(Added by O-3496)

a) No person may enter or be present upon any private property or portion of private property open to the general public who within the immediately preceding twenty-four (24) hours was advised to leave and not return, and further advised that if he or she returns to the property within twenty-four (24) hours of the advisement, he or she will be subject to arrest. This advisement must be made by the owner, the owner's agent, the person in lawful possession or a peace officer at the request of the owner, owner's agent or the person in lawful possession. A request to leave may be made only if it is rationally related to the services performed or the facilities provided.

The term "private property" means any real property, including but not limited to, buildings, structures, yards, open spaces, walkways, courtyards, common areas, driveways, carports, parking areas and vacant lots, except land that is used exclusively for agricultural purposes, owned

by any person or legal entity other than property owned or lawfully possessed by any governmental entity or agency.

b) This section does not apply in any of the following instances:

- 1) When its application results in, or is coupled with, any act prohibited by the Unruh Civil Rights Act, or any other provision of law relating to prohibited discrimination against any person;
- 2) When its application results in, or is coupled with, an act prohibited by Section 365 of the California Penal Code, or any other provision of law relating to the duties of innkeepers;
- 3) When public officers or employees are acting within the course and scope of their employment or in the performance of their official duties; or
- 4) When persons are engaging in activities protected by the United States Constitution or the California Constitution or when persons are engaging in acts which are expressly required or permitted by any provision of law.

45.1.7 LOITERING BY CRIMINAL STREET GANGS.

(Added by O-3534)

- a) It is unlawful for any person who is a member of a "criminal street gang," as that term is defined in California Penal Code Section 186.22(f), or who is in the company of or acting in concert with a member of a "criminal street gang," to loiter in a public place under any of the following circumstances:
 - 1) With the intent to publicize a criminal street gang's dominance over certain territory in order to intimidate non-members of the gang from entering, remaining in, or using the public place or adjacent area;
 - 2) With the intent to conceal ongoing commerce in illegal drugs or other unlawful activity.
- b) For purposes of this Chapter, a "public place" means the public way and any other location open to the public, whether publicly or privately owned, including, but not limited to any street, sidewalk, avenue, highway, road, curb area, alley, park, playground or other public ground or public building, any common area of a school, hospital, apartment house, office building, transport facility, shop, privately owned place of business, to which the public is invited, including any place of amusement, entertainment, or eating place. Any "public place" also includes the front yard area, driveway and walkway of any private residence, business, or apartment house.
- c) Nothing in this Section shall be construed in any way to limit the power or right of a law enforcement officer to make any investigation, detention or arrest as such law enforcement officer would be permitted to make in absence of this Section.

- d) Any parent(s), legal guardian(s), or other adult person(s) authorized by said parent(s) or guardian(s) to have the care and custody of a minor, who knowingly permits or by insufficient control allows a minor to violate the provisions of this Section is guilty of a criminal act.

ARTICLE 2 - CURFEW

(Added by O-109; Amended by O-346; O-359; O-382)

45.2.1 CURFEW RESTRICTIONS FOR MINORS.

(Amended by O-3237; O-3449)

- a) It is unlawful for any minor to be present in any public place or on the premises of any establishment within the City of Torrance during curfew hours.
- b) It is unlawful for any parent or guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during curfew hours.
- c) It is a defense to prosecution under Section [45.2.1](#)(a) or (b) that the minor was:
- 1) Accompanied by the minor's parent or guardian, or by a responsible adult;
 - 2) On an errand at the direction of the minor's parent or guardian, or the responsible adult, without any detour or stop;
 - 3) In a motor vehicle involved in interstate travel;
 - 4) Engaged in an employment activity, or going to or returning home from an employment activity, without any detour or stop;
 - 5) Involved in an emergency;
 - 6) Adjacent to the minor's residence;
 - 7) Traveling to or from a school or religious function, or other recreational activity sponsored by a legitimate organization that is supervised by adults and authorized by the minor's parent, without any detour or stop;
 - 8) Exercising First Amendment rights protected by the United States Constitution; or
 - 9) Emancipated pursuant to law.
- d) Each violation of this section will constitute a separate offense.

45.2.2 DAYTIME LOITERING BY MINORS.

(Added by O-3449)

- a) It is unlawful for any minor, who is subject to compulsory education, continuing education or home study, to be present in any public place or on the premises of any establishment within the City of Torrance during the hours of 8:30 A.M. and 1:30 P.M. of the same day or days when the minor's school is in session.
- b) It is unlawful for any parent or a guardian of a minor knowingly to permit, or by insufficient control to allow, the minor to be present in any public place or on the premises of any establishment within the City during the hours of 8:30 A.M. and 1:30 P.M. of the same day or days when the minor's school is in session.
- c) It is a defense to prosecution under Section [45.2.2\(a\)](#) or (b) that the minor was:
 - 1) Accompanied by the minor's parent or guardian, or by a responsible adult;
 - 2) Involved in an emergency;
 - 3) Traveling to or from a medical appointment;
 - 4) The minor has permission to leave campus and has a valid off-campus school issued permit;
 - 5) The minor is going or returning to school or home;
 - 6) The presence of the minor is connected with a profession or occupation in which the minor is lawfully engaged.
- d) Each violation of this section will constitute a separate offense.

45.2.3 DEFINITIONS.

(Added by O-3421; O-3449)

For purposes of Sections [45.2.1](#) and [45.2.2](#):

"Curfew hours" means the period from 10:00 P.M. any evening of the week, until 6:00 A.M. the following day.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, a fire, natural disaster, an automobile accident or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment" means any privately owned place of business to which the public is invited, including but not limited to any place of amusement or entertainment.

"Guardian" means (1) a person who, under court order, is the guardian of the person of a minor; or (2) a public or private agency with whom a minor has been placed by the court.

"Minor" means any person under eighteen (18) years of age.

"Parent" means a person who is a natural parent, adoptive parent, or step-parent of another person.

"Public place" means any place to which the public or a substantial group of the public has access and includes, but is not limited to, streets, highways, and the common areas of schools, hospitals, apartment houses, office buildings, transport facilities and shops.

"Responsible adult" means a person at least eighteen (18) years of age, authorized by a parent or guardian to have care and custody of a minor.

"Serious bodily injury" means bodily injury that creates a substantial risk of death or that causes death, serious permanent disfigurement or protracted loss or impairment of the function of any bodily member or organ.

45.2.4 PENALTIES.

(Added by O-3421; O-3449)

- a) A minor violating the provisions of Section [45.2.1](#)(a) is guilty of a misdemeanor.
- b) A minor violating the provisions of Sections [45.2.2](#)(a) is guilty of an infraction punishable by a fine of one hundred dollars (\$100.00).
- c) Every parent or guardian of a minor who violates Section [45.2.1](#)(b) or Section [45.2.2](#)(b) is guilty of a misdemeanor.

45.2.5 COSTS OF ENFORCEMENT.

(Added by O-3421; O-3449)

When a minor has been detained by the Police Department under the provisions of this chapter for a period longer than one (1) hour and thereafter convicted of a violation of this chapter, the parent(s) or guardian(s), or other adult person(s) having custody of the minor are liable for the costs of providing supervision and detention of the minor by the Police Department, over and above the services normally provided by the Department.

45.2.6 Repealed by O-3449.

ARTICLE 3 - FIREARMS; WEAPONS

(Added by O-543)

45.3.1 Repealed by O-3777.

45.3.2 Repealed by O-3777.

45.3.3 Repealed by O-3777.

45.3.4 Repealed by O-3777.**45.3.5 Repealed by O-3777.****45.3.6 FIREARMS, AIR GUNS, ETC. IN POSSESSION OF MINORS.**

(Added by O-216)

It shall be unlawful for any person under the age of eighteen (18) years of age to have in his possession, custody or control, within the corporate limits of the City, any gun, revolver, pistol, spring or air gun, or firearm of any description or any cartridge, shell or other device containing any explosive, or any cartridge, shell or other device designed and intended for use in connection with any gun, revolver, pistol or firearm of any description or any ammunition of any description containing any explosive.

45.3.7 DISCHARGE OF FIREARMS.

(Added by O-1166)

Except as otherwise provided in this Article, no person shall shoot, fire or discharge or cause to be shot, fired or discharged any rifle, shotgun, pistol, revolver or firearm of any kind.

45.3.8 DISCHARGE OF AIR RIFLES.

(Added by O-1166)

Except as otherwise provided in this Article, no person shall shoot, fire or discharge or cause to be shot, fired or discharged any BB gun, air rifle, spring gun or other weapon which discharges a shot or missile.

45.3.9 SHOOTING OF ARROWS.

(Added by O-1166)

Except as otherwise provided in this Article, no person shall shoot or cause to be shot any arrow or similar missile; except toy arrows and arrows with rubber or suction cup tips.

45.3.10 PEACE OFFICER.

(Added by O-1166)

This Article shall not apply to any peace officer acting in his official line of duty.

45.3.11 PROTECTION OF LIFE.

(Added by O-1166)

This Article shall not prohibit the discharge of any rifle or shooting of any firearm, when reasonably necessary so to do to protect life or property or to destroy or kill any predatory or dangerous animal.

45.3.12 TARGET RANGES.

(Added by O-1166)

This Article shall not prohibit the establishment or maintenance of any pistol, rifle, archery or target range which is so constructed and used as to adequately prevent any arrow, bullet, shot or missile from being projected beyond the confines of such range, or prohibit discharge at any target thereon by any person using such range, of any arrow, rifle, shotgun, pistol, revolver or firearms.

ARTICLE 4 - DRUNKENNESS: INTOXICATION: PUBLIC CONDUCT

(Added by O-96; Amended by O-1101)

45.4.1 DEFINITIONS.

(Amended by O-281; O-564)

For the purpose of this Article:

- a) Intoxicating liquor shall include beer, wine, distilled spirits or any other beverage containing one-half (1/2) of one (1) percent or more of alcohol by volume.
- b) Public street shall mean any public street, alley, highway, sidewalk, curb, gutter, parkway or other public place used or dedicated for the transportation of person or vehicles.
- c) Motor vehicle shall mean a vehicle that is self-propelled.

45.4.2 ALCOHOL CONSUMPTION IN PUBLIC PLACES.

(Amended by O-3683)

- a) It shall be unlawful for any person to consume any alcoholic beverage upon any public street, sidewalk, alley, pool area, airport, or in any public place, place open to the public, public building, public restroom, or public parking structure or lot, except where permitted by license from the State or pursuant to a temporary permit issued by the City. The provisions of this Section shall apply to any person whether on foot, in a vehicle, or otherwise.
- b) Subsection (a) shall not apply to the City-owned Cultural Arts Center complex, buildings, and garden when a person is attending an event where a temporary permit has been issued by the City.

45.4.3 DRUNKENNESS IN PUBLIC PLACES.

(Amended by O-1172)

It shall be unlawful for any person to be on any public street or at any place of assembly or in any place open to the public view in a drunken condition.

45.4.4 OCCUPANT OF MOTOR VEHICLE.

(Amended by O-1172)

It shall be unlawful for any person to be the occupant of a motor vehicle when such person is in a drunken condition.

45.4.5 EXPOSURE OF BARE FEMALE BREASTS PROHIBITED.

(Added by O-1584; O-1585)

It is a misdemeanor and a public nuisance to expose or procure or to counsel or assist in the exposure of the breast or breasts of any living female for the purpose of public display, amusement, entertainment, or in connection with the sale or service of any commodity. For the purpose of this Section, bare female breasts shall include the exposure of the medial and lateral lower quadrants, or of the nipple or areola, or of any other portion of the lower half of said breasts. Each such display shall be considered a separate offense subject to separate criminal prosecution. The minimum penalty for each such offense shall be a Five Hundred Dollar (\$500.00) fine or six (6) months in the County jail or both such fine and imprisonment.

45.4.6 SPITTING ON SIDEWALKS, PUBLIC BUILDINGS, ETC.

(Added by O-35)

It shall be unlawful for any person to spit or expectorate upon any public sidewalk within the City or upon the floor, wall, ceiling, stairway or furnishings or fixtures of any public building, or of any building or room where persons are likely to assemble for any purpose, or of any store or other room or building commonly frequented by the public for business or pleasure.

45.4.7 PUBLIC EXCRETION PROHIBITED.

(Added by O-2634)

a) No person shall urinate or defecate:

- 1) In a public place;
- 2) In a place open to the public or exposed to public view;
- 3) In a private place entered without consent of the owner, his agent, or the person in lawful possession thereof.

b) This Section shall not apply to urination or defecation in any fixture provided for such purposes in any bathroom, restroom, dressing room, or similar facility.

45.4.8 POSSESSION OF OPENED ALCOHOLIC BEVERAGE CONTAINER ON POSTED PREMISES OF OFF-SALE ALCOHOLIC BEVERAGE LICENSEE PROHIBITED.

(Added by O-3187; O-3683)

a) It shall be unlawful for any person to possess 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, to enter, be, or remain on the posted premises of, including the posted parking lot immediately adjacent to, any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code, or on any public sidewalk immediately adjacent to the licensed and posted premises.

- b) The provisions of subsection (a) shall not apply to a private residential parking lot immediately adjacent to the posted premises.
- c) Any person violating subsection (a) will be guilty of an infraction.

45.4.9 POSTING OF PREMISES LICENSED FOR THE RETAIL OFF-SALE OF PACKAGED ALCOHOLIC BEVERAGES.

(Added by O-3188; O-3683)

Every person owning or operating a business licensed for the retail off-sale of packaged alcoholic beverages pursuant to Division 9 (commencing with Section 23000) of the Business and Professions Code shall post and maintain a sign not less than seventeen (17) inches by twenty-two (22) inches in size with lettering not less than one (1) inch in height visible to the patrons of such business, the adjacent parking lot, and to persons on the public sidewalk setting forth the prohibitions contained in Section [45.4.8](#) of this Article.

ARTICLE 5 - EXHIBITIONS, CONTESTS, AMUSEMENT AND GAMBLING DEVICES

(Added by O-828)

45.5.1 CONTESTS, EXHIBITIONS, ETC.; BULLFIGHTING, ETC. PROHIBITED.

No person shall promote, advertise, stage, hold, manage, conduct or carry on any bullfight contest or exhibition or any fight game contest or exhibition of similar nature held for amusement or gain.

45.5.2 CONTESTS, EXHIBITIONS, RODEOS, ETC. EXEMPT.

Nothing in Sections [45.5.1](#). and [45.5.2](#). shall be construed to prohibit rodeos and similar exhibitions.

45.5.3 CONTESTS, EXHIBITIONS; PROHIBITIONS UNDER STATE LAW.

The two (2) preceding Sections do not prohibit any act prohibited by Section 597(b) or subsection thereof of the State Penal Code or prohibit any other act prohibited by the laws and the Constitution of the State of California.

45.5.4 GAMBLING DEVICES.

(Added by O-540; Amended by O-1530; O-1551; O-2412)

- a) Nuisance Declared. Any machine, contrivance, appliance, device, game ticket, chance, share, interest instrument or article operated, used, kept, possessed, placed or maintained in violation of the provisions of Section 330(a) or 319 to 326 of the Penal Code or paragraph (b) of this Section are hereby declared to be a nuisance.
- b) Possession, etc. Unlawful. It shall be unlawful for any person to keep, maintain, possess or have under his control, in any place of business or in any other place of public resort either as owner, lessee, agent, employee, mortgagee or otherwise any game or accouterments for the operation of a card club or card school for the operation of panguingue or other game involving chance, any table game or device commonly known as a pin game, pin ball game, marble game,

one shot marble game, horse race machine, the operation, use or play of which is controlled by placing therein any coin, plate, disc, plug key or other device, or by the payment of any fee, except such pin ball, and other amusement machines or devices, as are predominantly games of skill, regardless of whether such machines or devices afford the opportunity of additional chances or free plays or not. Coin-operated machines commonly known as juke boxes and coin-operated vending machines, as the same are commonly known and designated, are also hereby excepted from the provisions of this Section.

- c) **Abatement of Nuisance.** Any article declared by this Section to be a nuisance, as a result of the operation, use, keeping, possessing, placing or maintaining of which any person has been convicted of or has pleaded guilty to any violation of any law of this State or of any ordinance of the 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 of the City.

If any article subject to destruction as herein provided is in the custody of the Court, the Chief of Police shall cause to be made an application to the judge of the Court for an order releasing such article to him for the purpose of complying with this Section.

45.5.5 POOLROOMS AND BILLIARD HALLS.

(Added by O-40; Amended by O-44; O-136; O-197; O-350; O-927; O-945; O-1409; O-1547)

It shall be unlawful for any person to conduct or keep open for business any poolroom or billiard hall, whether operated alone or in conjunction with any other business, between the hours of 2:00 A.M. and 6:00 A.M.

45.5.6 PERMITTING MINORS TO PLAY IN POOLROOMS OR BILLIARD HALLS.

(Added by O-40; Amended by O-44; O-136; O-197; O-350; O-927; O-1519)

- a) **Unlawful to Admit Persons Under Sixteen Years of Age Unless Accompanied by Parent.** No owner, manager, proprietor, or other person in charge of any public billiard room shall permit any person below the age of sixteen (16) years of age to be in, remain in, enter or visit such place whether with or without parental consent, unless said minor is accompanied by one of his parents, or by his guardian.
- b) **Unlawful to Admit Person Under Eighteen Years of Age Without Written Consent.** No owner shall allow a person below the age of eighteen (18) years of age to be in, remain, enter or visit such a place unless said person's parent or guardian personally presents written consent to the owner, manager, proprietor or other person in charge of said room.
- c) **Unlawful for Minors to Enter.** No person under the age of eighteen (18) shall be in, remain in, enter, or visit any public billiard parlor if the owner of said parlor is prohibited by any law from admitting said person.

45.5.7 PUNCHBOARDS.

(Added by O-519)

It shall be unlawful for any person to have in his possession or under his control in any business establishment in the City or in any other public place in the City, an object which is commonly known and designated as a punchboard or any other device or board where holes are made in such board and numbers or names or other data are written or printed on pieces of paper which are concealed in such holes by covering material, and are drawn by punching through such covering, and the person punching is paid the designated amount or merchandise, if any, indicated on such pieces of paper so punched from the board.

45.5.8 GAMBLING.

(Added by O-2034)

It shall be unlawful for any person to play or bet at or against any game not mentioned in Section 330 or 330(a) of the Penal Code of the State of California, which is played, conducted, dealt or carried on with cards, dice, billiard balls, pool balls, cues or other device for money, checks, chips, credit or any other representative of value or for any merchandise or any other thing of value.

45.5.9 PERMITTING GAMBLING.

(Added by O-2034)

Every person who knowingly permits any of the games prohibited by Municipal Code Section [45.5.8](#). to be played in any house or room or business establishment owned, rented or operated by such person, in whole or in part, is guilty of a misdemeanor.

ARTICLE 6 - MISCELLANEOUS OFFENSES**45.6.1 Repealed by O-3087.****45.6.2 Repealed by O-3783 and O-3784.****45.6.3 MUSIC IN PUBLIC PLACES FROM 2:00 A.M. AND 6:00 A.M.**

(Added by O-1001)

a) It shall be unlawful for any person to play or cause to be played any music in any hotel, restaurant, bar, club or any public place or place of private assembly, other than a private home, between the hours of 2:00 A.M. and 6:00 A.M.

b) It shall be unlawful for any owner, tenant, operator or other person having the possession or control of any hotel, restaurant, bar, club or any public place or place of private assembly, other than a private home, to permit to be played therein any music between the hours of 2:00 A.M. and 6:00 A.M.

45.6.4 SPEECHES, LECTURES, ETC. IN STREETS, PARKS, ETC. PERMIT REQUIRED.

(Added by O-227)

It shall be unlawful for any person to hold, conduct or address any assemblage, meeting or gathering of persons, or to make or deliver any public speech, lecture or discourse or to take part in any public debate or discussion in or upon any public park, public street or alley in the City without a permit first granted by the City Council.

Any permit granted pursuant to the provisions of this Section shall specify the time when and the place where such assemblage, meeting or gathering of persons shall be held or conducted and such speech, lecture or discourse shall be made or delivered and shall designate the name of the person, society, association or organization to whom such permit is granted.

45.6.5 PLACING ADVERTISING, ETC. MATERIAL ON CITY-OWNED PROPERTY.

(Added by O-835)

It shall be unlawful for any person to place on any property owned or leased by or dedicated to the City, any material advertising or promoting any person, event or thing without having received prior thereto the written consent of the City Manager or the City Council.

45.6.6 TENTS NOT TO BE USED FOR LIVING OR SLEEPING.

(Added by O-737)

No tents may be erected or occupied in the City for the purposes of living or sleeping.

45.6.7 GAS, TURNING ON OR RECONNECTING SERVICE.

(Added by O-341)

It shall be unlawful for any person, except an authorized agent or employee of a person engaged in the business of furnishing or supplying gas and whose service pipes supply or connect with the particular premises, to turn on or reconnect gas service in or on any premises where and when gas service is not at the time being rendered.

45.6.8 REFRIGERATORS, ICEBOXES, TRUNKS, ETC., ABANDONING ETC.

(Added by O-765)

It shall be unlawful for any person to, at any time, or for any length of time, leave or permit to be left or to be placed or permit to be placed or to remain or permit to remain at or in any place or location within the City any icebox, refrigerator, deep freeze, luggage trunk, chest, storage box or similar type container having an interior capacity of one and one-half (1-1/2) cubic feet or more, which has a door, lid, gate, cover or closing apparatus or device which when closed may not be opened easily and effectively from the inside thereof and to the interior of which, when closed, the outer air does not have full and free access, unless:

- a) The same at such time is within a then occupied dwelling, building or structure;
- b) Every latch, lock or other locking or securing device on, in or pertaining to the same has been

completely removed;

- c) The same is in a warehouse, building or structure, all entrances to which at the time are locked, barred or secured in such manner as to effectively prevent children from entering or having access to the interior of such warehouse, building or structure;
- d) There is then and there and at all times immediately present, a person having the ability and initiative to effectively prevent any child from entering the same;
- e) The same is effectively locked, shut or secured by a metal band or chain or other effective securing device in such manner that same may not be entered by any child or be opened by any unauthorized person; or
- f) The door or other closing member or feature of the same is completely removed.

45.6.9 STEAM AND INTERNAL ENGINES; PERMIT REQUIRED TO OPERATE WITHOUT MUFFLER; MUFFLER.
(Added by O-132)

It shall be unlawful for any person to operate any steam or internal combustion engine of more than four and one-half (4-1/2) inches internal diameter within the City, unless the exhaust from such engine shall be muffled by a muffler constructed in accordance with such specification as may be adopted by resolution of the City Council, unless a written permit shall first be obtained from the Superintendent of Buildings of the City allowing such person to use a muffler which shall appear to the Superintendent of Buildings to be of equal efficiency with that described in such specifications.

45.6.10 Repealed by O-3777.

45.6.11 WELLS, CISTERNS, EXCAVATIONS IN GROUND, ETC.; UNCAPPED OR UNCOVERED GENERALLY.
(Added by O-466; Amended by O-593)

The City Council hereby declares that uncapped or unguarded wells, cisterns, holes in the ground which are likely to produce bodily injury as a result of a fall therein, oil sumps and other earthen sumps or excavations to be of a dangerous nature and a public nuisance.

It is hereby declared to be unlawful for any person to own, occupy or possess any parcel of real property within the corporate limits of the City upon or in which there is allowed to exist any well, cistern, pipe or hole in the ground in an uncapped or uncovered condition where a fall by any person into such a well, cistern, pipe or other hole in the ground would be likely to result in personal injury.

45.6.12 SAME: FENCES OR BARRICADES TO BE PROVIDED.

(Added by O-593)

It shall be unlawful for any person to allow or permit the existence of any excavation or oil sump upon any parcel of real property within the City without constructing, erecting and maintaining around and about such excavation or oil sump a fence or barricade at least six and one-half (6-1/2)

feet high, so constructed as to prevent any person other than those legally authorized to enter, from having free access thereto where such access might result in personal injury from slipping, falling or climbing into such excavation or sump.

45.6.13 SAME; GATES, ETC. IN ENCLOSING FENCE TO BE SECURED.

(Added by O-849)

It shall be unlawful for any person who enters or leaves any excavation, sump or property containing any excavation or sump, which is enclosed by a fence, bars or otherwise, to fail or neglect to leave securely closed, the gates or other passway through which he entered or left the same.

45.6.14 FENCING OF SWIMMING POOLS.

(Added by O-1012)

- a) It shall be unlawful for any person having the ownership, possession or control of land to maintain or have on said land on or after January 1, 1959, or hereafter to construct, erect or locate on said land, any swimming pool or any body of water, a part of which is more than eighteen (18) inches deep, without constructing, erecting and maintaining about said swimming pool or body of water, a solid or chain link fence or a wall at least five (5) feet high above adjacent grade.
- b) Such fence or wall shall have no openings exceeding two (2) inches in any direction and shall be constructed to prevent any access thereto except by opening a self-closing and self-latching gate on which the latch is located at least four (4) feet six (6) inches above the bottom of the fence; provided, however, that the wall of a building may constitute a part of such wall.

45.6.15 ELECTRIC OR BARBED WIRE FENCES.

(Added by O-1011; Amended by O-3708)

- a) It shall be unlawful for any person to construct, erect or locate in the City or have on his premises, a fence which is charged or chargeable with electricity, unless permitted by the Community Development Director, as provided for in Section 92.13.2(c).
- b) It shall be unlawful for any person to construct, erect or locate in the City or have on his premises a barbed wire fence; provided, however, that barbed wire may be placed on top of a fence, other than on a lot used for residential purposes, which is at least sixty inches high.

45.6.16 CONSUMPTION OF ORGANIC SOLVENTS PROHIBITED.

(Added by O-1340)

It shall be unlawful for any person to inhale, breathe, ingest, drink or in any manner use any product or substance or combination thereof containing organic solvents, which include amyl acetate, trichlor ethylene, acetone or other closely related or similar compounds used as solvents for products referred to as glue, adhesive cement, mucilage or dope, with the intent of becoming

intoxicated, elated, dazed, paralyzed, irrational or in any manner changing, distorting, disturbing the eyesight, thinking process, balance or coordination or affecting the central nervous system of such person.

45.6.17 SAME; EXCEPTION.

(Added by O-1340)

The provisions of Sec. 45.6.16. shall not pertain to any person who inhales, breathes or drinks or uses such product or substance pursuant to the direction or prescription of any doctor, physician, surgeon, dentist or pediatrician authorized to so direct or prescribe.

45.6.18 OPERATING MOTOR VEHICLE ON VACANT PROPERTY AND PARKING LOTS.

(Added by O-1681; O-1682; Amended by O-1950)

Any person who operates a motorcycle, trail bike, minibike, dune buggy, motor scooter, jeep or other motor driven vehicle on any vacant lot, parking lot, vacant property or acreage within the City and disturbs the peace or quiet of any neighborhood or person by noise, dust, smoke or fumes caused by such vehicle shall be guilty of a misdemeanor.

45.6.19 BLOCKING OF CROSSING BY TRAINS.

(Added by O-1695)

It shall be unlawful for any person to cause or permit any railway train or railway cars or similar vehicle on rails to operate or to be operated in such a manner as to prevent the use of any street for the purpose of travel for a period of time longer than five (5) minutes, except that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of the train, car or similar vehicle on rails to stop at or near the scene of the accident.

45.6.20 DEVICE TO AUTOMATICALLY DELIVER A RECORDED MESSAGE TO A TELEPHONE SUBSCRIBER WITHOUT HIS CONSENT PROHIBITED.

(Added by O-2153)

- a) No person or corporation except a public utility doing business in this State under the authority of the Public Utilities Commission shall use or operate, attempt to use or operate, or cause to be used or operated, or arrange, adjust, program or install any device or combination of devices that will upon activation, either mechanically, electronically, or by other automatic means, initiate an intra-state telephone call and deliver a recorded message to any telephone number assigned to any subscriber by a public utility telephone company, without the prior written consent of such subscriber.
- b) The term telephone number includes any additional numbers assigned by a public utility telephone company to be used by means of a rotary or other system to connect with the subscriber to such primary number when the primary number is in use.

45.6.21 OPERATING VEHICLES ON PRIVATE OR PUBLIC PROPERTY.

(Added by O-2138)

Upon the private property of another or upon any public property which is not held open to the public for any vehicular use and which is not subject to the provisions of the Vehicle Code:

- a) No person shall operate or drive a motor vehicle, motorcycle, mini-bike, trail bike, dune buggy, motor scooter, jeep or other form of motorized transportation.
- b) The provisions of this Section shall not apply to emergency vehicles, governmental agencies or to persons driving upon such property with the written consent of the owner or person in lawful possession of such property, or to the owner himself, his family, employees, agents or lessees.

45.6.22 RESPONSIBILITY OF OWNERS IN RENTING TO MINOR.

(Added by O-2238)

- a) It shall be unlawful for any owner, manager, operator or employee to lease, rent or let any apartment, house, room or rooms to any person or persons under the age of eighteen (18) years without having a responsible adult over twenty-one (21) years of age as co-tenant.
- b) It shall be the duty and requirement of such owner, manager, operator or employee to file with the Chief of Police of the City of Torrance, the following information:
 - 1) Name, age, business or occupation and address of business or occupation of all persons, including the responsible adult to whom he leases, rents or lets such premises.
 - 2) Names and addresses of parents, guardians, of all persons under the age of eighteen (18) years.

45.6.23 TRASH BINS.

(Added by O-2470)

- a) It shall be unlawful to cause or permit any trash bin to be or remain outside of the trash enclosure where such enclosure is required by this Code, except during trash pickup operations.
- b) The terms of this Section shall apply equally to owners, operators and lessees of the property at which the offense occurs, and to persons engaged in the collection of trash from said premises.

45.6.24 OPERATION OF HANG GLIDERS.

(Added by O-2558; O-2559)

- a) It shall be unlawful for any person to take-off or land any hang glider in the City of Torrance.
- b) For the purpose of this Section, the term hang glider shall mean and include any hang glider, glider kite, kite, or other motorless vehicle, device, or contrivance which enables a person to fly, glide, soar or otherwise be propelled through or sustained in the air by human power or air currents;

provided, however, that the term hang glider shall not include any aircraft regulated or required to be registered by the Federal Aviation Administration of the United States or the aeronautics authorities of the State of California.

45.6.25 HYPNOTISM, PRACTICE AND TEACHING.

(Added by O-2894)

The art or practice of hypnosis may be carried on, and self-hypnosis may be taught to any person undergoing a course of treatment or program of self-improvement if the hypnosis or teaching of self-hypnosis is done pursuant to the provisions of and for the purposes in Section 2908 of the Business and Professions Code of the State of California, and if performed by a person licensed to practice medicine or psychology in the State of California, or by a person licensed pursuant to the provisions of Division [3](#) of the Torrance Municipal Code, or if performed by a qualified person to aid police agencies in the investigation of crimes.

45.6.26 Repealed by O-3252.

45.6.27 FIREWORKS PROHIBITED.

(Added by O-3039; O-3109)

Except as provided in Chapter 5 of Division [8](#) of the Torrance Municipal Code (Uniform Fire Code), it shall be unlawful for any person to possess, store, offer for sale, expose for sale, sell at retail, give, furnish, use, or explode any fireworks, including those fireworks defined in the California Health and Safety Code as safe and sane fireworks, within the City of Torrance.

45.6.28 SAIL-POWERED CONVEYANCE.

(Added by O-3152)

No one shall ride upon, or aid or assist anyone in riding upon, a skateboard, surfboard with wheels or other wheeled conveyance which is equipped with a sail and which is propelled by means of the wind, in or on any street, alley, sidewalk, park, public parking lot or other public property, except in those places and at those times when such public property might be made available for such purposes by proper authority.

45.6.29 REMOVAL OF GRAFFITI.

(Added by O-3239)

- a) It is unlawful for any person to permit or suffer any obnoxious graffiti or other inscribed material or defacement by paint, other liquids or other means of inscription to remain on any permanent building or structure upon any lot or parcel of land under their ownership, custody or control. "Obnoxious graffiti or other inscribed material or defacement" means any writing, painting or inscription which would be punishable as vandalism pursuant to Section 594 of the Penal Code of the State of California if maliciously placed or applied by any person to such permanent building or structure, other than the owner of the said building or structure, but its continued display is declared

to be unlawful whether having been so placed with or without malice and whether placed with or without the owner's consent.

- b) Upon a finding by the City Manager that any graffiti or other inscribed material or defacement is obnoxious, the City Manager may remove or cause to be removed such obnoxious graffiti or other inscribed material or defacement from any publicly owned permanent building or structure after securing the consent of the public entity having jurisdiction over such building or structure, and may remove any such graffiti or other inscribed material or defacement from any permanent building or structure on private property after securing the written consent of the owner or other person authorized by the owner to give consent.
- c) This Section shall not constitute authority to perform any painting or repair of the buildings or structure except as may be required to remove the obnoxious graffiti or other inscribed material or defacement.

45.6.30 SPRAY PAINT CONTAINER.

(Added by O-3375)

- a) No person, firm or corporation selling, or offering for sale, aerosol spray cans of paint or dye shall keep, store or maintain such aerosol cans in a place which is accessible to the public without the assistance of a sales person or employee of the seller, pending legal sale or disposition of such paint or dye containers.
- b) This Section shall not apply to the keeping, storage or maintenance of aerosol spray containers of clear or transparent lacquer, varnish or synthetic finish.

45.6.31 POSSESSION OF GRAFFITI IMPLEMENTS.

(Added by O-3727)

- (a) It is unlawful for any person to possess on his or her person or in plain view to the public, an aerosol paint container, or a container which contains paint or dye, or any writing instrument having a porous point, tip, or nib in excess of one-eighth of one inch in width at its widest point, or gum label, paint stick, adhesive label, or glass etching tool or solution capable of scarring glass, or a glass cutter, drill bit, or any device or marking substance capable of being used to leave a visible mark upon any surface of any material in a public facility with the intent to commit vandalism or graffiti.
- (b) "Public Facility" means a City park, playground, swimming pool, building, reservoir, parking structure, airport, tennis facility, golf course, beach, school, City Yard, well, or pump station.

ARTICLE 7 - OBSCENE AND HARMFUL LITERATURE

(Added by O-917; Amended by O-1688)

45.7.1 DEFINITIONS.

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them:

- a) Minor means any person under the age of eighteen (18) years.
- b) Material means any book, magazine, newspaper or other printed or written material, or any picture, drawing, photograph, moving picture or other pictorial representation, or any statue or other figure, or any recording, transcription, or mechanical, chemical or electrical reproduction.
- c) Distribute means to transfer possession of, whether with or without consideration.
- d) Knowingly means having knowledge of the character and content of the subject matter, or failing to exercise reasonable inspection which would disclose the content and character thereof.
- e) Harmful material means that type or quality of material which, taken as a whole, is patently offensive to the prevailing community standard with respect to what is suitable material for minors in that the predominant appeal of the material is to the lascivious interest of minors, i.e., tending to excite lustful thoughts and desires by its description, account or display of nudity, sex or sexual behavior.

45.7.2 OBSCENE LITERATURE PROHIBITED.

No person shall write, compose, stereotype, print, publish, exhibit, sell, keep for sale, distribute, make or have in his possession or under his control any lewd, indecent, or obscene bill, poster, magazine, writing, book, pamphlet, engraving, drawing, photograph, motion picture film, cast, statue or image, phonograph record, electrical transcription, wire recording or other device for the recording of sight or sound.

45.7.3 PRESENCE AT OBSCENE DISPLAY PROHIBITED.

No person shall wilfully be or remain present at any place where any lewd, indecent, or obscene motion picture film, phonograph record, electrical transcription, wire recording or other device for the recording of sight or sound is being played or can be heard.

45.7.4 DISTRIBUTION OF HARMFUL MATERIAL TO MINORS PROHIBITED.

It shall be unlawful for any person, who, with knowledge that a person is a minor, fails to exercise reasonable care in ascertaining the true age of a minor, knowingly distributes to, or exhibits to or offers to distribute or exhibit to such minor any harmful material.

45.7.5 PROOF OF AGE.

Proof that the defendant or his employee or agent demanded and was shown and acted in reliance upon any of the following documents as proof of the age of a minor shall be a defense to any criminal prosecution under this Section. A document issued by the Federal government or any state, county, or municipal government or subdivision or agency thereof, including but not limited to a driver's license, a registration certificate issued under the Selective Service Act, or an

identification card issued to a member of the armed forces identifying the holder and showing that the holder is eighteen (18) years of age or over.

45.7.6 SEIZURE BY LAW ENFORCEMENT OFFICER.

Every policeman or other law enforcement officer who is authorized to arrest any person for violation of this Article is equally authorized and enjoined to seize any lewd, indecent, or obscene picture, print, writing, paper, book, bill, poster, engraving, photograph, drawing, cast, image, figure, phonograph record, electrical transcription, wire recording, or other device for the recording of sight or sound, or any harmful material, found in the possession or under the control of the person so arrested and to deliver the same to the magistrate before whom the person so arrested is required to be taken.

ARTICLE 8 - PUBLIC DISPLAY OF SEXUALLY-ORIENTED MATTER

(Added by O-2071; O-2072; Amended by O-2481)

45.8.1 DEFINITIONS.

For the purpose of this Article, the following words shall have the meanings respectively ascribed to them:

- a) Nudity. Nudity means the showing of the human male or female genitals, pubic area or buttocks with less than a fully opaque covering, or the showing of the female breast below the top of the nipple, with less than a fully opaque covering.
- b) Sexual Conduct. Sexual conduct means any physical contact with the human male or female genitals, pubic area, buttocks, clothed or unclothed, or with the female breast, clothed or unclothed.
- c) Sexual Excitement. Sexual excitement means the condition of covered human male genitals in a discernibly turgid state.
- d) Sado-masochistic Abuse. Sado-masochistic abuse means flagellation or torture by or upon a person clad in undergarments, a mask or bizarre costume, or the condition of being fettered, bound or otherwise physically restrained on the part of one so clothed.
- e) Sexually-Oriented Matter. Sexually-oriented matter means any picture, drawing, photograph, or other pictorial representation of nudity, sexual conduct, sexual excitement or sado-masochistic abuse.
- f) Person. Person means any individual, partnership, firm, association, corporation or other legal entity.

45.8.2 SEXUALLY-ORIENTED MATTER A PUBLIC NUISANCE.

The display, exhibition or showing of any sexually-oriented matter in advertisements, posters, publications, announcements, or any other display visible from public streets or from adjacent

buildings or premises, as an offer for sale or for the purpose of attracting, luring or enticing patrons or purchasers, is declared a public nuisance and is prohibited.

45.8.3 HEARING FOR SEXUALLY-ORIENTED MATTER.

Any person who maintains, permits, or allows a public display of sexually-oriented matter to exist upon public or private property within this City shall be sent by certified mail, return receipt requested, a copy of this Article and a notice of the time and place of a hearing to be held by the Administrative Hearing Board for the purpose of determining whether the display constitutes a public nuisance, as defined in Section [45.8.2](#) of this Article. Said hearing shall be held by the Administrative Hearing Board within five (5) working days after the mailing date of said notice. If the Administrative Hearing Board determines that the display constitutes a public nuisance as set forth in Section [45.8.2](#), said nuisance must be removed or abated within twenty-four (24) hours after the Board has announced its decision at the conclusion of the hearing.

45.8.4 FAILURE TO ABATE.

If any public display determined to be a public nuisance by the Administrative Hearing Board continues to exist after twenty-four (24) hours following the announcement of the Board's decision, the City Manager may take reasonable steps to remove or abate said nuisance.

45.8.5 APPEALS.

- a) Any person aggrieved by the action of the Administrative Hearing Board shall have a right of appeal as provided by Division [1](#), Chapter [1](#), Article [5](#) of the Municipal Code.
- b) Notwithstanding that such an appeal is filed, the sexually-oriented matter which is the subject to the appeal must be removed or abated within twenty-four (24) hours after the Board has announced its decision. Said display may not be re-exhibited during the interim between its removal and the commencement of the hearing before the City Council.
- c) No display which has been removed pursuant to the provisions of this Article may be re-exhibited after an appeal has been heard by the City Council unless the Council determines that the display does not constitute a public nuisance as defined in Section [45.8.2](#) of this Article.

45.8.6 DEFINITIONS.

(Added by O-2977; O-2978)

As used in Section [45.8.7](#), the following words shall mean:

- a) Sexually explicit material means a photograph or pictorial presentation of a person's genitals or anus or of any act of sexual intercourse, oral copulation, sodomy, masturbation or bestiality whether actual or simulated which when to the average person such photograph or pictorial representation has as its primary purpose, design or effect sexual arousal, gratification or affront.
- b) Person means any individual, partnership, firm, association, corporation or other legal entity.

- c) Knowingly means being aware of the character of the material either directly, or because of its outward appearance or its reputation.
- d) Display for sale means placed within the reach or accessible to persons under the age of 18 years and does not include the shelving or storage of magazines, books or publications reasonably beyond the reach of customers or the public.

45.8.7 DISPLAY OF SEXUALLY EXPLICIT MATERIALS IN BUSINESS PREMISES OPEN TO MINORS.

(Added by O-2977; O-2978)

- a) No person shall knowingly display for sale, or knowingly cause or permit to be displayed for sale, in any business open to persons under the age of 18 years not accompanied by a parent or guardian, any magazine, book or other publication containing illustrations of sexually explicit material unless such magazine, book or other publication is stapled closed, sealed in a wrapper, or is by any other means sealed in such a manner as to prevent its being opened prior to sale.
- b) No person shall knowingly display the cover of a book, magazine or other publication which cover illustrates sexually explicit material in a place where such cover may be readily viewed by persons under the age of eighteen (18) years. Such cover shall be covered from view when displayed in such locations.
- c) It is unlawful for any person to permit, direct or cause any other person to do any of the acts prohibited by this Section.
- d) The provisions of the preceding paragraphs shall not apply to any business which is not open to persons under the age of eighteen (18) years and which shall read, Notice, this business displays sexually explicit materials. Admission of persons under eighteen (18) years of age unless accompanied by a parent or guardian is prohibited. The letters composing such sign shall each be a minimum of three inches high.

45.8.8 GROUNDS FOR REVOCATION OF BUSINESS LICENSE.

(Added by O-2977; O-2978)

A violation of Section [45.8.7](#). is sufficient grounds for revocation of the business license of the premises if said violation is committed by the licensee or his employee and is found to be willful.

ARTICLE 9 - PUBLIC NUDITY

(Added by O-2548; O-2549)

45.9.1 NUDITY ON PUBLIC PROPERTY PROHIBITED.

- a) It shall be unlawful for any person to appear, bathe, sunbathe, walk or be in any public park, playground, beach or the waters adjacent thereto, or on any public street, sidewalk or parkway, or in or upon any place owned or operated by any governmental entity, 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 person, or any portion of the breast at or below the upper edge of the areola thereof of any female person, is exposed to public view or is not covered by an opaque covering.

- b) This section shall not apply to children under the age of ten (10) years.
- c) This section shall not apply to live theatrical performances performed in a theater, concert hall or other similar establishment located on public land.
- d) This section shall not apply to any dressing room or indoor shower room operated as an ancillary facility to any park, playground, beach, plunge, swimming pool, athletic field or gymnasium.

ARTICLE 10 - DUST AND MUD

(Added by O-2557; O-2749)

45.10.1 PUBLIC NUISANCE.

- a) It shall be a public nuisance to use or maintain any property in the City of Torrance in a manner such that dust is blown onto public or private property in amounts which are injurious to the public health, safety or general welfare.
- b) It shall be a public nuisance to maintain any property in the City of Torrance in such a manner that mud from such property causes significant damage to adjoining properties.

45.10.2 NOTICE TO APPEAR.

Upon notification of existence of any of the conditions described in Section [45.10.1](#)., the City Manager shall cause a notice to be issued to the owner and the operator of the property complained of requiring that the condition complained of be abated within a specified period or to appear before a hearing officer in the Environmental Division of the Building Department at an administrative hearing, to show cause why the condition should not be abated.

45.10.3 HEARING.

Upon issuance of the notice described in Section [45.10.2](#)., a hearing shall be scheduled before the Environmental Quality Hearing Officer. At such hearing, persons complaining of the condition may be heard to state the problem and the owner and/or operator may be heard to show cause why the condition should not be abated.

45.10.4 ORDER.

- a) If upon the evidence presented at the hearing before the Environmental Quality Hearing Officer it is determined that a harmful condition exists which should be abated, the hearing officer shall issue a written order to that effect, stating the nature of the harmful condition, its location, the facts in support of his conclusions, the time within which it must be abated and the means by which it

may be abated.

- b) Said order shall be served personally or by registered mail on the owner and operator of the offending property within seven (7) days after it is issued.

45.10.5 ENFORCEMENT OF ORDER.

Failure to comply with the order of the Environmental Quality Hearing Officer within the time prescribed shall be a misdemeanor.

ARTICLE 11 - DISPLAY OF NARCOTICS PARAPHERNALIA

(Added by O-2943)

45.11.1 DEFINITION.

- a) For purposes of this Article, the term narcotics paraphernalia means all equipment, products and materials of any kind which are used, intended for use or designed for use in planting, propagating, cultivating, growing, harvesting, testing, analyzing, storing, containing, concealing, injecting, ingesting, inhaling, smoking or otherwise introducing into the human body a controlled substance as defined in the Health and Safety Code of the State of California.
- b) For purposes of this Article, the term narcotics paraphernalia includes, but is not limited to:
- 1) Kits used, intended for use or designated for use in planting, propagating, cultivating, growing or harvesting of any species of plant which is a controlled substance or from which a controlled substance can be derived;
 - 2) Kits used, intended for use or designed for use in manufacturing, compounding, converting, producing, processing or preparing controlled substances;
 - 3) Isomerization devices for use or designed for use in increasing the potency of any species of plant which is a controlled substance;
 - 4) Testing equipment used, intended for use or designed for use in identifying, or in analyzing the strength, effectiveness or purity of controlled substances;
 - 5) Scales and balances used, intended for use or designed for use in weighing or measuring controlled substances;
 - 6) Diluents and adulterants, such as quinine, hydrochloride, mannitol and mannite used, intended for such use or designed for use in cutting controlled substances;
 - 7) Separation gins and sifters used, intended for use or designed for use in removing twigs and seeds from, or in otherwise cleaning or refining, marijuana;
 - 8) Containers and other objects used, intended for use or designed for use in storing or

concealing controlled substances;

- 9) Hypodermic syringes, needles and other objects used, intended for use or designed for use in parenterally injecting controlled substances into the human body;
- 10) Objects intended for use or designed for use in ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish or hashish oil into the human body, such as:
 - A) Metal, wooden, acrylic, glass, stone, plastic or ceramic pipes with or without screens, permanent screens, hashish heads or punctured metal bowls;
 - B) Water pipes;
 - C) Carburetion tubes and devices;
 - D) Smoking and carburetion masks;
 - E) Roach clips, meaning objects used to hold burning material, such as a marijuana cigarette that has become too small or too short to be held in the hand;
 - F) Miniature cocaine spoons and cocaine vials;
 - G) Chamber pipes;
 - H) Carburetor pipes;
 - I) Electric pipes;
 - J) Air-driven pipes;
 - K) Chillums;
 - L) Bongs;
 - M) Ice pipes or chillers.

45.11.2 PERMITTING MINOR IN DISPLAY ROOM PROHIBITED.

The owner, manager, proprietor or other person in charge of a room in any place of business that sells or displays for the purpose of sale, narcotics paraphernalia, shall not allow or permit any person under the age of eighteen (18) to be in, remain in, enter or visit such a room unless such minor person is accompanied by one of his/her parents or by his/her legal guardian.

45.11.3 ENTRY OF MINOR IN DISPLAY ROOM PROHIBITED.

A person under the age of eighteen (18) shall not be in, remain in, enter or visit any room in any place used for the sale or display for sale of narcotics paraphernalia unless such person is accompanied by one of his/her parents or by his/her legal guardian.

45.11.4 SEPARATE POSTED DISPLAY ROOM.

- a) No person shall display for sale or offer to sell narcotics paraphernalia in any place of business to which the public is invited, except within a separate room or enclosure to which persons under the age of eighteen (18), not accompanied by his/her parents or his/her legal guardian, are excluded.
- b) A sign shall be posted at each entrance to such room, in at least one hundred (100) point bold type words, to the effect that persons under the age of eighteen (18) are excluded unless accompanied by his/her parent or his/her legal guardian.

45.11.5 ARTICLE NOT APPLICABLE TO PRESCRIPTION DRUGS.

The provisions of this Article shall not apply to the lawful dispensing of devices for injecting or otherwise consuming prescription drugs as defined by the Health and Safety Code of the State of California.

ARTICLE 12 - CABLE TELEVISION SERVICES

(Added by O-3035)

45.12.1 FRANCHISE REQUIRED.

No person shall construct, install or maintain within any public street, alley or way in the City, or within any property owned by the City or within any privately owned area in the City which has not yet become a public street but which is designated or delineated as a proposed public street on any tentative subdivision map approved by the Council, any equipment, properties or facilities to be employed or used as part of a cable television system unless a franchise first has been obtained from the City Council and is in full force and effect.

45.12.2 UNAUTHORIZED CONNECTION PROHIBITED.

No person shall make any unauthorized connection, whether physically, electrically, acoustically, inductively or otherwise, with any part of a franchised cable television system in the City for the purpose of (1) taking or receiving television signals, radio signals, pictures, programs, or sound; (2) enabling himself or others to receive any television signal, radio signal, picture, program or sound, without payment to the Grantee pursuant to the provisions of a franchise; (3) or for any other purpose.

45.12.3 RESELLING SERVICE PROHIBITED.

No person shall resell, without the express written consent of both the Grantee and the City, any cable service, program or signal transmitted by a cable television company operating under a franchise issued by the City.

45.12.4 TAMPERING WITH EQUIPMENT PROHIBITED.

No person shall, without the consent of the owner of a franchised cable television system, willfully tamper with, remove or injure any equipment used for distribution or origination of television signals, radio signals, pictures, programs or sound.

45.12.5 INTERFERENCE WITH CABLE SERVICE PROHIBITED.

Neither the owner of any multiple unit residential dwelling nor his agent or representative shall interfere with the right of any tenant or lawful resident thereof to receive cable television or other cable communication service, cable installation or maintenance from a cable communication company regulated by and lawfully operating under a valid and existing cable television franchise issued by the City.

45.12.6 PAYMENTS TO PERMIT SERVICE PROHIBITED.

Neither the owner of any multiple unit residential dwelling nor his agent or representative shall ask, demand or receive any payment, service or gratuity in any form as a condition for permitting or cooperating with the installation of a cable communications service to the dwelling unit occupied by a tenant or resident requesting service.

45.12.7 CHARGES TO TENANTS FOR SERVICE PROHIBITED.

Neither the owner of any multiple unit residential dwelling nor his agent or representative shall penalize, charge or surcharge a tenant or resident or forfeit or threaten to forfeit any right of such tenant or resident who requests or receives cable communication service from a company operating under a valid and existing cable television franchise issued by the City.

45.12.8 PROTECTION OF PROPERTY PERMITTED.

Nothing in this Article shall prohibit a person from requiring that cable communications system facilities conform to laws and regulations and reasonable conditions necessary to protect safety, functioning, appearance and value of his premises or the convenience and safety of persons or property thereon.

45.12.9 RISKS ASSUMED BY GRANTEE.

Nothing in this Article shall prohibit a person from requiring a cable communication company from agreeing to indemnify the owner, or his agents or representatives for damages caused by the installation, operation, maintenance or removal of cable communications facilities.

ARTICLE 13 - NUDITY IN PUBLIC BARS AND RESTAURANTS

(Added by O-3057)

45.13.1 WAITERS, WAITRESSES AND ENTERTAINERS.

No person shall, while acting as a waiter, waitress or entertainer in an establishment which serves alcoholic beverages for consumption on the premises of such establishment, expose his or her genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region, nor shall any person expose any device, costume or covering which gives the appearance of or simulates the genitals, pubic hair, buttocks, natal cleft, perineum, anal region or pubic hair region.

45.13.2 EXPOSURE OF FEMALE BREASTS.

No female person shall, while acting as a waitress or entertainer in an establishment which serves alcoholic beverages for consumption on the premises of such establishment, expose the areola or

nipple of either or both breasts or any portion of either or both breasts below the areola thereof, nor shall any such female person employ any device which is intended to simulate such portions of either or both breasts, nor shall any such female person wear any type of clothing so that any such portions of either or both breasts may be observed.

45.13.3 PROCURING PUBLIC EXPOSURE.

No person shall permit, procure, counsel or assist another person to violate Sections [45.13.1](#). and [45.13.2](#).

45.13.4 EXCEPTION; THEATRICAL PERFORMANCES.

The provisions of Sections [45.13.1](#)., [45.13.2](#). and [45.13.3](#). shall not apply to a theatrical performance in a theater, concert hall or similar establishment which is primarily devoted to theatrical performances.

**ARTICLE 15 - REGULATION OF SMOKING IN DESIGNATED ENCLOSED PUBLIC PLACES
AND WORKPLACES**

(Added by O-3210)

45.15.1 DEFINITIONS.

The following words and phrases shall, for the purpose of this Article, have the meanings respectively ascribed to them in this Section:

- a) "Bar" means an area which is devoted to the serving of alcoholic beverages and in which the service of food is only incidental to the consumption of such beverages.
- b) "Employee" means any person who is employed by any employer in consideration for direct or indirect monetary wages or profit.
- c) "Employer" means any person, partnership, corporation, including municipal corporation, who employs the services of more than three (3) persons.
- d) "Enclosed" means closed in by roof and four (4) walls with appropriate openings for ingress and egress.
- e) "Place of employment" means any enclosed area under the control of a public or private employer which employees normally frequent during the course of employment, including but not limited to, work areas, employee lounges, conference rooms, and employee cafeterias. A private residence is not a place of employment.
- f) "Smoke" or "smoking" means the carrying or holding of a lighted pipe, cigar, or cigarette of any kind, or any other lighted smoking equipment, or the lighting or emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind.
- g) "Restaurant" means any publicly or privately owned coffee shop, cafeteria, short order cafe,

luncheonette, sandwich shop, soda fountain or other indoor eating establishment which gives or offers for sale food to the public.

- h) "Service lines" means any indoor line in which one or more persons are waiting for or receiving service of any kind, whether or not such service involves the exchange of money or other consideration.
- i) "Public place" means any area to which the public is generally invited or in which the public is generally permitted.

45.15.2 REGULATION OF SMOKING IN CITY-OWNED FACILITIES.

All enclosed facilities owned by the City shall be subject to the provisions of this Article.

45.15.3 PROHIBITION OF SMOKING IN DESIGNATED ENCLOSED PLACES.

Smoking shall be prohibited in the following places within the City:

- a) All enclosed areas available to and customarily used by the general public and all businesses patronized by the public, including, but not limited to, retail stores, hotels and motels, pharmacies, banks, attorney's offices and other offices;
- b) Within all restaurants having an occupant capacity of fifty (50) or more persons; provided, however, that this prohibition does not prevent: (1) the designating of a contiguous area within the restaurant as a smoking area; or (2) the providing of separate rooms designated as smoking rooms, so long as such rooms do not contain more than fifty percent (50%) of the seating capacity of the restaurant;
- c) Waiting rooms, hallways, wards, and semi-private rooms of health facilities, including, but not limited to, hospitals, clinics, physical therapy facilities, doctors' offices and dentists' offices, except that health facilities shall also be subject to the provisions of Section [45.15.4](#) of this Article regulating smoking in places of employment;
- d) Elevators, public restrooms, indoor service lines, buses, taxicabs and other means of public transit under the authority of the City, while within the boundaries of the County, and in ticket, boarding, and waiting areas of public transit depots; provided, however, that this prohibition does not prevent (1) the establishment of separate waiting areas for smokers and nonsmokers, or (2) the establishment of at least seventy-five percent (75%) of a given waiting area as a nonsmoking area;
- e) In public areas of museums and galleries;
- f) Enclosed theaters, auditoriums and halls which are used for motion pictures, stage dramas, musical performances, ballets or other exhibitions, except when smoking is part of any such production;
- g) Retail food marketing establishments, including grocery stores and supermarkets, except

those areas of such establishments set aside for the purpose of serving food and drink, restrooms and offices, and areas thereof not open to the public, which may be otherwise regulated by this Article;

- h) Public schools and other public facilities under the control of another public agency, which are available to and are customarily used by the general public, to the extent that the same are subject to the jurisdiction of the City;
- i) Notwithstanding any other provision of this Section, any owner, operator, manager or other person who controls any establishment described in this Section may declare that entire establishment as a nonsmoking establishment.

45.15.4 REGULATIONS FOR SMOKING IN PLACES OF EMPLOYMENT.

- a) It shall be the responsibility of employers to provide smoke-free areas for nonsmokers within existing places of employment to the maximum extent possible, but employers are not required to incur any expense to make structural or other physical modifications in providing these areas.
- b) Within ninety (90) days of the effective date of the ordinance codified in this Article, each employer and each place of employment located within the City shall adopt, implement, make known and maintain a written smoking policy, which shall contain at a minimum the following requirements:
 - 1) Prohibition of smoking in conference and meeting rooms, classrooms, auditoriums, restrooms, medical facilities, hallways and elevators.
 - 2) Any employee in a place of employment shall be given the right to designate his or her immediate work area as a nonsmoking area and to post the same with an appropriate sign or signs provided by the employer. The policy adopted by the employer shall include a reasonable definition of the term "immediate work area."
- c) In any dispute arising under this smoking policy, the rights of the nonsmoker shall be given precedence.
- d) Provision and maintenance of a separate and contiguous nonsmoking area of not less than fifty percent (50%) of the seating capacity and floor space in cafeterias, lunchrooms and employee lounges.
- e) The smoking policy shall be communicated to all employees within three (3) weeks of its adoption, and at least annually thereafter.
- f) Notwithstanding the provisions of subsection (a) of this Section, every employer shall have the right to designate any place of employment, or portion thereof, as a nonsmoking area.

45.15.5 SMOKING - OPTIONAL AREAS.

Notwithstanding any other provisions of this Article to the contrary, the following shall not be subject to the smoking restrictions of this Article:

- a) Private residences except when serving as a licensed child care center;
- b) Bars;
- c) Hotel and motel rooms rented to guests;
- d) Retail stores that deal primarily in the sale of tobacco and smoking paraphernalia;
- e) Restaurants, hotel and motel conference or meeting rooms, and public and private assembly rooms while these places are being used for private functions;
- f) A private residence which may serve as a place of employment except when serving as a licensed child care center;
- g) A private enclosed place occupied exclusively by smokers, even though such a place may be visited by nonsmokers, and a private enclosed office, excepting places in which smoking is prohibited by the Fire Department or by any other law, ordinance or regulation;
- h) Designated smoking areas.

45.15.6 POSTING REQUIREMENTS.

"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 controlled by this Article, by the owner, operator, manager or other person having control of such building or other place.

Every restaurant regulated by this Article shall have posted at its entrance a sign clearly stating that a nonsmoking section is available, and an illustrative seating floor plan showing the smoking and nonsmoking area. Every patron shall be asked as to his or her preference.

45.15.7 ENFORCEMENT.

- a) Enforcement shall be implemented by the City Manager or his designees.
- b) Any citizen who desires to register a complaint under this Article may initiate enforcement with the City Manager or his designees.
- c) Any owner, manager, operator or employer of any establishment controlled by this Article shall have the right to inform persons violating this Article of the appropriate provisions thereof.
- d) It is unlawful for any person who owns, manages, operates or otherwise controls the use of any premises subject to the restrictions of this Article to fail: to properly post signs required under

this chapter; to provide signs for the use of employees in designating their areas; to properly set aside "No Smoking" areas; to adopt a smoking restriction policy; or to comply with any other requirements of this Article.

- e) It is unlawful for any person to smoke in any area restricted by the provisions of this Article.
- f) No person or employer shall discharge, refuse to hire, or in any manner retaliate against any employee or applicant for employment because such employee or applicant exercises any rights afforded by this Chapter.

45.15.8 CONFLICT WITH STATE PROVISIONS.

Whenever a provision of State law is more restrictive to the benefit of the nonsmoker, State law shall prevail over the provisions of this Article.

ARTICLE 16 - ALCOHOLIC BEVERAGES - WARNING SIGNS

(Added by O-3211)

45.16.1 CONSUMING ALCOHOLIC BEVERAGES DURING PREGNANCY.

- a) 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 in this Article 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 in this Article be smaller than ten (10) inches wide and ten (10) inches long, nor shall any lettering thereon be less than one (1) 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 off the premises, at least one sign shall be so placed as to assure that it is readable from all locations at which such sales or dispensing occurs.
 - 2) Where the sale or dispensing of alcoholic beverages, including beer and wine, to the public is originally provided through over-the-counter service, at least one (1) sign shall be placed to assure that 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 (1) 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 as readily visible and readable as materials provided to the public which list food and beverage prices.

- c) Language. In the event a substantial number of the public patronizing a premises offering for sale or dispensing for consideration, alcoholic beverages, including beer and 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.

ARTICLE 17 - SPEED CONTESTS - SPECTATORS

(Added by O-3536)

45.17.1 DEFINITIONS.

- a) "Illegal motor vehicle speed contest" or "illegal exhibition of speed" means any speed contest or exhibition of speed referred to in California Vehicle Code sections 23109(a) and 23109(c).
- b) "Preparations" for the illegal motor vehicle speed contest or exhibition of speed include, but are not limited to, situations in which: (1) a group of motor vehicles or individuals has arrived at a location for the purpose of participating in or being spectators at the event; (2) a group of individuals has Lined one or both sides of a public street or highway for the purpose of participating in or being a spectator at the event; (3) a group of individuals has gathered on private property open to the general public without the consent of the owner, operator, or agent thereof for the purpose of participating in or being a spectator at the event; (4) one or more individuals has impeded the free public use of a public street or highway by actions, words, or physical barriers for the purpose of conducting the event; (5) two or more vehicles have lined up with motors running for an illegal motor vehicle speed contest or exhibition of speed; (6) one or more drivers is revving his engine or spinning his tires in preparation for the event; or (7) an individual is stationed at or near one or more motor vehicles serving as a race starter.
- c) "Spectator" means any individual who is present at an illegal motor vehicle speed contest or exhibition of speed, or at a location where preparations are being made for such activities, for the purpose of viewing, observing, watching, or witnessing the event as it progresses. Spectator includes any individual at the location of the event without regard to whether the individual arrived at the event by driving a vehicle, riding as a passenger in a vehicle, walking, or arriving by some other means.

45.17.2 SPECTATOR AT ILLEGAL SPEED CONTEST OR EXHIBITIONS OF SPEED - VIOLATION.

- a) Any individual who is knowingly present as a spectator, either on a public street or highway, or on private property open to the general public without the consent of the owner, operator, or agent thereof, at an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of One Thousand Dollars (\$1,000.00).
- b) Any individual who is knowingly present as a spectator, either on a public street or highway, or

on private property open to the general public without the consent of the owner operator, or agent thereof, where preparations are being made for an illegal motor vehicle speed contest or exhibition of speed is guilty of a misdemeanor subject to a maximum of six (6) months in jail and a fine of One Thousand Dollars (\$1,000.00).

c) An individual is present at the illegal motor vehicle speed contest or exhibition of speed if that individual is within two hundred (200) feet of the location of the event or within two hundred (200) feet of the location where preparations are being made for the event.

d) Exemption. Nothing in this Section prohibits law enforcement officers or their agents from being spectators at illegal motor vehicle speed contests or exhibitions of speed in the course of their official duties.

CHAPTER 6 NOISE REGULATION

ARTICLE 1 - GENERAL PROVISIONS

(Added by O-2170; Amended by O-2211)

46.1.1 DECLARATION OF POLICY.

It is hereby declared to be the policy of the City to prohibit unnecessary, excessive and annoying noises from all sources subject to its police power. At certain levels noises are detrimental to the health and welfare of the citizenry and in the public interests shall be systematically proscribed.

46.1.2 DEFINITIONS.

(Amended by O-2466)

As used in this Chapter, unless the context otherwise clearly indicates, the words and phrases used in this Chapter are defined as follows:

- a) Ambient noise is the all encompassing noise associated with a given environment, being usually a composite of sounds from many sources near and far, without inclusion of intruding noises from isolated identifiable sources.
- b) Decibel (db) shall mean a unit of level which denotes the ratio between two (2) quantities which are proportional to power; the number of decibels corresponding to the ratio to two (2) amounts of power is ten (10) times the logarithm to the base ten (10) of this ratio.
- c) Emergency work shall mean work made necessary to restore property to a safe condition following a public calamity or work required to protect persons or property from an imminent exposure to danger.
- d) Noise level, in decibels, is the A-weighted sound pressure level as measured using the slow dynamic characteristic for sound level meters specified in ASA S1.4-1961, American Standard Specification for General Purpose Sound Level Meters, or latest revision thereof. The reference pressure is twenty (20) microneutons/square meter (2×10^{-4} microbar).
- e) Person shall mean a person, firm, association, copartnership, joint venture, corporation or any entity, public or private in nature.
- f) Sound level meter shall mean an instrument including a microphone, an amplifier, an output meter, and frequency weighting networks for the measurement of noise and sound levels in a specified manner as specified in ASA S1.4-1961, American Standard Specification for General Purpose Sound Level Meters, or latest revision thereof.
- g) Sound pressure level, in decibels (db) of a sound is twenty (20) times the logarithm to the base ten (10) of the ratio of the pressure of this sound to the reference pressure. For the purpose of this

Chapter the reference pressure shall be twenty (20) micronewtions/square meter (2×10^{-4} microbar).

- h) Impulsive sound means a short duration sound (such as might be produced by the impact of a drophammer or pile driver) with one (1) second or less duration.
- i) Motor vehicles shall include, but not be limited to, minibikes and go carts.
- j) Sound amplifying equipment shall mean 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 vehicle used only for traffic safety purposes.
- k) Sound truck shall mean 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.
- l) Commercial purpose shall mean and include the use, operation or maintenance of any sound amplifying equipment for the purpose of advertising any business or any goods or any services, or for the purpose of attracting the attention of the public to, or advertising for, or soliciting patronage or customers to or for any performance, show, entertainment, exhibition, or event, or for the purpose of demonstrating any such sound equipment.
- m) Noncommercial purpose shall mean the use, operation or maintenance of any sound equipment for other than a commercial purpose. Noncommercial purposes shall mean and include, but shall not be limited to, philanthropic, political, patriotic and charitable purposes.
- n) Residential land shall mean that land which is utilized for residential purposes or zoned for residential purposes.
- o) Residential purpose means any purpose involving routine and relatively permanent use of a building as a dwelling, as opposed to relatively transient uses such as hotels and motels.
- p) Day means the time period from 7:00 A.M. to 10:00 P.M.
- q) Night means the time period from 10:00 P.M. to 7:00 A.M.

46.1.3 MEASUREMENTS.

Noise levels shall be measured with a sound level meter satisfying the requirements of ASA S1.4-1961, American Standard Specification for General Purpose Sound Level Meters, or latest revision thereof. Noise level of steady or slowly varying sounds shall be measured using the slow dynamic characteristic of the sound level meter and by reading the central tendency of the needle. Noise

level of impulse sounds shall be measured using the fast dynamic characteristic of the sound level meter and by reading the maximum indication of the needle.

ARTICLE 2 - SPECIAL NOISE SOURCES

46.2.1 RADIOS, TELEVISION SETS AND SIMILAR DEVICES.

- a) Use Restricted. It shall be unlawful for any person within the City of Torrance to use or operate any radio receiving set, musical instrument, phonograph, television set, or other machine or device for the producing or reproducing of sound at any time in such a manner as to produce noise levels on residential land which would disturb the peace, quiet and comfort of neighboring residents or any reasonable person of normal sensitiveness residing in the area.
- b) Prima Facie Violation. Any noise exceeding the ambient noise level at the property line of any residential land (or if a condominium or apartment house, within any adjoining apartment) by more than five (5) decibels shall be deemed to be prima facie evidence of a violation of the provisions of this Section.

46.2.2 HAWKERS AND PEDDLERS.

It shall be unlawful for any person within the City to sell anything by outcry within any area of the City utilized for residential purposes. The provisions of this Section shall not be construed to prohibit the selling by outcry of merchandise, food and beverages at licensed sporting events, parades, fairs, circuses and other similar licensed public entertainment events.

46.2.3 DRUMS.

It shall be unlawful for any person to use any drum or other instrument or device of any kind for the purpose of attracting attention by the creation of noise within the City. This Section shall not apply to any person who is a participant in a school band or duly licensed parade or who has been otherwise duly authorized by the City to engage in such conduct.

46.2.4 SCHOOLS, HOSPITALS AND CHURCHES.

It shall be unlawful for any person to create any noise on any street, sidewalk or public place adjacent to any school, institution of learning or church while the same is in use or adjacent to any hospital, which noise unreasonably interferes with the workings of such institution or which disturbs or unduly annoys patients in the hospital, provided conspicuous signs are displayed in such streets, sidewalks or public place indicating the presence of a school, church or hospital.

46.2.5 ANIMALS AND FOWL.

No person shall keep or maintain, or permit the keeping of upon any premises owned, occupied or controlled by such person, any animal or fowl otherwise permitted to be kept which, by any sound, cry or behavior shall cause annoyance or discomfort to a reasonable person of normal sensitiveness on any residential land.

46.2.6 MACHINERY, EQUIPMENT, FANS AND AIR CONDITIONING.

It shall be unlawful for any person to operate any machinery, equipment, pump, fan, air conditioning

apparatus or similar mechanical device in any manner so as to create any noise which would cause the noise level at the property line of any residential land to exceed the ambient noise level by more than five (5) decibels.

46.2.7 OIL PRODUCTION EQUIPMENT.

(Added by O-2528)

It shall be unlawful for any person to operate, or cause to be operated any oil production equipment in any manner so as to create any noise which would cause the noise level at the nearest property line of any residential land to exceed the ambient noise level by more than five (5) decibels; provided, however, that the aforesaid provisions of this Section shall not apply to oil production equipment being used in the drilling, redrilling, deepening, repair, maintenance or abandonment of an oil well.

ARTICLE 3 - CONSTRUCTION

46.3.1 CONSTRUCTION OF BUILDINGS AND PROJECTS.

(Amended by O-3712)

- a) It shall be unlawful for any person within the City of Torrance to operate power construction tools, equipment, or engage in the performance of any outside construction or repair work on buildings, structures, or projects in or adjacent to a residential area involving the creation of noise beyond 50 decibels (db) as measured at property lines, except between the hours of 7:30 A.M. to 6:00 P.M. Monday through Friday and 9:00 A.M. to 5:00 P.M. on Saturdays. Construction shall be prohibited on Sundays and Holidays observed by City Hall. An exception exists between the hours of 10:00 A.M. to 4:00 P.M. for homeowners that reside at the property.
- b) The Community Development Director may allow expanded hours and days of construction if unusual circumstances and conditions exist. Such requests must be made in writing and must receive approval by the Director prior to any expansion of the hour and day restrictions listed above.
- c) Every construction project requiring Planning Commission review or considered to be a significant remodel as defined by Section [231.1.2](#), shall be required to post an information board along the front property line that displays the property owner's name and contact number, contractor's name and contact number, a copy of TMC Section [46.3.1](#), a list of any special conditions, and the Code Enforcement phone number where violations can be reported.
- d) Properties zoned as commercial, industrial or within an established redevelopment District, are exempted from the above day and hour restrictions if a minimum buffer of 300 feet is maintained from the subject property's property line to the closest residential property. The Community Development Director, may, however, revoke such exemption for a particular project if the noise level exceeds 50 decibels (db) at the property line of a residential property beyond the 300 linear

foot buffer.

- e) Heavy construction equipment such as pile drivers, mechanical shovels, derricks, hoists, pneumatic hammers, compressors or similar devices shall not be operated at any time, within or adjacent to a residential area, without first obtaining from the Community Development Director permission to do so. Such request for permission shall include a list and type of equipment to be used, the requested hours and locations of its use, and the applicant shall be required to show that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers. Such permission to operate heavy construction equipment will be revoked if operation of such equipment is not in accordance to approval. No permission shall be required to perform emergency work as defined in Article [1](#) of this Chapter.

46.3.2 OPERATION OF OIL EQUIPMENT.

(Added by O-2528)

- a) It shall be unlawful for any person to operate machinery or power tools for the repair, maintenance or abandonment of oil well equipment on Sundays and legal holidays and, except between the hours of 7:00 A.M. and 8:00 P.M., on any other day; provided, however, that the provisions of this subsection shall not apply to any well, the surface of which is three hundred (300) or more feet from any dwelling.
- b) It shall be unlawful for any person to conduct oil drilling or redrilling operations other than circulation of mud, on Sundays and legal holidays and, except between the hours of 7:00 A.M. and 9:00 P.M., on any other day; provided, however, that the provisions of this subsection shall not apply to any well the surface of which is three hundred (300) or more feet from any dwelling.
- c) It shall be unlawful for any person to operate machinery or power tools for the repair, maintenance or abandonment of oil well equipment or to conduct oil well drilling or redrilling operations at any time within three hundred (300) feet of any dwelling without first obtaining from the Director of Building and Safety permission to do so. Such request for permission shall include a list and type of equipment to be used, the requested hours and locations of its use. The Director of Building and Safety shall issue such permit only if the applicant demonstrates to the reasonable satisfaction of the Director that the selection of equipment and construction techniques has been based on minimization of noise within the limitations of such equipment as is commercially available or combinations of such equipment and auxiliary sound barriers or acoustical sound blankets as provided in Section [46.3.3](#). Such permission to operate oil well equipment shall be revoked if such equipment is not operated and construction is not accomplished in accordance with the conditions of approval. No permission shall be required to perform emergency work as defined in Article [1](#) of this Chapter. The person performing such emergency work shall first notify the occupants of adjacent residences and the Torrance Police Department as to the nature and extent of the work to be performed.

46.3.3 ACOUSTICAL BLANKETS.

(Added by O-2528)

Acoustical blankets shall be made of fibrous glass insulation 1-1/2 inches thick, 0.50 pounds per cubic foot density, 0.63 pounds per square foot weight, .00010 to .00015 fibre diameter (inches) with phenolic binder having a temperature limit of 450 degrees F. sewed between layers of fire retardant vinyl fibre glass cloth, 15-17 ounces per square yard sewed with dacron thread D-92 with stitches not more than six (6) to the inch. The lacing cord shall be flat vinyl coated tape composed of fibrous glass yard braided, heat set and bonded. The tape shall have a 90 pound tensile strength. Grommets shall be No. 4 brass. Provided, however, that there may be substituted for the aforesaid specifications an acoustical blanket which in the opinion of the Director of Building and Safety is equal to sound-proofing ability and fire resistive qualities to the aforesaid specifications.

ARTICLE 4 - VEHICLES

46.4.1 VEHICLE REPAIRS.

It shall be unlawful for any person within the City of Torrance to repair, rebuild or test any motor vehicle at any time in such a manner that a reasonable person of normal sensitiveness located on residential land is caused discomfort or annoyance by reason of the noise produced therefrom.

46.4.2 MOTOR DRIVEN VEHICLES.

It shall be unlawful for any person to operate any motor driven vehicle within the City in such a manner that a reasonable person of normal sensitiveness residing in the area is caused discomfort or annoyance; provided, however, that any such vehicle which is operated upon any public highway, street or right-of-way shall be excluded from the provisions of this Section, provided the provisions of the California Motor Vehicle Code, Sections 23130, 27150 and 27151 are complied with.

ARTICLE 5 - AMPLIFIED SOUND

(Amended by O-3360)

46.5.1 PURPOSE.

The Council enacts the provisions of this Article for the sole purpose of securing and promoting the public health, comfort, safety, and welfare for its citizenry. While recognizing that the use of sound amplifying equipment is protected by the constitutional rights of freedom of speech and assembly, the Council nevertheless feels obligated to reasonably regulate the use of sound amplifying equipment in order to protect the correlative constitutional rights of the citizens of this community to privacy and freedom from public nuisance of loud and unnecessary noise.

46.5.2 APPLICATION REQUIRED.

It shall be unlawful for any person, other than personnel of law enforcement or governmental 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 purposes 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 therefor as set forth in Division [3](#) of this Code.

46.5.3 REGULATIONS.

The commercial and noncommercial use of sound amplifying equipment shall be subject to the following regulations:

- a) The only sounds permitted shall be either music or human speech, or both.
- b) The operation of sound amplifying equipment shall only occur between the hours of 9:00 A.M. and 9:00 P.M. each day except on Sundays and legal holidays. The operation of sound amplifying equipment for noncommercial purposes on Sundays and legal holidays shall only occur between the hours of 10:00 A.M. and 6:00 P.M.
- c) No sound emanating from sound amplifying equipment shall exceed fifteen (15) dBA above the ambient as measured at any property line.
- d) Notwithstanding the provisions of subsection c) of this Section, sound amplifying equipment shall not be operated within two hundred (200) feet of churches, schools or hospitals.
- e) In any event, the volume of sound shall be so controlled that it will not be unreasonably loud, raucous, jarring, disturbing or a nuisance to reasonable persons of normal sensitiveness within the area of audibility.

ARTICLE 6 - TRAIN HORMS AND WHISTLES

46.6.1 EXCESSIVE SOUND PROHIBITED.

It shall be unlawful for any person to operate or sound or cause to be operated or sounded, between the hours of 10:00 P.M. of one day and 7:00 A.M. of the next day, a train horn or train whistle which creates noise in excess of ninety (90) db at any place or point three hundred (300) feet or more distant from along a line normal to the direction of travel of the source of such sound.

ARTICLE 7 - GENERAL NOISE REGULATIONS

46.7.1 GENERAL NOISE REGULATIONS.

Notwithstanding any other provision of this Chapter and in addition thereto, it shall be unlawful for any person to willfully make or continue, or cause to be made or continued, any loud, unnecessary or unusual noise which disturbs the peace or quiet of any neighborhood or which causes discomfort or annoyance to any reasonable person of normal sensitiveness residing in the area.

46.7.2 NOISE LIMITS.

To provide for methodical enforcement and to give reasonable notice of the performance standards to be met, the foregoing intent is expressed in the following numerical standards. For purposes of

this Chapter, the City is divided into regions as set forth in Exhibit A.

a) Noise Limits on Residential Land. It shall be unlawful for any person within the City of Torrance (wherever located) to produce noise in excess of the following levels as received on residential land owned or occupied by another person within the designated regions. In addition to the noise limits stated herein, the noise limits set forth in Sec. 46.7.2.b) shall also be complied with.

1) For noise receivers located on residential land, for measurement positions five hundred (500) feet or more distant from the boundaries of Regions 1 and 2, the following limits apply:

REGION (in which noise receiver is located)	NOISE LEVEL, db	
	Day	Night
3	50	45
4	55	50

2) For noise receivers located on residential land, for positions within five hundred (500) feet from the boundary of Region 1 or 2, the following limits apply:

Five (5) dB above the limits set forth in Section 46.7.2.a) 1 above, or 5 dB above the ambient noise level, whichever is the lower number.

b) Noise Limits at Industrial and Commercial Boundaries:

1) Noise Sources in Region 1: It shall be unlawful for any person in Region 1 to produce noise levels at the boundary of Region 1 in excess of 70 dB during the day or 65 dB during the night.

2) Noise Sources in Region 2: It shall be unlawful for any person in Region 2 to produce noise levels at the boundary of Region 2 in excess of 60 dB during the day or 55 dB during the night.

3) Noise Sources in All Remaining Industrial Use Land: It shall be unlawful for any person on industrial use land outside Region 1 and 2 to produce noise levels at his own property boundary in excess of 60 dB during the day or 55 dB during the night.

4) Noise Sources on All Land Use for Commercial Purposes: It shall be unlawful for any person on land used for commercial purposes to produce noise levels at his own property boundary in excess of 60 dB during the day or 55 dB during the night.

In addition to the noise limits set forth herein (Sec. 46.7.2.b), the noise limits set forth in Sec. 46.7.2.(a) shall also be complied with.

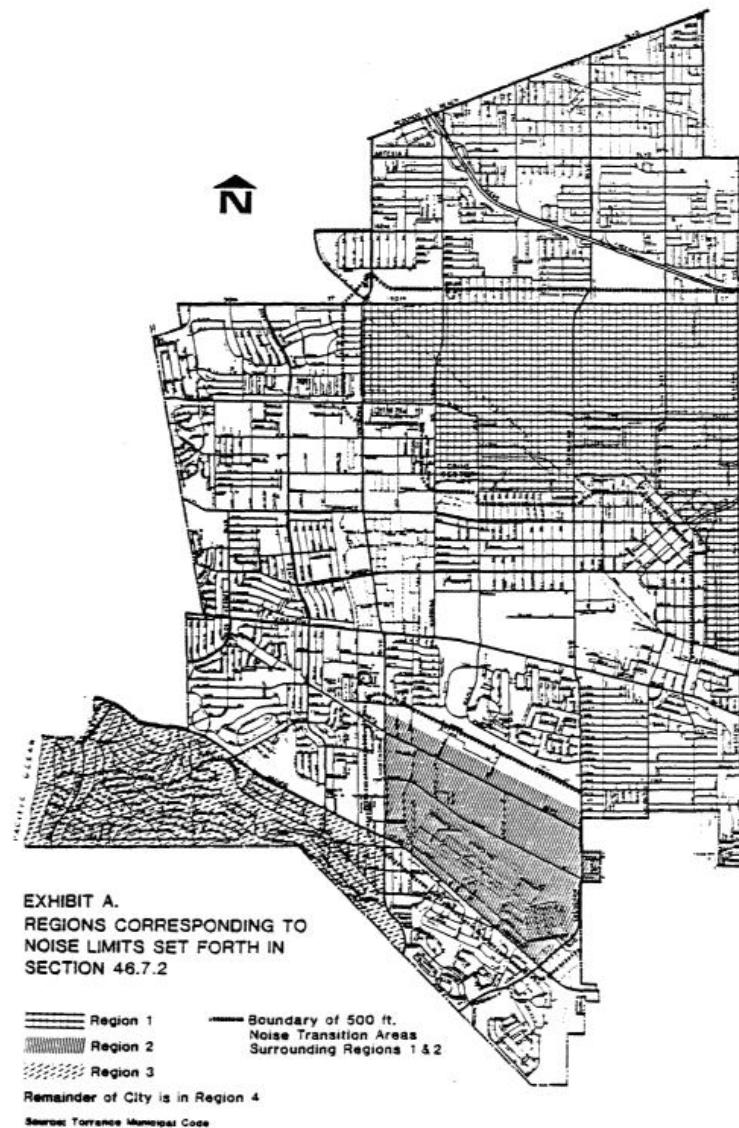
- c) Corrections to the Noise Limits: The numerical limits given in Sec. 46.7.2.(a) and (b) shall be adjusted by addition of the following corrections where appropriate.

Noise Conditions	Correction to the Limits, decibels
1. Noise contains a steady, audible tone, such as a whine, screech or hum	-5
2. Noise is a repetitive impulsive noise, such as hammering or riveting	-5
3. If the noise is not continuous, one of the following corrections to the limits shall be applied:	
a) Noise occurs less than 5 hours per day or less than 1 hour per night	+5
b) Noise occurs less than 90 minutes per day or less than 20 minutes per night	+10
c) Noise occurs less than 30 minutes per day or less than 6 minutes per night	+15
4. Noise occurs on Sunday morning (between 12:01 A.M. and 12:01 P.M. Sunday)	-5

46.7.3 EXCEPTIONS.

The following noise sources are specifically excluded from the provisions of this Chapter:

- 1) Aircraft in flight.
- 2) Motor vehicles operating in accordance with Sec. 46.4.2. and in accordance with all the sections of the California Motor Vehicles Code.



ARTICLE 8 - AIRPORT NOISE LIMITS

(Added by O-2784)

46.8.1 VIOLATIONS UNLAWFUL.

It shall be unlawful for any person to pilot or operate or permit to be piloted or operated an aircraft in violation of the provisions of Sections [46.8.8.](#), [46.8.9.](#) or [46.8.14.](#)

46.8.2 EXTENDED AIRPORT BOUNDARIES DEFINED.

For the purposes of this Article, the term extended airport boundaries shall mean the area enclosed by Lomita Boulevard on the north, Crenshaw Boulevard on the east, Pacific Coast Highway on the

south and Hawthorne Boulevard on the west.

46.8.3 TAKE-OFF DEFINED.

(Amended by O-3270)

For the purposes of this Article, take-off shall mean the flight of an aircraft departing Torrance Airport from the time it commences on its departure on the runway.

46.8.4 LANDING DEFINED.

(Amended by O-3270)

For the purposes of this Article, landing shall mean the flight of an aircraft from the time it begins its landing approach until it is taxied from the runway.

46.8.5 SOUND EXPOSURE LEVEL.

For the purposes of this Article, the sound exposure level is the level of sound accumulated during a given event, with reference to a duration of one second. More specifically, sound exposure level, in decibels, is the level of the time-integrated A-weighted squared sound pressure for a stated time interval or event, based on the reference pressure of 20 microneutons per square meter and reference duration of one second.

46.8.6 SENEL.

For the purposes of this Article, the single event noise exposure level (SENEL), in decibels, is the sound exposure level of a single event, such as an aircraft fly-by, measured over the time interval between the initial and final times for which the sound level of a single event exceeds the threshold sound level. For implementation of the provisions of this Article, the threshold noise level shall be at least 20 decibels below the numerical value of the single event noise exposure level limits specified in Sections [46.8.8](#). or [46.8.9](#). as the case may be.

46.8.7 MAXIMUM SOUND LEVEL DEFINED.

For the purposes of this Article, the maximum sound level, in decibels, is the highest sound level reached at any instant of time during the time interval used in measuring the sound exposure level of a single event.

46.8.8 AIRCRAFT NOISE LIMIT.

Except as provided in Section [46.8.10](#)., no aircraft taking off from or landing on the Torrance Municipal Airport may exceed a single event noise exposure level (SENEL) of 88 dBA or a maximum sound level of 82 dBA measured at ground level outside the extended Airport boundaries.

46.8.9 AIRCRAFT NOISE LIMIT AT NIGHT.

(Amended by O-3284)

Notwithstanding the provisions of Section [46.8.8](#)., except as provided in Section [46.8.10](#)., no aircraft taking off from or landing on the Torrance Municipal Airport between the hours of 10:00 P.M. of any day and 7:00 A.M. of the following morning on any Monday through Friday inclusive, nor

between the hours of 10:00 P.M. each night and 8:00 A.M. of the following morning on any Saturday or Sunday inclusive, nor on any of the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day; provided, however, that if any such holiday falls on a Saturday or Sunday, the observance of which is then moved to the preceding Friday, or the following Monday, then such Friday or Monday shall be considered to be a holiday for purposes of this section, may exceed a single event noise exposure level (SENEL) of 82 dBA or a maximum sound level of 76 dBA measured at ground level outside the extended Airport boundaries.

46.8.10 AIRCRAFT NOISE EXEMPTION.

(Amended by O-3382)

The following categories of aircraft shall be exempt from the provisions of Sections [46.8.8](#). and [46.8.9](#).:

- 1) Aircraft operated by the United States of America or the State of California;
- 2) Law enforcement, emergency, fire or rescue aircraft operated by any county or city of said state;
- 3) Aircraft used for emergency purposes during an emergency that has been officially proclaimed by competent authority pursuant to the laws of the United States, said State or the City;
- 4) Civil Air Patrol aircraft when engaged in actual search and rescue missions;
- 5) Aircraft engaged in landings or takeoffs while conducting tests under the direction of the Airport Manager in an attempt to rebut the presumption of aircraft noise violation pursuant to the provisions of Section [46.8.13](#)
- 6) Aircraft while participating in a City-sponsored event approved by City Council.

46.8.11 CULPABILITY OF INSTRUCTOR PILOT.

In the case of any training flight in which both an instructor pilot and a student pilot are in the aircraft which is flown in violation of any of the provisions of this Article, the instructor pilot shall be rebuttably presumed to have caused such violation.

46.8.12 CULPABILITY OF AIRCRAFT OWNER OR LESSEE.

For purposes of this Article, the beneficial owner of an aircraft shall be presumed to be the pilot of the aircraft with authority to control the aircraft's operations, except that where the aircraft is leased, the lessee shall be presumed to be the pilot. Such presumption may be rebutted only if the owner or lessee identifies the person who in fact was the pilot at the time of the asserted violation.

46.8.13 DENIAL OF USE OF AIRPORT.

(See Section 51.7.2. et seq. concerning denial of the use of the Airport for repeated violations of

this Article.)

46.8.14 PRESUMPTION OF AIRCRAFT NOISE VIOLATION.

In the event that the Airport Manager determines to his reasonable satisfaction that available published noise measurements for a particular type or class of aircraft indicate that it cannot meet the noise levels set forth in Sections [46.8.8.](#) and [46.8.9.](#), it shall be presumed that operation of such aircraft will result in violation of the provisions of Sections [46.8.8.](#) and [46.8.9.](#) and such aircraft will not be permitted to land on, tie down on, be based at or take off from the Torrance Municipal Airport, except in emergencies as set forth in Section 51.4.2.; provided, however, that the owner or operator of such aircraft shall be entitled to rebut such presumption to the reasonable satisfaction of the Airport Manager by furnishing evidence to the contrary.

46.8.15 DESIGNATED ENFORCEMENT OFFICIAL.

The Director of Building and Safety, the Administrator of Environmental Quality, the Environmental Quality Officers and such other City employees as are designated by the Director of Building and Safety with the approval of the City Manager, all acting under the direction and control of the City Manager, shall have the duty and authority to enforce the provisions of this Article, pursuant to the provisions of Section 836.5 of the State Penal Code.

CHAPTER 7 PUBLIC HEALTH CODE

(Added by O-2184)

ARTICLE 1 - GENERAL

47.1.1 ADOPTION OF PUBLIC HEALTH CODE.

That certain document in book form entitled Los Angeles County Public Health Code of which code not less than three (3) copies have been and now are filed in the Office of the City Clerk of the City, save and except such portions as are hereinafter deleted, modified or amended by this Chapter, is hereby adopted by the City Council of the City as the Public Health Code of the City.

ARTICLE 2 - AMENDMENTS TO PUBLIC HEALTH CODE

47.2.1 TATTOOING ESTABLISHMENTS.

Section 320 of the Los Angeles County Health Code entitled Tattooing Establishments is hereby deleted.

47.2.2 RUBBISH.

Section 603 of the Los Angeles County Health Code entitled Rubbish is hereby deleted.

47.2.3 BURIAL OF OFFENSIVE MATERIAL.

Section 604 of the Los Angeles County Health Code entitled Burial of Offensive Material is hereby deleted.

47.2.4 HOUSING AND GENERAL REQUIREMENTS.

Chapter XI of the Los Angeles County Health Code entitled Housing and General Requirements is hereby deleted.

47.2.5 PERSONAL CLEANLINESS AND ATTIRE.

(Added by O-2380)

Section 376 of the Public Health Code as adopted by the City of Torrance is amended to read in its entirety as follows:

SECTION 376 PERSONAL CLEANLINESS AND ATTIRE.

- a) All operators, while engaged in the preparation of food or the washing of utensils, (1) shall wear clean, washable outer garments, (2) shall keep their hands and fingernails clean, (3) shall wear head bands, caps, or similar devices for retaining falling hair, (4) shall not engage in, or permit the use of, tobacco in any form, and (5) shall not engage in or permit the discharge of any substances from the mouth, nose, or other part of the body upon the walls or floors of such food handling operations.
- b) Shaving, hair-brushing, or combing shall not be permitted in any restaurant, itinerant

restaurant, food establishment or slaughterhouse except in a toilet room or dressing room, separate from any room in which food is prepared or served or in which utensils are washed.

- c) No operator or any other person infected with any communicable disease shall engage in the serving of food or beverages or the washing of utensils in any public premises.
- d) No operator or any other person who is naked or wearing a costume which leaves exposed his or her breasts below the top of the areola, buttocks, genitals or pubic area shall be engaged in the serving of food or beverages in any public premises.

47.2.6 READOPTION OF COUNTY CODE; FOOD FACILITY GRADING.

(Added by O-3532; Amended by O-3753)

- a) Sections 11.02.010 to 11.38.610, inclusive, with the exception of Sections 11.02.192, 11.04.030 to 11.04.330, 11.15.010 to 11.15.050, 11.16.060, 11.16.110, 11.91.010 to 11.19.040, 11.28.010 to 11.28.060, 11.36.010 to 11.36.080, 11.38.470 and 11.38.460, and Chapter 11.20 of the Health and Safety Code of the County of Los Angeles and all subsequent ordinances amending the incorporated sections of Title 11 of the Los Angeles County Code, are adopted and incorporated by this reference as if set forth in full in this Section. The adopted provisions of the Health and Safety Code fully express the will and intention of the City Council of the City of Torrance as to those matters relating to public health that are contained in the sections of the Los Angeles County Code incorporated and adopted by this Section.
- b) Sections 8.04.142, 8.04.165, 8.04.200, 8.04.225, 8.04.275, 8.04.306, 8.04.311, 8.04.337, 8.04.339, 8.04.403, 8.04.405, 8.04.595, 8.04.720 (to the extent that the fees set forth in this Section apply to food official inspections), 8.04.728, 8.04.752, 8.04.755, 8.04.790, 8.04.810, 8.04.817 and 8.04.943 of Title 8 of the Los Angeles County Code (Consumer Protection and Business Regulations) and all subsequent ordinances amending the incorporated sections of Title 8 of the Los Angeles County Code, are adopted and incorporated by this reference as if set forth in full in this Section. The adopted provisions of Title 8 of the Los Angeles County Code fully express the will and intention of the City Council of the City of Torrance as to those matters relating to public health that are contained in the sections of the Los Angeles County Code incorporated and adopted by this Section.
- c) The provisions of this Section, insofar as they are substantially the same as provisions of the Torrance Municipal Code relating to the same subject matter existing immediately preceding adoption of this Section, shall be construed as restatements and continuances, and not as new enactments.
- d) The issuance of a permit, certification, or approval under the provisions of this Section shall not constitute a waiver of any other requirement contained in the Torrance Municipal Code or any

other law or ordinance, and all such requirements shall be complied with in addition to the obtaining of a permit, certification, or approval under the provisions of this Section.

e) The issuance of a permit, certification, or approval under the provisions of this Section shall not constitute an approval of any violation of any provision of this Section, or any law or ordinance, and a permit, certification, approval, or other document purporting to give authority to violate any law or ordinance shall not be valid with respect thereto.

f) Any person, group, corporation or association which prepares food for, or dispenses food to, members of the public shall comply with the provisions of the Los Angeles County Health and Safety Code, which are adopted and incorporated by this Section and which impose requirements for food handling, preparation, storage and treatment and for the packaging of box lunches, sandwiches and other prepared food.

g) In the event of any conflict, inconsistency or ambiguity arises between the provisions of Title 8 and Title 11 of the Los Angeles County Code as adopted by this Section and any other provision of the Torrance Municipal Code, the provisions of the Torrance Municipal Code shall govern.

h) A copy of Title 8 (Consumer Protection and Business Regulations) and of Title 11 (Health and Safety) of the Los Angeles County Code is on file in the Office of the City Clerk.

CHAPTER 8

REGULATIONS FOR DUST PRODUCING SUBSTANCES

(Added by O-2271)

ARTICLE 1 - DEFINITIONS AND SCOPE

48.1.1 DUST.

- a) The word dust shall include powdered substances, lint fibers or other loose particles which may become airborne.
- b) Potential dust producing substances as used in this Article includes but is not limited to manufactured or mechanically produced substances such as coke, coal carbon, gypsum, diatomaceous earth and zinc.
- c) The provisions of this Chapter shall not apply to any dust producing or potential dust producing substances whose production, refinement, selling, storing, stockpiling or loading is regulated by other provisions of this Code.

48.1.2 CONSTRUCTION NEAR RESIDENTIAL ZONE.

No operation in connection with a business involved in the production, refinement, selling, storing, stockpiling or loading materials which are a potential source of dust being released into the atmosphere shall be conducted within sixty-five (65) yards of a lot containing a structure used or which may be used as a residence.

48.1.3 STOCKPILING NEAR STREET OR HIGHWAY.

The storing or stockpiling of any potential dust producing material, unless enclosed by a building, shall not be placed within seventy (70) feet of any street or highway.

48.1.4 CONTROL OF DUST.

Each stockpile of potential dust producing substances unless completely enclosed within a building, whether being extended or diminished, active or inactive, shall be controlled by mechanical or chemical means so as to prevent dust from blowing off the property on which the substance is stockpiled. Such mechanical or chemical means may include but is not limited to the following:

- a) Inactive stockpiles shall be covered with a coating of emulsion, adhesive or other chemical substance to prevent dust from blowing off the pile. This covering may be a chemical substance manufactured and designed for the purpose of holding dust producing substances in place, or it may be a coating by natural action of the material stored when wet or subjected to other processing. If the coating or crust is by natural action of the substance it must be capable of forming the coating or crust within forty-eight (48) hours from the time of storage. Under either method of coating or crusting, the stockpile must have a yield point of not less than seventy-five (75) miles per hour of wind velocity and shall not lose its dust controlling capacity when subjected to rain or frost.

- b) Active stockpiling may be controlled by a water spray to such depth and state of wetness to control dust at all times. Such water spray system shall be designed to cover all stockpiles or potential dust producing substances wherever located on the property. The water spray system may be either manually operated on a twenty-four (24) hour a day basis, or automatically activated if tied to an anemometer, twenty-four (24) hours per day. The system shall be activated whenever the wind velocity reaches fifteen (15) miles per hour, or intermittent gust of wind reach a velocity of twenty (20) miles per hour.
- c) Surrounding Area. In the event that potential dust producing substances are allowed to accumulate in other areas, such as roads, work areas or paths where wind or passing vehicles could cause dust to enter the air, that area shall be subject to coating with a method described in a) or b) in this Section, or by such other means to prevent the dust from blowing or being carried onto streets, highways or adjacent property.

48.1.5 HEIGHT REQUIREMENTS.

No stockpile of potential dust producing material, not completely enclosed within a building, shall be more than thirty (30) feet high.

48.1.6 STOCKPILE OF MATERIAL.

A stockpile of potential dust producing material, unless completely enclosed within a building, shall be relatively flat on the top rather than convex or concave.

48.1.7 REGULATIONS FOR REMOVAL OR REDUCTION OF STOCKPILE.

No stockpile of potential dust producing material, unless enclosed in a building, shall be removed or reduced in size except from the leeward side of the pile.

48.1.8 MOVING MATERIAL.

- a) No potential dust producing substance shall be moved by truck from the property where it is loaded, without being completely and effectively sprayed with water to prevent the blowing of dust from the truck while in transit.
- b) No potential dust producing substance shall be moved by open railway car from the property where it is loaded without being completely and effectively sprayed with water to a depth of four (4) inches or covered with a coating of emulsion adhesive or other chemical substance to prevent dust from blowing off the material.

48.1.9 TREES AND SHRUBS.

Any property larger than three (3) acres on which is stored any potential dust producing substance shall be planted with suitable trees and shrubs in accordance with the plans provided in Sec. 48.1.10. herein to control wind currents and to prevent blowing of dust from the property unless the potential dust producing substance is completely enclosed within a building. The trees and shrubs shall be equipped with a permanent irrigation system.

48.1.10 APPROVAL OF PLANS.

The owners or operators of all facilities on which is stored potential dust producing substances within ninety (90) days after the effective date of this Chapter shall submit to the City Council for approval a complete plan for the control of dust. The plan shall show the placement of berms, fences, walls, trees and plant placement, landscaping, water sprinkler and irrigation systems. As a condition of the approval, the City will require the applicant to furnish at his own expense a report by a qualified engineering expert, attesting to the effectiveness of the dust control system proposed.

CHAPTER 9 CONDUCT IN PUBLIC PARKS

ARTICLE 1 - DEFINITIONS

(Added by O-3025)

49.1.1 DEFINITIONS.

(Amended by O-3743)

For the purpose of this Chapter, certain words are defined as follows:

- a) "Director" means the Community Services Director.
- b) "Park" means a park, playground, swimming pool, playing field, median parkway in a street right-of-way, court, restroom and any other area or facility owned or leased by the City, or for which the City has the right to possession, which is devoted to active or passive recreation uses except the beach as defined in Section [44.1.3](#) of this Code. The definition of park includes the grassy areas and walkways surrounding Benstead Plunge, all walkways adjacent to a park, and parking lots associated with a park.

ARTICLE 2 - USE OF PARKS

49.2.1 HOURS OF OPERATION.

All parks shall be open to the public between the hours of 6:00 A.M. and 10:00 P.M. No person shall enter or remain in any park between the hours of 10:00 P.M. and 6:00 A.M., except when engaged in an activity scheduled or expressly permitted by the City.

49.2.2 FIRES PROHIBITED.

No person shall make or kindle a fire in a park for any purpose, except in facilities provided for such purposes as authorized by the Director.

49.2.3 AREAS RESTRICTED.

No person shall enter an area in a park posted as CLOSED TO THE PUBLIC, nor shall any person use, or abet the use of, any area in violation of posted notices.

49.2.4 USE OF RESTROOMS.

No person over the age of eight (8) years shall use restrooms or washroom designated for the opposite sex.

49.2.5 RECREATION SWIMMING.

No person shall swim, bathe or wade in the water of any fountain, pond, lake or stream in a park except as wading and swimming shall be permitted in pools designated for these purposes.

49.2.6 CONSUMPTION AND POSSESSION OF ALCOHOLIC BEVERAGES.

(Amended by O-3683)

- a) No person shall consume any alcoholic beverage at any time in any City park. This Section shall not apply where the consumption is within premises for which a permit has been issued by the Director as provided in Article [3](#).
- b) No person shall possess 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, at any time in any City park. This Section shall not apply where the possession is within premises for which a permit has been issued by the Director as provided in Article [3](#) or where the possession is solely for the purpose of recycling.
- c) Any person violating subsection (a) will be guilty of a misdemeanor.
- d) Any person violating subsection (b) will be guilty of an infraction as provided in Section 25620 of the California Business and Professions Code.

49.2.7 USE OF PARKS.

(Added by O-3406)

- a) No person shall play upon, use, occupy, or participate in any activity, or permit others to play upon, use, occupy, or participate in any activity in or upon a park, park facility, playground, court, pool or structure, in a manner not intended for such play, use, occupancy, or participation, and which play, use, occupancy, or participation causes, or is likely to cause, damage or injury to the said park, facility, playground, court, pool or structure.
- b) No person shall skate, skateboard, or ride or drive any bicycle, motor scooter, motorcycle, or other vehicle, or permit others to skate, skateboard, or ride or drive any bicycle, motor scooter, motorcycle, or other vehicle in or upon any park, playground, court, pool or structure so as to cause damage or injury, or which activity is likely to cause damage or injury to the said park, playground, court, pool or structure; provided, however, that vehicles or equipment of the City or of a contractor employed by the City shall not be prohibited from driving or operating within any park, playground, court, pool or structure in the normal course of maintenance, construction or repair.

49.2.8 PARKING OF VEHICLES, CARTS, ETC. FROM WHICH FOOD PRODUCTS OR MERCHANDISE ARE SOLD.

(Added by O-3665)

- a) Except as otherwise provided below, no person may stand or park any vehicle, wagon or pushcart from which goods, wares, merchandise, fruits, vegetables or food products are sold, displayed, solicited, offered for sale, bartered or exchanged, on any portion of any park or park parking lot within this City except that such vehicles, wagons or pushcarts may stand or park only at the request of a bona fide purchaser for an amount of time not to exceed twenty (20) minutes at any one park or park parking lot during any twenty-four (24) hour period.
- b) No person may stand or park any vehicle, wagon or pushcart from which goods, wares,

merchandise, fruits, vegetables or food products are sold, displayed, solicited, offered for sale, bartered or exchanged, on any portion of Wilson Park or the Wilson Park parking lot on the following days: Tuesdays from 6:00 A.M. through 2:00 P.M., Saturdays from 6:00 A.M. through 2:00 P.M., the fourth of July, the day of the Halloween Carnival, the day of the Spring Boutique, and the day of the Holiday Boutique.

- c) This Section does not apply to participants of the Torrance Farmer's Market or other City-sponsored events.

49.2.9 PARKING OF VEHICLES IN PUBLIC PARKS AND PARKING LOTS SERVICING PUBLIC PARKS BETWEEN THE HOURS OF 10 P.M. AND 6 A.M.

(Added by O-3693)

- a) No person shall stop, stand, or park any vehicle in any Public Park or Park Parking lot servicing the Park or attached thereto between the hours of 10 p.m. and 6 a.m. Violators will be subject to citation, towing, or both. Violators will be towed at owner's expense.
- b) All Public Parks and Park parking lots must be posted to provide notice of parking prohibition and consequential towing. The prohibition will not be effective unless the required signs are posted.
- c) The prohibition in subsection (a) does not apply to those vehicles parked in Public Parks or Park parking lots approved by a City department with jurisdiction over the Park or Park parking lot for an event approved by such a department allowing parking between 10 p.m. and 6 a.m. Every vehicle so approved shall display a permit issued by such a department in the bottom left hand corner of the front windshield.
- d) Any vehicle found parked in a Public Park or Park parking lot between the prohibited hours listed in subsection (a) will be cited, towed at the owner's expense, or both.

49.2.10 SPECIAL EVENTS AT WILSON PARK.

(Added by O-3709)

- a) No dogs are allowed in posted areas of Wilson Park or the Wilson Park parking lot during Special Events. This prohibition will not apply to service dogs or police dogs.
- b) Special Events are defined as the following days: Tuesdays from 6:00 a.m. through 2:00 p.m., Saturdays from 6:00 a.m. through 2:00 p.m., the Fourth of July, the day of the Halloween Carnival, the day of the Spring Boutique, and the day of the Holiday Boutique.
- c) Any person who violates subsection (a) will be guilty of an infraction.

49.2.11 SMOKING PROHIBITED IN PARKS.

(Added by O-3743)

- (a) For the purposes of this section, the following definitions govern:

"Smoke or smoking" means the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting of a pipe, cigar, or cigarette of any kind, including, but not limited to, tobacco, or any other weed or plant.

"Cigar" means the same as defined in California Health and Safety Code Section 104550.

"Cigarette" means the same as defined in California Health and Safety Code Section 104556.

(b) Smoking a pipe, cigar, or cigarette in any park, or using or consuming any tobacco-related product is prohibited and is unlawful, unless it is done by an actor for filming purposes, pursuant to a permit issued by the City of Torrance.

(c) Disposing of pipe residue, cigar butts, cigarette butts or any other tobacco-related waste in a park is prohibited and is unlawful.

(d) It is unlawful for any person to intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to attain compliance with this section.

(e) Any person who violates this section is guilty of an infraction and subject to a fine of up to \$100 for a first violation, \$200 for a second violation within one year, and \$500 for a third or subsequent violation within one year. Punishment under this section does not preclude punishment pursuant to California Health and Safety Code Section 13002, Section 374.4 of the California Penal Code, or any other provision of law proscribing the act of littering.

ARTICLE 3 - PERMIT FOR EXCLUSIVE USE OF PARKS

49.3.1 WHEN PERMIT REQUIRED.

A permit (hereinafter called a park permit) shall be obtained from the Director before participating in any activity which causes a variation from the first come, first served basis, such as the following:

- a) Group picnics;
- b) Group activities requiring specific areas, time, or equipment;
- c) Athletic games, contests, or tournament sessions;
- d) The use of buildings, tables, chairs, or City equipment;
- e) The use of special equipment or demonstrations not normally used in park or athletic areas;
- f) Dances, shows or exhibitions;
- g) Any activity for which an admission fee is charged or a donation is received; and
- h) Any of the above activities which involve the consumption of alcoholic beverages.

49.3.2 PERMIT APPLICATION.

A person seeking issuance of a park permit shall file an application with the Director, which application shall state:

- a) The name and address of the applicant;
- b) The name and address of the person sponsoring the activity, if any;
- c) The day and hours for which the permit is desired;
- d) The park or portions thereof for which such permit is desired;
- e) The estimate of the anticipated attendance;
- f) Whether or not a system for amplifying sound is proposed to be used and the purpose for which it will be used; and
- g) Any other information which the Director shall find reasonably necessary to a fair determination as to whether or not a permit should be issued.

49.3.3 PERMIT ISSUANCE.

The Director shall issue a park permit when he finds:

- a) That the proposed activity or use of the park will not unreasonably interfere with or detract from the general public enjoyment of the park; and
- b) That the proposed activity and use will not unreasonably interfere with or be detrimental to the public health, welfare, safety and recreation; and
- c) That the proposed activity or use is not reasonably anticipated to incite violence, crime, or disorderly conduct; and
- d) That the proposed activity or use will not entail unusual, extraordinary, or burdensome expense or police operation by the City; and
- e) If a system for amplifying sound is to be used, that a permit therefor has been issued by the License Supervisor in accordance with the provisions of Article 4, Chapter 3, Division 3 (Section [33.4.1](#). et seq.) and Article 5, Chapter 6, Division 4 (Section [46.5.1](#). et seq.) of this Code; and
- f) That the park facilities requested have not been previously reserved for other use at the day and hour required in the application.

49.3.4 APPEALS.

- a) Within three (3) days after receipt of an application, the Director shall apprise the applicant in writing of his granting the park permit or reasons for denying the permit; and

- b) Any aggrieved person shall have the right to appeal such decision in writing to the Parks and Recreation Commission, and if said Commission refuses to issue such permit, shall have the right to appeal in writing to the City Council as provided in Article 5, Chapter 1, Division 1 (Section 11.5.1.) of this Code; and
- c) Both the Parks and Recreation Commission and the City Council shall consider the application under the standards set forth in Section 49.3.3. and sustain, subject to reasonable conditions, or reverse the Director's decision at the earliest practicable time. The decision of the City Council shall be final.

49.3.5 EXHIBITION OF PERMIT.

A park permit shall be exhibited upon the request of any authorized person who shall desire to inspect the same for the purpose of enforcing compliance with any law, rule, or regulation of the City.

49.3.6 INTERFERENCE WITH PERMITTEES.

No person shall disturb or unreasonably interfere with any other activity under the authority of a permit.

49.3.7 EFFECT OF PERMIT.

A permittee shall be bound by all park rules and regulations and all applicable laws as fully as if the same were inserted in the permit.

49.3.8 PERMIT REVOCATION.

The Director shall have the authority to revoke a park permit upon a finding of the violation of any rule or law applicable to the activity or use embraced by the permit or upon good cause shown.

Time permitting, such decision may be appealed to the City Council as provided in Article 5, Chapter 1, Division 1 (Section 11.5.1. et seq.) of this Code.

CHAPTER 10

STORMWATER AND URBAN RUNOFF POLLUTION CONTROL

(Added by O-3803)

ARTICLE 1 - GENERAL

410.1.010 DEFINITIONS.

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, 33 U.S.C. 1342(p), including, but not limited to, 40 C.F.R. 122.2 and 40 C.F.R. 122.26(b), and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles, as such permits may be amended from time to time.

"Authorized discharge" means any discharge that is authorized pursuant to an NPDES Permit or meets the conditions set forth in this Chapter.

"Automotive service facility" means a facility that is categorized as such in any one (1) of the Standard Industrial Classification (SIC) or North American Industry Classification System (NAICS) Codes. For inspection purposes, permittees need not inspect facilities with SIC Code 5013, 5014, 5541, or 5511; provided, that these facilities have no outside activities or materials that may be exposed to stormwater.

"Best management practices" or "BMPs" means methods, measures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollutants in discharges to the MS4 and thence into waters of the United States. BMPs include treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge or waste disposal and drainage from raw material storage; public education and outreach; proper planning of development projects; structural and nonstructural controls; and operations and maintenance procedures which can be applied before, during and after pollution-producing activities, including, but not limited to, proper clean-out of catch basins and proper waste handling and disposal. See 40 C.F.R. 122.2.

"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, educational institutions, recreational facilities, plant nurseries, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes.

"Commercial malls" means any development on private land comprised of one (1) or more buildings

forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

"Conditionally exempt essential nonstormwater discharges" are certain categories of discharges that are not composed entirely of stormwater and that are allowed by the Regional Water Board to discharge to the MS4, if in compliance with all specified requirements; are not otherwise regulated by an individual or general NPDES Permit; and are essential public services that are directly or indirectly required by other State or Federal statute and/or regulation. These include nonstormwater discharges from drinking water supplier distribution system releases and nonemergency fire fighting activities. Conditionally exempt essential nonstormwater discharges may contain minimal amounts of pollutants; however, when in compliance with industry standard BMPs and control measures, do not result in significant environmental effects. (See 55 Fed. Reg. 47990, 47995 (Nov. 16, 1990).)

"Construction activity" includes any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "routine maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage is required if more than one (1) acre is disturbed or the activities are part of a larger plan.

"Discharge" means any release, spill, leak, pump, flow, escape, dumping or disposal of any pollutant, from any point source, into the environment, including waters of the United States, and City's MS4.

"Hazardous materials" means any materials, wastes or mixture of wastes defined as a "hazardous substance" or "hazardous waste" pursuant to Section 311(b)(2) of the Clean Water Act, 33 U.S.C. 1321(b)(2), or the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. 6901 et seq., the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. 9601 et seq., or the Carpenter-Presley-Tanner Hazardous Substance Account Act, ("HSAA"), California Health and Safety Code Sections 25300, et seq., and all future amendments to any of them, or as defined by the State Water Resources Control Board or the California Regional Water Quality Control Board - Los Angeles. Where there is a conflict in the definitions employed by two (2) or more agencies having jurisdiction over hazardous waste or water pollution, the terms "hazardous materials" and "hazardous waste" shall be construed to have the broader, more encompassing definition.

"Illicit connection" means any device or artifice, excluding roof drains and other similar connections, connected to the municipal separate storm sewer system, without a permit, through or by which an illicit discharge may be discharged. Examples include channels, pipelines, pipes, conduits, inlets and outlets connected directly to the municipal separate storm sewer system.

"Illicit discharge" means any discharge to the MS4 that is not composed entirely of stormwater except discharges pursuant to a NPDES Permit, permitted discharges (which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA) and discharges resulting from fire fighting activities. "Illicit discharge" includes but is not limited to wash waters from the cleaning of retail gasoline outlets, auto repair garages and similar automotive service facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to, motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any restaurant or automotive service facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters. "Illicit discharge" also includes any other discharge to the MS4 that is prohibited by this Code, or any State or Federal law.

"Industrial/commercial facility" means any facility involved used for the production, manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility used in providing professional and nonprofessional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC) or North American Industry Classification System (NAICS). Facility ownership (Federal, State, municipal, private) and profit motive of the facility's owners or operators are not factors in this definition.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances including municipal streets, alleys, catch basins, curbs, gutters, ditches, manmade channels, storm drains, conduits, or other facilities owned, operated, maintained or controlled by City and used for the purpose of collecting, storing, transporting or disposing of stormwater, which are not part of a publicly owned treatment works, and which discharges directly or indirectly

(through another agency's MS4) to waters of the United States.

"Nonstormwater discharge" means any discharge to a municipal separate storm sewer system that is not composed entirely of stormwater. See "illicit discharge" and "permitted discharge."

"NPDES" means the "National Pollutant Discharge Elimination System" established by Section 402 of the Clean Water Act, 33 U.S.C. 1342, as it, from time to time, may be amended.

"Permitted discharge" means the following nonstormwater discharges:

- 1) Discharges covered by a separate individual or general NPDES Permit;
- 2) Natural flows, including the following:
 - A) Natural springs and rising ground water;
 - B) Flows from riparian habitats or wetlands;
 - C) Stream diversions, permitted by the State Board; and
 - D) Uncontaminated ground water infiltration (as defined by 40 C.F.R. 35.2005(20));
- 3) Flows from emergency fire fighting activity;
- 4) Flows incidental to urban activities; provided, that the discharge itself is not a source of pollutants and the proper BMPs are in place pursuant to the 2012 Permit, including the following:
 - A) Reclaimed and potable landscape irrigation runoff;
 - B) Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
 - C) Dechlorinated/debrominated swimming pool discharges;
 - D) Dewatering of lakes and decorative fountains;
 - E) Noncommercial car washing by residents or by nonprofit organizations; and
 - F) Street/sidewalk wash water.

"Pollutant" means a "pollutant" as defined in Section 502(6) of the Clean Water Act, 33 U.S.C. 1362(6), or incorporated into California Water Code Section 13373, discharged into water but shall not mean uncontaminated stormwater, potable water or reclaimed water generated by a lawfully permitted water treatment facility, or any substance, the discharge of which into the MS4, through

best management practices, has been reduced to the maximum extent practicable. Subject to the foregoing, "pollutant" also includes but is not limited to wash waters from the cleaning of retail gasoline outlets, auto repair garages and similar automotive service facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to, motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other hazardous substances, and uncovered receptacles containing hazardous materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any restaurant or automotive service facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters.

"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).

"Retail gasoline outlet" or "RGO" means, for the purpose of this Chapter, any facility engaged in selling gasoline and lubricating oils.

"Solid waste" shall have the meaning ascribed by Public Resources Code Section 40191, as it, from time to time, may be amended.

Storm Drain. See "municipal separate storm sewer system" or "MS4."

"Stormwater" means stormwater runoff, snow melt runoff, and surface runoff and drainage.

"Stormwater pollution prevention plan" or "SWPPP" means a plan, as required by a State General Permit issued by the State Water Resources Control Board ("SWRCB"), identifying potential pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent nonstormwater discharges and to reduce pollutants in stormwater discharges during activities covered by the General Permit.

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and urban runoff pollution (e.g., canopy, structural enclosure). The category

may include both treatment control BMPs and source control BMPs.

"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.

"Wet season" means the period beginning on October 1st and ending at midnight on April 15th, annually.

410.1.015 AUTHORITY TO ENFORCE AND IMPLEMENT.

Under the Torrance City Charter, Article 11, Section 7 of the California Constitution, the California Government Code, and the California Water Code, the City Manager, or the City Manager's designee, shall have the authority to take all actions necessary to enforce and implement all NPDES Permits and waste discharge requirements.

410.1.020 ILLICIT DISCHARGES PROHIBITED.

No person shall cause any illicit discharge to enter the MS4 unless such discharge: (a) is authorized by an NPDES Permit; or (b) is associated with emergency fire fighting activities; or (c) is a permitted discharge which is exempt or conditionally exempt in accordance with 2012 Permit; provided, that any applicable BMPs per the 2012 Permit are implemented; or (d) essential water system discharges. No pollutant in stormwater may be discharged to the MS4 unless the pollutant has been reduced to the maximum extent practicable.

410.1.030 ILLICIT CONNECTIONS PROHIBITED.

No person shall use or suffer the use of any illicit connection to convey an illicit discharge or any pollutant to the MS4 from premises of which that person is an owner or is the person in charge of day-to-day activities. Illicit connections are prohibited by the Clean Water Act, NPDES MS4 Stormwater Permits issued by the California Regional Water Quality Control Board - Los Angeles and this Chapter. The owner and the person in charge of day-to-day activities of premises at which an illicit connection is located shall obtain a permit for, or remove, the illicit connection within one hundred eighty (180) days of confirmation of discovery of the illicit connection.

410.1.040 CONTROL OF POLLUTANTS FROM SITES OF INDUSTRIAL OR COMMERCIAL ACTIVITY.

- a) It shall be a violation of this Chapter for any person or entity required under Federal or State law to comply with the requirements for a NPDES General Industrial Activities Stormwater Permit (GIASP) for a facility or activity in the City to operate such facility or activity in the City which discharges to the City's MS4 without complying with all applicable requirements for a General Industrial Activities Stormwater Permit.
- b) Any person or entity in the City required to have a General Industrial Activities Stormwater Permit for a facility or activity in the City which discharges to the City's MS4 shall retain at such facility or activity the following documents which evidence compliance with General Industrial Activities Stormwater Permit requirements: (1) a copy of the notice of intent to comply with the

General Industrial Activities Stormwater Permit; (2) a waste discharge identification number (WDID) issued by the State Water Resources Control Board; (3) a stormwater pollution prevention plan (SWPPP); (4) any required stormwater quality data; and (5) a plan containing urban runoff best management practices (BMPs).

- c) Any person or entity in the City required to have a General Industrial Activities Stormwater Permit for a facility or activity in the City which discharges to the City's MS4, upon request from a duly authorized officer of the City, shall make available to the City for review, copying and inspection all of the documents described in subsection (b) of this Section during any City stormwater-related educational program or inspection and shall demonstrate compliance with such General Industrial Activities Stormwater Permit, including but not limited to demonstration of the adequacy of, and compliance with, any required SWPPP and all applicable BMPs.
- d) Any facility not covered by the 2012 Permit is required to obtain a no exposure certification (NEC) directly from the State Water Resources Control Board.

410.1.050 SPILLS, DUMPING AND DISPOSAL PROHIBITED.

- a) No person shall dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any solid waste or liquid waste, including any pollutant, in or upon any part of the MS4, or upon any public or private premises in the City, or to cause, suffer, or permit any solid waste or liquid waste or other pollutant to come to be located upon, in, on or under any premises in the City, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.
- b) No person shall dispose of leaves, grass or other clippings, dirt or any other landscape debris into any part of the MS4.
- c) No person shall dispose of any pesticide, fungicide, or herbicide banned by, or not registered with, the United States Environmental Protection Agency or the California Department of Pesticide Regulation, or its successor, into any part of the MS4.
- d) No person shall dispose of any hazardous material into any civic litter container or any other trash receptacle accessible to the public.
- e) No person shall pour oil or grease, or the residue of oil or grease, onto any parking lot, or any part of the MS4.
- f) No person shall place any washout water or other liquid in any container for the disposal of solid waste.
- g) No person shall wash restaurant or automotive service facility floor mats in any place where the wash or rinse water may flow into any part of the MS4.

410.1.060 BEST MANAGEMENT PRACTICES REQUIRED.

The owner, occupant or other person in charge of day-to-day operation of each commercial or industrial premises within the City shall implement best management practices as follows:

- a) The owner or other person in charge of day-to-day operation of parking lots with more than twenty-five (25) parking spaces exposed to stormwater which parking lots are associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs (as described in the 2012 Permit) to reduce the discharge of pollutants to the maximum extent practicable. Such measures may include regular sweeping or other measures, if effective.
- b) The owner or other person in charge of day-to-day operation of premises where machinery or other equipment which is repaired or maintained, at facilities or activities associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs or other steps to prevent discharge of maintenance related or repair related pollutants to the MS4.
- c) For other premises exposed to stormwater, the owner, occupant or other person in charge of day-to-day operations shall use BMPs, if they exist, or other steps to reduce the discharge of pollutants to the maximum extent practicable, including the removal and lawful disposal of any solid waste or any other substance which, if it were to be discharged to the MS4, would be a pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from all parts of the premises exposed to stormwater.

410.1.070 CONSTRUCTION ACTIVITY STORMWATER MEASURES.

- a) Each person applying to the City for a grading or building permit for projects for which compliance with regulations governing State Construction Activity Stormwater Permits ("GCASPs") is required must submit satisfactory proof to City (1) that a notice of intent (NOI) to comply with the GCASP has been filed and (2) that a stormwater pollution prevention plan has been prepared, before the City shall issue any grading or building permit on the construction project. A copy of the NOI and the SWPPP shall be maintained on site during grading and construction and shall be made available for inspection, review and copying upon the request of any City inspector.
- b) It shall be a violation of this Chapter for any person or entity required under Federal or State law to comply with the requirements for a State Construction Activity Stormwater Permit (GCASP) for construction activity in the City to conduct, authorize or permit construction activities in the City at any facility which discharges to the City's MS4 without complying with all applicable requirements for a GCASP.
- c) Each person applying for a grading or building permit for any project for which compliance with regulations governing State Construction Activity Stormwater Permits is not required shall submit to the City for information, and shall implement a grading and construction activity runoff control program adequate to comply with the 2012 Permit requirements and accomplish all of the following:

- 1) Retain on site the sediments generated on or brought to the project site, using treatment control or structural BMPs;
 - 2) Retain construction-related materials and wastes, spills and residues at the project site and prevent discharges to streets, drainage facilities, the MS4, receiving waters or adjacent properties;
 - 3) Contain nonstormwater runoff from equipment and vehicle washing at the project site;
 - 4) Control erosion from slopes and channels through use of effective BMPs described in Table 12 of the 2012 Permit, such as limitation of grading during the wet season, inspection of graded areas during rain events, planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion; and
 - 5) Prepare and implement an erosion and sediment control plan (ESCP) as described in 2012 Permit.
- d) No person generating or producing pavement sawcutting wastes in any street, curb or sidewalk in the City shall fail to recover and properly dispose of such sawcutting wastes, and in no case shall such wastes be permitted or suffered to enter any part of the MS4, including, but not limited to, any storm drain.
- e) No person performing street and road maintenance in any street in the City shall fail to manage street and road maintenance materials in a manner which prevents such materials from being discharged to the MS4.
- f) No person shall wash any concrete truck or any part of any concrete truck, including, but not limited to, any chute, pump or tools, in any place in the City except an area designated for that purpose by the City, if the City has designated such a place. No person shall permit or suffer any concrete rinseate or washwater from any truck, pump, tool or equipment to enter any drain, open ditch, street or road or any catch basin or any other part of the MS4.

410.1.080 VIOLATIONS.

Violation of any provision of this Chapter, any stormwater pollution prevention plan, any provision of any permit issued pursuant to this Chapter, or any administrative enforcement order issued pursuant to this Chapter shall be a misdemeanor.

410.1.090 NOTICES OF VIOLATION; ADMINISTRATIVE ORDERS; AND PROGRESSIVE ENFORCEMENT.

- a) The City Manager, or the City Manager's designees, may issue notices of violation and administrative enforcement orders to achieve compliance with the provisions of this Chapter, any approved stormwater pollution prevention plan or any permit issued pursuant to this Chapter. Failure to comply with the terms and conditions of such a notice of violation or an administrative order shall constitute a violation of this Chapter.

- b) The City Attorney may bring civil and criminal actions to enforce this Chapter, including, but not limited to, the provisions of any administrative enforcement order, notice of violation, cease and desist order, or any stormwater pollution prevention plan or any permit issued pursuant to this Chapter.
- c) The City may order a notice to clean and refer violations of any NPDES Permit to the State Water Resources Control Board and person may then be subject to California Water Code penalties.

410.1.100 NUISANCES.

The violation of any provision of this Chapter is hereby declared to be a nuisance, and may be abated by the City in accordance with its authority to abate nuisances.

410.1.110 REMEDIES NOT EXCLUSIVE.

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable Federal, State or local law and it is within the discretion of the City to seek cumulative remedies.

410.1.120 INSPECTIONS; SEARCHES.

Whenever necessary to make an inspection to enforce any provisions of this Chapter and to conduct all inspections required by any applicable NPDES Permit, the enforcement officer for the City may enter any property in the City regulated by this Chapter in a manner authorized by State law and take samples; inspect, review and copy records relevant to any illicit connection, illicit discharge or the discharge of any pollutant to the MS4. The owner or other person in charge of day-to-day activities at the premises, upon request of any City inspector, shall make available for inspection, review and copying any required GIASP, GCASP, NOI, NEC (no exposure certification), BMPs, SWPPP, any monitoring data and any permit relevant to the reduction of the discharge of any pollutant to the maximum extent practicable.

410.1.121 REQUIREMENT TO SAMPLE OR MONITOR.

The City shall comply with the monitoring and reporting program (MRP) and future revisions thereto (Attachment E of the new permit), in coordination with an approved watershed management program, implement a customized monitoring program that achieves the five primary objectives set forth in the new permit:

- a) Receiving water monitoring.
- b) Stormwater outfall monitoring.
- c) Nonstormwater outfall monitoring.
- d) New development/redevelopment effectiveness tracking.
- e) Regional studies.

410.1.130 FEES.

The City Council may establish fees for the services provided under this Chapter. Such fees shall be fixed and established from time to time by the City Council by resolution.

CHAPTER 11

LOW IMPACT DEVELOPMENT STRATEGIES FOR DEVELOPMENT AND REDEVELOPMENT

(Added by O-3793)

411.1.010 LIMITS OF CHAPTER.

Nothing in this Chapter shall be interpreted to:

- a) Infringe any right or power guaranteed by the California Constitution, including any vested property right; or
- b) Require any action inconsistent with any applicable and lawfully adopted General Plan, Specific Plan, Plan Amendment, Vesting Tentative Map, or Building Code that conforms to the laws of California and the requirements of this Chapter; or
- c) Restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this Chapter.

411.1.020 OBJECTIVES OF CHAPTER.

The provisions of this Chapter contain requirements for construction activities and facility operations of development and redevelopment projects to comply with the current municipal NPDES permit, lessen the water quality impacts of development by using smart growth practices, and integrate LID design principles to mimic predevelopment hydrology through infiltration, evapotranspiration and rainfall harvest and use.

411.1.030 SCOPE OF CHAPTER.

This Chapter contains requirements for stormwater pollution control measures in development and redevelopment projects and authorizes the City of Torrance to further define and adopt stormwater pollution control measures, develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, grant waivers from the requirements of the Standard Urban Stormwater Mitigation Plan, and collect funds for projects that are granted waivers. Except as otherwise provided herein, the City of Torrance shall administer, implement and enforce the provisions of this Chapter.

411.1.040 DEFINITIONS.

Except as specifically provided herein, any term used in this Chapter shall be defined as that term in the current municipal NPDES permit, or if it is not specifically defined in either the municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. If the definition of any term contained in this Chapter conflicts with the definition of the same term in the current municipal NPDES permit, then the definition contained in the municipal NPDES permit shall govern. The following words and phrases shall have the following meanings when used in this Chapter:

"Automotive service facility" means a facility that is categorized in any one (1) of the following

Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes. For inspection purposes, permittees need not inspect facilities with SIC codes 5013, 5014, 5541, or 5511; provided, that these facilities have no outside activities or materials that may be exposed to stormwater.

"Basin Plan" means the Water Quality Control Plan, Los Angeles Region, Basin Plan for the Coastal Watersheds of Los Angeles and Ventura Counties, adopted by the Regional Water Board on June 13, 1994, and subsequent amendments.

"Best management practice (BMP)" 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.

"Biofiltration" means a LID BMP that reduces stormwater pollutant discharges by intercepting rainfall on vegetative canopy, and through incidental infiltration and/or evapotranspiration, and filtration. Incidental infiltration is an important factor in achieving the required pollutant load reduction. Therefore, the term "biofiltration" as used in this Chapter is defined to include only systems designed to facilitate incidental infiltration or achieve the equivalent pollutant reduction 3 as biofiltration BMPs with an underdrain (subject to approval by the Regional Board's Executive Officer). Biofiltration BMPs include bioretention systems with an underdrain and bioswales.

"Bioretention" means a LID BMP that reduces stormwater runoff by intercepting rainfall on vegetative canopy, and through evapotranspiration and infiltration. The bioretention system typically includes a minimum two (2) foot top layer of a specified soil and compost mixture underlain by a gravel-filled temporary storage pit dug into the in-situ soil. As defined in the municipal NPDES permit, a bioretention BMP may be designed with an overflow drain, but may not include an underdrain. When a bioretention BMP is designed or constructed with an underdrain it is regulated by the municipal NPDES permit as biofiltration.

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

"City" means the City of Torrance.

"Clean Water Act (CWA)" means the Federal Water Pollution Control Act enacted in 1972, by Public Law 92-500, and amended by the Water Quality Act of 1987. The Clean Water Act prohibits the discharge of pollutants to waters of the United States unless the discharge is in accordance with an NPDES permit.

"Commercial malls" means any development on private land comprised of one (1) or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways

enabling visitors to easily walk from store to store, along with parking area(s). A commercial mall includes, but is not limited to: mini-malls, strip malls, other retail complexes, and enclosed shopping malls or shopping centers.

"Construction activity" means any construction or demolition activity, clearing, grading, grubbing, or excavation or any other activity that results in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "routine maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one (1) acre is disturbed or the activities are part of a larger plan.

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

"Development" means construction, rehabilitation, redevelopment or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail, and other 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 any release, spill, leak, pump, flow, escape, dumping, or disposal of any liquid, semi-solid, or solid substance.

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

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

"General Construction Activities Storm Water Permit (GCASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from construction activities under certain conditions.

"General Industrial Activities Storm Water Permit (GIASP)" means the general NPDES permit adopted by the State Board which authorizes the discharge of stormwater from certain industrial

activities under certain conditions.

"Green roof" means a LID BMP using planter boxes and vegetation to intercept rainfall on the roof surface. Rainfall is intercepted by vegetation leaves and through evapotranspiration. Green roofs may be designed as either a bioretention BMP or as a biofiltration BMP. To receive credit as a bioretention BMP, the green roof system planting medium shall be of sufficient depth to provide capacity within the pore space volume to contain the design storm depth and may not be designed or constructed with an underdrain.

"Hazardous material(s)" means any material(s) defined as hazardous by California Health and Safety Code Section 25501(n) or successor provision.

"Hillside" means a property located in an area with known erosive soil conditions, where the development contemplates grading on any natural slope that is twenty-five percent (25%) or greater and where grading contemplates cut or fill slopes.

"Impervious surface" means any manmade or modified surface that prevents or significantly reduces the entry of water into the underlying soil, resulting in runoff from the surface in greater quantities and/or at an increased rate, when compared to natural conditions prior to development. Examples of places that commonly exhibit impervious surfaces include parking lots, driveways, roadways, storage areas, and rooftops. The imperviousness of these areas commonly results from paving, compacted gravel, compacted earth, and oiled earth.

"Industrial park" means land development that is set aside for industrial development. Industrial parks are usually located close to transport facilities, especially where more than one (1) transport modalities coincide: highways, railroads, airports, and navigable rivers. It includes office parks, which have offices and light industry.

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

"LID" means low impact development. LID consists of building and landscape features designed to retain or filter stormwater runoff.

"MS4" means municipal separate storm sewer system (MS4). The MS4 is a conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

- 1) Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to State law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under State law such as a sewer district, flood control district or drainage district, or similar entity, or an

Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;

- 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 at 40 CFR 122.2.

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

"Natural drainage system" means a drainage system that has not been improved (e.g., channelized or armored). The clearing or dredging of a natural drainage system does not cause the system to be classified as an improved drainage system.

"New development" means land-disturbing activities; structural development, including construction or installation of a building or structure, creation of impervious surfaces; and land subdivision.

"Nonstormwater discharge" means any discharge to a municipal storm drain system that is not composed entirely of stormwater.

"Parking lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, industry, or personal use, with a lot size of five thousand (5,000) square feet or more of surface area, or with twenty-five (25) or more parking spaces.

"Person" means any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, state, governmental entity or any other legal entity, or their legal representatives, agents or assigns. The masculine gender shall include the feminine and the singular shall include the plural where indicated by the context.

"Planning priority projects" means development projects subject to permittee conditioning and approval for the design and implementation of post-construction controls to mitigate stormwater pollution, prior to completion of the project(s).

"Pollutant" means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into California Water Code Section 13373. Pollutants may include, but are not limited to, the following:

- 1) Commercial and industrial waste (such as fuels, solvents, detergents, plastic pellets,

hazardous 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 soil, sediment, and particulate materials in amounts that 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, recreational facilities, stables, and show facilities).
- 6) Substances having characteristics such as pH less than 6 or greater than 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. The term is not limited to "project" as defined under CEQA (Pub. Resources Code Section 21065).

"Rainfall harvest and use" means a LID BMP system designed to capture runoff, typically from a roof but can also include runoff capture from elsewhere within the site, and to provide for temporary storage until the harvested water can be used for irrigation or nonpotable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is approved for such use by the local building department.

"Receiving water" means "water of the United States" into which waste and/or pollutants are or may be discharged.

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land-disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"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).

"Retail gasoline outlet" means any facility engaged in selling gasoline and lubricating oils.

Routine Maintenance. Routine maintenance projects include, but are 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, regarding dirt or gravel roadways and shoulders and performing ditch cleanouts.
- 4) Update existing lines* and facilities to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity.
- 5) Repair leaks.

Routine maintenance does not include construction of new** lines or facilities resulting from compliance with applicable codes, standards and regulations.

* Update existing lines includes replacing existing lines with new materials or pipes.

** New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

"Significant ecological areas (SEAs)" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the Los Angeles County General Plan. Areas are designated as SEAs if they possess one (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.
- 8) Special areas.

"Site" means land or water area where any "facility or activity" is physically located or conducted, including adjacent land used in connection with the facility or activity.

"Storm drain system" means any facilities or any part of those facilities, including streets, gutters, conduits, natural or artificial drains, channels, and watercourses, that are used for the purpose of collecting, storing, transporting or disposing of stormwater and are located within the City of Torrance.

"Storm water" or "stormwater" means water that originates from atmospheric moisture (rain or snow) and that falls onto land, water, or other surfaces. Without any change in its meaning, this term may be spelled or written as one (1) word or two (2) separate words.

"Stormwater runoff" means that part of precipitation (rainfall or snowmelt) which travels across a surface to the storm drain system or receiving waters.

"SUSMP" means the Los Angeles Countywide Standard Urban Stormwater Mitigation Plan. The SUSMP was required as part of the previous municipal NPDES permit (Order No. 01-182, NPDES No. CAS004001) and required plans that designate best management practices (BMPs) that must be used in specified categories of development projects.

"Urban runoff" means surface water flow produced by storm and nonstorm events. Nonstorm events include flow from residential, commercial, or industrial activities involving the use of potable and nonpotable water.

411.1.050 APPLICABILITY.

- a) The following development and redevelopment projects, termed "planning priority projects," shall comply with the requirements of Section [411.1.070](#):

- 1) All development projects equal to one (1) acre or greater of disturbed area that adds more than ten thousand (10,000) square feet of impervious surface area.
- 2) Industrial parks ten thousand (10,000) square feet or more of surface area.
- 3) Commercial malls ten thousand (10,000) square feet or more of surface area.
- 4) Retail gasoline outlets with five thousand (5,000) square feet or more of surface area.

- 5) Restaurants (Standard Industrial Classification (SIC) of 5812) with five thousand (5,000) square feet or more of surface area.
- 6) Parking lots with five thousand (5,000) square feet or more of impervious surface area, or with twenty-five (25) or more parking spaces.
- 7) Streets and roads construction of ten thousand (10,000) square feet or more of impervious surface area.
- 8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532 through 7534 and 7536 through 7539) with five thousand (5,000) square feet or more of surface area.
- 9) Projects located in or directly adjacent to, or discharging directly to an environmentally sensitive area (ESA), where the development will: A) discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and B) create two thousand five hundred (2,500) square feet or more of impervious surface area.
- 10) Single-family hillside homes.
- 11) Redevelopment Projects.
 - A) Land-disturbing activity that results in the creation or addition or replacement of five thousand (5,000) square feet or more of impervious surface area on an already developed site on planning priority project categories.
 - B) Where redevelopment results in an alteration to more than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, the entire project must be mitigated.
 - C) Where redevelopment results in an alteration of less than fifty percent (50%) of impervious surfaces of a previously existing development, and the existing development was not subject to post-construction stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.
 - D) Redevelopment does not include routine maintenance activities that are conducted to maintain original line and grade, hydraulic capacity, original purpose of facility or emergency redevelopment activity required to protect public health and safety. Impervious surface replacement, such as the reconstruction of parking lots and roadways which does not disturb additional area and maintains the original grade and alignment, is considered a routine maintenance activity. Redevelopment does not include the repaving of existing roads to maintain original line and grade.

- E) Existing single-family dwelling and accessory structures are exempt from the redevelopment requirements unless such projects create, add, or replace ten thousand (10,000) square feet of impervious surface area.

411.1.060 EFFECTIVE DATE.

The planning and land development requirements contained in Section 7 of Order No. R4-2012-0175 shall become effective ninety (90) days from the adoption of the Order (February 6, 2013). This includes planning priority projects that are discretionary permit projects or project phases that have not been deemed complete for processing, or discretionary permit projects without vesting tentative maps that have not requested and received an extension of previously granted approvals within ninety (90) days of adoption of the Order. Projects that have been deemed complete within ninety (90) days of adoption of the Order are not subject to the requirements of Section 7.

411.1.070 STORMWATER POLLUTION CONTROL REQUIREMENTS.

- a) The site for every planning priority project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.
- 1) A new single-family hillside home development shall include mitigation measures to:
- A) Conserve natural areas;
 - B) Protect slopes and channels;
 - C) Provide storm drain system stenciling and signage;
 - D) Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
 - E) Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.
- 2) Street and road construction of ten thousand (10,000) square feet or more of impervious surface shall follow U.S. EPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.
- 3) The remainder of planning priority projects shall prepare a LID Plan to comply with the following:
- A) Retain stormwater runoff on site for the stormwater quality design volume (SWQDv) defined as the runoff from:

- i) The eighty-fifth (85th) percentile twenty-four (24) hour runoff event as determined from the Los Angeles County eighty-fifth (85th) percentile precipitation isohyetal map; or
 - ii) The volume of runoff produced from a three-quarters (0.75) inch, twenty-four (24) hour rain event, whichever is greater.
- B) When, as determined by the Community Development Department, one hundred percent (100%) on-site retention of the SWQDv is technically infeasible, partially or fully, the infeasibility shall be demonstrated in the submitted LID Plan. The technical infeasibility may result from conditions that may include, but are not limited to:
- i) The infiltration rate of saturated in-situ soils is less than three-tenths (0.3) inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv on site;
 - ii) Locations where seasonal high groundwater is within five (5) to ten (10) feet of surface grade;
 - iii) Locations within one hundred (100) feet of a groundwater well used for drinking water;
 - iv) Brownfield development sites or other locations where pollutant mobilization is a documented concern;
 - v) Locations with potential geotechnical hazards;
 - vi) Smart growth and infill or redevelopment locations where the density and/or nature of the project would create significant difficulty for compliance with the on-site volume retention requirement.
- C) If partial or complete on-site retention is technically infeasible, the project site may biofiltrate one and one-half (1.5) times the portion of the remaining SWQDv that is not reliably retained on site. Biofiltration BMPs must adhere to the design specifications provided in the municipal NPDES permit.
- i) Additional alternative compliance options such as off-site infiltration may be available to the project site. The project site should contact the Community Development Department to determine eligibility. Alternative compliance options are further specified in California Stormwater Quality Association BMP handbooks.
- D) The remaining SWQDv that cannot be retained or biofiltered on site must be treated on site to reduce pollutant loading. BMPs must be selected and designed to meet

pollutant-specific benchmarks as required per the municipal NPDES permit. Flow-through BMPs may be used to treat the remaining SWQDv and must be sized based on a rainfall intensity of:

- i) Two-tenths (0.2) inches per hour; or
 - ii) The one (1) year, one (1) hour rainfall intensity as determined from the most recent Los Angeles County isohyetal map, whichever is greater.
- E) A multi-phased project may comply with the standards and requirements of this Section for all of its phases by:
- i) Designing a system acceptable to the Community Development Department to satisfy these standards and requirements for the entire site during the first phase; and
 - ii) Implementing these standards and requirements for each phase of development or redevelopment of the site during the first phase or prior to commencement of construction of a later phase, to the extent necessary to treat the stormwater from such later phase. For purposes of this Section, "multi-phased project" shall mean any planning priority project implemented over more than one (1) phase and the site of a multi-phased project shall include any land and water area designed and used to store, treat or manage stormwater runoff in connection with the development or redevelopment, including any tracts, lots, or parcels of real property, whether developed or not, associated with, functionally connected to, or under common ownership or control with such development or redevelopment.

411.1.080 INSPECTIONS.

- a) The City Manager and such other officers as the City Manager may designate shall enforce the provisions of this Chapter.
- b) As necessary, these officers may, at a reasonable time and in a manner authorized by the laws of California, enter and make inspections on any property regulated under this Chapter.

411.1.090 FEES.

The City Council may establish and fix the amount of fees for services provided under this Chapter, as authorized under California Government Code Sections 66016 and 66018 or successor provisions.

411.1.100 WAIVER.

- a) Any person required under this Chapter to implement a structural or treatment control best management practice may petition to the City Council to waive that requirement as impractical, provided the petitioner has in good faith considered and rejected as not feasible all such practices available.

- b) The City Manager, or the City Manager's designee, may waive a structural or treatment control best management practice as impractical if:
 - 1) Inadequate space for treatment exists on a redevelopment project; or
 - 2) Soil conditions strongly disfavor the use of infiltration; or
 - 3) The natural land surface where the BMP would be located lies:
 - A) Above a known unconfined aquifer; or
 - B) Less than ten (10) feet above an existing or potential source of drinking water.
- c) Any petition for waiver not falling within the foregoing categories shall be forwarded to the Regional Board for consideration.

**CHAPTER 12
TORRANCE CERTIFIED FARMERS' MARKET**

(Added by O-3791)

ARTICLE 1 - RULES AND REGULATIONS

412.1.1 ADOPTION OF RULES AND REGULATIONS.

That certain document entitled "Torrance Certified Farmers' Market Rules and Regulations," not less than one (1) copy of which has been and is now filed in the office of the City Clerk of the City of Torrance, is adopted by the City Council of the City of Torrance.

412.1.2 PENALTIES AND VIOLATIONS.

- a) Misdemeanor. Any person who violates any provision of this Article is guilty of a misdemeanor punishable by imprisonment in the County jail for not more than thirty (30) days, or by a fine not exceeding One Thousand Dollars (\$1,000.00), or by both fine and imprisonment.
- b) Infraction. Any violation of this Chapter is alternatively an infraction.
- c) The penalties and remedies listed in this Article are not exclusive of any other penalties and remedies available to the City under any applicable Federal, State or local law and it is within the discretion of the City to seek cumulative penalties and remedies.

CHAPTER 13
MEDICINAL CANNABIS AND ADULT-USE CANNABIS Revised 11/17

(Added by O-3795; Amended by O-3820)

413.1.010 DEFINITIONS. Revised 11/17

- a) "Cannabis" will have the same meaning as set forth in Business and Professions Code Section 19300.5(f) as it may be amended from time to time.
- b) "Caregiver" or "primary caregiver" will have the same meaning as set forth in Business and Professions Code Section 11362.7 as it may be amended from time to time.
- c) "Commercial cannabis activity" will have the same meaning as set forth in Business and Professions Code Section 19300.5(k) as it may be amended from time to time. For purposes of this Chapter, commercial cannabis activity will also include commercial medical marijuana activity.
- d) "Cooperative" or "collective" means two (2) or more persons or a group that is collectively or cooperatively cultivating, using, transporting, possessing, administering, delivering, or making available medical marijuana, with or without compensation.
- e) "Cultivation" will have the same meaning as set forth in Business and Professions Code Section 19300.5(l) as it may be amended from time to time.
- f) "Cultivation site" will have the same meaning as set forth in Business and Professions Code Section 19300.5(x) as it may be amended from time to time.
- g) "Delivery" will have the same meaning as set forth in Business and Professions Code Section 19300.5(m) as it may be amended from time to time.
- h) "Dispensary" will have the same meaning as set forth in Business and Professions Code Section 19300.5(n) as it may be amended from time to time. For purposes of this Chapter, dispensary will also include cooperative and collective.
- i) "Dispensing" will have the same meaning as set forth in Business and Professions Code Section 19300.5(o) as it may be amended from time to time.
- j) "Distribution" will have the same meaning as set forth in Business and Professions Code Section 19300.5(p) as it may be amended from time to time.
- k) "Distributor" will have the same meaning as set forth in Business and Professions Code Section 19300.5(q) as it may be amended from time to time.
- l) "Manufacturer" will have the same meaning as set forth in Business and Professions Code Section 19300.5(y) as it may be amended from time to time.

- m) "Manufacturing site" will have the same meaning as set forth in Business and Professions Code Section 19300.5(af) as it may be amended from time to time.
- n) "Medicinal cannabis," "medicinal cannabis product," or "cannabis product" will have the same meaning as set forth in Business and Professions Code Section 19300.5(ag) as it may be amended from time to time. For purposes of this Chapter, medical cannabis will also include medical marijuana.
- o) "Medicinal and Adult-Use Cannabis Regulation and Safety Act" or "MAUCRSA" means SB 94, signed into law by the Governor on June 27, 2017, as the same may be amended from time to time.
- p) "Nursery" will have the same meaning as set forth in Business and Professions Code Section 19300.5(ah) as it may be amended from time to time.
- q) "Qualifying patient" or "qualified patient" will have the same meaning as set forth in Business and Professions Code Section 11362.7 as it may be amended from time to time.
- r) "Testing laboratory" will have the same meaning as set forth in Business and Professions Code Section 19300.5(z) as it may be amended from time to time.
- s) "Transport" will have the same meaning as set forth in Business and Professions Code Section 19300.5(am) as it may be amended from time to time.
- t) "Transporter" will have the same meaning as set forth in Business and Professions Code Section 19300.5(aa) as it may be amended from time to time.

413.1.020 PROHIBITED ACTIVITIES. Revised 11/17

- a) Dispensaries of medicinal and adult-use cannabis are expressly prohibited in the City.
- b) Cultivation of medicinal and adult-use cannabis is expressly prohibited in the City. No person, including a qualified patient or primary caregiver, will cultivate any amount of cannabis in the City, even for medical purposes.
- c) Deliveries of medicinal and adult-use cannabis are expressly prohibited in the City. No person will conduct any delivery that either originates or terminates in the City of Torrance.
- d) Mobile cannabis dispensaries are expressly prohibited in the City of Torrance.
- e) Commercial cannabis activities are expressly prohibited in the City of Torrance.
- f) This Section is meant to expressly prohibit all activities for which a State license is required. Accordingly, the City of Torrance will not issue any permit, license, or other entitlement for any activity for which a State license is required under the MAUCRSA.

413.1.030 EXCEPTIONS. Revised 11/17

This Chapter allows persons twenty-one (21) years of age or older to do any of the following:

- a) Possess, process, transport, purchase, obtain, or give away to persons twenty-one (21) years of age or older up to twenty-eight and one-half (28.5) grams of marijuana pursuant to Health and Safety Code Section 11362.1(a)(1);
- b) Possess, process, transport, purchase, obtain, or give away to persons twenty-one (21) years of age or older up to eight (8) grams of concentrated cannabis pursuant to Health and Safety Code Section 11362.1(a)(2);
- c) Possess, plant, cultivate, harvest, dry, or process not more than six (6) living marijuana plants and possess the marijuana produced by the plants pursuant to Health and Safety Code Section 11362.1(a)(3);
 - 1) But the City of Torrance requires any person who is engaging the in the actions and conduct under Health and Safety Code Section 11362.1(a)(3) to do so inside a private residence or inside an accessory structure to a private residence located upon the grounds of a private residence that is fully enclosed and secure.
- d) Smoke or ingest marijuana or marijuana products pursuant to Health and Safety Code Section 11362.1(a)(4);
 - 1) The exception listed above is limited by the prohibitions found in Health and Safety Code Section 11362.3;
- e) Possess, transport, purchase, obtain, use, manufacture, or give away marijuana accessories to persons twenty-one (21) years of age or older without any compensation whatsoever pursuant to Health and Safety Code Section 11362.1(a)(5).

413.1.040 USE OR ACTIVITY PROHIBITED BY STATE OR FEDERAL LAW. Revised 11/17

Nothing contained in this Chapter shall be deemed to permit or authorize any use or activity which is otherwise prohibited by any State or Federal law.

413.1.050 PUBLIC NUISANCE. Revised 11/17

Any violation of any provision of this Chapter will be, and is declared to be, a public nuisance and may be summarily abated by the City pursuant to the Torrance Municipal Code, Code of Civil Procedure Section 731, or any other remedy available to the City under local, State, or Federal law.