

**CITY OF LA PUENTE
MUNICIPAL CODE**

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Title 1* GENERAL PROVISIONS

Chapters:

- 1.04 Adoption of the Code
- 1.08 Violations-Penalties
- 1.12 Administrative Penalties-Citations
- 1.16 Rules of Construction
- 1.20 Definitions and Interpretation

*Prior ordinance history: Ord. 1 §§ 1100 - 1106, 1200, 1202 - 1211, 1300 - 1325, and Ords. 96, 140, 689, 749 § 3 and 758.

**Chapter 1.04
ADOPTION OF THE CODE**

Sections:

- 1.04.010 Designation of and citations to code.
- 1.04.020 Validity and severability.
- 1.04.030 Distribution of code.
- 1.04.040 Maintenance of code.

1.04.010 Designation of and citations to code.

This code is known and may be referred to or cited as the "La Puente Municipal Code" or the "Municipal Code of the City of La Puente." Whenever cited in this Title 1 or in any of the titles that follow, it may be referred to as "the code" or as "this code." In any prosecution for violation of any of this code's provisions, it is sufficient to designate this code as the "La Puente Municipal Code" or as the "Municipal Code of the City of La Puente."

(Ord. 762 § 1 (part), 1998)

1.04.020 Validity and severability.

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional by the

decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of this code. The city council declares that it would have adopted this code, and each section, subsection, sentence, clause or phrase contained in it, irrespective of the fact that any one or more sections, subsections, clauses or phrases is declared invalid or unconstitutional.

(Ord. 762 § 1 (part), 1998)

1.04.030 Distribution of code.

At least one copy of this code will be retained in the office of the city clerk for use and examination by the public. Additional copies will be prepared in loose-leaf form and placed in binders, as selected by the city clerk, in order to protect against damage from heavy usage. Copies of the loose-leaf codes will be distributed as determined by the city clerk. The city clerk must at all times maintain a reasonable supply of the code for purchase by the public at a price that does not exceed the actual cost to the city.

(Ord. 762 § 1 (part), 1998)

1.04.040 Maintenance of code.

Following the city council's adoption of an ordinance that amends, supplements or repeals any provisions of this code, the city clerk must cause the loose-leaf pages of the code that have been amended, supplemented or repealed to be reprinted. This reprinting must be done at least annually, and the affected provisions must bear a notation as to the number of the ordinance that adopted the code modifications. Following this reprinting, the city clerk must distribute the reprinted loose-leaf pages to officers and employees of the city and to members of the public who have ordered and paid for code maintenance service.

(Ord. 762 § 1 (part), 1998)

Chapter 1.08 VIOLATIONS-PENALTIES

Sections:

- 1.08.010 Misdemeanors-Infractions.
- 1.08.020 Responsibility.
- 1.08.030 Prohibited acts.
- 1.08.040 Punishment-Penalties.
- 1.08.050 Continuing violations.
- 1.08.060 Public nuisances.
- 1.08.070 Issuance of citations by designated employees.
- 1.08.080 Procedures and rules concerning issuance of citations.
- 1.08.090 Jurisdictional restriction.

1.08.010 Misdemeanors-Infractions.

It is unlawful for any person to violate or fail to comply with any of the provisions or requirements of this code. Any person violating any of the provisions or failing to comply with any of the requirements of this code is guilty of a misdemeanor unless:

- (a) The violation is classified as an infraction by the State Vehicle Code or this code in which case the person is guilty of an infraction; or
- (b) The public prosecutor files a complaint charging the offense as an infraction; or
- (c) A public officer or employee designated in or pursuant to Section 1.08.070 below issues a citation charging the offense as an

infraction.

(Ord. 762 § 1 (part), 1998)

1.08.020 Responsibility.

The occupant of any premises upon which a violation of any provision of this code is apparent, or the owner of those premises, or the owner of any object or material placed or remaining anywhere in violation of any provision of this code, is prima facie responsible for the violation and is subject to the penalties provided for that violation.

(Ord. 762 § 1 (part), 1998)

1.08.030 Prohibited acts.

Whenever this code makes any act or omission unlawful, that unlawful act or omission includes causing, permitting, aiding, abetting, suffering or concealing that act or omission.

(Ord. 762 § 1 (part), 1998)

1.08.040 Punishment-Penalties.

(a) Any person convicted of a misdemeanor under the provisions of this code, unless provision is otherwise made in this code, is punishable by a fine of not more than one thousand dollars or by imprisonment in the Los Angeles County jail for a period of not more than six months, or by both such fine and imprisonment.

(b) Any person convicted of an infraction under the provisions of this code, unless provision is otherwise made in this code, is punishable by a fine of not more than one hundred dollars for a first violation, and by a fine of not more than two hundred dollars for a second violation of the same ordinance within one year, and by a fine of not more than five hundred dollars for each additional violation of the same ordinance within one year.

(Ord. 762 § 1 (part), 1998)

1.08.050 Continuing violations.

It will constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this code is committed, continued or permitted by any person, and that person will be punished accordingly.

(Ord. 762 § 1 (part), 1998)

1.08.060 Public nuisances.

In addition to other penalties provided by law, any condition caused or permitted to exist in violation of any provision of this code is deemed to be a public nuisance and may be summarily abated as such by the city, and each day that condition continues will constitute a new and separate offense.

(Ord. 762 § 1 (part), 1998)

1.08.070 Issuance of citations by designated employees.

(a) In accordance with Section 836.5 of the California Penal Code, sheriff's department personnel, the duly designated code enforcement officers of the city, and such other officers and employees of the city as may hereafter be specifically designated by ordinance or resolution of the city council, have the power, authority and immunity, as provided for in that Section 836.5, to make

arrests without a warrant, and to issue citations, whenever those officers or employees have reasonable cause to believe that the person to be arrested has committed in their presence a violation of an ordinance or statute that those officers or employees have the duty to enforce.

(b) In any case in which a person is arrested pursuant to this authority and the person arrested does not demand to be taken before a magistrate, the officer or employee making the arrest must prepare a written notice to appear and release the person on his or her promise to appear, as prescribed by Chapter 5C (commencing with Section 853.5) of the California Penal Code.

(Ord. 762 § 1 (part), 1998)

1.08.080 Procedures and rules concerning issuance of citations.

The city manager may, by administrative regulation, establish procedures and rules governing the conduct of officers and employees designated in or pursuant to Section 1.08.070 above, and may specify what ordinances those officers and employees will have the duty to enforce if other than all ordinances of the city.

(Ord. 762 § 1 (part), 1998)

1.08.090 Jurisdictional restriction.

The provisions of this code apply only to the omission or commission of acts within the territorial limits of the city and within any territory outside the city over which the city has jurisdiction or control by reason of the constitution, or any statute, or the ownership or control of property.

(Ord. 762 § 1 (part), 1998)

Chapter 1.12

ADMINISTRATIVE PENALTIES-CITATIONS

Sections:

- 1.12.010 Scope.
- 1.12.020 Definitions.
- 1.12.030 Administrative citation.
- 1.12.040 Content of administrative citation.
- 1.12.050 Procedure for serving administrative citation.
- 1.12.060 Administrative fine.
- 1.12.070 Payment of administrative fine.
- 1.12.080 Request for administrative hearing.
- 1.12.090 Advance hardship waiver deposit.
- 1.12.100 Time for administrative hearing.
- 1.12.110 Request for continuance of hearing.
- 1.12.120 Appointment of administrative hearing officer.
- 1.12.130 Procedures at administrative hearing.
- 1.12.140 Failure to attend administrative hearing.
- 1.12.150 Decision of administrative hearing officer.
- 1.12.160 Late payment charges.

1.12.170 Collection of administrative fine.

1.12.180 Appeal of decision of administrative hearing officer.

1.12.190 Failure to pay administrative fine.

1.12.010 Scope.

This chapter provides for administrative remedies for any violation of this code, in addition to any other legal remedy, criminal or civil, which may be pursued by the city to address any violation of this code. The city attorney, city prosecutor, or their assistants have sole discretion to determine whether a violation will be prosecuted criminally. If a violation is not criminally prosecuted, the city may proceed in accordance with other provisions of this code or other legal remedy established by law that may be pursued to remedy violations of this code or applicable state codes.

(Ord. 06-858 § 1, 2006; Ord. 762 § 1 (part), 1998)

1.12.020 Definitions.

The following words and phrases, when used in the context of this chapter, shall have the following meanings:

"Enforcement official" means any city employee or any member of the sheriff's department who is authorized to enforce the provisions of this code.

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

"Responsible person" means any person whom an enforcement official determines is responsible for causing or maintaining a violation of the code. The term "responsible person" includes, but is not limited, to a property owner, tenant, person with a legal interest in real property, or person in possession of real property.

(Ord. 762 § 1 (part), 1998)

1.12.030 Administrative citation.

Any person violating any section of this code may be issued an administrative citation by an enforcement official as provided in this chapter.

(Ord. 880 § 1, 2009; Ord. 762 § 1 (part), 1998)

1.12.040 Content of administrative citation.

An administrative citation shall contain all of the following information:

- (a) The date and location of the violation and the approximate time the violation occurred;
- (b) The code section violated and a description of how the section was violated;
- (c) The amount of the fine imposed for the violation, and the time within which and the place at which the fine shall be paid;
- (d) An order prohibiting another occurrence of the code violation;
- (e) A description of the administrative citation review process, including the time within which to contest the administrative citation and the place from which to obtain a request for hearing form to contest the administrative citation;
- (f) The name and signature of the citing enforcement official.

(Ord. 762 § 1 (part), 1998)

1.12.050 Procedure for serving administrative citation.

An enforcement official may issue an administrative citation, on a form approved by the city manager, to a responsible person, as follows:

- (a) If the responsible person is a corporation, the enforcement official shall attempt to locate any one of the following individuals and issue to that individual an administrative citation: the president or other head of the corporation, a vice president, a secretary or assistant secretary, a treasurer or assistant treasurer, a general manager, or a person authorized by the corporation to receive service of process in a civil action. If the office address of any of the above-listed individuals is known to the city, a copy of the administrative citation also shall be mailed to one of those individuals by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.
- (b) If the responsible person is a business other than a corporation, the enforcement official shall attempt to locate the business owner and issue the business owner an administrative citation. If the enforcement official can locate only the manager of the business, the administrative citation may be given to the manager of the business. If the address of the business is known, a copy of the administrative citation also shall be mailed to that address to the attention of the business owner or a responsible person. The mailing shall be sent by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.
- (c) The enforcement official shall attempt to obtain on the administrative citation the signature of the responsible person, or in cases in which the responsible person is a corporation or business, the signature of the person served with the administrative citation. If a responsible person or person served refuses or fails to sign the administrative citation, the failure or refusal to sign shall not affect the validity of the citation or of subsequent proceedings.
- (d) If the enforcement official is unable to locate a responsible person for the violation, the administrative citation shall be mailed to the responsible person by certified mail, postage prepaid, return receipt requested. Simultaneously, the same notice may be sent by regular mail. If a notice sent by certified mail is returned unsigned, then service shall be deemed effective pursuant to regular mail, provided the notice that was sent by regular mail is not returned.
- (e) If the enforcement official does not succeed in serving the responsible party personally, or by certified mail or regular mail, the enforcement official shall post the administrative citation on any real property within the city in which the city has knowledge that the responsible party has a legal interest, and such posting shall be deemed effective service.
- (f) If the enforcement official does not succeed in serving the responsible party personally, by certified mail or regular mail, and the city is not aware that the responsible party has a legal interest in any real property within the city, the enforcement official shall cause the administrative citation to be published once a week for four successive weeks in a local newspaper published at least once a week.

(Ord. 762 § 1 (part), 1998)

1.12.060 Administrative fine.

The fine imposed pursuant to this chapter for a particular violation shall be in the amount set forth in the administrative citation penalty schedule established by resolution of the city council. The administrative citation penalty schedule shall specify the amount of any late payment charges imposed for failure to timely pay the fine.

(Ord. 762 § 1 (part), 1998)

1.12.070 Payment of administrative fine.

The administrative fine shall be paid to the city within thirty days from the date of service of the administrative citation. If, after a hearing requested pursuant to Section 1.12.080, the hearing officer determines that the administrative citation should be canceled, the administrative fine shall be refunded in accordance with Section 1.12.150.

(Ord. 762 § 1 (part), 1998)

1.12.080 Request for administrative hearing.

Any responsible person to whom an administrative citation is issued may contest the citation no later than thirty days from the date of service of the administrative citation by: (a) completing a request for hearing form and returning it to the city; and (b) either depositing the administrative fine with the city or providing notice that a request for an advance deposit hardship waiver has been filed pursuant to Section 1.12.090. A request for hearing form may be obtained from the department specified on the administrative citation. The person requesting the hearing shall be notified by certified mail, return receipt requested, of the time and place of the hearing at least ten days before the date of the hearing. Any documentation, other than the administrative citation, which the enforcement official has submitted or will submit to the hearing officer shall be served on the person requesting the hearing by certified mail, return receipt requested, at least five days before the date of the hearing.

(Ord. 762 § 1 (part), 1998)

1.12.090 Advance hardship waiver deposit.

Any responsible person who requests a hearing to contest an administrative citation and who is financially unable to deposit the administrative fine as required in Section 1.12.070 may file a request for an advance deposit hardship waiver. The request shall be filed with the department of finance on an advance deposit hardship waiver application form, available from the department, no later than thirty days after service of the administrative citation. The director of finance may issue an advance deposit hardship waiver only if the person requesting the waiver submits to the director a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director the person's financial inability to deposit with the city the full amount of the fine in advance of the hearing. The director shall issue a written decision specifying the reasons for issuing or not issuing the waiver. The decision shall be served upon the person requesting the waiver by certified mail return receipt requested. If the director determines that the waiver is not warranted, the person shall remit the full amount of the fine to the city within ten days of receipt of the director's written decision.

(Ord. 762 § 1 (part), 1998)

1.12.100 Time for administrative hearing.

Only after a request for hearing form is filed, and the responsible person requesting the hearing has either deposited the administrative fine in full or obtained an advance deposit hardship waiver, shall the city set the date and time for the administrative hearing. The hearing shall be set for a date not less than fifteen days nor more than sixty days after the request for hearing form is filed, and the administrative fine is deposited with the city or an advance deposit hardship waiver is issued. The city shall sent notice of the date, time, and place of the hearing to the person requesting the hearing by certified mail return receipt requested at least ten days before the date of the hearing.

(Ord. 762 § 1 (part), 1998)

1.12.110 Request for continuance of hearing.

The responsible person requesting a hearing may request one continuance, but in no event may the hearing begin later than ninety days after the request for hearing form is filed, and the administrative fine is deposited with the city or an advance deposit hardship waiver is issued.

(Ord. 762 § 1 (part), 1998)

1.12.120 Appointment of administrative hearing officer.

The director of the department through which the administrative citation was issued, or his or her designee, shall select an administrative hearing officer. The administrative hearing officer may be, without limitation, a member of the staff of the department through which the administrative citation was issued. In no event, however, shall the enforcement official who issued the administrative citation be the administrative hearing officer.

(Ord. 762 § 1 (part), 1998)

1.12.130 Procedures at administrative hearing.

Administrative hearings are informal, and formal rules of evidence and discovery do not apply. Each party shall have the opportunity to present evidence in support of his or her case and to cross-examine witnesses. The city bears the burden of proof at an administrative hearing to establish a violation of the city code. The administrative citation and any additional reports submitted by the enforcement official shall constitute prima facie evidence of the facts contained in those documents. The administrative hearing officer must use preponderance of evidence as the standard of evidence in deciding the issues.

(Ord. 762 § 1 (part), 1998)

1.12.140 Failure to attend administrative hearing.

If the responsible person fails to attend the scheduled hearing, the hearing will proceed without the responsible person, and he or she will be deemed to have waived his or her right to an administrative hearing. Notwithstanding this waiver and the time limits set forth in Section 1.12.100, if service of the administrative citation is made by posting the citation on real property within the city in which the responsible person has a legal interest, and the responsible person provides verifiable and substantial evidence that removal of the administrative citation from the property by a third party caused the responsible person's failure to attend the scheduled hearing, the responsible person shall be entitled to an administrative hearing.

(Ord. 762 § 1 (part), 1998)

1.12.150 Decision of administrative hearing officer.

No later than thirty days after the date on which the administrative hearing concludes, the administrative hearing officer shall issue a written decision to uphold or cancel the administrative citation. The administrative hearing officer shall set forth the reasons for the decision. The decision shall be served upon the responsible person by the applicable method set forth in Section 1.12.050. If the administrative hearing officer upholds the administrative citation, the city shall retain the fine deposited by the responsible person. If the administrative hearing officer upholds the administrative citation and the fine has not been deposited, pursuant to an advance deposit hardship waiver, the administrative hearing officer shall specify in the decision a payment schedule for the fine. If the administrative hearing officer cancels the administrative citation, any fine deposited with the city shall be promptly refunded, together with interest for the period of time that the city held the fine, calculated at the average annual rate of return earned by the city's investments for the prior fiscal year. The administrative hearing officer's written decision is final, and shall notify the responsible person of his right to appeal as provided in Section 1.12.180.

(Ord. 762 § 1 (part), 1998)

1.12.160 Late payment charges.

Any person who fails to pay to the city on or before the due date any administrative fine imposed pursuant to the provisions of this chapter shall be liable for the payment of any applicable late payment charges set forth in the administrative citation penalty schedule established by resolution adopted by the city council.

(Ord. 762 § 1 (part), 1998)

1.12.170 Collection of administrative fine.

The city may collect any past-due administrative fine or late payment charges by use of any available legal means, including but not limited to special assessment or lien on the property or referring the matter to the small claims court. The city may also recover its collection costs according to proof.

(Ord. 06-858 § 2, 2006; Ord. 762 § 1 (part), 1998)

1.12.180 Appeal of decision of administrative hearing officer.

Within twenty days after service of the decision of the administrative hearing officer upon the responsible person, he or she may seek review of the decision by filing a notice of appeal with the municipal court. The responsible person shall serve upon the city clerk either in person or by first class mail a copy of the notice of appeal. If the responsible person fails to timely file a notice of appeal, the administrative hearing officer's decision shall be deemed confirmed.

(Ord. 762 § 1 (part), 1998)

1.12.190 Failure to pay administrative fine.

Failure to pay an administrative fine is a misdemeanor. Filing a criminal misdemeanor action does not preclude the city from using any other legal remedy available to gain compliance with the administrative order.

(Ord. 762 § 1 (part), 1998)

Chapter 1.16 RULES OF CONSTRUCTION

Sections:

1.16.010 Construction.

1.16.020 Effect of title, chapter and section headings.

1.16.030 Acts by deputy.

1.16.040 Service of required notices.

1.16.010 Construction.

The provisions of this code and all proceedings under it are to be construed so as to give effect to the objectives of this code and to promote justice.

(Ord. 762 § 1 (part), 1998)

1.16.020 Effect of title, chapter and section headings.

The headings of titles, chapters and sections contained in this code will not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section of this code.

(Ord. 762 § 1 (part), 1998)

1.16.030 Acts by deputy.

Whenever a power is granted to, or a duty is imposed upon, a public officer or employee of the city, the power may be exercised or the duty may be performed by a deputy of that public officer or employee, or by a person otherwise duly authorized by statute or by ordinance, unless this code expressly provides to the contrary.

(Ord. 762 § 1 (part), 1998)

1.16.040 Service of required notices.

(a) Unless different procedures are specified, any notice that is required to be given under this code may be given either by personal delivery to the person to be notified or by deposit in the United States mail in a sealed envelope, postage prepaid, addressed to the person to be notified at that person's last known business or residence address as it appears in public records or other records pertaining to the matter as to which notice is being given. Service by mail is deemed to have been completed at the time of deposit in

the U.S. mail.

(b) Proof of service of 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 years, that evidences service in conformity with this code or other provisions of law that are applicable to the subject matter involved.

(Ord. 762 § 1 (part), 1998)

Chapter 1.20

DEFINITIONS AND INTERPRETATION

Sections:

1.20.010 Definitions.

1.20.020 Grammatical interpretation.

1.20.030 Interpretation of terms.

1.20.010 Definitions.

The following words and phrases used in this code will be construed as defined in this section unless a different definition is specifically set forth or the context requires a different meaning:

"City" means the city of La Puente.

"Clerk" or "city clerk" means the city clerk of the city of La Puente.

"Council" means the city council of the city of La Puente.

"County" means the county of Los Angeles, California.

"Goods" means and includes wares and merchandise.

"Month" means a calendar month unless otherwise specifically provided.

"Oath" includes affirmation or declaration.

"Operate" means and includes carry on, keep, conduct and maintain.

"Owner" means, as applied to land or to a building, any part owner, joint owner, owner of a community or partnership interest, life tenant, tenant in common, or joint tenant.

"Person" means any individual, firm, association, organization, company, partnership, joint venture, corporation, or business trust, and any municipal or governmental corporation, district, agency or body, excluding the city of La Puente.

"Sale" means and includes any exchange, barter, or offer for sale.

"State" means the state of California.

"Street" means all highways, avenues, lanes, alleys, courts, places, squares, curbs, sidewalks, or other public ways in the city that have been or in the future may be dedicated and open to public use, and any other public property so designated by any law of this state.

"Tenant" or "occupant" means, as applied to land or to a building, any person who occupies, the whole or part of such land or building, whether alone or with others.

"Year" means a calendar year unless otherwise specifically provided.

(Ord. 762 § 1 (part), 1998)

1.20.020 Grammatical interpretation.

(a) Words used in this code in the present tense include the future as well as the present tense; words used in the masculine gender include the feminine and neuter; and the singular number includes the plural, and the plural the singular.

(b) Words and phrases used in this code that are not specifically defined will be construed according to the context and approved usage of the English language. The provisions of Section 1645 of the California Civil Code are adopted with regard to the interpretation of technical words.

(Ord. 762 § 1 (part), 1998)

1.20.030 Interpretation of terms.

Whenever the following terms are used in any county ordinance that is adopted by reference and incorporated in this code, those terms will have the following meanings unless the context requires a different meaning:

"County of Los Angeles" means the city of La Puente.

"Board of supervisors" means the city council of the city of La Puente.

"Unincorporated territory" means the incorporated territory of the city of La Puente.

"County" means the city of La Puente.

"County officer" means the designated officer or employee of the city of La Puente.

(Ord. 762 § 1 (part), 1998)

Title 2* ADMINISTRATION

Chapters:

2.04 City Council

2.06 Confidential Communications

2.08 City Manager

2.10 City Clerk

2.12 City Treasurer

2.13 At Will Employment for Designated City Employees

2.16 Planning Commission

2.18 Redevelopment Agency

2.20 Purchasing

2.22 Gas Tax Street Improvement Fund

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2.26 Documentary Transfer Tax

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2.30 Claims Against the City for Money or Damages

2.32 Municipal Elections

*Prior ordinance history: Ord. 1 §§ 2100 - 2110, 2200, 2201, 2203, 2300 - 2306, 2430 - 2442, 2442.1, 2442.2, 2500.1 - 2500.11, 2700 - 2703, 2706, 2709, 2710, 2711, 2713, 2715, 2716, 2800 - 2806, and Ords. 6, 8, 20, 25, 38, 72, 99, 121, 202, 277, 278, 281, 293, 361, 378, 399, 418, 437, 450, 462, 470, 483, 486, 510, 554, 587, 603, 610, 620, 631, 640, 641, 642, 647, 648, 650, 653, 677, 695, 705, 709, 710, 712, 713, 716, 717, 719, 720, 726, 727, 735, 737, 738, 743U, 744 and 763.

Sections:

- 2.04.010 Council chambers.
- 2.04.020 Council meetings.
- 2.04.030 Presenting matters to the council.
- 2.04.040 Agendas.
- 2.04.050 Prompt assembly-Order of business-Unfinished business.
- 2.04.060 (Deleted by Ord. 06-843, 3/14/06)
- 2.04.070 Rules of order.
- 2.04.080 Minutes.
- 2.04.090 Organization of city council.
- 2.04.100 Appointing authority.
- 2.04.110 Compensation-Reimbursement of expenses.
- 2.04.120 Rules of decorum for meetings.
- 2.04.130 Application of rules of decorum to other city agencies, commissions, and committees.
- 2.04.140 Places for posting public notices.

2.04.010 Council chambers.

The room designated as the council chambers in the building located at 15900 East Main Street, La Puente, California, is the council chambers of the city council of the city, and all meetings of the city council will be held in those council chambers, unless otherwise specified in a notice of regular or special meeting.

(Ord. 767 § 1 (part), 1998)

2.04.020 Council meetings.

(a) Regular meetings of the city council shall be held on the second and fourth Tuesday of each month, unless otherwise specified by resolution of the city council, which shall be adopted at a regular meeting. The city council shall not hold a meeting the fourth Tuesday in November or December. The city council shall establish the time for regular city council meetings by resolution, which shall be adopted at a regular meeting.

(b) All meetings of the city council will be open to the public except as otherwise provided by the Ralph M. Brown Act (Government Code Sections 54950, et seq.)

(c) Meetings of the city council must be adjourned no later than ten thirty p.m., unless an extension of that time of adjournment is approved by a majority vote of the city council for the purpose of considering items that are listed on the agenda, or to consider items that have been added to the agenda in accordance with the provisions of the Ralph M. Brown Act (Government Code Sections 54950, et seq.), as approved by a majority vote of the members of the city council.

(Ord. 943 § 2, 2016; Ord. 931 § 1, 2014; Ord. 923 § 2, 2012; Ord. 06-843 § 1, 2006; Ord. 767 § 1 (part), 1998)

2.04.030 Presenting matters to the council.

Every official, board, commission, or other body connected with the government of the city that desires to present any report, communication, or other matter for inclusion in the agenda for a city council meeting must notify the city clerk of that fact before noon on the eighth day (Saturday and Sunday included) preceding the day of the next city council meeting. Upon receipt of that notification, which may be oral or written, the city clerk will include that item of business, along with all other items of business, under the appropriate heading in the city council agenda, as described in Section 2.04.040 below. Matters that are deemed by the city council to be of an emergency nature are exempt from the provisions of this section and may be added to the agenda in accordance with applicable provisions of the Ralph M. Brown Act.

(Ord. 774 § 1, 1999; Ord. 767 § 1 (part), 1998)

2.04.040 Agendas.

The city clerk will prepare an agenda for each city council meeting that sets forth under appropriate headings a brief general description of each item of business to be transacted or discussed at the meeting. The agenda must specify the time, date and location of the meeting. The agenda will be distributed to the members of the city council and will be made available to the public on the Wednesday preceding the day of the next city council meeting. In accordance with the provisions of the Ralph M. Brown Act, a copy of the agenda must be posted at least seventy-two hours before the meeting at a location designated by the city council that is freely accessible to members of the public.

(Ord. 767 § 1 (part), 1998)

2.04.050 Prompt assembly-Order of business-Unfinished business.

(a) Promptly at seven p.m. on the night of each regular meeting, the members of the city council, city manager, city attorney, city clerk, and other officers will assemble in the council chambers, and the business of the meeting will be conducted according to the order of business as listed on the agenda, which shall include, but not be limited to: roll call, flag salute, presentations, oral communications, approval of minutes of previous meeting, public hearings, unfinished business, consent calendar, new business, committee reports, oral comments from council, oral comments from staff, and which may or may not be in the order presented herein.

(b) If the consideration of any matter is not completed at a meeting of the city council prior to adjournment, and that matter is not continued to a specific date, then it will be listed under "unfinished business" on the agenda for the next regular meeting of the city council.

(Ord. 06-843 § 2, 2006; Ord. 767 § 1 (part), 1998)

2.04.060 (Deleted by Ord. 06-843, 3/14/06)

Ordinances listed under the agenda heading of "new business" may be introduced. Ordinances previously introduced and ready for adoption will be considered under the agenda heading of "unfinished business." Except when, after reading the title, further reading is waived by a regular motion adopted by a majority vote of the city council, all ordinances will be read in full either at the time of introduction or passage.

(Ord. 767 § 1 (part), 1998)

2.04.070 Rules of order.

(a) All matters of parliamentary procedure that are not provided for in this Chapter 2.04, or in the California Government Code, will be governed by Robert's Rules of Order, latest revised edition; provided, however, that no ordinance, resolution, motion, proceeding, or other action of the city council will be invalidated, or its legality otherwise affected, by any failure to observe or to follow those rules of order.

(b) Robert's Rules of Order, latest revised edition, will also be applicable to meetings of other city commissions, committees and agencies, including the planning commission and the La Puente redevelopment agency.

(Ord. 767 § 1 (part), 1998)

2.04.080 Minutes.

(a) The city clerk will prepare a record of all public meetings of the city council. Following their approval by the city council, the official minutes will be made available to the public for inspection and will be entered in the official minute book of city council proceedings.

(b) This section is applicable to minutes of meetings of the La Puente redevelopment agency, the planning commission, and to all other permanent city commissions or committees, which minutes are to be taken by a deputy city clerk or by another designated employee of the city.

(Ord. 06-843 §§ 4, 5, 2006; Ord. 767 § 1 (part), 1998)

2.04.090 Organization of city council.

(a) At the meeting at which the declaration of the election results are made, the city council will meet and will elect one of its members as mayor and another of its members as mayor pro tem.

(b) Each year in which a general municipal election is not held, the city council will be reorganized by the election of a mayor and a mayor pro tem from among its members. This reorganization of the city council will take place during the second regular meeting of the city council in the month of November.

(Ord. 941 § 4, 2016; Ord. 10-894 § 1, 2010; Ord. 09-982 § 4, 2009; Ord. 06-843 § 6, 2006; Ord. 829 § 3 (part), 2004; Ord. 767 § 1 (part), 1998)

2.04.100 Appointing authority.

The city council is the appointing authority for the city manager, the city attorney, and the city treasurer. Thus, the city council shall appoint and remove each of the officers and employees of the city that are listed in this Section 2.04.100. All other employees of the city will be appointed by the city manager.

(Ord. 834 § 1, 2004; Ord. 810 § 1, 2002; Ord. 767 § 1 (part), 1998)

2.04.110 Compensation-Reimbursement of expenses.

(a) Members of the city council will each be compensated for their services in the sum of five hundred thirty-six dollars per month, which compensation will be a charge against the city and payable in the same manner as salaries are paid to other officers and employees of the city. The compensation payable to members of the city council may be adjusted in accordance with the provisions of Government Code Section 36516.

(b) The compensation set forth above in subsection (a) of this section is exclusive of any amounts payable to members of the city council as reimbursement for actual and necessary expenses incurred in the performance of official duties on behalf of the city. Procedures for such reimbursement may be specified by resolution adopted by the city council.

(Ord. 767 § 1 (part), 1998)

2.04.120 Rules of decorum for meetings.

(a) Decorum. Meetings of the city council must be conducted in an orderly manner to ensure that the public has an opportunity to be heard and that the council's deliberative process is not disrupted. The presiding officer of the council, whether the mayor, mayor pro tem or, in their absence, another member so designated by the council, is responsible for maintaining the order and decorum of meetings.

(b) Rules of Decorum. While any meeting of the city council is in session the following rules of order and decorum must be observed:

(1) Persons Addressing the Council. Public oral communications at city council meetings should not be a substitute for addressing

any item that can be handled during the city's normal business hours. The primary purpose of oral communications is to allow citizens the opportunity to formally comment to the city council, as a body, on matters that are within the subject matter jurisdiction of the city council and that cannot be handled during the regular business hours of the city government.

A person wishing to address the council during the period set aside for oral communications must submit a request on a form provided by the city clerk; these requests may be submitted at any time before or during the portion of the meeting that is devoted to oral communications; provided, however, that these requests must be submitted prior to the conclusion of the first speaker's remarks. Speakers shall be heard by the city council in the order that the request forms are submitted to the city clerk; provided, however, that the city council, by motion, may approve a request by a speaker to be heard at the beginning of oral communications.

Each person who addresses the council must do so in an orderly manner and must not make personal, impertinent, slanderous, or profane remarks to any member of the council, staff, or general public. Any person who makes such remarks, or who utters loud, threatening, personal, or abusive language, or who engages in any other disorderly conduct that disrupts, disturbs, or otherwise impedes the orderly conduct of any council meeting will, at the discretion of the presiding officer or a majority of the council, be barred from further audience before the council during that meeting.

(2) Members of the Audience. No person in the audience at a council meeting may engage in disorderly or boisterous conduct, including the utterance of loud, threatening, or abusive language, whistling, stamping of feet or other acts that disturb, disrupt, or otherwise impede the orderly conduct of the council meeting. Any person who behaves in this manner may, at the discretion of the presiding officer or a majority of the council, be barred from further audience before the council during that meeting.

(c) Addressing the Council. No person may address the council without first being recognized by the presiding officer. The following procedures must be observed by persons addressing the council:

(1) Each person will step up to the podium provided for the use of the public and state his or her name and the organization, if any, that he or she represents.

(2) Any subject that is deemed by the council to be irrelevant may be precluded.

(3) With regard to items that are listed on the council agenda, the remarks of the speaker must be confined to the subject that is being discussed.

(4) The remarks of each person must be limited to a combined total of five minutes unless additional time is granted by the presiding officer of the Council, in conjunction with oral communication presented by that person to the Council and La Puente Redevelopment Agency oral communication.

(5) All remarks must be addressed to the presiding officer and not to any single member of the council unless in response to a question from that member.

(d) Rules of Debate and Decorum among Councilmembers. The following rules apply to all councilmembers at meetings:

(1) By Councilmembers. While the council is in session, the members must preserve order and decorum, and a member must not, by conversation or otherwise, delay or interrupt the proceedings of the council, nor disturb any member while speaking, nor refuse to obey the orders of the council or its presiding officer, except as otherwise provided in this section.

(2) Getting the Floor-Improper References to be Avoided. Every member desiring to speak must address the chair and, upon recognition by the presiding officer, must confine all remarks to the question under debate.

(3) Interruptions. Once recognized, a member must not be interrupted when speaking unless it is to call that member to order, or as otherwise provided in this section. If a member is called to order while speaking, that member must cease speaking until the question of order is determined and, if in order, the member will be permitted to proceed.

(4) Appeals. Any ruling of the mayor may be appealed at the request of a councilmember. The mayor must call for a roll call vote to determine whether the council concurs with the ruling.

(5) Motion to Reconsider. A motion to reconsider any action taken by the council may be made only on the same day that such action was taken. It may be made immediately during the same session or at a recessed or adjourned session. The motion must be made by one on the prevailing side, but it may be seconded by any member. It may be made at any time, it has precedence over all other motions, and it is debatable.

(6) Precedence of Motions. When a motion is pending before the council, no additional motion may be entertained except:

(A) Motion to Amend. This motion is debatable only as it relates to the amendment. Amendments are voted on first, and the

vote on the main motion is last. A motion may be amended more than once with each amendment being voted on separately. There may be only one amending motion on the floor at any one time. A new main motion is in order if the intent of the original motion is changed fundamentally.

(B) Motion to Postpone. A motion to postpone indefinitely is debatable. If this motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment as it relates to the propriety of the postponement and the time that is set to consider the matter.

(C) Motion to Table. This motion is not debatable and not subject to amendment. The purpose of a motion to table is to suspend consideration of an item until such time as it is removed from the table. If a motion to table is adopted, the item will remain tabled through all subsequent meetings of the city council. An item that has been tabled may be removed from the table only by the affirmative vote of a majority of the members of the city council.

(7) Effect of Abstention. Unless an abstention from a vote is declared, a councilmember's silence will be recorded as an affirmative vote. An abstention is not counted as either an affirmative or a negative vote, but it is counted for purposes of a quorum, unless the abstention is due to a conflict of interest.

(8) Time Limits on Debate. Discussion by any councilmember who makes a motion will be limited to five minutes of debate at the time of making the motion and an additional five minutes after debate by all other councilmembers has been completed. Each councilmember not making a motion is limited to five minutes' debate on that motion. The time limits delineated in this subsection may not be divided or allocated so as to permit any councilmember to speak more than once on a particular matter.

(9) Removal of Items from the Consent Calendar. One or more items may be removed from the consent calendar so that those items may be considered individually by the city council, if a motion to remove the item or items is approved by the affirmative vote of a majority of the members of the city council.

(e) Enforcement of Decorum. The rules of decorum set forth above will be enforced in the following manner:

(1) Warning. The presiding officer may request that a person who is breaching the rules of decorum be orderly and silent. After receiving a warning from the presiding officer, if a person persists in disturbing the meeting, the presiding officer may order that person to leave the council meeting. If that person does not leave, then the presiding officer may order any law enforcement officer who is on duty at the meeting as sergeant-at-arms to remove that person from the council chambers.

(2) Removal. Any law enforcement officer who is serving as sergeant-at-arms at the council meeting must carry out all orders and instructions given by the presiding officer for the purpose of maintaining order and decorum at the council meeting. Upon direction from the presiding officer, it is the duty of the sergeant-at-arms to remove from the council meeting any person who is disturbing the proceedings of the council.

(3) Resisting Removal. Any person who resists removal by the sergeant-at-arms may be charged with a violation of this section.

(4) Penalty. Any person who violates any provision of this section will, pursuant to Section 1.08.040 of this code, be guilty of a misdemeanor.

(5) Motion to Enforce. If the presiding officer of the council fails to enforce the rules set forth above, any member of the council may move to require such enforcement, and an affirmative vote of a majority of the council will require that action. If the presiding officer of the council fails to carry out the will of a majority of the council, the majority may designate another member of the council to act as presiding officer for the limited purpose of enforcing any rule of this section that is wishes enforced.

(6) Adjournment. If a meeting of the council is disturbed or disrupted in such a manner as to make infeasible or improbable the restoration of order, the meeting may be adjourned or continued by the presiding officer or by a majority of the council, and any remaining council business may be considered at the next meeting.

(Ord. 06-843 § 7, 2006; Ord. 772 § 1, 1998; Ord. 767 § 1 (part), 1998)

2.04.130 Application of rules of decorum to other city agencies, commissions, and committees.

Section 2.04.120 of this chapter is applicable to meetings of other city agencies, commissions and committees including, without limitation, the planning commission and the La Puente redevelopment agency. In such circumstances, the references in Section 2.04.120 to the city council will be deemed to refer to the applicable city agency, commission or committee, and the references to the mayor or the mayor pro tem will be to the chairperson or vice chairperson of the committee, commission or agency.

(Ord. 767 § 1 (part), 1998)

2.04.140 Places for posting public notices.

The following public places in the city are designated as the locations where ordinances, resolutions and notices of the city may be posted when authorized or required by statute:

(a) La Puente City Hall

15900 East Main Street

La Puente, California

(b) La Puente Community Center

501 North Glendora Avenue

La Puente, California

(c) Los Angeles County Library

15902 East Central

La Puente, California

(Ord. 767 § 1 (part), 1998)

Chapter 2.06

CONFIDENTIAL COMMUNICATIONS

Sections:

2.06.010 Declaration of intent.

2.06.020 Prohibited acts.

2.06.030 Definitions.

2.06.040 Prosecution by special counsel.

2.06.010 Declaration of intent.

In enacting this chapter, the city council finds, determines and declares as follows:

(a) State law acknowledges that there are limited circumstances in which the protection of the confidentiality of written or verbal communications is deemed to be more important than the right of the people to be informed.

(b) Maintaining the confidentiality of communications between the city and its legal counsel promotes and protects the candor that is essential to the delivery and receipt of legal advice regarding matters as to which such advice is requested.

(c) If communications that take place in closed sessions of the legislative body, as authorized by the Ralph M. Brown Act (Government Code Sections 54950 et seq.), do not remain confidential, then the purpose of those closed sessions is thwarted, effective governmental operations are compromised, and legitimate privacy interests of the city, and of its officers and employees, are impaired.

(Ord. 767 § 1 (part), 1998)

2.06.020 Prohibited acts.

(a) An officer, official, employee or agent of the city is guilty of a misdemeanor if that person intentionally and without proper authorization discloses the contents of a confidential communication, as defined in Section 2.06.030, to anyone other than the person or

persons to whom the communication was directed, a member of the city council, the city attorney, assistant city attorney, legal counsel performing special services for the city, city manager, or employees of the city whom the city manager has designated to implement any decision or direction made as a result of the confidential communication.

(b) The prohibition set forth above in subsection (a) of this section may not be construed as prohibiting disclosures of confidential communications that are required to be made in accordance with the Ralph M. Brown Act, or any other applicable statute, or pursuant to court order.

(Ord. 767 § 1 (part), 1998)

2.06.030 Definitions.

In construing the provisions of this chapter, the following definitions are applicable:

"Confidential communication" means any communication:

(1) That is exclusively between the city's legal counsel and any officer, official, employee or agent of the city in the latter's official capacity; or

(2) That occurs during any closed session authorized by the Ralph M. Brown Act; or

(3) That is made in writing by the city's legal counsel and is marked "confidential."

"Proper authorization" means:

(1) In the case of a confidential communication to the city's legal counsel by any officer, official, employee or agent of the city, the affirmative vote of a majority of the city council;

(2) In the case of a confidential communication that is made during any closed session of the city council, the affirmative vote of a majority of the city council; and

(3) In the case of a confidential communication from the city's legal counsel to any officer, official, employee or agent of the city, both the written consent of the city's legal counsel and the affirmative vote of a majority of the city council.

(Ord. 767 § 1 (part), 1998)

2.06.040 Prosecution by special counsel.

Any alleged violation of the provisions of this chapter will be prosecuted by special counsel retained for that purpose by the city council.

(Ord. 767 § 1 (part), 1998)

Chapter 2.08 CITY MANAGER

Sections:

2.08.010 Office of city manager created-Appointment.

2.08.020 Eligibility for appointment.

2.08.030 Bond required.

2.08.040 Absence or disability.

2.08.050 Compensation and reimbursement.

2.08.060 Powers and duties.

2.08.070 Ex-officio memberships.

2.08.080 Cooperation of other officers.

2.08.090 Interference by city council.

2.08.010 Office of city manager created-Appointment.

The office of the city manager is created and established. The city manager will be appointed by the city council solely on the basis of the appointee's executive and administrative qualifications and abilities and will hold office at the pleasure of the city council.

(Ord. 767 § 1 (part), 1998)

2.08.020 Eligibility for appointment.

(a) Residence in the city at the time of appointment is not required as a condition of employment.

(b) No person elected to membership on the city council will, subsequent to that election, be eligible for appointment as city manager of the city until one year has elapsed after that councilmember has ceased to be a member of the city council.

(Ord. 767 § 1 (part), 1998)

2.08.030 Bond required.

The city manager must furnish a corporate surety bond in such sum as may be approved by the city council, which bond will be conditioned upon the faithful performance of the duties imposed on the city manager as prescribed in this chapter or in this code. The bond shall be included within a master bond, in accordance with Government Code Section 1481.

(Ord. 767 § 1 (part), 1998)

2.08.040 Absence or disability.

In case of a lengthy absence or disability of the city manager, the city council may designate another duly qualified person to perform the duties of the city manager during the period of absence or disability of the city manager subject, however, to the furnishing by that person of a corporate surety bond that is conditioned upon the faithful performance of the duties required to be performed, as set forth in Section 2.08.060, or the inclusion of that bond within a master bond, in accordance with Government Code Section 1481.

(Ord. 767 § 1 (part), 1998)

2.08.050 Compensation and reimbursement.

(a) The city manager will receive such compensation as the city council may from time to time determine and fix, and that compensation will be a proper charge against the funds of the city.

(b) The city manager will be reimbursed for all sums necessarily incurred or paid in the performance of his or her duties, or incurred when traveling on business pertaining to the city consistent with the directions of the city council, which are supported by adequate documentation.

(Ord. 767 § 1 (part), 1998)

2.08.060 Powers and duties.

The city manager is the administrative head of the city government under the direction and control of the city council, except as otherwise provided in this code. The city manager is responsible for the efficient administration of all affairs of the city that are under the city manager's control. In addition to these general powers as administrative head, and not as a limitation, it is the city manager's duty, and the city manager has the power:

- (a) To ensure that the laws of the state pertaining to the city, and that all laws and ordinances of the city, are enforced, and that all franchises, permits and privileges granted by the city are faithfully observed;
- (b) To appoint, promote, discipline, demote and remove all officers and employees of the city, except the city attorney and the city treasurer, who shall be appointed and removed by the city council; to transfer employees from one department to another; and to consolidate or combine offices, positions, departments or units under the city manager's jurisdiction;
- (c) To exercise control over and to supervise in general all departments and divisions of the city government and all appointive officers and employees, except the city attorney;
- (d) To attend all meetings of the city council and its committees unless excused by the city council, except when the city manager's removal is under consideration by the city council;
- (e) To recommend to the city council for adoption such measures and ordinances as are deemed to be necessary and expedient;
- (f) To keep the city council at all times fully advised as to the financial condition and needs of the city. No expenditure may be submitted to the city council except upon the report or approval of the city manager;
- (g) To prepare and submit to the city council the annual budget and to administer that budget after its adoption;
- (h) To prepare and to recommend to the city council a salary plan;
- (i) To purchase or cause to be purchased all supplies for all of the departments or divisions of the city;
- (j) To make investigations into the affairs of the city and any department or division of the city, and to oversee the proper performance of all contracts and other obligations involving the city;
- (k) To investigate all complaints relating to matters concerning the administration of the government of the city and the services provided by public utilities in the city;
- (l) To exercise general supervision over all public buildings, public parks, streets, and other public properties that are under the control and jurisdiction of the city council;
- (m) To devote full time to the discharge of the duties described in this section;
- (n) To act as director of emergency services;
- (o) To make reports and recommendations as may be desirable or as requested by the city council;
- (p) To serve in any appointed office or as head of any department within the city government for which the city manager may be qualified when appointed to it by the city council, and to perform the duties of that position as directed by the city council;
- (q) To approve and execute agreements for services to be provided to the city for a sum not in excess of ten thousand dollars and for a period not longer than one year;
- (r) To perform such other duties and to exercise such other powers as may be delegated from time to time by ordinance or resolution of the city council.

(Ord. 834 § 2, 2004; Ord. 828 § 1, 2004; Ord. 811 § 3, 2003; Ord. 767 § 1 (part), 1998)

2.08.070 Ex-officio memberships.

The city manager is an ex-officio member of all boards and commissions appointed by the mayor or city council pursuant to law, and the city manager has the right to participate verbally in all deliberations or actions but may not vote.

(Ord. 811 § 4, 2003; Ord. 767 § 1 (part), 1998)

2.08.080 Cooperation of other officers.

It is the duty of all subordinate officers, as well as the city attorney, to cooperate with and assist the city manager in administering the affairs of the city in an efficient, economical and harmonious manner, consistent with their duties as prescribed by statute and by the ordinances of the city.

(Ord. 811 § 5, 2003; Ord. 767 § 1 (part), 1998)

2.08.090 Interference by city council.

The city council and its members must deal with city employees only through the city manager, or the city manager's designee, except for the purpose of inquiry, and neither the city council nor any of its members may give orders to any subordinates of the city manager. City employees must not follow directives given by individual members of the city council.

(Ord. 811 § 6, 2003; Ord. 767 § 1 (part), 1998)

Chapter 2.10 CITY CLERK

Sections:

2.10.010 Appointment of city clerk.

2.10.020 Powers and duties.

2.10.030 Bond.

2.10.040 Compensation.

2.10.010 Appointment of city clerk.

The city clerk will be appointed by the city manager. The city clerk is not required to be a resident or an elector in the city.

(Ord. 10-894 § 2, 2010; Ord. 767 § 1 (part), 1998)

2.10.020 Powers and duties.

The city clerk will have all the powers, duties and responsibilities that are prescribed by the laws of the state, ordinances of the city, and the city's classification plan for this position. The city clerk will report to the city manager.

(Ord. 767 § 1 (part), 1998)

2.10.030 Bond.

Upon taking office, the city clerk must execute a bond in an amount approved by resolution of the city council. This bond will be in conformity with the bonds of public officers and with all applicable provisions of the Government Code. The bond shall be included within a master bond in accordance with Government Code Section 1481.

(Ord. 767 § 1 (part), 1998)

2.10.040 Compensation.

The compensation of the city clerk will be established by resolution of the city council.

(Ord. 767 § 1 (part), 1998)

Chapter 2.12 CITY TREASURER

Sections:

- 2.12.010 Appointment of city treasurer.
- 2.12.020 Powers and duties.
- 2.12.030 Bond.
- 2.12.040 Compensation.

2.12.010 Appointment of city treasurer.

The city treasurer will be appointed by the city council. The city council may appoint the city manager, director of administrative services, or the finance manager, to serve as the city treasurer. The city treasurer is not required to be a resident or an elector in the city.

(Ord. 929 § 1, 2014: Ord. 914 § 1, 2011: Ord. 777 § 1, 1999: Ord. 767 § 1 (part), 1998)

2.12.020 Powers and duties.

The city treasurer will have all the powers, duties and responsibilities that are prescribed by the laws of the state, ordinances of the city, and the city's classification plan for this position. If the director of administrative services or the finances manager is appointed to serve as the city treasurer, he or she shall report to the city manager. If the city manager is appointed to serve as the treasurer, he or she shall report to the city council.

(Ord. 929 § 2, 2014: Ord. 914 § 2, 2011: Ord. 767 § 1 (part), 1998)

2.12.030 Bond.

Upon taking office, the city treasurer must execute a bond in an amount approved by resolution of the city council. This bond will be in conformity with the bonds of public officers and with all applicable provisions of the Government Code and shall be included within a master bond in accordance with Government Code Section 1481.

(Ord. 767 § 1 (part), 1998)

2.12.040 Compensation.

The compensation of the city treasurer will be established by resolution of the city council.

(Ord. 767 § 1 (part), 1998)

Chapter 2.13

AT WILL EMPLOYMENT FOR DESIGNATED CITY EMPLOYEES

Sections

- 2.13.010 At will employment

2.13.010 At will employment.

The city manager shall serve as the appointing authority for all positions in the city. The director of administrative services, director of development services, human resources/risk manager, recreation manager, finance manager, principal planner and associate planner are employed at the pleasure of the appointing authority, the city manager or his or her designee.

(Ord. 921 § 1, 2012: Ord. 916 § 1, 2011)

Chapter 2.16

Sections:

- 2.16.010 Established.
- 2.16.020 Membership-Appointment-Terms-Vacancies-Removal.
- 2.16.030 Meetings-Absence without cause.
- 2.16.040 Meetings-Absence with good cause.
- 2.16.050 Membership-Councilmembers.
- 2.16.060 Powers.

2.16.010 Established.

A planning commission for the city is established, with membership, powers and duties as provided for in this chapter and by state statutes.

(Ord. 767 § 1 (part), 1998)

2.16.020 Membership-Appointment-Terms-Vacancies-Removal.

(a) Membership. The planning commission shall consist of five members, each of whom must reside in the city of La Puente at the time of the appointment and throughout the term in the office, and be registered to vote in the city.

(b) Application Process. The city council shall, by resolution, adopt a process for residents to apply to the planning commission, and for the council to interview applicants.

(c) Appointments. Planning commissioners shall be appointed by a majority vote of the city council. Commencing in 2016, two appointments to the planning commission shall be decided at the first regular meeting of the city council in June of even numbered years. Commencing in 2017, three appointments to the planning commission shall be decided at the first regular meeting of the city council in June of odd numbered years. The city council shall appoint two commissioners in 2016, and three commissioners in 2017, to serve a term as set forth in this section.

(d) Term and Vacancy. The term of each commissioner shall be for a period of two years, commencing with the appointments made in 2016. Each commissioner shall continue in office until his or her successor is appointed. If a vacancy occurs, other than by expiration of the term, the vacancy shall be filled by appointment for the unexpired portion of the term, pursuant to the procedure set forth in this section, and in accordance with the terms of Government Code Section 54974. At the completion of any term, a commissioner may be reappointed pursuant to the procedures set forth in this section.

(e) Transition and Initial Term. Notwithstanding the foregoing, the term of any commissioner in office as of the effective date hereof, shall expire on June 8, 2015. The city council shall, pursuant to the procedures set forth in this section, appoint five commissioners at the first city council meeting in June 2015. Two commissioners who are appointed shall serve a one year term, and three commissioners shall serve a two year term. Immediately following the appointment of the commissioners, the city clerk shall provide the mayor with the names of each commissioner. The mayor shall then draw two names at random. The commissioners whose names are drawn, shall serve a one year term, and the balance of the commissioners shall serve a two year term.

(f) Ex Officio Members. The city manager, or the city manager's designee, and the city attorney, or the city attorney's designee, shall be ex-officio or advisory members of the planning commission, and they will have no right to vote. Their terms on the planning commission shall correspond to their respective tenure in office.

(g) Removal. Any member of the planning commission may be removed by a majority vote of the city council.

(Ord. 930 § 2, 2014; Ord. 913 § 2, 2011; Ord. 837 § 1, 2005; Ord. 778 § 1, 1999; Ord. 767 § 1 (part), 1998)

2.16.030 Meetings-Absence without cause.

If a member of the planning commission is absent without good cause for three successive regular meetings of the commission, the office of that member will be deemed to be vacant, and the term of that member terminated. The secretary of the planning commission must immediately inform the city council of that termination.

(Ord. 767 § 1 (part), 1998)

2.16.040 Meetings-Absence with good cause.

An absence due to illness, or an unavoidable absence from the city, accompanied by notice to the secretary of the planning commission on or before the day of any regular commission meeting, will be deemed absence with good cause.

(Ord. 767 § 1 (part), 1998)

2.16.050 Membership-Councilmembers.

No member of the legislative body of the city is eligible for membership on the planning commission.

(Ord. 767 § 1 (part), 1998)

2.16.060 Powers.

The planning commission has the power, except as otherwise provided by law, to:

- (a) Recommend to the proper departments of the city plans for the regulation of the future growth, development, and beautification of the city in respect to its public and private buildings and works, streets, parks, grounds, and vacant lots;
- (b) Recommend to the proper departments of the city plans, consistent with the future growth and development of the city, in order to secure sanitation, proper service from all public utilities, and shipping and transportation facilities;
- (c) Make recommendations to any public authorities or other persons concerning the location of any proposed buildings, structures or works;
- (d) Approve, conditionally approve, or disapprove discretionary entitlements for changes in land use;
- (e) Do such other things as may be necessary to carry out the provisions of this chapter and the provisions of the Planning and Land Use Act of the state;
- (f) Adopt by-laws, which are subject to approval by the city council, as may be necessary to provide for:
 - (1) The time and place of meetings,
 - (2) The time and method of electing officers,
 - (3) Such other matters relating to the organization of the commission and methods of administration of its duties that are not otherwise provided for by statute or ordinance.

(Ord. 767 § 1 (part), 1998)

Chapter 2.18 REDEVELOPMENT AGENCY

Sections:

2.18.010 Agency established-Statutory authority.

2.18.020 Powers vested in the city council.

2.18.010 Agency established-Statutory authority.

In accordance with Section 33101 of the Community Redevelopment Law (Health and Safety Code Sections 33000 et seq.), the city council finds and determines that there is a need for the redevelopment agency created by Section 33100 of that statute to function in the city. That agency is authorized to transact business and to exercise its powers under the Community Redevelopment Law, and it will be known as the La Puente redevelopment agency.

(Ord. 767 § 1 (part), 1998)

2.18.020 Powers vested in the city council.

In accordance with Section 33200 of the Community Redevelopment Law, the city council declares itself to be the redevelopment agency established under Section 2.18.010 above, and all the rights, powers, duties, privileges and immunities vested in that agency by the Community Redevelopment Law are vested in the city council.

(Ord. 767 § 1 (part), 1998)

Chapter 2.20 PURCHASING

Sections:

- 2.20.010 Purchasing system adopted.
- 2.20.020 Centralized department created.
- 2.20.030 Purchasing officer-Powers.
- 2.20.040 Exemptions from centralized purchasing.
- 2.20.050 Departments to supply estimates.
- 2.20.060 Required forms.
- 2.20.070 Bidding-Procedures-When required.
- 2.20.080 Encumbered accounts and funds.
- 2.20.090 Formal bidding procedures.
- 2.20.100 Open market procedures.
- 2.20.110 Inspection and testing.
- 2.20.120 Surplus supplies and equipment.
- 2.20.130 Public projects excluded.
- 2.20.131 Local business preference program.

2.20.010 Purchasing system adopted.

A purchasing system is adopted in order to establish efficient procedures for the purchase of supplies, equipment, and professional services to secure for the city supplies, equipment, and professional services at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function, and to assure the quality of purchases.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.020 Centralized department created.

There is created a centralized purchasing department.

(Ord. 767 § 1 (part), 1998)

2.20.030 Purchasing officer-Powers.

The city manager is designated as the purchasing officer responsible for exercising general supervision over the purchasing department. The purchasing officer has authority to:

- (a) Purchase and contract for all supplies, equipment, and professional services required by the city and its departments in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer may adopt for the internal management and operation of the purchasing department, and such other rules and regulations as may be prescribed by the city council;
- (b) Negotiate and recommend the execution of contracts for the purchase of supplies, equipment, and professional services;
- (c) Act to procure for the city the needed quality in supplies, equipment, and professional services at least expense to the city;
- (d) Discourage collusive bidding and endeavor to obtain as full and open competition as possible on all purchases;
- (e) Prepare and recommend to the city council rules governing the purchase of supplies, equipment, and professional services by the city, and proposed amendment to those rules;
- (f) Keep informed of current developments in the fields of purchasing, prices, market conditions and new products;
- (g) Prescribe and maintain such forms as are reasonably necessary for the efficient operation of this chapter;
- (h) Supervise the inspection of all supplies, equipment, and professional services that are purchased to insure conformance with specifications;
- (i) Recommend the transfer of surplus or unused supplies and equipment between city departments, as needed, and the sale or other disposition of all supplies and equipment that cannot be used by any using agency or which have become unsuitable for city use;
- (j) Maintain a bidders list, vendors catalog file, and other records needed for the efficient operation of the purchasing department.
- (k) Purchase of supplies, equipment, and professional services must be made by contract, which may include a purchase order.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.040 Exemptions from centralized purchasing.

The purchasing officer may authorize any city agency or department to purchase and contract for specified supplies, equipment, and professional services independently of the purchasing department; but the purchasing officer must require that those purchases and contracts be made in conformity with the procedures established by this chapter, and must further require periodic reports from the city agency or department on the purchases and contracts made under that written authorization.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.050 Departments to supply estimates.

All city agencies or departments must file detailed estimates of their requirements for supplies, equipment, and professional services in such manner, at such time, and for such future periods as the purchasing officer prescribes.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.060 Required forms.

City agencies or departments must submit written requests for supplies, equipment, and professional services to the purchasing officer using the form required by the purchasing officer.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.070 Bidding-Procedures-When required.

Unless Section 2.20.090 is applicable, purchases of supplies, equipment, and professional services will be by open market procedures in accordance with Section 2.20.100. Formal bidding procedures may be dispensed with only under the following circumstances:

- (a) When the purchasing officer determines that such supplies or equipment are unique because of their quality, durability, availability, or fitness for a particular use and are available only from one source; or
- (b) When an emergency, as determined by the purchasing officer, requires that the purchase be completed within a period of time that will not permit normal bidding or quotation procedures; or
- (c) When the city has contracted with another governmental entity to purchase particular supplies or equipment on a cooperative basis; or
- (d) When the city avails itself of the provisions of Section 54205 of the Government Code and requests the state Department of General Services to make purchases on its behalf of materials, equipment or supplies, other than printed material; those purchases must be made in accordance with Public Contracts Code Section 10324, which provides, among other things, that the purchases can be made by the department upon the same terms, conditions and specifications at a price lower than the city can obtain through its normal purchasing procedures; or
- (e) When the purchasing officer determines that due to the nature of the supplies, equipment, or professional services, bidding is not likely to result in the lowest price; or
- (f) When the amount of the purchase is less than one thousand dollars.

(Ord. 861 § 2, 2007; Ord. 767 § 1 (part), 1998)

2.20.080 Encumbered accounts and funds.

Except in cases of emergency, the purchasing officer may not issue any purchase order for supplies, equipment, or professional services unless there exists a sufficient unencumbered appropriation in the fund account against which that purchase is to be charged.

(Ord. 861 § 3, 2007; Ord. 767 § 1 (part), 1998)

2.20.090 Formal bidding procedures.

Except as otherwise provided, purchases of supplies, equipment, and professional services with an estimated value greater than twenty-five thousand dollars must be by sealed bid and by written contract with the lowest responsible bidder pursuant to the procedures specified in this section.

(a) Notice Inviting Bids. Notices inviting sealed bids must include a general description of the articles to be purchased, where bid forms and specifications may be obtained, and the time and place for opening bids.

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

(2) Bidders List. The purchasing officer must also solicit sealed bids from all responsible prospective vendors or suppliers whose names are on the bidders list or who have requested that their names be added to that list.

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

returned to the lowest bidder.

(c) Bid Opening Procedure. Sealed bids must be submitted to the city clerk and 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 open for public inspection during regular business hours for a period of not less than thirty days after the bid opening.

(d) Discretion of City Council in Awarding Contract. In its discretion, the city council may reject any and all bids presented, or re-advertise for bids, or authorize the purchasing officer to award a contract after negotiation for the best price possible under the circumstances.

(e) Award of Contracts. Contracts must be awarded by the city council to the lowest responsible bidder, except as otherwise provided in this chapter. The decision of the city council is final.

(f) Tie Bids. If two or more bids received are for the same total amount or unit price, quality and service being equal, the city council may accept the one it chooses, or accept the lowest bid offered following negotiations with the tie bidders.

(g) Performance Bonds. Before entering into a contract, the city council has the authority to require a performance bond in such amount as it deems to be reasonably necessary to protect the best interests of the city. If a performance bond is required, the form and amount of that bond must be described in the notice inviting bids.

(h) Waiver of Defect. The city council may waive any defect or informality in the bidding or in the procedures set forth in this chapter, and no defect or informality will void any contract that is entered into.

(i) Sales of Personal Property. The procedures set forth in this section will apply to sale by the city of personal property having an estimated value greater than five thousand dollars, subject to such modifications as may be warranted under the circumstances.

(Ord. 861 § 3, 2007; Ord. 828 2, 2004; Ord. 767 § 1 (part), 1998)

2.20.100 Open market procedures.

Purchases of supplies, equipment, and professional services with an estimated value of less than twenty-five thousand dollars may be made by the purchasing officer in the open market without observing the formal bidding procedures set forth in Section 2.20.090.

(1) For those open market purchases between one thousand and ten thousand dollars, the purchasing officer shall observe the following:

(a) Minimum Number of Bids or Quotations. Open market purchases should, whenever possible, be based on at least three bids or quotations and should be awarded to the lowest responsible bidder, except as otherwise provided.

(b) Submission of Bids or Quotations. Bids or quotations must be submitted to the purchasing officer, who will keep a record of all open market bids or quotations and contracts for a period of two years after submission of bids or quotations or the execution of contracts. This record, while so kept, will be open to public inspection, except that vendor proprietary data will not be open to public inspection.

(c) Notice Inviting Bids or Quotations. The purchasing officer may solicit bids or quotations by written requests to prospective vendors, by telephone, and by notice posted on a public bulletin board in the civic center that is accessible to the public.

(d) Waiver of Defect. The purchasing officer has the right to waive any defect or informality in connection with a bid or quotation submitted in accordance with this section.

(e) Sales of Personal Property. The procedures set forth in this section will apply to sales by the city of personal property having an estimated value of less than fifteen thousand dollars, subject to such modifications as may be warranted under the circumstances.

(2) For those open market purchases between ten thousand one and twenty-five thousand dollars, the purchasing officer shall observe the following:

(a) Minimum Number of Bids or Quotations. Open market purchases should, whenever possible, be based on at least three bids or quotations and should be awarded to the lowest responsible bidder, except as otherwise provided.

(b) Submission of Bids or Quotations. Written bids or quotations must be submitted to the purchasing officer, who will keep a record of all open market bids or quotations and contracts for a period of two years after submission of bids or quotations or the execution of contracts. This record, while so kept, will be open to public inspection, except that vendor proprietary data will not be

open to public inspection.

(c) Notice Inviting Bids or Quotations. The purchasing officer may solicit bids or quotations by written requests to prospective vendors, by telephone, and by notice posted on a public bulletin board in the civic center that is accessible to the public.

(d) Waiver of Defect. The purchasing officer has the right to waive any defect or informality in connection with a bid or quotation submitted in accordance with this section.

(e) Council Approval. Open market purchases between ten thousand one and twenty-five thousand dollars require City Council approval.

(Ord. 861 § 3, 2007; Ord. 828 3, 2004; Ord. 767 § 1 (part), 1998)

2.20.110 Inspection and testing.

The purchasing officer may inspect all supplies, equipment, and professional services delivered to the city to determine their conformance with the specifications set forth in the order or contract. The purchasing officer has authority to require chemical and physical tests of samples submitted with bids and samples of deliveries that are necessary to determine their quality and conformance with specifications.

(Ord. 861 § 3, 2007; Ord. 767 § 1 (part), 1998)

2.20.120 Surplus supplies and equipment.

All city agencies and departments must submit to the purchasing officer, at such times and in such form as may be prescribed, reports showing all supplies and equipment no longer used or which have become obsolete or worn out. The purchasing officer has authority to sell all supplies and equipment that cannot be used by any agency or that is unsuitable for city use, or to exchange or trade the same for new supplies and equipment. These sales of personal property must be made substantially in accordance with Section 2.20.100 or Section 2.20.110, whichever may be applicable.

(Ord. 861 § 3, 2007; Ord. 767 § 1 (part), 1998)

2.20.130 Public projects excluded.

The procedures set forth in this chapter do not apply to a public project, as that term is defined in Section 20161 of the Public Contract Code, when the proposed expenditure exceeds five thousand dollars. The procedures to be followed by the purchasing officer and all city departments in contracting for a public project must be in conformity with state law, including without limitation the Public Contract Code and the Labor Code.

(Ord. 861 § 5, 2007; Ord. 767 § 1 (part), 1998)

2.20.131 Local business preference program.

(a) Findings. The City finds as follows:

(1) The city annually spends significant amounts on purchasing supplies, materials, equipment, and contractual services. The money used in making these purchases derives in part from taxes and fees from local businesses located in the city, and the city has determined that it is in the city's best interest to return such monies to the local economy.

(2) A preference for local businesses is desirable to stimulate the local economy, generate jobs, and encourage further investment in the area.

(3) The public interest would best be served by encouraging businesses to remain and locate in the city through the provision of a minimal "good faith" preference to local business in the award of local contracts on the basis that the city will recoup at least one percent of the costs of the transaction in the form of sales tax revenue.

(b) Statement of Policy. It is the policy of the city to promote employment and business opportunities for local residents and

companies on all contracts and give preference to local residents, businesses, contractors, and consultants to the extent consistent with the law and interests of the public.

(c) Definitions and Qualification as Local Business. For the purposes of this section, "local business" shall mean any business which meets all of the following criteria:

(1) The individual or entity maintains a principal place of business located within the city with a valid and verifiable business license, if applicable, issued by the city. Post office boxes do not qualify as verifiable local business addresses.

(2) The individual or entity has had a fixed office or place of business having a street address within the city for at least six months immediately prior to the bid/proposal/quote opening date as set up by the city.

(3) To qualify for the local business preference, local bidders may pre-register with the city or must submit proof of the address of its principal place of business and a copy of their current city business license, if applicable, with each bid for which a preference is claimed. Proof of address is normally the address to which purchase orders or contracts will be sent.

(d) Local Business Preference. Subject to the exceptions of this section, a one percent preference shall be granted to a local business whenever the purchasing officer of the city purchases services, supplies, materials and/or equipment for city use through the competitive bid process, which shall be defined herein to include quotes, bids, and proposals. The purchasing officer in evaluating competitive bids shall determine the lowest responsive bidder, and if the lowest responsive bidder is a non-local bidder, a one percent preference shall be granted to local bidders. The one percent local preference shall be deducted from the total dollar amount bid by local bidders on competitive quotes and bids, and assessed on the total evaluated aggregate score obtained by local bidders on proposals. The local business preference will not apply: (i) to bids conducted with other public agencies, (ii) when prohibited by state or federal statutes or regulations which require award to the "lowest responsible bidder," or (iii) to any purchase otherwise exempted from local preferences.

(e) Exceptions to Local Preference Policy. Application of the local business preference to a particular purchase, contract, or category of contracts for which the City Council is the awarding authority may be waived at the City Council's discretion. The preference set forth in this section shall not apply to the following purchases or contracts:

(1) Purchases or contracts which are funded in whole or in part by a governmental entity, and any purchases or contracts subject to state and federal laws, regulations, or policies which prohibit application of this preference.

(2) Purchases made or contracts let under emergency or non-competitive situations.

(3) Purchases with an estimated cost of five thousand dollars or less.

(4) "Public projects," as that term is defined in Section 20161 of the Public Contract Code, when the proposed expenditure exceeds five thousand dollars, as stated in Section 2.20.130 of this chapter. The procedures to be followed by the purchasing officer and all city departments in contracting for a public project must be in conformity with state and federal law, including without limitation the Public Contract Code and the Labor Code.

(f) Quality and Fitness. The preference established in this section shall in no way be construed to inhibit, limit or restrict the right and obligation of the City Council and the purchasing officer to compare quality and fitness for use of supplies, materials, equipment, or services proposed for purchase and to compare the qualifications, character, responsibility, and fitness of all persons and entities submitting bids or proposals.

(g) Local Business Outreach Efforts. Prime contractors submitting bids or proposals for purchases or contracts which are not subject to the exceptions set forth in Subsection 2.20.131 (e) of this chapter shall use good faith efforts to sub-contract the supply of materials and equipment to local businesses and to sub-contract services to businesses whose work force resides within the city. Among other means, good faith efforts can be demonstrated by submitting evidence which includes: (i) placing advertisements in local publications reasonably available to local subcontractors, (ii) sending requests for proposals to local contractors, or (iii) demonstrating that no local sub-contractors are qualified to perform work or provide materials or equipment. Such local business outreach efforts are not intended and should be construed as setting any quota in regard to hiring local business subcontractors. The prime contractor shall submit evidence of such good faith efforts at the time of submission of bids. Any notice inviting bids which may require the use of sub-contractors shall include notification of this subsection.

(Ord. 906 § 1, 2010)

Sections:

- 2.22.010 Purpose of improvement fund.
- 2.22.020 Creation of improvement fund.
- 2.22.030 Payments into improvement fund.
- 2.22.040 Expenditures from improvement fund.

2.22.010 Purpose of improvement fund.

The improvement fund established by this chapter is intended to enable the city to receive apportionments of funds from the Highway Users Tax Fund, as those apportionments are provided for in Chapter 3 of Division 3 and Chapter 1 of Article 5 of Division 1 of the Streets and Highways Code.

(Ord. 767 § 1 (part), 1998)

2.22.020 Creation of improvement fund.

A special improvement fund, known as the gas tax street improvement fund, was established in 1957 by Ordinance No. 2242 as a separate interest-bearing account.

(Ord. 767 § 1 (part), 1998)

2.22.030 Payments into improvement fund.

All funds received by the city from the state of California under Sections 2105, 2106, 2107, 2107.5 and other applicable provisions of the Streets and Highways Code that are required to be deposited in the gas tax street improvement fund will be so deposited by the city's finance director. All interest received by the city from the investment of funds in this gas tax street improvement fund will be credited to the fund.

(Ord. 767 § 1 (part), 1998)

2.22.040 Expenditures from improvement fund.

All funds deposited in the improvement fund, including all accrued interest, must be expended exclusively for street purposes and such other purposes as are authorized by the Streets and Highways Code.

(Ord. 767 § 1 (part), 1998)

Chapter 2.24 **AIR QUALITY IMPROVEMENT TRUST FUND**

Sections:

- 2.24.010 Purpose of trust fund.
- 2.24.020 Creation of trust fund.
- 2.24.030 Administration of the trust fund.

2.24.010 Purpose of trust fund.

The trust fund established by this chapter is intended to facilitate the city's support for the use of motor vehicle registration fees to implement various projects and programs to reduce air pollution from motor vehicles in the south coast district of California.

(Ord. 767 § 1 (part), 1998)

2.24.020 Creation of trust fund.

A special fund, known as the air quality improvement trust fund, was established in 1991 by Ordinances No. 640 as a separate interest-bearing trust fund account in a financial institution that is authorized to receive deposits of city funds.

(Ord. 767 § 1 (part), 1998)

2.24.030 Administration of the trust fund.

(a) Receipt of Fees. The additional motor vehicle registration fees that are distributed to the city by the South Coast Air Quality Management District (SCAQMD) will be accepted by the city's finance director and deposited in the trust fund account. All interest earned on the trust fund account will be credited only to that account.

(b) Expenditure of Fee Revenues. All fee revenues or grants received from the SCAQMD and deposited in the trust fund account must be expended within the time specified by state law on projects and programs to reduce air pollution from motor vehicles that are authorized by, or necessary to implement, the Clean Air Act Amendments of 1990, the California Clean Air Act of 1998, or the plan prepared under Article 5 (commencing with Section 40460) of Chapter 5.5 of Part 3 of the Health and Safety Code (collectively referred to as mobile source air pollution reduction programs.)

(c) Audit. The city will be subject to an audit by the SCAQMD of each project or program funded with revenues from the trust fund account, as provided for in Section 44244.1 of the Health and Safety Code.

(Ord. 767 § 1 (part), 1998)

Chapter 2.26 DOCUMENTARY TRANSFER TAX

Sections:

2.26.010 Short title.

2.26.020 Savings clause.

2.26.030 Tax imposed.

2.26.040 Exemptions from the tax.

2.26.050 Administration of the tax.

2.26.060 Claims for refunds.

2.26.010 Short title.

This chapter is known and may be cited as the "real property transfer tax ordinance of the city of La Puente."

(Ord. 767 § 1 (part), 1998)

2.26.020 Savings clause.

The provisions of this chapter are substantially the same as those originally set forth in Ordinance No. 293, as adopted on November 28, 1967, in accordance with the authority contained in Part 6.7 (commencing with Section 11901) of Division 2 of the Revenue and Taxation Code. Therefore, this chapter is to be construed as a restatement and continuation of Ordinance No. 293, as previously codified, and not as a new enactment.

(Ord. 767 § 1 (part), 1998)

2.26.030 Tax imposed.

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

(Ord. 767 § 1 (part), 1998)

2.26.040 Exemptions from the tax.

The documentary transfer tax imposed by this chapter does not apply to any of the deeds, instruments, writings, conveyances or other transactions that are specifically exempted by Sections 11921 through 11929 of the Revenue and Taxation Code.

(Ord. 767 § 1 (part), 1998)

2.26.050 Administration of the tax.

The county of Los Angeles will administer the documentary transfer tax in accordance with the provisions of Part 6.7 of Division 2 (commencing with Section 11901) of the Revenue and Taxation Code.

(Ord. 767 § 1 (part), 1998)

2.26.060 Claims for refunds.

Claims for refunds of taxes imposed under this chapter are governed by the provisions of Chapter 5 (commencing with Section 5096) of Part 9 of Division 1 of the Revenue and Taxation Code.

(Ord. 767 § 1 (part), 1998)

Chapter 2.28 EMERGENCY SERVICES

Sections:

- 2.28.010 Purposes.
- 2.28.020 Definition.
- 2.28.030 Disaster council membership.
- 2.28.040 Disaster council powers and duties.
- 2.28.050 Director and assistant director of emergency services.
- 2.28.060 Powers and duties of the director and assistant director of emergency services.
- 2.28.070 Emergency organization.
- 2.28.080 Emergency plan.
- 2.28.090 Expenditures.
- 2.28.100 Punishment of violations.
- 2.28.110 Repeal of conflicting ordinances.

2.28.010 Purposes.

The declared purposes of this chapter are to provide for the following: the preparation and carrying out of plans for the protection of persons and property within this city in the event of an emergency; the direction of the emergency organization; and the coordination of the emergency functions of this city with all other public agencies, corporations, organizations, and affected private persons.

(Ord. 767 § 1 (part), 1998)

2.28.020 Definition.

As used in this chapter, "emergency" means the actual or threatened existence of conditions of disaster or of extreme peril to the safety of persons and property within this city caused by such conditions as air pollution, fire, flood, storm, epidemic, riot or earthquake, or other conditions, including 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 and therefore must be addressed by the combined forces of the city and other political subdivisions.

(Ord. 767 § 1 (part), 1998)

2.28.030 Disaster council membership.

The city's disaster council is created and will consist of the following:

- (a) The mayor, who will be the chair;
- (b) The director of emergency services, who will be the vice-chair;
- (c) The assistant director, appointed by the city manager with the advice and consent of the city council who, under the supervision of the director, will develop the emergency plan and will periodically review and update the plan;
- (d) The chiefs of emergency services that may be provided for in any current emergency plan that is adopted pursuant to this chapter;
- (e) Representatives of civic, business, labor, veterans, professional, and other organizations having an official emergency responsibility, that may be appointed by the director with the advice and consent of the city council.

(Ord. 767 § 1 (part), 1998)

2.28.040 Disaster council powers and duties.

It is the duty of the disaster council, and it is empowered, to develop and recommend for adoption by the city council various emergency and mutual aid plans and agreements, and all ordinances, resolutions, rules and regulations that are necessary to implement these plans and agreements. The disaster council will meet upon call of the chair or, in the chair's absence from the city or inability to call such meeting, upon the call of the vice-chair.

(Ord. 767 § 1 (part), 1998)

2.28.050 Director and assistant director of emergency services.

- (a) There is created the office of director of emergency services. The city manager is the director of emergency services.
- (b) There is created the office of assistant director of emergency services, who will be appointed by the director.

(Ord. 767 § 1 (part), 1998)

2.28.060 Powers and duties of the director and assistant director of emergency services.

(a) The director is empowered to:

(1) Request the city council to proclaim the existence or threatened existence of a local emergency if the city council is in session, or to issue such a proclamation if the city council is not in session. Whenever a local emergency is proclaimed by the director, the city council must take action to ratify the proclamation within seven days thereafter or the proclamation will have no further force or effect;

(2) 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;

(3) Control and direct the effort of the emergency organization of this city to accomplish the purposes of this chapter;

(4) Direct cooperation between and coordination of services and staff of the emergency organization, and resolve questions of authority and responsibility that may arise between them;

(5) Represent the city in all dealings with public or private agencies on matters pertaining to emergencies;

(6) Upon the proclamation of a local emergency by the city council or the director, or the proclamation of a state of emergency by the Governor or the director of the state Office of Emergency Services, or the existence of a state of war emergency, the director is empowered:

(A) To make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by that emergency; provided, however, such rules and regulations must be approved at the earliest practicable time by the city council,

(B) To obtain vital supplies and equipment that may be needed for the protection of life and property, to bind the city for payment of their fair value and, if required immediately, to commandeer the same for public use,

(C) To require the emergency services of any city officer or employee and, in the event of the proclamation of a state of emergency in Los Angeles County 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 the director's duties; those persons are entitled to all privileges, benefits and immunities that are provided by state law for registered disaster service workers,

(D) To requisition necessary personnel or material of any city department or agency,

(E) To execute all ordinary power and authority as city manager, all of the special powers conferred by this chapter, by resolution, or by an emergency plan adopted by the city council, and all powers conferred by statute, by agreement approved by the city council, and by any other lawful authority.

(b) The director of emergency services must designate the order of succession to the office, which will take effect if the director is unavailable to attend meetings and otherwise perform all duties during an emergency. That order of succession must be approved by the city council.

(c) The assistant director must, under the supervision of the director and with the assistance of emergency service chiefs, develop emergency plans, manage the emergency programs, and perform all other powers and duties that may be assigned by the director.

(Ord. 767 § 1 (part), 1998)

2.28.070 Emergency organization.

The emergency organization of the city consists of the following: all officers and employees of the city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations and persons who may, by agreement or operation of law, including persons pressed into service under the provisions of Section 2.28.060(a)(6)(C) of this chapter, be charged with duties incident to the protection of life and property during any emergency.

(Ord. 767 § 1 (part), 1998)

2.28.080 Emergency plan.

The disaster council is responsible for the development of the city's emergency plan, which plan must provide for the effective mobilization of all resources of the city, both public and private, to meet any condition constituting a local emergency, state of

emergency, or state of war emergency, and must provide for the organization, powers, duties, services and staff of the emergency organization. This plan will take effect upon its adoption by resolution of the city council.

(Ord. 767 § 1 (part), 1998)

2.28.090 Expenditures.

Any expenditures made in connection with emergency activities, including mutual aid activities, will be deemed conclusively to be for the direct protection and benefit of the inhabitants and property within the city.

(Ord. 767 § 1 (part), 1998)

2.28.100 Punishment of violations.

It is a misdemeanor, punishable by a fine of not to exceed one thousand dollars, or by imprisonment for not to exceed six months, or both, for any person during an emergency to:

(a) Wilfully obstruct, hinder or delay any member of the emergency organization in the enforcement of any lawful rule or regulation issued pursuant to this chapter, or in the performance of any duty imposed by this chapter;

(b) Do any act prohibited by any lawful rule or regulation issued pursuant to this chapter, if that act is of such a nature as to give, or be likely to give, assistance to the enemy or to imperil the lives or property of inhabitants of this city, or to prevent, hinder or delay their defense or protection;

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

(Ord. 767 § 1 (part), 1998)

2.28.110 Repeal of conflicting ordinances.

It is the intent of the city council in enacting the ordinance codified in this chapter that it be considered a revision and continuation of Ordinance No. 620 that is repealed by the ordinance codified in this chapter, and the status of volunteers will not be affected by that repeal; nor will civil defense and disaster mutual aid plans and agreements, rules and regulations, or resolutions adopted pursuant to that repealed ordinance be affected by that repeal until amended, modified or superseded as provided in this chapter.

(Ord. 767 § 1 (part), 1998)

Chapter 2.30 CLAIMS AGAINST THE CITY FOR MONEY OR DAMAGES

Sections:

2.30.010 General.

2.30.020 Special claims procedures.

2.30.010 General.

(a) The provisions of this chapter recognize that the general claim procedures applicable to local public agencies, including this city, are governed by the provisions of Chapter 1 (commencing with Section 900) and Chapter 2 (commencing with Section 910) of Part 3, Division 3.6, Title 1 of the Government Code.

(b) The procedures relating to the presentation, processing, review, settlement, compromise and rejection of claims for money or damages against the city must be consistent with the provisions of the Government Code referenced in subsection (a) of this section.

(Ord. 767 § 1 (part), 1998)

2.30.020 Special claims procedures.

In accordance with the authority conferred by Section 935 of the Government Code, the following procedures are established for claims against the city for money or damages that are not now governed by state statutes or by local ordinance:

(a) Employee Claims. Notwithstanding the exceptions contained in Section 905 of the Government Code, all claims by public officers or employees for fees, salaries, wages, overtime pay, holiday pay, compensating time off, vacation pay, sick leave pay, and any other expenses or allowances claimed to be due from the city, when a procedure for processing those claims is not otherwise provided by state statutes or local ordinance, must be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the Government Code. Those claims are further subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the city council or its designee.

(b) Contract and Other Claims. In addition to the requirements of subsection (a) of this section, and notwithstanding the exemptions set forth in Section 905 of the Government Code, all claims against the city for damages or money, when a procedure for processing those claims is not otherwise provided by state statutes or local ordinance, must be presented within the time limitations and in the manner prescribed by Sections 910 through 915.2 of the Government Code. Those claims are further subject to the provisions of Section 945.4 of the Government Code relating to the prohibition of suits in the absence of the presentation of claims and action thereon by the city council or its designee.

(c) Format of Claims. All claims must be in writing and verified by the claimant or by the claimant's guardian, conservator, executor or administrator. No claim may be filed on behalf of a class of persons unless it is verified by every member of that class as required by this paragraph.

(Ord. 767 § 1 (part), 1998)

Chapter 2.32 MUNICIPAL ELECTIONS

Sections:

2.32.010 General municipal election date.

2.32.020 Extension of terms.

2.32.030 Nomination papers-Filing fee- Waiver.

2.32.010 General municipal election date.

As authorized by Sections 1301 and 10403.5 of the Elections Code, the city's general municipal election shall be consolidated with the County of Los Angeles and shall be held on the first Tuesday following the first Monday in November of even-numbered years.

(Ord. 941 § 2, 2016; Ord. 09-892 § 2, 2009; Ord. 829 2, 2004; Ord. 767 § 1 (part), 1998)

2.32.020 Extension of terms.

Commencing in 2018, those terms of office that would have expired in April of even-numbered years are extended until certification of the results and administration of oaths of office after the November 2018 general municipal election.

(Ord. 941 § 3, 2016; Ord. 09-892 § 2, 2009; Ord. 829 3 (part), 2004; Ord. 767 § 1 (part), 1998)

2.32.030 Nomination papers-Filing fee- Waiver.

(a) Concurrently with the filing of a candidate's nomination papers for an elective municipal office, a filing fee in the sum of twenty-five dollars must be paid to the city elections official, unless the provisions of subsection (b) of this section are applicable.

(b) The fee required under subsection (a) of this section will be waived if the candidate files with the city elections official an in-

lieu-filing-fee petition that complies with all applicable provisions of the California Elections Code.

(Ord. 799 § 3, 2001; Ord. 767 § 1 (part), 1998)

Title 3 PUBLIC SAFETY AND MORALS

Chapters:

- 3.04 Alcoholic Beverages
- 3.08 Parades
- 3.12 Amplified Sound
- 3.16 Misdemeanors
- 3.20 Public Nuisances
- 3.22 Abandoned and Distressed Residential Properties Registration
- 3.24 Gambling
- 3.28 Bingo
- 3.32 Racing Homing Pigeons
- 3.36 Animal Control Ordinance
- 3.40 Game Arcades
- 3.44 Graffiti
- 3.48 Burglar and Robbery Alarms
- 3.52 Public Lodgings
- 3.56 Curfew
- 3.58 Loitering by Criminal Street Gangs
- 3.60 Display of Books, Magazines and Other Publications
- 3.64 Smoking Prohibited in Public Places
- 3.68 Public Parks
- 3.70 Camping
- 3.72 Unsolicited Written Material
- 3.74 Sex Offender Residence Restrictions
- 3.76 Shopping Cart Regulations

Chapter 3.04 ALCOHOLIC BEVERAGES

Sections:

- 3.04.010 Definitions.
- 3.04.020 Drinking in public places prohibited.
- 3.04.030 Possession of opened alcoholic beverage container on posted premises.
- 3.04.040 Drinking on school grounds.

3.04.050 Drinking in vehicles.

3.04.060 Serving alcohol to minors at an event on private property.

3.04.070 Enforcement services at an event requiring a second or further response.

3.04.080 Unsupervised consumption of alcohol by a minor on private property.

3.04.090 Additional remedies.

3.04.100 Appeal procedure.

3.04.110 Violations.

*Prior ordinance history: Ord. 1 §§ 4400-4406 and 411.

3.04.010 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Alcohol" means ethyl alcohol, hydrated oxide of ethyl, or spirits of wine, from whatever source or by whatever process produced.

"Alcoholic beverage" includes alcohol, spirits, liquor, wine, beer, and every liquid or solid containing alcohol, spirits, wine or beer, which contains one-half of one percent or more of alcohol by volume and which is fit for beverage purposes alone or when diluted, mixed or combined with other substances.

"Cost of enforcement services" means all costs incurred by the city in responding to or remaining at an event which violates the provisions in this chapter. It includes the salaries and benefits of personnel of the Los Angeles County sheriff's department or other code enforcement personnel for the amount of time actually spent in responding to, or in remaining at, such an event; the administrative costs attributable to the incident; the actual cost of any medical treatment to injured law enforcement personnel or other code enforcement personnel; the cost of repairing any damaged city equipment or property; and the costs arising from the use of any city equipment in responding to or remaining at such event.

"Event" means a group of persons who have assembled or are assembling for a social occasion, party, gathering or social activity.

"Juvenile" means any person under eighteen years of age.

"Minor" means any person under twenty-one years of age.

"Responsible party" means the person(s) responsible for the event. "Responsible party" includes, but is not limited to: (1) the person(s) who owns, rents, leases, or otherwise has control of the premises where the event takes place; (2) the person(s) in charge of the premises where the event takes place; or (3) the person(s) who organized the event. When a person responsible for the event is a juvenile, then the parents or guardians of that juvenile and the juvenile will be jointly and severally liable for the cost of enforcement services.

(Ord. 790 § 1 (part), 1999)

3.04.020 Drinking in public places prohibited.

It is unlawful for any person to consume any alcoholic beverage or to have in his or her possession any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or a seal broken, or the contents of which have been partially removed, upon any public street, alleyway, sidewalk or parkway, or in any public park, buildings, lavatories, parking lot, auto park, or lobby or entrance way to any building within the city.

(Ord. 822 § 1, 2003; Ord. 790 § 1 (part), 1999)

3.04.030 Possession of opened alcoholic beverage container on posted premises.

(a) It is unlawful for any person, who has in his or her possession any bottle, can or other receptacle containing any alcoholic

beverage which has been opened, or a seal broken, or the contents of which have been partially removed, to enter, be, or remain on the posted premises of any retail package off-sale alcoholic beverage licensee licensed pursuant to Division 9 (commencing with Section 23000) of the California Business and Professions Code.

(b) For purposes of this section, "posted premises" means those premises which are subject to licensure under any retail package off-sale alcoholic beverage license, the parking lot immediately adjacent to the licensed premises and any public sidewalk immediately adjacent to the licensed premises on which clearly visible notices indicate to the patrons of the licensee and parking lot and to persons on the public sidewalk, that such possession is prohibited.

(c) Any business, which is subject to licensure under any retail package off-sale alcoholic beverage license, will post or cause to be posted sign(s) advising patrons of the prohibition in subsection (a) of this section. Each sign must be eighteen inches by twenty-four inches in size and read as follows:

"It is an infraction for any person who possesses any bottle, can or other receptacle containing any alcoholic beverage which has been opened, or the seal broken, or the contents of which have been partially removed, to enter, be, or remain on the premises of this establishment, including the parking lot and the public sidewalk immediately adjacent to this liquor establishment."

Such signs will be posted not less than five feet nor more than eight feet above floor level and will be of sufficient number and location to cause the message of the signs to be clearly visible and readable.

(d) It is unlawful for any person to willfully mutilate or destroy any sign required by this section.

(e) This prohibition does not apply to a private residential parking lot which is immediately adjacent to the posted premises.

(Ord. 790 § 1 (part), 1999)

3.04.040 Drinking on school grounds.

It is unlawful for any person to consume any alcoholic beverage on the grounds of any public school or any stadium or athletic field while being used by a public school.

(Ord. 790 § 1 (part), 1999)

3.04.050 Drinking in vehicles.

It is unlawful for any person to enter or remain in a vehicle while any other occupant is consuming any alcoholic beverage while such vehicle is on a public street, alleyway, or public highway.

(Ord. 790 § 1 (part), 1999)

3.04.060 Serving alcohol to minors at an event on private property.

Except as permitted by Article 1, Section 4, of the California Constitution, it is unlawful for any person to suffer, permit, allow, or host an event at his or her place of residence or other private property, place, or premises under his or her control where five or more minors are present and alcoholic beverages are being consumed by any minor. The provisions in this section do not apply to conduct exclusively between a minor and his or her parent or legal guardian.

(Ord. 790 § 1 (part), 1999)

3.04.070 Enforcement services at an event requiring a second or further response.

When any event involving minors occurs on private property and a deputy of the Los Angeles County sheriff's department or other code enforcement officer at the scene determines that there is a threat to the public peace, health, safety, or general welfare, the responsible party will be liable for the cost of enforcement services provided during a second or follow up response by the sheriff's department or other code enforcement personnel, after a first warning has been given to the person(s) responsible for the event to control the threat to the public peace, health, safety, or general welfare.

(a) Second Response. Notwithstanding any other provision of this chapter, the maximum fee that may be charged for a second response shall be six hundred dollars.

(b) Third or Subsequent Response. The sheriff's department or the code enforcement officer will keep an itemized account of all charges incurred in providing enforcement services for a third or subsequent response, and the responsible party will be liable for the total costs incurred.

(c) The amount expended for the cost of enforcement services is a debt owed to the city by the responsible party, and, if juveniles, their parents or legal guardians. The city attorney is authorized to bring an action against any responsible party to recover such costs, including reasonable attorney's fees.

(Ord. 790 § 1 (part), 1999)

3.04.080 Unsupervised consumption of alcohol by a minor on private property.

It is unlawful for any minor to consume any alcoholic beverage at a place not open to the public. This prohibition does not apply when:

(a) Such consumption is permitted by state law; and

(b) The minor is being supervised by his or her parent or legal guardian.

(Ord. 790 § 1 (part), 1999)

3.04.090 Additional remedies.

The remedies set forth in this chapter are not exclusive and may be used in addition to those set forth elsewhere in this code, including Chapter 3.20, or by law. This chapter in no way limits the authority of peace officers or private citizens to make arrests for any criminal offense arising out of conduct regulated by this chapter.

(Ord. 790 § 1 (part), 1999)

3.04.100 Appeal procedure.

(a) Any responsible party who has been assessed costs or fees under the provisions of this chapter may appeal such decision to the city council.

(1) Within thirty calendar days after the issuance of the notice to pay the costs of enforcement services, any responsible party who has been assessed the costs or fees under the provisions of this chapter may appeal the decision to the city council. The appeal shall set forth the ground(s) for the appeal and shall be accompanied by an appeal fee in an amount prescribed by resolution of the city council. A timely appeal accompanied by the required fee shall automatically entitle the aggrieved party to a hearing before the city council.

(2) The hearing shall be held and action taken at a duly noticed city council meeting following the timely filing of a complete appeal.

(3) At least ten calendar days prior to the hearing, notice of the hearing shall be mailed to the appellant.

(4) At the time set for the hearing, or at the date to which the hearing may be continued, the city council shall hear the appellant, and shall hear testimony from all other interested persons who attend the hearing. The city council, in considering the appeal, shall give consideration to all relevant documents filed and all relevant testimony given at the hearing.

(5) Within thirty calendar days after the conclusion of the public hearing, the city council shall adopt and issue a written decision upholding or denying the appeal. The decision of the city council shall be final.

(Ord. 790 § 1 (part), 1999)

3.04.110 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 1 (part), 1999)

Chapter 3.08 PARADES*

Sections:

- 3.08.010 Definitions.
- 3.08.020 Permit required.
- 3.08.030 Exemptions.
- 3.08.040 Application.
- 3.08.050 Fees and service charges.
- 3.08.060 General criteria for issuance or denial.
- 3.08.070 Nondiscrimination.
- 3.08.080 Notice of issuance or denial of permit.
- 3.08.090 Appeal.
- 3.08.100 Restrictions.
- 3.08.110 Term.
- 3.08.120 Modification, revocation or suspension.
- 3.08.130 Judicial review.
- 3.08.140 Violations.

*Prior ordinance history: Ord. 1 §§ 3200-3204.

3.08.010 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Assembly" means any meeting, demonstration, picket line, rally, gathering, or group of twenty-five or more persons, animals, or vehicles, or a combination thereof, having a common purpose, design, or goal, upon any public street, sidewalk, alley, park, or other public place, which assembly substantially inhibits the usual flow of pedestrian or vehicular travel or which occupies any public area, other than a parade, as defined in this section.

"Authorized city official" means the official designated by the city to act on the application for a permit to conduct a parade or hold an assembly.

"Parade" means any march, demonstration, procession, motorcade, or promenade consisting of persons, animals, or vehicles, or a combination thereof, having a common purpose, design, destination, or goal; upon any public place, which parade, march, demonstration, procession, motorcade, or promenade does not comply with normal and usual traffic regulations or control.

(Ord. 790 § 2 (part), 1999)

3.08.020 Permit required.

It is unlawful for any person to engage in, conduct or carry on a parade or assembly without a permit which designates the time, place and route of such event.

(Ord. 790 § 2 (part), 1999)

3.08.030 Exemptions.

The provisions of this chapter do not apply to the following:

- (a) Funeral processions; or
- (b) Spontaneous events occasioned by news or affairs coming into public knowledge within three days of such parade or assembly provided that the organizers thereof give written notice to the city at least twenty-four hours prior to such parade or assembly.

(Ord. 790 § 2 (part), 1999)

3.08.040 Application.

Applications for a parade or assembly permit must be filed with the city a minimum of twenty calendar days prior to the date of the proposed parade or assembly and shall be accompanied by the payment of the application fee, which is established by resolution of the city council. The application shall contain the following information:

- (a) A description of the proposed use, event or activity;
- (b) The street or other public property and the specific area or areas which will be utilized in connection with the proposed use, event or activity;
- (c) The manner in which the public property will be utilized;
- (d) The date or dates and the specific times that the public property is to be utilized for the described use, event or activity;
- (e) Insofar as reasonably practicable, the maximum parade length; the total number of bands, sound vehicles or musical units, if any, their type and number of members in each unit; the total number of marching units, if any, their type and the number of members in each unit; the number of animals, if any, and the type; the number of floats, if any, their size, type and how powered; and the space between the units and their speed;
- (f) The name, address and telephone number of the person, entity or organization sponsoring or conducting the proposed use, event or activity. If the 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 a communication in writing from such organization, authorizing the applicant to apply for such permit on its behalf; and
- (g) The name, address and telephone number of the person or persons to be contacted regarding the permit application.

(Ord. 790 § 2 (part), 1999)

3.08.050 Fees and service charges.

(a) Fees. The permit application fee, daily fee and other additional fees for use of city streets or other city- owned or controlled property will be established by resolution of the city council. Other than the application fee, which is nonrefundable and shall be paid when the application is submitted to the city, the total amount of the fees due for the entire permit period shall be paid to the city at least three business days prior to the date when the permit becomes effective.

(b) Service Charge. In addition to application fees, daily fees and any other fees, a permittee shall reimburse the city for the reasonable cost of related city services (including, but not limited, to traffic control, fire safety, clean-up, and trash hauling). If city property is destroyed or damaged by reason of permittee's use, event or activity, the permittee shall reimburse the city for the actual replacement or repair cost of the destroyed or damaged property.

(1) The final invoice and billing for such reimbursements will be sent within ten business days after the expiration date of the permit.

(2) At least three business days prior to the date any permit is to become effective, the applicant shall pay to the city a cash deposit in an amount sufficient to cover the total city departmental charges which the authorized city official estimates will be incurred in connection with the permit.

(c) Refund. If a permittee is unable to hold or conduct a parade or assembly because of inclement weather or some other cause not within the permittee's control, the permittee may submit a written request for refund of such fees provided such request is within ten calendar days after the date the parade or assembly was to have taken place. The authorized city official may authorize a refund of the fees or a pro rata portion thereof, except the nonrefundable application fee, which have been paid by the permittee to the city.

(d) Restrictions. All fees and service charges will relate to the size of the parade or assembly and its impact on normal traffic. They will not be based on the content of the message expressed, the size of the crowd or the crowd's reaction to the message.

(Ord. 790 § 2 (part), 1999)

3.08.060 General criteria for issuance or denial.

The permit will be issued by the authorized city official unless there is a finding that:

(a) The information contained in the application is false or intentionally misleading;

(b) The parade or assembly will endanger public health, welfare or safety for the reasons set forth in this subparagraph (b), and that reasonable adjustments to the community traffic control, street and property maintenance, or police, fire, or ambulance protection would not alleviate such danger:

(1) The time, duration, route, and size of the parade or assembly will substantially and unreasonably disrupt the movement of traffic;

(2) The parade or assembly is of a size or nature that it will require the diversion of such a great number of Los Angeles County sheriff's department deputies to properly police the line of movement or assembly area and the areas contiguous thereto, as to impair reasonable police protection to the city;

(3) The permittee failed to provide for the services of sufficient monitors to control the orderly conduct of the parade or assembly;

(4) The permittee failed to provide a reasonable means of informing all the persons participating therein of the terms and conditions of such permit;

(5) The concentration of persons, animals, or vehicles, or a combination thereof, is such as to prevent proper police, fire and ambulance services;

(6) The parade will not progress from its assembly area to its disbanding area as expeditiously as reasonably required for the safe and orderly conduct of the parade;

(7) The parade or assembly will interfere with another parade or assembly for which a permit has been granted; or

(8) The parade or assembly will result in harm to persons or property.

(Ord. 790 § 2 (part), 1999)

3.08.070 Nondiscrimination.

Nothing in this chapter shall be construed as granting to the authorized city official, or to any other person, the discretion or authority to grant, deny, revoke, renew or suspend any application by reason of either approval or disapproval of the philosophy, opinions, or beliefs of the applicant, or of the person such applicant represents, or for any other reasons not specifically set forth in Section 3.08.060 of this Chapter.

(Ord. 790 § 2 (part), 1999)

3.08.080 Notice of issuance or denial of permit.

(a) Within five business days after the filing of the permit application, the authorized city official will issue or deny the permit and will notify the applicant of the action taken.

(b) If the permit is denied, the authorized city official will set forth the reasons for such denial. Where the parade or assembly could be authorized at alternative times, places, manner, or duration, the notice will also contain information to that effect.

(Ord. 790 § 2 (part), 1999)

3.08.090 Appeal.

Any final decision of the authorized city official may be appealed to the city manager by the applicant, permittee, or any person affected by the decision. The appeal shall be made in writing, shall be filed within five business days after mailing or personal delivery of a notice of denial or revocation, and shall set forth the specific grounds for the appeal. The city manager, or the city manager's designee, shall hear the aggrieved person or designated representative, receive relevant information and documents, and act on the appeal within three business days of receiving the appeal. The city manager's decision shall be final.

(Ord. 790 § 2 (part), 1999)

3.08.100 Restrictions.

The following prohibitions apply to all parades and assemblies.

(a) No person shall engage in any parade or assembly which would constitute a substantial hazard to the public safety or which would materially interfere with or endanger the public peace or rights of residents to the quiet, peaceful, and unmolested enjoyment of their property.

(b) While participating in any parade or assembly, no person shall carry or possess any length of metal, lumber, wood, or wood lath, unless such object is of wood and is one-fourth inch or less in thickness and two inches or less in width, or if not generally rectangular in shape, such object shall not exceed three-fourths inch at its thickest dimension.

(c) No person shall carry any sign, poster, plaque, or notice, whether or not mounted on a length of wood as specified in subsection (b) of this section, unless such sign, poster, plaque, or notice is constructed or made of a cloth, paper, or cardboard material.

(d) No person shall ride, drive, or cause to be ridden or driven any animal or any animal-drawn vehicle upon any public street, unless specifically authorized by the permit.

(e) No person shall knowingly join or participate in any parade or assembly under a permit from the city in violation of the terms of the permit.

(f) No person shall knowingly join or participate in any parade or assembly without the consent and over the objection of the permittee.

(Ord. 790 § 2 (part), 1999)

3.08.110 Term.

Any permit issued under this chapter will not be for a period of more than two consecutive days except as otherwise provided in this code.

(Ord. 790 § 2 (part), 1999)

3.08.120 Modification, revocation or suspension.

Any permit issued under this chapter may be modified, revoked or suspended in accordance with the provisions in Sections 5.08.100 and 5.08.110 of this code.

(Ord. 790 § 2 (part), 1999)

3.08.130 Judicial review.

Any interested party may seek judicial review of a final city decision regarding a permit issued under this chapter in accordance with the provisions in Section 5.08.140 of this code.

(Ord. 790 § 2 (part), 1999)

3.08.140 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 2 (part), 1999)

Chapter 3.12 AMPLIFIED SOUND*

Sections:

- 3.12.010 Definitions.
- 3.12.020 Permit required.
- 3.12.030 Exemptions.
- 3.12.040 Filing of application.
- 3.12.050 Grounds for denial of permit.
- 3.12.060 Fees and term.
- 3.12.070 Restrictions.
- 3.12.080 Violations.

*Prior ordinance history: Ord. 1 §§ 3500-3513.4 and Ord. 13.

3.12.010 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Sound amplifying equipment" means any machine or device for the amplification of the human voice, music, or any other sound, or by which the human voice, music, or any other sound is amplified. "Sound amplifying equipment" does not include: standard automobile radios when used and heard only by the occupants of the vehicle in which the automobile radio is installed; warning devices on authorized emergency vehicles; or horns or other warning devices on any vehicle used only for traffic safety purposes.

"Sound truck" means any motor vehicle, or any other vehicle regardless of motive power, whether in motion or stationary, having mounted thereon, or attached thereto, any sound amplifying equipment.

(Ord. 790 § 3 (part), 1999)

3.12.020 Permit required.

It is unlawful for any person to use or operate any sound amplifying equipment in a fixed or movable position or mounted upon any sound truck or other vehicle for the purposes of giving instructions, directions, talks, addresses, or lectures or for transmitting music to any person(s), in or upon, any street, alley, sidewalk, park, or public property without first obtaining a permit pursuant to this chapter, in accordance with the procedures set forth in Chapter 5.08 of this code. If any of the provisions of Chapter 5.08 conflict with the provisions of this chapter, the provisions of this chapter prevail as to all matters and questions arising out of the subject matter of this

chapter.

(Ord. 790 § 3 (part), 1999)

3.12.030 Exemptions.

The permit requirement of this chapter does not apply to any of the following:

- (a) Law enforcement personnel or government agencies acting in their official capacity; or
- (b) A parade or assembly lawfully being conducted pursuant to Chapter 3.08 of this title.

(Ord. 790 § 3 (part), 1999)

3.12.040 Filing of application.

In lieu of the time frame in Section 5.08.030 of this code for submitting an application for a permit, an application for a sound amplification permit must be filed with the city a minimum of five business days prior to the date on which the permit is required.

(Ord. 790 § 3 (part), 1999)

3.12.050 Grounds for denial of permit.

(a) An application for a permit issued pursuant to this chapter will be denied if any of the following conditions exist:

- (1) The building, structure, premises, or the equipment used to amplify the sound, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or the city;
- (2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application or in any report or statement required to be filed with the director or the city;
- (3) The motor vehicle or pedestrian movement is such that the use of the equipment would constitute a substantial and unreasonable interference to traffic or pedestrian safety.

(Ord. 790 § 3 (part), 1999)

3.12.060 Fees and term.

Fees for permits regulating amplified sound will be on a per diem basis as designated by city council resolution, and the permit will designate the specific effective dates of such permit.

(Ord. 790 § 3 (part), 1999)

3.12.070 Restrictions.

The use or operation of sound amplifying equipment is subject to the following restrictions and prohibitions:

- (a) The use or operation of sound amplifying equipment is prohibited between the hours of 8:00 p.m. to 9:00 a.m. of the next succeeding day;
- (b) No sound emanating from sound amplifying equipment shall exceed fifteen db above the ambient sound level as measured at any property line;
- (c) The volume of sound will be controlled by the permittee so that it will not be substantially and unreasonably loud, raucous, jarring, disturbing, or a nuisance to reasonable persons of normal sensitiveness within the area of audibility;
- (d) The only sounds permitted to be amplified shall be either music or human speech, or both.

3.12.080 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

Chapter 3.16 MISDEMEANORS*

Sections:

- 3.16.010 Duty of parents and guardian.
- 3.16.020 Obstructing streets and sidewalks.
- 3.16.030 Obstructing entrances.
- 3.16.040 Leaving merchandise or other property in public ways-When prohibited.
- 3.16.050 Gates opening over sidewalks.
- 3.16.060 Riding horses.
- 3.16.070 Discharge of weapons.
- 3.16.080 Illegal dumping.
- 3.16.090 Diverting mud or water on highway.
- 3.16.100 Damaging property.
- 3.16.110 Gate-crashing.
- 3.16.120 Lookouts for illegal acts.
- 3.16.130 Trespassing.
- 3.16.140 Picking flowers or removing plants.
- 3.16.150 Entertainment closing hours.
- 3.16.160 Disorderly houses.
- 3.16.170 Admission to parties in residential zones.
- 3.16.180 News vending on public highway.
- 3.16.190 Urination and defecation in public.
- 3.16.200 Lewd acts prohibited.
- 3.16.210 Prostitution prohibited.
- 3.16.220 Violations.

*Prior ordinance history: Ord. 1 §§ 4200, 4202, 4202.1, 4210, 4210.1, 4211, 4211.1, 4212, 4220, 4220.1-4220.4, 4230-4241, 4243-4249.1, 4250.4, 4251, 4260, 4261, 4264 and Ords. 54, 149, 307, 493, 528 and 687.

3.16.010 Duty of parents and guardian.

No parent, guardian, or other person having the legal care, custody, or control of any minor under the age of eighteen years shall knowingly aid, abet, or encourage such minor to violate any provision of this title.

(Ord. 790 § 5 (part), 1999)

3.16.020 Obstructing streets and sidewalks.

It is unlawful for any person to stand or sit upon any public highway, alley, sidewalk or crosswalk so as to in any manner prevent or obstruct the free passage therein or thereon of persons or vehicles passing along the same, or so as in any manner to harass or molest persons passing along the same.

(a) Exception. The provisions of this section do not prohibit a person from standing or sitting upon such public highway, alley, sidewalk or crosswalk if:

- (1) Necessitated by such person's physical disability; or
- (2) Such person is viewing a legally conducted parade; or
- (3) Such person is seated on a bench lawfully installed for such purpose.

(Ord. 790 § 5 (part), 1999)

3.16.030 Obstructing entrances.

It is unlawful for any person to stand or sit in or at the entrance of any church, hall, theater or place of public assemblage or business so as in any manner to obstruct such entrance.

(Ord. 790 § 5 (part), 1999)

3.16.040 Leaving merchandise or other property in public ways-When prohibited.

It is unlawful for any person to leave or permit to remain on any public highway, alley, sidewalk, crosswalk or other public way open for pedestrian travel any merchandise, baggage or other article of personal property except trash collection receptacles placed in accordance with law.

(Ord. 790 § 5 (part), 1999)

3.16.050 Gates opening over sidewalks.

(a) Construction or Maintenance. It is unlawful to construct or maintain any fence gate to be opened outward over any portion of any public highway open for either pedestrians or vehicular traffic.

(b) Leaving Open. It is unlawful to cause or permit any fence gate to be opened, or remain open, outward over any portion of any public highway which is open for either pedestrian or vehicular traffic.

(Ord. 790 § 5 (part), 1999)

3.16.060 Riding horses.

It is unlawful for any person to drive or ride any horse or other animal upon any public highway or thoroughfare, within the corporate limits of the city, immoderately, or beyond a moderate gait, or in such a manner as to endanger the safety of persons on said highways or thoroughfares.

(Ord. 790 § 5 (part), 1999)

3.16.070 Discharge of weapons.

It is unlawful in the city for any person to discharge, fire, shoot, or operate, any gun, revolver, pistol, firearm, spring gun, air gun, pellet gun, BB gun, sling shot, or any other device designed or intended to discharge any dangerous missile, cartridge, shell, ammunition, arrow or pellet.

(a) Exception. The provisions of this section do not apply to:

- (1) A duly authorized officer of the law while on duty; or
- (2) Target shooting in a public or private shooting gallery or range regularly licensed by the city.

(Ord. 790 § 5 (part), 1999)

3.16.080 Illegal dumping.

It is unlawful for any person to place, deposit, throw or dump, or cause to be placed, deposited, thrown or dumped, any garbage, swill, cans, bottles, papers, ashes, dirt, sand, rock, cement, glass, metal, carcass of any dead animal, offal, refuse, plants, cuttings or trash, or rubbish of any nature whatsoever, or any nauseous, offensive matter in or upon any public or private road, highway, street, alley, public way, or any public or private property of any kind whatsoever in the city.

(Ord. 790 § 5 (part), 1999)

3.16.090 Diverting mud or water on highway.

It is unlawful for any person, firm or corporation, to deposit, drain, wash, allow to run or divert into or upon any public road, highway, street or alley, drainage ditch, storm drain, or flood control channel owned or controlled by any public agency within the city, any water, mud, sand, oil or petroleum or other illicit discharge, as that term is defined under Section 4.16.040 of this code.

(Ord. 790 § 5 (part), 1999)

3.16.100 Damaging property.

It is unlawful for any person to wilfully or maliciously: (a) break or destroy any window, window sash, door, blind or pane of glass of any occupied or unoccupied house or outhouse in the city; (b) enter any unoccupied house or outhouse and commit any nuisance therein; (c) break, destroy or injure anything therein or any part of said house or outhouse, or any fence, or improvement whatsoever; or (d) aid, abet, or assist anyone to commit such nuisance or injure such property.

(Ord. 790 § 5 (part), 1999)

3.16.110 Gate-crashing.

(a) It is unlawful for any person to enter any place of amusement, with the intent to gratuitously avail himself or herself of the entertainment or recreation furnished or the privileges conferred therein, without paying the admission fee or membership fee.

(b) Exceptions. The provisions in subsection (a) do not prohibit entry by: (1) a person who is a bona fide guest of a member of a place of amusement when he or she enters in accordance with the rules thereof; (2) a person who has the consent of the owner or manager thereof; or (3) a law enforcement officer or a duly authorized city official acting within the scope and course of his or her official duties.

(c) For purposes of this section, "place of amusement" is an establishment which provides entertainment or recreation and which charges an admission fee or membership fee; "place of amusement" includes any theater, stadium, athletic club, ball park, golf course, golf club, or tennis club.

(Ord. 790 § 5 (part), 1999)

3.16.120 Lookouts for illegal acts.

It is unlawful for any person to act as a lookout for a gambling game, house of prostitution or other illegal act.

(Ord. 790 § 5 (part), 1999)

3.16.130 Trespassing.

(a) Posted Premises. It is unlawful for any person to enter or remain on the posted property of another person without the permission and consent of the person in charge or control thereof. "Posted property" means property with signs posted at each of the corners of the property prohibiting entry. Such signs shall be written on substantial material which is at least one square foot in area and is placed three feet above the normal level of the ground. Such signs must include, in legible letters of at least two inches in height, the words, "PRIVATE PROPERTY - NO TRESPASS." Such signs must have either a white base with black letters or black base with white letters. In the event the posted property exceeds a total area of one acre, in addition to the posting of such notices at the corners thereof, additional notices of similar character must be posted at intervals of three hundred feet, or less, on or near the boundary lines of such property. This subsection does not prohibit a person from visiting or calling at the residence or place of business of another person for the purpose of transacting any legitimate business.

(b) Business Premises. It is unlawful for any person to wilfully remain upon any business premises within the city after being notified by the owner, lessee, or another person in charge thereof to remove himself from such premises.

(c) Exceptions. This section does not prohibit any act prohibited by California Penal Code Sections 552 to 555.5. In addition, 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 California Penal Code Section 365 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.

(Ord. 790 § 5 (part), 1999)

3.16.140 Picking flowers or removing plants.

It is unlawful for any person to remove plants or pick flowers growing in any public park or place under the city's jurisdiction without the express permission of a duly authorized city official.

(Ord. 790 § 5 (part), 1999)

3.16.150 Entertainment closing hours.

Unless expressly authorized by another provision of this code, it is unlawful for any person to carry on or assist in carrying on any amusement or entertainment to which the public is invited, or in which the public may participate, at any time between the hours of 2:00 a.m. and 6:00 a.m. If any other provision of this code establishes more limited hours of operation for a particular business, amusement, or entertainment than the provisions of this section, then the stricter provision shall apply.

(Ord. 790 § 5 (part), 1999)

3.16.160 Disorderly houses.

It is unlawful for any person to disturb the peace, quiet or decency of the neighborhood by: (a) keeping a riotous or disorderly house; or (b) permitting any riotous or disorderly conduct in his or her house, yard, or premises connected with such house or yard; or (c) committing any riotous or disorderly conduct in any house, yard or premises.

(Ord. 790 § 5 (part), 1999)

3.16.170 Admission to parties in residential zones.

(a) It is unlawful to charge admission to any party conducted in a residential zone.

(b) Definitions. As used in this section:

"Charge admission" means the demand and receipt of a tangible benefit, monetary or otherwise, which is a motivating influence for admission to the party. Customary courtesies and clearly noncommercial activities such as gifts by guests, sharing of expenses for dinner and beverages, or reciprocal hospitality are not considered a charge for admission. "Charge admission" does not include a donation for political, charitable, religious or other similar noncommercial purposes.

"Party" means a group of persons meeting together for social, recreational or amusement purposes.

"Residential zone" means zones PUD, R-I, R-S, R-E, Cottrell Ranch specific plan, R-VL, R-2, R-3 and R-4 zone, as set forth in Title 10 of this code, the zoning ordinance.

(Ord. 790 § 5 (part), 1999)

3.16.180 News vending on public highway.

It is unlawful to sell newspapers or magazines on any portion of a public highway. For purposes of this section, "public highway" does not include a public sidewalk.

(Ord. 790 § 5 (part), 1999)

3.16.190 Urination and defecation in public.

No person shall urinate or defecate in or upon any street, sidewalk, alley, plaza, park, public building or publicly maintained facility, or in any place open to the public or exposed to public view. This section shall not apply to urination or defecation in or into the toilet, urinal or other receptacle in any restroom or other facility designed for the sanitary disposal of human waste.

(Ord. 790 § 5 (part), 1999)

3.16.200 Lewd acts prohibited.

It is unlawful for any person who solicits to engage in or who engages in any lewd or lascivious act in any public place or in any place open to the public or exposed to public view.

(Ord. 790 § 5 (part), 1999)

3.16.210 Prostitution prohibited.

It is unlawful for any person to solicit or who agrees to engage in or who engages in any act of prostitution. A person agrees to engage in an act of prostitution when, with specific intent to so engage, he or she manifests an acceptance of an offer or solicitation to so engage, regardless of whether the offer or solicitation was made by a person who also possessed the specific intent to engage in prostitution. No agreement to engage in an act of prostitution shall constitute a violation of this section unless some act, in addition to the agreement, is done within the city in furtherance of the commission of an act of prostitution by the person agreeing to engage in that act. As used in this section, "prostitution" includes any lewd act between persons for money or other consideration.

3.16.220 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

Chapter 3.20 PUBLIC NUISANCES*

Sections:

- 3.20.010 Short title; purpose.
- 3.20.020 Findings.
- 3.20.030 Definitions.
- 3.20.040 Declaration of public nuisance.
- 3.20.050 Responsibility for enforcement.
- 3.20.060 Nonexclusive regulations.
- 3.20.070 Prohibited activities and unlawful conditions declared public nuisance.
- 3.20.080 Procedures for abatement of public nuisances.
- 3.20.090 Limitation of action challenging order to abate.
- 3.20.100 Abatement of public nuisances by the city.
- 3.20.110 Alternative procedures for abatement of imminently dangerous public nuisances.
- 3.20.120 Account of abatement costs.
- 3.20.130 Procedure for special assessment.
- 3.20.140 Alternative procedure for lien.
- 3.20.150 Personal obligation.
- 3.20.160 Right of entry.
- 3.20.170 Continuing violations.
- 3.20.180 Injunction.
- 3.20.190 Court action.
- 3.20.200 Remedies of private parties.

* Prior ordinance history: Ords. 691, 702U, 703 and 715U.

3.20.010 Short title; purpose.

(a) This chapter shall be known as the "public nuisance ordinance", and is adopted pursuant to the authority contained in Section 38771 et seq. of the California Government Code.

(b) It is the intent of the city council of the city of La Puente in adopting this chapter to provide a comprehensive method for the identification and abatement of certain public nuisances within the city. The provisions of this chapter are to be supplementary and

complimentary to all of the provisions of the La Puente Municipal Code, state law and any law cognizable at common law or in equity, and nothing herein shall be read, interpreted or construed in a manner so as to limit any existing right or power of the city to abate any and all nuisances.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.020 Findings.

The city council finds and determines as follows:

- (a) The city is interested in the appearance and maintenance of private properties because adequate maintenance and appearance promote property values and improve the general welfare of its citizens.
- (b) There exists a need for further emphasis, than currently exists, on property maintenance and sanitation, in that certain conditions, as described in Section 3.20.070, have been found frequently in different locations throughout the city.
- (c) The existence of the prohibited activities and unlawful, public nuisance conditions set forth in Section 3.20.070 is injurious and inimical to the public health, safety, and welfare of the residents of the city and results in detrimental effects on the community including creating unsightly appearances of and blighted residential neighborhoods, contributes to deterioration of neighborhoods and lower property values, discourages potential buyers from purchasing homes in, adjacent to, or in the neighborhood with residences with public nuisance conditions, endangers children unprotected from unsecured pools and other attractive nuisances and endangers neighborhoods affected by the resulting squatting, vandalism, burglaries and other crimes.
- (d) Unless corrective measures are undertaken to alleviate such conditions and assure the avoidance of future problems in this regard, the public health, safety and general welfare, including the social and economic conditions of the community, will be adversely affected.
- (e) The abatement procedures set forth in this chapter are reasonable and afford due process to all affected persons.
- (f) The regulation of the uses and abuses of property as described in this chapter reasonably relates to the proper exercise of the police power to protect the health, safety and general welfare of the public.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.030 Definitions.

Except where the context otherwise requires, the definitions hereafter set forth shall govern the construction of this chapter.

- (a) "Attractive nuisance" means any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the property and to risk injury by playing with, in, or on it.
- (b) "Blighting" means any property or its condition which causes an adverse effect to neighboring properties or which is detrimental to the health and safety of individuals residing within the community.
- (c) "Building official" means the building official of the city of La Puente or his/her designee.
- (d) "City" means the city of La Puente.
- (e) "City clerk" means the city clerk of the city of La Puente or his/her designee.
- (f) "City council" means the city council of the city of La Puente.
- (g) "City manager" means the city manager of the city of La Puente or his/her designee.
- (h) "Code" or "this code" means the La Puente Municipal Code, all uniform codes that have been incorporated into the La Puente Municipal Code, and any applicable local, state or federal laws and regulations that are or may be enforced by the city, including without limitation, the State Housing Law (Health and Safety Code section 17910 et seq.);
- (i) "Code enforcement officer" means any person authorized or directed by the city manager to enforce any provision of this code, including any peace officer. In addition to any other powers conferred upon him or her by this code or by any other law, a code

enforcement officer shall have the authority to issue a notice of violation, as described in Section 3.20.080, if the code enforcement officer has cause to believe that a violation of this code was, or is being committed, or that any nuisance conditions exist.

(j) "Director of finance" means the director of finance of the city of La Puente or his/her designee.

(k) "Occupant" means the person or persons having a right of present possession of the affected property, if other than the owner, including without limitation tenant(s), subtenant(s), lessee(s), sublessee(s), or assignee(s), management company or any authorized agent of any such person(s) or owner(s).

(l) "Owner" means the owner of record as shown on the last equalized assessment roll of the county or as otherwise may be known to the Code enforcement officer. If there is more than one owner, the term includes all of the owners. For purposes of providing notice to an owner of any action or proceeding under this chapter, "owner" includes the actual owner of record, or such owner's agent, employee, management company or other legal representative if such agent, employee or representative is authorized by the owner to receive such notice.

(m) "Property" means any real property, including but not limited to any grounds, lot, parcel, tract or other piece of land within the city. Property shall include any improvement thereon, including but not limited to building, structure or other appurtenance located thereon.

(n) "Responsible party" means any person, firm, association, club or organization (including informal clubs or organizations), corporation, partnership, trust(ee), or entity, and a parent or legal guardian of any person(s) under eighteen years of age, whose acts or omissions have caused or contributed to a violation of this code, and shall include any owner(s) or occupant(s) of the affected property.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.040 Declaration of public nuisance.

(a) It is declared to be a public nuisance for any owner, responsible party or occupant of a property in the city to cause, permit, or maintain thereon any prohibited activity or unlawful condition as described in Section 3.20.070 of this chapter, or to maintain any attractive nuisance.

(b) The city council shall have the power to declare by ordinance or resolution that a particular activity or condition other than and in addition to those described in Section 3.20.070 of this chapter shall constitute a public nuisance which must be abated, as such.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.050 Responsibility for enforcement.

The administration and enforcement of this chapter shall be the responsibility of the code enforcement official and or code enforcement officer, who shall perform all duties in the manner authorized by law.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.060 Nonexclusive regulations.

(a) The procedures set forth in this chapter are not exclusive and do not, in any manner, limit or restrict the city in the enforcement of other city ordinances or the abatement of public nuisances in any other manner provided by law.

(b) In addition to the remedies specified in this chapter, violations of this chapter are subject to the enforcement remedies in Chapters 1.08 and 1.12 of the code. The city expressly reserves the right to utilize enforcement remedies available under any applicable state or federal statute or pursuant to any other lawful power of the city. All such remedies shall be alternative to, or in addition to, or in conjunction with, and not exclusive of, one another. The election of remedies shall be at the sole discretion of the city.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.070 Prohibited activities and unlawful conditions declared public nuisance.

As authorized by Government Code Section 38771, the city council finds, determines and declares that the prohibited activities and unlawful conditions set forth in this section constitute a public nuisance and are subject to abatement in accordance with the provisions of this chapter or as may otherwise be authorized by law. The prohibited activities and unlawful conditions declared and constituting a public nuisance are as follows:

(a) Any condition or violation that is defined or identified in this code as constituting a public nuisance. In addition, any condition violating any provisions of Title 10 (Zoning) of this code or certain uniform codes adopted by the city, including but not limited to the building code, the electrical code, the fire code, the housing code, the plumbing code, and the mechanical code;

(b) Any condition that is determined by state statute to constitute a public nuisance;

(c) Any condition that is determined by the city's Health Officer or his/her designee to constitute a public nuisance because it is dangerous to human life or detrimental to public health;

(d) Objects or structures of any kind or character placed, or allowed to be placed, without the authority of law, either in, under, over or on a sidewalk, intersection, street, alley or other public right-of-way;

(e) Maintaining any property in the city by owner, occupant or responsible party in any of the following conditions:

(1) Inadequately maintained landscaping on the property, and/or the portions of property fronting on any portion of a sidewalk area between the property line of the lot and the street line, including landscape planting strips, that is visible from and/or encroaching on the public right-of-way or adjoining property. Inadequately maintained landscaping includes any of following conditions:

(A) Lawns with grass creating an unsightly appearance due to lack of water or inadequate spraying, trimming, treatment or similar maintenance;

(B) Overgrown vegetation:

(i) Causing detriment to neighboring properties or property values;

(ii) Causing a hazardous condition to pedestrian and/or vehicular traffic; and/or

(iii) Likely to harbor rats, vermin or other nuisances;

(C) Dead trees, hedges, shrubs, plants, weeds, debris or other vegetation:

(i) Constituting an unsightly appearance and/or causing offensive odors;

(ii) That are dangerous to public safety and welfare;

(iii) That are dead, decayed, diseased or may be infested with insects or vermin;

(iv) That interfere with or impede the flow of traffic, whether vehicular or pedestrian;

(v) That obstruct visibility on streets, intersection, sidewalks or other public rights-of-way;

(vi) That create unsightly appearance due to lack of water, inadequate spraying, trimming, pruning, treatment or similar maintenance;

(vii) That are detrimental to nearby property or property values; and/or

(viii) That create a ready source of fuel for combustion, create a fire hazard or condition that are otherwise dangerous to the public health, safety or welfare;

(2) Buildings or structures that are abandoned, boarded up, partially destroyed, substantially deteriorated, or left unreasonably in a state of partial construction without a valid unexpired building permit;

(3) Unpainted, unmaintained and otherwise unprotected buildings, causing deterioration in the form of dry rot, warping, buckling, twisting, bowing, and infestations of various kinds;

(4) Broken windows constituting hazardous conditions and inviting trespassers, illegal and unauthorized uses, or malicious mischief;

(5) Attractive nuisances dangerous or potentially dangerous to people in the form of:

(A) Abandoned and/or broken equipment;

- (B) Pools, ponds or excavations, wells, shafts, pits, cellars or basements without adequate barriers;
 - (C) Neglected, unprotected and/or unsecured machinery;
 - (D) Unsecured and unoccupied abandoned buildings and structures; and/or
 - (E) Unused, abandoned and/or broken appliances, including but not limited to, refrigerators, freezers, and storage chests;
- (6) Items such as, or similar to, the following, and that are stored in yards and visible from public streets or other rights-of-way and/or other properties:
- (A) Trash, junk, garbage, rubbish, lumber, scrap metal, concrete, asphalt, tin cans, pile of earth or salvage materials and debris;
 - (B) Household goods including but not limited to furniture, sinks, stoves or toilets;
 - (C) Mattresses;
 - (D) Cans of stains, paints or solvents;
 - (E) Vehicle and/or bicycle tires, tire racks, rims, wheels, etc.;
 - (F) Inoperative vehicles, vehicles in various states of disrepair and vehicle parts;
 - (G) Cabinets and other furniture not intended for outdoor use;
 - (H) Clothing;
 - (I) Appliances;
 - (J) Construction materials and/or tools;
 - (K) Yard or garden equipment in excess of that which is reasonable and appropriate for maintaining the property at which it is located;
 - (L) Bicycles, scooters or like items in excess of that which is reasonable for use by the current occupants of a property;
 - (M) Items of any sort or of any quantity that are evidence of an illegal operation or business, or create the appearance thereof;
 - (N) Any other refuse or waste that is not stored in a closed receptacle issued by the city's current trash hauling contractor;
 - (O) Trash, garbage or refuse cans, bins, boxes or other such containers in front or side yards, except when placed for collection pursuant to the provisions of this code; and/or
 - (P) Automobiles, motor homes, trailers, house trailers, boats, dismantled campers, or other vehicles or equipment which are parked or stored on property used or zoned for residential purposes, unless parked or located on a paved driveway or off-street parking space installed pursuant to this code or in an area lawfully screened from view from all adjacent public rights of way; abandoned, wrecked, dismantled or inoperative vehicles, as prohibited in Chapter 6.44 of this code;
- (f) Maintenance of property in such condition as to be detrimental to the public health, safety or general welfare or in such manner as to constitute a public nuisance as defined by California Civil Code Section 3480 or California Penal Code Section 370, as amended from time to time;
- (g) Any building, structure or portion thereof or areas of access that have any of the following conditions or defects to a significant degree or as otherwise noted:
- (A) Any door, aisle, passageway, stairway, window or other means of exit not of sufficient dimensions, or not arranged so as to provide safe and adequate means of egress, in case of fire or panic, for all persons housed or assembled therein who would be required to, or might use such door, aisle, passageway, stairway, window or other means of exit;
 - (B) Any portion of any building or structure that has been damaged by earthquake, wind, flood, rain, or any other cause, such that the structural strength, stability or integrity of such building or structure is appreciably less than is suitable for occupancy and is less than the minimum requirements of building code regulations enforced by the city;
 - (C) Any portion of a building or any member, appurtenance or ornamentation on the exterior thereof that is likely to fall or to become detached or dislodged or to collapse and thereby injure persons or damage property,

(D) Any building, portion of a building or any member, appurtenance or ornamentation on the exterior thereof not of sufficient strength or stability or not so anchored, attached, or fastened in place so as to be capable of resisting wind pressure, earthquake forces, live-loads or dead-loads as specified in the building code regulations enforced by the city without exceeding the working stresses permitted therein;

(E) Any portion of any building or structure that has settled or otherwise been repositioned or reconfigured so that structural portions of the building or structure have less resistance to winds, earthquakes and/or other forces than is adequate for safe occupancy and/or have less resistance to such forces than is otherwise required by building code regulations enforced by the city;

(F) Buildings or structures, or any portion thereof, that are likely to partially or completely collapse or otherwise fall or give way, or in which some portion of the foundation or underpinning is likely to fail, because of dilapidation, deterioration, decay, faulty construction, infestations, the removal, loss, or movement of a portion of the soil necessary to adequately support such buildings or structures or portion thereof, or some other cause;

(G) A building or structure, or any portion thereof, that, for any reason whatsoever, is manifestly unsafe for the purpose for which it is used or intended to be used;

(H) A building or structure that has been so damaged by fire, wind, earthquake, or flood, or has become so dilapidated or deteriorated that it becomes an attractive nuisance to children who might play therein to their danger, or affords a harbor for vagrants, criminals or immoral persons, or enables persons to resort thereto for the purpose of committing nuisances or unlawful or immoral acts;

(I) A building or structure that has been constructed, now exists or is maintained in violation of any requirements or prohibitions applicable to such building or structure, or in violation of the building and housing code regulations enforced by the city;

(J) A building or structure, used or intended to be used for dwelling purposes, that, because of dilapidation, decay, damage, or faulty construction or arrangement, or otherwise, is unsanitary or unfit for human habitation or is in a condition that is likely to cause sickness or disease when so determined by the code enforcement officer or a health official, or is likely to contribute to injury to the health, safety or general welfare of those living within;

(K) A building or structure that, by reason of obsolescence, dilapidation, deterioration, damage, substandard electric wiring, gas connections, or heating apparatus, or similar conditions, is in such condition as to be a fire hazard and is so situated as to endanger life or other buildings or property in the vicinity, or provide a ready fuel supply to augment the spread and intensity of fire arising from any cause, and/or

(L) Any sidewalk or driveway that is debilitated, broken, damaged, or raised to such a degree as to be injurious to property or persons using the same;

(h) Buildings or structures or appurtenances thereto which are deemed to be "unsafe" as defined in Section 102 et seq. of Title 26 of Los Angeles County Building Code, or as that section may be amended from time to time and as adopted by Chapter 8.05 of this code;

(i) Buildings that are structurally unsafe or that constitute a fire, health, or safety hazard, as determined by the Building Official;

(j) Buildings or structures which are defaced with graffiti, as defined in Section 3.44.030 of this code or have broken windows, doors, attic vents or under-floor vents;

(k) A swimming pool, pond or other body of water which is abandoned, unattended, unfiltered, or otherwise unmaintained, wherein the water has become polluted by bacterial growth, algae, remains of insects or deceased animals or reptiles, rubbish, refuse, debris or other foreign matter;

(l) Signs or sign structures which:

(1) Relate to uses no longer conducted or products no longer sold at the property; or

(2) Are maintained in violation of or in nonconformity with the city's sign regulations, as set forth in Title 10 of this code;

(m) Land, the topography, geology or configuration of which, whether in a natural state or as a result of grading operations, excavation, or fill, causes erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety or welfare, or to adjacent properties;

(n) Violation of the city's animal control ordinance, as set forth in Chapter 3.36 of this code;

(o) Walls, fences or hedges that are in violation of this code with respect to obstruction of view, height, or location and are injurious or potentially injurious to the public health, safety or welfare, or to adjacent properties;

- (p) The storage or parking of vehicles contrary to Section 10.30.080 of this code or as that section may be amended from time to time;
- (q) Unmaintained parking lots, trash enclosures, loading areas, and grease traps;
- (r) Any lot or parcel unlawfully used by persons riding motorized bicycles, motorcycles, scooters, or similar vehicles, where those activities generate noise, interfere with the use and enjoyment of adjacent property, or endanger the health or safety of the public;
- (s) The accumulation of animal feces or animal-related wastes;
- (t) The maintenance of clotheslines in front yard areas;
- (u) Inadequate ventilation or illumination, as determined by the building official;
- (v) Inadequate or unsanitary sewage or plumbing facilities;
- (w) Broken or unmaintained irrigation systems;
- (x) The violation of occupancy standards as established by the uniform housing code;
- (y) Abandoned petroleum products service stations, including surface and subsurface structures;
- (z) A public telephone (i.e., one that is available to the public to make telephone calls by depositing money or by entering a credit card or a telephone calling card number) which is located in an area in which there is no demonstrable shortage of public telephones for emergency purposes, and which is one of the following:

(1) Is reasonably believed to be used as an instrumentality for, or to contribute to, facilitate or further (i) the transportation, delivery, sale, consumption, or transfer of any controlled substance as defined by the California health and safety code; or (ii) the commission of an act of prostitution or any other illegal activity;

(2) Is in disrepair or in an inoperative condition for thirty days or more;

(3) Creates a condition which is hazardous to pedestrians or vehicular traffic; and/or

(4) Poses a danger to or otherwise adversely affects the public health, safety or welfare.

(aa) The storage or parking of any vehicle having an unladen weight of at least ten thousand pounds which is reasonably believed is being used as an instrumentality for, or is contributing to, facilitating or furthering:

(1) The transportation, delivery, sale, consumption, or transfer of any controlled substance as defined by the California health and safety code, and/or

(2) The commission of an act of prostitution or any other illegal activity.

(Ord. 887 § 1(part), 2009; Ord. 838 § 1, 2005; Ord. 815 § 1, 2003; Ord. 814 § 1, 2003; Ord. 790 §§ 7 (part), 8, 1999; Ord. 755 § 1, 1997; Ord. 718 § 1 (part), 1994)

3.20.080 Procedures for abatement of public nuisances.

(a) Whenever the code enforcement officer has inspected or caused to be inspected any property and has determined that an unlawful condition or unlawful activities constituting a public nuisance, as provided in Section 3.20.070, exists thereon, the code enforcement officer may use the procedures set forth in this section for the abatement of such public nuisance; provided, however, that if the public nuisance is determined to be imminently dangerous to life or adjacent property and to require immediate removal, repair or isolation, the procedures set forth in Section 3.20.110 hereof may be used by the code enforcement officer.

(b) Notice of violation.

(1) The code enforcement officer shall issue a notice of violation, including an order to abate the public nuisance conditions existing on the property. The notice of violation shall be served on the owner, occupant (if any) and/or responsible party in the manner described in Subsection (2) of this section. The code enforcement officer shall include the following information in the notice of violation:

(A) The date and location of the violation, including the address or other description of the location where the violation occurred

or is occurring and a brief description of conditions observed that constitute a violation;

(B) The name(s) of the responsible party(s), if known;

(C) The code section(s) violated and description of the section(s);

(D) Action required to correct, abate or mitigate the public nuisance condition(s) or code violation, and a period of time during which action(s) shall be commenced and completed;

(E) An order prohibiting the continuation or repeated occurrence of public nuisance condition(s) or violation (s) of this code described in the notice of violation;

(F) A statement that the person upon whom the notice of violation is served may appeal the determination that there is/are violation(s) or public nuisance condition(s) as alleged or that the person who was served with the notice of violation is the responsible party;

(G) If applicable, notice that failure to correct or abate the listed violation(s) or public nuisance condition(s) in the notice of violation within the time specified will subject the owner, occupant and/or responsible party to an administrative fine pursuant to Section 1.12.030. If an administrative fine will be imposed, the notice of violation shall include the amount of administrative fine and a statement that the person upon whom the notice of violation is served may appeal the imposition of the administrative fine pursuant to Section 1.12.080 of this code; and

(H) The signature of the issuing code enforcement officer and city contact information (address and telephone number) for additional information.

(2) The notice of violation shall be served upon the responsible party owner, occupant and/or owner personally or by United States mail, first-class postage prepared, and if such mail, it shall be sent to the last known address listed on the last equalized assessment roll of the Los Angeles County or as may otherwise be known to code enforcement officer. The address of the owner as it appears on the last equalized assessment roll Los Angeles County shall be conclusively deemed to be the property address for the mailing of the notice of violation. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. If mailed, notice shall also be posted conspicuously on the affected property. The failure to receive a notice of violation sent via first-class mail shall not affect the validity of any enforcement proceedings under this chapter.

(3) Proof of service of the notice shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner of services, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the notice of violation and retained by the code enforcement officer.

(4) The failure of a notice of violation to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this code.

(c) Extension of time to perform work. Upon receipt of a written request from a responsible party, owner, occupant and/or the code enforcement officer may grant an extension of time within which to complete the abatement, if the code enforcement officer determines that such an extension of time will not create a situation imminently dangerous to life or property. The code enforcement officer shall have the authority to place reasonable conditions on any such extension.

(d) Appeal of notice of violation.

(1) Request for appeal hearing:

(A) A person or entity named as the responsible party, the owner or occupant in a notice of violation may appeal the determination that there is/are violation(s) or public nuisance condition(s) as alleged in the notice of violation or that the person or entity who was served with the notice of violation is the responsible party.

(B) Any person appealing a notice of violation must obtain a "request for appeal hearing" form from the city clerk located at city of La Puente City Hall, 15900 East Main Street, La Puente , California 91744-4719, and return it to the city clerk fully completed within ten days from the date of service of the notice of violation.

(C) At the time of returning the request for hearing form to the city clerk, the person or entity requesting the appeal hearing shall pay an appeal processing fee as set forth by a resolution of the city council, and shall deposit in advance the amount of any penalty. No appeal shall proceed without payment of the fee and deposit of the penalty with the city clerk at the time the appeal is filed; provided, however, that any person or entity requesting an appeal and who is financially unable to deposit the appeal fee may file a request for an appeal fee hardship waiver. The request shall be filed with the director of finance on an appeal fee hardship waiver

form, no later than ten days after service of the notice of violation. The director of finance may issue an appeal fee hardship waiver only if the person or entity requesting the waiver submits to the director a sworn affidavit, together with any supporting documents, demonstrating to the satisfaction of the director the person's or entity's financial inability to pay the full amount of the appeal fee deposit in advance of the hearing. The director of finance shall issue a written decision specifying the reasons for issuing or not issuing the appeal fee waiver. The decision shall be served upon the person requesting the waiver by first-class mail, postage prepaid. If the director of finance determines that the waiver is not warranted, the person or entity requesting the appeal shall remit the full amount of the appeal fee within ten days of receipt of the director's written decision.

(D) Failure to timely submit a completed request for hearing form or to pay the appeal processing fee, unless waiver is granted, constitutes a waiver of the right to appeal and a failure to exhaust administrative remedies.

(2) Enforcement stayed during appeal. Enforcement of a notice of violation shall be stayed during the pendency of an appeal therefore which is properly and timely filed, unless the city obtains an order from a court of competent jurisdiction requiring or authorizing the abatement of the condition(s) subject of the city's enforcement efforts.

(3) Appeal hearings.

(A) An appeal hearing based on a request for appeal hearing shall be set before the planning commission for a date not less than fifteen days nor more than sixty days from the date the request for hearing form is filed and appeal processing fee is paid, or if appeal waiver requested, from the date of director of finance's decision, unless the code enforcement officer determines that the matter is urgent or that good cause exists for an extension of time, in which case the hearing date may be shortened or extended, as warranted by the circumstances.

(B) An appeal hearing under authority of this section shall be conducted according to the procedures set forth herein. The failure of the responsible party or other interested party to appear at the hearing following proper notice shall constitute a waiver of the right to be heard and a failure by such party to exhaust his/her administrative remedies.

(C) When a request for hearing is filed, the city clerk shall set the time and place for hearing pursuant to Subsection (3)(A) of this section, and shall serve a notice of hearing either personally or by United States mail, first-class postage prepaid, to the appellant at the address provided in the request for appeal hearing form. The time for such hearing shall be no sooner than fifteen days from the date of service of the notice of appeal hearing. If the code enforcement officer submits a written report concerning the notice of violation to the planning commission for consideration at the hearing, then a copy of the report shall be served on the person requesting the hearing at least five days before the hearing.

(D) At the place and time set forth in the notice of hearing, the planning commission shall conduct a hearing on the alleged violation(s). Any responsible party or other interested person(s) may appear and offer evidence as to whether violation has occurred, whether the violation continues to exist and/or whether the person cited in the notice of violation is the responsible party for any such violation, or any other matter pertaining thereto. Evidence presented by the Code enforcement officer or other official of the city tending to show that a violation(s) occurred and that the person or entity named on the notice of violation is the responsible party shall establish a prima facie case that a violation(s), as charged, actually existed and that the person named in the notice of violation is the responsible party for the violation(s). The burden of proof shall then be on the responsible party to refute such evidence. The standard to be applied for meeting such burden shall be a preponderance of evidence.

(E) The planning commission shall consider written or oral testimony or other evidence regarding the violation presented by the responsible party, the owner, the occupant, any officer, employee, or agent of the city, and any other interested party. Evidence offered during a hearing must be credible and relevant in the estimation of the planning commission, but formal rules governing the presentation and consideration of evidence shall not apply.

(F) The planning commission shall conduct the hearing, order the presentation of evidence, and make any rulings necessary to address procedural issues presented during the course of the hearing.

(G) After receiving all of the evidence presented, the planning commission may then deliberate and consider what action, if any, should be taken, or may adjourn the hearing and take the matter under consideration.

(4) The planning commission's decision and abatement order.

(A) At the conclusion of the hearing or when such hearing is continued for period not to exceed thirty days, the planning commission shall make a decision regarding the issues presented during the course of the hearing, and the decision shall be based on a preponderance of the evidence. After making a decision, the planning commission may issue an abatement order. If the planning commission finds that no violation occurred, that the violation was corrected within the specified time period, or that the person or entity cited is not the responsible party, the planning commission shall issue an administrative order to reflect those facts. Within forty-five days following the release of the administrative order, the city clerk shall reimburse the appeals processing fee paid by the person

or entity that requested the appeal.

(B) The responsible party and any interested party requesting a copy of an abatement order or administrative order shall be served with a copy of said order in the same manner as used for service of a notice of hearing as described in Section 3.20.080(d)(3)(C) of this chapter. Proof of service of the abatement order or administrative order shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner that service was made.

(C) An abatement order shall become effective and enforceable immediately after announcement or service of such order unless the order includes a later effective date. It shall include a statement of the right to have the order judicially reviewed in the manner and in the time frames specified in Section 3.20.090. Unless otherwise ordered by a court of competent jurisdiction, enforcement of the abatement order shall not be stayed pending judicial review thereof.

(D) An abatement order may include any combination of the following remedies:

i. Issue a "cease and desist" order requiring the responsible party, or any agent, representative, employee, or contractor of the responsible party, to immediately stop any act, conduct, or condition, that is a violation of this Code. A cease and desist order issued pursuant to this section shall be effective upon issuance and shall be served on the responsible party in the manner specified in Section 3.20.080(d)(3)(C) of this chapter.

ii. Require the responsible party to correct or eliminate any violation, including a proposed schedule for correction or elimination of said violation within a reasonable time.

iii. Require the responsible party, or authorize the city, to restore a site or location that has been damaged or disturbed as a result of a violation of this code to a pre-violation condition. Any order authorizing the city to undertake restoration efforts shall include provisions for the city to recover all restoration costs and expenses, including administrative costs, from the responsible party.

iv. Authorize the city to abate or cause the abatement of a nuisance condition where the responsible party has refused or has otherwise neglected or is unable to take steps to correct or eliminate said conditions. The abatement order shall specify that if the city undertakes to abate or eliminate any nuisance condition as provided in Section 3.20.100, the city shall be entitled to recover all costs of abatement incurred in performing such work and other costs necessary to enforce the order. Such costs may be recovered by the city as a personal obligation and/or through a lien or a special assessment on the affected property as provided in Sections 3.20.130 or 3.20.140.

v. Sustain, modify, or overrule the notice of violation issued by a code enforcement officer.

vi. Any other order or remedy that serves the interests of justice.

(E) The city may seek to enforce any abatement order by confirmation from a court of competent jurisdiction. Any abatement order that is judicially confirmed may be enforced through all applicable judicial enforcement measures, including without limitation, contempt proceedings upon a subsequent violation of such order.

(e) Recordation of certificate notice of violation of public nuisance. Subsequent to service of a notice of violation and responsible party's failure to take actions to correct or abate public nuisance condition(s) within the time period provided in the notice of violation, the code enforcement officer may file in the office of the Los Angeles county recorder a certificate containing a legal description of the subject property and certifying that a public nuisance exists on the property and that the owner, responsible party or the occupant has been so notified. The Code enforcement officer shall file a new certificate in the office of the Los Angeles county recorder, stating that the public nuisance has been abated, whenever any of the following has occurred:

(1) The corrections ordered have been completed so that a public nuisance condition(s), as set forth in Section 3.20.070 no longer exists on the property described in the certificate; or

(2) The city has caused the public nuisance to be abated and the costs of abatement have been paid.

(Ord. 09-890 § 1, 2009; Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.090 Limitation of action challenging order to abate.

(a) Any responsible party who is aggrieved by a decision of the planning commission authorized to render such a decision on behalf of the city pursuant to this chapter, and who has exhausted the administrative remedies provided in this code, or any other applicable law, shall have the right to seek judicial review of such decision by filing a petition for writ of mandate in accordance with Code of Civil Procedure Section 1094.5. A petition for writ of mandate must be filed within ninety days after the administrative decision

becomes final as determined in Code of Civil Procedure Section 1094.6. Notwithstanding these time limits, where a shorter time limitation is provided by any other law such shorter time limit shall apply.

(b) Written notice of the time limitation in which a party may seek judicial review of an abatement order shall be given to all responsible party in the matter by the city in substantially the following form:

"Judicial review of this decision may be sought by following the procedure outlined in Code of Civil Procedure section 1094.5. Judicial review must be sought not later than the 90th day following the date on which this decision becomes final, except that where a shorter time is provided by any state or federal law, such shorter time limit shall apply."

(c) This section shall not be deemed to revive any cause of action or grounds for relief through a special proceeding that is barred by law or equity.

(d) All costs of preparing an administrative record that may be recovered by the city pursuant to Code of Civil Procedure Section 1094.5(a) or successor statute shall be paid by the petitioner prior to delivery of the record to petitioner.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.100 Abatement of public nuisances by the city.

(a) If the owner, responsible party or the occupant who may have been served with the notice of violation fails to take the required action within the time specified, in accordance with the provisions of this chapter, the code enforcement officer may take the corrective action(s) specified in the notice of violation, or, if a timely appeal is filed, as specified in the administrative order or the administrative order issued by the planning commission to abate the public nuisance existing on the property. If consent from the owner or occupant of the property cannot be obtained for the city's entry upon the property to abate the public nuisance, the city attorney or his/her designee is authorized to apply to a court of competent jurisdiction to obtain an abatement warrant prior to commencing the abatement work.

(b) Abatement of the public nuisance may, in the discretion of the code enforcement official, be performed by city forces or by a private contractor engaged by the city pursuant to the provisions of this code.

(c) Notwithstanding compliance with the notice of violation, the owner and the occupant of the property described in the notice shall in all events be jointly and severally liable for all costs incurred by the city in securing such compliance. Moneys due the city pursuant to this subsection may be recovered in the same manner that abatement costs are recovered pursuant to this chapter.

(Ord. 887 § 1 (part), 2009; Ord. 790 §§ 7 (part), 9, 1999; Ord. 718 § 1 (part), 1994)

3.20.110 Alternative procedures for abatement of imminently dangerous public nuisances.

Notwithstanding any other provision of this code, whenever, in the reasonable judgment the code enforcement officer the existence or continuance of any violation this Code or any public nuisance condition, as set forth in Section 3.20.070, poses an immediate or imminent threat of harm to the persons or property, or to public health, welfare or safety, the code enforcement officer may implement the following procedures:

(a) Notice. The code enforcement officer shall attempt to make contact through a personal interview, or by telephone, with the owner or the occupant, if any. In the event such contact is made, the code enforcement officer shall notify such person(s), or entity, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

(b) Abatement. If the code enforcement officer is unable to make contact as herein above noted, or if the appropriate persons, after notification by the code enforcement officer, do not take action(s) within such time as may be specified by the code enforcement officer, then the code enforcement officer may take all actions deemed necessary to remove, repair or isolate such dangerous condition(s), with the use of city forces or a contractor engaged pursuant to the provisions of this code. The code enforcement officer shall serve a post-abatement notice on the owner and any known responsible parties in accordance with the procedures described in Section 3.20.080(b)(2) informing them that the city has summarily abated a violation or condition on the affected property. Such post-abatement notice shall describe the date and location of the summary abatement, provide a brief description of the condition that constituted a violation and the need for summary abatement, the code section(s) violated, notice that the costs incurred by the city for the summary abatement may be assessed against the owner, occupant and/or responsible party, and notice of the right to seek a hearing on the summary abatement action. The owner, occupant and/or responsible party shall have the right to a hearing to determine

whether code violations existed; whether the code violation or imminent condition posed any immediate threat of harm justifying the summary abatement; and/or whether he or she is the responsible party by filing a request for an appeal hearing pursuant to the procedure set forth in Section 3.20.080(d).

(c) Costs. The code enforcement officer shall keep an itemized account of the costs incurred by the city in removing, repairing or isolating conditions) pursuant to this section. Such costs may be recovered by the city in the same manner that abatement costs are recovered pursuant to this chapter.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.120 Account of abatement costs.

(a) The code enforcement officer, in conjunction with the director of finance, shall keep an itemized account of all costs incurred by the city in the abatement of any public nuisance under this chapter. Such costs may include, but are not limited to, any and all direct costs and expenses related to such items as investigation, boundary determination, measurement, personnel salaries and benefits, operational overhead, fees for experts or consultants, legal costs or expenses, including attorney's fees, claims against the city arising as a consequence of the public nuisance, clerical and administrative costs, and procedures associated with collecting moneys due hereunder.

(b) Upon completion of the abatement work, the code enforcement officer shall prepare a report specifying the work done, the itemized costs of the work necessary to abate the public nuisance, a description of the property involved, and the names and addresses of the persons entitled to notice pursuant to Section 3.20.080 of this chapter. Any such report may include costs on any number of properties, whether or not contiguous to each other, and whether or not under the same ownership. The report shall be filed with the city clerk.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.130 Procedure for special assessment.

(a) Notice of special assessment. Within thirty days after the filing of the report referred to in Section 3.20.120(b), the city clerk shall fix a time and place for hearing and passing upon the report. Notice of the hearing shall be given to the owner via certified mail, return receipt requested, pursuant to Government Code Section 38773.5(c), not less than ten days prior to time fixed by the city clerk for the hearing. The notice shall contain a description of the property sufficient to enable the persons served to identify it, and a copy of the report prepared pursuant to Section 3.20.120, and shall specify the day, hour, and place when the city council will hear and pass upon the report and special assessment, together with any objections or protests which may be raised by any person liable for the costs of such abatement; and that if a special assessment is imposed, the property may be sold after three years by the tax collector for unpaid delinquent assessments.

(b) Protests. Any interested person, including the owner, occupant and/or responsible party, may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the code enforcement officer. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the planning commission at the time set for hearing.

(c) Hearing. Upon the day and hour fixed for the hearing, the city council shall consider the report of the code enforcement officer, together with any protests which have been filed with the city clerk. The city council may make such revisions, corrections, or modifications to the report as it may deem just. When the city council is satisfied with the correctness of the report, as submitted, or as revised, corrected, or modified, the report and special assessment shall be confirmed by a resolution. The decision of the city council on the report and on all protests is final and conclusive. The city council may continue the hearing from time to time as it deems necessary.

(d) Making the special assessment. Immediately upon the determination of costs pursuant to this section by the planning commission, the commission shall make said costs a special assessment against the property on which the nuisance was abated.

(e) Notice of assessment. The director of finance shall execute and file in the office of the Los Angeles county recorder and shall send a copy via certified mail to the owner a certificate which contains the following information:

(1) The amount of the special assessment;

- (2) That the special assessment is being imposed by the city;
- (3) The street address, legal description and assessor's parcel number of the parcel on which the special assessment is imposed;
- (4) The name and address of the record owner of the parcel; and
- (5) That the property may be sold after three years by the tax collector for unpaid delinquent assessments.

(f) Assessment book. After recording, the finance director shall deliver the notice of assessment to the Los Angeles county auditor-controller, who shall enter the amount on the county assessment book opposite the description of the particular property, and the amount shall be collected together with all other taxes against the property.

(g) Collection. The amount set forth in the notice of assessment shall thereafter be collected at the same time and in the same manner as ordinary city taxes are collected, and shall be subject to the same penalties and interest and to the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of city taxes shall apply to the assessment.

(h) Refunds. The city council may order a refund of all or part of the assessment paid pursuant to this chapter if it finds that all or part of the assessment was erroneously made. An assessment or part thereof shall not be refunded unless a claim is filed with the city clerk within six months after the assessment became due and payable. The claim shall be verified by the person who paid the assessment, or the legal representative of such person.

(Ord. 887 § 1(part), 2009; Ord. 790 §§ 7 (part), 10, 11, 1999; Ord. 718 § 1 (part), 1994)

3.20.140 Alternative procedure for lien.

(a) Notice of lien. As an alternative to making a special assessment pursuant to Section 3.20.130, the city manager may determine that a lien would be more appropriate and may proceed according to this section. Within 30 days after the filing of the report referred to in Section 3.20.120, the city clerk shall fix a time and place for hearing and passing upon the report. Notice of the hearing shall be served on the owner or the occupant in the same manner as summons in a civil action in accordance with Code of Civil Procedure Section 415.10 et seq. and not less than ten days prior to time fixed by the city clerk for the hearing. If after diligent search, neither the owner nor the occupant can be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days and publication thereof in a newspaper of general circulation published in the county of Los Angeles pursuant to Government Code Section 6062. The notice shall contain a description of the property sufficient to enable the persons served to identify it, and a copy of the report prepared pursuant to Section 3.20.120, and shall specify the day, hour, and place when the city council will hear and pass upon the report, together with any objections or protests which may be raised by any person liable for the costs of such abatement.

(b) Protests. Any interested person, including owner, occupant and/or responsible party may file a written protest with the city clerk at any time prior to the time set for the hearing on the report of the code enforcement official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The city clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the city council at the time set for hearing.

(c) Hearing. Upon the day and hour fixed for the hearing, the city council shall consider the report of the code enforcement officer, together with any protests which have been filed with the planning commission secretary. The city council may make such revisions, corrections, or modifications to the report as it may deem just, and when the city council is satisfied with the correctness of the report, as submitted, or as revised, corrected, or modified, shall be confirmed by resolution. The decision of the city council on the report, imposition of a lien and on all protests shall be final and conclusive. The city council may continue the hearing from time to time as it deems necessary.

(d) Making the lien. Immediately upon the determination of costs pursuant to this section by the city council, the council shall make said costs a lien against the property on which the nuisance was abated.

(e) Notice of lien. The director of finance shall execute and file in the office of the Los Angeles county recorder a certificate which contains the following information:

- (1) The amount of the lien;
- (2) That the lien is being imposed by the city;
- (3) The street address, legal description and assessor's parcel number of the parcel on which the lien is imposed; and

The name and address of the record owner of the parcel.

A copy of said notice shall be served on the owner in the manner specified in subsection (a) of this section.

(f) Discharge, release or satisfaction of lien. In the event the lien is discharged, released or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (e) of this section shall be recorded by the city.

(Ord. 887 § 1(part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.150 Personal obligation.

Immediately upon the recording of the notice of assessment pursuant to Section 3.20.130 or notice of lien pursuant to Section 3.20.140, the costs determined by the planning commission pursuant to these sections, shall in addition to constituting a special assessment or lien, as applicable, shall also be the personal obligation of the owner, responsible party and/or occupant.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.160 Right of entry.

(a) Whenever necessary to make an inspection or to enforce any of the provisions of this chapter, or whenever the code enforcement officer has reasonable cause to believe that there exists in any building or upon any property any unlawful condition of prohibited activity which makes such building or property unsafe, dangerous or hazardous, the code enforcement officer may enter such building or property with the consent of the owner or the occupant, or with an inspection/abatement warrant signed by a municipal court judge. However, if such building or property is occupied, the code enforcement officer shall first present proper credentials and request entry; and if such building or property is unoccupied, the code enforcement official shall first make a reasonable effort to locate the owner or the occupant and request entry. Before entering onto the property pursuant to a warrant, the Code enforcement officer shall give at least 24 hours notice to the owner or the occupant unless the judge finds that immediate execution of the warrant is reasonably necessary in the circumstances.

(b) It is unlawful for any person, including an owner or occupant of any property within the city to refuse to allow the code enforcement officer, or a contractor engaged by the city, consistent with subsection (a) of this section, to enter upon the property at any time between eight a.m. and six p.m. for the purpose of the abatement of a public nuisance or to obstruct, impeded or interfere in any manner with the code enforcement officer, or a contractor engaged by the city, in any work undertaken pursuant to the provisions of this chapter.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.170 Continuing violations.

It shall constitute a new and separate offense for each and every day during any portion of which a violation of, or failure to comply with, any provision or requirement of this code is committed, continued, or permitted by any person and shall be punished accordingly.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.180 Injunction.

The provisions of this chapter may be enforced by an injunction issued by any court having jurisdiction over the suit or the owner or occupant of any real property affected by such violations or prospective violation.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.190 Court action.

The city may bring appropriate action(s), in a court of competent jurisdiction, to collect any amounts due by reason of the abatement of public nuisance conditions) by the city and to foreclose any existing liens or special assessments for such amounts. Notwithstanding

the provisions of this chapter, the city may bring the appropriate civil and criminal action in a court of competent jurisdiction for abatement of any public nuisance within the city pursuant to any other provision of the law. Upon entry of a second or subsequent civil or criminal judgment within a two year period, finding that the owner or the occupant of a property, place or area is responsible for a condition that may be abated in accordance with this chapter, except for conditions abated pursuant to Section 17980 of the Health and Safety Code, the court may order the owner or occupant to pay treble the costs of the abatement.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

3.20.200 Remedies of private parties.

The provisions of this chapter shall in no manner adversely affect the right of the owner or the occupant of any such property to recover all costs and expenses imposed by this chapter from any person responsible for creating or maintaining the public nuisance.

(Ord. 887 § 1 (part), 2009; Ord. 790 § 7 (part), 1999; Ord. 718 § 1 (part), 1994)

Chapter 3.22

ABANDONED AND DISTRESSED RESIDENTIAL PROPERTIES REGISTRATION

Sections:

- 3.22.010 Purpose and findings.
- 3.22.020 Definitions.
- 3.22.030 Inspection, registration and fees.
- 3.22.040 Maintenance requirements.
- 3.22.050 Security requirements.
- 3.22.060 Signage requirements.
- 3.22.070 Declaration of public nuisance.
- 3.22.080 Additional authority.
- 3.22.090 Notice of and civil penalty.
- 3.22.100 Civil penalty imposed.
- 3.22.110 Violation/penalty.
- 3.22.120 Enforcement.
- 3.22.130 Appeals.

3.22.010 Purpose and findings.

(a) It is the purpose and intent of the city council of the city of La Puente, through the adoption of this chapter, to establish an abandoned and distressed residential property registration program as a mechanism to protect residential neighborhoods from becoming blighted through the lack of adequate maintenance and security of abandoned properties and to establish uniform and reasonable regulations to prevent immediate risk and detrimental effects associated with abandoned and distressed properties.

(b) The city council of the city of La Puente finds that abandoned and distressed residential properties pose risk to the public peace, health and safety of citizens in that the detrimental effects from the lack of security and maintenance of abandoned and distressed residential properties endangers children unprotected from unsecured pools and other attractive nuisances, lead to neighborhood decline, contribute to lower property values, discourage potential buyers from purchasing a home adjacent to or in the neighborhoods with abandoned and distressed residences, and further endangers neighborhoods affected by the resulting squatting, vandalism, burglaries and other crimes.

(c) The city council of the city of La Puente further finds that the city will incur additional costs in administering and implementing

the abandoned and distressed residential properties registration program and that it is in the best interests of the public for the city to recover the said costs through imposition of a registration fee.

(Ord. 878 § 1 (part), 2008)

3.22.020 Definitions.

The following terms and phrases, whenever used in this chapter, shall be construed as defined in this section:

"Abandoned property" means a residential property that is vacant and is under a current notice of default and/or notice of trustee's sale, pending tax assessor's lien sale, or a residential property that has been the subject of a foreclosure sale where the title was retained by the beneficiary of a deed of trust involved in the foreclosure, or a residential property transferred under a deed in lieu of foreclosure/sale.

"Accessible property" means an abandoned property, and any structure or building on the abandoned property, that is accessible through a compromised, breached or broken gate, fence, wall, window, door, and similar entry points and/or is unsecured in such way as to allow access to interior space by unauthorized person or trespasser.

"Agreement of sale" means any agreement or written instrument which provides that title to residential property shall be transferred or conveyed from one owner to another owner after the sale, trade, transfer or exchange.

"Beneficiary" means a lender under a note secured by a deed of trust. Beneficiary shall also include beneficiary's authorized agent, property management company or property manager.

"Buyer" means any person, partnership, co-partnership, association, corporation, fiduciary or any entity that agrees to transfer anything of value in consideration for property described in the agreement of sale, as defined in this chapter.

"Days" means consecutive calendar days.

"Deed of trust" means an instrument, describing the real property and by which title to real property is transferred to a third party trustee as security for repayment of a real property loan or an obligation. (This type of instrument is used in California instead of mortgage.) This definition applies to any and all subsequent deeds of trust, including but not limited to second trust deed, third trust deed, etc.

"Deed in lieu of foreclosure/sale" means a recorded document that transfers ownership of a property from the trustor to the holder of a deed of trust upon consent of the beneficiary of the deed of trust.

"Default" means the failure to fulfill a contractual obligation, whether monetary or conditional.

"Distressed property" means a residential property that is occupied by a person(s) having the right to use or having right of possession of the property and under a current Notice of default and/or notice of trustee's sale or pending tax assessor's lien sale or has been foreclosed upon by the trustee or has been conveyed to the beneficiary or trustee via deed in lieu of foreclosure/sale.

"Evidence of vacancy" means any condition that on its own, or combined with other conditions present, would lead a reasonable person to believe that the property is vacant. Such conditions include, but are not limited to, overgrown and/or dead vegetation, accumulation of newspapers, circulars, flyers and/or mail, past due utility notices and/or disconnected utilities, accumulation of trash, junk and/or debris, the absence of window coverings such as curtains, blinds and/or shutters, the absence of furnishings and/or personal items consistent with residential habitation, statements, based on observations, by neighbors, passersby, delivery agents, government employees that the property is vacant.

"Foreclosure" means the process by which a property, placed as security for a real estate loan, is sold at an auction to satisfy the debt if the trustor (borrower) defaults.

"Landscape" includes, but is not limited to, grass, ground covers, bushes, shrubs, hedges or similar plantings, decorative rock or bark or artificial turf/sod designed specifically for residential installation. Landscape does not include weeds, gravel, broken concrete, asphalt, decomposed granite, plastics sheeting, mulch, indoor-outdoor carpet or any similar material.

"Landscape maintenance" includes, but is not limited to, regular watering, irrigation, cutting, pruning, mowing and removal of all trimmings of required landscape.

"Local" means within forty road/driving miles distance of the abandoned or distressed property.

"Neighborhood standard" means those conditions that are present on a simple majority of properties within a three hundred-foot radius of an distressed or abandoned property. The abandoned or distressed property that is the subject of a neighborhood standard comparison, or any other abandoned property within the three hundred-foot radius, shall not be counted toward the simple majority.

"Notice of default" means a recorded notice that a default has occurred under a deed of trust and that the beneficiary intends to proceed with a trustee's sale.

"Out-of-area" means in excess of forty road/driving miles distance of the subject property.

"Owner" means any person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having a legal or equitable title or any interest in the property.

"Owner of record" means the person, partnership, co-partnership, association, corporation, fiduciary or any other legal entity having recorded title to real property at any given point in time the record is provided by the Los Angeles county recorder's office.

"Residential property" means any improved real property, or portion thereof, situated in the city of La Puente, designed, built or permitted to be used for dwelling purposes, specifically including the buildings and structures located on such improved real property. This includes any real property being offered for sale, trade, transfer, or exchange as "residential" whether or not it is legally permitted or zoned for such use.

"Secured" means treated with such measures as may be directed by city manager or his/her designee that assist in rendering the abandoned property inaccessible to unauthorized persons, squatters, trespassers, including, but not limited to, the closure, locking, pad-locking, chaining, repair and/or boarding of fence(s), wall(s), gate(s), window(s), door(s) (walk-through, sliding and/or garage), and/or other openings of such size that may allow a child access to the interior of the accessible property. In case of broken windows, secured included the reglazing or boarding of the window. Boarding shall be completed to a minimum of the current United States Department of Housing and Urban Development (HUD) securing standards at the time the boarding is completed or required, and shall additionally require painting the boards with an exterior grade paint that matches the color of the accessible property.

"Trustee" means the person, partnership, co-partnership, association, corporation, or fiduciary holding a deed of trust on a property. Trustee shall include any authorized agent, property management company or property manager of a trustee.

"Trustor" means a borrower under a deed of trust, who deeds property to a trustee as security for the payment of a debt.

"Vacant" means a building/structure that is not legally occupied.

(Ord. 878 § 1 (part), 2008)

3.22.030 Inspection, registration and fees.

(a) Inspection and registration. Any beneficiary or trustee, who holds a deed of trust on a property located within the city of La Puente, shall perform an inspection of the property that is the security for the deed of trust, upon default by the trustor and prior to recording a notice of default with the Los Angeles county recorder's office.

(1) If the property is found to be vacant or shows evidence of vacancy, it is, by this chapter, deemed abandoned and the beneficiary or trustee shall, within ten days of the inspection or the date of vacancy, whichever is earliest, register the property with the city manager or his/her designee on forms provided by the city.

(2) If the property is occupied but remains in default, it shall be deemed distressed, and it shall be inspected by the beneficiary or trustee, on monthly basis until either

(A) The trustor or another party remedies the default; or

(B) It is found to be vacant or shows evidence of vacancy, at which time it is deemed abandoned, and the trustee shall, within ten days of that inspection or the date of vacancy, register the property with the city manager or his/her designee on forms provided by the city.

(b) Contents of registration. The registration required under this chapter shall contain:

(1) The name of the beneficiary/trustee (co-partnership, partnership, association, fiduciary, corporation, any legal entity or an individual);

(2) The direct street/office mailing address of the beneficiary/trustee, excluding P.O. boxes;

(3) A direct contact name and phone number for the beneficiary/trustee; and

(4) In the case of a corporation or out-of-area beneficiary/trustee, the local property management company responsible for the security, maintenance and marketing of the property. Any change of the information in the registration required under this paragraph shall be reported within ten days of the change.

(c) Registration fee. The fee for registering an abandoned residential property shall be set by resolution of the city council. An annual registration fee shall accompany the registration form. The abandoned residential properties registration fee will be used to finance the cost of inspection, administering and enforcement under this chapter. The fee and registration shall be valid for the calendar year, or remaining portion of the calendar year, in which the registration was initially required. Subsequent registrations are due January 1st of each year and must be received no later than January 31st of the year due. Properties subject to this chapter shall remain under the annual registration requirement, security and maintenance standards of this chapter as long as the properties remain vacant.

(d) Out-of-area trustee/beneficiary. An out-of-area beneficiary or trustee shall retain a local management property, which shall inspect the property as required by this chapter to determine whether the abandoned property is in compliance with the requirements of this chapter.

(e) If any beneficiary or trustee fails to register the residential property, as required by this chapter, the city may register the residential property and impose the annual registration fee. Notice shall be provided pursuant to Section 3.22.090, except that notice shall be provided to:

(1) Beneficiary or trustee, prior to completion of foreclosure or deed in lieu of foreclosure/sale transaction or

(2) To owner or owner of record after completion of foreclosure or deed in lieu of foreclosure sale transaction, as the address appears on the last equalized assessment roll or as known to the city manager or his/her designee. The notice shall provide the amount due for the registration fee, shall state that the property has not been registered as required by this chapter and shall constitute enrollment in the city's abandoned residences registration program. The city may collect any unpaid registration fee by use of any method authorized by law.

(Ord. 878 § 1 (part), 2008)

3.22.040 Maintenance requirements.

(a) Abandoned property shall be maintained in a manner comparable to the neighborhood standard. At minimum:

(1) Abandoned property shall be maintained so as to be kept free of evidence of vacancy;

(2) Abandoned property shall be maintained free of weeds, dry brush, dead vegetation, trash, junk, debris and excessive foliage growth that diminishes the value of surrounding properties;

(3) Abandoned property shall be maintained free of mosquito larvae from growing in standing water;

(4) Abandoned property shall be maintained free of any building materials, any accumulation of newspapers, circulars, flyers, notices (except those required by federal, state or local law), discarded personal items, including but not limited to furniture, clothing, large and small appliances, printed material or any other items that give appearance that the property is abandoned;

(5) Abandoned property shall be maintained free of graffiti, tagging or similar markings by removal or painting over with an exterior grade paint that matches the color of the exterior of the structure, following a notice pursuant to Section 3.22.090 or notice pursuant to California Civil Code Section 2929.3, whichever applicable.

(6) Maintenance of abandoned properties shall include landscape maintenance of visible front and side yards; and

(7) Pools and spas shall either:

(A) Be kept in working order so the water remains clear and free of pollutants and debris; or

(B) Drained and kept dry. In either case, properties with pools and/or spas must comply with the minimum security fencing requirements of the state of California.

(b) Adherence to this section does not relieve the beneficiary/trustee or owner of any obligations set forth in any local, state or federal laws or any covenants, conditions and restrictions and/or homeowners' association rules and regulations which may apply to the

property.

(Ord. 878 § 1 (part), 2008)

3.22.050 Security requirements.

Any abandoned property shall be secured, as defined in this chapter. In addition, the abandoned property shall be secured in a manner that would prevent trespassers, squatters or unauthorized persons from entering and/or remaining on the property.

(Ord. 878 § 1 (part), 2008)

3.22.060 Signage requirements.

Any abandoned property shall be posted with the name and 24-hour contact phone number of the trustee/beneficiary or a local property management company that must be retained by an out-of-area beneficiary/trustee. The posting shall be no less than eighteen inches by twenty-four inches and shall be of a font that is legible from a distance of forty- five feet and shall contain along with the name and twenty- four-hour contact number the words "THIS PROPERTY MANAGED BY" and "TO REPORT PROBLEMS OR CONCERNS CALL." The posting shall be placed on the interior of a window facing the street to the front of the abandoned property so it is visible from the street or secured to the exterior of the building/structure facing the street to the front of the property so it is visible from the street; if no such area exists, on a stake of sufficient size to support the posting in a location that is visible from the street to the front of the property but not readily accessible to vandals. Exterior posting must be constructed of and printed with weather resistant materials.

(Ord. 878 § 1 (part), 2008)

3.22.070 Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the city of La Puente Municipal Code and other provisions of California law, including, but not limited to, California Government Code Section 38771, the city council hereby declares that violation of this chapter, including but not limited to the maintenance and security requirements of this chapter shall constitute a public nuisance.

(Ord. 878 § 1 (part), 2008)

3.22.080 Additional authority.

In addition to any other remedies authorized by the city of La Puente Municipal Code and/or any other enforcement remedies permitted under the law, the city manager or his/her designee shall have the authority to require the beneficiary/trustee/owner and/or owner of record of any property affected by this section to implement additional maintenance and/or security measures including but not limited to securing any and all door(s), window(s) or other openings, installing additional security lighting, increasing on-site inspection frequency, employment of an on-site security guard or other measures as may be reasonably required to arrest the decline of the property.

(Ord. 878 § 1 (part), 2008)

3.22.090 Notice of and civil penalty.

(a) Whenever the city manager or his/her designee or enforcement official, as defined in Section 1.12.020, finds that a provision of this chapter has been violated, he or she may issue the responsible person a notice of violation ("NOV"). If an NOV is issued, it shall be served on the responsible person in the manner described in subsection B of this section. The enforcement official shall include the following information in the NOV:

(1) The date and location of the violation, including the address or other description of the location where the violation occurred or is occurring and a brief description of the conditions observed that constitute a violation;

- (2) The name(s) of the responsible person(s), if known;
 - (3) The chapter section(s) violated and a description of the section(s);
 - (4) Actions required to correct, abate or mitigate the nuisance condition or code violation, and a period of time during which action(s) shall be commenced and completed;
 - (5) A statement that the person upon whom the NOV is served may appeal the determination that there is/are violation(s) as alleged, that the person who was served with the NOV is the responsible person, or that the amount of any administrative fine or civil penalty imposed is warranted. The NOV will instruct the person being served as to the proper procedure and time frame for submitting an appeal;
 - (6) If applicable, notice that failure to correct or abate the listed violations in the NOV within the time specified will subject the responsible person to a fine pursuant to Chapter 1.12 or civil penalty pursuant to Section 3.22.100. If a penalty will be imposed, the NOV shall include the amount of the penalty; and
 - (7) The signature of the citing enforcement official and city contact information (address, telephone number) for additional information.
- (b) The NOV shall be served upon the responsible person personally or by United States mail, first-class postage prepaid, and if by such mail, it shall be sent to the last known address listed on the most recent tax assessor's records or as known to enforcement official. In the case of personal service, service shall be deemed complete at the time of such delivery. In the case of service by first-class mail, service shall be deemed complete at the time of deposit into the United States mail. Where service is by first-class mail, a copy of the NOV shall also be conspicuously posted at the affected property when reasonably practicable for a period of not less than three calendar days prior to the first date that commencement of corrective action or abatement is to be undertaken. The failure to receive an NOV sent via first-class mail shall not affect the validity of any enforcement proceedings under this chapter.
- (c) Proof of service shall be certified by a written declaration under penalty of perjury executed by the person effecting service, declaring the date, time, and manner of service, and the date and place of posting, if applicable. The declaration shall be affixed to a copy of the NOV and retained by the enforcement official.
- (d) The failure of an NOV to satisfy all of the requirements of this provision shall not affect the validity of any other enforcement proceedings under this code.

(Ord. 878 § 1 (part), 2008)

3.22.100 Civil Penalty Imposed.

(a) Pursuant to California Civil Code Section 2929.3, the city of La Puente, may impose a civil penalty in the amount not to exceed \$1,000.00 per day for failure to maintain and secure the abandoned property, as required by this chapter, provided that notice requirements of Civil Code Section 2929.3 are satisfied as follows:

- (1) The city first issues a NOV, as provided in Section 3.22.090, which also states that the city shall impose the civil penalty pursuant to this section if actions necessary to address the violation(s) at the abandoned property are not commenced within a period of not less than fourteen days and completed within a period of not less than thirty days, from the date of mailing of NOV; and
- (2) In addition to requirements of Section 3.22.090, the NOV shall be mailed to the address provided in the deed of trust or other instrument specified in California Government Code Section 27321.5 (a) , or if none, to the return address provided on the deed or other instrument.

(b) The city shall not impose a civil penalty pursuant to this section together with administrative citations or fines authorized by Chapter 1.12 of city of La Puente Municipal Code.

(c) The civil penalty imposed by this section shall stay in effect until January 1, 2013, the expiration date of Section 2929.3 of California Civil Code, unless extended by the state legislature.

(Ord. 878 § 1 (part), 2008)

3.22.110 Violation/penalty.

Violations of this chapter shall be treated as a strict liability offense regardless of intent. Any person, firm and/or corporation that violates any portion of this chapter shall be subject to prosecution, public nuisance abatement and/or administrative enforcement pursuant to Chapters 1.08, 1.12 and/or 3.20 of city of La Puente Municipal Code.

(Ord. 878 § 1 (part), 2008)

3.22.120 Enforcement.

In addition to Section 3.22.100, violations of this chapter may be enforced in any combination as permitted by Chapters 1.08, 1.12, 3.20 and 3.44 of city of La Puente Municipal Code and any other enforcement and legal remedies available to the city under the law. However, in no event shall the city impose a civil fine pursuant to Section 3.22.100, together with administrative citations or fines authorized by Chapter 1.12 of the city of La Puente of the Municipal Code.

(Ord. 878 § 1 (part), 2008)

3.22.130 Appeals.

Any person aggrieved by any of the requirements of this section may appeal insofar as such appeal is permitted under the applicable sections of Chapters 1.08, 1.12 and 3.20 of the city of La Puente Municipal Code. Any person aggrieved by the imposition of a civil penalty pursuant to Section 3.22.100 of this chapter, may appeal the penalty pursuant to procedures for an appeal of administrative citations, as provided in Sections 1.12.080 through 1.12.150 of Chapter 1.12 of the city of La Puente Municipal Code.

(Ord. 878 § 1 (part), 2008)

Chapter 3.24 GAMBLING*

Sections:

- 3.24.010 Definition.
- 3.24.020 Validity of chapter.
- 3.24.030 Applicability to state law.
- 3.24.040 Gambling and betting prohibited.
- 3.24.050 Permitting gambling.
- 3.24.060 Attendance at gambling place.
- 3.24.070 Moneys from gambling materials.
- 3.24.080 Violations.

*Prior ordinance history: Ord. 1 as amended by Ord. 14 and Ord. 487 § 1.

3.24.010 Definition.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definition shall apply:

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league or any combination of the above in whatever form or character.

(Ord. 790 § 12 (part), 1999)

3.24.020 Validity of chapter.

If any provision of this chapter, or the application thereof, to any person or circumstance is held invalid, the remainder of this chapter, and the application of such provision to other persons or circumstances, will not be affected thereby.

(Ord. 790 § 12 (part), 1999)

3.24.030 Applicability to state law.

This chapter does not prohibit any act either positively permitted or prohibited by state law.

(Ord. 790 § 12 (part), 1999)

3.24.040 Gambling and betting prohibited.

It is unlawful for any person to deal, play, carry on, open, cause to be opened, or conduct any game played with cards, dice, or other device for money, checks, credits or other thing of value. It also is unlawful for any person to bet at any such game.

(Ord. 790 § 12 (part), 1999)

3.24.050 Permitting gambling.

It is unlawful for any person to knowingly permit any game prohibited by this chapter to be played, conducted, or dealt, in any house or other premises, owned by, rented by, or in the lawful possession of such person.

(Ord. 790 § 12 (part), 1999)

3.24.060 Attendance at gambling place.

It is unlawful for any person to resort to, attend, visit or be in any house, room or other place in the city where there is any gambling being conducted, played, or carried on.

(Ord. 790 § 12 (part), 1999)

3.24.070 Moneys from gambling materials.

Except as otherwise required under California Penal Code Sections 1417.5 and 1422, the Los Angeles County sheriff's department will deposit in the city treasury all money contained in any contraband seized as evidence for violations of this chapter after any person owning, possessing or having control of such contraband has pleaded guilty to or been convicted of violating Sections 3.24.040 to 3.24.060 of this chapter. The sheriff shall apply to the judge of any court with custody of such contraband for an order releasing any money contained therein. All money received by the sheriff from the court shall then be deposited in the city's general fund.

(Ord. 790 § 12 (part), 1999)

3.24.080 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 12 (part), 1999)

Sections:

- 3.28.010 Chapter provisions to prevail.
- 3.28.020 Bingo games for charitable purposes permitted.
- 3.28.030 Organizations eligible for license to conduct bingo games.
- 3.28.040 Bingo game license required.
- 3.28.050 Definition of "bingo."
- 3.28.060 Procedures.
- 3.28.070 Filing of application.
- 3.28.080 Action on receipt of license fee.
- 3.28.090 Reports on application.
- 3.28.100 Access to criminal history information.
- 3.28.110 Notification of denial by department.
- 3.28.120 Information.
- 3.28.130 Issuance of license.
- 3.28.140 Imposition of conditions.
- 3.28.150 Reimbursement of costs.
- 3.28.160 Appeal of decision of city manager.
- 3.28.170 Contents of license.
- 3.28.180 Term and nontransferance of license.
- 3.28.190 Requirement.
- 3.28.200 Applications to be kept current.
- 3.28.210 Bingo manager license.
- 3.28.220 Bond or other security.
- 3.28.230 Requirements of bond.
- 3.28.240 Term of bond.
- 3.28.250 Action on bond.
- 3.28.260 Savings and loan certificates.
- 3.28.270 Issuance of manager's license.
- 3.28.280 Bingo games open to public.
- 3.28.290 Attendance limited to occupancy capacity.
- 3.28.300 Designated bingo room.
- 3.28.310 Maximum amount of prize.
- 3.28.320 Proceeds and profits.
- 3.28.330 Financial interest in licensee only.
- 3.28.340 Exclusive operation by licensee.

- 3.28.350 Assigning or subletting prohibited.
- 3.28.360 Receipt of profit by a person-Misdemeanor under state law.
- 3.28.370 Bingo games conducted only on licensee's property.
- 3.28.380 Minors not to participate.
- 3.28.390 Alcoholic beverages prohibited.
- 3.28.400 Intoxicated persons not to participate.
- 3.28.410 Hours of operation.
- 3.28.420 Bingo equipment.
- 3.28.430 Participant must be present.
- 3.28.440 Use of credit prohibited.
- 3.28.450 City may enjoin violation.
- 3.28.460 Posting of license.
- 3.28.470 Posting of costs, prizes and rules.
- 3.28.480 Record of prizes.
- 3.28.490 Prohibition against admission fee.
- 3.28.500 Cooperation with Sheriff's department.
- 3.28.510 Changes in rules and regulations.
- 3.28.520 Emergencies.
- 3.28.530 Suspension and revocation of licenses.
- 3.28.540 Renewal of revoked license.
- 3.28.550 Violations.

3.28.010 Chapter provisions to prevail.

The provisions of this chapter shall prevail over any other provisions of this code which are inconsistent with this chapter, including, but not limited to, the provisions of Chapter 3.24.

(Ord. 790 § 16 (part), 1999)

3.28.020 Bingo games for charitable purposes permitted.

Bingo games for charitable purposes are authorized pursuant to Section 19, Article IV of the California Constitution, California Penal Code Section 326.5, and in accordance with the provisions of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.030 Organizations eligible for license to conduct bingo games.

Bingo games may be conducted only by organizations exempt from the payment of the Bank and Corporation Tax by Sections 23701a, 23701b, 23701d, 23701e, 23701f, 23701g, and 23701i of the Revenue and Taxation Code; mobile home park associations; and, senior citizen organizations; and, provided, that the receipts of such games are used only for charitable purposes. In addition, no such organization shall be eligible for a bingo license unless it has been so qualified and has held its meetings in the city for at least five

consecutive years continually preceding the filing of the application for such license.

(Ord. 790 § 16 (part), 1999)

3.28.040 Bingo game license required.

No organization shall engage in, carry on, maintain, conduct, or cause to be engaged in, carried on, maintained or conducted a bingo game in the city without first having secured a license in accordance with the requirements of this chapter, nor without complying with the regulations contained in this chapter pertaining to the operations of bingo games.

(Ord. 790 § 16 (part), 1999)

3.28.050 Definition of "bingo."

"Bingo" means a game of chance in which prizes are awarded on the basis of designated numbers or symbols on a card that conform to numbers or symbols selected at random. Notwithstanding California Penal Code Section 330c, as used in this section, the game of bingo includes cards having numbers or symbols that are concealed and pre-printed in a manner providing for distribution of prizes. The winning cards shall not be known prior to the game by any person participating in the playing or operation of the bingo game. All pre-printed cards shall bear the legend, "for sale or use only in a bingo game authorized under California law and pursuant to local ordinance." "Bingo," as defined in this section, applies exclusively to this chapter and shall not be applied in the construction or enforcement of any other provision of law.

(Ord. 790 § 16 (part), 1999)

3.28.060 Procedures.

The application procedure provided for in Sections 3.28.010 through 3.28.550 of this chapter shall be followed with regard to licenses sought pursuant to these sections.

(Ord. 790 § 16 (part), 1999)

3.28.070 Filing of application.

Every person desiring a license pursuant to this chapter must file an application with the community development director ("director") upon a form to be provided by the director, and at such time, pay the required fee and penalty, if any. The application must be filed at least sixty days prior to conducting any bingo game(s), and shall specify:

(a) The name, address and telephone number of the applicant organization and a statement that applicant is an eligible organization under Section 3.28.030 of this chapter;

(b) The name and signature of at least two officers, including the presiding officer, of the corporation or community chest and the trustee of any trust;

(c) A list of the names of members of the applicant organization who will, from time to time, operate and staff bingo games;

(d) A detailed schedule of the day, hours, location, and occupancy capacity of such location of each bingo game to be held;

(e) A detailed description of the record system to account for the receipts, prizes, expenses and profits of each bingo game;

(f) The specific charitable purpose(s) which the bingo proceeds will benefit;

(g) The location and signatures of the special bank account(s) required by Section 3.28.320 of this chapter;

(h) A statement that the applicant agrees to conduct bingo games in strict accordance with the provisions of California Penal Code Section 326.5 and this chapter, as they may be amended from time to time, and agrees that the license to conduct bingo games may be summarily suspended by the city manager upon violation of any of such provisions;

(i) The annual license fee of fifty dollars;

(j) Except as to mobile home park associations and senior citizens organizations (unless the same are qualified under any of the applicable Revenue and Taxation Code sections), the applicant shall also submit, with its application, a certificate of determination of exemption pursuant to the Revenue and Taxation Code section which is applicable to the applicant organization, or a letter of good standing from the Exemption Division of the Franchise Tax Board in Sacramento showing exemption under said applicable section;

(k) The application shall be verified as provided in the Code of Civil Procedure for the verification of pleadings;

(l) The address to which notice, when required, is to be sent or mailed, and the names of any individual or individuals, in addition to those set forth elsewhere in the application, who are authorized to accept service of process on behalf of the licensee;

(m) Whether the application is for a new license or a renewal of an existing license; and

(n) The particular property within the city, including the street number and indication of whether owned or leased by the applicant, used by such applicant for an office or for performance of the purposes for which the applicant is organized, on which property bingo games will be conducted, together with the occupancy capacity of the room in which bingo is to be conducted.

(Ord. 790 § 16 (part), 1999)

3.28.080 Action on receipt of license fee.

Upon receipt of a license fee, the director shall:

(a) Issue a dated receipt showing the location for which an application has been made;

(b) Transmit copies of the license fee referral memorandum to interested departments of the city, including but not necessarily limited to the city manager, the Los Angeles County sheriff's department, the city engineer, the city health officer, and the fire marshal, to determine compliance with the applicable zoning, building code, health code, and fire code requirements.

(Ord. 790 § 16 (part), 1999)

3.28.090 Reports on application.

Every officer and department to which an application is referred shall, in writing, advise the director of all material facts necessary to determine whether the license should be granted, granted subject to conditions, or denied, and their approval or disapproval of the application.

(Ord. 790 § 16 (part), 1999)

3.28.100 Access to criminal history information.

The Los Angeles County sheriff's department is authorized to obtain criminal history information for each person operating or assisting in the operation of a bingo game for purposes of determining those who have been convicted within the past ten years of crimes involving lotteries, gambling, larceny, perjury, bribery, extortion, fraud or similar crimes involving moral turpitude, and to present such information pursuant to Section 3.28.090 of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.110 Notification of denial by department.

If any officers or departments to which an application is referred shall advise the director in writing that the license should be denied, the director will notify the applicant as provided in Section 3.28.070(*l*). If an application for a license is denied, one-half of any license fee paid will be refunded to the organization.

(Ord. 790 § 16 (part), 1999)

3.28.120 Information.

Every officer and department to which an application for a license is referred may require such additional information and the filing of such additional forms as he or she deems necessary.

(Ord. 790 § 16 (part), 1999)

3.28.130 Issuance of license.

The city manager is the issuing authority. Upon being satisfied that the applicant is fully qualified under law to conduct bingo games in the city, the city manager, or the city manager's designee, will issue a license to the applicant.

(Ord. 790 § 16 (part), 1999)

3.28.140 Imposition of conditions.

If the city manager, or the city manager's designee, finds that the facts are such that the application for the license would be subject to denial if the license is issued without conditions, but that conditions can be imposed which will eliminate any ground for said denial, he or she will issue the license subject to such conditions.

(Ord. 790 § 16 (part), 1999)

3.28.150 Reimbursement of costs.

In addition to the annual license fee of fifty dollars, the licensee must pay an additional fee for law enforcement and public safety costs which are directly related to bingo activities. Such additional fees will not exceed the actual costs incurred in providing the service. The city will collect the additional fees on a monthly basis.

(Ord. 790 § 16 (part), 1999)

3.28.160 Appeal of decision of city manager.

The applicant for such license has the right to appeal the decision of the city manager, or the city manager's designee, to the city council within fifteen days of the date of such decision. The city council will thereafter set the matter for a hearing. Following the hearing the city council will confirm, modify, reverse, or conditionally reverse the decision of the city manager. The decision of the city council is final and conclusive.

(Ord. 790 § 16 (part), 1999)

3.28.170 Contents of license.

The license will contain the following information:

- (a) The name and nature of the organization to whom the license is issued;
- (b) The address where bingo games are authorized to be conducted;
- (c) The occupancy capacity of the designated room in which bingo games are to be conducted;
- (d) The date of the expiration of such license;
- (e) Such other information as may be necessary or desirable for the enforcement of the provisions of this chapter;
- (f) The day and hours during which the licensee may conduct or operate bingo games.

(Ord. 790 § 16 (part), 1999)

3.28.180 Term and nontransferance of license.

Bingo licenses will be issued for a term of one year. Written application for renewal thereof shall be made to the director at least one month prior to its expiration date. Licenses issued under this chapter are not transferable, either as to licensee or location. Any attempt to transfer will render the license void.

(Ord. 790 § 16 (part), 1999)

3.28.190 Requirement.

No person may engage in, conduct or carry on, or permit to be engaged in, conducted or carried on, in or upon any premises within the city, the operation of a bingo game unless such game is conducted under the personal direction of a bingo manager, duly licensed and present on premises during all hours of operation, and bonded pursuant to this chapter for each bingo game.

(Ord. 790 § 16 (part), 1999)

3.28.200 Applications to be kept current.

Every organization having a license issued pursuant to this chapter, within five days thereafter, must notify the director in writing of any change in facts required to be stated by this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.210 Bingo manager license.

To obtain a bingo manager license, an applicant must file with the director a written application together with the required fee. The application must set forth, in addition to such information as may be required by the director, the following:

(a) A statement that neither the bingo manager, nor the members of the nonprofit organization which operate any bingo game organized by such organization, will receive any profit, wage, or salary or any other direct or indirect consideration from any bingo game(s) or funds derived from bingo activities;

(b) A statement that the bingo manager applicant read and understands all requirements of the law in regard to conducting bingo games in the city, and that such bingo manager will accept full responsibility for the conduct of such bingo games and all bingo card/ticket salespeople under his or her direction.

(Ord. 790 § 16 (part), 1999)

3.28.220 Bond or other security.

At the time of so filing with the director an application for a license as a manager the applicant must either:

(a) File and thereafter maintain with the director a good and sufficient bond in the aggregate sum of five thousand dollars running to the city for the use and benefit of interested persons and parties, executed by the applicant and a surety company authorized to do business in the state, which surety company shall be approved by the city attorney; or

(b) Assign to the city savings and loan certificates in the sum of five thousand dollars.

(Ord. 790 § 16 (part), 1999)

3.28.230 Requirements of bond.

The total aggregate liability on the bond or security provided under Section 3.28.220 of this chapter shall be five thousand dollars. The bond shall be conditioned upon the strict compliance, by the principal, with the provisions of this chapter, and the payment of any direct pecuniary loss sustained, through any act of grand or petty theft or other wrongful act on the part of the principal, his agent(s) or

employee(s).

(Ord. 790 § 16 (part), 1999)

3.28.240 Term of bond.

The bond shall remain in force and effect for the entire period of the license. The surety may cancel the bond and be relieved of further liability thereunder by delivering thirty days' prior written notice to the city manager. Such cancellation will not affect any liability incurred or accrued thereunder prior to the termination of the thirty-day period. If the bond is canceled, a new bond in like form must be immediately filed and maintained and applied as provided in Sections 3.28.210 and 3.28.220 of this chapter. Upon failure to so file and maintain a new bond, the city manager will suspend such bingo manager's license pending compliance.

(Ord. 790 § 16 (part), 1999)

3.28.250 Action on bond.

Any person who sustains any injury covered by the bond may, in addition to any other remedy which he or she may have, bring an action in his or her own name upon the bond for the recovery of any damage which that person sustained. Upon such action being commenced, such bond will not be void upon first recovery thereon but may be sued upon from time to time until the whole of the penalty shall be exhausted. The city manager may require the filing of a new bond, and immediately upon the recovery in any action on such bond, the bingo manager must file a new bond or assign savings and loan certificates to the city as provided for in this chapter. Upon failure to file a new bond or assign a savings and loan certificate within ten days, the city manager will suspend the bingo manager's license pending compliance.

(Ord. 790 § 16 (part), 1999)

3.28.260 Savings and loan certificates.

If in lieu of a bond an applicant assigns to the city savings and loan certificates, the applicant shall agree in writing that if the city manager finds that any person sustains any pecuniary loss through any act of grand or petty theft or other wrongful act on the part of the principal, or his or her agent(s) or employee(s), the city may redeem a sufficient number of such certificates and from the proceeds reimburse such person for the loss sustained.

(Ord. 790 § 16 (part), 1999)

3.28.270 Issuance of manager's license.

The city manager will issue a bingo manager's license if:

- (a) The applicant is of good moral character and does not have a bad reputation for truth, honesty or integrity;
- (b) All of the statements made in such application are and each of them is true and not deceptive or misleading;
- (c) The applicant has not violated any of the provisions of this chapter and has not engaged in any fraudulent transaction of enterprise; and
- (d) The applicant intends to conduct his or her business fairly and honestly.

If the applicant fails to meet the foregoing conditions, the city manager will deny the application, refuse to issue a license, and notify the applicant of the decision. The applicant for the bingo manager's license has the right to appeal the decision of the city manager to the city council in accordance with the provisions in Section 3.28.160 of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.280 Bingo games open to public.

All bingo games must be open to the public, not just to the members of the licensee organization.

(Ord. 790 § 16 (part), 1999)

3.28.290 Attendance limited to occupancy capacity.

Notwithstanding that bingo games are open to the public, attendance at any bingo game shall be limited to the occupancy capacity of the room in which such game is conducted as determined by the fire department in accordance with applicable laws and regulations. A licensee must not reserve seats or space for any person.

(Ord. 790 § 16 (part), 1999)

3.28.300 Designated bingo room.

The playing of bingo games provided for in this chapter must be confined to the room described in the license of each licensed nonprofit charitable organization, and no playing of any bingo games provided for or permitted by this chapter is permitted at any other location on such nonprofit charitable organization's premises, except in that area designated as the "bingo room."

(Ord. 790 § 16 (part), 1999)

3.28.310 Maximum amount of prize.

The total value of prizes awarded during the conduct of any bingo games must not exceed two hundred fifty dollars total in cash or kind, or both, for each separate game which is held. Total prizes being offered at various stages during an ongoing series of numbers or symbols being called toward a larger game must not exceed two hundred fifty dollars.

(Ord. 790 § 16 (part), 1999)

3.28.320 Proceeds and profits.

(a) 23701d Organizations. With respect to organizations exempt from payment of the Bank and Corporation Tax by Section 23701d of the Revenue and Taxation Code, all profits derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Those profits may only be used for charitable purposes.

(b) Other Organizations Authorized to Conduct Bingo Games. All proceeds derived from a bingo game must be kept in a special fund or account and must not be commingled with any other fund or account. Proceeds are the receipts of bingo games conducted by organizations not within subsection (a) above. Those proceeds may only be used for charitable purposes, except as follows:

(1) The proceeds may be used for prizes.

(2) A portion of the proceeds, not to exceed twenty percent of the proceeds before the deduction for prizes, or two thousand dollars per month, whichever is less, may be used for rental of property and overhead, including the purchase of bingo equipment, administrative expenses, security equipment, and security personnel.

(3) The proceeds may be used to pay license fees.

(c) Records. Each licensee must keep full and accurate records of the income and expenses received and disbursed in connection with its operation, conduct, promotion, supervision and any other phase of bingo games which are authorized by this chapter. The city, by and through its authorized officers, has the right to examine and audit such records at any reasonable time without prior notice and the licensee shall fully cooperate with the city by making such records available. The licensee must maintain all such records for the period of time required by state and federal laws and for three years for purposes of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.330 Financial interest in licensee only.

No individual, corporation, partnership, or other legal entity except the licensee organization may hold a financial interest in the conduct of such bingo game.

(Ord. 790 § 16 (part), 1999)

3.28.340 Exclusive operation by licensee.

A bingo game may be operated and staffed only by members and the manager of the licensee organization. Such members and manager may not receive a profit, wage, salary or any other direct or indirect consideration from any bingo game. Only the licensee may conduct a bingo game, or participate in the promotion, supervision or any other phase of such game. This section does not preclude the employment of security personnel who are not members of the authorized organization.

(Ord. 790 § 16 (part), 1999)

3.28.350 Assigning or subletting prohibited.

It is unlawful for any person, acting on behalf of any duly licensed nonprofit charitable organization, to assign, arrange for, or in any other manner allow a nonprofit charitable organization to conduct a bingo game when such organization does not have a valid license. It is likewise unlawful for any person, not having a valid license, to conduct the game of bingo on the premises of a duly licensed nonprofit charitable organization. A violation of this section is also grounds for the revocation or suspension of any license issued to any nonprofit charitable organization.

(Ord. 790 § 16 (part), 1999)

3.28.360 Receipt of profit by a person-Misdemeanor under state law.

It is a misdemeanor under California Penal Code Section 326.5(b) for any person to receive a profit, wage or salary from any bingo game authorized under this chapter, a violation of which is punishable by a fine not to exceed ten thousand dollars, which fine must be deposited in the city's general fund. Security personnel employed by the organization conducting the bingo game may be paid from the revenues of bingo games.

(Ord. 790 § 16 (part), 1999)

3.28.370 Bingo games conducted only on licensee's property.

(a) A licensee shall conduct a bingo game only on property owned or leased by it, or property whose use is donated to the organization, and which property is used by such organization for an office or for performance of the purposes for which the organization is organized. Nothing in this section shall be construed to require that property owned or leased by, or whose use is donated to, the organization be used or leased exclusively by, or donated exclusively to, that organization.

(b) The license issued under this chapter authorizes the licensee to conduct bingo games only on such property, the address of which is stated in the application.

(c) If the described property ceases to be used as an office and as a place for performance of the purposes for which the licensee is organized, the license will have no further force or effect.

(d) Under no circumstances will bingo be conducted on the same property more than one day per calendar week. This restriction pertains to all property whether or not it is shared by more than one bona fide charitable institution.

(Ord. 790 § 16 (part), 1999)

3.28.380 Minors not to participate.

No person under the age of eighteen years of age shall be allowed to participate in any bingo game.

(Ord. 790 § 16 (part), 1999)

3.28.390 Alcoholic beverages prohibited.

No alcoholic beverages shall be served or consumed during the hours of operation.

(Ord. 790 § 16 (part), 1999)

3.28.400 Intoxicated persons not to participate.

No person who is intoxicated shall be allowed to participate in a bingo game.

(Ord. 790 § 16 (part), 1999)

3.28.410 Hours of operation.

No bingo game may be conducted between the hours of midnight and ten a.m.

(Ord. 790 § 16 (part), 1999)

3.28.420 Bingo equipment.

All equipment used in the operation of bingo games must be owned by the organization authorized to conduct such games. Bingo equipment must only be obtained from a vendor licensed by the county of Los Angeles to vend bingo equipment.

(Ord. 790 § 16 (part), 1999)

3.28.430 Participant must be present.

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

(Ord. 790 § 16 (part), 1999)

3.28.440 Use of credit prohibited.

No licensee shall issue chips, checks, tokens, markers or money to a patron on credit or loan (including but not limited to IOU's and checks to be held) or allow any patron to play on credit.

(Ord. 790 § 16 (part), 1999)

3.28.450 City may enjoin violation.

The city may bring an action in a court of competent jurisdiction to enjoin a violation of California Penal Code Section 326.5 or this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.460 Posting of license.

An organization licensed pursuant to this chapter may not conduct or permit to be conducted a bingo game unless such license is

posted in a conspicuous place, visible at the public entrance, during the conduct of any bingo game. The licensee must produce and exhibit the same, when applying for renewal thereof, and whenever requested to do so by any peace officer or officer authorized to issue, inspect or collect licenses.

(Ord. 790 § 16 (part), 1999)

3.28.470 Posting of costs, prizes and rules.

The licensee must conspicuously post the costs, prizes and rules of each game to be played. Such signs must be posted during the conduct of the bingo game in a conspicuous place on the outside and inside of the premises to be used for the conducting of a bingo game.

(Ord. 790 § 16 (part), 1999)

3.28.480 Record of prizes.

The licensee must keep a record, on forms provided by the director of community development, with (a) the name, written signature, address, and telephone number of the winner; and (b) the consecutive serial number on the receipt for the prize.

(Ord. 790 § 16 (part), 1999)

3.28.490 Prohibition against admission fee.

No admission, donation, dues, or required fee shall be charged for entry onto the bingo premises.

(Ord. 790 § 16 (part), 1999)

3.28.500 Cooperation with sheriff's department.

No person shall interfere with, prevent, or refuse to permit Los Angeles County sheriff's department personnel or city code enforcement personnel to make an examination or inspection of any premises without notice, whether the premises is open to the public or not, or of any record kept by the licensee, or by an agent or employee thereof, for the purpose of determining whether the applicant organization or bingo manager is complying with all of the provisions of this chapter and all other applicable ordinances, statutes, rules and regulations.

(Ord. 790 § 16 (part), 1999)

3.28.510 Changes in rules and regulations.

The city council reserves the right to add to, amend, or repeal by ordinance any of the rules and regulations set forth in this chapter and to so adopt additional rules and regulations.

(Ord. 790 § 16 (part), 1999)

3.28.520 Emergencies.

The city council further reserves the right to adopt by resolution additional emergency rules and regulations which will become effective immediately upon adoption, and the violation of any such emergency rules and regulations constitutes grounds for the suspension and revocation of the licenses issued pursuant to the provisions of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.530 Suspension and revocation of licenses.

All licenses issued pursuant to this chapter may be modified, suspended or revoked pursuant to the provisions in Sections 5.08.100 and 5.08.110 of this code. The decision of the city council to modify, suspend or revoke a license is final and conclusive. In the event of revocation, no new license will be issued to such licensee except upon application made thereafter as in the case of a new applicant and as otherwise allowed under Section 3.28.550 of this chapter.

(Ord. 790 § 16 (part), 1999)

3.28.540 Renewal of revoked license.

Any nonprofit charitable organization whose license is finally revoked may not again apply for a license to conduct bingo games in the city for a period of one year from the date of such revocation. However, if the ground for revocation is cancellation of the exemption granted under Section 23701 b, d, e, f or l of the Revenue and Taxation Code, such organization may again apply for a license upon proof of reinstatement of such exemption.

(Ord. 790 § 16 (part), 1999)

3.28.550 Violations.

A violation of any of the provisions in this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 16 (part), 1999)

Chapter 3.32 RACING HOMING PIGEONS

Sections:

3.32.010 Racing homing pigeons-Defined- Identification.

3.32.020 Same-Permit required-Application-Fee-Conditions.

3.32.010 Racing homing pigeons-Defined- Identification.

For the purpose of this chapter, the term "racing homing pigeons" means a pigeon bred and trained to return home from a distance. Said racing homing pigeons can be identified by a seamless leg band as issued by the American Racing Pigeon Union and marked with the letters A U and the figures designating the year issued as well as the registered number of the bird.

(Ord. 790 § 17 (part), 1999; Ord. 35 (part), 1957; Ord. 1 § 4110, 1956)

3.32.020 Same-Permit required-Application-Fee-Conditions.

Racing homing pigeons, which are not raised or kept for the market or other commercial purpose, may not be kept and liberated for exercise or racing within less than twenty-five feet from any door, window or other opening of any dwelling, unless and until a permit in writing, authorizing the keeping and liberating for exercise and racing homing pigeons is first applied for and obtained from the community development director ("director").

(a) Each application for a permit to keep and liberate for exercise and racing such racing homing pigeons shall be made upon forms to be furnished for that purpose by the city, signed by the applicant and filed with the director. No such application shall be received for filing unless accompanied by a filing fee established by resolution of the city council.

(b) Such permit shall be issued by the director upon compliance by the applicant of the following conditions:

(1) All feed for said racing homing pigeons shall be stored in containers which offer protection against rodents;

- (2) All racing homing pigeon droppings and food scrap shall be removed from the premises at least once a week and disposed of in a sanitary manner;
- (3) The lofts or pigeon houses where said racing homing pigeons are kept shall be soundly constructed, properly maintained and adequately landscaped to blend with and conform to the surrounding area; and
- (4) The lofts or pigeon houses shall be maintained in a sanitary condition and in compliance with the health regulations of the city of La Puente.
- (c) The city of La Puente, or its duly authorized representative, shall have the right to inspect each such loft and pigeon house at such times as it shall deem advisable.
- (d) The decision of the director shall be appealable to the city council in accordance with the procedures set forth in Section 5.08.030(d) of this code.
- (e) Each permit issued pursuant to the provisions of this section shall be valid for the period of one year from and after the date of issuance, unless the permit is revoked by the city council of the city of La Puente for good cause at a public hearing called for the purpose of considering whether or not the permit should be revoked, in accordance with the procedures set forth in Section 5.08.100 of this code.
- (Ord. 790 § 17 (part), 1999: Ord. 35 (part), 1957: Ord. 1 § 4111, 1956)

Chapter 3.36

ANIMAL CONTROL ORDINANCE

Sections:

- 3.36.010 County animal control ordinance adoption.
- 3.36.020 Animal control ordinance amended.
- 3.36.030 Violations-Penalty.

3.36.010 County animal control ordinance adoption.

Except as hereinafter provided, Title 10, Animals, of the Los Angeles County Code, as amended and in effect on September 22, 2009, is adopted by reference as the animal control ordinance of the city and may be cited as such.

A copy of Title 10, Animals, of the Los Angeles County Code, as amended and in effect on September 22, 2009, has been deposited in the office of the city clerk of the city and shall at all times be maintained by the city clerk for use and examination by the public.

(Ord. 10-895 § 1, 2010; Ord. 06-849 § 1, 2006; Ord. 832 § 1, 2004: Ord. 803 § 1, 2001; Ord. 800 § 1, 2001; Ord. 790 § 15 (part), 1999; Ord. 751 § 1, 1997: Ord. 699 § 1, 1993: Ord. 667 § 1, 1992: Ord. 635 § 1, 1990: Ord. 632 § 1, 1990: Ord. 568 § 1, 1987: Ord. 476 § 1, 1981: Ord. 438 § 1, 1979: Ord. 429 § 1, 1978: Ord. 417 § 1, 1977: Ord. 405 § 1, 1976; Ord. 375 § 1, 1974: Ord. 334 § 2, 1972)

3.36.020 Animal control ordinance amended.

(a) Notwithstanding the provisions of Section 3.36.010, of the animal control ordinance is amended by amending Sections 10.08.155, 10.20.010, 10.20.011, 10.20.020, 10.20.030, 10.20.040, 10.20.045, 10.20.050, 10.20.060, 10.20.070, 10.20.110, 10.20.130, 10.20.140, 10.20.150, 10.20.160, 10.20.170, 10.20.180, 10.20.190, 10.20.200 and 10.20.210, of Chapter 10.20 to read as follows:

10.08.155 Hobby breeder. "Hobby breeder" is any person, except for a person possessing a valid kennel license, who owns and breeds a female dog and sells the offspring for pay or for other compensation.

10.20.010 License tags - Issuance - Fee. Pursuant to Chapter 3 (commencing with Section 3080 1) of Division 14 and 14.5 of the Food and Agricultural Code, the director shall issue serially numbered metallic dog license tags marked with the name of the county of Los Angeles.

10.20.011 License - Issuance by veterinarians and other qualified persons in the City of La Puente- Conditions. The director may authorize the issuance of dog licenses, as required by Section 10.20.010, by persons practicing veterinary medicine in the City of La

Puente, or other persons approved by the director who meet the qualifications established by the department. Said persons shall transmit records and negotiable papers to the department of animal care and control at intervals as established by the director, and collect and transmit to the director the fee required by this chapter for the issuance of such licenses. The director may reimburse these businesses for such fees.

10.20.020 Person deemed custodian when. Any person keeping or harboring any dog for fifteen (15) consecutive days shall be deemed to be the custodian thereof and subject to licensing provisions within the meaning of this Division 1.

10.20.030 License - Required - Costs. Every person owning or having custody or control of any dog over the age of four months in the City of La Puente shall obtain a license from the director for each of such dogs and shall pay the fees for such licenses as set forth in Section 10.90.010.

10.20.040 Kennel dogs - Individual license required when. An individual dog license shall be obtained for each dog in addition to a kennel license. No individual license shall be required for any dog in transit, or when attending a dog show in the care of a kennel representative.

10.20.045 Dog breeding - License required - Fees. A person who is a hobby breeder as defined in Section 10.08.155, shall obtain an animal breeding license in the amount set forth in Section 10.90.010. Each license shall authorize the whelping of no more than one litter per female dog in any 12-month period and no more than one litter per domestic household in any 12-month period.

10.20.050 Exceptions from licensing requirement.

A. The provisions of this Division 1 do not require either a tag or a license for:

1. Any dog found within the City of La Puente when the owner thereof resides in any municipality or unincorporated territory within the county, and such dog is wearing or has attached to it a license tag for the current year issued by such municipality or county.

2. Any dog owned by or in the charge of any person who is a nonresident of the city of La Puente and is traveling through the City or temporarily sojourning therein for a period of not exceeding thirty (30) days;

3. Any dog brought into the City of La Puente and kept therein for not to exceed thirty (30) days for the exclusive purpose of entering the same in any bench show, or dog exhibition, or field trials or competition;

4. Any dog brought or sent into the City of La Puente from any point outside thereof for the exclusive purpose of receiving veterinary care in any dog hospital, in the event that such dog is kept at all times strictly confined within such hospital;

5. Any dog wearing or having attached to it a license tag for the current year issued by a municipality within the county or by the county when the owner thereof has, within one year last past, moved his principal place of residence from such municipality or unincorporated territory of the county to the City of La Puente; provided, that such municipality or county similarly exempts from tag and license requirements dogs wearing current city license tags and owned by persons who have moved from the City of La Puente to such municipality or unincorporated territory of the county.

10.20.060 Unvaccinated dogs - Licensing permitted when. The director may accept the payment of the fee for a license tag and a license for a dog who has not been vaccinated as required by Division 1 on condition that the owner of such dog within five days thereafter, have such dog vaccinated and submit the required veterinarian's certificate to the director. Upon receipt of such certificate, the director shall issue the license tag and license.

10.20.070 Unvaccinated dogs - Time limit for vaccination when dog is disabled. A person who obtains a license without submitting a certificate of vaccination because of the infirmity or disability of the dog shall, within ten (10) days after the termination of such infirmity or disability, cause such dog to be vaccinated as required by Part 2 of this chapter.

10.20.110 License tag - Fee for spayed or neutered animals. Pursuant to Section 30804.5 of the Food and Agriculture Code, any dog license tag issued pursuant to Section 10.20.030 of this Part 1 shall be issued for one-half or less of the fee required if a certificate is presented from a licensed veterinarian that the dog has been spayed or neutered.

10.20.130 Record keeping and procurement of tags and receipts. The director shall procure the number of license receipts and dog license tags needed each year, and shall keep a register wherein shall be entered the name and address of each person to whom any dog license tag is issued, the number of such tag, the date of issuance thereof and a description of the dog for which issued.

10.20.140 License - Vaccination requirements and conditions. The director shall not issue a dog license unless the applicant exhibits a certificate signed by a veterinarian, licensed either by the state of California or by any other state to practice veterinary medicine, that:

A. The period elapsing from the date of vaccination with approved rabies vaccine to the date of expiration of the license being issued does not exceed the time as established by the state; or

B. Such dog should not be vaccinated with rabies vaccine because such vaccination would jeopardize the health of such dog due to infirmity or other disability, which infirmity or other disability, and the estimated date of termination thereof, is shown on the face of the certificate to the satisfaction of the director.

10.20.150 License - Information to be shown on receipt. When the director issues a dog license, he shall show on the receipt the age of the dog, the date of last vaccination, and, if the license was issued without proof of vaccination, the reason therefor.

10.20.160 License and License tag - Transfer permitted when - Fee. If, during a license period, a dog is sold or title to the dog is otherwise transferred to a new owner, such new owner may apply to the director for a transfer of such dog's tag and license and pay a transfer fee as specified under Chapter 10.90. Upon receipt of such application and fee, the director shall record the name and address of the new owner.

10.20.170 Replacement of lost tags. In case any license tag for an individual dog is lost or destroyed, a duplicate thereof may be procured from the director upon the submission to the director of such proof as he or she may require and upon the payment therefor as specified under Chapter 10.90.

10.20.180 Tag to be worn by dog. A license tag for an individual dog shall be securely affixed to a collar, harness or other device which shall at all times be worn by such dog, except while such dog remains indoors or in any enclosed yard or pen.

10.20.190 Keeping unlicensed dogs prohibited.

A person shall harbor or keep, or cause or permit to be harbored or kept, any unlicensed dog in the City of La Puente.

10.20.200 Counterfeit or imitation tags prohibited. A person shall not attach to or keep upon any dog, or cause or permit to be attached to or kept upon any dog, any tag provided for in Section 10.20.010 of this chapter except a tag issued for such dog under the provisions of this chapter, or attach or keep upon or cause or permit to be attached to or kept upon any dog, or make or cause or permit to be made or have in possession, any counterfeit or imitation of any tag provided for in this chapter.

10.20.210 Removing tag from collar prohibited. An unauthorized person shall not remove from any dog any collar or harness or other device to which is attached a license for the current year, or remove such tag therefrom.

(b) Notwithstanding the provisions of Section 3.36.010, the animal control ordinance is further amended by amending Chapter 10.28 by deleting Section 10.28.060 and 10.28.061 and by amending Section 10.28.062 to read as follows:

10.28.060 License - Required for certain activates and animals - Certain animals exempt.

A. Any person, including a new owner of an existing organization or business, shall not conduct or operate any animal facility listed in Section 10.90.010. VII., or keep any wild animal, within the city, without first obtaining a license from the department, except as otherwise provided in this Section 10.28.060. Any person who has not applied for a license within 30 days after the expiration date of a license must obtain a new license, in place of a renewal license. A license is not required for the keeping of the following animals for personal use:

1. Canaries;
2. Cats;
3. Chinchillas;
4. Chipmunks;
5. Finches;
6. Gopher snakes;
7. Guinea pigs;
8. Hamsters;
9. Hawks;
10. King snakes;

11. Marmoset monkeys;
12. Mynah birds;
13. Parrots, parakeets, amazons, cockatiels, cockatoos, lories, lorikeets, love birds, macaws, and similar birds of the psittacine family;
14. Pigeons;
15. Ravens;
16. Squirrel monkeys;
17. Steppe eagles;
18. Toucans;
19. Turtles;
20. White doves;
21. Tropical fish excluding caribe;
22. Domesticated mice and rats.

B. Notwithstanding any other provision of this section, the director shall waive the license requirement for a cat kennel (as defined in Section 10.08.090) or dog kennel (as defined in Section 10.08.130) when an animal permit has been obtained pursuant to Ordinance 1494, the Zoning Ordinance, (Los Angeles County Code Sections 22.52.330 and 22.56.420 through 22.56.530).

10.28.062 Pygmy pigs-Keeping and breeding prohibited. A. No person shall keep or maintain or cause to be kept or maintained any pygmy pig on any premises in any zone within the city; provided, however, the provisions of this Subsection 10.28.062 A shall not apply to any pygmy pig that was kept or maintained as a pet on a developed lot in a residential zone as of December 31, 1997, provided that said pygmy pig at all times has a valid animal license issued by the County of Los Angeles and that proof from a licensed veterinarian has been provided to the department that the pygmy pig has been spayed or neutered.

B. No person shall breed or cause to be bred any pygmy pig in any zone within the city.

(c) Notwithstanding the provisions of Section 3.36.010, the animal control ordinance is further amended by amending Schedule VI of Section 10.90.010 of Chapter 10.90 by deleting paragraph B and amending the first paragraph of Schedule VI to read as follows:

Every person owning a dog over the age of four months shall obtain an annual license and tag for each such dog; except, there shall be a one-time only fee for registration of discharged military dogs, for guide dogs or Seeing-eye dogs, for signal dogs trained to assist the hearing impaired, for service dogs trained to perform tasks to assist the physically handicapped, upon payment of the following fees:

(Ord. 832 § 2-4, 2004; Ord. 800 § 2, 2001; Ord. 790 § 15 (part), 1999; Ord. 757 § 1, 1998; Ord. 751 § 2, 1997; Ord. 699 §§ 2, 3, 1993)

3.36.030 Violations-Penalty.

(a) Unless a different penalty is provided for in this chapter, any person violating any provision of the animal control ordinance is guilty of an infraction that is punishable by:

- (1) A fine not exceeding one hundred dollars for a first violation;
- (2) A fine not exceeding two hundred dollars for a second violation of the same provision within twelve calendar months; and
- (3) A fine not exceeding five hundred dollars for each additional violation of the same provision within twelve calendar months.

(b) Any person violating any of the following sections, or violating any of the chapters or provisions referenced in the following sections, is guilty of a misdemeanor that is punishable as provided for in Section 1.08.010 of Chapter 1.08 of this code:

Section 10.12.200	Section 10.32.040	Section 10.40.065(B)
Section 10.12.210(B)	Section 10.32.070	Section 10.48.060
Section 10.20.280	Section 10.32.0800	Section 10.72.040
Section 10.20.310	Section 10.37.150	Section 10.76.050
Section 10.28.060	Section 10.37.180	Section 10.80.020
Section 10.32.020	Section 10.40.010	Section 10.86.020

(Ord. 832 § 5, 2004; Ord. 803 § 2, 2001; Ord. 800 § 3, 2001; Ord. 790 § 15 (part), 1999; Ord. 751 § 3, 1997)

Chapter 3.40

GAME ARCADES*

Sections:

- 3.40.010 Definitions.
- 3.40.020 Coin-operated game.
- 3.40.030 Hours of operation.
- 3.40.040 Disorderly persons.
- 3.40.050 Manager.
- 3.40.060 Game arcades.
- 3.40.070 Violations.

*Prior ordinance history: Ord. 317.

3.40.010 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Coin-operated game" means any amusement machine, device, table, or board, which is controlled, operated, or played by: (1) depositing a coin, plate, disc, slug or key into any slot, crevice, game, table or board; (2) paying or delivering anything of value; or, (3) making any purchase. It does not include: coin-operated weighing machines; stamp-vending machines; photograph, music or motion-picture machines; vending machines for personal property, food or drink; or machines which clean or perform some repair service.

"Game arcade" means any place or premises on which are maintained five or more coin-operated games.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league or any combination of the above in whatever form or character.

(Ord. 790 § 18 (part), 1999)

3.40.020 Coin-operated game.

It is unlawful for any person to maintain a coin-operated game on any place or premises until the same has been inspected and approved by the city as not in violation of state or local law.

(Ord. 790 § 18 (part), 1999)

3.40.030 Hours of operation.

(a) It is unlawful for any person to carry on, or assist in carrying on, any game arcade to which the public is invited, or in which the public may participate, during those hours the premises must be closed pursuant to the unclassified use permitted granted under Section 10.50.100 of this code, and in no event shall it be open between the hours of 2:00 a.m. and 6:00 a.m.

(b) It is also unlawful for a minor subject to compulsory education to be, remain in, enter, or visit any game arcade during any of the following times:

- (1) Between 8:30 a.m. and 1:30 p.m. on a day when such minor's school is in session.
- (2) After 10:00 p.m. on Sunday to Thursday during school sessions.
- (3) After midnight on Fridays and Saturdays.

(Ord. 790 § 18 (part), 1999)

3.40.040 Disorderly persons.

It is unlawful for an owner, manager, proprietor or other person in charge of any game arcade to allow or permit any intoxicated, quarreling or disorderly person(s) to be or remain in such game arcade. All game arcades shall be operated at all times so as not to constitute a public nuisance.

(Ord. 790 § 18 (part), 1999)

3.40.050 Manager.

At all times while a game arcade is open to the public, the owner, manager, proprietor or other person in charge of such game arcade will provide and maintain on such premises one adult person, and such other number of persons as may be required by the unclassified use permit, who shall be designated the adult manager(s). All designated managers must obtain individual permits under Chapter 5.34 of this code. The designated manager is responsible for compliance, by the game arcade, its personnel and its patrons, with the terms and provisions of this chapter and any unclassified use permit at all times. It is the responsibility of the owner, proprietor and manager to maintain the game arcade so as not to constitute a public nuisance, to avoid overcrowding and to comply with all orders and directions given by the Los Angeles County sheriff's department, fire department or any duly authorized city official.

(Ord. 790 § 18 (part), 1999)

3.40.060 Game arcades.

(a) It is unlawful for an owner, proprietor or manager of a game arcade to authorize, allow or permit the sale of food, alcoholic beverages, or controlled substances in the area where the coin-operated games are played.

(b) It is unlawful for any person within the city to engage in the business of operating a game arcade, except where authorized pursuant to an unclassified use permit subject to the terms and conditions of Section 10.50.100 of this code, and this chapter.

(Ord. 790 § 18 (part), 1999)

3.40.070 Violations.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 18 (part), 1999)

Sections:

- 3.44.010 Intent.
- 3.44.020 Findings.
- 3.44.030 Definitions.
- 3.44.040 Removal of graffiti.
- 3.44.050 Storage or display of graffiti implements.
- 3.44.051 Posting requirements.
- 3.44.052 Defacement of private property.
- 3.44.053 Possession of graffiti implements.
- 3.44.054 Furnishing certain graffiti implements to minors.
- 3.44.055 Adult/parental responsibility-civil liability-criminal liability.
- 3.44.060 Possession-Prohibition of spray paint in public parks and buildings.
- 3.44.070 Rewards.
- 3.44.080 Recovery of law enforcement costs.
- 3.44.090 Nuisance abatement.
- 3.44.100 Additional remedies.
- 3.44.110 Violation-penalty.

*Prior ordinance history: Ords. 416, 619, 685U and 688.

3.44.010 Intent.

It is the intent of the provisions of this chapter to provide an immediate and practical method, to be cumulative with and in addition to any other remedy available at law, whereby graffiti or other inscribed material may be removed from permanent structures located on public or privately owned real property in order to reduce blight and deterioration within the city.

(Ord. 790 § 19 (part), 1999)

3.44.020 Findings.

Graffiti constitutes an obnoxious public nuisance. The city council finds that graffiti or other inscribed materials placed upon any permanent structure visible from any publicly owned property, is found to be obnoxious and constitutes a public nuisance. As such, the city may abate graffiti as a nuisance and recover its costs in abating the nuisance pursuant to Chapter 3.20 of this code. Such costs include courts costs, attorneys' fees, costs of removal of the graffiti, costs of repair and replacement of defaced property, costs of administering and monitoring the participation of the defendant and his or her parents or guardians in a graffiti abatement program, and the law enforcement costs incurred by the city in identifying and apprehending the person who created, caused or committed the graffiti or other inscribed material on the publicly or privately owned real or personal property within the city.

(Ord. 790 § 19 (part), 1999)

3.44.030 Definitions.

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following

definitions shall apply:

"Aerosol paint container" means any aerosol container which is adapted or made for the purpose of spraying paint or other substance capable of defacing property.

"Etching cream" means any caustic cream, gel, liquid, or solution capable, by means of a chemical action, of defacing, damaging, or destroying hard surfaces in a manner similar to acid.

"Etching tool" means an instrument, tool or device designed or commonly used for marking, cutting, etching or defacing glass, and includes devices designed for marking surfaces and capable of marking glass.

"Expense of abatement" includes, but is not limited to, court costs, attorneys' fees, costs of removal of the graffiti or other inscribed material, costs of repair and replacement of defaced property, and the law enforcement costs incurred by the city, Los Angeles County, or the city and county in identifying and apprehending the person who placed the graffiti on real or personal property.

"Felt tip marker" means any indelible marker or similar implement with a tip which, at its broadest width is greater than one-eighth inch containing ink that is not water soluble.

"Graffiti" means any inscription, word, figure, mark or design which is written, marked, etched, scratched, scribed, drawn, painted, posted or otherwise affixed to or on real or personal property.

"Graffiti implement" means any aerosol container, etching cream, felt tip marker, paint stick, etching instrument, stickers, decals, stencils, or any other device containing paint, ink, chalk, dye or similar substance which when used or applied is capable of defacing glass, metal, concrete or wood.

"Graffiti stick" means a device containing a solid form or paint, chalk, wax, epoxy, or other similar substance capable of being applied to a surface by pressure, and upon application, leaving a mark of at least one-eighth of an inch in width and not water soluble.

"Responsible party" means an owner of property located within the city, a person with primary responsibility for control of property within the city or a person with primary responsibility for the repair or maintenance of property within the city.

(Ord. 06-855 § 1, 2006; Ord. 790 § 19 (part), 1999)

3.44.040 Removal of graffiti.

(a) Right of City to Require Removal. It is unlawful for any responsible party to permit the property which is defaced with graffiti to remain so defaced for a period of seven calendar days after service by city by first class mail of notice of same. This prohibition does not apply if:

(1) The responsible party demonstrates by a preponderance of evidence that he or she does not have the financial ability to remove the defacing graffiti; or

(2) The responsible party demonstrates that he or she has an active program for the removal of graffiti and has scheduled the removal of the graffiti as part of that program, in which case it is unlawful to permit such property to remain defaced with graffiti for a period of fifteen calendar days after service by first class mail of notice of same.

(b) Right of City to Remove.

(1) Use of Public Funds. Whenever the city becomes aware, or is notified and determines that graffiti is so located on public or privately owned property as to be viewable from a public or quasi-public place within the city, the city is authorized to use public funds for the removal, repair or replacement of the same. The city will not authorize or undertake to remove, repair or replace any more extensive area than that where the graffiti is located, unless the city determines that a more extensive area is required to be repainted or repaired in order to avoid aesthetic disfigurement to the neighborhood or community, or unless the responsible party agrees to pay for the costs of repainting or repairing the more extensive area.

(2) Right of Entry on Private Property.

(A) Securing Owner Consent. Prior to entering private property, or property owned by another public entity, for the purposes of graffiti removal, the city shall attempt to secure the consent of the responsible party and a release of the city from liability for private or public property damage.

(B) Failure to Obtain Owner Consent. The city may commence abatement and cost recovery proceedings for the removal of

the graffiti pursuant to the provisions of Chapter 3.20 of this code.

(c) Method of Removal.

(1) Common Utility Colors and Paint-Type. Any gas, telephone, water, sewer, cable, telephone and other utility operating in the city, other than an electric utility, will paint their above-surface metal fixtures installed after the effective date of this chapter, with a uniform paint type and color.

(2) Conditions on Encroachment Permits. Encroachment permits issued by the city may, among other things, be conditioned on any of the following: (i) the permittee applying an anti-graffiti material to the encroaching object or structure of a type and nature that is acceptable to the city; (ii) the immediate removal by the permittee of any graffiti; (iii) the right of the city to remove graffiti or to paint the encroaching object or structure; (iv) the permittee providing city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting of the encroaching object or structure containing graffiti.

(3) Conditions on Discretionary Approvals. In imposing conditions upon unclassified use permits, variances, building permits, design or development applications or other similar land use entitlements, the city may impose graffiti removal requirements or any or all of the following conditions:

(A) Use of Anti-Graffiti Material. The applicant must apply an anti-graffiti material to publicly viewable surfaces which will be constructed on the site and which the city deems are likely to attract graffiti (referred to hereafter as "graffiti attracting surfaces"). Such material must be approved by the city in advance.

(B) Right of Access to Remove Graffiti. The applicant must grant to the city, in writing, the right of entry over and access to such parcels for the purpose of removing or "painting over" graffiti on graffiti attracting surfaces previously designated by the city. Such entry will only be allowed upon forty-eight hours posted notice. This grant will be an express condition of approval and will run with the land.

(C) Supply City with Graffiti-Removal Material. For a specified period of years after approval, the applicant, and any and all successors in interest, must provide the city with sufficient matching paint and/or anti-graffiti material on demand for use in the painting over or removal of graffiti on the designated graffiti attracting surfaces.

(D) Owner to Immediately Remove Graffiti. Persons applying for subdivision maps must, as part of the conditions, covenants and restrictions, covenant that the owners of the lots will immediately remove any graffiti placed on publicly viewable trees and structures thereon to the city's satisfaction. Such covenants will run with the land and must be in a form satisfactory to the city.

(d) Preservation Procedures Adopted Pursuant to California Government Code Section 53069.3(c)(2). Prior to or during removal, the city will follow any procedures adopted by the Los Angeles County sheriff's department for pre-removal preservation of sufficient evidence of the graffiti for criminal prosecutions or proceedings under Section 602 of the Welfare and Institutions Code.

(Ord. 790 § 19 (part), 1999)

3.44.050 Storage or display graffiti implements.

Any person who owns, conducts, operates, manages or carries on any business, company, shop or retail commercial enterprise, including without limitation, any swap meet or garage sale, which sells aerosol spray paint containers or marker pens with tips exceeding four millimeters in width, containing anything other than a solution which can be removed with water after it dries, shall cause such aerosol containers or marker pens to be stored, maintained or displayed in a place or manner which is locked or secured so as not to be accessible to the public except with the assistance of the seller or the seller's employees.

(Ord. 06-855 § 2, 2006; Ord. 790 § 19 (part), 1999)

3.44.051 Posting requirements.

It is unlawful for any person, firm or corporation that offers to the public any graffiti implement to fail to post in a conspicuous location, a sign containing the following language in letters at least one-half inch in height:

IT IS UNLAWFUL FOR A MINOR TO BUY OF BE SOLD SPRAY PAINT, PAINT STICKS, ETCHING TOOLS OR MARKERS ONE-EIGHTH OF AN INCH OR WIDER.

(Ord. 06-855 § 3, 2006)

3.44.052 Defacement of private property.

It is unlawful for any person to knowingly write, spray, scratch, or otherwise affix any graffiti on or in any private real or personal property.

(Ord. 06-855 § 4, 2006)

3.44.053 Possession of graffiti implements.

(a) It is unlawful for any person under the age of eighteen years to have in his or her possession any graffiti implement, except of the minor's use under the supervision of the minor's parent, guardian, instructor, or employer.

(b) It is unlawful for any person to have in his or her possession any graffiti implement while upon any property of the city other than public highways, streets, alleys or ways, except as may be authorized by the city.

(c) It is unlawful for any person to have in his or her possession any graffiti implement while upon any private property, except as may be authorized by the owner.

(Ord. 06-855 § 5, 2006)

3.44.054 Furnishing certain graffiti implements to minors.

It is unlawful for any person, firm or corporation to sell, give, exchange or in any way furnish any felt tip marker, etching tool or graffiti stick to any person under the age of eighteen years.

(Ord. 06-855 § 6, 2006)

3.44.055 Adult/parental responsibility-civil liability -criminal liability.

(a) It is unlawful for a parent or legal guardian having custody or control of a person under the age of eighteen to knowingly permit, or by insufficient control allow, the minor to possess a graffiti implement.

(b) Pursuant to California Civil Code Section 1714.1(b), any parent or legal guardian having custody or control of a minor who knowingly permits, or by insufficient control allows, the minor to possess a graffiti implement shall be jointly and severally liable with such minor for any and all costs incurred in connection with the removal of any graffiti caused by the minor, including all attorney's fees and court costs resulting from the civil prosecution of any claim for damages, not to exceed twenty-five thousand dollars. The city, including the Los Angeles County Sheriff's Department, shall be entitled to seek full cost recovery from the parent or legal guardian of a minor found to be guilty of violating any provisions of this chapter.

(c) Pursuant to California Penal Code Section 594(c)(2)(A), a person convicted for acts of vandalism including defacing property with graffiti may be subject to additional punishment imposed by the court at the request of the Los Angeles Sheriff's Department to pay for law enforcement costs, in an amount not to exceed two hundred fifty dollars, provided the defendant has the ability to pay all or part of the costs. The Los Angeles County Sheriff's Department shall provide evidence of, and bear the burden of establishing, the reasonable costs that it incurred in identifying and apprehending the defendant.

The law enforcement costs authorized to be paid pursuant to California Penal Code Section 594(c)(2)(A) are in addition to any other costs incurred or recovered by the Los Angeles County Sheriff's Department, and payment of these costs does not in any way limit, preclude, or restrict any other right, remedy or action otherwise available to the city and the Los Angeles County Sheriff's Department.

(Ord. 06-855 § 7, 2006)

3.44.060 Possession-Prohibition of spray paint in public parks and buildings.

Pursuant to California Penal Code Section 594.1(d), it is unlawful for any person to carry on his or her person and in plain view to the public an aerosol container of paint while in any posted facility, park, playground, swimming pool, or recreational area owned, operated or maintained by the city (other than a highway, street or alley). This prohibition against possession does not apply to

authorized employees or agents of the city or a person having the authorization of an authorized employee or agent of the city. The community services director, or his or her designee, will post a notice at appropriate locations indicating that, pursuant to California Penal Code Section 594.1(d), no person shall possess any can of spray paint in that city-owned building, park, playground, swimming pool, recreational area or other city facility without the permission of an authorized city officer.

(Ord. 790 § 19 (part), 1999)

3.44.070 Rewards.

Pursuant to California Government Code Section 53069.5, the city may, from time to time, offer a reward in an amount set by resolution of the city council for information leading to the arrest and conviction of any person for violation within the city of California Penal Code Sections 594, 594.3, 640, 640.5, or 640.6.

- (a) In the event of multiple sources of information, the city will divide the reward in the manner it deems appropriate.
- (b) For the purposes of this section, diversion of the violator to a community service program, or a plea bargain to a lesser offense, constitutes a conviction.
- (c) Claims for rewards under this section must be filed with the city and must:
 - (1) Specifically identify the date, location and kind of property damaged or destroyed;
 - (2) Identify by name the person who was convicted;
 - (3) Identify the court and the date upon which the conviction occurred; and
 - (4) Be in writing and filed within ninety days of such conviction.
- (d) No reward will be granted until the city investigates and verifies the accuracy of the claim and determines that the requirements of this section have been satisfied.
- (e) The person committing the graffiti-vandalism, and if an unemancipated minor, then his or her parent or lawful guardian will be civilly liable for any reward paid pursuant to this section.

(Ord. 790 § 19 (part), 1999)

3.44.080 Recovery of law enforcement costs.

- (a) Pursuant to California Penal Code Section 594 (c)(2), the court may order a person convicted of violating California Penal Code Section 594 to pay all or part of the law enforcement costs incurred in identifying and apprehending the defendant. The court will first determine whether the defendant has the ability to pay the costs, not exceeding two hundred fifty dollars. If the defendant does have such ability, the court will order defendant to pay the costs; however, such order shall not exceed two hundred fifty dollars. The law enforcement agency must provide evidence of, and bears the burden of establishing the reasonableness of, such costs.
- (b) The law enforcement costs authorized in subsection (a) of this section are in addition to any other costs incurred or recovered by the law enforcement agency, and payment of these costs does not in any way limit, preclude, or restrict any other right, remedy, or action otherwise available to the law enforcement agency.

(Ord. 790 § 19 (part), 1999)

3.44.090 Nuisance abatement.

- (a) Pursuant to California Government Code Section 38772, a minor who creates, causes or commits a nuisance by defacing the property of another with graffiti is liable for the cost of abatement of the nuisance caused. The city may recover this cost by making the expense of abatement a lien against the property of the minor or the minor's parent, in accordance with the procedures set forth in this chapter.
 - (1) For purposes of this section, the following definitions apply:

"Minor" means: (1) a minor who has confessed to, admitted to, or pled guilty or nolo contendere to a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the California Penal Code; or (2) a minor convicted by final judgment of a violation of Section 594, 594.3, 640.5, 640.6, or 640.7 of the California Penal Code; or (3) a minor declared a ward of the Juvenile Court pursuant to Section 602 of the Welfare and Institutions Code by reason of the commission of an act prohibited by Section 594, 594.3, 640.5, 640.6, or 640.7 of the Penal Code.

"Parent" means the parent or legal guardian having custody and control of a minor.

(b) Procedures.

(1) To recover the expense of abatement, the city will give notice to the minor prior to the recordation of a lien on the parcel of land owned by the minor and notice to the parent prior to the recordation of a lien on the parcel of land owned by the parent. This notice will be served in the same manner as a summons in a civil action pursuant to Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the California Code of Civil Procedure.

(2) Notice when minor or parent cannot be found.

(A) If the minor, after diligent search, cannot be found, the notice may be served by posting a copy of the notice upon the property owned by the minor, in a conspicuous place, for a period of ten days. The notice must also be published pursuant to Government Code Section 6062 in a newspaper of general circulation that is published in the county in which the property is located.

(B) If a minor's parent, after diligent search, cannot be found, the notice may be served by posting a copy of the notice upon the property owned by the parent in a conspicuous place for a period of ten days. The notice must also be published pursuant to Government Code Section 6062 in a newspaper of general circulation that is published in the county in which the property is located.

(3) A graffiti nuisance abatement lien will be recorded in the county recorder's office in the county in which the parcel of land is located. From the date of recording, the lien shall have the force, effect, and priority of a judgment lien.

(4) A graffiti nuisance abatement lien authorized by this section will specify the amount of the lien; the name of the agency on whose behalf the lien is imposed; the date of the abatement order; the street address, legal description, and assessor's parcel number of the parcel on which the lien is imposed; and the name and address of the recorded owner of the parcel.

(5) A graffiti nuisance abatement lien may be satisfied through foreclosure in an action brought by the city.

(6) If the lien is discharged, released, or satisfied, either through payment or foreclosure, notice of the discharge containing the information specified in subsection (b)(4) of this section shall be recorded by the city. A graffiti nuisance abatement lien and the release of the lien shall be indexed in the grantor-grantee index.

(7) If the county recorder imposes a fee on the city to reimburse the costs of processing and recording the lien and providing notice to the property owner, the city may recover from the property owner any costs incurred for processing and recording of the lien and providing notice to the property owner as part of its foreclosure action to enforce the lien.

(c) Alternative procedure for assessment. As an alternative to the lien in subsections (a) and (b) of this section, the city may make the abatement and related administrative costs a special assessment against a parcel of land owned by the minor or by the parent, in accordance with the procedures set forth in Section 3.20.130 of this code. The assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection, and enforcement of municipal taxes shall be applicable to the special assessment. However, if any real property to which the abatement and related administrative costs relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrancer for value has been created and attaches thereon prior to the date on which the first installment of the taxes would become delinquent, then the abatement and related administrative costs will not result in a lien against the real property but will instead be transferred to the unsecured roll for collection. Notices or instruments relating to the abatement proceeding or special assessment may be recorded.

(Ord. 790 § 19 (part), 1999)

3.44.100 Additional remedies.

The remedies set forth in this chapter are not exclusive and may be used in addition to those set forth elsewhere in this code or by law.

(Ord. 790 § 19 (part), 1999)

3.44.110 Violation-penalty.

Violation of any of the provision of this chapter is a misdemeanor. Any person convicted of violating any provision of this chapter who is granted probation, or any minor who is found to be a person described in California Welfare and Institutions Code Section 602 as a result of committing an offense set forth in this chapter shall, in addition to any other penalties prescribed by law, make restitution to the victim and, at the option of the city, perform community service within the city for not less than one hundred twenty- five hours and not more than two hundred fifty hours.

(Ord. 06-855 § 8, 2006; Ord. 790 § 19 (part), 1999)

Chapter 3.48 BURGLAR AND ROBBERY ALARMS*

Sections:

- 3.48.010 Findings.
- 3.48.020 Definitions.
- 3.48.030 Direct-dial telephone devices.
- 3.48.040 Audible alarm requirement.
- 3.48.050 False alarm.
- 3.48.060 Repair.
- 3.48.070 Maintaining a public nuisance alarm.
- 3.48.080 Exemptions.
- 3.48.090 Violations.
- 3.48.100 Additional remedies.

*Prior ordinance history: Ord. 434.

3.48.010 Findings.

The city council finds:

- (a) The majority of burglar and holdup alarms to which law enforcement responds are false. Such false alarms result in an enormous waste of manpower. There are such a large percentage of false alarms as may lull law enforcement officers into a sense of false security. In responding to an alarm, they will probably assume it is a false alarm and may be wounded or killed by criminals at the location.
- (b) Alarm systems which automatically and directly dial any emergency phone number are very prone to be activated by current failures or other events having no connection with criminal activity and tie up such emergency phones making them unavailable to receive genuine emergency calls.
- (c) The danger to citizens through emergency response created by false alarms is unnecessary and hazardous.
- (d) The unnecessary waste of tax dollars through responses to false alarms must be eliminated.
- (e) False burglar and holdup alarms have created conditions causing danger and annoyance to the general public.

(Ord. 790 § 21 (part), 1999)

3.48.020 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions

shall apply:

"Alarm owner" means the person who owns, leases, rents, uses or makes available for use by his agents, employees, representatives or family, any alarm system.

"Alarm system" means any device, whether known as a burglary, robbery or intrusion alarm, direct-dial telephone device, audible or silent alarm or by any other name, which is used for the detection of an unauthorized entry into a building, structure or facility, or to signal the commission of an unlawful act. "Alarm system" includes those devices known as "proprietary alarm systems" which emit a signal within the protected premises only and are supervised by the proprietor of the premises where located. "Alarm system" does not include auxiliary devices installed by a telephone company to protect telephone company systems which might be damaged or disrupted by the use of an alarm system.

"Audible alarm" means a device designed to notify persons in the immediate vicinity of the protected premises by emission of an audible sound of an unauthorized entry on the premises or of the commission of an unlawful act.

"Direct-dial device" means a device which is connected to a telephone line and upon activation of an alarm system, automatically dials a predetermined telephone number and transmits a message or signal indicating a need for emergency response.

"False alarm" means an alarm signal activated by causes other than the commission or attempted commission of an unlawful act which the alarm system is designed to detect. An alarm signal activated by violent conditions of nature or other extraordinary circumstances not subject to the control of the alarm owner does not constitute a false alarm.

(Ord. 790 § 21 (part), 1999)

3.48.030 Direct-dial telephone devices.

It is unlawful for any person to use any alarm system which is equipped with a direct-dial device, and which, when activated, automatically dials any telephone number in any office of the Los Angeles County sheriff's department.

(Ord. 790 § 21 (part), 1999)

3.48.040 Audible alarm requirement.

For every audible alarm, the alarm owner thereof must post the names and telephone number of persons to be notified to render repairs or service during any hour of the day or night during which the audible alarm is operated. An audible alarm must terminate its operation or automatically reset within thirty minutes of its being activated.

(Ord. 790 § 21 (part), 1999)

3.48.050 False alarm.

It is unlawful for a person to knowingly turn in a false alarm. This section does not prohibit a test of an alarm system as permitted in advance by the sheriff's department.

(Ord. 790 § 21 (part), 1999)

3.48.060 Repair.

After any false alarm, the alarm owner must, upon request by the Los Angeles County sheriff's department, submit a written report to the sheriff's department describing actions taken or to be taken to eliminate the cause of the false alarm. This report must be submitted within ten days of the request by the sheriff's department.

(Ord. 790 § 21 (part), 1999)

3.48.070 Maintaining a public nuisance alarm.

It is declared to be a public nuisance for any alarm owner to operate an alarm system:

- (a) Which is operated or operates in such a manner as to violate any provision in this chapter;
- (b) Which is operated or operates in such a manner as to violate any other provision in this code, including Section 4.34.020(h); or
- (c) Which generates more than three false alarms in any twelve month period.

(Ord. 790 § 21 (part), 1999)

3.48.080 Exemptions.

The provisions of this chapter do not apply to audible alarms affixed to motor vehicles or to a public telephone utility whose only duty is to furnish telephone service pursuant to tariffs on file with the California Public Utilities Commission.

(Ord. 790 § 21 (part), 1999)

3.48.090 Violations.

A violation of any of the provisions of this chapter is a misdemeanor which is punishable by the general penalty of Section 1.08.040 of this code. Violations of this chapter may be prosecuted in the same manner as any other misdemeanor. However, upon the first violation of Section 3.48.050, the Los Angeles County sheriff's department will serve a written notice on the violator describing the violation and specifying that the causes of the violation must be corrected within ten days of the date of service of the written notice. No further action will be taken provided that the sheriff's department determines that the causes of the violation have been removed or fully corrected within the time period specified in this section.

(Ord. 790 § 21 (part), 1999)

3.48.100 Additional remedies.

The remedies set forth in this chapter are not exclusive and may be used in addition to those set forth elsewhere in this code or by law. As additional remedies, any violation of the provisions of this chapter may be abated in accordance with the provisions in Chapter 3.20 or 4.34 of this code.

(Ord. 790 § 21 (part), 1999)

Chapter 3.52 PUBLIC LODGINGS*

Sections:

- 3.52.010 Findings.
- 3.52.020 Definitions.
- 3.52.030 Immoral acts prohibited.
- 3.52.040 Registration required.
- 3.52.050 Inspection of register, alterations.
- 3.52.060 Registering under fictitious name prohibited.
- 3.52.070 Repeated use of room prohibited.
- 3.52.080 Hourly room rates prohibited.
- 3.52.090 Violations.

*Prior ordinance history: Ord. 512.

3.52.010 Findings.

The city council of the city of La Puente finds and declares as follows:

(a) The purpose of this chapter is to prevent the development of the types of nuisances described in the California Red Light Abatement Law, Penal Code Sections 11225, et seq.

(b) The regulations set forth in this chapter are reasonably related to the accomplishment of this purpose and will not unduly interfere with the legitimate operation of public lodgings within the city.

(Ord. 790 § 23 (part), 1999)

3.52.020 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Agent of a public lodging facility" includes: (1) any person who operates, owns or manages a public lodging facility; (2) any and all employees of a public lodging facility or of a person who owns, operates, manages or has control of a public lodging facility; and (3) any other person in charge of or having control over the use of rooms and areas in a public lodging facility.

"Guest" means any individual who rents or occupies a room or area in a public lodging facility.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league or any combination of the above in whatever form or character.

"Public lodging facility" means any hotel, motel, inn, lodging-house, rooming-house, boardinghouse, trailer court or similar facility.

(Ord. 790 § 23 (part), 1999)

3.52.030 Immoral acts prohibited.

It is unlawful for any agent of a public lodging facility to knowingly allow, suffer or permit any portion of a public lodging facility to be used as a place of assignation for the purpose of prostitution.

(Ord. 790 § 23 (part), 1999)

3.52.040 Registration required.

Every person conducting or owning a public lodging facility in the city must keep and maintain, at all times, a register or other permanent document, which has inscribed, in ink, the name and home street and town address of each and every guest or person renting or occupying a room or area therein. Such register or document must be signed by each guest, and an agent of the public lodging facility must write opposite each guest's name(s) the number of each room or area assigned to or occupied by each such guest, together with the time when such room is rented. It is unlawful for any agent of a public lodging facility to allow or permit any guest to occupy privately any room or area in such facility until all such entries have been made in the register or document.

(Ord. 790 § 23 (part), 1999)

3.52.050 Inspection of register, alterations.

It is unlawful for any agent of a public lodging facility to make, or permit to be made, erasures or alterations in any register or document required by Section 3.52.040 of this chapter. This prohibition includes erasing a name or names and address or addresses or permitting or allowing such an erasure. Such register or documents must be kept in a conspicuous place and must be, at all times, open to the inspection of any peace officer for lawful purposes. Such register must be preserved for at least one year after it is filled with registrations or after the discontinuance of its use as a register.

(Ord. 790 § 23 (part), 1999)

3.52.060 Registering under fictitious name prohibited.

It is unlawful for any guest to write, or cause to be written, or knowingly permit to be written, in any register in any public lodging facility any other or different name or designation than the true name of the guest registering therein.

(Ord. 790 § 23 (part), 1999)

3.52.070 Repeated use of room prohibited.

It is unlawful for any agent of a public lodging facility to permit more than two occupancies to commence in any room in a twenty-four hour period.

(Ord. 790 § 23 (part), 1999)

3.52.080 Hourly room rates prohibited.

It is unlawful for any agent of a public lodging facility to: (a) permit, or cause to be permitted, any occupancy of any room or area for hourly or other short-time rates of less than twenty-four hours; or (b) in any way advertise that any room or area is available at hourly or other short-time rates of less than twenty-four hours.

(Ord. 790 § 23 (part), 1999)

3.52.090 Violations.

A violation of this chapter is a misdemeanor which is punishable as set forth in Section 1.08.040 of this code.

(Ord. 790 § 23 (part), 1999)

Chapter 3.56 CURFEW*

Sections:

- 3.56.010 Definitions.
- 3.56.020 Nighttime curfew.
- 3.56.030 Daytime curfew.
- 3.56.040 General exemptions.
- 3.56.050 Additional daytime curfew exemptions.
- 3.56.060 Parental responsibility.
- 3.56.070 Penalty for violation.
- 3.56.080 Enforcement procedures.
- 3.56.090 Power of law enforcement officers.
- 3.56.100 Recovery of costs.

*Prior ordinance history: Ord. 731 § 2, 1996.

3.56.010 Definitions.

For the purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Custodial person" means any parent or legal guardian of the minor, or any person eighteen years of age or older who is authorized by a parent or legal guardian to take care and have custody of the child.

"Emergency" means an unforeseen combination of circumstances or the resulting state that calls for immediate action. The term includes, but is not limited to, fire, natural disaster, automobile accident, or any situation requiring immediate action to prevent serious bodily injury or loss of life.

"Establishment" means any privately-owned place of business operated for a profit to which the public is invited, including, but not limited to, any place of amusement or entertainment.

"Minor" means a person under the age of eighteen years.

"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.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.020 Nighttime curfew.

Unless the minor meets one or more of the exceptions set forth in Section 3.56.040 of this chapter, it is a misdemeanor for any minor to be present between the hour of 10:00 p.m. and the time of sunrise of the following day in or upon any of the following places: (i) any public or private street, road, drive, alley, or trail; (ii) any public or community park or recreation area; (iii) any public ground, place, or building; (iv) any vacant lot or abandoned or vacant building; or (v) any establishment.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.030 Daytime curfew.

Unless the minor meets one or more of the exceptions set forth in Sections 3.56.040 or 3.56.050 of this chapter, it is a misdemeanor for any minor subject to compulsory education or compulsory continuation education to be present between the hours of eight-thirty a.m. and one-thirty p.m. of the same day, on days when the minor's school is in session, in or upon any of the following places: (i) any public or private street, road, drive, alley, or trail; (ii) any public or community park or recreation area; (iii) any public ground, place, or building; (iv) any vacant lot or abandoned or vacant building; or (v) any establishment.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.040 General exemptions.

The curfews in this chapter shall not apply if the minor is:

- (a) Accompanied by a custodial person;
- (b) On an errand directed by, and in possession of a written excuse from, a custodial person;
- (c) Engaged in or going directly to or returning directly from a school-approved activity or one that is supervised by school personnel, a medical appointment, a religious activity, or any other lawful educational or recreational activity supervised by adults and sponsored by the school, the city, a civic organization, or a similar entity that takes responsibility for the child;
- (d) Engaged in a lawful employment activity or in a place in connection with or as required by a business, trade, profession, or occupation in which the minor is lawfully engaged, or going directly to or returning directly from such lawful employment activity;
- (e) Engaged in or going directly to or returning directly from any other lawful activity with written permission from a custodial person;

- (f) Involved in an emergency or seeking medical assistance;
- (g) Exercising rights protected by the First Amendment of the United States Constitution or Article 1 of the California Constitution when a minor has in his or her possession written permission from a custodial person to engage in such activity;
- (h) In the right-of-way abutting the minor's residence, provided there are no complaints regarding the minor's conduct;
- (i) In a motor vehicle involved in interstate travel; or
- (j) Emancipated pursuant to state law and California Family Code Section 7000, et seq., including but not limited to the following reasons: married or in the military service.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.050 Additional daytime curfew exemptions.

Section 3.56.030, daytime curfew, shall not apply where the minor is:

- (a) In possession of a valid, school-issued, off-campus permit giving permission to leave campus;
- (b) Receiving instruction by a qualified tutor pursuant to Education Code Section 48224;
- (c) Otherwise exempt from attendance at a public or private full-time day school as set forth in the Education Code; or
- (d) The minor is on an excused absence from school due to any of the circumstances set forth in Section 48205 of the California Education Code, or any other applicable state or federal law.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.060 Parental responsibility.

Every custodial person who allows or permits a minor in his or her custody to violate any provision of this chapter is guilty of a misdemeanor.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.070 Penalty for violation.

Any person who violates any of the provisions of this chapter shall be guilty of a misdemeanor which is punishable by the general penalty of Section 1.08.110 of the La Puente Municipal Code; provided, however, a court may order the following instead of a fine:

- (a) Community service: (i) for no more than ten hours for the first violation; (ii) for no less than ten hours and no more than twenty hours for the second violation; and (iii) for no less than twenty hours and no more than fifty hours for each additional violation of this chapter committed within one year after the second violation of this chapter; or
- (b) Parenting classes.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.080 Enforcement procedures.

A deputy of the Los Angeles County sheriff's department shall ask the age of an apparent offender and his or her reason for being on the premises or property. The deputy shall not issue a citation or make an arrest unless the deputy reasonably believes that an offense has occurred and that none of the exceptions set forth in La Puente Municipal Code Sections 3.56.040 or 3.56.050 apply. For violations of the nighttime curfew in Section 3.56.020, the deputy shall transport or detain the minor in accordance with the provisions in Welfare and Institutions Code § 625.5.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.090 Power of law enforcement officers.

Nothing in this chapter shall be construed as limiting in any way the power or right of law enforcement officers to make investigations, detentions or arrests as would have been permitted had this chapter not been enacted.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

3.56.100 Recovery of costs.

In accordance with Welfare and Institutions Code § 625.5, the city council may adopt a resolution which will allow the city to impose a fee for the actual administrative and transportation costs incurred by the city in returning a minor, who violates the nighttime curfew in Section 3.56.020, to his or her place of residence or to the custodial person in charge of the minor. Pursuant to Welfare & Institutions Code Section 625.5(d), said costs shall not be charged for the first violation of Section 3.56.020 by a minor. The minor, the minor's parents, and the minor's legal guardian shall be jointly and severally liable for the cost of providing such services.

(Ord. 790 § 20 (part), 1999; Ord. 775 § 3 (part), 1999)

Chapter 3.58

LOITERING BY CRIMINAL STREET GANGS

Sections:

3.58.010 Prohibited acts.

3.58.020 Powers of law enforcement officers not limited.

3.58.030 Parental control.

3.58.040 Penalty.

3.58.010 Prohibited acts.

(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 126.22(f) or who is in the company of or acting in concert with a member of a "criminal street gang" to loiter or idle in a "public place" as defined in subsection (b), 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.

(Ord. 813 § 1, 2003)

3.58.020 Powers of law enforcement officers not limited.

Nothing in this chapter 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 chapter.

(Ord. 813 § 1, 2003)

3.58.030 Parental control.

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, as defined in Section 3.56.010, who knowingly permits or by insufficient control allows a minor to violate the provisions of this chapter is guilty of a misdemeanor.

(Ord. 813 § 1, 2003)

3.58.040 Penalty.

Violation of this chapter shall be punishable by a fine not to exceed five hundred dollars or by imprisonment not to exceed six months, or both.

(Ord. 813 § 1, 2003)

Chapter 3.60 DISPLAY OF BOOKS, MAGAZINES AND OTHER PUBLICATIONS

Sections:

3.60.010 Blinder racks.

3.60.020 Exemptions.

3.60.030 Violations.

3.60.010 Blinder racks.

It is unlawful for any person to display material which is harmful to minors, as defined in Section 313 of the California Penal Code, in a public place unless blinder racks are placed in front of the material so that the lower two-thirds of the material is not exposed to view. This prohibition only applies when the person displaying such harmful matter (a) knows the character of the matter, and (b) either knows, or fails to exercise reasonable care in ascertaining, the age of the persons to whom it is displayed.

(Ord. 790 § 24 (part), 1999)

3.60.020 Exemptions.

This chapter does not apply to a display in a place which is open to the public but excludes minors.

(Ord. 790 § 24 (part), 1999)

3.60.030 Violations.

A violation of this chapter is a misdemeanor which is punishable as set forth in Section 1.08.040 of this code.

(Ord. 790 § 24 (part), 1999)

Chapter 3.64 SMOKING PROHIBITED IN PUBLIC PLACES

Sections:

3.64.010 Definitions.

3.64.020 Smoking in public places prohibited.

3.64.030 Exception-Outside areas of city buildings.

3.64.040 Posting of signs.

3.64.050 Polling places.

3.64.060 Violations.

3.64.010 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Smoke" or "smoking" means the carrying or holding of a lighted pipe, cigar, cigarette or any other lighted smoking equipment or the lighting or emitting or exhaling of the smoke of a pipe, cigar, cigarette or other kind of smoking equipment. "Smoke" also means the gaseous products and particles created by the use of a lighted pipe, cigar, cigarette or other kind of smoking equipment.

(Ord. 790 § 25 (part), 1999)

3.64.020 Smoking in public places prohibited.

It is unlawful for any person to smoke in any city-owned building or facility or in any city-owned or operated vehicle.

(Ord. 790 § 25 (part), 1999)

3.64.030 Exception-Outside areas of city buildings.

The prohibition contained in Section 3.64.020 of this chapter does not apply to walkways, or areas outside of city-owned buildings or facilities.

(Ord. 790 § 25 (part), 1999)

3.64.040 Posting of signs.

The city manager is directed to post and prominently display "No Smoking" signs with letters no less than one inch in height at the entrances to buildings subject to the prohibition contained in Section 3.64.020 of this chapter. All such signs shall clearly and conspicuously recite the phrase "No Smoking" and/or use the international no smoking symbol.

(Ord. 790 § 25 (part), 1999)

3.64.050 Polling places.

It is unlawful to smoke in a polling place during an election or during the counting of the votes.

(Ord. 790 § 25 (part), 1999)

3.64.060 Violations.

(a) A violation of Section 3.64.020 of this chapter is an infraction, and is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding two hundred dollars for a second violation of this chapter within one year; (3) a fine not exceeding five hundred dollars for each additional violation of this chapter within one year.

(b) A violation of Section 3.64.050 of this chapter is a misdemeanor which is punishable as set forth in Section 1.08.040 of this code.

(Ord. 790 § 25 (part), 1999)

Sections:

- 3.68.010 Authority to adopt rules and regulations.
- 3.68.020 Hours of operation.
- 3.68.025 Use of tobacco-Prohibited.
- 3.68.026 Possession of alcohol-Prohibited.
- 3.68.030 Drug free zones.
- 3.68.031 Possession, sale or use of unprescribed drugs in parks or public facilities-Prohibited.
- 3.68.040 Possession of firearms in parks or public facilities-Prohibited.
- 3.68.045 Possession and discharge of fireworks-Prohibited
- 3.68.050 Storage of vehicles at city parks or public facilities-Prohibited.
- 3.68.055 Posting of park regulations and rules.
- 3.68.060 Violations.

3.68.010 Authority to adopt rules and regulations.

In addition to the provisions of this chapter, the city council may establish, by resolution, rules and regulations governing the use and operation of city parks and/or public facilities. Copies of such rules and regulations will be on file in the office of the city clerk.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

3.68.020 Hours of operation.

All public parks are closed from 11:00 p.m. to 6:00 a.m. of the next succeeding day. It is unlawful for any person to enter any public park, including any public parking lot within or immediately adjacent to the park, during such hours.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

3.68.025 Use of tobacco-Prohibited.

The use of tobacco in any form is prohibited within any public building. The smoking of any form of tobacco is prohibited within twenty (20) feet of the entrance of any public building and within twenty (20) feet of the children's playground, Ayala, Storing and Jimenez fields, including all adjacent bleachers and the concession building at La Puente Park.

(Ord. 827 § 1 (part) 2004)

3.68.026 Possession of alcohol-Prohibited.

The possession and/or use of alcohol within any public building or parking lot adjacent thereto, or within any public park or public parking lot within or adjacent thereto, is prohibited.

(Ord. 827 § 1 (part) 2004)

3.68.030 Drug free zones.

Pursuant to California Health and Safety Code Section 11380.5, La Puente Park is designated as a drug-free zone.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

3.68.031 Possession, sale or use of unprescribed drugs in parks or public facilities- Prohibited.

The possession, sale or use of unprescribed drugs within any public park or public parking lot within or adjacent thereto, or within any public building or parking lot adjacent thereto, is prohibited.

(Ord. 827 § 1 (part) 2004)

3.68.040 Carrying firearms in parks-Prohibited.

It is unlawful for any person, firm or corporation to take, carry or otherwise transport any firearm into any public park or other public property under the jurisdiction of the city of La Puente, or of the county of Los Angeles, or to have in their possession any firearm within any such park.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

3.68.045 Possession and discharge of fireworks -Prohibited.

It is unlawful for any person, firm or corporation to take, carry or otherwise transport or discharge any fireworks, including safe and sane fireworks, in any public park or other public property under the jurisdiction of the City of La Puente, or of the county of Los Angeles, or to have in their possession any fireworks, including safe and sane fireworks, in any such park or public facility.

(Ord. 827 § 1 (part) 2004)

3.68.050 Storage of vehicles at city parks or public facilities-Prohibited.

(a) It is unlawful to park any vehicle at any park or public facility, unless the operator of the vehicle is using the facilities that are provided at the park or public facility, where the vehicle is located.

(b) Exception. If the parking area has been designated a "park and ride" facility by the city council, the foregoing prohibition shall not apply to the parking of vehicles whose operators are actively participating in a "park and ride" program.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

3.68.055 Posting of park regulations and rules.

The city manager is directed to post and prominently display signs with park hours and regulations and rules at the major pedestrian entrances to city parks.

(Ord. 827 § 1 (part) 2004)

3.68.060 Violations.

A violation of Section 3.68.020 or 3.68.040 of this chapter is a misdemeanor, which is punishable as set forth in Section 1.08.040 of this code. A violation of the rules and regulations governing the use and operation of city parks is an infraction, which is punishable as set forth in Section 1.08.040 of this code. Any person violating any of the rules and regulations adopted by the city council shall be deemed guilty of a separate offense for each and every day, or portion thereof, during which any violation of the park rules and regulations is committed, continued, or permitted.

(Ord. 827 § 1 (part) 2004; Ord. 790 § 26 (part), 1999)

Sections:

- 3.70.010 Definitions.
- 3.70.020 Purpose.
- 3.70.030 Unlawful camping.
- 3.70.040 Storage of camp paraphernalia.
- 3.70.050 Use of vehicles for human habitation.
- 3.70.060 Declaration of public nuisance.
- 3.70.070 Penalty for violation; enforcement.

3.70.010 Definitions.

For purposes of this chapter, the following words shall have the following meaning, unless the context clearly indicates otherwise:

(a) "Camp" or "camping" means the use of land or premises for temporary living accommodation purposes for periods of more than eight hours and/or overnight, "camp" or "camping" means the use of land or premises for temporary living accommodation purposes for periods of more than eight hours and/or overnight, including to place, pitch, or use camp facilities or camp paraphernalia for such purposes. Such use constitutes camping when it reasonably appears, in light of all the circumstances, that the area is being used as a living accommodation regardless of the intent of the person(s) using such area, and regardless of any other activities in which they may also be engaging. Such use constitutes camping when it reasonably appears, in light of all the circumstances, that the area is being used as a living accommodation regardless of the intent of the person(s) using such area, and regardless of any other activities in which they may also be engaging.

(b) "Camp facilities" includes, but is not limited to, tents, huts, motor vehicles, camp cars, camp trailers, campers, house cars, recreational vehicles or temporary structures, when established, maintained or operated to camp for periods of more than eight hours or overnight.

(c) "Camp paraphernalia" includes, but is not limited to, bedrolls, blankets, tarpaulins, cots, beds, sleeping bags, sheets, mattresses, bedding, tents, hammocks, items used for cooking food or similar equipment. Camp paraphernalia also includes other personal effects, when used or stored with camp paraphernalia as described herein.

(d) "Code" or "this code" means the La Puente Municipal Code.

(e) "Establish" means setting up or moving equipment, supplies or materials on to public or private property to camp.

(f) "Human habitation" means the use of a parked motor vehicle or recreational vehicle to camp.

(g) "Maintain" means keeping or permitting equipment, supplies or materials to remain on public or private property in order to camp or operate camp facilities.

(h) "Operate" means participating or assisting in establishing or maintaining a camp or camp facility.

(i) "Overnight" means between the hours of sunset to sunrise.

(j) "Private property" means all private property including, but not limited to, private streets, sidewalks, alleys, and privately owned improved or unimproved land.

(k) "Public property" means all public property including, but not limited to, public streets, sidewalks, alleys, and improved or unimproved publicly owned land and parks.

(l) "Recreational vehicle" shall have the meaning given that term by California Health and Safety Code Section 18010 or as such section may be amended from time to time.

(m) "Special occupancy park" or "mobile home park" means any area of land within the city licensed pursuant to the California

Health and Safety Code as a mobile home park, as defined in California Health and Safety Code Section 18214, or a special occupancy park as defined in California Health and Safety Code Section 18862.43, in which space is rented or held out for camping.

- (n) "Store" means to put aside or accumulate for use when needed, to put for safekeeping, to place or leave in location.

(Ord. 886 § 2 (part), 2009)

3.70.020 Purpose.

The purpose of this chapter is to maintain streets, parks and other public and private areas within the city in safe, clean, sanitary and accessible condition in order to adequately protect the health, safety and public welfare of the community, and to limit camping to circumstances that do not create public and private nuisances or have adverse public safety impacts.

(Ord. 886 § 2 (part), 2009)

3.70.030 Unlawful camping.

It is unlawful and a public nuisance for any person to camp, establish, maintain, operate or occupy camp facilities, or use camp paraphernalia in the following areas:

- (a) Any public property; or
- (b) Any private property, provided, however, that this prohibition does not apply to:

(1) Overnight camping on private residential property by friends or family of the property owner or person in lawful possession of the property, so long as the owner or lawful occupant consents, overnight camping does not exceed all or part of fourteen days within any period of six consecutive months, and/or the camping does not create a public or private nuisance;

(2) Camping in mobile home parks and special occupancy parks; and

(3) Camping on public or private property in connection with events authorized or expressly provided for in a special event or temporary use permit issued by the city.

(Ord. 886 § 2 (part), 2009)

3.70.040 Storage of camp paraphernalia.

It is unlawful and a public nuisance for any person to store camp paraphernalia in the following areas:

- (a) Any public property; or
- (b) Outside a structure on any private property without the prior written consent of the owner.

(Ord. 886 § 2 (part), 2009)

3.70.050 Use of vehicles for human habitation.

It is unlawful for any person to use any motor vehicle or recreational vehicle for human habitation on or in any public or private street, alley, or parking area or any public or privately owned off-street parking facility/area which is held open for common public use.

(Ord. 886 § 2 (part), 2009)

3.70.060 Declaration of public nuisance.

Pursuant to the city's police powers authorized in Article XI, Section 7 of the California Constitution, as well as under the city of La Puente Municipal Code and other provisions of California law, including, but not limited to, California Government Code Section

3.8771, the city council hereby declares that violation of this chapter constitutes a public nuisance.

(Ord. 886 § 2 (part), 2009)

3.70.070 Penalty for Violation; Enforcement.

(a) Any violation of this chapter shall be deemed an infraction punishable by a fine not to exceed one hundred dollars, for a first offense, and, for a second or subsequent offense, a misdemeanor punishable by a fine not to exceed five hundred dollars or imprisonment in the county jail for a period not to exceed three months or by both fine and imprisonment.

(b) In addition, the city may enforce the violation by means of a civil enforcement through a restraining order, a preliminary or permanent injunction, or administrative enforcement, including issuance of administrative fines authorized by Chapter 1.12 of this code, public nuisance abatement pursuant to Chapter 3.20 of this code or by other means available by law.

(c) Each day that violation of this chapter exists shall be deemed a new and separate offense.

(Ord. 886 § 2 (part), 2009)

Chapter 3.72

UNSOLICITED WRITTEN MATERIAL

Sections:

3.72.010 Definitions.

3.72.020 Regulations governing distribution.

3.72.030 Exemptions.

3.72.040 Violation-Penalty.

3.72.010 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Distribute" means the act of throwing, casting, scattering, or depositing.

"Person" means any individual, firm, partnership, association, corporation, company or organization of any kind.

"Unsolicited written material" means written material that is delivered to a business or residence in the absence of a subscription agreement.

"Written material" means any handbill, pamphlet, circular, newspaper, paper, booklet, poster, leaflet or other printed matter.

(Ord. 790 § 27 (part), 1999)

3.72.020 Regulations governing distribution.

It is unlawful for any person to distribute unsolicited written material, or to cause unsolicited written material to be distributed, in violation of the following regulations:

(a) Unsolicited written material shall not be distributed on any private property when there is erected a printed sign in a conspicuous place upon the property containing the words, "NO SOLICITATION," or words substantially similar to these words. Such a sign or notice shall be maintained in a place on such property where it is unobstructed from view and as near the main entrance thereof as possible. The language in such sign shall be at least two inches high, composed of letters printed in the English language so as to be clearly visible. However, unsolicited written materials may be distributed in, or upon, private property even though the sign above referred to is so maintained if the person distributing such written material has first obtained the written consent of the person in charge of or in possession of the property upon which the written material is distributed.

(b) Unsolicited written material shall not be distributed to any business or residence where the occupant specifically notified the distributor and the city that it did not want the distributor to distribute unsolicited written material.

(c) Unsolicited written material shall not be distributed to any business or residence that contains unremoved and unsolicited written material from the same publisher.

(d) Unsolicited written material shall not be distributed to any business or residence that reasonably appears to be vacant.

(e) Unsolicited written material shall not be distributed on any private property other than by (1) securely attaching the written material to such property to insure that the unsolicited written material will not be blown away or (2) personally distributing the unsolicited written material to the person occupying the property.

(f) Unsolicited written material shall not be distributed in or upon any motor vehicle.

(g) Unsolicited written material shall not be distributed between the hours of 9:00 p.m. and 6:00 a.m. of the following day.

(Ord. 790 § 27 (part), 1999)

3.72.030 Exemptions.

The provisions of this chapter shall not apply to the following:

(a) The distribution of United States mail, telegrams or other matter preempted by state or federal law;

(b) The posting of legally required notices;

(c) Distribution of any notices or other written material by persons employed by or acting at the behest of the city, state of California or the federal government.

(Ord. 790 § 27 (part), 1999)

3.72.040 Violation-Penalty.

A violation of any of the provisions of this chapter is a misdemeanor, punishable by the general penalty of Section 1.08.040 of this code.

(Ord. 790 § 27 (part), 1999)

Chapter 3.74

SEX OFFENDER RESIDENCE RESTRICTIONS.

Sections:

3.74.010 Definitions.

3.74.020 Sex offender prohibition - residential exclusion zone.

3.74.030 Sex offender prohibition - single - family and multi-family dwellings.

3.74.040 Sexual offender prohibition - hotels.

3.74.050 Responsible party prohibition - single- family dwelling, multifamily dwelling and hotel.

3.74.060 Eviction requirements.

3.74.070 Penalty; enforcement.

3.74.080 Applicability.

3.74.010 Definitions.

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

"Child" or "children" shall mean any person(s) under the age of eighteen years of age.

"Child care center" shall mean any facility licensed by the state of California, department of social services, that provides non-medical care to children in need of personal services, supervision, or assistance essential for sustaining the activities of daily living or for the protection of individual on less than a twenty-four-hour basis, including, but not limited to, a family day care home, infant center, preschool, extended-day care facility, or school age child care center.

"Hotel" shall mean a commercial establishment that rents guest rooms or suites to the public on a nightly, weekly, or monthly basis, and shall include a motel and an inn that operates in such capacity.

"Legally related by blood" shall mean parent, child or sibling of the sex offender.

"Multi-family dwelling" shall mean a building designed for the permanent residency of two or more individuals, groups of individuals, or families living independently of each other. This definition shall include a duplex, apartment house, and a condominium complex, but shall not include a hotel.

"Owner's authorized agent" shall mean any natural person, firm, association, joint venture, joint stock company, partnership, organization, club, company, limited liability company, corporation, business trust, manager, lessee, servant, officer, or employee, authorized to act for the property owner.

"Park" shall include any areas owned, leased, controlled, maintained, or managed by a public entity which are open to the public where children regularly gather and which provide recreational, cultural, and/or community service activities including, but not limited to, playgrounds, playfields, athletic courts, trails, and open space.

"Permanent resident" shall mean any person who, as of a given date, has obtained a legal right to occupy or reside in a dwelling, including but not limited to a single-family dwelling, multi-family dwelling or hotel for more than thirty consecutive days.

"Property owner" as applied to building and land, shall mean the owner of record of any parcel of real property, as designated on the county assessors tax roll, or a holder of a subsequently recorded deed of trust, and including any part owner, joint owner, tenant, tenant in common, or joint tenant, of the whole or part of such building or land.

"Registered sex offender" shall mean any person who is required to register under Section 290 of the California Penal Code, regardless of whether that person is on parole or probation.

"Residential exclusion zone" shall mean and includes those areas located within two thousand feet from the nearest property line of the subject property to the nearest property line of a child care center, public or private school, including but not limited to, any or all of, grades K through 12, public library and/or park, in which a sex offender is prohibited from temporarily or permanently residing.

"Responsible party" shall mean a property owner and/or owner's authorized agent.

"Single-family dwelling" shall mean one permanent residential dwelling located on a single lot with yard areas that separate the dwelling from other dwellings. For purposes of this chapter, single-family dwelling shall not include any state-licensed residential facility which serves six or fewer persons.

"Subject property" shall mean the property upon which a sex offender desires to reside either as temporary or permanent resident.

"Temporary resident" shall mean any person who, for a period of thirty days or less, obtains the right to occupy or reside in, or has already, as of that date, occupied or resided in, a single-family dwelling, multi-family dwelling, or hotel.

(Ord. 884 § 1 (part), 2009)

3.74.020 Sex offender prohibition - residential exclusion zone.

No sex offender shall be a permanent or temporary resident in any residential exclusion zone.

(Ord. 884 § 1 (part), 2009)

3.74.030 Sex offender prohibition - single-family and multi-family dwellings.

(a) Same dwelling. No registered sex offender shall be a temporary or permanent resident in a single-family dwelling or a unit in a multi-family dwelling already occupied by another registered sex offender, unless those persons are legally related by blood, marriage, or adoption.

(b) Multiple dwellings. A registered sex offender shall be prohibited from renting or otherwise occupying a unit in a multi-family dwelling as a permanent resident if there is another unit in that multi-family dwelling that is already rented or otherwise occupied by a registered sex offender as a permanent resident, unless those persons are legally related by blood, marriage, or adoption.

(c) Temporary residency. A registered sex offender shall be prohibited from renting or otherwise occupying any single-family dwelling or any unit in a multi-family dwelling as a temporary resident.

(Ord. 884 § 1 (part), 2009)

3.74.040 Sex offender prohibition - hotels.

(a) Same hotel room. No registered sex offender shall be a permanent or temporary resident in any guest room of a hotel already occupied by a sex offender, unless those persons are legally related by blood, marriage, or adoption.

(b) Separate hotel rooms. No registered sex offender shall be a permanent or temporary resident in any guest room of a hotel or motel, wherein a separate and distinct guest room is already occupied by a sex offender as a permanent or temporary resident.

(Ord. 884 § 1 (part), 2009)

3.74.050 Responsible party prohibition - single-family dwelling, multifamily dwelling and hotel.

(a) No responsible party shall knowingly rent a single-family dwelling to, or allow occupancy as a permanent or temporary resident by, more than one registered sex offender during a given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(b) No responsible party shall knowingly rent a unit within a multifamily dwelling to, or allow occupancy as a permanent or temporary resident by more than one registered sex offender during any given period of tenancy, unless those persons are legally related by blood, marriage or adoption.

(c) No responsible party shall knowingly rent more than one unit within a multifamily dwelling to, or allow occupancy as a permanent or temporary resident by, more than one registered sex offender during any given period of tenancy.

(d) No responsible party shall knowingly rent a guest room in a hotel or allow occupancy as a permanent or temporary resident by more than one registered sex offender, unless those persons are legally related by blood, marriage or adoption.

(e) No responsible party shall rent more than one guest room in a hotel or motel to, or allow occupancy as a permanent or temporary resident by, more than one registered sex offender as permanent or temporary resident.

(Ord. 884 § 1 (part), 2009)

3.74.060 Eviction requirements.

If, in order to comply with the Section 3.74.050, a responsible party is required to terminate a registered sex offender's tenancy or other occupancy, the responsible party shall comply with all applicable state law procedures and requirements governing the eviction of tenants of real property. If, in accordance with these procedures and requirements, a court determines that such termination is improper, the responsible party shall not be in violation of this chapter by allowing a registered sex offender to remain as a tenant or other occupant.

(Ord. 884 § 1 (part), 2009)

3.74.070 Penalty; enforcement.

(a) Notwithstanding any other penalty provided by this code or otherwise by law, any person who violates this chapter shall be

guilty of a misdemeanor and, in addition, the city may enforce the violation by means of a civil enforcement through a restraining order, a preliminary or permanent injunction, or administrative enforcement, including issuance of administrative fines authorized by Chapter 1.12 of this Code, or by other means available by law.

(b) Each day that violation of this chapter exists shall be deemed a new and separate offense.

(Ord. 884 § 1 (part), 2009)

3.74.080 Applicability.

The provisions of this chapter shall not apply to:

(a) Tenancies or other occupancies which commenced prior to the effective date of this ordinance, or the renewals of any such tenancies or occupancies; or

(b) A registered sex offender who committed the offense resulting in such registration prior to the effective date of this chapter.

(Ord. 884 § 1 (part), 2009)

Chapter 3.76

SHOPPING CART REGULATIONS.

Sections:

3.76.010 Purpose.

3.76.020 Definitions.

3.76.030 Cart signage.

3.76.040 Removal, abandonment, alteration, possession prohibited.

3.76.050 Cart owner/retailer requirements.

3.76.060 Shopping cart retrieval.

3.76.070 Impoundment, retrieval, payment of costs.

3.76.080 Immediate cart retrieval.

3.76.090 Penalty.

3.76.100 Exceptions.

3.76.110 Enforcement.

3.76.010 Purpose.

Abandoned shopping carts in the city create a potential hazard to the health and safety of the public, interfere with pedestrian and vehicular traffic, and create a public nuisance. The accumulation of abandoned carts, sometimes wrecked and/or dismantled on public and private property, tends to create conditions that reduce property values, and promote blight and deterioration, resulting in a public nuisance. Further, lost, stolen or abandoned carts result in the obstruction of free access to public and private sidewalks, streets, parking lots, and interfere with pedestrian and vehicular traffic on public and private streets, and impede emergency services. This chapter is intended to insure that measures are taken by the owners of shopping carts to prevent the removal of shopping carts from the owner's premises, to make removal of a cart a violation of this Code, and to facilitate the retrieval of abandoned shopping carts in a manner consistent with state law. (Ord. 938 § 2 (part), 2016)

3.76.020 Definitions.

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

- (a) "Abandoned cart" means any cart that has been removed, without the written consent of the owner, from the owner's business premises or parking area of the retail establishment of which the cart owner's business is located, and is located on either public or private property.
- (b) "Abandoned Cart Prevention Plan" means a document submitted by the owner/retailer that provides a plan for how owner/retailer will prevent carts from becoming abandoned and, if accepted by the Director, an implied promise by the owner/retailer to comply with the plan.
- (c) "Business premises" means the entirety of a commercial or industrial site upon which an establishment conducts business, including, but not limited to, the entire parking area of a multi-store complex or shopping center, and any adjacent walkways, where carts are provided for customer use.
- (d) "Cart" means a basket which is mounted on wheels or a similar device generally used in a retail, laundry, dry cleaning or other establishment by a customer or an attendant for the purpose of transporting goods of any kind.
- (e) "Director" means the Director or Manager of the city's Code Enforcement Department, or his/her designee.
- (f) "Owner/Retailer" means a person or business owning or using carts in connection with its business.
- (g) "Physical containment system" means a device on a cart that prevents it from being removed from the business premises by locking the wheels or otherwise preventing the movement of the cart off the business premises. (Ord. 938 § 2 (part), 2016)

3.76.030 Cart signage.

Every cart owned or provided by a business in the city shall have a sign permanently affixed to it, containing the following information:

- (a) The name of the owner of the cart or retailer, or both.
- (b) The procedure to be utilized for authorized removal of the cart from the business premises.
- (c) Notification that unauthorized removal of the cart from the business premises, or unauthorized possession of the cart, is a violation of state law.
- (d) A valid telephone number or address for returning the cart removed from the business premises to the owner or retailer. (Ord. 938 § 2 (part), 2016)

3.76.040 Removal, abandonment, alteration, possession prohibited.

It is unlawful to do any of the following if a cart has a permanently affixed sign as set forth in Section 3.76.030:

- (a) Remove a cart from the business premises with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
- (b) To be in possession of any cart that has been removed from the business premises, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
- (c) To be in possession of any cart with serial numbers removed, obliterated, or altered, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
- (d) To leave or abandon a cart at a location other than the business premises with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
- (e) To alter, convert, or tamper with a cart, or to remove any part or portion thereof or to remove, obliterate or alter serial numbers on a cart, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart.
- (f) To be in possession of any cart while that cart is not located on the business premises of a business establishment, with the intent to temporarily or permanently deprive the owner or retailer of possession of the cart. (Ord. 938 § 2 (part), 2016)

3.76.050 Cart owner/retailer requirements.

All owners or retailers shall comply with the requirements of this section.

(a) Cart identification required. Every owner/retailer of carts shall mark or cause each cart to be marked and identified as set forth in Section 3.76.030.

(b) Daily cart retrieval. All owners/retailers shall ensure that all carts are secured from public access after close of business hours.

(c) Abandoned Cart Prevention Plan. Every owner/retailer providing carts to its customers shall develop and implement a specific plan to prevent customers from removing carts from the business premises, and if removed, to retrieve the cart within 48 hours of the removal or notice of removal. The plan shall be submitted to the Director on a renewable annual basis in conjunction with the business license application and shall contain the following elements:

(1) The name of the owner/retailer and the business name, the physical address where the business is conducted and the phone number and email address of the onsite owner/retailer.

(2) A complete list of all carts maintained on the premises by the owner/retailer.

(3) Evidence that written notification is provided to customers that removal of carts from the business premises is prohibited and is a violation of state and local law. This notification may be provided in the form of fliers, warnings on shopping bags, or any other signage that will effectively inform customers of the law.

(4) At least one physical containment system, including but not limited to, a disabling device on all carts, posting a security guard to prevent customers from removing carts from the business premises, or requiring a security deposit for use of all carts.

(5) A plan for retrieval of abandoned carts, and plans for recovery of all abandoned carts within 48 hours.

(d) At the time of submission of the Abandoned Cart Prevention Plan, the owner/retailer shall pay a fee for the review. The Director shall approve or deny the plan within 45 days of its submission. The plan may be denied on the grounds that it fails to include the elements required under this section or the plan is inadequate or insufficient to fulfill those required elements. Any decision of the Director may be appealed in accordance with Chapter 1.12 of the city's Code.

(e) The Abandoned Cart Prevention Plan shall be submitted to the city within 90 days of the effective date of this chapter, and annually with the business license application thereafter. In the event the owner/retailer's business license expires prior to 90 days from the effective date of this chapter, the owner/retailer shall submit the plan with its business license renewal application. Those affected business establishments opening after the effective date of this chapter shall submit the plan concurrently with the business license application. (Ord. 938 § 2 (part), 2016)

3.76.060 Shopping cart retrieval.

The city may retrieve an abandoned cart from public property (or private property with the consent of the property owner) in the following circumstances:

(a) When the location of the cart will impede emergency services.

(b) When the cart does not identify the owner/retailer as required by Section 3.76.050(a).

(c) When the city has contacted via telephone, email, or other written correspondence, the owner or retailer and actually notified them about the abandoned cart and the cart has not been retrieved within three business days. (Ord. 938 § 2 (part), 2016)

3.76.070 Impoundment, retrieval, payment of costs.

(a) If the city retrieves a cart, the city shall hold the cart at a location that is reasonably convenient to the owner/retailer and is open for business at least six hours of each business day.

(b) If the cart is not retrieved by the owner/retailer within 30 days after the owner has received notice via telephone or email, or other written correspondence, of the cart being impounded, or if the cart's owner cannot be determined within 30 days after the cart has been impounded, the cart may be sold or destroyed by the city.

(c) The city may impose an administrative penalty in an amount not to exceed \$50.00 for each occurrence in excess of three during a specified six month period, in which a city retrieves a cart under the circumstances set forth in Section 3.76.060. An occurrence includes all shopping carts impounded in a one day period. No cart shall be released to the owner/retailer unless the owner/retailer pays a fee for the city's actual costs to retrieve and store the cart. (Ord. 938 § 2 (part), 2016)

3.76.080 Immediate cart retrieval.

Notwithstanding any other section, the city may immediately retrieve a cart that has the identification set forth in Section 3.76.050, provided the city actually notifies the owner/retailer within 24 hours via telephone or email, or other written correspondence, that the city has impounded the cart, and provides the owner with information on where and how the cart may be retrieved. The city may not collect a fee or impose a fine, nor count a retrieval for purposes of fine under Section 3.76.070, if the cart is retrieved within three business days of the actual notice to the owner/retailer by the city. If the cart is not retrieved within three business days, the city may collect its actual costs and impose a fine and dispose of the cart consistent with Section 3.76.070. (Ord. 938 § 2 (part), 2016)

3.76.090 Penalty.

Any person who violates any of the provisions of this Chapter is guilty of a misdemeanor. The city may use administrative enforcement remedies, and any other remedy available at law or in equity, for violations of this chapter. (Ord. 938 § 2 (part), 2016)

3.76.100 Exceptions.

This chapter shall not apply to cart owners, and/or retailers, or to their agents or employees, or to a consumer who has written consent from the owner of a cart or retailer, to be in possession of the cart or to remove the cart from the business premises, or to do any of the acts set forth in Section 3.76.040. (Ord. 938 § 2 (part), 2016)

3.76.110 Enforcement.

The Director or his/her designee shall oversee the implementation, administration and enforcement of this chapter. (Ord. 938 § 2 (part), 2016)

Title 4 HEALTH AND SANITATION

Chapters:

- 4.04 Health Code
- 4.06 Public Health Licenses Regulations
- 4.08 Sanitary Sewers and Industrial Waste
- 4.10 Sewer Charges
- 4.12 Solid Waste Handling and Recycling Services
- 4.14 Sanitary Sewer Capacity Charge
- 4.16 Stormwater and Urban Runoff Pollution Prevention
- 4.34 Noise Regulations

**Chapter 4.04
HEALTH CODE***

Sections:

- 4.04.010 Adoption of Los Angeles County Health and Safety Code.

4.04.020 Conflict.

4.04.030 Violations and penalty.

*Prior history: Ords. 1, 150, 171, 238 and 392

4.04.010 Adoption of Los Angeles County Health and Safety Code.

Except as hereinafter provided, Title 11, entitled "Health and Safety," of the Los Angeles County Code, as amended and in effect on March 1, 1998, is adopted by reference as the Health Code of the City of La Puente and may be cited as such.

A copy of the County Health and Safety Code has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

(Ord. 759 § 1 (part), 1998)

4.04.020 Conflict.

In the event that any conflict or ambiguities arise between the provisions of the Health and Safety Code adopted in Section 4.04.010 and any other provisions of this code, the other provisions of this code shall prevail.

(Ord. 759 § 1 (part), 1998)

4.04.030 Violations and penalty.

Any person violating any of the provisions of Section 4.04.010 is guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

(Ord. 759 § 1 (part), 1998)

Chapter 4.06 PUBLIC HEALTH LICENSES REGULATIONS

Sections:

4.06.010 Adoption of Los Angeles County Public Health Licenses Regulations.

4.06.020 Conflict.

4.06.030 Violations and penalty.

4.06.010 Adoption of Los Angeles County Public Health Licenses Regulations.

Except as hereinafter provided, Division 1, entitled "Public Health Licenses," of Title 8, of the Los Angeles County Code, as amended and in effect on March 1, 1998, is hereby adopted by reference as the public health licenses regulations of the city and may be cited as such.

A copy of the county public health licenses regulations (Division I of Title 8 of the Los Angeles County Code) has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

(Ord. 759 § 2 (part), 1998)

4.06.020 Conflict.

In the event that any conflict or ambiguities arise between the provisions of the public health licenses regulations adopted in Section 4.06.010 and any other provisions of this code, the other provisions of this code shall prevail.

(Ord. 759 § 2 (part), 1998)

4.06.030 Violations and penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

(Ord. 759 § 2 (part), 1998)

Chapter 4.08 SANITARY SEWERS AND INDUSTRIAL WASTE

Sections:

4.08.010 Los Angeles County sanitary sewer and industrial waste ordinance adopted by reference.

4.08.020 Definitions.

4.08.030 Section 20.32.690-Reimbursement for repairs and maintenance-Amended.

4.08.040 Section 20.36.250-Annual inspection fee-Schedule and billing-Amended.

4.08.050 Violations and penalty.

4.08.010 Los Angeles County sanitary sewer and industrial waste ordinance adopted by reference.

Except as hereinafter provided, Division 2, entitled "Sanitary Sewers and Industrial Waste," of Title 20, Utilities, of the Los Angeles County Code, as amended and in effect on March 1, 1998, is hereby adopted by reference as the sanitary sewers and industrial waste code of the city of La Puente and may be cited as such.

A copy of the sanitary sewers and industrial waste ordinance (Division 2 of Title 20 of the Los Angeles County Code) has been deposited in the office of the city clerk and shall be at all times maintained by the city clerk for use and examination by the public.

(Ord. 759 § 3, 1998; Ord. 613 § 2 (part), 1989)

4.08.020 Definitions.

Whenever any of the following names or terms are used in Title 20 of Los Angeles County Code, each such name or term shall be deemed and construed to have the meaning ascribed to it in the section as follows:

(a) "Board" means the city council;

(b) "County engineer" means the city engineer;

(c) "County health officer" means the city health officer;

(d) "County of Los Angeles" means the city, except in such instances where the county of Los Angeles is a correct notation due to circumstances;

(e) "County sewer maintenance district" means the county sewer maintenance district, except in the instance where the territory concerned either is not within or has been withdrawn from a county sewer maintenance district. In any such instance "county sewer maintenance district" means the city;

(f) "Ordinance" means an ordinance of the city, except in such instances where the reference is to a stated ordinance of the county

of Los Angeles;

(g) "Public sewer" means all sanitary sewers and appurtenances thereto, lying within streets or easements dedicated to the city, which are under the sole jurisdiction of the city;

(h) "Trunk sewer" means a sewer under the jurisdiction of a public entity other than the city;

(i) "County treasurer" means city treasurer.

(Ord. 613 § 2 (part), 1989)

4.08.030 Section 20.32.690-Reimbursement for repairs and maintenance-Amended.

Section 20.32.690 of Los Angeles County Code, Title 20, is amended to read as follows:

20.32.690 Reimbursement for repairs and maintenance following violations. Whenever an industrial sewer connection permittee by reason of violation of Section 20.36.400 of this Code, or any other person by reason of violation of Section 20.32.640, causes obstruction, damage or destruction of a public sewer, or any appurtenances thereto, or pumping plants or water pollution control plants in connection therewith, he shall reimburse the County Sewer Maintenance District in which damage occurred for the cost of flushing, cleaning, repairing and reconstruction of such sewer or facility, made necessary by such violation, within 30 days after the County engineer has rendered an invoice for the same. The amount when paid shall be deposited into the fund of the said maintenance district.

In the event the damaged public sewer is not in a sewer maintenance district, the violator shall reimburse the City within thirty (30) days after the City engineer shall render an invoice for the same. The amount when paid shall be deposited in the City Treasury.

(Ord. 613 § 2 (part), 1989)

4.08.040 Section 20.36.250-Annual inspection fee-Schedule and billing-Amended.

Section 20.36.250 of Los Angeles County Code. Title 20, is amended by increasing the fees to one and one-half times the amount set forth in Section 20.36.250 of Los Angeles County Code, Title 20.

(Ord. 613 § 2 (part), 1989)

4.08.050 Violations and penalty.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this chapter is committed, continued or permitted, and upon conviction is punishable by a fine of not more than five hundred dollars or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

(Ord. 759 § 4, 1998)

Chapter 4.10 SEWER CHARGES

Sections:

4.10.010 Short title.

4.10.020 Definitions.

4.10.030 Charge imposed.

4.10.040 Calculation of charge.

4.10.050 Collection on tax roll.

4.10.060 Determination of charges.

- 4.10.070 Certification of qualified senior residences.
- 4.10.080 Sewer Charge Fund.
- 4.10.090 Administrative appeal.
- 4.10.100 Appeal to City Council.
- 4.10.110 Remedies for collection and enforcement of charges.
- 4.10.120 Compensation of county.

4.10.010 Short title.

This chapter shall be known as the "Sewer Charge Ordinance" of the City of La Puente.
(Ord. 06-850, 2006)

4.10.020 Definitions.

Unless otherwise apparent from the context, certain words and phrases used in this chapter are defined in this Part.

"Director" means the Director of Finance or his or her designee.

"Qualified senior residence" means a single family residential parcel that has been certified as a Qualified Senior Residence by the Director of Finance or his or her designee pursuant to Section 4.10.070.

"Report" means the written report provided for in Section 5473, as amended, of the Health and Safety Code of the State.

"Sewer charge" means the charge imposed pursuant to Section 4.10.030.

(Ord. 06-850, 2006)

4.10.030 Charge imposed.

Except as otherwise provided in this chapter, the record owner of each parcel in the city that receives sewer service shall each year pay the city a charge to fund operation, maintenance and capitol costs associated with the city's sewer system. This sewer charge shall remain in effect until repealed or modified by ordinance of the City Council.

(Ord. 06-850, 2006)

4.10.040 Calculation of charge.

(a) The amount of the annual charge for sewer service to each parcel shall be based on flow and strength studies prepared by Los Angeles County Sanitation District which determines the hydraulic loading and strength characteristics of each customer class. The annual charge for each customer class are as follows:

Customer Class	Unit of Measure	Flow (gallons per day)	COD (pounds per day)	Suspended Solids (pounds per day)	Strength Factor per Billing Unit	Annual Rate per Billing Unit
Residential						

Single family home	Dwelling unit	260	1.22	0.59	1.00	\$84
Condominiums	Dwelling unit	195	0.92	0.44	0.75	\$63
Multi-unit residential	Dwelling unit	156	0.73	0.35	0.60	\$50
Mobile home parks	No. of spaces	156	0.73	0.35	0.60	\$50
Commercial						
Hotel/motel/rooming house	Room	125	0.54	0.28	0.48	\$40
Store ¹	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Supermarket ²	1,000 ft. ²	150	2.00	1.00	0.79	\$67
Shopping center	1,000 ft. ²	325	3.00	1.17	1.44	\$121
Regional mall	1,000 ft. ²	150	2.10	0.77	0.76	\$64
Office building	1,000 ft. ²	200	0.86	0.45	0.76	\$64
Medical, dental, veterinary	1,000 ft. ²	300	1.29	0.68	1.14	\$96
Restaurant	1,000 ft. ²	1,000	16.68	5.00	5.29	\$444
Indoor theatre	1,000 ft. ²	125	0.54	0.25	0.47	\$40
Car wash						
Tunnel - no recycling	1,000 ft. ²	3,700	15.86	8.33	14.10	\$1,184
Tunnel - recycling	1,000 ft. ²	2,700	11.74	6.16	10.31	\$866
Wand	1,000 ft. ²	700	3.00	1.58	2.67	\$224
Bank, credit union	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Service shop, vehicle ³	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Animal kennels	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Gas station	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Auto sales	1,000 ft. ²	100	0.43	0.23	0.38	\$32

Customer Class	Unit of Measure	Flow (gallons per day)	COD (pounds per day)	Suspended Solids (pounds per day)	Strength Factor per Billing Unit	Annual Rate per Billing Unit
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Commercial (cont'd)						
Wholesale outlet	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Nursery/greenhouse	1,000 ft. ²	25	0.11	0.06	0.10	\$8
Manufacturing	1,000 ft. ²	200	1.86	0.70	0.89	\$74
Light manufacturing	1,000 ft. ²	25	0.23	0.09	0.11	\$9
Lumber yard	1,000 ft. ²	25	0.23	0.09	0.11	\$9
Warehousing ⁴	1,000 ft. ²	25	0.23	0.09	0.11	\$9
Open storage	1,000 ft. ²	25	0.23	0.09	0.11	\$9
Drive-in theatre	1,000 ft. ²	20	0.09	0.05	0.08	\$7
Night club	1,000 ft. ²	350	1.50	0.79	1.33	\$112
Bowling/skating	1,000 ft. ²	150	1.76	0.55	0.70	\$59
Club and lodge halls	1,000 ft. ²	125	0.54	0.27	0.47	\$40
Auditorium, amusement	1,000 ft. ²	350	1.50	0.79	1.33	\$112
Golf course and park (structures and improvements)	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Campground, marina, recreational vehicle park	Sites, slips or spaces	55	0.34	0.14	0.22	\$19
Convalescent home ⁶	Beds	125	0.54	0.28	0.48	\$40
Horse stables	Stalls	25	0.23	0.09	0.11	\$9
Laundromat ⁵	1,000 ft. ²	3,825	16.40	8.61	14.57	\$1,224
Mortuary, funeral home	1,000 ft. ²	100	1.33	0.67	0.53	\$45
Health spa, gymnasium						
With showers	1,000 ft. ²	600	2.58	1.35	2.29	\$192
Without showers	1,000 ft. ²	300	1.29	0.68	1.14	\$96
Convention center, fairground, racetrack, sports stadium/arena	Average daily attendance	10	0.04	0.02	0.04	\$3

Customer Class	Unit of Measure	Flow (gallons per day)	COD (pounds per	Suspended Solids (pounds	Strength Factor per Billing	Annual Rate per Billing
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			day)	per day)	Unit	Unit
<i>Institutional</i>						
College/university ⁷	Student	20	0.09	0.05	0.08	\$7
Private school ⁷	1,000 ft. ²	200	0.86	0.45	0.76	\$64
Library, museum	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Post office (local)	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Post office (regional)	1,000 ft. ²	25	0.23	0.09	0.11	\$9
Church	1,000 ft. ²	50	0.21	0.11	0.19	\$16
<i>Other</i>						
Clubs, fraternal organization	1,000 ft. ²	125	0.54	0.27	0.47	\$40
Commercial miscellaneous	1,000 ft. ²	200	0.86	0.45	0.76	\$64
Recreational	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Stores, retail outlet	1,000 ft. ²	100	0.43	0.23	0.38	\$32
Utilities	1,000 ft. ²	200	0.86	0.45	0.76	\$64
¹ Bakeries that sell the majority of their products off-site and have wastewater flows greater than 500 gallons per day are classified as industrial waste dischargers.						
² Centralized food processing facilities for distribution to supermarkets are classified as industrial waste dischargers.						
³ Radiator shops are classified as industrial waste dischargers.						
⁴ Warehouses that store hazardous chemicals and have floor drains are classified as industrial waste dischargers.						
⁵ Laundries that are not coin operated are classified as industrial waste dischargers.						
⁶ Hospitals that provide acute care service are classified as industrial waste dischargers. Senior citizen housing with individual cooking facilities are classified under the multi-unit residential category.						
⁷ Student residences are classified as rooming houses unless individual units have separate cooking facilities in which case they are classified under the multi-unit residential category.						

(b) The amount of the annual charge shall be reduced by 40% with respect to any qualified senior residence as described herein. Any reduction in the annual charge for any qualified senior residence shall be subsidized with general fund or other non-enterprise revenues.

(Ord. 06-850, 2006)

4.10.050 Collection on tax roll.

The city elects to have sewer charges for each fiscal year collected on the Los Angeles County tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the ad valorem property tax. Except as provided for in Section 5473.8 of the California Health and Safety Code, the sewer charge shall constitute a lien against each parcel with respect to which it has been charged as of noon on the first Monday in March immediately preceding the date of levy.

(Ord. 06-850, 2006)

4.10.060 Determination of charges.

(a) The Director of Finance, or his or her designee, shall cause a written report to be prepared each year and filed with the City Clerk, which shall contain a description of each parcel subject to the sewer charge and the amount of the sewer charge for each parcel for the year, computed in conformity with the method set forth in Section 4.10.040. The written report shall contain all information required by Section 5473 of the California Health and Safety Code.

(b) The City Clerk shall give notice of the filing of said report pursuant to Section 5473.1 of the California Health and Safety Code and of the date for a public hearing before the City Council with respect to the report.

(c) At the time stated in the notice, the City Council shall hear and consider all objections or protests, if any, to said report. The City Council may continue the hearing from time to time. If the City Council finds that protest is made by the owners of a majority of separate parcels of property described in the report, then the report shall not be adopted and the charges shall be collected separately from the tax roll and shall not constitute a lien against any parcel land.

(d) Upon the conclusion of the hearing, the City Council may adopt, revise, change, reduce or modify any charge or overrule any or all objections and shall make its determination upon each charge as described in said report. The determination of the City Council shall be final.

(e) On or before August 10 of each year, the City Clerk shall file with the Los Angeles County Auditor a copy of the report approved by the City Council. The City Clerk shall endorse upon the report a statement over his or her signature that the report has been finally adopted by the legislative body of the entity.

(Ord. 06-850, 2006)

4.10.070 Certification of qualified senior residences.

(a) A "qualified senior residence" is a single family residential parcel that is owned, either in whole or as a joint tenant by a record owner who meets all three of the following criteria:

(1) The person must occupy the parcel as his or her primary residence.

(2) The person must be at least 62 years of age.

(3) The person must be a "low" to "extremely low" income person, as those terms are defined by the United States Department of Housing and Community Development's most current version of the current income guides.

(4) The person must submit to the city their respective water bills to determine whether the person is a low flow water user. A low flow user is defined as a person whose annual average water use does not exceed 200 gallons per day.

(b) In order to have his or her parcel certified as a qualified senior residence for any fiscal year, the owner of a parcel must, on or before May 1 of the prior fiscal year, submit to the Director an application setting forth the owner's qualifications pursuant to subdivision (a) of this section. The Director shall prepare a form for such application, may require that all applications be submitted on the designated form, and may request supporting data to be provided by the applicant.

(c) Upon receiving an application pursuant to this section, the Director shall conduct an investigation and determine whether the applicant qualifies for the discount as provided in this section. The decision of the Director shall be final.

(Ord. 06-850, 2006)

4.10.080 Sewer Charge Fund.

(a) Proceeds of the sewer charge shall be segregated in a fund titled "Sewer Charge Fund."

(b) Monies in the Sewer Charge Fund shall be expended solely on operating, maintenance, and capital costs associated with the city's sewer system, including any debt service and incidental expenses associated with the financing of capital improvements to the city's sewer system.

(c) Each fiscal year, the Director shall transfer from the city's general fund to the Sewer Charge Fund an amount equal to the total charge reductions granted pursuant to Section 4.10.040(b) with respect to that fiscal year.

(Ord. 06-850, 2006)

4.10.090 Administrative appeal.

(a) The procedure set forth in this section shall be available to any record owner of property who temporarily ceases use of the sewer system or, for any other reason, believes that the amount determined and charged pursuant to Section 4.10.060 does not accurately reflect his or her land use classification during the period for which the charge is imposed.

(b) Any user may apply to the Director for an adjustment of his or her sewer charge if the charge is above the minimum rate for the user's land use classification. An application must show the amount of the charge the user believes accurately reflects his or her land use classification and the means by which the user calculated that amount. The Director may require that appeals be made in specific format (or on a specific form) and may request supporting data to be provided by the applicant.

(c) Upon receiving an application pursuant to this section, the Director shall conduct an investigation, and shall fix as the charge the amount he or she finds to be appropriate, based upon examination of the evidence provided by the applicant and such additional evidence as the Director may obtain.

(d) Any adjustment shall be retroactive to the year challenged only. In no event shall an adjustment be retroactive more than one year. If, given the nature of the evidence provided by the applicant, the Director finds it equitable to do so, an adjustment may extend to future years.

(e) Any increased charge resulting from the procedure set forth in this section shall be collected in conformance with this chapter.

(f) Any decreased charge resulting from the procedure set forth in this section shall be returned to the user as a cash refund.

(Ord. 06-850, 2006)

4.10.100 Appeal to City Council.

(a) Except as otherwise provided herein, when any person desires to apply for relief from any charge levied pursuant to any provision of this chapter, following an exhaustion of the administrative appeal procedures available pursuant to Section 4.10.090, he or she may make an application to the City Council on a form provided by the City Clerk.

(b) The Council shall review the matter at a hearing and, if the Council shall find sufficient justification, may grant the relief requested or make whatever determination it deems appropriate.

(c) The City Clerk may periodically schedule such hearings for the convenience of the Council; provided, however, not more than ninety (90) days shall elapse from the time an application for relief is filed to the time a determination is made.

(Ord. 06-850, 2006)

4.10.110 Remedies for collection and enforcement of charges.

The remedies for collecting and enforcing the sewer charges set forth in this chapter shall be cumulative and may be pursued alternatively, or any thereof may be used consecutively when the Council so determines. If any one of such remedies is, or may be, invalid, all valid remedies shall remain effectual. The costs of collection and of the enforcement of the remedies for the collection of sewer charges may be from the revenues from such charges. Any holder of any bond outstanding at any time, which bond is payable from sewer charge revenues, may compel the use of any or all of the remedies provided in this chapter. The holder of any bond payable from sewer charge revenues, by mandamus, may compel the Council to increase the sewer charges to the extent which will

make them sufficient to provide enough moneys for the payment of the bonds.

(Ord. 06-850, 2006)

4.10.120 Compensation of county.

The county shall be compensated for services rendered in connection with the levy, collection, and enforcement of sewer charges for the city in accordance with an agreement between the Council and the Board of Supervisors of the county for the collection of taxes for the city.

(Ord. 06-850, 2006)

Chapter 4.12
SOLID WASTE HANDLING AND RECYCLING SERVICES

Sections:

- 4.12.010 Title for citation.
- 4.12.020 Findings and intent.

Part 1 Definitions

- 4.12.030 Definitions.

Part 2 Franchise

- 4.12.040 Authorization by city council-Franchise requirement.
- 4.12.050 Contents of franchise agreement.
- 4.12.060 Collector franchise fee.
- 4.12.070 Resolution of conflicts.
- 4.12.080 Permits and licenses.
- 4.12.090 Transfer of franchise.
- 4.12.100 Revocation of permit or franchise.
- 4.12.110 Interim suspension.
- 4.12.120 Notice of hearing-Revocation.
- 4.12.130 Appeals.
- 4.12.140 Council action.

Part 3 Rates

- 4.12.150 Rates.
- 4.12.160 Billing and collection of rates, fees and charges.

Part 4 Vehicles

- 4.12.170 Vehicle identification.
- 4.12.180 Vehicle standards.
- 4.12.190 Operation of equipment.
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Part 5 Exclusions

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- 4.12.220 Gardener's exclusion.
- 4.12.230 Commercial/industrial exclusions.
- 4.12.240 Contractors' exclusions.
- 4.12.250 Document destruction service.
- 4.12.253 Exception for vacant property.
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- 4.12.300 Hours of collection.
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- 4.12.430 Residential collection-Frequency.
- 4.12.440 Residential collection-Solid waste containers.
- 4.12.450 Residential collection-Recycling containers.
- 4.12.460 Residential collection-Placement and removal of containers.
- 4.12.470 Residential collection-Care of containers.
- 4.12.480 Residential collection-Special collection services.

Part 8 Commercial/Industrial Collection

- 4.12.490 Commercial/industrial-Disposal and status of solid waste.

4.12.500 Commercial/industrial-Frequency of collection.

4.12.510 Commercial/industrial-Containers.

4.12.520 Commercial/industrial-Maintenance and placement of containers.

4.12.530 Commercial/industrial-Care of containers.

4.12.540 Commercial/industrial-Special circumstances.

Part 9 Penalty and Enforcement

4.12.550 Penalty and Enforcement.

*Prior ordinance history: Ord..448.

4.12.010 Title for citation.

This chapter shall be known and may be cited as the Solid Waste Handling and Recycling Services Ordinance of the city of La Puente.

(Ord. 671 § 1 (part), 1992)

4.12.020 Findings and intent.

(a) The city council finds and determines as follows:

(1) In order to meet the requirements of the California Integrated Waste Management Act of 1989 [Public Resources Code Section 40000, et seq.], including source reduction of the solid waste stream, diversion of solid waste from landfills, and conservation of natural resources, it is necessary to regulate the collection of solid waste from commercial/industrial and residential premises, and to encourage recycling of solid waste materials.

(2) The mandates of the Environmental Protection Agency, the Southern California Air Quality Management District, and other regulatory agencies, concerning air pollution and traffic congestion management, require the regulation and, where possible, reduction in the number of waste collection vehicles and vehicle trips which cause the discharge of air contaminants and create air pollution.

(3) A reduction in the number of waste collection vehicles using the city streets daily will reduce traffic hazards and congestion and promote safety.

(4) The storage, accumulation, collection and disposal of solid waste, including without limitation garbage, trash, debris and other discarded materials is a matter of substantial public concern in that improper control of these matters may create a public nuisance, air pollution, fire hazard, rat and insect infestation and other problems adversely affecting the public health, safety and welfare.

(5) Regulation of the collection of garbage, refuse and other discarded materials from all residential, commercial and industrial properties within the city will provide the most orderly and efficient solution to these problems and will promote the public health, safety and welfare.

(6) The regulation of solid waste handling services in the city will also promote the public health, safety and welfare by requiring the use of newer and safer vehicles, the regular maintenance of those vehicles, and the reduction of spillage and litter on the public streets, by establishing responsibility for the cleaning of refuse bins and containers, and by providing for accountability to the public.

(7) The public health, safety and welfare will best be served by providing for one or more exclusive franchises for residential refuse collection services, and for commercial and industrial refuse collection services, subject to the limited continuation rights of certain existing collectors which are providing solid waste handling services pursuant to permits previously authorized by the city and which are qualified, under Public Resources Code Sections 49520 and 49521, to continue those services for up to five years following notice given pursuant to Section 49520. The five-year period expires on November 30, 1996.

(b) This chapter is enacted by the city council pursuant to, inter alia, the following statutory authorization and in order to accomplish the objectives set forth in this section:

(1) Public Resources Code Section 40059 authorizes the city to determine (i) all aspects of solid waste handling which are of

local concern, including, but not limited to, frequency of collection, means of collection and transportation, level of services, charges and fees, and nature, location and extent of providing solid waste handling services; and (ii) whether the services are to be provided by means of nonexclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding, or if, in the opinion of its governing body, the public health, safety and well-being so require, by partially exclusive or wholly exclusive franchise, contract, license, permit or otherwise, either with or without competitive bidding.

(2) Public Resources Code Section 49300 provides that the city may, pursuant to terms and conditions as may be prescribed by its legislative body, contract for the collection or disposal, or both, of garbage, waste, refuse, offal, trimmings or other refuse matter.

(3) Public Resources Code Section 49501 provides that the city may take action, whether by franchise, contract, license, permit or otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises is authorized or permitted to have the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the city.

(4) It is the intent of this chapter to set forth terms and conditions pursuant to which authorization may be granted by the city council to provide solid waste handling services, and to promote the public health, welfare and safety of the community by establishing reasonable regulations relating to the storage, accumulation, collection and disposal of garbage, trash, rubbish, debris and other discarded matter, goods and material.

(Ord. 671 § 1 (part), 1992)

Part 1 Definitions

4.12.030 Definitions.

(a) For the purposes of this chapter, the words, terms and phrases as defined in this section shall be construed as hereinafter set forth, unless it is apparent from the context that a different meaning is intended:

"City manager" means the city manager of the city of La Puente ("city") or the city manager's designee.

"Collection" means the operation of gathering together within the city, and transporting by means of a motor vehicle to the point of disposal or processing, any solid waste or recyclables.

"Collector" means any person who has been awarded an exclusive franchise to provide residential or commercial/industrial solid waste or recyclables collection services in the city, or who, prior to the effective date of this chapter, has been issued a permit or nonexclusive franchise to operate as a residential or commercial/ industrial solid waste collector until the rights thereunder are terminated or revoked, or until those rights expire pursuant to the provisions of Section 49520 of the Public Resources Code.

"Commercial/industrial business owner" means any person, firm, corporation or other enterprise or organization holding or occupying, alone or with others, commercial/industrial premises, whether or not it is the holder of the title or the owner of record of the commercial/industrial premises.

"Commercial/industrial collector" means a collector which collects solid waste and recyclables from commercial/industrial premises.

"Commercial/industrial premises" means all occupied real property in the city, except property occupied by federal, state or local governmental agencies which do not consent to their inclusion, and except residential premises as defined in this section, and shall include, without limitation, wholesale and retail establishments, restaurants and other food establishments, bars, stores, shops, offices, industrial establishments, manufacturing establishments, service stations, repair, research and development establishments, professional, services, sports or recreational facilities, construction and demolition sites, a multiple dwelling containing five or more dwelling units, and any other commercial or industrial business facilities, structures, sites or establishments in the city.

"Construction or demolition waste" means any solid waste or debris generated as the result of construction or demolition, including without limitation, discarded packaging or containers and waste construction materials, whether brought on site for fabrication or used in construction or resulting from demolition, excluding liquid waste and hazardous waste.

"Construction site" or "demolition site" means any real property in the city in, on or from which a building or structure is being fabricated, assembled, erected or demolished, and which produces construction or demolition solid waste which must be removed from the property, and requires the use of commercial refuse containers.

"Disposal" means the complete operation of treating and disposing of solid waste after the collection thereof.

"Exclusive solid waste handling services" means any action by the city council, whether by franchise, contract, license, permit or

otherwise, whereby the city itself, or one or more other local agencies or solid waste enterprises, has the exclusive right to provide solid waste handling services of any class or type within all or any part of the territory of the city.

"Hazardous waste" means and includes waste defined as hazardous by Public Resources Code Section 40141 as it now exists or may subsequently be amended, namely, a waste or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics, may do either of the following: (I) cause or significantly contribute to, an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; (ii) pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed. "Hazardous waste" includes extremely hazardous waste and acutely hazardous waste, and any other waste as may hereafter from time to time be designated as hazardous by the Environmental Protection Agency (EPA) or other agency of the United States Government, or by the California Legislature or any agency of the state of California empowered by law to classify or designate waste as hazardous, extremely hazardous or acutely hazardous.

"Holiday" means:

New Year's Day

Memorial Day

Independence Day

Labor Day

Thanksgiving Day

Christmas Day

"Holiday" means any other day designated as such in a contract between a collector and the labor union serving as the exclusive representative of that collector's employees, provided the holiday is established or recognized by resolution of the city council.

"In the city" or "within the city" means within the limits of the city as such limits exist on the effective date of this chapter or may thereafter exist by virtue of the annexation of territory to or detachment of territory from the limits of the city.

"Manure" means the waste droppings from any animal.

"Person" means any individual, association, firm, partnership, corporation or any other group or combination thereof acting as a unit.

"Processing" means the reduction, separation, recovery and conversion of solid waste.

"Public agency" means any governmental agency or department thereof, whether federal, state or local.

"Recyclables" means the following materials generated on or emanating from residential or commercial/industrial premises and no longer useful or wanted thereon: glass bottles and jars - any food or beverage container (excluding ceramics and chemical containers); aluminum - cans, foil, pie tins and similar items (excluding dirt or organic material); steel or bimetal cans not to exceed one- gallon size; PET - plastic soda bottles or other bottles with the designated "PET" symbol; HDPE - plastic milk and water bottles with the designated "HDPE" symbol (excluding detergent or bleach bottles and other plastic products); newspaper; cardboard - separated and not having waxed surfaces; computer printout (excluding carbon); and white ledger - white bond paper, office paper, white envelopes (excluding coated paper); and such additional materials as the city council may designate from time to time.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused or reconstituted products which meet the quality standards necessary to be used in the marketplace. Recycling does not include transformation as defined in Public Resources Code Section 40201.

"Recycling container" means a container which is provided to residential premises for use in collecting and moving recyclables to curbside for collection by the collector, or a container which is provided to commercial/industrial premises for use by the collector in collecting and moving recyclables.

"Residential collector" means a collector which collects solid waste and recyclables from residential premises.

"Residential householder" means any person or persons holding or occupying residential premises in the city, whether or not the owner of the residential premises.

"Residential owner" means the owner of any residential premises within the city.

"Residential premises" means any residential dwelling unit within the city, including, without limitation, multiple-unit residential complexes, such as rental housing projects, condominiums, apartment houses, mixed condominiums and rental housing, and mobilehome parks, except any multiple dwelling containing five or more dwelling units.

"Resource recovery" means any use of solid waste collected pursuant to this chapter, except for landfill disposal or transfer for landfill disposal. "Resource recovery" includes, but is not limited to, transformation, composting and multimaterial recycling.

"Solid waste" means all putrescible and nonputrescible solid and semisolid wastes, generated in or upon, related to the occupancy of, remaining in or emanating from residential premises or commercial/industrial premises, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, discarded home and industrial appliances, manure, vegetable or animal solid or semisolid wastes, and other solid and semisolid wastes, as defined in Public Resources Code Section 49503, excluding liquid wastes and abandoned vehicles; provided, however, that "solid waste" shall not include hazardous waste or recyclables.

"Solid waste container" means any vessel, tank, receptacle, box or bin permitted to be used for the purpose of holding solid waste for collection.

"Solid waste enterprise" means any individual, partnership, joint venture, unincorporated private organization, or private corporation regularly engaged in the business of providing solid waste handling services.

"Solid waste handling services" means the collection, transportation, storage, transfer or processing of solid wastes for residential or commercial/industrial users or customers.

"Special collection services" means the removal by a collector of oversized or overweight household articles placed curbside by a residential householder or owner, which oversized or overweight household articles have weights, volumes or dimensions which cannot be accommodated by solid waste containers for residential premises, such as stoves, refrigerators, water heaters, washing machines, furniture, sofas, mattresses, box springs and large rugs.

"Standard commercial/industrial solid waste container" means a state-of-the-art bin or solid waste container used in connection with commercial/industrial premises with a two, three, four, six or eight cubic yard capacity, designed for mechanical pickup by collection vehicles and equipped with a lid, or where appropriate for the commercial/industrial premises being served, a fifteen, twenty-five, thirty, forty or fifty cubic yard roll-off box or compactor, and shall include other types of containers suitable for the storage and collection of commercial/industrial solid waste if approved in writing by the city manager.

"Standard residential solid waste container" means a standardized roll-away container with a locking lid, made of metal, hard rubber or plastic and having an approximate capacity of ninety gallons, and of a design, color and durability as approved by the city manager.

(b) Nothing contained in this section shall be deemed to preclude the city and any solid waste enterprise from incorporating into any agreement for exclusive solid waste handling services definitions relating to their respective contractual rights and obligations which may differ from or augment those set forth herein.

(Ord. 881 § 2, 2009; Ord. 671 § 1 (part), 1992)

Part 2 Franchise

4.12.040 Authorization by city council-Franchise requirement.

(a) The city council may authorize, by franchise, a solid waste enterprise to provide solid waste handling services for residential, commercial/industrial users or customers. In the sole discretion of the city council, the solid waste handling services may be authorized on an exclusive or nonexclusive basis, and with or without competitive bidding, and may relate to any class or type of solid waste within all or any part of the territory of the city.

(b) No person shall collect or dispose of solid waste or recyclables in the city unless that person has been awarded a solid waste collector franchise and has entered into a franchise agreement with the city, except as otherwise specifically provided in this chapter. Any such franchise shall be in addition to any business license or permit otherwise required by this code. No permit issued by any other governmental agency authorizing collection of solid waste or recyclables shall be valid in the city. Collectors operating in the city on the effective date of this chapter under a permit or a nonexclusive franchise agreement may continue to operate only until the rights thereunder are terminated or revoked, or until such rights expire pursuant to the provisions of Section 49520 of the Public Resources Code.

(Ord. 671 § 1 (part), 1992)

4.12.050 Contents of franchise agreement.

The terms and provisions of any franchise agreement for solid waste handling services may relate to or include, without limitation, the following subject matters:

- (1) The nature, scope and duration of the franchise;
- (2) The collection schedule, including the frequency, days and hours of collection;
- (3) The applicable franchise fee, including the amount, method of computation, and time for payment;
- (4) The applicable rates, fees and charges for regular, special and emergency collection services, including the method of setting and adjusting same, and the responsibility for billing and collecting same;
- (5) Collection vehicles, including the permissible size and color, and any required identification, safety equipment, maintenance, inspection and operational requirements;
- (6) The receipt, processing and reporting of customer inquiries and complaints;
- (7) The collection of solid waste from publicly owned property and facilities;
- (8) Performance standards for the collector's personnel and equipment;
- (9) Solid waste and recycling containers, including size, repair or replacement, handling, placement, obligations of the collector to provide, and permissible charges therefor;
- (10) Standards and procedures for periodic performance reviews by the city;
- (11) Noise attenuation policies and procedures;
- (12) The maintenance by the collector of an office for the conduct of business;
- (13) Policies and procedures relating to the noncollection of solid waste, and the composting of green waste, the collection of recyclables, and resource recovery;
- (14) Requirements relating to comprehensive liability insurance and workers' compensation insurance;
- (15) Requirements relating to the dissemination of information to the public concerning regular and special solid waste collection and recycling services;
- (16) Actions or omissions constituting breaches or defaults, and the imposition of applicable penalties, liquidated damages, and other remedies, including suspension, revocation or termination;
- (17) Requirements relating to performance bonds and to indemnification;
- (18) Requirements relating to affirmative action programs;
- (19) Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits and inspection of records;
- (20) Requirements relating to the assignment, transfer and renewal of the franchise;
- (21) Requirements relating to compliance with and implementation of state and federal laws, rules or regulations pertaining to solid waste handling services, and to the implementation by the city of state-mandated programs, including, without limitation, the city's source reduction and recycling element and the city's household hazardous waste element;
- (22) Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the franchise agreement and which will, in the judgment and discretion of the city council, best serve the public interest and protect the public health, safety and welfare.

(Ord. 671 § 1 (part), 1992)

4.12.060 Collector franchise fee.

Each collector shall pay a franchise fee in an amount determined by resolution of the city council or established in the franchise

agreement authorizing the collection of solid waste or recyclables.

(Ord. 671 § 1 (part), 1992)

4.12.070 Resolution of conflicts.

In the event of any conflict between the provisions of a franchise agreement which is authorized and approved by the city council and the provisions of this chapter, the provisions of the franchise agreement shall control.

(Ord. 671 § 1 (part), 1992)

4.12.080 Permits and licenses.

Every collector shall obtain and maintain at all times during the collector's operations a business license issued by the city, and all applicable permits and licenses required by any public agency having jurisdiction.

(Ord. 671 § 1 (part), 1992)

4.12.090 Transfer of franchise.

No permit or franchise which is authorized by, subject to, or issued under the provisions of this chapter shall be transferred, delegated, sublet, subcontracted to or assigned to another person without the prior approval of the city council. This restriction includes the transfer of ownership or the majority of the ownership or control of the permittee or the franchisee, and the transfer of a majority of the permittee's or franchisee's stock to another person.

(Ord. 671 § 1 (part), 1992)

4.12.100 Revocation of permit or franchise.

After a hearing as provided in this chapter, the city manager may revoke or suspend any collection permit or franchise for violation of a provision of this chapter or any other applicable law, ordinance or regulation of any public agency.

(Ord. 671 § 1 (part), 1992)

4.12.110 Interim suspension.

The city manager, without a hearing, may suspend a franchise or a permit for not more than sixty days, if the city manager finds that continued operation by the franchisee or permittee will constitute a threat to the public health, safety and general welfare.

(Ord. 671 § 1 (part), 1992)

4.12.120 Notice of hearing-Revocation.

The city manager shall mail notice of a hearing to revoke a collection permit or franchise to the collector not less than fifteen days prior to such hearing. In the event of the revocation of a franchise or a permit, the city manager shall notify the collector in writing of the reasons therefor. Notification may be made in person or by mail.

(Ord. 671 § 1 (part), 1992)

4.12.130 Appeals.

Within fifteen calendar days after notice by the city manager of revocation of a collection permit or franchise has been sent to the

collector, the collector may file with the city clerk an appeal of such decision to the city council.

(Ord. 671 § 1 (part), 1992)

4.12.140 Council action.

The city council may either affirm the action of the city manager, send the matter back to the city manager for further consideration, or set the matter for hearing by the city council. If the city council sets the matter for hearing, it shall base its action upon the standards delineated in Section 4.12.100. Notice of such hearing shall be sent to the collector not less than fifteen days prior to the hearing.

(Ord. 671 § 1 (part), 1992)

Part 3 Rates

4.12.150 Rates.

The city council may, by resolution, establish or adjust limits on the rates, fees or charges that an authorized collector may charge to residential householders or owners and to commercial/industrial business owners for the collection of solid waste and recyclables. No collector shall charge any rate, fee or charge which is greater than the limit established by the city council, unless otherwise authorized in this chapter. Every commercial/industrial business owner and residential householder or owner shall pay the rates, fees and charges established from time to time by the collector for collection services rendered pursuant to this chapter in the manner set forth in Section 4.12.160.

(Ord. 765 § 1, 1998; Ord. 671 § 1 (part), 1992)

4.12.160 Billing and collection of rates, fees and charges.

(a) The billing and collection of the rates, fees and charges authorized by the city council for residential solid waste handling services shall be the responsibility of the franchised residential collector, and the city shall have no liability or responsibility therefor.

(b) Every commercial/industrial collector shall be solely responsible for collecting the charges for such collector's services for providing such commercial/ industrial collections as may be authorized by this chapter, and the city shall have no liability or responsibility therefor.

(Ord. 881 § 3, 2009; Ord. 671 § 1 (part), 1992)

Part 4 Vehicles

4.12.170 Vehicle identification.

No person may operate any vehicle for the collection of solid waste or recyclables other than a collector who has a valid business license and solid waste collection franchise or permit and who has paid all required license, franchise, permit or other city charges. Each vehicle used by the collector shall have an identification number printed or painted in legible numbers not less than five inches in height in plain sight from four directions.

(Ord. 671 § 1 (part), 1992)

4.12.180 Vehicle standards.

Any vehicle utilized for the collection, transportation or disposal of solid waste and/or recyclables shall comply with the following standards:

(a) Each vehicle shall be constructed and used so that no solid waste, oil, grease or other substance will blow, fall or leak out of the vehicle.

- (b) A broom and shovel shall be carried on each vehicle at all times.
- (c) Each vehicle shall comply with all applicable statutes, laws or ordinances of any public agency.
- (d) Each vehicle must be under seven years of age unless specifically authorized in writing by the city manager.
- (e) Routine inspections by the California Highway Patrol shall be conducted annually and certificates for the inspection shall be filed annually with the city manager.
- (f) All vehicles shall at all times be kept clean and sanitary, in good repair and well and uniformly painted to the satisfaction of the city manager.
- (g) Each vehicle shall be equipped with watertight bodies with close-fitting metal covers.
- (h) The collector's name or firm name and telephone number shall be printed or painted in legible letters not less than five inches in height on both sides of all of collector's vehicles used in the city.
- (i) High-intensity fog lamps shall be maintained on any vehicle eighty inches or wider, which shall consist of two red tail lamps in addition to the standard tail lamps. The fog lamps shall be used when visibility is less than fifty feet.
- (j) All equipment shall be maintained at all times in a manner to prevent unnecessary noise during its operation.
- (k) As the collector replaces existing equipment, the type and make of the new equipment shall be subject to prior approval by the city manager.

(Ord. 671 § 1 (part), 1992)

4.12.190 Operation of equipment.

All persons operating solid waste collection and transportation equipment shall do so in compliance with all applicable federal, state and local laws and ordinances. Such vehicles shall not be operated in a manner which results in undue interference with normal traffic flows. No such vehicle shall be parked or left unattended on the public streets. No such vehicle shall be parked overnight on a public street or thoroughfare in the city.

(Ord. 671 § 1 (part), 1992)

4.12.200 Compliance with vehicle standards.

Any vehicle used in the collection or transportation of solid waste in the city shall, at all times, be maintained in accordance with all the standards set forth in Section 4.12.180 of this chapter. The use of a vehicle which fails to comply with each of the standards set forth in Section 4.12.180 is prohibited. A collector shall immediately remove any vehicle from collection service which fails, at any time, to conform to any of the standards recited in Section 4.12.180 and shall not use that vehicle until it is repaired. Should the city manager give notification at any time to a collector that any of the collector's vehicles is not in compliance with the standards of this chapter, the vehicle shall be immediately removed from service by the collector. The vehicle shall not again be utilized in the city until it has been inspected and approved by the city manager. The collector shall maintain its regular collection schedule regardless of the repair of any vehicle.

(Ord. 671 § 1 (part), 1992)

Part 5 Exclusions

4.12.210 Residential householder exclusion.

No provision of this chapter shall prevent residential householders from composting green wastes or from selling or disposing of recyclables generated in or on their residential premises; provided, however, that no residential householder shall employ or engage any solid waste enterprise, other than the franchised residential collector, to haul or transport such materials to a transfer station or landfill.

(Ord. 881 § 4, 2009; Ord. 671 § 1 (part), 1992)

4.12.220 Gardener's exclusion.

No provisions of this chapter shall prevent a gardener, tree trimmer or person engaged in a similar trade from collecting and disposing of grass cuttings, prunings and similar material not containing other solid waste when incidental to providing such gardening, tree trimming or similar services.

(Ord. 671 § 1 (part), 1992)

4.12.230 Commercial/industrial exclusions.

(a) Source Separated Recyclables.

(1) No provision of this chapter shall prevent a commercial/industrial business owner from selling to a buyer, for a monetary or other valuable consideration, any source-separated recyclables, including without limitation, any saleable scrap, discard, reject, by-product, ferrous or nonferrous metal, wornout or defective part, junk, pallet, packaging material, paper or other similar item generated in, on or by a commercial/industrial premises or business, and no longer useful to such commercial/industrial business but having a market value, whether such buyer is a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce; provided, however, that such buyer is not engaged in the business of collecting solid waste for a fee or other charge or consideration, and that no such materials are transported for disposition to a landfill or transfer station (as defined in Public Resources Code Section 40200). Source-separated recyclables within the meaning of this section shall mean recyclables separated on the commercial/industrial premises from solid waste for the purpose of sale, not mixed with or containing more than incidental or minimal solid waste, and having a market value.

(2) No provision of this chapter shall prevent a recycler, junk dealer or other enterprise engaged in the business of buying and marketing such materials in the stream of commerce and which is not engaged in the business of buying and marketing such materials in the stream of commerce and which is not engaged in the business of collecting solid waste or providing solid waste collection services for a fee or other charge, or consideration, from buying any materials referenced in this subsection A for a monetary or other valuable consideration, and which buys such materials for marketing and not for disposition in a landfill or transfer station (as defined in Public Resources Code Section 40200); nor shall any provision of this chapter prevent such recycler, junk dealer or enterprise which buys such materials from removing and transporting such materials to a destination for marketing in the stream of commerce. No such buyer shall buy or transport such materials without prior authorization from the city, as required by this code, whether in the form of a business license, a business permit, or a nonexclusive franchise agreement.

(b) Renovation, Rebuilding, Repairs. No provision of this chapter shall prevent a commercial/industrial business owner from arranging for any worn, spent or defective equipment, or part thereof, used in such commercial/industrial business and requiring renovation, rebuilding, recharging, regeneration or repair, to be picked up, renovated, rebuilt, recharged, regenerated or otherwise restored and repaired and returned to such commercial/industrial business owner; nor shall any provision of this chapter prevent any person engaged in the business or renovating, rebuilding, recharging, regenerating or otherwise restoring or repairing such equipment or part thereof, from transporting the same from or returning it to the commercial/industrial business, or from removing, transporting or disposing of any such equipment, or part thereof, replaced in connection with an equipment repair or service contract.

(Ord. 671 § 1 (part), 1992)

4.12.240 Contractors' exclusions.

No provision of this chapter shall prevent a licensed contractor having a contract for the demolition or reconstruction of a building, structure, pavement or concrete installation from marketing any saleable items salvaged from such demolition or reconstruction, or from causing such salvageable items or demolition waste to be removed and transported from the premises on which such waste is generated, pursuant to the pro-visions of the demolition or construction contract; provided, however, that if a subcontractor is to be engaged to remove such demolition waste, the exclusive franchised collector shall have the right of first refusal to provide such services. If the exclusive franchised collector cannot guarantee that such services will be provided within a period of twenty-four hours, then the city manager may authorize the licensed contractor or the owner of the premises to utilize the services of another duly authorized solid waste enterprise.

(Ord. 671 § 1 (part), 1992)

4.12.250 Document destruction service.

No provision of this chapter shall prevent any person engaged in the business of destroying or disposing of secret, confidential or sensitive documents from transporting or disposing of such documents by shredding, lumping, incinerating or other means, as a part of such document destruction or disposal service.

(Ord. 671 § 1 (part), 1992)

4.12.253 Exception for vacant property.

Any owner of unimproved vacant property who does not use the solid waste or recyclables collection services offered by the authorized collector shall be exempt from payment of solid waste and recyclables collection rates.

(Ord. 881 § 6, 2009)

4.12.254 General requirements.

(a) In all cases where the right to an exclusion pursuant to Sections 4.12.220 through 4.12.253 is exercised, disposal shall be made at a transfer station, material recovery facility, landfill, or other waste processing or disposal facility which meets all applicable regulatory requirements.

(b) Any such disposal by a person excluded under Sections 4.12.220 through 4.12.253 shall not relieve such person from any obligation or liability imposed by this chapter or any other city ordinance, resolution, rule or regulation for the payment of the solid waste and recyclables collection rates charged by the authorized collector, or for payment of any other applicable rates or fees.

(c) Notwithstanding the provisions of subsection (b) of this section, any person excluded under Section 4.12.220 through 4.12.253 shall be exempt from the payment of the solid waste and recyclables collection rates imposed for use of the services provided by the authorized collector. Notwithstanding the foregoing, any person who does not use the solid waste collection services offered by the authorized collector, but who uses the recyclables collection services offered by the authorized collector, must pay the applicable rates and charges for such recyclables collection services.

(Ord. 881 § 6, 2009; Ord. 765 § 2 (part), 1998)

Part 6 General Requirements

4.12.260 Mandatory service.

(a) All solid waste collected from residential or commercial/industrial premises for a fee, service charge or other consideration, shall be collected by a solid waste enterprise under the provisions of an exclusive franchise awarded by the city council (franchised collector) subject only to subsection E below.

(b) No person, firm, corporation or solid waste enterprise, other than those referenced in subsection A above, shall negotiate or contract for, undertake to receive, collect or transport solid waste from within the city for a fee, service charge or other consideration therefor, except as specifically provided herein.

(c) Except as otherwise provided in this chapter, each residential owner and commercial/industrial business owner shall utilize the services of the franchised collector for the collection of solid waste from the residential or commercial/industrial premises held or occupied by such owner and shall pay for such services the fees approved by the city council. No residential or commercial/industrial business owner shall enter into an agreement for solid waste handling services with any person, firm or corporation other than the franchised collector, except as otherwise provided in this chapter.

(d) Nothing in this chapter shall prevent a commercial/industrial business which has its own recycling or resource recovery program for recyclables generated by such business and not utilizing a solid waste enterprise which provides collection services for a fee, service charge or other consideration, from continuing such recycling or resource recovery program, and the recyclables included in such program are excepted from the exclusive franchise between the city and the franchised collector.

(e) Notwithstanding the provisions of subsection B above, certain solid waste enterprises that have been authorized by permit or by a nonexclusive franchise agreement to provide solid waste handling services in the city may continue to provide these services to their

existing customers until November 19, 1996, or until the rights thereunder are earlier terminated or revoked, or expire pursuant to the provisions of Section 49520 of the Public Resources Code. Such solid waste enterprises are hereinafter referred to as excepted collectors. The exclusive franchise of the franchised collector shall not preclude the owner of a residential or commercial/industrial premises served by an excepted collector from continuing to use the solid waste handling services of that excepted collector until the rights of that excepted collector to operate in the city are terminated or revoked or have expired; provided, however, if the rights of an excepted collector provide services are terminated or revoked for any reason, the business owner shall not use the services of any collector other than the exclusive franchised collector.

(f) Any bin used for storing or transporting salvage or solid waste which is not the property of the solid waste franchisee may be removed from any premises in the city and impounded without the notice to the owner of the bin. Such removal and impoundment may be made by any person or entity designated by the city manager. In the event the bin has contents, they may be held with the bin or disposed of if the city manager (or his designee) determines disposal to be necessary to preserve the public health, safety and welfare. Any such bin shall be held under his direction, subject to the right of the owner thereof to take it upon payment of a sum, as provided in a fee schedule approved by the city manager, for each day said bin is impounded or held to cover the cost of removal, storage and overhead charges. Within two business days after the city has removed and impounded the bin and its contents, if any, the city manager shall mail, postage prepaid, written notice to the owner of the bin, advising the owner that the bin has been removed and is in the possession of the city and that, if said bin is not redeemed by the owner and any applicable charges paid, within thirty (30) days, said bin will be subject to sale at a public auction. The proceeds of any such sale shall be applied to the cost of such sale, and to the cost of removal and holding of such bin and the disposal of its contents, if any, plus twenty-five percent (25%) of such costs for the overhead expenses of the city in causing such sale. Any balance of such proceeds shall be paid upon demand to the person who owns such bin at the time of its removal. In the instance of a deficiency, where the sale price of the bin does not generate sufficient money to pay for the costs of removal, storage, disposal fees, if any, and overhead charges, the city manager shall submit an invoice to the bin owner for payment in an amount equal to the deficiency. The bin may be redeemed by the owner at any time prior to the sale and upon payment of the amounts due and owing pursuant to this section.

(Ord. 824 § 1, 2004; Ord. 671 § 1 (part), 1992)

4.12.270 Litter.

Any person who deposits or causes to be deposited any solid waste or recyclables on the public right-of-way or on private property within public view, except in a container provided therefor as herein specified, shall immediately clean up, contain, collect and remove same.

(Ord. 671 § 1 (part), 1992)

4.12.280 Transfer of loads on public streets.

No person shall transfer solid waste or recyclables from one collection vehicle to another on any public street or road unless such transfer is essential to the method of operation and is approved by the city manager, or is necessary owing to mechanical failure or accidental damage to a vehicle.

(Ord. 671 § 1 (part), 1992)

4.12.290 Unauthorized removal from containers.

(a) No person other than the residential collector authorized to provide collection services at residential premises, or a licensed commercial recycling company, or the residential owner or householder occupying the residential premises in or upon which a solid waste container or recyclables container is placed at curbside for collection, shall remove any material from such container.

(b) No person other than a commercial/industrial collector authorized to provide collection services at commercial/industrial premises, or the commercial/industrial business owner occupying the commercial/industrial premises in or upon which a solid waste container or recyclables container is placed for collection at the usual place of collection, shall remove any material from such container.

(Ord. 749 § 1, 1997; Ord. 671 § 1 (part), 1992)

4.12.300 Hours of collection.

- (a) No collection within the city shall be made between the hours of six p.m. and seven a.m. Monday through Saturday or at any time on Sunday.
- (b) No delivery or removal of containers by a collector may be made between the hours of six p.m. and seven a.m. the next day.
- (c) The city manager may waive the requirements of this section when necessitated by conditions beyond the control of the collector.

(Ord. 671 § 1 (part), 1992)

4.12.310 Resource recovery.

Every collector shall, at all times, comply with city policies and programs with regard to solid waste recovery, reduction of solid waste and recycling of solid waste.

(Ord. 671 § 1 (part), 1992)

4.12.320 Ownership.

At such time as the solid waste or recyclables are placed for collection at the usual place of collection, the solid waste or recyclables are the property of the collector.

(Ord. 749 § 2, 1997; Ord. 671 § 1 (part), 1992)

4.12.330 Disposal.

- (a) It is unlawful at any time for any person, including collectors, to burn any solid waste or recyclables within the city.
- (b) It is unlawful at any time for any person, including collectors, to bury or dump any solid waste or recyclables within the city.

(Ord. 671 § 1 (part), 1992)

4.12.340 Manager to supervise.

The manager shall supervise the collection, transportation and disposition of solid waste and/or recyclables.

(Ord. 671 § 1 (part), 1992)

4.12.350 Trespass.

No person authorized to collect or transport solid waste or recyclables shall enter on private property beyond the extent necessary to collect the solid waste or recyclables, properly placed for collection.

(Ord. 671 § 1 (part), 1992)

4.12.360 Required monthly reports.

- (a) Each collector shall provide the city with monthly tonnage reports which include the following:
 - (1) Total amount of solid waste removed from the city for the respective reporting month;
 - (2) The name, address and telephone number of each solid waste disposal and/or recycling facility used by the collector during the reporting month;

(3) Copies of waste disposal facility weight tickets/invoices which indicate the net amount of all waste disposed, transferred and/or recycled during the reporting month;

(4) In the event that a collector adds and/or deletes a collection service customer(s), the collector must submit a revised collection service identification list with the monthly report for the reporting month;

(5) The complaint log described in Section 4.12.410B.

(b) Each report shall be signed by an officer of the collector. If the collector has more than one collection route, it shall submit a separate report for each collection route. Each report shall be submitted to the city on the last day of each month following each report month. Reports must be received by the city engineer by five p.m.

(Ord. 671 § 1 (part), 1992)

4.12.370 Annual report.

Every collector shall furnish an annual report to the city detailing the quantity and nature of all solid waste or recyclables removed from the city. Reports must be delivered to the city on or before July 31st of each year, for the immediately preceding period of July 1st through June 30th. This report shall also include permitted waste disposal facilities where the collector has disposed and/or transferred all solid waste removed from the city. This report is to also include a compilation of monthly tonnage reports and/or copies of tipping receipts. The report shall include a customer service identification list which identifies the name and address of each customer receiving collection and/or recycling service from the collector. The timely filing of a complete annual report is a condition of any permit or franchise awarded by the city.

(Ord. 671 § 1 (part), 1992)

4.12.380 Worker's compensation insurance.

Each collector shall at all time provide, at its own expense, workers' compensation insurance coverage for all employees. Each collector shall file and maintain certificates with the manager showing the insurance to be in full force and effect at all times the collector shall have a permit issued by the city.

(Ord. 671 § 1 (part), 1992)

4.12.390 Collector's liability insurance.

Each collector shall furnish the city a policy or certificate of comprehensive general and automobile liability insurance insuring the collector against bodily injury, property damage and automobile liability in the sum of one million dollars combined single limits. These limits shall be subject to annual review by the city for the purpose of reasonably adjusting to current insurance conditions and requirements. The insurance shall provide that the coverage is primary and that any insurance maintained by the city shall be excess insurance, shall be procured from an insurer authorized to do business in the state of California, shall name the city of La Puente and its officers, employees and agents as additional insureds and shall not be canceled or modified without first giving to city thirty-days' prior written notice.

(Ord. 671 § 1 (part), 1992)

4.12.400 City to be free from liability.

Any permittee or franchisee or person who collects, transports or disposes of solid waste or recyclables within the city shall indemnify, defend and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies, including interest, penalties and reasonable attorneys fees, that the city shall incur or suffer, which arise, result from or relate to the collection, transportation or disposal of solid waste or recyclables by that person.

(Ord. 671 § 1 (part), 1992)

4.12.410 Office for inquiries and complaints.

(a) Any collector with a franchise shall maintain an office at some fixed location and shall maintain a telephone at the office, listed in the current telephone directory in the firm name by which it conducts business in the city, and shall at all times during the hours between seven a.m. and six p.m. of each weekday and between seven a.m. and six p.m. on Saturday, have an employee or agent at that office to answer inquiries and receive complaints. The telephone number shall be a toll-free number from all portions of the city.

(b) The collector shall maintain at the office a written log of all complaints/inquiries received. Such log shall contain the date of inquiry/complaint, the caller's name, address and telephone number, the nature of the complaint/inquiry, the action taken or the reason for nonaction, and the date such action was taken. All inquiries and complaints shall be promptly answered or responded to and/or dealt with to the satisfaction of the city. Such log of complaints and other records pertaining to solid waste and recyclable collection and disposal shall be open to the inspection of the city at all reasonable times and shall be maintained for a period of one year. Compliance with the requirements of this section are conditions to any permit or franchise which is awarded by the city.

(Ord. 671 § 1 (part), 1992)

Part 7 Residential Collection and Recycling

4.12.420 Residential collection-Disposal and status of solid waste or recyclables.

All solid waste collected by a collector shall be disposed of by the collector in accordance with all applicable federal, state and local laws and regulations and the controlling permit or franchise agreement. Upon placement at the residential curbside for collection, all solid waste and recyclables shall become the property of the collector holding the exclusive franchise for residential collection services.

(Ord. 671 § 1 (part), 1992)

4.12.430 Residential collection-Frequency.

The residential collector shall collect all solid waste and recyclables placed for collection in compliance with this chapter from each occupied residential premises in accordance with a schedule which has been approved by the city manager. The schedule shall identify the routes and days of pickup for each collection district established within the city. Unless otherwise approved by the city council, collection of solid waste shall take place no less than once each calendar week. Collection of recyclables shall take place no less than once each calendar week. Not more than seven days shall elapse between collections of solid waste collections, nor between collections of recyclables.

(Ord. 671 § 1 (part), 1992)

4.12.440 Residential collection-Solid waste containers.

Subject to the prior approval of the city manager, the collector shall provide standard residential solid waste containers to each residential householder and may include the costs thereof in the monthly collection rate. Notwithstanding the foregoing, a residential householder may provide additional solid waste containers sufficient to accommodate the amount of solid waste generated by the residential premises; provided, however, that such containers shall be compatible with the collector's collection equipment. Such additional containers shall be the property of the residential householder. No cardboard box or paper bag may be used as a container for solid waste.

(Ord. 671 § 1 (part), 1992)

4.12.450 Residential collection-Recycling containers.

The collector shall provide each residential premises with at least one recycling container. If one recycling container is inadequate, the collector shall provide one or more additional recycling containers upon request, and at no charge to the residential householder.

(Ord. 671 § 1 (part), 1992)

4.12.460 Residential collection-Placement and removal of containers.

Every residential householder shall place each solid waste container and recycling container for collection at the curb in front of the premises, or at the curb at the side of the premises where the premises are adjacent to more than one street. When the premises are adjacent to a paved alley with a minimum width of fifteen feet, the residential householder shall place the container within two feet of the rear property line for collection. No person shall place any such container for collection more than twenty-four hours before collection is scheduled to commence in the district, or leave any such container at the place of collection after eight p.m. on the day of collection, or more than two hours after actual collection, whichever is later. Such containers shall be removed to a storage location which is not visible from any public right-of-way, excluding alleys.

(Ord. 671 § 1 (part), 1992)

4.12.470 Residential collection-Care of containers.

Upon collection, all solid waste containers shall be replaced by the collector, upright, where found, with the lids replaced, and all recycling containers shall be replaced in an upright or upside down position, at the location where found by the collector.

(Ord. 671 § 1 (part), 1992)

4.12.480 Residential collection-Special collection services.

The franchised residential collector shall provide, upon request from a residential householder, special collection of solid waste, at such rates as may be approved by the city and at such times as may be agreed upon by the collector and the person requesting the service. If no agreement is reached, such special collections shall be provided as determined by the city manager.

(Ord. 671 § 1 (part), 1992)

Part 8 Commercial/Industrial Collection

4.12.490 Commercial/industrial-Disposal and status of solid waste.

The commercial/industrial collector shall collect and dispose of all solid waste generated and presented for collection at each commercial/industrial premises in conformity with the provisions of this chapter, except as otherwise provided in this chapter. Any such collection and disposal shall be in accordance with all applicable federal, state and local laws and regulations and any controlling permit or franchise agreement between the collector and the city. All solid waste collected by a commercial/industrial collector shall be the exclusive property of the collector.

(Ord. 671 § 1 (part), 1992)

4.12.500 Commercial/industrial-Frequency of collection.

The commercial/industrial collector shall collect solid waste from commercial/industrial premises on a schedule which is agreed upon between the commercial/industrial business owner and the collector. In no event shall such collection schedule permit the accumulation of solid waste in quantities detrimental to public health or safety.

(Ord. 671 § 1 (part), 1992)

4.12.510 Commercial/industrial-Containers.

(a) Every commercial/industrial business served by the franchised collector shall have the option to:

(1) Provide the necessary container or containers to accommodate solid waste generated from the commercial/industrial business; or

(2) Use the standard commercial/industrial solid waste container or containers provided by the franchised collector, which

containers are compatible with the franchised collector's collection equipment. Where a commercial/industrial business owner is served by an excepted collector, such excepted collector and business owner shall determine by private agreement who is to provide the container.

(b) Every collector which provides any container or other equipment used for the storage of commercial/industrial solid waste shall:

(1) Place and maintain on the outside of such container, bin or other equipment, in legible letters and numerals not less than one inch in height, the collector's business name and telephone number, in a color contrasting with the background color of the container; and

(2) Provide containers on casters or hasps or locks upon request by the commercial/industrial business owner.

(Ord. 671 § 1 (part), 1992)

4.12.520 Commercial/industrial-Maintenance and placement of containers.

Solid waste containers provided by the collector shall be maintained in a clean and sanitary condition by the collector. Solid waste containers which are not provided by the collector shall be maintained in a clean and sanitary condition by the commercial/industrial business owner. Every commercial/industrial business owner shall provide a solid waste container location on the commercial/industrial premises and shall keep the area in good repair, clean and free of refuse outside of the container. Every collector shall remove any solid waste or litter that is spilled or deposited on the ground as a result of the collector's emptying of the container or other activities of the collector.

(Ord. 671 § 1 (part), 1992)

4.12.530 Commercial/industrial-Care of containers.

Upon collection of solid waste by the collector, all containers shall be replaced, upright, where found, with the lids closed. No person, other than the owner thereof, shall in any manner, break, damage, roughly handle or destroy containers placed on the premises of a commercial/industrial business owner.

(Ord. 671 § 1 (part), 1992)

4.12.540 Commercial/industrial-Special circumstances.

If particular commercial/industrial business premises require collections at times, frequencies or in a manner such that the franchised collector is unable to perform the collection in the normal course of business, or where unusual quantities of solid waste or special types of material are to be collected and disposed of, or where special methods of handling are required, or where the quantity of solid waste requires the use of multiple (more than three) containers, the collector and the commercial/industrial business owner may make arrangements for such collection on mutually agreeable terms. If the business owner and the franchised collector do not agree as to the methods for the service provided for in this section, the city manager shall determine the method of service. If the franchised collector is unable or unwilling to provide such service, the city manager may authorize the business owner to use another solid waste enterprise for such special service until the franchised collector can provide such service in its normal course of business.

(Ord. 671 § 1 (part), 1992)

Part 9 Penalty and Enforcement

4.12.550 Penalty and Enforcement.

No person shall violate or fail to comply with any provision or requirement of this chapter. A violation of any provision of this chapter may be enforced in any combination as provided by Chapters 1.08, 1.12 and 3.20 of this code, in addition to any other available legal remedy.

(Ord. 881, § 8, 2009)

Sections:

- 4.14.010 Purpose.
- 4.14.020 Sanitary sewer capacity charge established.
- 4.14.030 Use of revenues.
- 4.14.040 Developer construction of facilities.
- 4.14.050 Administrative guidelines.

4.14.010 Purpose.

In order to implement the goals and objectives of the La Puente General Plan, and to mitigate the impacts caused by future development in the City of La Puente, certain facilities have been or will have to be constructed to ensure that there is sufficient capacity in the sanitary sewer system. The City Council has determined that a sanitary sewer capacity charge imposed on each new and expanded connection to the sewer system is needed in order to finance the sanitary sewer system facilities and to pay for each new user's fair share of the construction and acquisition costs of the improvements made necessary by new and expanded connections.

(Ord. 07-865, 2007)

4.14.020 Sanitary sewer capacity charge established.

(a) A sanitary sewer capacity charge ("sanitary sewer capacity charge") is established pursuant to California Government Code Section 66013 to pay for publicly owned sanitary sewer facilities.

(b) The City Council, in a City Council resolution adopted after a duly noticed public hearing, shall set forth the amount of the sanitary sewer capacity charge, set forth any findings required by law, and set forth the time for payment.

(Ord. 07-865, 2007)

4.14.030 Use of revenues.

The revenues raised by payment of the sanitary sewer capacity charge shall be accounted for in a capital facilities fund. Separate and special accounts within the fund shall be used to account for revenues, along with any interest earnings on such accounts. These monies shall be used for the following purposes:

(a) To pay for property acquisition, including right-of-way acquisition, design, engineering, and construction of the public facilities and reasonable cost of outside consultant studies related thereto;

(b) To reimburse the city for designated public facilities constructed by the city with funds (other than gifts or grants) from other sources together with accrued interest;

(c) To reimburse developers who have designed and constructed, or dedicated land for, designated public facilities which are oversized with supplemental size, length, or capacity; and/or

(d) To pay for and/or reimburse costs of program development and ongoing administration of the sanitary sewer capacity charge program.

(Ord. 07-865, 2007)

4.14.040 Developer construction of facilities.

If a developer is required, as a condition of approval of a permit, or otherwise proposes, to construct, or dedicate land for, a public facility that has been designated to be financed with sanitary sewer capacity charges and if the facility has supplemental size, length, or capacity over that needed for the impacts of the development, a credit against the charge otherwise levied by this chapter concerning the development project in an amount not to exceed the cost of such public facilities as estimated by the city in adopting the charge shall be offered by the city and, if the charge is less than such amount, the developer shall be entitled to reimbursement. The reimbursement amount shall be from charge revenue only.

(Ord. 07-865, 2007)

4.14.050 Administrative guidelines.

The City Council may, by resolution, adopt administrative guidelines to set forth procedures for the calculation, reimbursement, and other administrative aspects of the sanitary sewer capacity charge.

(Ord. 07-865, 2007)

Chapter 4.16

STORMWATER AND URBAN RUNOFF POLLUTION PREVENTION*

Sections:

- 4.16.010 Title.
- 4.16.020 Purpose and intent.
- 4.16.030 Definitions.
- 4.16.040 Illicit discharges, dumping, and non-storm water discharges.
- 4.16.050 Illicit connections.
- 4.16.060 Reduction of pollutants in runoff.
- 4.16.070 Low impact development measures.
- 4.16.080 Enforcement.

4.16.010 Title.

This chapter shall be known as the City of La Puente Storm Water and Urban Runoff Pollution Prevention Chapter.

(Ord. 936 § 3, 2015)

4.16.020 Purpose and intent.

The purpose of this chapter is to protect and improve water quality of receiving waters by:

- (a) Reducing illicit discharges to the municipal storm water system to the maximum extent practicable.
- (b) Eliminating illicit connections to the municipal storm water system.
- (c) Eliminating spillage, dumping, and disposal of pollutant materials into the municipal storm water system.
- (d) Reducing pollutant loads in storm water and urban runoff from land uses and activities identified in the municipal NPDES permit.

(Ord. 936 § 3, 2015)

4.16.030 Definitions.

Except as specifically provided herein, any term used in this Chapter 4.16 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 of the following Standard Industrial Classification (SIC) and North American Industry Classification System (NAICS) codes (SIC 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539). For inspection purposes, Permittees need not inspect facilities with SIC codes 5013, 5014, 5541, 5511, provided that these facilities have no outside activities or materials that may be exposed to 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 non-stormwater discharges to receiving waters, or designed to reduce the volume of stormwater or non-stormwater 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 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 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 La Puente.

"Clean Water Act" (CWA) means the Federal Water Pollution Control Act as amended, 33 U.S.C. Section 1251, et seq.

"Commercial Malls" means any development on private land comprised of one or more buildings forming a complex of stores which sells various merchandise, with interconnecting walkways enabling visitors to easily walk from store to store, along with parking area(s). 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 result in land disturbance. Construction does not include emergency construction activities required to immediately protect public health and safety, routine maintenance activities, or routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, maintain the original line and grade, hydraulic capacity, or original purposes of the facility. See "Routine Maintenance" definition for further explanation. Where clearing, grading or excavating of underlying soil takes place during a repaving operation, State General Construction Permit coverage by the State of California General Permit for Storm Water Discharges Associated with Industrial Activities or for Stormwater Discharges Associated with Construction Activities is required if more than one acre is disturbed or the activities are part of a larger plan.

"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 non-residential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance, 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 200 feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the Director of Development Services of the City and his or her authorized agent, representative or inspector.

"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 (Source: Order No. R4-2012-0175).

"Executive Officer" means Executive Officer of the California Regional Water Quality Control Board, Los Angeles.

"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 Division 20, Chapter 6.95 of the California Health and Safety Code.

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

"Hydromodification" means the alteration of the hydrologic characteristics of coastal and non-coastal waters, which in turn could cause degradation of water resources.

"Illicit connection" means any device through or by which an illicit discharge is conveyed into the municipal storm water system without a permit, including but not limited to floor drains, pipes or any fabricated or natural conduits, excluding roof drains which convey only storm water.

"Illicit discharge" means the entry of any material other than storm water unless such discharge is exempted under the municipal NPDES permit; is allowed under a separate NPDES permit, including but not limited to a point source permit, a General Industrial Activity Storm Water permit, or a General Construction Activity Storm Water permit; or is allowed by the Executive Officer.

"Impervious Surface" means any man-made 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.

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

"LID" means Low Impact Development. LID consists of building and landscape features designed to retain or filter stormwater runoff.

"Maximum extent practicable" means, within the context of BMP selection, choosing effective BMPs, and rejecting applicable BMPs only: (1) where effective BMPs will serve the same purpose; (2) the BMPs would not be technically feasible; or (3) the cost would be prohibitive.

"MS4" means Municipal Separate Storm Sewer System. 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):

(i) 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;

(ii) Designed or used for collecting or conveying stormwater;

(iii) Which is not a combined sewer; and

(iv) 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 § 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 (Source: Order No. R4-2012-0175).

"Non-Stormwater Discharge" means any discharge to a municipal storm drain system that is not composed entirely of stormwater.

"Owner" as applied to a building or real property, means 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 real property.

"Parking Lot" means land area or facility for the parking or storage of motor vehicles used for businesses, commerce, or personal use, with a lot size of 5,000 square feet or more of surface area, or with 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) (Modified from: Order No. R4-2012-0175). Planning Priority Projects are further defined in Section 4.16.070.

"Pollutant" means any "pollutant" defined in Section 502(6) of the Federal Clean Water Act or incorporated into the 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 non- metals 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 § 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 non-potable uses. The harvested water may also be used for potable water uses if the system includes disinfection treatment and is

approved for such use by the local building department (Source: Order No. R4-2012-0175).

"Receiving Water" means "water of the United States" into which waste and/or pollutants are or may be discharged (Source: Order No. R4-2012-0175).

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of 5,000 square feet or more of impervious surface area on an already developed site. Redevelopment includes, but is not limited to: the expansion of a building footprint; addition or replacement of a structure; replacement of impervious surface area that is not part of routine maintenance activity; and land disturbing activity related to structural or impervious surfaces. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"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, regrading 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 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, worthy of inclusion but that do not fit in the seven criteria set forth above.

"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.

"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 word or two 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.

"Urban Runoff" means surface water flow produced by storm and non-storm events. Non-storm events include flow from residential, commercial, or industrial activities involving the use of potable and non-potable water.

(Ord. 936 § 3, 2015)

4.16.040 Illicit discharges, dumping, and non-storm water discharges.

(a) No person shall cause or allow an illicit discharge to enter the municipal storm water system.

(b) No person shall place, dump, dispose, litter, accumulate, maintain, discharge, or cause to enter into the MS4 any pollutant or any foreign object such as batteries, tires, waste receptacles, yard debris, refuse, rubbish, food waste, chemicals, animal waste or oil cans, which are also considered illicit discharges.

(c) Any person causing an illicit discharge to the MS4 may be required to pay for the cost of clean-up and remediation.

(d) Any owner of any private property from which a non-storm water discharge is observed may be required to pay for the cost of collecting and analyzing the discharge to determine if it is an illicit discharge.

(e) The following non-storm water discharges are not considered illicit discharges:

(1) Discharges determined by the Executive Officer not to be significant sources of pollution, including but are not limited to: natural springs and rising ground water; flows from riparian habitats or wetlands; stream diversions, permitted by the State Board; and uncontaminated ground water infiltration (as defined by 40 C.F.R. 35.2005(20)); reclaimed and potable landscape irrigation runoff; potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices); drains for foundations, footings, and crawl spaces; air conditioning condensate; dechlorinated/debrominated swimming pool discharges; dewatering of lakes and decorative fountains; non-commercial car washing by residents or by non-profit organizations; and sidewalk rinsing.

(2) Discharges specifically allowed under a separate NPDES permit, including but not limited to, a General Industrial Storm Water Activity permit or General Construction Storm Water Activity permit.

(Ord. 936 § 3, 2015)

4.16.050 Illicit connections.

(a) No person shall maintain or intentionally use a connection that operates to convey an illicit discharge to the municipal storm water system.

(b) Upon discovery of an illicit connection, the person owning or operating such connection shall either remove it or render it incapable of conveying an illicit discharge.

(c) If any person fails to eliminate an illicit connection after being called upon by the city to do so, the city manager or his or her designee(s), shall impose appropriate measures to remove or disable the illicit connection and may recover the costs from the owner of such illicit connection.

(Ord. 936 § 3, 2015)

4.16.060 Reduction of pollutants in runoff.

No person shall cause or threaten to cause the discharge of pollutants to the MS4 by exposing such pollutants to storm water runoff.
(Ord. 936 § 3, 2015)

4.16.070 Low Impact Development Measures.

(a) Objective. The provisions of this section 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. LID shall be inclusive of new development and/or redevelopment projects.

(b) Scope. This Section contains requirements for stormwater pollution control measures in Development and Redevelopment projects and authorizes the City to further define and adopt stormwater pollution control measures, to develop LID principles and requirements, including but not limited to the objectives and specifications for integration of LID strategies, and to grant waivers or alternate compliance as allowed by the Municipal NPDES permit and collect fees from projects granted exceptions. Except as otherwise provided herein, the City shall administer, implement and enforce the provisions of this Section. Guidance documents supporting implementation of requirements in this Ordinance are hereby incorporated by reference, including LID Manuals.

(c) Applicability. The following Development and Redevelopment projects, termed "Planning Priority Projects," shall comply with the requirements of this Chapter:

- (1) All development projects equal to 1 acre or greater of disturbed area that adds more than 10,000 square feet of impervious surface area.
- (2) Industrial parks 10,000 square feet or more of surface area.
- (3) Commercial malls 10,000 square feet or more of surface area.
- (4) Retail gasoline outlets with 5,000 square feet or more of surface area.
- (5) Restaurants (Standard Industrial Classification (SIC) of 5812) with 5,000 square feet or more of surface area.
- (6) Parking lots with 5,000 square feet or more of impervious surface area, or with 25 or more parking spaces.
- (7) Streets and roads construction of 10,000 square feet or more of impervious surface area.
- (8) Automotive service facilities (Standard Industrial Classification (SIC) of 5013, 5014, 5511, 5541, 7532-7534 and 7536-7539) 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 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 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 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 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 10,000 square feet of impervious surface area.

(12) Any other project as deemed appropriate by the Director.

(d) Effective Date. The Planning and Land Development requirements contained in this Ordinance shall become effective 90 days from the adoption of the Ordinance. 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 90 days of adoption of the Ordinance. Projects that have been deemed complete within 90 days of adoption of the Ordinance are not subject to the requirements of this Chapter.

(e) Stormwater Pollution Control Requirements. The Site for every Planning Priority Project shall be designed to control pollutants, pollutant loads, and runoff volume to the maximum extent feasible by minimizing impervious surface area and controlling runoff from impervious surfaces through infiltration, evapotranspiration, bioretention and/or rainfall harvest and use.

(1) A new single-family hillside home development shall include mitigation measures to:

- a. Conserve natural areas;
- b. Protect slopes and channels;
- c. Provide storm drain system stenciling and signage;
- d. Divert roof runoff to vegetated areas before discharge unless the diversion would result in slope instability; and
- e. Direct surface flow to vegetated areas before discharge, unless the diversion would result in slope instability.

(2) Street and road construction of 10,000 square feet or more of impervious surface shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

(3) The remainder of Planning Priority Projects shall prepare a LID Plan to comply with the following:

a. Retain stormwater runoff onsite for the Stormwater Quality Design Volume (SWQDv) defined as the runoff from:

i. The 85th percentile 24-hour runoff event as determined from the Los Angeles County 85th percentile precipitation isohyetal map; or

ii. The volume of runoff produced from a 0.75 inch, 24-hour rain event, whichever is greater.

b. When, as determined by the City, 100 percent onsite 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 0.3 inch per hour and it is not technically feasible to amend the in-situ soils to attain an infiltration rate necessary to achieve reliable performance of infiltration or bioretention BMPs in retaining the SWQDv onsite.

ii. Locations where seasonal high groundwater is within five to ten feet of surface grade;

iii. Locations within 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 onsite volume retention requirement.

c. If partial or complete onsite retention is technically infeasible, the project Site may biofiltrate 1.5 times the portion of the remaining SWQDv that is not reliably retained onsite. Biofiltration BMPs must adhere to the design specifications provided in the Municipal NPDES Permit.

i. Additional alternative compliance options such as offsite infiltration may be available to the project Site. The project Site should contact the City to determine eligibility.

d. The remaining SWQDv that cannot be retained or biofiltered onsite must be treated onsite to reduce pollutant loading. BMPs must be selected and designed to meet pollutant-specific benchmarks as required 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. 0.2 inches per hour, or

ii. The one year, one-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: (a) designing a system acceptable to the City to satisfy these standards and requirements for the entire Site during the first phase, and (b) 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 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.

(f) Other Agencies of the City. All City departments, offices, entities and agencies, shall establish administrative procedures necessary to implement the provisions of this Article on their Development and Redevelopment projects and report their activities annually to the Director.

(Ord. 936 § 3, 2015)

4.16.080 Enforcement.

(a) The following violations shall be deemed to be a public nuisance:

(1) Any condition caused or permitted to exist in violation of this chapter;

(2) Any violations of the provisions of this chapter;

(3) Any failure to comply with a certification or verification provided by a person or the person's successor interest; or

(4) Any failure to properly operate and maintain any BMP on a property as called for in the municipal NPDES permit and as more specifically required in the city's Storm Water Quality Management Program and which shall also be construed to be a threat to the public health and safety and may be abated or restored by any authorized enforcement officer in accordance with procedures set forth in Chapter 3.20 in this code, and a civil or criminal action to abate, enjoin or otherwise compel the cessation of such nuisance may be brought by the city attorney.

(b) The cost of such abatement and restoration shall be borne by the owner of the property and the cost thereof shall be invoiced to the owner of the property, as provided by law or ordinance for the recovery of nuisance abatement costs.

(c) If any violation of this chapter constitutes a seasonal and recurrent nuisance, the city manager of his or her designee(s) shall so declare. The failure of any person to take appropriate annual precautions to prevent runoff pollution after written notice of a determination under this paragraph shall constitute a public nuisance and a violation of this chapter.

(d) Causing, permitting, aiding, abetting, or concealing a violation of any provision of this chapter shall constitute a violation of such provision.

(e) In addition to any other remedies provided in this section, any violation of this section may be enforced by a civil action brought by the city. In any such action, the city may seek, as appropriate, any or all of the following remedies.

(1) A temporary and/or permanent injunction;

(2) Assessment of the violator for the costs of any investigation, inspection or monitoring survey which led to the establishment of the violation, and for the reason liable costs of preparing and bringing legal action under this subsection;

(3) Costs incurred in removing, correcting or terminating the adverse effects resulting from violation; and

(4) Compensatory damages for loss or destruction to water quality, wildlife and aquatic life.

(f) In addition to the other enforcement powers and remedies established by this chapter, the City has the authority to impose the following administrative remedies:

(1) Cease and Desist Orders. When the City finds that a discharge has taken place or is likely to take place in violation of this chapter, the City may issue an order to "cease and desist" such discharge, practice, or operation likely to cause such discharge, and direct that those persons not complying to: (1) comply with the requirements; (2) comply with a time schedule for compliance; and (3) take appropriate remedial or preventive action to prevent the violation from persisting or recurring.

(2) Notice to Clean. Whenever the City finds any material, including oil, earth, dirt, debris, grass, weeds, dead trees, tin cans, rubbish, refuse, or waste in or upon the sidewalk abutting or adjoining any parcel of land or upon any parcel of land or grounds, which may result in the transport of pollutants or illicit discharges to the MS4, the City may give notice to the owner or occupant of the adjacent property to remove such materials. The recipient of such notice shall undertake the activities as described in the notice.

(3) Penalties. Any person who violates any provision of this chapter or fails to comply with any of the requirements of this chapter shall be guilty of a misdemeanor, which shall be punishable as provided in § 1.08.040 of this code; provided, however, that the city attorney may determine that such violation should be prosecuted as an infraction. Each and every day, or any part thereof, during which any such violation is committed, continued or allowed, shall constitute a separate offense.

(4) Permit Revocation. To the extent the City makes a provision of this chapter or any identified BMP a condition of approval to the issuance of a permit or license, any person in violation of such condition is subject to the permit revocation procedures set forth in this code.

(5) Remedies. Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive.

(6) No Taking. The provisions of this chapter shall not be construed or operate to deprive any property owner of substantially all of the market value of such owner's property or otherwise constitute an unconstitutional taking without compensation.

(Ord. 936 § 3, 2015)

Chapter 4.34

NOISE REGULATIONS

Sections:

4.34.010 Prohibited noises-General standard.

4.34.020 Prohibited noises-Specific examples.

4.34.030 Exemptions.

4.34.040 Enforcement.

4.34.050 Violations-Misdemeanors.

4.34.060 Violations-Additional remedies-Injunctions.

4.34.070 Additional remedies-Motor vehicle alarms.

4.34.080 Additional remedies-Recovery of law enforcement costs for certain repeat offenders.

4.34.010 Prohibited noises-General standard.

No person shall make, or cause or suffer, or permit to be made upon any premises owned, occupied or controlled by such person, any loud, raucous, jarring, unusual, unnecessary, excessive or other unreasonable noises, sounds or vibrations which are physically

annoying to reasonable persons of ordinary sensitivity or which are so harsh or so prolonged or unnatural or unusual in their use, time, or place as to cause or contribute to the unnecessary and unreasonable discomfort to any persons within the neighborhood surrounding the location from which said noises emanate or which unreasonably interfere with the peace and comfort of the residents of the surrounding neighborhood or their guests, or the operators or customers in places of business in the vicinity, or which detrimentally or adversely affect such residences or places of business.

(Ord. 753 § 4 (part), 1997)

4.34.020 Prohibited noises-Specific examples.

Except as set forth in Section 4.34.030 of this chapter, the following acts and the causing or permitting thereof, are specifically declared to be a violation of this chapter:

(a) Radios, Phonographs, Etc. The using, operating or permitting to be played, used or operated between the hours of eight p.m. and seven a.m. of any radio, musical instrument, phonograph, television set, or instrument or device similar to those heretofore specifically mentioned (hereinafter "device") for the production or reproduction of sound in volume sufficiently loud as to be plainly audible at a distance of fifty feet or more from the property line of the property from which the noise, sound or vibration is emanating, and the using, operating or permitting to be played, used or operated between the hours of seven a.m. and eight p.m. of any such device for the production or reproduction of sound in volume sufficiently loud as to be plainly audible at a distance of two hundred feet or more from the property line of the property from which the noise, sound or vibration is emanating.

(b) Band or Orchestral Rehearsals. The conducting of or carrying on, or allowing the conducting carrying on of band or orchestral concerts or rehearsals or practice between the hours of eight p.m. and seven a.m. sufficiently loud as to be plainly audible at a distance of fifty feet or more from the property line of the property where the concert, rehearsal or practice is occurring, and the conducting of or carrying on, or allowing the conducting or carrying on of band or orchestral concerts or rehearsals or practice between the hours of seven a.m. and eight p.m. sufficiently loud as to be plainly audible at a distance of two hundred feet or more from the property line of the property where the concert, rehearsal or practice is occurring.

(c) Engines, Motors and Mechanical Devices Near Residential District. The sustained, continuous or repeated operation or use between the hours of eight p.m. and seven a.m. of any motor or engine or the repair, modification, reconstruction, testing or operation of any automobile, motorcycle, machine, contrivance, or mechanical device or other contrivance or facility unless such motor, engine, automobile, motorcycle, machine or mechanical device is enclosed within a sound insulated structure so as to prevent noise and sound from being plainly audible at: (1) distance of fifty feet or more from the property line of the property from which the noise, sound or vibration is emanating or (2) the exterior wall of any adjacent residence, whichever is less.

(d) Motor Vehicles. Racing the engine of any motor vehicle or needlessly bringing to a sudden start or stop of any motor vehicle.

(e) Loading and Unloading. Loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials, garbage cans or similar objects between the hours of eight p.m. and seven a.m. in volume sufficiently loud as to be plainly audible at a distance of fifty feet or more from the property line of the property where the activity is occurring.

(f) Construction. Operating or causing the operation of any tools, equipment, impact devices, derricks or hoists used on construction, drilling, repair, alteration, demolition or earthwork, between the hours of eight p.m. and seven a.m. on weekdays or at any time on Saturdays (except, between the hours of seven a.m. and eight p.m., interior construction is permissible); or at any time on Sundays or city holidays.

(g) Nonemergency Signaling Devices. Sounding or permitting the sounding of any bell, chime, siren, whistle or similar device, intended primarily for nonemergency purposes between the hours of eight p.m. and seven a.m. Sound sources included within this provision may be exempted by a variance issued by the planning commission.

(h) Emergency Signaling Devices.

(1) The intentional sounding, or permitting the sounding, outdoors of any emergency signaling device including fire, burglar, civil defense alarm, siren, whistle or similar emergency signaling device, for testing, except as provided in subsection (h)(2) of this section.

(2) Testing of an emergency signaling device shall not occur between the hours of eight p.m. and seven a.m. Any such testing shall use only the minimum cycle test time. In no case shall such test time exceed sixty seconds. Testing of the emergency signaling system shall not occur more than once in each calendar month.

(3) Sounding or permitting the sounding of any exterior burglar or fire alarm unless such alarm is terminated within fifteen

minutes of activation.

(4) Sounding or permitting the sounding of any motor vehicle alarm unless such alarm is terminated within five minutes of activation.

(5) Sounding or permitting the sounding of any motor vehicle alarm more than three times of any duration in any twenty-four hour period.

(i) **Noises by Animals.** It is unlawful for any person having charge, care, custody, or control of any animal to permit such animal to emit any persistent sound, cry or other noise which disturbs the peace, quiet and comfort of any residential neighborhood. For purposes of this section, "persistent sound, cry or other noise" means any noise which is of such a magnitude to be obnoxious or physically annoying to reasonable persons of ordinary sensitivity. The city shall enforce this chapter as follows:

(1) Complaints must be submitted in writing to the Los Angeles County department of animal care and control ("department") and shall include the name, address, and telephone number of the complainant, as well as the address of the animal owner, a description of the animal, and the dates, times, duration and description of the noise.

(2) Upon receiving a complaint involving whining, barking, howling, screeching or similar animal noise, the department shall cause the following to be performed:

(A) Issue a notice of noise complaint to the animal owner or custodian describing the complaint sufficiently to help the animal owner or custodian recognize and correct the problem, and requesting immediate steps to abate the problem.

(B) If a second complaint is received, issue a notice of noncompliance to the animal owner or custodian including the information required in subsection (i)(2)(A) of this section and explaining that the animal owner or custodian may request a hearing with a member of the department to discuss the notice of noncompliance within five days of receipt of the notice.

(C) If the problem is not resolved by the end of the period stated in the notice of noncompliance, issue a citation to the animal owner or custodian including the information required in subsections (i)(2)(A) and (B) of this section and apprising the animal owner or custodian that he or she will be liable for costs pursuant to Section 4.34.080 of the La Puente Municipal Code upon issuance of a second citation.

(3) If a second citation is issued within one year of the first to the same animal owner or custodian and, if additional law enforcement personnel are required to respond to, investigate or abate the condition, the animal owner or custodian shall be required to reimburse the city for costs pursuant to Section 4.34.080 of the La Puente Municipal Code.

(j) **Leaf Blowers.** The use or operation or allowing the use or operation of any portable machine powered with a combustion or gasoline engine to blow leaves, dirt and other debris off sidewalks, driveways, lawns and other surfaces, between the hours of eight p.m. and seven a.m.

(k) **Commercial Establishments Adjacent to Residential Property.** Continuous, repeated or sustained noise, sound or vibration from the premises of any commercial establishment, including any outdoor area that is a part or under the control of the establishment, which is licensed by the city and is adjacent to one or more residential dwelling units, between the hours of eleven p.m. and seven a.m., that is plainly audible from the exterior wall of the adjacent residential dwelling unit.

(l) **Loud Parties or Gatherings.** Generating any noise, sound or vibration from a party or gathering of two or more people on private property (whether from a home, a nightclub, or any other location in the city) that is plainly audible from a distance of fifty feet or more from the property line of the property from which the noise, sound or vibration is emanating. The city shall enforce this subsection (l) as follows:

(1) When such a party or gathering occurs and is determined by the city manager or his or her designee or by a sheriff's deputy at the scene to constitute a violation of the California Penal Code or the La Puente Municipal Code, or is otherwise a threat or detrimental to the public peace, health, safety or welfare due to the magnitude of the crowd, noise, disturbance or unruly behavior generated by the party or gathering, excessive traffic, or destruction of property, then the city manager or his or her designee or the sheriff's department shall take such actions and give such direction as is necessary to investigate or abate the violation or condition and shall advise the responsible person orally and in writing that, if additional law enforcement personnel are required to respond to abate the condition, the responsible person and the owner or occupant of the property shall be held liable for the cost of providing such services. Such direction and advice shall be given to the person responsible for the party or gathering or to the owner or occupant of the property involved.

(2) If the condition is not voluntarily abated in the time period requested by any city official or law enforcement officer and, if additional city or law enforcement personnel are required in order to disperse the party or gathering, quell any disturbance, direct

traffic, cite illegally parked vehicles or otherwise respond, then the responsible person and the owner or occupant of the property shall be required to reimburse the city for costs pursuant to Section 4.34.080 of this chapter.

(Ord. 753 § 4 (part), 1997)

4.34.030 Exemptions.

The following activities shall be exempt from the provisions of this chapter:

(a) **Emergency Exemption.** The emission of sound for the purpose of alerting persons to the existence of an emergency or the emission of sound in the performance of emergency work. For the purposes of this section, "emergency" means a condition that constitutes an immediate threat to public safety, health or welfare or to property.

(b) **Warning Devices.** Warning devices necessary for the protection of public safety as for example, police, fire and ambulance sirens and train horns.

(c) **Outdoor Activities.** Activities conducted on public playgrounds, fully licensed and approved child day care facilities within residential areas as permitted by law, and public or private school grounds including, but not limited to, school athletic and school entertainment events and band or orchestral rehearsals for school athletic or school entertainment events.

(d) **Construction; Special Circumstances.** The provisions of Section 4.34.020 of this chapter do not apply to any person who performs construction, repair, excavation or earthmoving work if and to the extent that the city manager or his or her designee has given express prior written permission to perform such work at times prohibited in Section 4.34.020 of this chapter. In order to be given such permission, the person must submit to the city manager or to the city manager's designee an application in writing, stating the reasons for the request and the facts upon which such reasons are based. The city manager or his or her designee may grant or conditionally grant such permission if the city manager, city engineer, code enforcement officer or building official has found that:

(1) The work proposed to be done is necessary to protect or promote public safety or welfare or is otherwise in the public interest; or

(2) Hardship including, but not limited to, unreasonable delay due to weather, acts of God or labor strikes, would result from the interruption thereof during the hours and days specified in Section 4.34.020 of this chapter; or

(3) The building or structure involved is devoted or intended to be devoted to a use immediately incidental to public defense.

Any applicant dissatisfied with the decision of the city manager or the city manager's designee may appeal to the city council by filing a notice of appeal with the city clerk within ten days after notice of the decision. The appeal shall be accompanied by the applicable appeal fee, which shall be established by a resolution of the city council. The city council shall, within thirty days of filing the appeal, affirm, reverse or modify the decision of the city manager.

The provisions of Section 4.34.020 of this chapter also do not apply to the construction, repair, or excavation during prohibited hours as may be necessary for the preservation of life or property, when such necessity arises during such hours as the offices of the city are closed, or where such necessity requires immediate action prior to the time at which it would be possible to obtain a permit pursuant to this section. The person doing such construction, repair or excavation shall obtain a permit therefor within one business day of such construction, repair or excavation. The application for the permit shall be accompanied by the payment of the applicable fee established by resolution of the city council.

(e) **Outdoor Events.** Outdoor events, such as gatherings, fairs, circuses, public dances, parades, shows and sporting events, if and to the extent the events are conducted pursuant to a permit issued by the city manager or the city manager's designee. The application for such permit shall be accompanied by the payment of the applicable fee established by resolution of the city council.

(f) **Filming Activities.** Filming activities, if and to the extent the filming activities are conducted pursuant to a permit issued pursuant to Chapter 5.25 of this code.

(Ord. 753 § 4 (part), 1997)

4.34.040 Enforcement.

The city manager shall have primary responsibility, with such assistance of the sheriff's department and the Los Angeles County department of animal care and control as may be necessary or desirable, for the enforcement of the noise regulations contained herein.

Nothing in this chapter shall preclude the city manager from seeking to obtain voluntary compliance by way of warning, notice, or informational materials.

(Ord. 753 § 4 (part), 1997)

4.34.050 Violations-Misdemeanors.

Any person violating any of the provisions of this chapter is guilty of a misdemeanor and upon conviction thereof shall be fined in an amount not exceeding one thousand dollars or be imprisoned in the county jail for a period not exceeding six months, or by both such fine and imprisonment. Each day such violation is committed or permitted to continue shall constitute a separate offense and shall be punishable as such.

(Ord. 753 § 4 (part), 1997)

4.34.060 Violations-Additional remedies-Injunctions.

As an additional remedy, any activity or conduct which causes or creates noise, sound or vibration in violation of the provisions of this chapter shall be deemed and is declared to be, a public nuisance and may be subject to abatement summarily by a restraining order or injunction issued by a court of competent jurisdiction.

(Ord. 753 § 4 (part), 1997)

4.34.070 Additional remedies-Motor vehicle alarms.

(a) Deactivation. In addition to the remedies set forth in this chapter, the sheriff's department may undertake such procedures as are reasonably necessary to deactivate a motor vehicle alarm generating noise in violation of this chapter. If the sheriff's department is unable to deactivate the alarm, the sheriff may cause the motor vehicle to be removed according to the procedure set forth in Section 22651.5 of the California Vehicle Code.

(b) Removal. Any costs associated with the removal or storage of a motor vehicle pursuant to subsection (a) of this section and any costs incurred by the city in connection therewith shall be paid by the registered owner of the motor vehicle.

(Ord. 753 § 4 (part), 1997)

4.34.080 Additional remedies-Recovery of law enforcement costs for certain repeat offenders.

(a) This Section 4.34.080 shall apply to the following persons or entities:

(1) The animal owner or custodian who has received more than one citation pursuant to subsection (i) of Section 4.34.020 of this chapter;

(2) The person or persons responsible for a party or gathering described in subsection (1) of Section 4.34.020 of this chapter, or the owner or occupant of the property on which the party or gathering is held or, if any such person is a minor, the parents or legal guardians of the minor.

(b) Said persons shall be jointly and severally liable for the following costs incurred by the city:

(1) The actual cost to the city of law enforcement or other services, excluding the initial response provided by city, animal control or law enforcement personnel, necessary to abate a violation of Section 4.34.020 of this chapter;

(2) Damage to public property resulting from such response; and

(3) Injuries to any city, animal control or law enforcement personnel involved in such response.

(c) The department that provided the response shall accurately compute the cost of providing such services in accordance with the schedule of rates and charges for personnel and equipment contained in any applicable agreement with the city and shall advise the city manager of such costs as well as any other costs of damage to public property or injuries to personnel resulting from the response.

The city manager shall bill said costs (and any additional such costs of the city) to the person or persons specified above in subsection (a) of this Section 4.34.080. Payment shall be due and payable within thirty days of the billing date. If the amount due is not paid, the city may collect the debt, as well as any fees and costs incurred in its collection, pursuant to all applicable provisions of law.

(d) The remedies set forth in this section are not exclusive and may be used in addition to those set forth elsewhere in this code or by law.

(e) As used in this Chapter 4.34, the term "law enforcement" includes, but is not limited to, the sheriff's department, the fire department, the Los Angeles County department of animal care and control and any city department.

(Ord. 753 § 4 (part), 1997)

Title 5 BUSINESS REGULATION AND LICENSES*

Chapters:

- 5.04 Licenses
- 5.05 Medical Marijuana Cooperative Business License Tax
- 5.06 Transient Occupancy Tax
- 5.08 Business and Occupation Permits
- 5.12 Adult Entertainment Businesses
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*Imposition and collection of business license tax authorized by California Government Code § 37101.

Chapter 5.04

LICENSES*

Sections:

- 5.04.010 Chapter enacted as revenue measure.
- 5.04.020 Construction of definitions.
- 5.04.030 Person defined.
- 5.04.040 Business defined.
- 5.04.050 Constitutionally protected expressive activities defined.
- 5.04.060 Street defined.
- 5.04.070 Wheeled vehicles defined.
- 5.04.080 Employees defined.
- 5.04.090 Fortunetelling business-Defined.
- 5.04.095 (Deleted by Ord. 826, 3/23/04)
- 5.04.100 Business license officer defined.
- 5.04.110 License processing fee.
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5.04.580 Boot black license tax.

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5.04.610 Linen and towel supply vehicle license tax.

5.04.620 Pawnbroker license tax.

5.04.630 Peddler, photographer, solicitor license taxes.

5.04.640 Vending machine license taxes.

5.04.650 Multiple residential units license tax.

5.04.660 Trailer camp license tax.

- 5.04.670 Taxicab license taxes.
- 5.04.680 Contractor and subcontractor license taxes.
- 5.04.690 Bankrupt and miscellaneous sales license tax.
- 5.04.700 Laundry and dry cleaning vehicle license tax.
- 5.04.710 Electric sign installation license tax.
- 5.04.720 Subdivider business license fee.
- 5.04.730 Refuse collection license fee.
- 5.04.740 Private investigator, private patrol operator, armored contract carrier, or protection dog operator.

*See also other license provisions in the following chapters of this title.

5.04.010 Chapter enacted as revenue measure.

This chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation.

(Ord. 776 § 2 (part), 1999)

5.04.020 Construction of definitions.

The following words and phrases whenever used in this chapter shall be construed as defined in this chapter, unless from the context a different meaning is intended, or unless a different meaning is specifically defined and more particularly directed to the use of such words and phrases.

(Ord. 776 § 2 (part), 1999)

5.04.030 Person defined.

As used in this chapter, "person" shall include, but not be limited to, all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, business or common law trusts, societies and individuals transacting and carrying on any business in the city of La Puente.

(Ord. 776 § 2 (part), 1999)

5.04.040 Business defined.

As used in this chapter, "business" shall mean professions, trades and occupations and all and every kind of calling carried on for profit or livelihood.

(Ord. 776 § 2 (part), 1999)

5.04.050 Constitutionally protected expressive activities defined.

As used in this chapter, "constitutionally protected expressive activity" shall mean any activity protected by the First Amendment to the United States Constitution or Article 1, Section 2 of the California Constitution.

(Ord. 776 § 2 (part), 1999)

5.04.060 Street defined.

As used in this chapter, "street" shall mean and include every street, boulevard, avenue, highway, alley and road within the city of La Puente, which has been or may hereafter be indicated as such and opened to public use.

(Ord. 776 § 2 (part), 1999)

5.04.070 Wheeled vehicles defined.

As used in this chapter, "wheeled vehicle" shall mean and include automobile, truck, tank truck, trailer, wagon, cart and any and all other contrivances used or capable of being used as a means of transportation of persons or property that move or roll on one or more wheels.

(Ord. 776 § 2 (part), 1999)

5.04.080 Employees defined.

As used in this chapter, "employee" shall mean all persons engaged in the operation or conduct of any business, whether as owner, any member of the owner's family, partner, agent, manager, solicitor and any and all other persons employed or working in said business.

(Ord. 776 § 2 (part), 1999)

5.04.090 Fortunetelling business-Defined.

As used in Title 5, "fortunetelling business" includes every person, advertising by sign, circular, handbill, newspaper, periodical, magazine or other publication, or by any other means whatsoever, the telling of fortunes, forecasting of futures or furnishing any information not otherwise obtainable by the ordinary process of knowledge, for or without pay, by means of any occult or psychic power faculty or force. "Fortunetelling" includes, but is not limited to, psychic reading, occult reading, clairvoyance, clairsaudience, cartomancy, psychometry, phrenology, spirits, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mindreading, telepathy or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, gypsy cunning or foresight, and crystal gazing. The following are exempt from this definition:

(a) Any person who is engaged solely in providing fortunetelling services for entertaining the public by demonstrations of mindreading, mental telepathy and thought conveyance, or by giving horoscopic readings at public places and in the presence of and within the hearing of other persons and at which no questions are answered, except in a manner to permit all persons present at such public place to hear such answers. 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 chapter;

(b) Any person who is engaged to perform a religious service;

(c) Any person reading tea leaves in a bona fide, regularly established restaurant, for the amusement of the patrons of the restaurant, where no charge for such reading or readings is made; and

(d) Any person who is licensed to practice psychology, psychotherapy, therapy, counseling, hypnotherapy, or any other related licensed, healing art regulated pursuant to the State Business and Professions Code.

(Ord. 776 § 2 (part), 1999)

5.04.095 (Deleted by Ord. 826, 3/23/04)

5.04.100 Business license officer defined.

As used in this chapter, "business license officer" shall mean the director of finance of the city of La Puente, or his or her designee.

(Ord. 776 § 2 (part), 1999)

5.04.110 License processing fee.

Notwithstanding any other provision of this Title 5, the city council may amend, by resolution all or any portion of the processing fee schedule for the purpose of defraying the expense involved in connection with any application or petition required or authorized by this Title 5.

(Ord. 776 § 2 (part), 1999)

5.04.120 Effect of license issuance, tax payment on other code provisions.

(a) The issuance of a business license under the provisions of this chapter shall not vest the licensee with the right to transact or carry on such business contrary to any other section of this code, including, without limitation, the zoning provisions of this code, or other applicable state or federal law, or exempt such licensee from obtaining a regulatory or land use permit pursuant to any other section of this code, which may be in effect now or subsequently adopted.

(b) Any person paying a license tax for transacting and carrying on any business under this chapter shall be relieved from the payment of any license tax for the privilege of transacting and carrying on such business which may be required under any other law of the city of La Puente, but shall remain subject to the regulatory provisions of this code, including the payment of business permit fees and inspection fees.

(Ord. 776 § 2 (part), 1999)

5.04.130 Chapter without retroactive effect.

Neither the adoption of this chapter nor its superseding of any portion of any other section of this code shall in any manner be construed to affect prosecution for violation of any other section committed prior to the effective date hereof, nor be construed as a waiver of any license or any penal provision applicable to any such violation nor be construed to affect the validity of any bond or cash deposit required by any law to be posted, filed or deposited, and all rights and obligations pertaining thereto shall continue in full force and effect.

(Ord. 776 § 2 (part), 1999)

5.04.140 Licenses required-Generally.

There are hereby imposed upon the businesses, trades, professions, callings and occupations specified in this chapter, license taxes in the amounts hereinafter prescribed, and it shall be unlawful for any person to transact or carry on any business, trade, profession, calling or occupation in the city of La Puente without first having procured a license from said city so to do or without complying with any and all applicable provisions of this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.150 License periods and dates payable.

(a) All licenses, unless otherwise specified, shall be construed to be annual licenses and shall be payable from the first day of the quarterly period in which the license is issued, namely, October 1st, January 1st, April 1st and July 1st; and the license shall expire on the last day of the quarterly period, twelve months after the date the license fee is payable.

(b) Licenses for any shorter period of time as hereinafter provided, shall be payable in advance as issued and shall expire at the close of the period for which the same may be issued; no greater or lesser amount shall be charged or received than is provided in this chapter, and no license shall be issued for any period of time other than in this chapter provided.

(c) For failure to pay an annual license tax when due, the business license officer shall add a penalty of twenty-five percent of said license tax on the thirtieth day of the month following the due date thereof, and an additional penalty of twenty-five percent of the license tax base amount shall be added on the thirtieth day of each successive month thereafter up to a maximum penalty of one hundred percent, plus any administrative penalty regarding delinquent payments which has been imposed by a resolution adopted by the

city council.

(Ord. 776 § 2 (part), 1999)

5.04.160 Home occupations.

A home occupation permit pursuant to Section 10.50.110 must be obtained before a license will be issued for a business conducted at or from a place of residence.

(Ord. 776 § 2 (part), 1999)

5.04.170 Requirements for two or more businesses.

In the event that any person is transacting and carrying on more than one business in the city of La Puente, such person must obtain a separate license for each branch establishment or location of the business transacted and carried on and for each separate type of business conducted at the same location, and each license shall authorize the licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license; provided, however, that warehouses and distribution plants used in connection with and incidental to a business licensed under the provisions of this chapter shall not be deemed to be separate places of business or branch establishments.

(Ord. 776 § 2 (part), 1999)

5.04.180 Exemptions from license tax.

(a) No license tax shall be required of or from the following:

- (1) A business exempt from the license tax by virtue of state or federal law or the United States or California Constitutions.
- (2) Any institution or organization that is conducted, managed or carried on wholly for the benefit of charitable purposes and from which profit is not derived, either directly or indirectly, by any individual; provided, however, that the applicant furnish conclusive proof to the business license official that such is the case.
- (3) Any enterprise or entertainment when the receipts derived therefrom are to be apportioned solely to any church or school or to any religious or benevolent and/or charitable purpose within the city of La Puente.
- (4) Any honorably discharged soldier, sailor or marine of the United States, peddling, hawking or vending any goods, wares or merchandise, as permitted by all applicable laws, and exempt from license tax by virtue of the laws of the state of California, who exhibits his or her authenticated discharge papers and an application approved by the business license officer; provided, however, that no more than one license shall be issued to such applicant during any one year.
- (5) Any person selling exclusively any fruit or vegetables or other produce raised upon his or her lands, as permitted by all applicable laws; provided, however, that the applicant furnish conclusive proof to the business license officer that such products were raised by the applicant on his or her lands before the issuance of the license.
- (6) Any doctor, lawyer, architect, dentist or other professional person not having a fixed place of business within the city of La Puente, who is called upon to come to the city of La Puente to render occasional services.
- (7) Any person who transacts and carries on in the city of La Puente any business in a home in a residential zone, whose annual gross receipts from such business are one thousand dollars or less; provided, however, that the applicant furnish conclusive proof to the business license officer that the annual gross receipts of such business do not exceed one thousand dollars.

(b) Any person claiming an exemption pursuant to this section, at the time of filing an application for a business license pursuant to Section 5.04.200 of this chapter, also shall file a verified statement with the business license officer stating the facts upon which the exemption is claimed, which statement shall be accompanied by documentation providing conclusive proof that the applicant is eligible for the claimed exemption.

(c) If the business license officer determines that a licensee is no longer eligible for an exemption as provided herein, he or she shall notify the licensee of such determination. Notice of such determination shall be mailed by certified or registered mail or shall be

personally delivered to the licensee. Upon receipt of such notice, the licensee may either pay the applicable business license tax or surrender the license.

(Ord. 776 § 2 (part), 1999)

5.04.190 Franchise utilities, city contractors-Exempt from chapter.

A public utility making franchise payments to the city, and any person doing business exclusively with the city, either with or without a contract, shall not be subject to the provisions of this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.200 Application for business license.

Application for business license. Every person required to have a license under the provisions of this chapter shall file an application with the Business License Officer signed by the applicant under penalty of perjury.

(a) Contents of Application Form:

- (1) Name of the business;
- (2) Telephone number and address of the business;
- (3) Mailing address of the business;
- (4) Nature or kind of business for which the license is required;
- (5) Type of ownership of the business;

(6) Name, title, tax identification number, telephone number and address of all owners of the business. In cases where the business is not to be transacted or carried on at a permanent place of business in the City of La Puente, then such application shall state the residence address of the owners of the business;

- (7) State resale tax number of the business;
- (8) Federal employer tax identification number of the business;
- (9) State contractors license number, if any, of the business or business owner and the expiration date;
- (10) Number of employees working for the business;
- (11) Number of video games, pool tables or vending machines in the business, if any;
- (12) Place and zoning classification where such business will be transacted or carried on;
- (13) Date the applicant submits the application form, and

(14) Number of vehicles that are used in connection with the business accompanied by proof of a valid car registration and insurance for each vehicle.

(b) Additional requirements for business activities not involving constitutionally protected expressive activities. The license application for business activities which do not involve constitutionally protected expressive activities will contain such additional information as the Business License Officer deems necessary.

(c) Additional information to be submitted along with the application. Along with the application, the applicant shall submit document(s) supporting the identity of the applicant and all business owners.

(Ord. 888 § 1, 2009; Ord. 776 § 2 (part), 1999)

5.04.210 Business license issuance.

(a) Upon filing of a business license application and the payment of the appropriate business license tax, the business license officer shall issue the applicant a business license. The license shall contain: (1) the name of the person to whom the license is issued; (2) the type of business licensed; (3) the place where such business is to be transacted and carried on; and (4) the date of expiration of the license.

(b) Notwithstanding paragraph (a) of this section, the business license officer shall, upon receipt of a proper application and accompanying proof of eligibility, issue a license to any person claiming an exemption without payment to the city of the license tax required by this chapter.

(c) Notwithstanding paragraph (a) of this section, the business license officer may refuse to renew a business license to any person failing to present any land use permit required by the zoning provisions of this code, or when the building, structure, premises or equipment used to transact or conduct the business fails to comply with any applicable health, zoning, fire, or building and safety laws of the United States, the state of California, or the city, or any other rule or regulation relating to the business.

(Ord. 776 § 2 (part), 1999)

5.04.220 Business license renewal.

(a) Upon the payment of the appropriate business license tax for an annual business license, including penalties where applicable, the business license officer shall renew the business license for an additional year.

(b) Notwithstanding paragraph (a) of this section, the business license officer shall, upon receipt of a proper application and accompanying proof of eligibility, renew the license of any person claiming an exemption without payment to the city of the license tax required by this chapter.

(c) Notwithstanding paragraph (a) of this section, the business license officer may refuse to renew a business license to any person failing to present any land use permit required by the zoning provisions of this code, or when the building, structure, premises or equipment used to transact or conduct the business fails to comply with any applicable health, zoning, fire, or building and safety laws of the United States, the state of California, or the city, or any other rule or regulation relating to the business.

(Ord. 776 § 2 (part), 1999)

5.04.230 Business license revocation or suspension.

(a) If the business license officer determines that a license issued under this chapter should be suspended or revoked, he or she shall request the city clerk set a public hearing before the city council to consider such action. Notice of the public hearing shall be mailed by certified or registered mail or personally delivered to the applicant at least ten days prior to the hearing and shall set forth the grounds on which the license is to be suspended or revoked.

(b) At the public hearing, the licensee or legal representative of the licensee shall have the right to bring witnesses to testify on his or her behalf. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(c) The city council may suspend or revoke any license issued under this chapter if the city council finds that one or more of the following conditions exist:

(1) The building, structure, premises or equipment used to transact or conduct the business fails to comply with any applicable health, zoning, fire, or building and safety laws of the United States, the state of California, or the city;

(2) The licensee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a business license, in the application for an exemption pursuant to Section 5.04.180 of this chapter, or in any other report or statement required to be submitted to the business license officer;

(3) The licensee or any of the licensee's employees or agents has violated any provision of federal or state law or any provision of this code or any other rule or regulation regarding the business premises or otherwise in transacting and carrying on the business; or

(4) Any other condition for which a business license application could be denied under Section 5.04.210 of this chapter.

(d) Within thirty calendar days after the conclusion of the public hearing, the city council shall adopt and issue a written decision. The decision shall contain a determination of the issues presented. Any decision to suspend or revoke a license shall be based on the grounds set forth in paragraph (c) of this section. Notice of the city council's decision shall be mailed by certified or registered mail or

personally delivered to the licensee within three business days following the adoption of the written decision by the city council.

(e) Whenever a license is suspended or revoked under this section, the business license officer or a representative of the Los Angeles County Sheriff shall take into his or her possession the business license for the subject business. The licensee shall surrender the business license, license stickers, and similar evidence of a license to the business license officer or to a representative of the Los Angeles County Sheriff. No business license tax refund shall be issued to any licensee upon suspension or revocation of a business license.

(f) Upon revocation or suspension of a business license under this section, the licensee shall cease operation of the business activity immediately. Except as otherwise provided, in the event the license is suspended, the licensee may resume operation after the suspension period has expired.

(g) Upon revocation of any business license under this section, no business license to operate the same business shall be granted to the same person within one year after such revocation.

(h) Suspension or revocation of a business license under this section shall be in addition to other penalties provided in this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.240 Transferability of business license.

Business licenses are not transferable; provided, however, that where a license is issued authorizing a person to transact and carry on a business at a particular location within the city, the business license officer may, upon the filing of an application by the licensee and payment of a fee therefor, amend the license to authorize the transacting and carrying on of such business under such license at a different location within the city.

(Ord. 776 § 2 (part), 1999)

5.04.250 Issuance of duplicate business license.

A duplicate business license may be issued by the business license officer to replace any license previously issued hereunder that has been lost or destroyed, upon the filing of an affidavit by the licensee attesting to such fact and payment of a fee therefor.

(Ord. 776 § 2 (part), 1999)

5.04.260 Posting of license required.

(a) All licenses must be kept and posted in the following manner:

(1) Any licensee transacting and carrying on a business at a fixed place of business in the city of La Puente shall keep the license posted in a conspicuous place upon the premises where such business is transacted and carried on.

(2) Any licensee transacting and carrying on a business not at a fixed place of business in the city of La Puente shall keep the license upon his or her person at all times while transacting and carrying on such business.

(3) Any licensee to whom a license has been issued, which license is determined by the number of vehicles used by such licensee in the conduct of his or her business in the city of La Puente, shall attach to each such vehicle a sticker, device or sign issued by the business license officer for identifying such business. Such license shall not be construed to be a license for the operation of such vehicle, but it is to be construed as merely an identification confirming that the licensee has paid his or her business license tax to the city. In the event such licensee shall use a substitute or alternate vehicle for the vehicle normally carrying an identification device or sticker, such licensee may obtain an additional identification sticker for such substitute or alternate vehicle by filing an application with the business license officer stating that such substitute or alternate vehicle will not be used in the city on days where the regular vehicle or vehicles will be used in the city, accompanied by a fee established by a resolution adopted by the city council for each additional identification sticker.

(b) The business license officer, or his or her designee, city code enforcement officers, and representatives of the Los Angeles County Sheriff shall have the power and authority to enter free of charge and at any reasonable time any place of business required to be licensed herein and demand the exhibit of the business license. Any person having such license theretofore issued in his possession

or under his or her control who willfully fails to exhibit the same on demand shall be guilty of a misdemeanor and subject to the penalties provided for by the provisions of this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.270 Inspections.

(a) The business license officer, or his or her designee, city code enforcement officers, and representatives of the Los Angeles County Sheriff are hereby appointed inspectors of licenses, and are authorized and directed to examine all businesses subject to the requirements of this chapter for the purpose of ascertaining whether a license has been obtained and is being exhibited for such business. City code enforcement officers and representatives of the Los Angeles County Sheriff are hereby authorized to issue citations for operating a business in the city without a license therefor.

(b) The Los Angeles County Sheriff shall have and exercise the power to make arrests for the violation of any of the provisions of this chapter and shall notify the business license officer of any person violating any of the provisions of this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.290 Refunds unavailable.

There shall be no refund by the city of any business license tax paid pursuant to the provisions of this chapter on account of a business ceasing operation prior to the termination of a license; provided, however, that in the event the city council, by ordinance, declares a business unlawful to be transacted or carried on, then upon application to the business license officer, the city shall refund to the owner of such business so declared unlawful the proportionate amount of the business license tax paid by such owner.

(Ord. 776 § 2 (part), 1999)

5.04.300 Appeals.

(a) Any person aggrieved by any decision of the business license officer may appeal such decision to the city council within thirty calendar days after the date of the business license officer's decision. The appeal shall set forth the ground(s) for the appeal and shall be accompanied by an appeal fee in an amount prescribed by resolution of the city council. A timely appeal shall automatically entitle the aggrieved party to a hearing before the city council.

(b) The hearing shall be held and action taken at the next regularly scheduled city council meeting following the timely filing of a complete appeal; provided, however, that the "next regularly scheduled meeting" shall mean a regularly scheduled meeting which is at least fourteen days after the timely filing of a complete appeal. The "next regularly scheduled meeting" shall not be more than thirty days after the timely filing of a complete appeal unless the applicant requests an extension. Notice of the hearing shall be mailed to the appellant at least ten calendar days prior to the hearing.

(c) At the public hearing, the appellant or legal representative of the appellant shall have the right to bring witnesses to testify on his or her behalf. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(d) Within thirty calendar days after the conclusion of the public hearing, the city council shall adopt and issue a written decision. The decision shall contain a determination of the issues presented. Notice of the city council's decision shall be mailed by certified or registered mail or shall be personally delivered to the appellant within three business days following the adoption of the decision by the city council.

(Ord. 776 § 2 (part), 1999)

5.04.310 Sworn statements.

(a) In all cases where the amount of the license tax to be paid by any person is based upon the number of employees, the gross receipts of the business, the number of vehicles used, the maximum admission fee charged, the number of tables, alleys or other devices used for any game, the number of rooms or seating capacity in any building, or the number of machines used in any business, such person shall, before obtaining a license for his or her business, file with the business license officer, for his or her guidance in

ascertaining the amount of the license tax to be paid by such person, a written statement made under penalty of perjury stating the average number of total employees employed by such person during the license period next preceding the date of such statement, or the number of vehicles used, or the amount of the maximum admission fee charged, the gross receipts of the business, or the number of tables, alleys or other devices used for any game by such person, or the number of rooms or seating capacity in the building at the date of such statement, or the number of machines used in the business.

(b) In any case where the first license is to be issued for a newly established business, the statement required by this section shall state the estimated average number of total employees, the gross receipts of the business, or the estimated number of vehicles to be used, or the estimated amount of the maximum admission fee to be charged, or the estimated number of tables, alleys or other devices to be used for any game by such person, or the estimated number of rooms or seating capacity in the building, or the estimated number of machines to be used in such business. The license tax, based upon such estimation, shall be paid at the time the first license is issued for any newly established business. Within thirty days after the end of the license period for which the license is issued, such person shall file a supplemental statement with the business license officer as to the actual numbers and shall pay any additional amount of license tax due. The business license officer is authorized to refund any overpayment of the estimated license tax, if the business license officer finds, based on the supplemental statement, that an overpayment was made to the city.

(c) No statements required by this section shall be conclusive upon the city or any officer thereof as to the matters therein set forth, and the same shall not prejudice the rights of the city to recover any amount that may be ascertained to be due from such person, in addition to the amount due based upon the information in the statement, in case the statement is found to be incorrect. The correctness of all the statements shall be subject to verification by the business license officer who is hereby authorized and empowered to inspect and audit the books and records of any and all persons licensed to transact and carry on any business.

(d) The statements filed pursuant to the provisions of this section shall be deemed confidential in character and, to the extent allowed by state or federal law, shall not be subject to public inspection. It shall be the duty of the business license officer to so preserve and keep the statements so that the contents thereof may not become known, except to the persons charged by the law with the administration of this chapter.

(Ord. 776 § 2 (part), 1999)

5.04.320 Same-Computation of number of employees.

In determining the number of employees for the purpose of fixing the license tax due, the employer shall take the total number of employees earning wages during pay periods ending nearest the fifteenth day of each month as shown by Form DE3 of the state of California, Department of Employment, or other form which may hereafter be adopted for reporting payments due under the Unemployment Insurance Act for each month of the previous calendar year, adding the same and dividing by twelve; if the employer has been in business less than one year, he or she may use the average total number of employees as shown by such form for the last quarter; if the employer has not previously engaged in business, he may estimate the average number of employees who will be employed by him during the remainder of the calendar year.

(Ord. 776 § 2 (part), 1999)

5.04.330 Refusal to make required statements.

If any person required to make any statement under Section 5.04.310 of this chapter shall refuse to do so, such person shall be required to pay a license tax at the maximum rate herein prescribed for the business transacted and carried on by such person, and shall be guilty of a violation of this chapter and be punishable therefor as hereinafter provided.

(Ord. 776 § 2 (part), 1999)

5.04.340 Business license officer-Duties and powers.

The business license officer shall serve as the license tax collector of the city of La Puente. The business license officer shall keep a list of all delinquent licenses that are payable under this chapter, and shall proceed to collect the same in his or her discretion by suit or otherwise. All officers and employees of the city of La Puente shall render such assistance in the enforcement of this chapter as may from time to time be required by the business license officer.

(Ord. 776 § 2 (part), 1999)

5.04.350 License tax a debt-Court action.

The amount of any license tax and penalty imposed by the provisions of this chapter shall be deemed a debt to the city of La Puente, and any person carrying on any business without first having procured a license from the city to do so shall be liable in an action in the name of the city in any court of competent jurisdiction for the amount of the license tax and penalties imposed on such business.

(Ord. 776 § 2 (part), 1999)

5.04.360 Criminal and civil action authorized for failure to pay license tax.

The conviction and fine or imprisonment of any person for engaging in any business without first obtaining a license to conduct such business shall not relieve such person from paying the license tax to conduct such business, nor shall the payment of any license tax prevent a criminal prosecution for the violation of any of the provisions of this chapter. All remedies prescribed hereunder shall be cumulative and the use of one or more remedies by the city shall not bar the use of any other remedy for the purpose of enforcing the provisions hereof.

(Ord. 776 § 2 (part), 1999)

5.04.370 Violations-Penalties.

Any person violating any of the provisions of Title 5, including Chapter 5.04, or knowingly or intentionally misrepresenting to any authorized officer of the city any material fact in procuring a business license under this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Section 1.08.040 of this code.

(Ord. 776 § 2 (part), 1999)

5.04.380 Judicial review.

(a) Any interested party may seek judicial review of a final city decision regarding a permit or license in accordance with California Code of Civil Procedure Sections 1085 or 1094.5, et seq., and any claim filed in connection therewith, as is applicable to the particular case.

(b) Any interested party may seek judicial review of a final city decision regarding the issuance, revocation, suspension, or denial of a permit or license for an activity protected by the First Amendment to the U.S. Constitution in accordance with the terms and procedures provided by California Code of Civil Procedure Section 1094.8.

(Ord. 789 § 5, 1999; Ord. 776 § 2 (part), 1999)

5.04.390 License fees-Generally.

The amount of license fees to be paid to the city of La Puente by any person engaged in or carrying on any profession, trade, calling, occupation or business hereinafter designated, is hereby fixed and established as hereinafter in this chapter provided. Such license fee shall be paid by every person engaged in carrying on or maintaining any such profession, trade, occupation, calling or business in the city of La Puente.

(Ord. 776 § 2 (part), 1999)

5.04.400 Two or more businesses-License and tax requirements.

(a) In the event that any person is conducting, managing or carrying on more than one of the several businesses required to be licensed in the same location, and under the same management, the license tax to be paid by such person shall be the full license tax based upon the total number of employees employed at such location; provided, that such businesses are subject to a license tax based upon the average number of employees employed.

(b) In the event that any person is conducting, managing or carrying on more than one of several businesses required to be licensed at the same location, which businesses are subject to a license tax in specified amounts, the license tax to be paid by such person shall be the full license tax of whichever business calls for the highest license tax, and in addition thereto, fifty percent of the license tax applicable to each of the other businesses.

(c) In the event that any person is conducting, managing or carrying on more than one of several businesses required to be licensed in the same location, and one of such businesses is subject to a license tax based upon the average number of employees employed, and the other business or businesses are subject to a license tax in a specified amount, then in such event separate licenses must be obtained, and a license tax paid based upon a license tax in the specified amount; provided, however, that the total license tax to be paid shall be based upon the specified amount due from the business which is required to pay the highest license tax, and in addition thereto fifty percent of the amount of license tax due from each of the other businesses.

(Ord. 776 § 2 (part), 1999)

5.04.430 Retail, wholesale and miscellaneous business license tax.

For carrying on the business consisting of selling at retail or wholesale any goods, wares and merchandise or commodities, of conducting, maintaining or carrying on any trade, occupation, calling or business not otherwise specifically licensed by the other sections of this chapter, the annual license tax shall be computed as follows:

Fifty dollars, plus

Five dollars per year for each employee.

(Ord. 664 § 1 (part), 1992: Ord. 663 § 1 (part), 1992: Ord. 1 § 6201, added by Ord. 12, 1956)

5.04.440 Manufacturing and processing license tax.

For carrying on a business consisting mainly of manufacturing, packing, processing, canning or fabricating any goods, wares, merchandise or produce, the annual license tax shall be computed upon the same basis and in the same manner as the annual license tax applied to wholesalers and retailers as specified in Section 5.04.430 hereof.

(Ord. 1 § 6202, added by Ord. 12, 1956)

5.04.450 Businesses, professions and occupations enumerated-License tax.

For conducting, managing, carrying on or engaging in any business, profession or occupation hereinafter enumerated, the annual license tax shall be based upon the average number of professional members and the average number of employees computed as follows:

For each member of the firm practicing his or her profession, other than as a salaried employee;

Fifty dollars per year, plus

Five dollars per year for each employee.

Accountant

Appraiser

Advertising Agent

Architect

Artist

Assayer

Attorney at Law

Auditor

Bacteriologist

Blue Printer

Book Agent

Broker or Commission Agent

Chemist

Certified Public Accountant

Chiropodist

Chiropractor

Civil Engineer

Grain Broker

Fruit Broker

Geologist

Illustrator or Show Card Writer

Insurance Broker

Insurance or Claims Adjuster

Interpreter

Landscape Gardener or Architect

Lapidary

Lithographer

Masseuse

Midwife

Mercantile Agency

Money Lender or Broker

Mortician

Naturopath

Oculist

Electrical Engineer

Mining Engineer

Chemical Engineer

Structural Engineer

Consulting Engineer

Hydraulic Engineer

Collection Agency

Credit Reporting Bureau

Dentist
Designer Illustrator
Decorator
Detective Agency
Draftsman
Drugless Practitioner
Electrologist
Engraver
Entomologist
Feed Broker
Optician
Optometrist
Osteopath
Photographer
Physician
Physiotherapist
Piano Tuner
Public Stenographer
Real Estate Broker or Salesman
Roentgenologist
Sign Painter
Surgeon
Surveyor
Taxidermist
Termite Inspector
Upholsterer
Veterinarian

And every person carrying on or engaged in the business of treating, curing, administering to or giving treatments to the sick, wounded or infirm for the purpose of bringing about their recovery, by any method or pursuant to any belief, doctrine or system other than those hereinabove specifically named, and charging a fee or compensation therefor.

(Ord. 664 § 1 (part), 1992: Ord. 663 § 1 (part), 1992: Ord. 1 § 6203, added by Ord. 12; September 24, 1956)

5.04.460 Outdoor advertising license tax.

Every person engaged in the business of constructing, erecting, installing, maintaining or operating outdoor advertising, advertising structures, bill boards, advertising signs, painted signs on structures, signboards or similar devices, shall pay an annual license tax of Fifty Dollars (\$50.00); provided that the provisions of this section shall not be deemed to apply to signs affixed to the building in which licensed business is being operated, which sign or signs refer only to such business nor to "for sale" or "for rent" signs on real estate.

(Ord. 1 § 6203, added by Ord. 12; September 24, 1956)

5.04.470 Sound trucks and advertising vehicles license tax.

(a) Every person engaged in the business of operating and who operates upon the streets, any wheeled vehicle equipped with music or a musical device, loud speaker, or other device for attracting attention, shall pay a license tax of Five Dollars (\$5.00) a day for each vehicle used.

(b) Every person engaged in the business of operating and who operates upon the streets any wheeled vehicles for advertising purposes and to which wheeled vehicles there are attached signs, placards, billboards or other advertising matter, shall pay a license tax of Five Dollars (\$5.00) per day for each vehicle so used.

(c) Every person engaged in the business of operating and who operates upon the streets any wheeled vehicle equipped with a searchlight for attracting attention, shall pay a license tax of Five Dollars (\$5.00) per day for each vehicle so used.

(Ord. 1 § 6205, added by Ord. 12; September 24, 1956)

5.04.480 Wholesalers and agents-Vehicle license tax.

Every person not having a regularly established place of business in the City of La Puente selling at wholesale or soliciting orders for the wholesale sale of any goods, wares or merchandise of any kind or nature who makes deliveries in the City of La Puente shall pay an annual license tax of Twenty-four Dollars (\$24.00) for each vehicle.

(Ord. 1 § 6206, added by Ord. 12; September 24, 1956)

5.04.490 Retail sellers-Vehicle license tax.

Every person not having a regularly established place of business in the City of La Puente carrying on the business of operating any wheeled vehicle for the retail sale, or soliciting orders for the retail sale or delivery of any goods, wares, or merchandise of any nature, kind or description, or for the purpose of carrying on a bakery route vegetable route, ice route, water route (distilled, spring, mineral, aerated), dairy route, fuel oil route or other routes of a like or similar nature, shall pay an annual license tax of Thirty-six dollars for each vehicle; provided, however, that every person paying a license fee under other sections of this chapter for the privilege of carrying on a place of business in the city shall be exempt from the license tax under Section 5.04.480 and this section of this chapter.

(Ord. 12 (part), 1956; Ord. I § 6207, 1956)

5.04.500 Amusement and game license taxes.

For conducting, managing or carrying on any business hereinafter in this section mentioned, such license shall be in the amount set forth herein:

(a) Any public bowling, skee ball or bat ball alley or handball or shuffleboard court, or any other similar equipment or means of entertainment, twenty dollars per year for each such alley or court;

(b) Pool and billiard halls: For every person carrying on the business of a poolhall or billiard hall, an amount based on one percent of the gross annual receipts attributable to the pool and/or billiard tables and coin-operated vending machines, when processed in accordance with Sections 5.08.010 and 10.50.100, and such license shall include the right to sell tobacco, confections, soft drinks and lunches;

(c) Any ice or roller skating rink enclosure or park shall be governed by Sections 5.04.430 and 10.50.100 of this code; this shall not apply to any exhibition given in any restaurant, cafe, hotel or theater, when the public is not permitted to participate in such exhibitions;

(d) Coin-operated game of skill or amusement: Every person who lets or permits upon premises over which he has control, the use of four or less coin-operated games, as defined in Section 3.24.010, where said game tests, or provides a means for testing, the skill of the operator thereof with reference to its operation or the results thereof, shall first procure a license, the amount of which shall be based on one percent of the gross annual receipts attributable to such coin-operated games. The use of said games shall only be

incidental or secondary in all respects to the primary use permitted on the premises and shall not be the only use of a parcel or commercial space;

(e) Every person engaged in the business of conducting, managing or operating a game arcade shall pay an annual license based on one percent of the gross annual receipts attributable to all machines located on the premises, when processed in accordance with Sections 5.08.010 and 10.50.100;

"Game arcade" means any place open to the public in which:

(1) Five or more coin-operated games of skill or amusement, as described in Section 5.04.500(d), are kept or maintained and persons are permitted to use such games, and said use is incidental or secondary to the primary use permitted on the premises; or

(2) Any business in which the use of coin-operated games of skill or amusement is the primary use permitted on the premises;

(f) Any amusement and game license issued by the city in connection with which the city imposes a license fee or tax upon coin-operated vending machines may be revoked for failure of the licensee to report to the city the gross receipts from such machines. The city may demand an audit of any such licensee and require him to submit a copy of the state sales and use tax returns filed relative to such machines and a copy of any other tax statement filed with any government entity by him, or by any other individual or firm owning, renting, leasing or operating such machines, disclosing the gross receipts received from owning, renting, leasing or operating such machines.

(Ord. 487 § 3, 1982: Ord. 12 (part), 1956: Ord. 1 § 6208, 1956)

5.04.510 Amusement, circus, vaudeville, miscellaneous license taxes.

(a) Of conducting, managing or carrying on a circus, carnival or other similar exhibition, the fee shall be one hundred twenty-five dollars per day plus twenty-five dollars per day for every sideshow conducted in conjunction therewith; for every parade conducted by or under the same management as a circus, carnival or similar exhibition, where such circus, carnival or similar exhibition is conducted outside the city, the sum of one hundred dollars per day;

(b) Of conducting, managing or carrying on any lecture or traveling theatrical performance under or surrounded or partially enclosed by canvas, such as comedy, spoken drama, opera or concerts, twenty-five dollars for the first day and fifteen dollars for each additional day; for any of such performances held in any public hall, club room, assembly hall or theater, where moveable scenery and theatrical appliances are used, whether or not an admission fee is charged, ten dollars per day. That the holder of a theater license shall not be required to procure an additional license to conduct, maintain or carry on any theatrical or vaudeville performance when such performance is conducted at any such theater so licensed;

(c) Of conducting, managing or carrying on a trained-animal show, to which an admission fee is charged or collection taken, twenty-five dollars per day;

(d) Of operating a golf course, miniature golf course, bicycle course, golf practice driving course or archery range, shall be governed by Section 5.04.430 of this chapter;

(e) Of conducting, managing or carrying on a motion picture theater or any other type of theater, the annual license tax shall be fifty dollars for a theater with a seating capacity of zero to five hundred seats; one hundred dollars for a theater with a seating capacity of five hundred one to one thousand seats; one hundred fifty dollars for a seating capacity of over one thousand seats;

(f) Of a riding academy where instructions in horseback riding are given or horses or other animals are maintained for hire, and of a feed or livery stable, shall be governed by Section 5.04.430 of this chapter;

(g) Every person engaged in the business of operating any place to which the public is admitted, and an admission fee is charged, and at which any boxing or wrestling match or exhibition is conducted, presented or carried on, shall pay a license tax of fifty dollars per exhibition when such place contains five hundred seats or less, and one hundred dollars per exhibition when such place contains over five hundred seats;

(h) Every person conducting the business of drive-in-theater shall pay an annual license tax of one hundred fifty dollars.

(Ord. 12 (part), 1956: Ord. 1 § 6209, 1956)

5.04.520 Auctioneer, auction house and yard license taxes.

Each of the following whose permanent place of business is in the city shall pay the following license tax:

(a) Every person engaged in the business of auctioneer shall pay a license tax of twenty- five dollars per day.

(b) Every person engaged in the business of maintaining, conducting, or carrying on an auction house shall pay a license tax of fifty dollars annually.

(c) Every person engaged in the business of conducting, maintaining or carrying on an auction yard shall pay an annual license tax of fifty dollars.

(Ord. 524 § 2, 1985: Ord. 12 (part), 1956: Ord. 1 § 6210, 1956)

5.04.530 Automobile wrecking license tax.

Every person engaged in the business of automobile wrecking shall pay an annual license tax governed by Section 5.04.430 of this chapter.

(Ord. 12 (part), 1956: Ord. 1 § 6211, 1956)

5.04.540 Automobile, truck and trailer renting license tax.

Every person engaged in the business of renting automobiles, trucks or trailers shall pay an annual license fee of thirty dollars plus an annual license fee based upon the number of vehicles rented, as follows:

For each automobile, three dollars;

For each truck, five dollars;

For each trailer, one dollar and fifty cents.

A person operating a gasoline service station and paying a license tax for that business shall, if he is renting trailers, pay in addition, only the one dollar and fifty cents fee per trailer per annum.

(Ord. 12, 1956: Ord. 1 § 6212)

5.04.550 Bail bond broker license tax.

Every person engaged in the business of bail bond broker shall pay an annual license tax of fifty dollars.

(Ord. 12, 1956: Ord. 1 § 6213)

5.04.560 Baths license tax.

Every person engaged in the business of giving steam baths, electric light baths, sponge baths, sunbaths, mineral baths, Russian, Swedish or Turkish baths, or any public bath place which maintains in connection therewith a steam room, plunge, shower bath or sleeping accommodations, shall pay a license tax governed by Section 5.04.430 of this chapter.

(Ord. 12, 1956: Ord. 1 § 6214)

5.04.570 Barber shop or beauty parlor license tax.

A barber shop or beauty parlor shall pay a license tax governed by Section 5.04.430 of this chapter.

(Ord. 12, 1956: Ord. 1 § 6215)

5.04.580 Boot black license tax.

Every person engaged in the business of boot black, or operating a shoeshining or shoe polishing stand, shall pay an annual license tax of twelve dollars.

(Ord. 12, 1956: Ord. 1 § 6216)

5.04.585 Fortunetelling business.

Every person engaged in the business of fortunetelling shall pay an annual license tax of five hundred dollars.

(Ord. 536 §§ 2 (part) and 4, 1985)

5.04.590 Junk dealer vehicle license tax.

For collecting, buying or selling at either retail or wholesale, or otherwise dealing in junk and/or rubbish, waste material, refuse and/or any old rags, sacks, bottles, cans, papers, metals, jewelry, precious metals, rubber, bric-a-brac, cordage, truck or automobile tires, truck or automobile parts, truck or automobile accessories, and other like articles, whether the same can be sold or otherwise disposed of in the condition or state of repair as collected, or whether the same is collected, bought or sold or otherwise disposed of for the purpose of being treated, repaired or prepared so as to be used again in some other form, thirty-six dollars per year for each wheeled vehicle.

(Ord. 12, 1956: Ord. 1 § 6217)

5.04.600 Hospital, rest home and sanitarium license tax.

Every person engaged for profit in the business of operating, conducting or managing a rest home, nursing home, hospital, sanitarium or any other institution maintained for healing the sick, shall pay an annual license tax computed upon the same basis and in the same manner as the annual license tax specified in Section 5.04.430 of this chapter.

(Ord. 1 § 6218, 1956)

5.04.610 Linen and towel supply vehicle license tax.

Every person engaged in the business of conducting, managing or operating a linen and towel supply business shall pay, the sum of thirty-six dollars per year per motor vehicle used in the business.

(Ord. 12, 1956: Ord. 1 § 6219, 1956)

5.04.620 Pawnbroker license tax.

Every person engaged in the business of pawnbroker shall pay an annual license tax of three hundred dollars.

(Ord. 12, 1956: Ord. 1 § 6220, 1956)

5.04.630 Peddler, photographer, solicitor license taxes.

Every person not having a fixed place of business in the city and engaged in the business of peddler, photographer or book agent, and every solicitor other than commercial travelers and not otherwise licensed, shall pay an annual license tax of one hundred dollars, or ten dollars per day.

(Ord. 12, 1956: Ord. 1 § 6221, 1956)

5.04.640 Vending machine license taxes.

Every person engaged in the business of renting, leasing or operating any coin-operated machine within the city which dispenses or vends any tangible or intangible item shall pay an annual license fee based on one percent of the gross receipts attributable to such coin-operated machines.

(Ord. 487 § 4, 1982; Ord. 367 § 2, 1973)

5.04.650 Multiple residential units license tax.

Every person carrying on the business of operating a motel, hotel, apartment and rooming house, auto court, or motor court, having more than four units or four rooms, shall pay an annual license tax of one dollar per room or unit.

(Ord. 12, 1956; Ord. 1 § 6224, 1956)

5.04.660 Trailer camp license tax.

Every person engaged in the business of managing or operating an automobile trailer camp or court shall pay an annual license tax based on the number of parking spaces or units available for parking of trailers, of one dollar and fifty cents per unit or space.

(Ord. 1 § 6225, added by Ord. 12; September 24, 1956)

5.04.670 Taxicab license taxes.

(a) Every person operating any taxicab for carrying passengers for hire, shall pay the sum of twenty-five dollars per annum for the first vehicle so operated and ten dollars per annum for each additional vehicle so operated.

(b) Provided, however, that no fee shall be due and payable pursuant to this section in the event that the operator of a taxicab has been licensed under and has paid the fees pursuant to any regulatory provisions of this code specifically pertaining to the operation of taxicabs within the City of La Puente.

(c) In the event that in any calendar year any person has paid the fees pursuant to this section and also the fees pursuant to the regulating provisions of this code specifically pertaining to taxicabs, then the fees paid pursuant to this section shall be refunded by the city to said person.

(Ord. 1 § 6226, as amended by Ord. 100; December 2, 1958)

5.04.680 Contractor and subcontractor license taxes.

Every person conducting, carrying on or engaged in the business of general contractor or builder shall pay an annual license tax of fifty dollars. Every person conducting, carrying on or engaged in the business of subcontractor, including electrician, plumber, painter, roofing, brick laying, sheet metal, heating or any other subcontractor, shall pay a license tax of forty dollars per year. Every specialty contractor not otherwise specified in the above classification shall pay a license tax of forty dollars per year.

(Ord. 1 § 6228, added by Ord. 12; September 24, 1956)

5.04.690 Bankrupt and miscellaneous sales license tax.

Every person engaged in the business of owning, opening, establishing, managing, operating, maintaining or having charge of any temporary location or place of business of any kind for the selling of any insolvent, bankrupt, fire, damaged or other similar goods, wares or merchandise, and every itinerant or transient merchant having a temporary place of business but not having any continuous or permanent place of business in the city who sells or offers for sale any insolvent, bankrupt, fire, damaged or other goods, wares or merchandise, shall pay a license tax of twenty-five dollars per day.

(Ord. 1 § 6229, added by Ord. 12; September 24, 1956)

5.04.700 Laundry and dry cleaning vehicle license tax.

Every person not having a regularly established place of business in the City of La Puente who carries on the business of operating a laundry or dry cleaning route shall pay any annual license tax of thirty-six dollars per year per vehicle.

(Ord. 1 § 6230, added by Ord. 12; September 24, 1956)

5.04.710 Electric sign installation license tax.

Every person engaged in the business of electric sign installation and maintenance shall pay a license tax of forty dollars per year.

(Ord. 12, 1956; Ord. 1 § 6231)

5.04.720 Subdivider business license fee.

Every subdivider who is required to file a final map pursuant to the provisions of the Subdivision Map Act of the state of California, or pursuant to the provisions of any section of this code, shall, at the time of filing said final map with the city clerk for the approval of the city council, pay a business license fee computed at the rate of twenty-five dollars per lot for each lot or unit so set forth upon said final map. The license fee so paid shall constitute the only business license fee payable for the final map which has been so filed for approval and the fee shall not be an annual or other term fee.

(Ord. 388 § 1, 1975; Ord. 12, 1956; Ord. 1 § 6232)

5.04.730 Refuse collection license fee.

Every person conducting, carrying on or engaged in the business of refuse collection within the city shall pay an annual license fee of fifty dollars per year for each truck or pick-up used in the business.

(Ord. 448 § 2, 1980; Ord. 13, 1956; Ord. 1 § 6233)

5.04.740 Private investigator, private patrol operator, armored contract carrier, or protection dog operator.

Every private investigator, private patrol operator, armored contract carrier, or protection dog operator shall pay an annual license fee of fifty dollars per year. For purposes of Section 5.04.740, the following definitions shall apply:

(a) "Private investigator" is a person, other than an insurance adjuster subject to the provisions of Chapter 1 (commencing with Section 14000) of Division 5 of the Insurance Code, who, for any consideration whatsoever, engages in business or accepts employment to furnish, or agrees to make, or makes, any investigation for the purpose of obtaining, information with reference to:

Crime or wrongs done or threatened against the United States of America or any state or territory of the United States of America; the identity, habits, conduct, business, occupation, honesty, integrity, credibility, knowledge, trustworthiness, efficiency, loyalty, activity, movement, whereabouts, affiliations, associations, transactions, acts, reputation, or character of any person; the location, disposition, or recovery of lost or stolen property; the cause or responsibility for fires, libels, losses, accidents, or damage or injury to persons or to property; or securing evidence to be used before any court, board, officer or investigating committee.

A "private investigator" is any person, firm, company, association, partnership or corporation acting for the purpose of investigating, obtaining, and reporting to any private employer, its agent, supervisor, or manager, information concerning such employer's employees involving questions of integrity, honesty, breach of rules or other standards of performance of job duties. A "private investigator" is not a public utility regulated by the State Public Utilities Commission, or its employees.

(b) "Private patrol operator" is a person, other than an armored contract carrier, who, for any consideration whatsoever: agrees to furnish, or furnishes, a watchman, guard, patrolman or other person to protect persons or property or to prevent the theft, unlawful taking, loss, embezzlement, misappropriation, or concealment of any goods, wares, merchandise, money, bonds, stocks, notes, documents, papers, or property of any kind; or performs the service of such watchman, guard, patrolman, or other person, for any of these purposes.

(c) "Armored contract carrier" is a contract carrier operating armored vehicles pursuant to California Highway Patrol and Public Utilities Commission authority.

(d) "Protection dog operator" is any person who, for any consideration whatsoever, engages in business to furnish, or agrees to furnish, or train, a protection dog for others. A "protection dog" means any dog trained to guard, protect, patrol or defend any premises, area or yard, or any dog trained to protect, defend or guard any person or property, with or without the necessity of direct human supervision.

(Ord. 776 § 4, 1999; Ord. 524 § 3 (part), 1985)

CHAPTER 5.05

MEDICAL MARIJUANA COOPERATIVE BUSINESS LICENSE TAX

Sections:

- 5.05.010 Purpose and intent.
- 5.05.020 Definitions.
- 5.05.030 Payment of tax.
- 5.05.040 Payment-Timing.
- 5.05.050 Notice not required by city.
- 5.05.060 Declaration statement required.
- 5.05.070 Audit of declaration statement and payment.
- 5.05.080 Deficiency determinations.
- 5.05.090 Tax assessment; nonpayment.
- 5.05.100 Tax assessment; hearing.
- 5.05.110 Tax deemed debt to city.
- 5.05.120 Violations-Penalties.

5.05.010 Purpose and intent.

This chapter is enacted solely to raise revenue for municipal purposes and is not intended for regulation.

(Ord. 904 § 2 (part), 2010)

5.05.020 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Building" shall mean any structure having a roof supported by a columns or by walls and designed for the shelter or housing of any person, chattel or property of any kind. The word "building" includes the word "structure".

"Business license officer" shall have the same meaning as defined in Section 5.04.100 of Chapter 5.04 of this Code.

"City" shall mean City of La Puente.

"City council" shall mean the city council of the City of La Puente.

"Code" shall mean the La Puente Municipal Code.

"Gross receipts" shall mean the total of the amounts of monetary consideration actually received or receivable for medical marijuana,

medical marijuana products, overhead costs, operating expenses or related services, whatsoever, including but not limited to: membership dues, any monetary contributions, payments, reimbursements or fees for cultivation, distribution, dispensing, storing, exchanging, processing, delivering, making available or transmitting medical marijuana, medical marijuana edible products pursuant to Health & Safety Code §§ 11362.5 and 11362.7-11362.83, overhead costs, operating expenses or services in connections therewith. Included in gross receipts shall be all receipts, cash, credits and property of any kind without deduction of the cost of the property sold, the cost of the materials used, labor or service costs, interest paid or payable, or losses or other expenses whatsoever.

"Medical marijuana cooperative" shall have the same meaning as the term "Medical Marijuana Cooperative or Collective", as defined in Section 5.58.020 of Chapter 5.58 of this Code.

"Licensee" shall mean a person who has been issued a business license for transacting or carrying on the business of or operating a medical marijuana cooperative pursuant to Chapter 5.04 of this Code.

"Square foot" and "square footage" shall mean the horizontal areas of all floors, including usable basement and cellars, below the roof and within the outer surface of the main walls of buildings (or the center lines of party walls separating such building or portions thereof) or within lines drawn parallel to and two feet within the roof line of any building or portion thereof without walls (which includes square footage of all porches), and including pedestrian access walkways or corridors, but excluding the following:

- (1) Areas used for off-street parking spaces or loading berths and driveways and maneuvering aisles relating thereto.
- (2) Areas which are outdoor or semi-outdoor areas included as part of the building to provide a pleasant and health environment for the occupants thereof and the neighborhood in which the building is located. This exempted area is limited to stoops, balconies and to natural ground areas, terraces, pools and patios which are landscaped and developed for active or passive recreational use, and which are accessible for use by occupants of the building and which are not designed or used as sales, display, storage, service or production areas,
- (3) Arcades, porticoes, and similar open areas which are located at or near street level, which are accessible to the general public, and which are not designed or used as sales, display, storage, service or production areas.

"Structure" shall mean anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground.

(Ord. 904 § 2 (part), 2010)

5.05.030 Payment of tax.

(a) In addition to any requirements imposed by this Code, including but not limited to Chapter 5.04 and Title 5, each licensee operating a medical marijuana cooperative shall pay the following business license taxes:

(1) Any medical marijuana cooperative, exempted under Article XIII, Section 26 of the California Constitution from local taxes or fees measured by income or gross receipts, regardless of the number of square feet it occupies, shall pay an annual tax of one hundred dollars per square foot on premises occupied by such medical marijuana cooperative. For purposes of this section, all of the square feet of the premises owned, rented, leased or otherwise occupied or used by medical marijuana cooperative within the city shall be accumulated. The licensee shall establish that the medical marijuana cooperative is exempted from Article XIII, Section 26 of the California Constitution from local taxes or fees measured by income or gross receipts, by providing the business license officer with appropriate supporting documentation and records including but not limited to such a determination by the franchise tax board or any other information requested by the business license officer.

(2) Any medical marijuana cooperative, not exempted under Article XIII, Section 26 of California Constitution from local taxes or fees measured by income or gross receipts, shall pay an annual tax of ten percent per one thousand dollars of gross receipts.

(b) The city council may impose the tax authorized by this section at a lower rate. No action by the city council under this subsection shall prevent the city council from subsequently increasing the tax rate for medical marijuana cooperative to the maximum specified in this section.

(Ord. 904 § 2 (part), 2010)

5.05.040 Payment-Timing.

(a) All taxes imposed by this chapter on medical marijuana cooperative shall be paid on quarterly basis, starting with the first day of the quarterly period in which the license is issued, namely, October 1st , January 1st , April 1st and July 1st. Payment of taxes imposed by this chapter shall be in the correct amount of taxes due and owing in accordance with Section 5.05.030 of this chapter. Such sums correctly reflecting taxes shall be accepted by the city, subject, however, to the city's right to conduct an audit pursuant to Section 5.05.070 of this chapter.

(b) In the case of a medical marijuana cooperative which has discontinued, dissolved or otherwise terminated its operations or business before the expiration of a tax period, the due date for any taxes accrued and owing to the city under the provisions of this chapter shall be the date that the city is notified by the medical marijuana cooperative of the discontinuance, dissolution or termination of its operations and surrender of its business license. A medical marijuana cooperative that has discontinued, dissolved or otherwise terminated its operation shall pay the city the taxes imposed by this chapter, however, the total amount due may be prorated.

(c) For failure to pay an annual license tax when due, the business license officer shall add a penalty of twenty-five percent of the tax amount past due on the thirtieth day of the month following the due date thereof, and an additional penalty of twenty-five percent of the tax base amount shall be added on the thirtieth day of each successive month thereafter up to a maximum penalty of one hundred percent, plus any administrative penalty regarding delinquent payments which has been imposed by a resolution adopted by the city council, as authorized by Section 5.04.150 of this Code.

(Ord. 904 § 2 (part), 2010)

5.05.050 Notice not required by city.

The city is not required to send a delinquency or other notice or bill to any person subject to the provisions of this chapter, and failure to send such notice or bill shall not affect the validity of any tax, interest or penalty due under the provisions of this chapter.

(Ord. 904 § 2 (part), 2010)

5.05.060 Declaration statement required.

(a) At the time of payment of the taxes imposed by this chapter, each medical marijuana cooperative to the tax under Section 5.05.030(a)(1), shall file with the business license officer a statement, under oath, setting forth square footage calculations of occupied premises together with any other information required by the business license officer to enable the administration, verification and calculation of taxes due to the city under this chapter.

(b) At the time of payment of taxes imposed by this chapter, each medical marijuana cooperative subject to the tax under Section 5.05.030(a)(2), shall file with the business license officer a statement, under oath and penalty of perjury, setting forth the gross receipts, together with all supporting records, statements and documentation and any other information required by the business license officer to enable the administration, verification and calculation of taxes due to the city under this chapter.

(c) A signed declaration shall be attached to the statement included therein, which shall be in substantially the same form as: "I hereby declare under penalty of perjury that the foregoing is true and correct".

(d) Pursuant to Section 5.05.070 of this chapter, the city shall have the right to audit the matters reported in the statement to determine the accuracy of the information and calculations contained therein.

(Ord. 904 § 2 (part), 2010)

5.05.070 Audit of declaration statement and payment.

(a) The city shall have the right to audit the matters referred to in the declaration statement, required by Section 5.05.060 and to determine the correctness of the figures set forth in such statement and the amount payable to the city pursuant to the provisions of Section 5.05.030.

(b) The books, records and accounts of any licensee may be inspected and audited by the city.

(c) Such an inspection and audit may be performed by the business license officer or his/her designee, a qualified certified public accountant or city official who shall be selected by the business license officer.

(d) To facilitate such audits, the licensee shall keep complete and accurate records of all gross receipts and transactions related to the receipt or disbursement of funds arising out of or related to the medical marijuana cooperative operations during the preceding three-year period. All such records shall be made available to the city for audit at the licensee's place of doing business during normal business hours after reasonable prior notice, which may be at least twenty-four hours prior to the audit.

(e) Any failure or refusal of any licensee to make and file a declaration statement within the required time period, or to pay such sums by way of taxes when the same are due and payable in accordance with the provisions of this chapter, or to permit such inspection of such books, records and accounts of such licensee shall be and constitute full and sufficient grounds for suspension or revocation of any business license or business permit for operation of a medical marijuana cooperative.

(Ord. 904 § 2 (part), 2010)

5.05.080 Deficiency determinations.

(a) If the business license officer is not satisfied, based on his/her good faith or reasonable belief, that a declaration statement filed, as required by Section 5.05.060 is correct, or that the amount of tax is correctly computed, the business license officer may compute and determine the amount to be paid and make a deficiency determination upon the basis of the facts contained in the declaration statement or upon the basis of any information in the city's possession.

(b) The city may make more than one deficiency determination of the amount of tax due for a period or periods.

(c) In the case of a medical marijuana cooperative, which is discontinued, dissolved or otherwise terminated, a deficiency determination may be made at any time within three years thereafter as to any liability arising from engaging in such business whether or not a deficiency determination is issued prior to the date the tax would otherwise be due.

Whenever a deficiency determination is made, the city shall provide a notice to the licensee concerned in the same manner as notices of assessment are given under Section 5.05.090.

(Ord. 904 § 2 (part), 2010)

5.05.090 Tax Assessment; Nonpayment.

(a) Under any of the following circumstances, the business license officer may make and give notice of an assessment of the amount of tax owed by a medical marijuana cooperative under this chapter:

(1) If the licensee has not filed any declaration statement required under Section 5.05.060 of this Chapter;

(2) If the licensee has not paid any tax due under the provisions of this chapter;

(3) If the licensee has not, after demand by the business license officer, filed a corrected declaration statement current deficiency(s) or furnished to the business license officer adequate substantiation of the information contained in the declaration statement, required by Section 5.05.060, already filed, or paid any additional amount of tax due under the provisions of this chapter.

(b) The notice of assessment shall separately set forth the amount of any tax known or estimated by the business license officer to be due, after full consideration of all information within his or her knowledge concerning the medical marijuana cooperative activities of the person or licensee assessed and shall include the amount of any penalties, costs or interest accrued on each amount to the date of the notice of assessment.

(c) The notice of assessment shall be served upon the licensee either by depositing the notice in the United States mail, postage prepaid thereon, addressed to the licensee at the address of the location of the business appearing on the face of the business license(s) issued under Title 5 to the licensee, or to such other address as the licensee registers with the business licensee officer for the purpose of receiving notices provided under this chapter. The service shall be deemed complete at the time of deposit into the United States mail.

(Ord. 904 § 2 (part), 2010)

5.05.100 Tax assessment; hearing.

(a) No later than ten days after the date of service of a notice under Section 5.05.090 of this chapter, the licensee may apply in writing to the business license officer for a hearing on the assessment. If application for a hearing before the business license officer is not made within the time herein prescribed, the tax assessed by the business license officer shall become final and conclusive.

(b) Within thirty days of the receipt of any timely written request for hearing, the business license officer shall cause the matter to be set for hearing before him or her not later than thirty days after the date requesting the hearing, unless a later date is agreed to by the business license officer and the licensee requesting the hearing.

(c) Notice of such hearing shall be given by the business license officer to the licensee requesting such a hearing not later than five days prior to such hearing. At such hearing, said licensee may appear and offer evidence why the assessment as made by the business license officer should not be confirmed and fixed as a tax. Formal rules governing the presentation and consideration of evidence and witnesses shall not apply to any hearing pursuant to this section.

(d) After such hearing, the business license officer shall determine and reassess the proper tax to be charged and shall, within thirty days of the hearing, give written notice thereof to the licensee in the manner prescribed in Section 5.05.090 for giving notice of assessment. The decision of the business license officer may be appealed to the city council pursuant to Section 5.04.300 of this Code.

(Ord. 904 § 2 (part), 2010)

5.05.110 Tax deemed debt to city.

The amount of any tax, penalties and interest imposed by the provisions of this chapter shall be deemed a debt to the city, and any licensee transacting business or operating a medical marijuana cooperative without having paid the tax under this chapter to the city shall be liable to an action in the name of the city in any court of competent jurisdiction for the amount of the tax, and penalties and interest imposed under this chapter.

(Ord. 904 § 2 (part), 2010)

5.05.120 Violations-Penalties.

(a) Any person violating any of the provisions of this chapter, or knowingly or intentionally misrepresenting to any authorized officer of the city any material fact in connection with the required payment of taxes under this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable as set forth in Section 1.08.040 of this Code.

(b) The conviction and punishment of any person for failure to pay the required tax shall not excuse or exempt such person from any civil action for the tax debt unpaid at the time of such conviction.

(c) No civil action shall prevent a criminal prosecution for any violation of the provisions of this chapter or of any state law requiring the payment of all taxes.

(Ord. 904 § 2 (part), 2010)

Chapter 5.06 TRANSIENT OCCUPANCY TAX

Sections:

5.06.010 Title for citation.

5.06.020 Savings clause.

5.06.030 Definitions.

5.06.040 Tax imposed.

5.06.050 Exemptions.

5.06.060 Responsibility of operator.

- 5.06.070 Registration of hotel.
- 5.06.080 Reporting and remitting.
- 5.06.090 Penalties and interest.
- 5.06.100 Failure to collect and report tax-Determination of tax by tax administrator.
- 5.06.110 Appeal.
- 5.06.120 Records.
- 5.06.130 Refunds.
- 5.06.140 Tax declared a debt-Action to collect.
- 5.06.150 Penalty for violations.

5.06.010 Title for citation.

This chapter shall be known as the "Uniform Transient Occupancy Tax Ordinance" of the city of La Puente.

(Ord. 788 § 11 (part), 1999)

5.06.020 Savings clause.

The provisions of this chapter are substantially the same as those originally set forth in Ordinance No. 674, as adopted in 1992, and Ordinance No. 698, as adopted in 1993. Therefore, this chapter is to be construed as a restatement and continuation of these earlier ordinances, as previously codified, and not as a new enactment. Nothing contained in this chapter shall be interpreted or enforced in such a manner as to constitute an increase in the tax imposed by these Ordinance No. 674 or Ordinance No. 698.

(Ord. 788 § 11 (part), 1999)

5.06.030 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

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

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

"Operator" means the person who is a 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.

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

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

"Tax administrator" means the city manager of the city or his/her designee.

"Temporary" means a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. In the event that any person rents a hotel room(s) for more than thirty consecutive calendar days, the determination of whether the use was temporary for purposes of applying this chapter shall be based on the time period of actual occupancy of the room by a natural person or persons and not the duration of the room(s) reservation, lease or rental agreement. In determining whether a use is temporary, uninterrupted periods of time extending both prior and subsequent to the effective date of this chapter may be considered.

"Transient" means any person who exercises temporary occupancy or is entitled to occupancy for a period of thirty consecutive calendar days or less, counting portions of calendar days as full days. Any person who exercises occupancy or is entitled to occupancy shall be deemed to be a transient until the period of thirty days has expired.

(Ord. 788 § 11 (part), 1999)

5.06.040 Tax imposed.

For the privilege of occupancy in any hotel each transient is subject to and shall pay a tax in the amount of ten percent of the rent charged by the operator. The tax constitutes a debt owed by the transient to the city which is extinguished only by payment to the operator or to the city. The transient shall pay the tax to the operator of the hotel at the time the rent is paid. If the rent is paid in installments, a proportionate share of the tax shall be paid with each installment. The unpaid tax shall be due upon the transient's ceasing to occupy space in the hotel. If for any reason the tax due is not paid to the operator of the hotel, the tax administrator may require that such tax shall be paid directly to the tax administrator.

(Ord. 788 § 11 (part), 1999)

5.06.050 Exemptions.

No tax shall be imposed upon:

- (a) Any person as to whom, or any occupancy as to which, it is beyond the power of the city to impose the tax herein provided;
- (b) Any federal or state of California officer or employee when on official business; and
- (c) Any officer or employee of a foreign government who is exempt by reason of express provision of federal law or international treaty.

No exemption shall be granted except upon a claim therefor made at the time rent is collected and under penalty of perjury upon a form prescribed by the tax administrator.

(Ord. 788 § 11 (part), 1999)

5.06.060 Responsibility of operator.

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

(Ord. 788 § 11 (part), 1999)

5.06.070 Registration of hotel.

Within thirty days after the effective date of this chapter, or within thirty days after commencing business, whichever is later, each operator of any hotel renting occupancy to transients shall register the hotel with the tax administrator and obtain a business license and a transient occupancy registration certificate to be at all times posted in a conspicuous place on the premises. The 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; and

(d) The following statement: This transient occupancy registration certificate signifies that the person named on the face hereof has fulfilled the requirements of the uniform transient occupancy tax ordinance of the city of La Puente by registering with the tax administrator for the purpose of collecting from transients the transient occupancy tax and remitting said tax to the tax administrator. This certificate does not authorize any person to conduct any unlawful business or to conduct any lawful business in any unlawful manner, nor to operate a hotel without strictly complying with all 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.

(Ord. 788 § 11 (part), 1999)

5.06.080 Reporting and remitting.

Each operator shall, on or before the last day of the month following the close of each calendar quarter or of such different reporting period as may be established by the tax administrator, make a return to the tax administrator, on forms provided by the tax administrator, of the total rents charged and received, the amount of tax collected for transient occupancies, and such other information as may be reasonably required. At the same time as the return is filed, the full amount of the tax collected shall be remitted to the tax administrator. The tax administrator may establish either shorter or longer reporting periods for any individual certificate holder or shorter or longer reporting periods for any individual certificate holder or category of certificate holders if the tax administrator deems it necessary or desirable in order to insure collection of the tax or to increase the efficiency of its administration. 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.

(Ord. 788 § 11 (part), 1999)

5.06.090 Penalties and interest.

(a) Original Delinquency. Any operator who fails to remit any tax imposed by this chapter within the time required shall pay a penalty of ten percent of the amount of the tax in addition to the amount of the tax.

(b) Continued Delinquency. Any operator who fails to remit any delinquent remittance on or before a period of thirty days following the date on which the remittance first became delinquent shall pay a second delinquency penalty of ten percent of the amount of the tax in addition to the amount of the tax and the ten percent penalty first imposed.

(c) Fraud. If the tax administrator determines that the nonpayment of any remittance due under this chapter is due to fraud, a penalty of twenty-five 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 of the one percent per month for each month or portion of a month that the tax shall be delinquent on the amount of the tax, exclusive of penalties, from the date on which the tax first became delinquent until paid. The interest shall be computed on a monthly basis and shall not be subject to proration for any portion of a month.

(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.

(Ord. 788 § 11 (part), 1999)

5.06.100 Failure to collect and report tax-Determination of tax by tax administrator.

If any operator shall fail or refuse to collect the tax and to make, within the time provided in this chapter, any report and remittance of the tax or any portion thereof required by this chapter, the tax administrator shall proceed in such manner as the tax administrator may deem best to obtain facts and information on which to base an estimate of the tax due. As soon as the tax administrator shall procure such facts and information as the tax administrator 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, the tax administrator shall proceed to determine and assess against such operator the tax, interest and penalties provided for by this chapter. In the event 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 address. Such operator may within ten days after the serving or mailing of such notice make application in writing to the tax administrator for a hearing on the amount assessed. If application by the operator for a hearing is not made within the time prescribed, the tax, interest and penalties, if any, determined by the tax administrator shall become final and conclusive and immediately due and payable. If such application is made, the tax administrator shall give not less than five business days written notice in the manner prescribed herein to the operator to show cause at a time and place fixed in the notice why the 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 calendar days unless an appeal is taken as provided in Section 5.06.110 of this chapter.

(Ord. 788 § 11 (part), 1999)

5.06.110 Appeal.

Any operator aggrieved by any decision of the tax administrator with respect to the amount of such tax, interest and penalties, if any, may appeal to the city council by filing a notice of appeal with the city clerk within fifteen days of the serving or mailing of the determination of tax due. The city council shall fix a time and place for hearing such appeal, and the city clerk shall give a notice in writing to such operator at his last known place of address. The findings of the city council shall be final and conclusive and shall be served upon the appellant in the manner prescribed above for service of notice of hearing. Any amount found to be due shall be immediately due and payable upon the service of notice.

(Ord. 788 § 11 (part), 1999)

5.06.120 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 years, all records as may be necessary to determine the amount of such tax as it may have been liable for the collection and payment of to the city, including, without limitation, guest registration information, which records the tax administrator shall have the right to inspect, upon demand, at all reasonable times.

(Ord. 788 § 11 (part), 1999)

5.06.130 Refunds.

(a) **Claim Required.** Whenever the amount of any tax, interest or penalty has been overpaid or paid more than once or has been erroneously or illegally collected or received by the city under this chapter it may be refunded as provided in subsections (b) and (c) of this section; provided, that 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 years of the date of payment. The claim shall be made on forms furnished by the tax administrator.

(b) **Claim by Operator.** 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 which the tax has been collected was not a transient; provided, however, that neither a refund nor a credit shall be allowed unless the amount of the tax so collected has either been refunded to the transient or credited to rent subsequently payable by the transient to the operator.

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

(d) Evidence. No refund shall be paid under the provisions of this section unless the claimant establishes his right thereto by written records showing entitlement thereto.

(Ord. 788 § 11 (part), 1999)

5.06.140 Tax declared a debt-Action to collect.

Any tax required to be paid by an transient under the provisions of this chapter shall be deemed a debt owed by the transient to the city. Any such tax collected by an operator which has not been paid to the city shall be deemed a debt owned by the operator to the city. Any person owing money to the city under the provisions of this chapter shall be liable to an action brought in the name of the city of La Puente for the recovery of such amount.

(Ord. 788 § 11 (part), 1999)

5.06.150 Penalty for violations.

Any operator or other person who fails or refuses to register as required herein, or to furnish any return required to be made, or who fails or refuses to furnish a supplemental return or other data required by the tax administrator, or who renders a false or fraudulent return or claim, or who fails or refuses to pay any tax, penalty or interest which is due and owing is guilty of a misdemeanor, and is punishable by a fine not exceeding one thousand dollars or by not more than six months imprisonment in the county jail or by both such fine and imprisonment. Each such person shall be guilty of a separate offense for each and every day during any portion of which any provision of this chapter is committed, continued or permitted by such person and shall be punishable accordingly. Any person required to make, render, sign or verify and 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.

(Ord. 788 § 11 (part), 1999)

Chapter 5.08 BUSINESS AND OCCUPATION PERMITS*

Sections:

- 5.08.010 Definitions.
- 5.08.020 Permit required for certain businesses.
- 5.08.030 Permit issuance procedure.
- 5.08.040 Shopping center carnivals, fairs or amusement rides.
- 5.08.050 Temporary outdoor promotional sales.
- 5.08.060 Grounds for denying permit application.
- 5.08.070 Presentment of permit.
- 5.08.080 Permit renewal procedure.
- 5.08.090 Business permit transfers and changes.
- 5.08.100 Permit modification, suspension and revocation procedure.
- 5.08.110 Grounds for modifying, suspending or revoking permit.
- 5.08.120 Conditions of approval.
- 5.08.130 Refund of fee.
- 5.08.140 Judicial review.
- 5.08.150 Establishment and operation of smoke shops.

*Prior ordinance history: Ord. 1 §§ 6300, 6301, 6304-6307, 6309, Ords. 11, 42, 88, 179, 321, 322, 344, 345, 388, 448, 517, 524, 536 §§ 2, 5, 6, and Ord. 644.

5.08.010 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Constitutionally protected expressive activity" means any activity protected by the First Amendment to the United States Constitution or Article 1, Section 2 of the California Constitution.

"Show" includes a carnival, tent show, or show in the open air, or in a hall or building not specifically constructed for theatrical purposes.

"Solicitor" means a person engaged in soliciting as it is defined in Section 5.46.030 of this title. Any person exempt from the permit requirements in Chapter 5.46 of this title, by virtue of Section 5.46.050, is exempt from the definition of solicitor in this section and in this chapter.

(Ord. 788 § 25, 1999; Ord. 786 § 2 (part), 1999)

5.08.020 Permit required for certain businesses.

(a) No person shall commence, conduct or purport to commence or conduct, the following business activities within the boundaries of the city of La Puente without possessing a valid business permit issued pursuant to this chapter:

- (1) Adult entertainment business.*
- (2) Adult entertainer.*
- (3) Amusement device or business or enterprise attractive to children.*
- (4) Automobile or truck dismantling or disassembling, or selling of dismantled parts. *
- (5) Automobile wrecking business.*
- (6) Billiard club.*
- (7) Bowling alley.*
- (8) Carnival.*
- (9) Dances - private dance, public dance, special dance or teenage dance.*
- (10) Entertainment. *
- (11) Escort bureaus.*
- (12) Escorts.*
- (13) Fortunetelling business.*
- (14) Going-out-of-business sales and similar sales. *
- (15) Gun dealer.*
- (16) Junk dealer.*
- (17) Junk yard.*
- (18) Managers and Promoters.*
- (19) Massage establishment.*

- (20) Newsracks.
- (21) Massage technician.*
- (22) Modeling studios.*
- (23) Motion picture and television filming.
- (24) Pawnshop or broker.*
- (25) Peddler.
- (26) Private patrol cars.*
- (27) Racing handicap service, including advertising horse race predictions.*
- (28) Refuse disposal facility.
- (29) Rest home.
- (30) Secondhand store.*
- (31) Sanitarium.
- (32) Shooting gallery.*
- (33) Shopping center carnivals, fairs or amusement rides.*
- (34) Show.*
- (35) Solicitation.
- (36) Taxicab operator.*
- (37) Taxicab driver.*
- (38) Tattoo parlor or body piercing.*
- (39) Temporary outdoor promotional sales when processed in the manner specified in Section 5.08.050.
- (40) Yard sale.

Notes:

*Indicates the applicant is required to be fingerprinted by the Los Angeles County sheriff's department.

(b) No person may advertise or announce a business activity located in the city of La Puente until he or she has obtained a business permit, where required. "Advertising" or "announcement" includes, but is not limited to, disseminating pamphlets or handbills, publishing newspaper announcements, and broadcasting advertisements on radio, television, the Internet, or by any other communication device.

(c) When any person is engaged in more than one business activity for which a business permit is required in a single location, that person shall be deemed to be conducting each business activity separate and apart from each other business activity even if the separate business activities constitute a single business.

(d) No business permit issued by the city pursuant to this chapter shall be construed as authorizing any business activity which is prohibited under the laws of the United States or the state of California. the federal and state constitutions, this code, or any other applicable law, ordinance, rule or regulation. Any such business permit shall be void.

(e) The director of community development, referred to herein as "director," shall keep all applications and related records for business permits under this chapter.

(Ord. 789 § 6, 1999; Ord. 788 § 31, 1999; Ord. 786 § 2 (part), 1999)

5.08.030 Permit issuance procedure.

(a) Application. Applications for business permits shall be filed with the director and shall comply with the following requirements:

- (1) Applications shall be filed a minimum of fifteen calendar days prior to the date requested for issuance of the permit.
- (2) Applications shall be accompanied by a fee in an amount prescribed by resolution of the city council.
- (3) Applications shall be completed on a form designated by the city, and signed by the applicant under penalty of perjury.
- (4) The applicant shall authorize the city, its agents and employees to seek information and conduct an investigation into the truth of the statements set forth in the application.
- (5) The applicant has obtained all other required permits or approvals from the city.

(b) Contents of Application Form and Renewal Application Form.

(1) Identification of the applicant, including the name of the business and the name of all owners of the business. Where the applicant is a corporation, association, partnership, limited partnership or other legal entity, "applicant" shall mean each partner, officer, director, and each shareholder owning or controlling more than ten percent of such entity. Rules and regulations governing the procedure for fingerprinting and photo identification, where such fingerprinting and photo identification is required by an application for a particular business permit, shall be established by the Los Angeles County sheriff's department, license detail. A business permit may be issued to a corporation or to a person operating under a fictitious name who has complied with all of the applicable provisions of the Business and Professions Code of this state. In all other cases, a business permit must be obtained in the true name of the individual, or individuals, so applying;

(2) A complete description of the business activity proposed to be operated, and the location of such proposed business activity, including the address, telephone number and zone;

(3) Name, address and telephone number of the property owner;

(4) The previous use of the property or business, the length of time the building was vacant, and whether there are existing signs on the building;

(5) Changes in signage proposed by the applicant;

(6) Number of parking spaces and handicap spaces;

(7) The presence and type of landscaping;

(8) The presence of trash enclosures;

(9) The number of employees;

(10) The date the business is expected to open;

(11) The proposed hours of operation; and

(12) Any additional information required for the permitting of a particular business when such additional information is specifically required pursuant to other provisions of Title 5.

(c) Review by Director.

(1) An application which is not complete shall be returned to the applicant along with a list of the deficiencies within fifteen calendar days of receipt of the application. The application shall be deemed abandoned if, within ten calendar days from the first class mailing of any notice from the city, the application is not received by the city with all of its defects entirely corrected.

(2) Once a completed application is filed, and the applicant pays the prescribed fee, the director shall initiate an investigation of facts for each business permit application with the appropriate city and county agencies designated to review such applications. This departmental review process shall ensure that the action on each business permit application is consistent with the intent and purpose of this title. Upon completion of the investigation, the director shall review, and either approve or deny, the application. If the application is denied, the grounds for denial shall be based upon the provisions of Section 5.08.060 of this chapter, and the director shall attach to the notice a statement of the reasons for the denial. Notice of the director's decision shall be mailed by certified or registered mail or personally delivered to the applicant within three days of the date of such decision. For businesses involving constitutionally protected expressive activities, the decision to approve or deny the application shall be made within fifteen calendar days after the filing of a completed application. For business activities which do not involve constitutionally protected expressive activities, the decision to approve or deny the application shall be made within thirty calendar days after the filing of the completed application. The

time periods specified herein shall not be extended except upon the written consent of the applicant.

(d) Hearing Before City Council.

(1) Within thirty calendar days after the date of the director's decision, any interested person may appeal the decision to the city council. The appeal shall set forth the ground(s) for the appeal and shall be accompanied by an appeal fee in an amount prescribed by resolution of the city council. A timely appeal accompanied by the required fee shall automatically entitle the aggrieved party to a hearing Before the City Council.

(2) The hearing shall be held and action taken at the next regularly scheduled city council meeting following the timely filing of a complete appeal; provided, however, that the "next regularly scheduled meeting" shall mean a regularly scheduled meeting which is at least fourteen days after the timely filing of a complete appeal. The "next regularly scheduled meeting" shall not be more than thirty calendar days after the timely filing of a complete appeal unless the applicant requests an extension.

(3) Notice of the hearing shall be given at least ten calendar days prior to the hearing in the following manner:

(A) Notice of the public hearing shall be posted at the three legal posting places specified in Section 2.04.140 of this code and shall include the time, place and date set for hearing as well as the business activity proposed to be operated, and the location of operation of such proposed business activity.

(B) Notice of the public hearing shall be posted on the site on which the proposed business activity is to be located and upon the street on which the proposed business activity is to be located. Such notice shall include the information specified in subsection (d)(3)(A) of this section.

(C) Notice shall be mailed, postage prepaid by the appellant, to the owners and tenants of the properties within a radius of five hundred feet of the exterior boundaries of the property involved in the application. For this purpose, the appellant shall provide a radius map, a mailing list and mailing labels which include the last known name and address of such owners as obtained from the last equalized assessment roll or from such other records of the county assessor or tax collector that contain more recent addresses. The appellant shall sign an affidavit verifying the authenticity and accuracy of the list.

(4) At the time set for the hearing, or at the date to which the hearing may be continued, the city council shall hear the applicant, who may present any facts to show why the permit should be granted, and shall hear testimony from all other interested persons who attend the hearing to present reasons why the permit should or should not be granted. Any interested person, at any time after the filing of the appeal and before the close of the public hearing regarding such appeal, may file with the city clerk written letters of support or protest, for or against the granting of such application. Any interested person, including the applicant, has the right to be represented by legal counsel at the hearing. The city council, in considering the application and the appeal, shall give consideration to all relevant documents filed and all relevant testimony given at the hearing.

(5) Within seven calendar days after the conclusion of the public hearing, the city council shall adopt and issue a written decision approving or denying an application for business activities involving constitutionally protected expressive activities. For business activities which do not involve constitutionally protected expressive activities, the city council shall adopt and issue a written decision approving or denying an application within thirty calendar days after the conclusion of the public hearing. Any decision to deny a permit application shall be based on the grounds set forth in Section 5.08.060 of this chapter. Notice of the city council's decision shall be mailed by certified or registered mail or personally delivered to the applicant.

(e) Issuance of Permit. The operative date for a business permit shall be the date of final approval of the application by the director or city council.

(f) Information required to be updated. The applicant is required to notify the director of any change in facts or information presented in the application within ten calendar days after such change.

(g) Denial of Permit. If an applicant's business permit application for a particular business activity has been denied, the director shall not process a new application by that applicant for that business activity for a one year period after the denial unless the director or city council, at the time of the denial, states that the denial was without prejudice to the applicant's right to file another application within the one year period or unless the director determines that the reason for the denial has been cured and no longer exists.

(Ord. 786 § 2 (part), 1999)

5.08.040 Shopping center carnivals, fairs or amusement rides.

The following additional requirements apply to every applicant for a permit for any carnival, fair or amusement ride to be located on

any shopping center, or in connection with the promotion of any commercial enterprise.

(a) All electrical and mechanical installations shall be subject to the approval of the city. The fire department shall inspect the installation of fire hazards, and the applicant shall make all connections required. Separate temporary portable toilet facilities shall be installed for both sexes and shall be exclusive of existing facilities in the vicinity.

(b) Sufficient private patrol officers shall be furnished to insure orderly conduct of the operation. The number of private patrol officers shall be designated by the sheriff's department. No loud or unusual noises shall be permitted at any time. A list of all employees to be used shall be furnished to the sheriff's department for checking and fingerprinting. The sheriff's department shall have authority to exclude employees found to have been convicted of crimes involving moral turpitude or are a threat to public health, safety and welfare. No employees shall be housed nor sleep overnight at the premises, except the necessary watchmen.

(c) The agency sponsoring the event shall provide documentary evidence of insurance coverage satisfactory to the city attorney for any and all claims for damages to persons or property.

(d) In no event shall such application be granted for a period longer than seven days. No extension of said period shall be granted. No more than two such applications shall be granted in any one year to any one applicant or for any one location. The hours of operation for such activities shall not continue past ten p.m. of any day, and no such activity shall commence on Sunday before twelve noon.

(e) The city manager is empowered to impose additional requirements on all such permits as may be necessary to protect the public health, safety and welfare.

(Ord. 786 § 2 (part), 1999)

5.08.050 Temporary outdoor promotional sales.

The following additional requirement shall be made of every applicant who wishes to obtain a permit for conducting a temporary outdoor promotional sale:

(a) Such promotional sale shall only be conducted in connection with the promotion of an established retail commercial business enterprise located within the city having a current valid city business license to operate. The retail commercial business shall be the principal occupant of the building the business occupies.

(b) The promotional sale shall be conducted on the premises with the business enterprise it is intended to promote. Such a promotional sale shall not be conducted on public property.

(c) No more than two permits shall be issued in any one calendar year to the same applicant or the same location. Said permit(s) shall not exceed a combined total of thirty days in any one calendar year and shall be separated by an intervening period of at least sixty calendar days. No extensions of said permit shall be granted. The hours of operation of the promotional sale shall be the same as those hours of operation normally established by such business enterprise.

(d) The applicant shall submit a detailed plot plan at a scale satisfactory to the director showing the location of the promotional sale and the area to be used for the display of merchandise and other appurtenances, apparatus or structures intended to be used in connection with such promotional sale. A permit fee in the amount established by the city council resolution is required.

(e) In the event the promotional sale involves the use of a tent or other similar structure which affects or may affect the physical health, safety and general welfare of human beings, no permit shall be issued unless and/or until that use fully complies with all documentary evidence of insurance coverage to the satisfaction of the city manager. A cash bond, in an amount determined by the director, shall be posted with the city to guarantee removal of the tent or similar structure.

(f) All building, plumbing, mechanical and/or electrical installations shall be subject to approval of the city. The fire department shall inspect the installation for fire hazards, and the applicant shall make all corrections required. Separate restroom and/or toilet facilities shall be made available for both sexes and shall be located on the same premises as the promotional sale.

(g) Sufficient private patrol officers shall be furnished to insure orderly conduct of the operation. The number of private patrol officers shall be designated by the sheriff's department. No employees shall be housed nor sleep overnight at the premises, except the necessary watchmen.

(h) In the event the promotional sale is to be conducted on unimproved property, the applicant shall provide satisfactory evidence of the control of noise, odor, dust, mud, smoke, vibration, off-street parking facilities or other similar objectionable operations in connection

therewith.

(i) The city manager is empowered to impose additional requirements on all such permits as may be necessary to protect the public health, safety and general welfare.

(Ord. 786 § 2, (part), 1999)

5.08.060 Grounds for denying permit application.

(a) Business Activities Involving Constitutionally Protected Expressive Activities. The city council or director shall approve a business permit application for business activities involving constitutionally protected expressive activities, or applications to manage such activities, unless any of the following findings are made:

(1) The building, structure, premises, or the equipment used to conduct the business activity, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or the city;

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business permit or in any report or statement required to be filed with the director or the city; or

(3) The business is prohibited by any law, statute, rule or regulation, or prohibited in the particular location or zone by any law, statute, rule, or regulation.

(b) Business Activities Not Involving Constitutionally Protected Expressive Activities. The city council or director shall approve a business permit application for business activities not involving first amendment activities, or applications to manage such activities, unless any of the following findings are made:

(1) The building, structure, premises, or the equipment used to conduct the business activity, fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or the city;

(2) The applicant has knowingly made any false, misleading or fraudulent statement of material fact in the application for the business permit or in any report or statement required to be filed with the director or the city;

(3) The business is prohibited by any law, statute, rule or regulation, or prohibited in the particular location or zone by any law, statute, rule, or regulation;

(4) The applicant is found to have committed a crime involving moral turpitude which is substantially related to the business activity for which the permit is being sought;

(5) The applicant, his or her agent or employee, or any person connected or associated with the applicant as partner, director, officer, stockholder, associate or manager, has committed, assisted in, or incited the commission of any act, or act of omission, which would be grounds for disciplinary action under this chapter if committed by a permittee;

(6) The applicant has been subject to enforcement actions by another governmental agency in connection with his or her operation of a similar business activity for which the permit is being sought; or

(7) The establishment of the business will be detrimental to the public health, safety or welfare of the community.

(Ord. 786 § 2 (part), 1999)

5.08.070 Presentment of permit.

(a) Posting. Every person required to have a business permit pursuant to the provisions of this chapter and who conducts, manages or carries on a business activity at a fixed location shall keep that valid original permit issued to the applicant posted and exhibited in a place of public view in the business.

(b) Carrying. Every person required to have a business permit pursuant to the provisions of this chapter and not having a fixed place of business shall carry the valid original permit issued to the applicant at all times when conducting the business activity for which such permit was issued.

(c) Presentation on Demand. Every person required to have a business permit pursuant to the provisions of this chapter shall produce and exhibit the permit when requested by any city official authorized to issue, inspect or collect permits and permit fees, or

authorized to enforce the provisions of this chapter or of this code.

(d) **Lost or Stolen Permits.** A permittee must report the loss or theft of any permit to the director, whether in the form of a sticker, tag, card or paper, or otherwise. The director shall issue the permittee a duplicate permit and cancel the lost or stolen permit upon the payment of the prescribed fee.

(Ord. 786 § 2 (part), 1999)

5.08.080 Permit renewal procedure.

(a) Except as otherwise provided in this title, all business permits shall be issued for one year and must be renewed annually. Renewal permit applications, along with payment of the fee, shall be filed with the director a minimum of thirty calendar days prior to expiration of any existing permit. When an applicant submits a timely business permit renewal application pursuant to this paragraph, the director shall renew the permit effective upon the expiration of the old permit.

(b) The director may accept an application for renewal after the time specified in subsection (a) of this section, if it is filed before the expiration of the existing permit, or if it is filed not later than sixty calendar days after the expiration of the existing permit and the director finds that a serious illness that required hospitalization or confinement to bed, or other unforeseen and extraordinary circumstances, prevented a timely renewal application from being filed. When an application is submitted pursuant to this section, the fee shall be equal to the renewal fee established by resolution of the city council plus a late penalty of twenty-five percent thereof. Such application shall give the applicant no greater rights than the filing of an application for a new permit. If an applicant fails to submit a timely application, or if the director does not find that circumstances existed to justify the late filing of an application for renewal pursuant to this subsection, then the applicant shall cease operation of the business activity immediately.

(c) Except as otherwise provided for in this section, the director shall not accept a renewal application for a permit which has expired, or which for any other reason is not in full force and effect, at the time the application is submitted. The applicant may apply for a new permit if not prohibited from doing so by any other provision of this chapter, accompanied by the required fee for a new permit.

(d) Notwithstanding any other provisions of this section, the director shall review a business permit renewal application in the manner prescribed in Section 5.08.030(c) of this chapter if the city has received a request for such review from one of the departments or officers of the city. Any interested person may appeal the director's decision to the city council in the manner prescribed in Section 5.08.030(d) of this chapter.

(Ord. 786 § 2 (part), 1999)

5.08.090 Business permit transfers and changes.

(a) **Transfers of Ownership.** A new business permit is required whenever there is a transfer in ownership of a business which is required to have a permit issued under Section 5.08.020 of this chapter. If there is no change in the nature or scope of business or in the business location, and if the previous owner has a valid business permit at the time of transfer, the new permit shall be issued upon filing of a complete application and payment of all required fees and taxes. For the purposes of the previous sentence, the director may issue a new permit even without obtaining the concurrence of other agencies. However, if the original business permit application process required the business owner or manager to be fingerprinted and/or a background investigation to be conducted, then the new business owner or manager must also be fingerprinted and the new permit shall be subject to the sheriff's concurrence following a background investigation. 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 of a business 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 corporation to an individual, or vice versa, unless the corporation and the individual are the same person;

(7) The transfer of a business from a partnership to an individual, or vice versa; or

(8) The transfer of a majority share of stock in a corporation from one shareholder to another.

(b) **Change of Name.** A new business permit is required whenever there is a change of name of a business which is required to have a permit under Section 5.08.020 of this chapter. If there is no transfer of ownership or change in the nature or scope of business or in the business location and if the permittee operating under the previous name has a valid business permit at the time of the change of name, the new permit shall be issued upon filing of a complete application and payment of all required fees and taxes. For the purposes of the previous sentence, the director may issue a new permit without obtaining the concurrence of other agencies.

(c) **Change of Location.** A new business permit is required whenever there is a change in location of a business which is required to have a permit under Section 5.08.020 of this chapter.

(d) **Change in Business.** A new business permit is required whenever there is a change in the nature or scope of the business which is required to have a permit pursuant to Section 5.08.020.

(e) **Report to Director.** A permittee shall notify the director of any transfer in ownership, change of name, change of location, or change in the nature or scope of the business within ten days after such transfer or change.

(Ord. 786 § 2 (part), 1999)

5.08.100 Permit modification, suspension and revocation procedure.

Any permit issued by the director or city council under this chapter may be modified, suspended or revoked for cause by the city council pursuant to this section.

(a) A public hearing to determine whether or not an existing permit should be modified, suspended or revoked shall be initiated by a written statement of charges. Such statement may be initiated by any department of the city or any agency required to review or inspect the permitted activity for compliance with city regulations. Such statement shall be submitted to the director.

(b) If the director determines that the charges demonstrate that there may be an adverse impact of the business on the public health, safety or welfare, notice of the public hearing on the charges shall be mailed by certified or registered mail or personally delivered to the applicant and given pursuant to Section 5.08.030(d)(3) of this chapter.

(c) At the public hearing, the permittee or legal representative of the permittee shall have the right to bring witnesses to testify on his or her behalf. Hearings need not be conducted according to technical rules relating to evidence and witnesses.

(d) Within thirty calendar days after the conclusion of the public hearing, the city council shall adopt and issue a written decision. The decision shall contain a determination of the issues presented. Any decision to modify, suspend or revoke a permit shall be based on the grounds set forth in Section 5.08.110 of this chapter. Notice of the city council's decision shall be mailed by certified or registered mail or personally delivered to the permittee.

(e) Whenever a permit is suspended or revoked by the city council, the director or Los Angeles County sheriff shall take into possession the business permit for the subject business activity. The permittee shall surrender the business permit, permit stickers, or similar evidence of a permit to the Director or to the Los Angeles County sheriff. No business permit fee refunds shall be issued to any permittee upon suspension or revocation of a business permit.

(f) Upon revocation or suspension of a business permit, the permittee shall cease operation of the business activity immediately. Except as otherwise provided, in the event that the permit is suspended, the permittee may resume operation once the suspension period has expired.

(g) Upon revocation of any business permit under this chapter, no business permit to operate the same business activity shall be granted to the same person within one year after such revocation.

(Ord. 786 § 2 (part), 1999)

5.08.110 Grounds for modifying, suspending or revoking permit.

(a) **Businesses Involving Constitutionally Protected Expressive Activities.** The city council may modify, suspend or revoke a business permit for any business activity involving first amendment activities if the city council finds that one or more of the following

conditions exist:

(1) The building, structure, premises or equipment used to conduct the business activity fails to comply with any applicable health, zoning, fire, and building and safety laws of the state of California or the city;

(2) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a business permit, or in any report or statement required to be filed with the director or the city;

(3) The permittee, permittee's employees, agents or manager has violated any statute or any provision of the La Puente Municipal Code resulting from any act performed in the exercise of any rights permitted by the issuance of the permit which is being considered for modification, suspension or revocation;

(4) The permittee, permittee's employees, agents or manager, has violated any provision of federal or state law or any provision of the La Puente Municipal Code or any other rule or regulation on the business premises or relating to the permitted activity;

(5) The permittee, permittee's employees, agents or manager has published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the permitted business;

(6) The permittee has failed or refused to notify the director of any change in facts as required by this chapter within ten calendar days after such change;

(7) The permittee, permittee's employees, agents or manager has violated any conditions or restrictions imposed on the permit; or

(8) The permittee, permittee's employees, agents or manager has permitted, allowed or failed to prevent the use of the business as a base or magnet for unlawful or criminal activity, including, but not limited to, prostitution and drug trafficking.

(b) **Businesses Which Do Not Involve Constitutionally Protected Expressive Activities.** The city council may modify, suspend or revoke a business permit for any business activity not involving first amendment activities if the city council finds that one or more of the following conditions exist:

(1) The building, structure, premises or equipment used to conduct the business activity fails to comply with any applicable health, zoning, fire, and building and safety laws of the state of California or the city;

(2) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a business permit, or in any report or statement required to be filed with the director or the city;

(3) The permittee, permittee's employees, agents or manager has violated any statute or any provision of the La Puente Municipal Code resulting from any act performed in the exercise of any rights permitted by the issuance of the permit which is being considered for modification, suspension or revocation;

(4) The permittee, permittee's employees, agents or manager, has violated any provision of federal or state law or any provision of the La Puente Municipal Code or any other rule or regulation on the business premises or relating to the permitted activity;

(5) The permittee, permittee's employees, agents or manager has published, uttered or disseminated any false, deceptive or misleading statements or advertisements in connection with the permitted business;

(6) The permittee has failed or refused to notify the director of any change in facts as required by this chapter within ten calendar days after such change;

(7) The permittee, permittee's employees, agents or manager has violated any conditions or restrictions imposed on the permit;

(8) The permittee, permittee's employees, agents or manager has been found to have committed a crime of moral turpitude which bears a substantial relationship to the conduct of the business activity;

(9) The permittee, permittee's employees, agents or manager has been held liable or convicted of any offense involving the maintenance of a nuisance resulting from any act performed in the exercise of any rights permitted by the issuance of the permit;

(10) The permittee, permittee's employees, agents or manager has violated any rule or regulation adopted by the city or any other governmental agency relating to the permittee's business; or

(11) The permittee, permittee's employees, agents or manager has conducted the permitted business in a manner contrary to the peace, health, safety and the general welfare of the public, including, without limitation, by allowing or failing to prevent the use of the business as a base or magnet for unlawful or criminal activity.

(c) **Automatic Suspension Upon Lapse of Insurance.** Whenever an applicant for any business permit is required to procure, post or

maintain in effect any bond, undertaking, deposit, surety or policy of insurance, any business permit so issued is good only while such bond, undertaking, deposit, surety or policy of insurance is in full force and effect. The permit shall automatically be suspended without notice if at any time such bond, undertaking, deposit, surety or policy of insurance is not in full force and effect. The director shall notify the permittee in writing of any suspension pursuant to this section. Within ten calendar days after the date of such notice, the permittee may request in writing a hearing before the city council. The city council shall hold a public hearing in a manner consistent with Section 5.08.030(d) of this chapter, and as indicated by the evidence received at the hearing, may modify or revoke the permit or terminate the suspension and restore the permit. If the permittee does not request a hearing, the permit is automatically revoked at the end of ten calendar days following the notification of suspension.

(Ord. 786 § 2 (part), 1999)

5.08.120 Conditions of approval.

(a) The director or city council may condition any business permit if it finds that grounds for denial, modification, suspension or revocation of a business permit exist or that the manner in which the business has been conducted or operated is detrimental to the public health, safety and welfare in that:

(1) The permittee, the permittee's agent, manager or employees has failed to maintain the premises in a neat and clean condition and have allowed the business premises to deteriorate and become blighted;

(2) The permittee, the permittee's agent, manager or employees has allowed, or failed to prevent, the business premises to be used by its patrons as a magnet for criminal or otherwise unlawful activity;

(3) The permittee, the permittee's agent, manager or employees has allowed or failed to discourage criminal or otherwise unlawful activity to occur on or immediately adjacent to the business premises;

(4) The permittee, the permittee's agent, manager or employees has failed to provide adequate parking to serve the volume of patrons it generates, thus causing patrons to cruise on neighborhood streets, looking for parking, and causing other traffic related noise and disturbances; or

(5) The permittee, the permittee's agent, manager or employees has failed to control the actions of the businesses' patrons in and immediately adjacent to the business premises.

(b) Additional Conditions.

(1) Businesses Involving Constitutionally Protected Expressive Activities. The director or city council may impose conditions on the permit for any business activity involving first amendment activities if the director or city council finds that one or more of the conditions in Section 5.08.110(a) of this chapter exist.

(2) Businesses Which Do Not Involve Constitutionally Protected Expressive Activities. The director or city council may impose conditions on the permit as are reasonably necessary to protect the peace and tranquility of any residential area, mitigate traffic impacts, protect other uses in the area, and protect the public health, welfare and safety. Any person issued a permit pursuant to this chapter shall comply with all conditions that are imposed on the permit. Any violation of the conditions of approval is a misdemeanor and is subject to the penalties set forth in Section 1.08.040 of this code.

(c) Whenever the director or city council determines that unannounced inspections of the business premises are necessary to enforce the provisions of this chapter, it may impose as a condition of the permit that the applicant or permittee consent to entry of the applicant's or permittee's place of business at all reasonable times by any city officer or employee authorized to enforce the provisions of this chapter or this code. Upon presentation of proper credentials by any such officer or employee, the applicant or permittee shall comply with such inspection.

(d) Whenever the director or city council determines that noise from any establishment permitted under this chapter interferes with the right of persons dwelling in the vicinity of such establishment to the peaceful and quiet use and enjoyment of their property, or that the establishment permitted under this chapter is in violation of the noise ordinance of the city of La Puente, as set forth in Chapter 4.34 of this code, it may impose as a condition of the permit that the premises of the business activity be soundproofed to eliminate the noise or reduce it to a reasonable and lawful level. In imposing a condition under this section, the director or city council must balance all of the interests of the respective parties, as well as the hardship which will result from the condition. If the director or city council finds that the noise complained of is of a minimum or inconsequential degree, no action shall be taken under this paragraph.

(e) The director or the city council may change, modify or eliminate any conditions previously placed on a permit upon written

request of the permittee if it finds that the reasons for the original imposition of such conditions have been cured or no longer exist. Applications to change conditions shall be noticed and set for public hearing in a manner consistent with Section 5.08.030(d) of this chapter, if the condition(s) was imposed after a duly noticed public hearing. The Los Angeles County sheriffs license detail shall be notified of any such applications.

(Ord. 786 § 2 (part), 1999)

5.08.130 Refund of fee.

Unless otherwise stated in Title 5, the fee for filing any application for a permit or renewal of a permit shall not be refunded.

(Ord. 786 § 2 (part), 1999)

5.08.140 Judicial review.

Judicial review of a final city decision shall be provided as specified in Section 5.04.380 of this code.

(Ord. 786 § 2 (part), 1999)

5.08.150 Establishment and operation of smoke shops.

Certain zoning permit, use permit or other entitlement for establishment and operation of smoke shops prohibited.

(a) No person, partnership, corporation, or other entity shall commence doing business as a smoke shop, as defined in Section 10.132.200 of the code, except those establishments specifically excluded herein, until such reasonable time as a detailed study may be made and the zoning and public hearings process pertaining to these matters is completed, or until one year from the date of adoption of this section, whichever occurs sooner.

(b) Establishments excluded from this section are those establishments already inoperation at the time of the enactment of this section.

(c) Environmental assessment. Pursuant to the California environmental Quality Act (CEQA) Guidelines, the City Council declares that this section is exempt from CEQA based on the following findings:

(1) This section is not a "project" within the meaning of Section 15378 of the State CEQA Guidelines, because it has no potential for resulting in physician damage to the environment, directly or indirectly. The purpose of this section is to prohibit, on an interim basis, doing business as or issuance of business license to an owner or operator of a smoke shop as defined in Section 10.132.200 of this code. This section, therefore, has no potential for resulting in physical change in the environment, directly or indirectly; it prevents changes in the environment pending the completion of the contemplated zoning code review.

(2) This section is not subject to CEQA pursuant to Section 15060(c)(2) because the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment.

(3) This section is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. For the reasons set forth in subsection (1) and (2) of this section, it can be seen with certainty that there is no possibility that this section will have a significant effect on the environment, and therefore, this section is not subject to CEQA.

(Ord. 07-866 §§ 4, 5, 2008)

Chapter 5.12 ADULT ENTERTAINMENT BUSINESSES*

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*Prior ordinance history: Ord. 1 §§ 6310-6317, 6320, 6320.1-6320.39, Ords. 75 and 86.

Article I. Purpose and Definitions

5.12.010 Purpose.

The purpose of this chapter is to prevent community-wide adverse secondary effects that can be brought about by the unregulated operation of adult entertainment businesses. These adverse secondary effects include, but are not limited to: depreciation of property values; increased vacancy rates in residential and commercial areas; increased criminal activity; increased litter, noise, and vandalism; and interference with the enjoyment of residential property in the vicinity of such businesses.

(Ord. 788 § 3 (part), 1999)

5.12.020 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Adult entertainment business" means any of the following:

(1) Adult Arcade. An "adult arcade" means any place to which the public is permitted or invited wherein coin-operated, slug-operated, or for any form of consideration, electronically, electrically, or mechanically controlled still or motion picture machines, projectors, computers, video or laser disc players, or other image-producing devices are maintained to show images to five or fewer persons per machine at any one time, and where the images so displayed are distinguished or characterized by the depicting or describing of specified sexual activities or specified anatomical areas.

(2) Adult Bookstore, Adult Novelty Store or Adult Video Store. An "adult bookstore, "adult novelty store" or "adult video store" means an establishment which as a regular and substantial course of conduct offers for sale, rent, or viewing for any form of consideration either adult entertainment material, adult entertainment merchandise, or both.

A commercial establishment may have other business purposes that do not involve the offering for sale or rental of adult entertainment material and/or adult entertainment merchandise and still be categorized as an adult bookstore, adult novelty store, or adult video store. Such other business purposes will not serve to exempt such commercial establishments from being categorized as an adult bookstore, adult novelty store, or adult video store so long as the establishment offers for sale, rent or viewing as a regular and substantial course of conduct either adult entertainment material, adult entertainment merchandise, or both.

(3) Adult Cabaret. An "adult cabaret" is an establishment that serves food or beverages and that, for any form of consideration, as a regular and substantial course of conduct presents:

(A) Persons who appear semi-nude; or

(B) Live performances which are characterized by specified sexual activities.

(4) Adult Model Studio. An "adult model studio" means a business which provides, for any pecuniary compensation, monetary or other consideration, hire or reward, figure models who, for the purposes of sexual stimulation of patrons, display specified anatomical areas to be observed, sketched, drawn, painted, sculptured, photographed, or similarly depicted by persons paying such consideration. "Adult model studio" does not include schools maintained pursuant to standards set by the State Board of Education. "Adult model studio" does not include a modeling studio as defined in Chapter 5.38 of this title if such modeling studio does not provide, permit, or make available the models for specified sexual activities.

(5) Adult Motel. An "adult motel" means a hotel, motel or similar commercial establishment which:

(A) Offers accommodations to the public for any form of consideration; provides patrons with closed-circuit television transmissions, films, motion pictures, video cassettes, slides, or other photographic reproductions which are characterized by the depiction or description of specified sexual activities or specified anatomical areas; and has a sign visible from the public right of way which advertises the availability of this adult type of photographic reproductions; or

(B) Offers a guest/sleeping room for rent for a period of time that is less than ten hours; or

(C) Rents, leases or lets any single guest/sleeping room more than twice in any twenty-four hour period;

(D) Allows a tenant or occupant of a sleeping room to sub-rent the room for a period of time that is less than ten hours.

(6) Adult Motion Picture Theater. An "adult motion picture theater" is an establishment where, for any form of consideration, as a regular and substantial portion of conduct offers films, computer-generated images, motion pictures, video cassettes, slides, or other photographic reproductions to six or more persons which are characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

(7) Adult Theater. An "adult theater" is an establishment which regularly features persons who appear semi-nude, or presents live performances that are characterized by an emphasis upon specified sexual activities.

(8) Sexual Encounter Center. A "sexual encounter center" means a business or commercial enterprise that, as one of its principal business purposes, offers for any form of consideration:

(A) Physical contact in the form of wrestling or tumbling between persons of the opposite sex; or

(B) Activities between male and female persons and/or persons of the same sex when one or more of the persons is semi-nude.

(9) Any business or establishment that, for any form of consideration, as a regular and substantial portion of conduct offers to its patrons products, merchandise, services or entertainment characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Adult entertainment material" means any book, periodical, magazine, photograph, drawing, sculpture, motion-picture film, videotape recording, or other visual representation, characterized by an emphasis upon specified sexual activities or the exposure of specified anatomical areas.

"Adult entertainment merchandise" means adult entertainment implements or paraphernalia, such as, but not limited to: dildos; auto sucks; vibrators; edible underwear; benwa balls; inflatable orifices; anatomical balloons with orifices; simulated vaginas and similar adult entertainment devices that are designed or marketed primarily for the stimulation of human genital organs or sadomasochistic activity.

"Characterized by an emphasis upon" means the dominant or essential theme of the object described by such phrase.

"Director" means the community development director of the city of La Puente or the designee thereof.

"Entertainer" means a person who, for any form of consideration, performs at an adult entertainment business. Such persons shall constitute "entertainers" regardless of their legal relationship (e.g., employee, owner or independent contractor) with the adult entertainment business.

"Nude," "nudity" or a "state of nudity" means the showing of the human male or female genitals, pubic area, vulva, anus, anal cleft or cleavage with less than a fully opaque covering, the showing of the female breast with less than a fully opaque covering of any part of the nipple, or, the showing of the covered male genitals in a discernibly turgid state.

"Owner" means the following: (1) the sole proprietor of an adult entertainment business; (2) any general partner of a partnership that owns and operates an adult entertainment business; (3) the owner of a controlling interest in a corporation that owns and operates an adult entertainment business; and (4) the person designated by the officers of a corporation to be the permit holder for an adult entertainment business owned and operated by the corporation.

"Park" means a park, playground, swimming pool, golf course or athletic field within the city which is under the control, operation or management of the city or other public agency.

"Peace officer" shall have the meaning set forth in the California Penal Code.

"Perform at an adult entertainment business" means to engage in or participate in any live performance at an adult entertainment business that either: (i) is characterized by an emphasis upon specified sexual activities; or (ii) features any semi-nude person.

"Permittee" means the following: (1) for the purpose of Article 2 of this chapter, any person who has been issued an adult entertainment regulatory permit; (2) for the purpose of Article 3 of this chapter, any person who has been issued an adult entertainer permit; and (3) for the purpose of Articles 4 through 6 of this chapter, any person who has been issued an adult entertainment regulatory permit or an adult entertainer permit.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association,

church, religious sect, religious denomination, society, organization, or league or any combination of the above in whatever form or character. "Person" shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

"Regular and substantial course of conduct" and "regular and substantial portion of business" means that any of the following conditions exist:

(1) At least twenty percent of the stock-in-trade is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

(2) At least twenty percent of the total display area is devoted to adult entertainment material, adult entertainment merchandise, or both; provided, however, that this criteria shall not apply to mail order businesses or wholesale businesses with no patrons on the premises.

(3) The business presents any type of entertainment, live or otherwise, characterized by an emphasis on specified sexual activities or featuring any nude or semi-nude person on any four or more separate days within any thirty day period.

(4) At least twenty percent of the gross receipts of the business are derived from the sale, trade, rental, display or presentation of services, products, materials or entertainment which is characterized by an emphasis on specified sexual activities or the exposure of specified anatomical areas.

"Religious institution" means a structure which is used primarily for religious worship and related religious activities.

"School" means: (i) any child- or day-care facility; and (ii) any institution of learning for minors, whether public or private, offering instruction in the courses of study required by the California Education Code and maintained pursuant to standards set by the State Board of Education. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school, senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher education, including a community or junior college, college or university.

"Semi-nude" means a state of dress in which clothing covers no more than the genitals, pubic region, buttocks, areola and nipple of the female breast, as well as portions of the body covered by supporting straps or devices.

"Specified anatomical areas" means the following:

(1) Less than completely and opaquely covered human (i) genitals or pubic region; (ii) buttocks; and (iii) female breast below a point immediately above the top of the areola;

(2) Human male genitals in a discernibly turgid state, even if completely and opaquely covered;

(3) Any device, costume or covering that simulates any of the body parts included in subparagraphs (1) or (2) above.

"Specified criminal activity" means any of the following offenses:

(1) Prostitution or promotion of prostitution; dissemination of obscenity; sale, distribution or display of harmful material to a minor; sexual performance by a child; possession or distribution of child pornography, public lewdness; indecent exposure; indecency with a child; engaging in organized criminal activity; sexual assault; molestation of a child; gambling; distribution of a controlled substance; or any similar offenses to those described above under the criminal or penal code of other states or countries;

(2) For which:

(A) Less than two years have elapsed since the date of conviction or the date of release from confinement imposed for the conviction, whichever is the later date, if the conviction is of a misdemeanor offense;

(B) Less than five years have elapsed since the date of conviction or the date of release from confinement for the conviction, whichever is the later date, if the conviction is of a felony offense; or

(C) Less than five years have elapsed since the date of the last conviction or the date of release from confinement for the last conviction, whichever is the later date, if the convictions are of two or more misdemeanor offenses or combination of misdemeanor offenses occurring within any twenty-four-month period.

(3) The fact that a conviction is being appealed shall have no effect on the disqualification of the applicant or a person residing with the applicant.

"Specified sexual activities" means the following, whether performed directly or indirectly through clothing or other covering:

- (1) The fondling or other erotic touching of human genitals, pubic region, buttocks, anus, or female breast;
- (2) Sex acts, actual or simulated, including intercourse, oral copulation, or sodomy;
- (3) Masturbation, actual or simulated;
- (4) Excretory functions as part of, or in connection with, any of the other activities described in subparagraphs (1) through (3) of this paragraph.

"Substantially enlarged" means the increase in floor area occupied by an adult entertainment business by more than ten percent of its floor area as it existed at the time an adult entertainment regulatory permit was issued for the business.

(Ord. 788 § 3 (part), 1999)

Article II. Adult Entertainment Regulatory Permit

5.12.030 Permit required.

No person shall operate, engage in, conduct or carry on any adult entertainment business unless the owner of such business first obtains and continues to maintain in full force and effect, an adult entertainment regulatory permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 3 (part), 1999)

5.12.040 Additional information required for application for adult entertainment regulatory permit.

(a) The owner of a proposed adult entertainment business shall be the only person eligible to obtain an adult entertainment regulatory permit for such business. The owner shall not be eligible to obtain an adult entertainment regulatory permit unless the owner is at least eighteen years of age.

(b) The applicant shall submit an application form as required in Section 5.08.030(a) of this title which is signed by: the applicant; and the record owner of the property or the lessor of the premises (if the business premises are leased to the applicant business) where the adult entertainment business is to be conducted. In addition, the applicant shall submit the following:

(1) Identification:

(A) If the applicant is an individual, the individual shall state his or her legal name and any aliases and submit proof that he or she is eighteen years of age;

(B) If the applicant is a partnership, the partnership shall state its complete name, and the names of all partners, whether the partnership is general or limited, and a copy of the partnership agreement, if any;

(C) If the applicant is a corporation, the corporation shall state its complete names, the date of its incorporation, evidence that the corporation is in good standing under the laws of its state of incorporation, the names and capacity of all officers, directors and principal stockholders, and the name of the registered corporate agent and the address of the registered office for service of process;

(D) If the applicant intends to operate the proposed adult entertainment business under a name other than that of the applicant; he or she must state (1) the adult entertainment business's fictitious name and (2) submit the required registration documents.

(2) The applicant's fingerprints in the manner prescribed by the Los Angeles County sheriff's department. Any fees for the fingerprints shall be paid by the applicant.

(3) Two color photographs, taken within six months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant.

(4) A letter of justification that describes the proposed adult entertainment business and how it will satisfy the requirements of this chapter.

(5) A site plan depicting the building or unit proposed for the adult entertainment business. The site plan shall include a dimensional interior floor plan that depicts how the business will comply with the requirements of this chapter and a diagram of the off-

street parking and landscaped areas.

(6) A statement signed by the applicant certifying under penalty of perjury that all of the information submitted in connection with the application is true and correct.

(7) A nonrefundable application fee in an amount set by resolution of the city council.

(8) A list of business names and addresses of similar types of adult businesses presently or formerly operated.

(9) Whether the applicant, or a person residing with the applicant, has been convicted of a specified criminal activity as defined in this chapter, and, if so, the specified criminal activity involved, the date, place, and jurisdiction of each.

(10) Whether the applicant, or a person residing with the applicant, has had a previous license or permit under this chapter or other similar adult entertainment business ordinances from another city or county denied, suspended or revoked, including the name and location of the adult entertainment business for which the permit was denied, suspended or revoked, as well as the date of the denial, suspension or revocation, and whether the applicant or a person residing with the applicant has been a partner in a partnership or an officer, director or principal stockholder of a corporation that is permitted under this ordinance whose permit has previously been denied, suspended or revoked, including the name and location of the adult entertainment business for which the permit was denied, suspended or revoked as well as the date of denial, suspension or revocation.

(11) Whether the applicant or person residing with the applicant holds any other licenses or permits under this ordinance or other similar adult entertainment business ordinance from another city or county and, if so, the names and locations of such other licensed businesses.

(c) If the director determines that the applicant has completed the application improperly, the director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the director shall grant the applicant an extension of time of ten business days to complete the application properly. The time period for granting or denying the requested permit shall be stayed during the period in which the applicant is granted an extension of time.

(Ord. 788 § 3 (part), 1999)

5.12.050 Additional criteria for issuance or denial of permit.

The director shall deny an application for an adult entertainment regulatory permit for any of the reasons specified in Section 5.08.060(a) this title and for the following additional reasons:

(a) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application.

(b) The applicant is under eighteen years of age.

(c) The proposed business does not comply with the location criteria of Section 5.12.070 of this chapter and in Chapter 10.62 of this code.

(d) The applicant proposes to conduct more than one type of adult entertainment business, as such types are defined in this article, within a single building, structure or facility.

(e) The proposed business does not comply with the design standards set forth in Section 5.12.080 of this chapter.

(f) The proposed business does not comply with the applicable development standards set forth in this chapter and in Chapter 10.62 of this code.

(g) The applicant has had a prior adult entertainment business permit revoked by the city within the previous calendar year.

(Ord. 788 § 3 (part), 1999)

5.12.060 Nontransferable.

(a) No person shall operate an adult entertainment business under the authority of an adult entertainment regulatory permit at any place other than the address of the adult entertainment business stated in the application for the permit.

(b) No adult entertainment regulatory permit issued pursuant to this chapter shall be transferable.

(c) Any attempt to transfer an adult entertainment regulatory permit is hereby declared invalid and the permit automatically shall become void effective the date of such attempted transfer. "Transfers" include, but are not limited to, the transactions specified in paragraphs (1) to (8) of Section 5.08.090(a) of this title.

(d) Nothing in this section shall prevent the director from approving a second adult entertainment regulatory permit for a single location provided that the holder of the previously approved adult entertainment regulatory permit consents in writing to the expiration of such previously approved permit.

(Ord. 788 § 3 (part), 1999)

5.12.070 Location criteria.

Any adult entertainment business that commences operation after the effective date of this chapter shall comply with the location criteria of Sections 10.62.020 and 10.62.040 of this code.

(Ord. 788 § 3 (part), 1999)

5.12.080 Design standards.

(a) No adult entertainment business shall be located in any temporary or portable structure.

(b) Trash dumpsters shall be enclosed by a fence or other permanent structure so as not to be accessible to the public.

(c) No landscaping shall exceed thirty inches in height, except trees with foliage not less than six feet above the ground.

(d) All off-street parking areas and premise entries of the adult entertainment business shall be illuminated from dusk to closing hours of operation with a lighting system that provides an average maintained horizontal illumination of one footcandle of light on parking surfaces and walkways. The lighting shall be shown on the site plan required by Section 5.12.040(b)(5) of this chapter.

(e) The premises within which the adult entertainment business is located shall provide sufficient sound-absorbing insulation so that noise generated inside the premises shall not be audible anywhere on adjacent property, public rights-of-way or within any separate unit within the same building.

(f) All indoor areas of the adult entertainment business within which patrons are permitted, except restrooms, shall be open to view by the management at all times.

(g) All indoor areas of the adult entertainment business shall be illuminated at a minimum of the following footcandles, minimally maintained and evenly distributed at ground level:

Area	Footcandles
Arcades	10
Bookstores, novelty stores and video stores	20
Theaters and cabarets	5 (except during performances, at which times lighting shall be at least 1.25 footcandles)
	20 (in public

Motels	areas)
Modeling studios	20
Sexual encounter center	20

It shall be the duty of the permittee to ensure that the illumination required is maintained at all times that any patron is present in the premises.

(h) The adult entertainment business shall provide and maintain separate restroom facilities for male patrons and employees, and female patrons and employees. Male patrons and employees shall be prohibited from using the restroom(s) for females, and female patrons and employees shall be prohibited from using the restroom(s) for males, except to carry out duties of repair, maintenance and cleaning of the restroom facilities. The restrooms shall be free from adult entertainment material and adult entertainment merchandise. Restrooms shall not contain television monitors or other motion picture or video projection, recording or reproduction equipment. The foregoing provisions of this paragraph shall not apply to an adult entertainment business that: (1) is not required to and does not provide restroom facilities to patrons or the general public; and (2) deals exclusively with sale or rental of adult entertainment material or adult entertainment merchandise that is not used or consumed on the premises.

(i) Access to all indoor areas of the adult entertainment business may not be controlled by any electronic or electric device or by any turnstiles.

(j) All entrances shall be clearly and legibly posted with a notice indicating that minors are prohibited from entering the premises.

(k) Signage shall conform to the standards established for the zone where the adult business is located and shall not depict or describe specified sexual activities or specified anatomical areas.

(l) Adult arcades shall comply with the following additional requirements:

(1) The interior of the premises shall be configured in such a manner that from a manager's station there is an unobstructed view of every area of the premises to which any patron is permitted access for any purpose, excluding restrooms. If the premises has two or more designated manager's stations, then the interior shall be configured in such a manner that from at least one of the manager's stations there is an unobstructed view of each area of the premises to which any patron is permitted access for any purpose, excluding restrooms. The view required in this subparagraph must be in direct line of sight from the designated manager's station. The manager's station shall be shown on the site plan required by Section 5.12.040(b) (5) of this chapter.

(2) It shall be the duty of the permittee to ensure that the view area specified in subparagraph (1) above remains unobstructed by any doors, curtains, partitions, walls, merchandise, display racks or other materials.

(3) The permittee shall cause all floor coverings in viewing rooms or booths to be nonporous, easily cleanable surfaces, with no rugs or carpeting.

(4) The permittee shall cause all wall surfaces and ceiling surfaces in viewing rooms or booths to be constructed of, or permanently covered by, nonporous, easily cleanable material. No wood, plywood, composition board or other porous material shall be used within forty-eight inches of the floor.

(5) Signs prohibiting loitering shall be posted in prominent places in and near viewing rooms or booths.

(6) No alteration in the configuration of a manager's station shall be made without the prior written approval of the director.

(m) Adult cabarets and adult theaters shall comply with the following additional requirements:

(1) A separate entrance/exit for entertainers which is separate from the entrance/exit used by patrons shall be provided.

(2) Separate dressing room facilities for entertainers, exclusively dedicated to the entertainers' use, shall be provided.

(3) Access between the stage and the entertainers' dressing room facilities, which is completely separated from the patrons, shall be provided. If such separate access is not physically feasible, a minimum three foot wide walk aisle between the entertainers' dressing room facilities and the stage, with a railing, fence, or other barrier separating the patrons and the entertainers capable of (and which actually results in) preventing any physical contact between patrons and entertainers shall be provided. Such railing, fence or other barrier shall be at least thirty inches in height.

(Ord. 788 § 3 (part), 1999)

5.12.090 Operation standards.

(a) No adult entertainment business shall be operated in a manner that permits the observation, from public rights-of-way or locations outside the establishment, of either: (i) adult entertainment material; (ii) adult entertainment merchandise; (iii) specified sexual activities; (iv) specified anatomical areas; or (v) any semi-nude person. This provision shall apply to any display, decoration, sign, show window or other opening.

(b) Exterior doors and windows of the adult entertainment business shall not be propped or kept open at any time while the business is open.

(c) Exterior windows of the adult entertainment business shall be covered with opaque covering at all times.

(d) Patrons shall not be permitted access to any area of the adult entertainment business that has been designated as an area in which patrons will not be permitted.

(e) No person under the age of eighteen years shall be permitted within the adult entertainment business at any time.

(f) The adult entertainment business shall maintain a security system for parking surfaces serving the business in accordance with the following standards:

(1) Businesses served by on-site parking surfaces shall maintain a security system that visually monitors and records such parking surfaces.

(2) Businesses served by off-site parking surfaces shall maintain either (i) a security system that visually monitors and records such parking surfaces or (ii) at least one security guard charged with monitoring such parking surfaces at all times while the business is open; provided, however, that this subparagraph shall not apply to any business served by offsite parking surfaces that is accessed exclusively by valet parking.

(g) Security guards shall be employed in accordance with the following standards:

(1) One security guard shall be on duty at all times while the business is open; provided, however, that an additional security guard shall be on duty if the occupancy limit of the premises is greater than thirty persons.

(2) The security guard(s) shall be uniformed in such a manner so as to be readily identifiable as a security guard by the public, and shall be duly licensed as a security guard by applicable provisions of state law.

(3) The security guard(s) shall be charged with preventing violations of law, enforcing patron compliance with the requirements of this chapter or permit conditions, and with notifying the Los Angeles County sheriff's department of any violations of law observed.

(4) No security guard required pursuant to this paragraph shall act as a door person, ticket seller, ticket taker, admittance person, or sole occupant of the manager's station while acting as a security guard.

(h) No adult entertainment business shall operate between the hours of twelve midnight and eight a.m. on any day, except that this provision does not apply to businesses also regulated by the California Department of Alcoholic Beverage Control.

(i) The exterior grounds of the premises of the adult entertainment business shall be free from all adult entertainment material and adult entertainment merchandise.

(j) The floors, seats, walls and other interior areas of the premises shall be maintained clean and free from waste and bodily secretions. Presence of human excrement, urine, semen or saliva in any viewing rooms or booths shall be evidence of improper maintenance and inadequate sanitary controls. Repeated instances of such conditions may justify suspension or revocation of the adult entertainment business regulatory permit.

(k) All exterior areas of the adult business, including buildings, landscaping, and parking areas shall be maintained in a clean and orderly manner at all times.

(l) An adult entertainment business shall not conduct or sponsor any activities which create a demand for parking beyond the number of parking spaces required by Title 10 of this code for the applicable zoning district where the adult business is to be located.

(m) Any business license required pursuant to Chapter 5.04 of this code shall be kept current at all times.

(n) An adult entertainment business shall conform to all applicable laws and regulations.

(o) An adult entertainment business shall not provide any massage services (as defined in Chapter 5.36 of this code) , acupuncture

or tattooing nor shall it provide any escort (as defined in Chapter 5.26 of this code).

(p) Adult arcades shall comply with the following additional requirements:

(1) No viewing room or video booth may be occupied by more than one person at any one time.

(2) At least one employee shall be on-duty and stationed at each manager's station at all times that a patron is present inside the premises.

(3) Customers, patrons, or visitors shall not be allowed to stand idly by in the vicinity of any viewing rooms or booths, or from remaining in the common area of such business, other than the restrooms, who are not actively engaged in shopping for or reviewing the products available on display for purchaser viewing. Signs prohibiting loitering shall be posted in prominent places in and near the viewing rooms or booths.

(4) The walls or partitions between viewing rooms or booths shall be maintained in good repair at all times. The walls or partitions between viewing rooms or booths shall not contain holes between any two such rooms or booths such as would allow either: (i) viewing from one room or booth into another; or (ii) physical contact of any kind between the occupants of any two such rooms or booths. The permittee, owner, operator or other person in charge of the adult arcade shall, during each business day, regularly inspect the walls between the viewing rooms or booths to determine if any openings or holes exist.

(5) No person shall make or attempt to make an opening of any kind between viewing rooms or booths.

(q) Adult cabarets and adult theaters shall comply with the following additional requirements:

(1) No entertainer shall perform except upon a stage that is both: (i) at least eighteen inches above the level of the floor; and (ii) separated by a distance of at least ten feet from the nearest area occupied by patrons.

(2) No patron shall be permitted within ten feet of the stage while the stage is occupied by an entertainer nor shall a patron be permitted within ten feet of any person dancing for any form of consideration.

(3) No entertainer shall have physical contact with a patron before, during or after performances. This subparagraph shall only apply to physical contact on the premises of the business.

(4) No patron shall have physical contact with an entertainer before, during or after performances. This subparagraph shall only apply to physical contact on the premises of the business.

(5) No patron shall directly pay or give any gratuity to an entertainer in conjunction with a performance. For purposes of this provision, "directly pay or give" means the placement of a gratuity by a patron on any portion of an entertainer's person or clothing.

(6) No entertainer shall solicit any gratuity from a patron.

(7) No entertainer shall appear in a state of nudity or depict specified sexual activities.

(r) Adult model studios shall comply with the following additional requirements:

(1) An adult model studio shall not employ any person under the age of eighteen years.

(2) A person under the age of eighteen years commits an offense if the person appears semi-nude or in a state of nudity in or on the premises of a model studio. It is a defense to prosecution under this subsection if the person under eighteen years was in a restroom not open to public view or visible to any other person.

(3) A person commits an offense if the person appears in a state of nudity, or knowingly allows another to appear in a state of nudity at an adult model studio.

(4) An adult model studio shall not place or permit a bed, sofa, or mattress in any room on the premises, except that a sofa may be placed in a reception room open to the public.

(s) Adult motels shall comply with the following additional requirements:

(1) Evidence that a sleeping room in a hotel, motel, or a similar commercial establishment has been rented and vacated two or more times in a period of time that is less than ten hours creates a rebuttable presumption that the establishment is an adult motel as that term is defined in this title.

(2) A person commits a misdemeanor if he or she, as the person in control of a sleeping room in a hotel, motel, or similar commercial establishment that does not have an adult entertainment regulatory permit, rents or subrents a sleeping room to a person

and, within ten hours from the time the room is rented, rents or subrents the same sleeping room again.

(3) For purposes of subsection (2) of this section, the terms "rent" or "subrent" mean the act of permitting a room to be occupied for any form of consideration.

(t) Adult motion picture theaters shall comply with the following additional requirements:

(1) Remodeling or Enlargement of Theater. Any motion picture theater that has been closed for a continuous period of thirty days, and any theater that has been erected or structurally altered or enlarged, shall not be opened to the public without first having an inspection by, and the written permission of, the building and safety division of the city of La Puente, the health department and the Los Angeles County fire department.

Upon application by the permittee, the building and safety division shall cause an inspection to be made of all the public safety devices of the theater building, and if they are found to comply with the requirements hereof, shall cause such written permission to be issued. In the event the public safety devices, appurtenances, exits, or stairways are not in a secure and safe condition, they shall be put into such condition before any motion picture is exhibited and before the building is opened to the public. The building and safety division shall have the right to close any theater building when any permittee or owner refuses to comply with the provisions hereof, and such theater building shall remain closed until all such requirements applicable thereto shall have been complied with.

(2) Smoking in Motion Picture Theaters. Smoking shall not be permitted in the auditorium or balcony of any theater nor in any place where motion pictures are exhibited.

(3) Fire Extinguishers Required. In addition to the fire extinguishing equipment required in all occupancies, as defined by the building codes of the city, there shall be installed not less than two Class A fire extinguishers, as defined in the State Fire Marshal's Code, on each floor, including the basement. Adjacent to main switchboards, there shall be maintained not less than two Class C fire extinguishers as defined in the State Fire Marshal's Code. In addition thereto, there shall be installed such number of fire axes and fire hooks as the Los Angeles fire department may order.

(4) Rewinding Film in Closed Cabinet. All rewinding of film shall be done in an enclosed cabinet of a type approved by the Los Angeles County fire department. All film, records, and other combustible material used in connection with the projection of pictures shall be kept in metal lockers or cabinets, except when in actual use.

(5) Smoking or Open Flame in Booth Prohibited. No person shall smoke or maintain any open flame or other source of ignition within any motion picture machine booth. A sign bearing the words "No Smoking Permitted" shall be displayed in a conspicuous location within such motion picture machine booth.

(6) Automatically Operated Safety Devices-Testing. The Building and Safety Division may require that all automatically operated safety devices be tested not less than once every thirty days to determine that they are in proper working condition.

(7) Projection Rooms and Booths.

(A) No unauthorized person shall be allowed inside any motion picture machine booth when it is being used for the projection of motion pictures.

(B) The requirements for projection rooms shall be those requirements which are enumerated in the latest edition of the Uniform Building Code as adopted and amended by the city.

(8) Hazardous Conditions. It is unlawful to admit or allow the admission of the public to a theater after receiving notice or obtaining knowledge of the existence of any hazardous condition within the theater which is injurious to the public health, safety, or welfare. Such hazardous conditions may include, but are not limited to, loose or improperly attached fixtures, unsanitary conditions, damaged or defective seats, defects in or damage to the floor, floor covering or carpeting, obstructions in aisles, and insufficient illumination or inoperative light bulbs.

(Ord. 788 § 3 (part), 1999)

5.12.100 Employment of entertainers without permits.

No permittee, owner, operator or other person in charge of an adult entertainment business shall allow any person to perform at the business unless such person is in possession of a valid adult entertainer permit.

(Ord. 788 § 3 (part), 1999)

5.12.110 Register of entertainers.

(a) Every owner of an adult cabaret and every owner of an adult theater shall maintain on the premises of such business a register of all entertainers who perform at the business. Such register shall list each entertainer's legal name, stage name(s), and adult entertainer permit number.

(b) Upon commencement of the business, and on an annual basis thereafter as part of the permit renewal process, every owner of an adult cabaret and every owner of an adult theater shall file with the director a copy of the register of entertainers who perform at the business. Such filing shall be accompanied by a statement, signed by the owner, that all of the information in the register is true and correct.

(Ord. 788 § 3 (part), 1999)

5.12.120 Display of permit.

Every adult entertainment business shall display at all times during business hours the permit issued pursuant to the provisions of this chapter for such business. The permit shall be displayed in a conspicuous place so that it may be readily seen by all persons entering the adult entertainment business.

(Ord. 788 § 3 (part), 1999)

5.12.130 Inspections.

The owner, operator, or other person in charge of an adult entertainment business shall allow city officers and their authorized representatives to conduct unscheduled inspections of the premises of the adult entertainment business for the purpose of ensuring compliance with the law at any time the adult entertainment business is open for business or is occupied.

(Ord. 788 § 3 (part), 1999)

5.12.140 Term and renewal of permit.

Unless suspended or revoked, the term and renewal of an adult entertainment regulatory permit shall be governed by Section 5.08.080(a) of this title. In addition to the requirements in Section 5.08.080(a) of this title, applications for renewal of an adult entertainment regulatory permit shall be processed in accordance with the procedures governing initial applications as specified in this article.

(Ord. 788 § 3 (part), 1999)

5.12.150 Conditions.

The requirements of this article shall be deemed conditions of adult entertainment regulatory permit approvals. Failure to comply with every such requirement shall be grounds for suspension or revocation of an adult entertainment regulatory permit.

(Ord. 788 § 3 (part), 1999)

Article III. Adult Entertainer Permit

5.12.160 Permit required.

No person shall perform at an adult entertainment business unless such person first obtains and continues to maintain in full force and effect, an adult entertainer permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 3 (part), 1999)

5.12.170 Additional information required for application for adult entertainer permit.

(a) No person less than eighteen years of age shall be eligible for an adult entertainer permit.

(b) In addition to the information required in Section 5.08.030(a) of this title the following shall be submitted to the director at the time of application for an adult entertainer permit:

(1) A completed application form signed by: (i) the applicant; and (ii) the owner of the adult entertainment business in which the applicant intends to perform;

(2) The applicant's legal name and any other names (including stage names and aliases) used by the applicant;

(3) Age, date and place of birth;

(4) Height, weight, hair and eye color;

(5) Present residential address and telephone number;

(6) Whether the applicant has ever been convicted of:

(A) Any of the offenses set forth in Sections 314, 315, 316, 318, 266a, 266b, 266c, 266e, 266g, 266h, 266i, 647(a), 647(b) and 647(d) of the California Penal Code as those sections now exist or may hereafter be amended or renumbered,

(B) The equivalent of any of the aforesaid offenses if committed outside the state of California;

(7) Whether such person is or has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other jurisdiction to engage in prostitution in such other jurisdiction. If any person mentioned in this subsection has ever been licensed or registered as a prostitute, or otherwise authorized by the laws of any other state to engage in prostitution, a statement shall be submitted giving the place of such registration, licensing or legal authorization, and the inclusive dates during which such person was so licensed, registered, or authorized to engage in prostitution;

(8) Copy of state driver's license or identification number;

(9) Satisfactory written evidence that the applicant is at least eighteen years of age;

(10) The applicant's fingerprints in the manner prescribed by the Los Angeles County sheriff's department. Any fees for the fingerprints shall be paid by the applicant;

(11) Two color photographs, taken within six months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant;

(12) A nonrefundable application fee in an amount set by resolution of the city council.

(c) If the director determines that the applicant has completed the application improperly, the director shall promptly notify the applicant of such fact and shall return the application unprocessed. On request of the applicant, the director shall grant the applicant an extension of time of ten days to complete the application properly. The time period for granting or denying the requested permit shall be stayed during the period in which the applicant is granted an extension of time.

(Ord. 788 § 3 (part), 1999)

5.12.180 Additional criteria for issuance or denial of permit.

The director shall deny an application for an adult entertainer permit for any of the following causes:

(a) If any of the grounds specified in Section 5.08.060(a) of this title are present;

(b) The applicant is under eighteen years of age;

(c) The adult entertainer permit is to be used for performing in a business prohibited by state or city law;

(d) The applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application; and

(e) The applicant has had a prior adult entertainer permit revoked by the city within the previous calendar year.

(Ord. 788 § 3 (part), 1999)

5.12.190 Approval or denial of permit.

The director shall, within five city business days of the filing of a complete application, approve and issue the adult entertainer permit if there are no grounds for denial; otherwise, the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing by first class mail, postage prepaid, deposited in the course of transmission with the United States Postal Service within three city business days of the date of such decision. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon the written consent of the applicant. Any interested person may appeal the decision of the director to the city council in accordance with the provisions of Article 5 of this chapter.

(Ord. 788 § 3 (part), 1999)

5.12.200 Nontransferable.

(a) No adult entertainer permit shall authorize the permittee to perform at an adult entertainment business other than the business stated in the application for the permit.

(b) No adult entertainer permit issued pursuant to this chapter shall be transferable.

(c) Any attempt to transfer an adult entertainer permit is hereby declared invalid and the permit shall automatically become void effective the date of such attempted transfer.

(Ord. 788 § 3 (part), 1999)

5.12.210 Display of permit.

Every entertainer shall have his or her adult entertainer permit available for inspection at all times during which such entertainer is on the premises of the adult entertainment business at which the entertainer performs.

(Ord. 788 § 3 (part), 1999)

5.12.220 Term and renewal of permit.

Unless suspended or revoked, the term and renewal of an adult entertainer permit is governed by Section 5.08.080 of this title. In addition to the requirements in Section 5.08.080 of this title, applications for renewal of an adult entertainer permit shall be processed in accordance with the procedures governing initial applications as specified in this article.

(Ord. 788 § 3 (part), 1999)

Article IV. Suspension or Revocation of Permits

5.12.230 Additional grounds for modification, revocation or suspension.

(a) Adult Entertainment Regulatory Permit. The director shall suspend or revoke an adult entertainment regulatory permit for the following causes:

(1) One or more of the conditions in paragraphs (1) to (8) of Section 5.08.110(a) of this title exists;

(2) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the adult entertainment business has knowingly failed to comply with any of the requirements of this chapter;

(3) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the adult entertainment business has committed a misdemeanor or felony in the conduct of the business;

(4) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the adult entertainment business has failed to abide by any disciplinary action previously imposed by an authorized city official;

(5) The approved use has been substantially enlarged without city approval;

(6) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the adult entertainment business has knowingly allowed or permitted the occurrence of criminal activity on the premises of the adult entertainment business; or

(7) The permittee, or an employee, owner, agent, partner, director, stockholder, or manager of the business has knowingly allowed or permitted the occurrence of nuisance activities on the premises of the business. For purposes of this section, "nuisance activities" include the following without limitation: disturbances of the peace; public drunkenness; drinking in public; harassment of passerby; illegal parking by patrons; public urination; loitering; excessive littering; and loud noises.

(b) Adult Entertainer Permit. The director shall suspend or revoke an adult entertainer permit for the following causes:

(1) One or more of the conditions in paragraphs (1) to (8) of Section 5.08.110(a) of this title exists;

(2) The permittee has engaged in one of the activities described below while on the premises of an adult entertainment business:

(A) Unlawful sexual intercourse, sodomy, oral copulation, or masturbation,

(B) Unlawful solicitation of sexual intercourse, sodomy, oral copulation, or masturbation,

(C) Any conduct constituting a criminal offense which requires registration under Section 290 of the California Penal Code,

(D) Lewdness, assination, or prostitution, including any conduct constituting violations of Sections 315, 316, or 318 or Subdivision b of Section 647 of the California Penal Code,

(E) An act constituting a violation of provisions in the California Penal Code relating to obscene matter or distribution of harmful matter to minors including, but not limited to, Sections 311 through 313.4, or

(F) Any conduct prohibited by this chapter;

(3) Failure to abide by an disciplinary action previously imposed by an authorized city official;

(4) The permittee has knowingly made any false, misleading or fraudulent statement of material fact in the application for a permit, or in any report or record required to be filed with the city.

(Ord. 788 § 3 (part), 1999)

5.12.240 Procedure for suspension or revocation.

(a) On determining that grounds for permit revocation or suspension exist, the director shall furnish written notice of the proposed suspension or revocation to the permittee. Such notice shall set forth the time and place of a hearing, and the ground(s) upon which the proposed suspension or revocation is based. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee, at least ten days prior to the hearing date.

(b) Hearings shall be conducted in accordance with procedures established by the director. All parties involved shall have a right to: (1) offer testimonial, documentary and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(c) After holding the hearing in accordance with this section, upon determining that there are sufficient grounds for disciplinary action, the director shall impose one of the following penalties:

(1) A warning;

(2) Suspension of the permit for a specified period not to exceed six months;

(3) Revocation of the permit. The director may, in conjunction with the issuance of a warning or the suspension of a permit, order the permittee to take appropriate corrective action.

(Ord. 788 § 3 (part), 1999)

Article V. Appeals

5.12.250 Appeal.

Any interested person may appeal the Director's issuance, denial of issuance, renewal, denial of renewal, suspension or revocation of an adult entertainment regulatory permit or adult entertainer permit to the city council in accordance with the provisions of this section. Such appeal shall be governed by the procedures in Section 5.08.030(d) of this title.

(Ord. 788 § 3 (part), 1999)

5.12.260 Director's decision stayed.

The effectiveness of any decision of the director to suspend or revoke an adult entertainment regulatory permit or adult entertainment regulatory permit shall be stayed during: (1) the appeal period set forth in this article; and (2) the pendency of any appeal.

(Ord. 788 § 3 (part), 1999)

5.12.270 City council consideration.

Hearings shall be conducted in accordance with procedures established by the city council. All parties involved shall have a right to: (1) offer testimonial, documentary and tangible evidence bearing on the issues; (2) be represented by counsel; and (3) confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness.

(Ord. 788 § 3 (part), 1999)

5.12.280 Burden of proof.

Unless otherwise specifically provided by law, in any hearing under this article the burden is on the city to prove that the determination of the director that is being appealed is reasonable and not an abuse of discretion.

(Ord. 788 § 3 (part), 1999)

5.12.290 Judicial review.

An applicant who seeks judicial review of a decision to deny or conditionally approve a permit under this chapter shall be afforded prompt judicial review of that decision as provided by law and as further specified in Section 5.08.140 of this title.

(Ord. 788 § 3 (part), 1999)

Article VI. Miscellaneous

5.12.300 Existing adult businesses.

(a) Any adult business lawfully operating on the effective date of this article in violation hereof shall be deemed a nonconforming use.

(b) Any adult business lawfully operating on the effective date of this article which becomes nonconforming due to the location and distance criteria enumerated in Section 10.62.020 of this code or the permitted zoning classifications enumerated in Section 10.62.040 of this code shall cease operation, or otherwise be brought into full compliance with the location criteria of this chapter, not later than

twenty years following the effective date of Chapter 10.62 of this code.

(c) Any adult business lawfully operating on the effective date of this article which becomes nonconforming due to either the development standards enumerated in Section 10.62.030 of this code or the operation standards enumerated in Section 5.12.090 of this chapter shall cease operation, or otherwise be brought into full compliance with the development standards and operation standards not later than one year following the effective date of said standards.

(d) An adult business lawfully operating as a conforming use is not rendered a non- conforming use by the subsequent location of: (i) a residential use within two hundred fifty feet of the adult entertainment business; or (ii) a park, religious institution, public library or school within five hundred feet of the adult entertainment business. This exemption shall only apply if the adult business has not been discontinued, which means that interruptions in use cannot exceed six months in duration.

(Ord. 788 § 3 (part), 1999)

5.12.310 Regulations nonexclusive.

The provisions of this chapter regulating adult entertainment businesses are not intended to be exclusive and compliance therewith shall not excuse noncompliance with any other applicable provisions of this code or other law.

(Ord. 788 § 3 (part), 1999)

5.12.320 Conflicts.

If the provisions of this chapter conflict with or contravene any other provisions of this code, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 3 (part), 1999)

Chapter 5.16 SALES AND USE TAX*

Sections:

- 5.16.010 Short title of chapter.
- 5.16.020 Purposes of chapter.
- 5.16.030 Effective date of chapter-Contract with state.
- 5.16.040 Sales tax-Rate imposed.
- 5.16.050 Same-Consummation of sale presumption.
- 5.16.060 Same-Part of state revenue and taxation code adopted by reference.
- 5.16.070 Same-Substitution of terms in state law.
- 5.16.075 Same-Seller's permit limitation.
- 5.16.090 Use tax-Rate imposed.
- 5.16.100 Same-Part of state revenue and taxation code adopted by reference.
- 5.16.110 Same-Substitution of terms in state law.
- 5.16.120 Exclusions and exemptions from sales and use tax.
- 5.16.130 Amendments.
- 5.16.140 Enjoining tax collection prohibited.
- 5.16.150 Effect on existing sales and use tax ordinances.

5.16.160 Violations-Penalties.

5.16.170 Severability.

*Sales and use taxes authorized by California Government Code § 37101.

5.16.010 Short title of chapter.

This chapter shall be known as the Uniform Local Sales and Use Tax Ordinance of the city of La Puente.

(Ord. 4, 1956: Ord. 1 § 6601, 1956)

5.16.020 Purposes of chapter.

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

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

(b) To adopt a sales and use tax ordinance which incorporates provisions identical to those of the Sales and Use Tax Law of the state of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.5 of Division 2 of the said Revenue and Taxation Code;

(c) To adopt a sales and use tax ordinance which imposes a one percent 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 chapter.

(Ord. 1 § 6602, added by Ord. 4; August 20, 1956 and amended by Ord. 156; November 14, 1961)

5.16.030 Effective date of chapter-Contract with state.

This chapter shall become operative on October 1, 1956, and prior thereto 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 chapter; provided, that if this city shall not have contracted with the said State Board of Equalization, as above set forth, prior to October 1, 1956, this chapter shall not be operative until the first day of the first calendar quarter following the execution of such a contract by the city and by the State Board of Equalization; provided further, that this chapter shall not become operative prior to the operative date of the Uniform Local Sales and Use Tax Ordinance of the County of Los Angeles in which this city is located.

(Ord. 1 § 6603, added by Ord. 4; August 20, 1956)

5.16.040 Sales tax-Rate imposed.

For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the city at the rate of one per cent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the City of La Puente on and after the operative date of this chapter.

(Ord. 1 § 6604 (a) (1), added by Ord. 4; August 20, 1956)

5.16.050 Same-Consummation of sale presumption.

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

(Ord. 1 § 6604 (a) (2), added by Ord. 4; August 20, 1956 and amended by Ord. 156; November 14, 1961)

5.16.060 Same-Part of state revenue and taxation code adopted by reference.

Except as hereinafter provided and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on October 1, 1956, applicable to sales taxes are adopted and made a part of this section as though fully set forth herein.

(Ord. 4, 1956: Ord. 1 § 6604(6)(1), 1956)

5.16.070 Same-Substitution of terms in state law.

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the state of California is named or referred to as the taxing agency, the city of La Puente shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of the city of La Puente for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state of California; nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof, rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain gross receipts which would not otherwise be exempt from this tax while those gross receipts remain subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under said provisions of that Code; and in addition, the name of the city shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of the said Revenue and Taxation Code as adopted.

(Ord. 4, 1956: Ord. 1 § 6604(b)(2), 1956)

5.16.075 Same-Seller's permit limitation.

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 reason of this chapter.

(Ord. 366 § 1, 1973: Ord. 4, 1956: Ord. 1 § 6604(3), 1956)

5.16.090 Use tax-Rate imposed.

An excise tax is hereby imposed on the storage, use or other consumption in the city of tangible personal property purchased from any retailer on or after the operative date of this chapter, for storage, use or other consumption in the city at the rate of one percent of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales tax or use tax regardless of the place to which delivery is made.

(Ord. 4, 1956: Ord. 1 § 6605(a), 1956)

5.16.100 Same-Part of state revenue and taxation code adopted by reference.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Part 1.5 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 of Division 2 of said Code, as amended and in force and effect on October 1, 1956, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein.

(Ord. 4, 1956: Ord. 1 § 6605(b)(1), 1956)

5.16.110 Same-Substitution of terms in state law.

Wherever, and to the extent that, in Part 1 of Division 2 of the Revenue and Taxation Code the state of California is named or referred to as the taxing agency, the name of this city shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of this city for the word "State" when that word is used as part of the title of the State Controller, the State Treasurer, the State Board of Control, the State Board of Equalization, or the name of the State Treasury, or of the Constitution of the state of California; nor shall the name of the city be substituted for that of the state in any section when the result of that substitution would require action to be taken by or against the city or any agency thereof rather than by or against the State Board of Equalization, in performing the functions incident to the administration or operation of this chapter; and neither shall the substitution be deemed to have been made in these sections, including but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or to impose this tax with respect to certain storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provisions of that code, and in addition, the name of the city shall not be substituted for that of the state in Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 of said Revenue and Taxation Code as adopted, and the name of the city shall not be substituted for the word "State" in the phrase "retailer engaged in business in this State" in Section 6203 nor in the definition of that phrase in Section 6203.

(Ord. 156, 1961: Ord. 4, 1956: Ord. 1 § 6605(b)(2), 1956)

5.16.120 Exclusions and exemptions from sales and use tax.

(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 sales tax under a sales and use tax ordinance enacted in accordance with Part 1.5 of Division 2 of the Revenue and Taxation Code by any city and county, county, or city in this state 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 the operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government is exempted from the use tax.

(Ord. 776 § 6, 1999: Ord. 156, 1956: Ord. 4, 1956: Ord. 1 § 6605, 1956)

5.16.130 Amendments.

All amendments of the said Revenue and Taxation Code enacted subsequent to the effective date of this chapter 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 chapter.

(Ord. 4, 1956: Ord. 1 § 6606, 1956)

5.16.140 Enjoining tax collection prohibited.

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

(Ord. 1 § 6607, added by Ord. 4; August 20, 1956)

5.16.150 Effect on existing sales and use tax ordinances.

At the time this chapter goes into operation, the provisions of Ordinances Nos. 2 and 3, existing city sales and use tax ordinances, 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 of La Puente is without power to adopt this chapter, 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 chapter, the provisions of Ordinances Nos. 2 and 3 (existing city sales and use tax ordinances) 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 per cent continuously from and after October 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 chapter, the provisions of Ordinances Nos. 2 and 3 (existing city sales and use tax ordinances) shall again be in full force and effect at the rate of one per cent. Nothing in this chapter shall be construed as relieving any person of the obligation to pay to the city of La Puente any sales or use tax accrued and owing by reason of the provisions of Ordinances Nos. 2 and 3 (existing city sales and use tax ordinances) in force and effect prior to and including September 31, 1956.

(Ord. 1 § 6608, added by Ord. 4; August 20, 1956)

5.16.160 Violations-Penalties.

Any violation of Chapter 5.16 is a misdemeanor and is subject to the penalties set forth in Section 1.08.040 of the La Puente Municipal Code.

(Ord. 776 § 8, 1999; Ord. 1 § 6609, added by Ord. 4; August 20, 1956)

5.16.170 Severability.

If any section, subsection, sentence, clause, phrase or portion of this chapter, including but not limited to any exemption, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the chapter. The council of the city of La Puente hereby declares that it would have adopted this chapter and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

(Ord. 1 § 6610, added by Ord. 4; August 20, 1956)

Chapter 5.18 CURB ADDRESS PAINTING

Sections:

- 5.18.010 Intent.
- 5.18.020 Agreement and permit required.
- 5.18.030 Selection of person or entity to provide address painting services on street curbs.
- 5.18.040 Preference toward local not-for-profit entities.
- 5.18.050 Standards for curb address painting.

5.18.060 Revocation of permit.

5.18.070 Execution of agreement.

5.18.080 Agreement term.

5.18.090 Transfer of agreement.

5.18.010 Intent.

The intent of this chapter is to establish procedures and standards by which property address numbers will be painted on the curbs of adjacent public streets at no direct cost to the city of La Puente. It is intended that the work would be performed by individuals or entities that would seek voluntary donations from the owners or residents of the benefitting properties that would cover the cost of providing the service and support not-for-profit charitable endeavors directly benefitting the city and its residents. This chapter would not preclude the city from directly engaging and paying an independent contractor or utilizing city employees to undertake such activities when in the public interest.

(Ord. 825 § 1 (part), 2004)

5.18.020 Agreement and permit required.

No person or entity shall engage in, conduct or carry on the business of painting property address numbers on curbs of public streets, without first having obtained an agreement and permit issued under the provisions of Chapter 5.08 of this title. At any one time the city council may issue no more than one exclusive agreement for painting address numbers on street curbs within the city, to assure reliable, safe and quality service to city residents. Upon approval of one agreement and issuance of associated permits, the city shall not accept new or renewal applications for permits to paint addresses on street curbs for the duration of the agreement. It shall be unlawful for any person or entity to enter into the business of painting address numbers on street curbs.

(Ord. 825 § 1 (part), 2004)

5.18.030 Selection of person or entity to provide address painting services on street curbs.

The city council shall establish procedures to select the person or entity that will paint property addresses on the curbs of public streets. The city council shall competitively solicit proposals to provide address painting services on street curbs. Selection of the persons(s) or entity to provide such services shall be based on the quality, nature and scope of the work, procedures and service that are outlined in the proposal, as well as the qualifications, experience and reputation of the person(s) or entity that will perform the work.

(Ord. 825 § 1 (part), 2004)

5.18.040 Preference toward local not-for-profit entities.

When selecting among any person(s) or entities with whom to enter an agreement, the city council shall give preference to not-for-profit entities that have actively provided charitable services to residents within the city for a period of at least two years. If no reasonable proposals are received from a not-for-profit entity or it is otherwise in the best interest of the city, the city council may consider proposal and enter into an agreement with other person(s) or a for-profit entity.

(Ord. 825 § 1 (part), 2004)

5.18.050 Standards for curb address painting.

The painting of address numbers on street curbs shall conform with the following standards:

(a) The painted numbers shall conform to city specifications as to size and form, and the quality and type of paint to be used. The numbers shall be black, four inches tall, on white reflectorized background. Background shall be at least one inch larger than all

lettering.

(b) The selected person or entity must notify residents at least twenty-four (24) hours in advance of the period during which the curb address number painting will be done.

(c) The selected person or entity must advise residents in writing that they are under no obligation to pay for this service.

(d) All representatives of the selected person or entity who work in public must wear a photographic identification badge that is approved by the city.

(e) The selected person or entity and/or its subcontractor must respond within a reasonable time frame to complaints, and correct errors within three working days of being given such notice.

(f) The selected person or entity and/or its subcontractor must obtain a city business license.

(g) All representative of the selected person or entity who work in public must carry evidence of authorization to perform services (a copy of the permit issued by the city).

(Ord. 825 § 1 (part), 2004)

5.18.060 Revocation of permit.

The permit issued pursuant to this chapter shall be immediately revoked by the city manager or designee whenever he or she finds that the terms of the permit have been violated or the business is being operated in violation of local, state or federal law. The decision of the city manager may be appealed to the city council. The city council shall consider such appeal within thirty days of its being filed with the city clerk.

(Ord. 825 § 1 (part), 2004)

5.18.070 Execution of agreement.

No agreement granted pursuant to this chapter shall be effective unless and until the entity or individual selected by the city council has executed an agreement, accepting the award of the exclusive agreement, in a form satisfactory to the city attorney. Such agreement shall be executed within ten days of its award by the city council.

(Ord. 825 § 1 (part), 2004)

5.18.080 Agreement term.

The exclusive agreement issued under this chapter will be for the term specified in the agreement, commencing upon the effective date of the approval by the city council that authorizes the agreement. At the expiration of the term, unless a new agreement is issued under the provisions of this chapter, or unless the city council, for good cause, extends the term of the original agreement, the agreement shall be deemed to have expired and shall no longer be valid.

(Ord. 825 § 1 (part), 2004)

5.18.090 Transfer of agreement.

No agreement awarded under this chapter shall be assigned or transferred without the prior approval of the city council.

(Ord. 825 § 1 (part), 2004)

5.20.010 Permit required.

5.20.020 Definitions.

5.20.030 Additional information required for application.

5.20.040 Authorization of location.

5.20.050 Operating requirements.

5.20.060 Additional grounds for modification, revocation or suspension.

*Prior ordinance history: Ord. 1 §§ 4501-4554, Ords. 90 and 644.

5.20.010 Permit required.

No person shall engage in, conduct or carry on the business of operating a billiard club or a public billiard room without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 4 (part), 1999)

5.20.020 Definitions.

For purposes of this Chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Billiard club" means a proprietary club where billiards, bagatelle or pool is played, or in which any billiard, bagatelle or pool table is kept and persons are permitted to play or do play thereon, whether any compensation or reward is charged for the use of such table or not. "Billiard club" does not include a place having only one coin-operated table for billiards, bagatelle or pool if the table is maintained as an incident to some other type of business or activity.

"Billiards, bagatelle, or pool" means a game, played on an oblong table, whose object is to hit balls into pockets around the table's ledge by means of a cue or stick.

"Director" means the community development director of the city of La Puente or his or her designee.

"Permittee" means any person with a permit to operate a public billiard room or billiard club.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

"Public billiard room" means any place open to the public where billiards, bagatelle or pool is played, or in which any billiard, bagatelle or pool table is kept and people are permitted to play or do play thereon, whether any compensation or reward is charged for the use of such table or not. "Public billiard room" does not include a place having only one table for billiards, bagatelle or pool if the table is maintained as an incident to some other type of business or activity.

(Ord. 788 § 4 (part), 1999)

5.20.030 Additional information required for application.

In addition to the information required in Section 5.08.030(a), an applicant for a permit to operate a billiard club or public billiard room shall state the exact location of the place where the public billiard room or billiard club is to be located or, if the billiard club or public billiard room is only a part of a greater business establishment, the applicant shall state where within the business establishment the public billiard room or billiard club is to be located.

(Ord. 788 § 4 (part), 1999)

5.20.040 Authorization of location.

Any permit issued to conduct a billiard club or public billiard room shall authorize such billiard club or public billiard room only at the place described in the application and by the person who makes such application.

(Ord. 788 § 4 (part), 1999)

5.20.050 Operating requirements.

- (a) Visibility of Interior of Premises. Every billiard club or public billiard room shall be maintained so as to provide a clear and unobstructed view of the entire interior of the public billiard room or billiard club from the entrance into such room or club.
- (b) Hours of Operation. No public billiard room, billiard club or similar place of business shall be open from two a.m. until six a.m. of any day, nor shall an owner, manager, proprietor or other person having charge of any billiard club or public billiard room keep the same open or allow or permit any game to be played therein from two a.m. to six a.m. of any day. No person may remain on the premises of any public billiard room or billiard club during the hours when such public billiard room or billiard club is closed or required by this section to be closed, except the owner and regular employees.
- (c) Age Restrictions. The owner, manager, proprietor or other person in charge of any public billiard room or billiard club shall not allow or permit any person under the age of eighteen to be, remain in, enter or visit such place unless:
 - (1) Such minor is accompanied by one of his or her parents, guardian or spouse twenty-one years of age or older; or
 - (2) Such parent or guardian personally provides written consent to the owner, manager, proprietor or such other person in charge, but this exception only applies if alcoholic beverages are neither sold nor served in such place, and such place has no license to sell, dispense or serve alcoholic beverages. The written consent shall be in the manner and form approved by the director.
- (d) Disorderly Persons. No owner, manager, proprietor or other person in charge of any public billiard room or billiard club shall allow or permit any intoxicated, quarreling or disorderly person or persons to be or remain in such place.
- (e) Gambling. No billiards, bagatelle or pool shall occur in any billiard club or public billiard room where the permittee tolerates or permits gambling to take place.

(Ord. 788 § 4 (part), 1999)

5.20.060 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110(b) of this title, a permit issued pursuant to this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period.

(Ord. 788 § 4 (part), 1999)

**Chapter 5.22
DANCES**

Sections:

- 5.22.010 Effect of adult entertainment regulations.
- 5.22.020 Permit required.
- 5.22.030 Definitions.
- 5.22.040 Exemptions.
- 5.22.050 Additional information required for application.
- 5.22.060 Permit for special dance.
- 5.22.070 Additional criteria for issuance or denial of permit.

5.22.080 Authorization of location.

5.22.090 Operating requirements.

5.22.100 Manager or dance promoter's permit.

5.22.110 Additional grounds for modification, revocation or suspension.

5.22.010 Effect of adult entertainment regulations.

Any permittee who causes or allows to be caused any entertainment which falls within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her dance permit revoked. No private, public, special or teenage dance shall occur at the establishment where the permittee was to conduct the dance, and the former permittee or owner or operator of the establishment must apply for and receive all permits required under Chapter 5.12 of this title before continuing any operation which falls within the definition of "adult entertainment business" as defined in Section 5.12.020 of this title.

(Ord. 788 § 5 (part), 1999)

5.22.020 Permit required.

No person shall promote, engage in, conduct or carry on the business of operating a private dance, public dance, special dance or teenage dance without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 5 (part), 1999)

5.22.030 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Dance promoter" means an individual or organization who uses the facilities of another owner to organize, oversee, or otherwise promote a private dance, public dance, special dance or teenage dance. When more than one promoter is involved in promoting one event, they shall decide among themselves which one shall be considered the dance promoter for the purposes of this chapter.

"Dancing school" means an establishment that provides classes or instruction predominantly on dancing.

"Director" means the director of community development or his or her designee.

"Establishment" means a public hall, private hall or dancing school.

"Manager" means any individual designated as responsible for the private dance, public dance, special dance or teenage dance taking place at an establishment and who is employed by the owner or lessor of the establishment allowing the dance.

"Owner" means the owner of the establishment where any private dance, public dance, special dance or teenage dance is held.

"Permittee" means any person with a permit to hold a private dance, public dance, special dance or teenage dance.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

"Private dance" means recreational dancing that occurs at a private dance hall.

"Private dance hall" means a business establishment that provides recreational dancing facilities, either as its main purpose, or as an incident thereto, for its members or their bona fide guests.

"Public dance" means recreational dancing that occurs at a public dance hall.

"Public dance hall" means a business establishment that is open to the public and that provides recreational dancing facilities, either as its main purpose or as an incident thereto, for members of the public.

"Recreational dance" or "recreational dancing" means dancing for purposes of amusement or diversion. "Recreational dancing" includes, but is not limited to, social dancing and does not include a dance performance for purposes of entertaining an audience.

"Special dance" means an individual public dance or private dance conducted by any person, dancing club, dancing school or association of persons, dancing clubs or dancing schools, which dance, if authorized, will result in not more than three such dances being held by such person or group in any three month period.

"Teenage dance" means a recreational dance held at a private dance hall or a public dance hall for minors between the ages of thirteen and nineteen years of age to which no person twenty-one years of age or over, or under thirteen years of age, is admitted as a participant.

(Ord. 788 § 5 (part), 1999)

5.22.040 Exemptions.

The director may grant a dance permit without a fee where such dance is conducted by a bona fide charitable, religious, benevolent, patriotic or education organization or other nonprofit organization. No more than three such dances may be conducted in a three-month period.

(Ord. 788 § 5 (part), 1999)

5.22.050 Additional information required for application.

(a) In addition to the information required in Section 5.08.030(a) of this title, an applicant for a dance permit shall furnish the following information:

- (1) The address of the establishment for which the permit is desired or in which any dance is to be or dances are to be held;
- (2) The names and addresses of the persons who have authority or control over the location for which the permit is requested, and a brief statement of the nature and extent of their authority or control;
- (3) The names and addresses of each of the owners of the premises upon which the permitted activity is to be conducted, if the applicant is leasing such premises from the owners;
- (4) The number and date(s) of the dances to be held under the permit and the proposed hours during which each dance is to be conducted; and
- (5) Any information pertinent to the operation of the proposed activity, including but not limited to, information as to the management, authority, control, financial agreements and lease arrangements, as the director may require of an applicant, in addition to the other requirements of this section.

(b) Neither the filing of an application for a permit or renewal thereof, nor payment of an application or renewal fee, shall authorize the conducting of a dance until such permit has been granted or renewed.

(c) The applicant or permit holder shall give written notification of any change of information required by this section to the director within five business days after such change.

(Ord. 788 § 5 (part), 1999)

5.22.060 Permit for special dance.

(a) In addition to the information required in Section 5.22.050 of this chapter, the applicant for a business permit to operate a special dance shall:

- (1) Specify on the application the number of dances held within the previous three month period immediately preceding the date of the application; and

(2) File the application at least forty-five days before the date upon which the dance is to be held, unless the director shortens that period of time upon a showing of good cause.

(b) A special dance permit may only be issued if no more than three such dances will be held in any three month period. A separate permit must be issued for each special dance and a separate application must be filed for each dance in accordance with the provisions of this chapter.

(Ord. 788 § 5 (part), 1999)

5.22.070 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(b) of this chapter and that all of the following requirements have been met:

- (a) The operation of the business or engaging in the activity will not substantially disrupt the peace and quiet of any area in the city;
- (b) The operation of the business or engaging in the activity will not substantially impact upon traffic within any area of the city;
- (c) The operation of the business or engaging in the activity at the proposed location will not be incompatible with other uses in the vicinity; and
- (d) If the application is for renewal of a permit, the applicant has not violated conditions of the previous permit or any ordinances or regulations of the city in the conduct of the business or activity.

(Ord. 788 § 5 (part), 1999)

5.22.080 Authorization of location.

Any dance permit shall authorize such private dance, public dance, special dance or teenage dance only at the establishment described in the application and only by the person who submits such application. A new permit is required whenever there is a change in location of an establishment required to have a dance permit.

(Ord. 788 § 5 (part), 1999)

5.22.090 Operating requirements.

(a) Manager on Premises. Any public dance, private dance, special dance or teenage dance shall have a responsible person on the premises to act as manager and supervise employees at all times during which the dance is ongoing. Such manager shall obtain a permit in accordance with the provisions of Chapter 5.34 of this title.

(b) Number of Employees.

(1) Every establishment operating a public, private or special dance which has a capacity of two hundred persons or less shall provide at least two employees in constant attendance during the hours of operation of the public, private or special dance. Such establishment shall provide at least one additional employee for each one hundred person incremental gain in capacity. These employees shall be responsible for keeping order during the hours of operation of the public, private or special dance, and checking the admission of minors, where applicable.

(2) Every establishment operating a teenage dance which has a capacity of fifty persons or less shall provide at least one employee or adult volunteer to be in constant attendance during the hours of operation of the teenage dance. Such establishment shall provide at least one additional employee or adult volunteer for each fifty person incremental gain in capacity. These employees or volunteers shall be responsible for keeping order during the hours of operation of the teenage dance and monitoring the sobriety of the minors in attendance.

(c) Hours of Operation. No dancing may be conducted in a public hall, private hall or dancing school between the hours of two a.m. and six a.m., unless the director grants an exception upon a showing of good cause.

(d) Exits. No dancing shall be permitted in any establishment which does not provide unlocked doors with free and easy egress while patrons are in the establishment.

(e) Lighting. Every establishment shall be lighted throughout to an intensity of not less than three footcandles during all hours of operation.

(f) Parking Lot. Every person operating an establishment who owns, operates or controls any parking lot adjacent to such establishment and used in connection therewith, shall adequately and uniformly light such parking lot to an intensity of not less than two footcandles.

(g) Inspection Authority. Any city official or employee authorized to enforce the provisions of this chapter or this code may conduct an inspection of the establishment permitted under this chapter at any reasonable time to ensure compliance with the provisions of this chapter.

(h) Neighborhood Clean-Up. The owner or permittee of the establishment shall clean up or cause to be cleaned up litter and trash on the residential streets, if any, within a one-block radius of the establishment at least once a week for the period during which one or more events take place.

(i) Complaints. An employee of each owner or permittee shall be appointed to address, during hours of operation, all complaints. The name and phone number of the employee shall be posted adjacent to the business permit and shall be mailed or hand delivered to residences, if any, within a one-block radius of the establishment. The owner or permittee shall make reasonable efforts to address each complaint. The owner or permittee shall keep a log of all complaints and follow-up and shall make the information available to city staff upon request.

(j) Control of Events. The owner or permittee shall retain full control of all events on the property and ensure that any and all conditions of approval are adhered to. All dances, including dances organized by promoters, shall be supervised and managed by employees of the permittee. This shall include all club operations, ticket sales, parking arrangements, advertising and promotion of any dance.

(k) Merchandise Sales. No owner or permittee shall sell merchandise except inside the establishment.

(l) Open Doors. No door of any establishment may be propped open after six p.m., except for the period during which goods are being delivered to the establishment, and then only if continuously attended by an employee of the owner or permittee.

(m) Security. The owner and/or promoter shall provide and employ uniformed security guards as necessary on-site and at off-site parking locations to address noise, traffic, and safety concerns. A security plan shall be submitted for review and approval by the Los Angeles County sheriff's department.

(n) Readmission to dance. A person shall not readmit into any public dance or public dance hall, any person who has left such dance or dance hall, unless either:

(1) An admission charge not less than the admission charged to patrons entering such public dance or public dance hall for the first time is again paid; or

(2) The permit specifically provides that such readmission may be allowed.

(o) Solicitation of Trade Prohibited. No dancing may be conducted in any establishment where a permit is required at which solicitation of trade is made at or near the entrance thereto, either by personal solicitation or otherwise by means of any device whereby the voice of the person soliciting can be heard at or near such entrance.

(p) Solicitation of Drinks Prohibited at Teenage Dances. No teenage dance may be conducted in an establishment where employees solicit or accept drinks of alcoholic beverages from customers.

(q) Attire of Customers and Employees. No person shall enter, be or remain in any establishment, except when specified anatomical areas, as defined in Section 5.12.020(n) of this title, are completely covered and not visible to the human eye.

(r) Intoxicated Persons Prohibited at Teenage Dances. No person who is in an intoxicated condition or under the influence of any drug shall appear in or be in any establishment holding a teenage dance. A person who conducts or assists in conducting a teenage dance in any such establishment shall not permit any intoxicated person or person under the influence of any drug to appear, be, or remain at such place.

(s) Joint Responsibility for Violations and Noise Control. Violations of paragraphs (h), (i), (j), (k), (l), and (m) and violations of the noise ordinance set forth in Chapter 4.34 of this code by either the owner or the permittee, or both, shall be grounds for revocation of the owner's permit and the promoter's permit.

(Ord. 788 § 5 (part), 1999)

5.22.100 Manager or dance promoter's permit.

A manager and an entertainment promoter must obtain permits issued pursuant to Chapter 5.34 of this title. A dance promoter must obtain a separate permit for each establishment and each dance he or she promotes.

(Ord. 788 § 5 (part), 1999)

5.22.110 Additional grounds for modification, revocation or suspension.

(a) In addition to the grounds set forth in Section 5.08.110(b) of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period;

(b) The failure of a manager or dance promoter to obtain a permit for any dance or establishment is grounds for revocation of the dance permit of the establishment where the dance took place.

(Ord. 788 § 5 (part), 1999)

Chapter 5.24 ENTERTAINMENT*

Sections:

- 5.24.010 Effect of adult entertainment regulations.
- 5.24.020 Permit required.
- 5.24.030 Definitions.
- 5.24.040 Class 1 entertainment permit-Condition.
- 5.24.050 Additional information required for application.
- 5.24.060 Operating requirements.
- 5.24.070 Manager or entertainment promoter's permit.
- 5.24.080 Additional grounds for modification, revocation or suspension.

*Prior ordinance history: Ord. 1 §§ 4601-4631, Ords. 91, 316 and 644.

5.24.010 Effect of adult entertainment regulations.

Any permittee who causes or allows to be caused entertainment to occur which falls within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her entertainment permit revoked. No entertainment shall take place at the establishment until the former permittee or the owner or operator of the establishment applies for and receives all permits required under Chapter 5.12 of this title.

(Ord. 788 § 6 (part), 1999)

5.24.020 Permit required.

No person shall promote, engage in, conduct or carry on entertainment without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 6 (part), 1999)

5.24.030 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

Class 1 Entertainment Permit. Every person conducting or permitting any entertainment shown, staged, performed, exhibited or produced in any restaurant, hotel, cafe, cabaret, club, barroom, beer hall, beer garden, or any place where any alcoholic beverage is sold or offered for sale to patrons of such place for consumption of such on the premises, shall obtain a Class 1 entertainment permit.

Class 2 Entertainment Permit. Every person operating, conducting or managing any place where food or beverages (other than alcoholic beverages) are sold, offered for sale, or given away, or any place where music or entertainment is provided or furnished shall obtain a Class 2 entertainment permit. A Class 2 entertainment permit is not required of any bona fide charitable, religious, benevolent, or education organization or united service organization.

"Director" means the community development director of the city of La Puente, or his or her designee.

"Entertainment" means any act, burlesque show, fashion show, revue, play, pantomime, scene, song, dance act, song and dance act, movie, exhibition, dancing for compensation, or poetry recitation, performed for the benefit of the public at a private or public establishment. "Entertainment" does not include:

- (1) Instrumental or mechanical music alone;
- (2) A special dance, teenage dance, public dance or private dance for which a permit was obtained under Chapter 5.22 of this title and is currently in effect. This section does not exempt exhibition dancing whether by an entertainer or patron; or
- (3) Square dance calling or other oral instruction to patrons participating in any dancing described in paragraph (2) of this definition.

"Entertainment promoter" means an individual or organization who uses the facilities of another owner to organize, oversee, or otherwise promote entertainment. When more than one promoter is involved in promoting one event, they shall decide among themselves which ones shall be considered the entertainment promoter for the purposes of this chapter.

"Establishment" means the property or premises identified in the permit application as the location for the entertainment.

"Manager" means any individual designated as responsible for the entertainment taking place at an establishment and who is employed by the owner or lessor of the establishment offering the entertainment.

"Permittee" means any person with a permit to allow entertainment to take place in an establishment.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(Ord. 788 § 6 (part), 1999)

5.24.040 Class 1 entertainment permit-Condition.

The class 1 entertainment permittee is not eligible to receive an entertainment permit until it has applied for and received all permits and licenses required by the city and the Department of Alcoholic Beverage Control to operate an establishment which serves alcohol.

(Ord. 788 § 6 (part), 1999)

5.24.050 Additional information required for application.

In addition to the information required in Section 5.08.030(a) of this title, an applicant for a Class 1 or Class 2 entertainment permit shall furnish the following information:

- (a) The address of the establishment and the location in the establishment where the entertainment will take place;
- (b) The names and addresses of the persons who have authority or control over the establishment and a brief statement of the nature and extent of such authority or control;

- (c) The names and addresses of each of the owners of the establishment, if the applicant is leasing the establishment;
- (d) A detailed statement of the type of entertainment which will be conducted at the establishment;
- (e) The hours of operation; and
- (f) Whether the application is for a Class 1 or Class 2 entertainment permit.

(Ord. 788 § 6 (part), 1999)

5.24.060 Operating requirements.

- (a) Hours of Operation-Generally. No entertainment of any sort other than mechanical music may be conducted in the establishment between the hours of two a.m. and six a.m.
- (b) Entrance Doors To Be Unlocked. No entertainment may be conducted in an establishment which does not provide unlocked doors with free and easy ingress and egress while patrons are in the establishment.
- (c) Lighting. Every establishment shall be lighted throughout to an intensity of not less than three footcandles during all hours of operation except while the floor show is in progress.
- (d) Parking Lot. Every person operating an establishment who owns, operates or controls any parking lot adjacent to such establishment, and used in connection therewith, shall adequately and uniformly light such parking lot to an intensity of not less than two footcandles.
- (e) Obscene Performances Prohibited. No entertainment, for which a permit is required by this section, may be conducted if any person participating in the entertainment performs any lewd or obscene acts which are prohibited under the California Penal Code or the State Alcoholic Beverage Control Act.
- (f) Manager on Premises. All establishments with any entertainment permit (Class 1 or Class 2) shall have a responsible person on the premises to act as manager at all times during which the establishment is open. Such manager shall obtain a permit in accordance with the provisions of Section 5.24.070 of this chapter.
- (g) Attire of Customers and Employees. No person shall enter, be or remain in any establishment, except when specified anatomical areas, as defined in Section 5.12.020(r) of this title, are completely covered and not visible to the human eye.
- (h) Security. The owner and/or promoter shall provide and employ uniformed security guards as necessary on-site and at off-site parking locations to address noise, traffic, and safety concerns. A security plan shall be submitted for review and approval by the Los Angeles County sheriff's department.

(Ord. 788 § 6 (part), 1999)

5.24.070 Manager or entertainment promoter's permit.

A manager and an entertainment promoter must both obtain a permit issued pursuant to Chapter 5.34 of this title. An entertainment promoter must also obtain a separate permit for each establishment.

(Ord. 788 § 6 (part), 1999)

5.24.080 Additional grounds for modification, revocation or suspension.

- (a) In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period; or
- (b) The failure of a manager or an entertainment promoter to obtain a permit for any entertainment or establishment is grounds for revocation of the entertainment permit of the establishment where the entertainment took place.

(Ord. 788 § 6 (part), 1999)

Sections:

- 5.26.010 Effect of adult entertainment regulations.
- 5.26.020 Escort bureau permit required.
- 5.26.030 Definitions.
- 5.26.040 Permit granted subject to specific conditions.
- 5.26.050 Additional information required for application for escort bureau permit.
- 5.26.060 Additional criteria for issuance or denial of escort bureau permit.
- 5.26.070 Escort permit required.
- 5.26.080 Additional information required for application for escort permit.
- 5.26.090 Additional criteria for issuance or denial of escort permit.
- 5.26.100 Operating requirements.
- 5.26.110 Exemptions.
- 5.26.120 Additional grounds for modification, revocation or suspension.

5.26.010 Effect of adult entertainment regulations.

Any permittee who provides or allows to be provided any services which fall within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her escort bureau or escort permit revoked. No services conducted by an escort or an escort bureau will continue upon revocation of the permit, and such permittee must apply for and receive all permits required under Chapter 5.12 of this title before continuing any operation which falls within the definition of "adult entertainment business" as defined in Section 5.12.020 of this title.

(Ord. 788 § 7 (part), 1999)

5.26.020 Escort bureau permit required.

No person shall engage in conduct or carry on the business of an escort bureau without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 7 (part), 1999)

5.26.030 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Compensation" means any fee, salary, reward, commission or any other consideration.

"Director" means the community development director or his or her designee.

"Escort" means any person who, for compensation:

(1) Escorts, accompanies or consorts with other persons to, from or about social affairs, entertainments, places of public assembly or places of amusement located or situated within the city; or

(2) Escorts, accompanies or consorts with other persons in or about any place of public or private resort or within any private quarters located or situated within the city; or

(3) Escorts, accompanies, or consorts with other persons in or about any business or commercial establishment, or part or portion thereof, located or situated within the city.

"Escort bureau" means any business or agency, or self-employed or independent escort who, for compensation, furnishes or offers to furnish escorts.

"Escort bureau permit" means the permit required to operate an escort bureau.

"Escort permit" means the permit required for any person who is an escort.

"Permittee" means any individual who applies for and receives a permit to operate an escort bureau or to act as an escort.

(Ord. 788 § 7 (part), 1999)

5.26.040 Permit granted subject to specific conditions.

A permit to conduct an escort bureau shall not be issued to or in the name of any organization, group, corporation, partnership or any other entity other than an individual.

(Ord. 788 § 7 (part), 1999)

5.26.050 Additional information required for application for escort bureau permit.

(a) In addition to the information required in Section 5.08.030(a) of this title, an applicant for an escort bureau permit shall furnish the following information:

(1) The present or proposed address where the business is to be conducted;

(2) The full true name under which the business will be conducted;

(3) The full true name and any other names used by the applicant;

(4) The present residential and business address and telephone numbers of the applicant;

(5) Each residential and business address of the applicant for the five year period immediately preceding the date of filing of the application and the inclusive dates of each such address;

(6) The applicant's California driver's license number or California identification number;

(7) Acceptable written proof that the applicant is at least eighteen years of age;

(8) The applicant's height, weight, color of eyes and hair and date of birth;

(9) Two photographs of the applicant, taken within six months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant;

(10) The business, occupation or employment history of the applicant for the three year period immediately preceding the date of the filing of the application;

(11) The permit history of the applicant for the five year period immediately preceding the date of the filing of the application, including whether the applicant, in previously operating in this or any other city, county, state, or territory, has ever had any similar license or permit issued by such agency revoked or suspended, or has had any professional or vocational license or permit revoked or suspended due to misconduct as provided in Section 5.26.060(c) of this chapter;

(12) All criminal convictions suffered by the applicant, including ordinance violations except minor traffic offenses (any traffic offense designated as a felony shall not be construed as a minor offense), stating the date, place, nature and sentence of such conviction;

(13) A definition of the service to be provided;

- (14) The true names and residential addresses of all persons employed or intended to be employed as escorts;
 - (15) Fingerprints of the applicant in the manner prescribed by the Los Angeles County sheriff's department; and
 - (16) Such other identification and/or information as the director may require in order to discover the truth of the matters required to be set forth in the application.
- (b) The applicant or permit holder shall give written notification of any change of information required by this section to the director within five business days after such change.

(Ord. 788 § 7 (part), 1999)

5.26.060 Additional criteria for issuance or denial of escort bureau permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060 of this title and that all of the following requirements have been met:

- (a) The fees established by a resolution adopted by the city council have been paid;
- (b) The application conforms in all respects to the provisions of this chapter;
- (c) The applicant has not been convicted or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving criminal misstatement or 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; and the applicant has not knowingly permitted, through an act of omission or commission, his or her employee or agent, while so employed, to engage in any type of criminal misstatement or sexual misconduct offense, whether misdemeanor or felony; or has violated a condition of any permit to operate an escort bureau that was issued previously to the applicant;
- (d) The applicant is of good moral character and reputation; and
- (e) The escort bureau is to be conducted at a suitable place, and is not calculated or intended to be operated as a subterfuge for the conduct of an unlawful or immoral business and practice.

(Ord. 788 § 7 (part), 1999)

5.26.070 Escort permit required.

No person shall act as an escort without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. A copy of such permit shall be sent to the address of the employer of the escort bureau, which must in turn also hold a valid escort bureau permit issued by the city pursuant to this chapter.

(Ord. 788 § 7 (part), 1999)

5.26.080 Additional information required for application for escort permit.

- (a) In addition to the information required in Sections 5.08.030(a) of this title and 5.26.050(a)(3) through (16) of this chapter, an applicant for an escort bureau permit shall furnish the following information:
- (1) Satisfactory evidence that the applicant is employed, or has been offered employment, by an escort bureau holding a valid permit issued by the city, including the name and address of the employer or prospective employer and the fact that such employment or continued employment is contingent upon the issuance of said permit;
 - (2) The applicant's age, date of birth and California driver's license number or California identification number;
 - (3) Any and all names and aliases used by the applicant;
 - (4) Fingerprints of the applicant in the manner prescribed by the Los Angeles County sheriff's department; and

(5) Such other identification and information as the director may require in order to discover the truth of the matters required to be set forth in the application.

(b) The applicant or permit holder shall give written notification of any change of information required by this section to the director within five business days after such change.

(Ord. 788 § 7 (part), 1999)

5.26.090 Additional criteria for issuance or denial of escort permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060 of this title and that all of the following requirements have been met:

(1) The applicant is at least eighteen years of age;

(2) The applicant has not been convicted of or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving criminal misstatement or 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 violated a condition of any permit to act as an escort that was issued previously to the applicant; and

(3) The escort bureau which will employ the applicant received and holds a valid permit issued pursuant to this chapter.

(Ord. 788 § 7 (part), 1999)

5.26.100 Operating requirements.

(a) Escort Bureau.

(1) Escort permits. An escort bureau shall not hire or employ any escort who does not obtain an escort permit from the city.

(2) Age of Escorts. An escort bureau shall not employ as an escort any person under eighteen years of age.

(3) Age of Patrons or Customers. An escort bureau shall not furnish any escort to, or accept employment from, any patron, customer or person to be escorted who is under eighteen years of age, except at the special instance and request of the parent, guardian or other person in lawful custody of the person upon whose behalf the escort service is engaged.

(4) Notification of personnel changes. Every escort bureau shall within twenty-four hours notify the director of every change in personnel of escorts and the director shall deliver such notification to the Los Angeles County sheriff.

(5) Services - Sign Requirements. Every escort bureau shall post in a place clearly visible to a person entering the establishment, and in lettering not less than one-quarter inch, a sign containing the following information:

(A) A description of each service available; and

(B) The price charged for each service.

(6) Transaction Records. Every person managing an escort bureau shall keep a record of every transaction showing:

(A) The name of each escort employed, furnished or arranged for;

(B) The name, address and telephone number of the patron or customer; and

(C) Such other information as the director requires.

(7) Availability of Transaction Records. The records required by this section shall be kept available by the permittee, open to the inspection of the city and Los Angeles County sheriff's department personnel. The permittee shall deliver it to the city and/or the sheriff's department upon written request.

(8) Continuing Compliance. An escort bureau must continue to comply with all the criteria for issuance of the original permit which are specified in Sections 5.26.040 and 5.26.060 of this chapter.

(b) Escort.

(1) Presentment of Escort Permit. Each escort permit holder shall carry his or her escort permit upon his or her person and produce the permit as required in Sections 5.08.070(b) and (c) of this title. Each permit holder shall immediately surrender, to the director, any escort permit issued by the city upon the final suspension, revocation or expiration of such permit, or upon leaving employment as an escort.

(2) Continuing Compliance. An escort must continue to comply with all the criteria for issuance of the original permit which are specified in this chapter.

(3) Employment. No escort shall knowingly provide escort services for an escort bureau which does not comply with the operating requirements in this section.

(Ord. 788 § 7 (part), 1999)

5.26.110 Exemptions.

This chapter does not apply to the lawful business of any employment office or employment agency licensed under state law which does not conduct an escort bureau.

(Ord. 788 § 7 (part), 1999)

5.26.120 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, a permit authorizing a person to engage in, conduct or carry on the business of an escort bureau or to act as an escort shall be revoked or suspended by the city if the permittee fails to comply with any of the provisions of this chapter.

(Ord. 788 § 7 (part), 1999)

Chapter 5.28 FORTUNETELLING*

Sections:

5.28.010 Permit required.

5.28.020 Definition.

5.28.030 Additional information required for application.

5.28.040 Additional criteria for issuance or denial of permit.

5.28.050 Additional grounds for modification, revocation or suspension.

*Prior ordinance history: Ord. 147.

5.28.010 Permit required.

No person shall engage in, conduct or carry on the business of fortunetelling without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 8 (part), 1999)

5.28.020 Definition.

For purposes of this chapter, "fortunetelling" or "fortunetelling business" is the same as "fortunetelling" or "fortunetelling business" defined in Section 5.04.090 of this title. The activities exempted from the definition of fortunetelling in Section 5.04.090 of this title are likewise exempt from the provisions in this chapter.

(Ord. 788 § 8 (part), 1999)

5.28.030 Additional information required for application.

In addition to the application requirements set forth in Section 5.08.030 of this title, the applicant shall provide the following information:

- (a) The two most recent previous business and residential addresses of the applicant;
- (b) Two color photographs, taken within six months prior to the date of the application, that clearly show the applicant's face. Any fees for the photographs shall be paid by the applicant;
- (c) Two color photographs of each employee, taken within six months prior to the date of the application, that clearly show the employee's face. Any fees for the photographs shall be paid by the applicant;
- (d) Fingerprints of the applicant and his or her employees in the manner prescribed by the Los Angeles County sheriff's department;
- (e) The driver's license numbers of the applicant and his or her employees. If the applicant or any of his or her employees does not have a driver's license, then the applicant shall provide the California identification number of his or her employees and of the applicant;
- (f) The applicant's height, weight, color of eyes and hair, and date and place of birth;
- (g) The business license history of the applicant and whether such applicant or any of his or her employees, in previous operations in this or any other city or state has had a license or permit for a fortunetelling business or similar type of business revoked or suspended, and the reason therefor;
- (h) The applicant's convictions and the convictions of his or her employees, within the last five years, of: (i) violating Section 484 of the California Penal Code, and the act which led to the conviction was committed while the applicant was simultaneously engaged in the act of fortunetelling; (ii) violating Section 532 of the California Penal Code, and the act which led to the conviction was committed while the applicant was simultaneously engaged in the act of fortunetelling; or (iii) violating a statute of any jurisdiction outside California where the statute prohibits the same activity prohibited by Section 484 or Section 532 of the California Penal Code, and the act which led to the conviction was committed while the applicant was simultaneously engaged in the act of fortunetelling; and
- (i) In the event the applicant is not the owner of record of the real property upon which the fortunetelling business or service is or will be located, the application must be accompanied by a notarized statement from the owner of record of the property acknowledging that a fortunetelling business or service 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 fortunetelling business or activity is or will be located.

(Ord. 788 § 8 (part), 1999)

5.28.040 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(a) of this title and that all of the following requirements have been met:

- (a) Operation of the fortunetelling business will not disturb the peace in any adjacent residential zone of the city during the hours of eight p.m. to eight a.m. of the following day. A fortunetelling business disturbs the peace pursuant to this subsection if noise caused by the operation of the fortunetelling business violates the provisions of Chapter 4.34 of this code; and
- (b) If the application is for renewal of a permit, the applicant has not violated conditions of the previous permit.

(Ord. 788 § 8 (part), 1999)

5.28.050 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110(a) of this title, a permit authorizing a person to engage in, carry on or conduct the business of fortunetelling shall be modified, revoked or suspended by the city for any of the additional following reasons:

- (a) The permittee failed to satisfy any of the criteria set forth in Section 5.28.040 of this chapter;
- (b) The permittee failed to comply with any condition imposed by the city on the issuance of the permit; or
- (c) The permittee is convicted in a court of competent jurisdiction in this or any city or state, by a final judgment of an offense involving fortunetelling.

(Ord. 788 § 8 (part), 1999)

Chapter 5.30 GOING-OUT-OF-BUSINESS SALES AND SIMILAR SALES*

Sections:

- 5.30.010 Permit required.
- 5.30.020 Definitions.
- 5.30.030 Exemptions.
- 5.30.040 Additional information required for application.
- 5.30.050 Additional criteria for issuance or denial of permit.
- 5.30.060 Term of permit.
- 5.30.070 Operating requirements.
- 5.30.080 Additional grounds for modification, revocation or suspension.

* Prior ordinance history: Ord. 508.

5.30.010 Permit required.

No person shall engage in conduct or carry on a going-out-of-business sale without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this Chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 9 (part), 1999)

5.30.020 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Advertise" means all methods, whether oral, written, lettered, or printed, used to convey to the public notice of the conduct of a sale, or notice of intention to conduct such sale, which shall include, but not be limited to, oral or written announcements by internet, proclamation, newspaper advertisements, magazine advertisements, handbills, written or printed displays, billboard displays, posters, or radio and television announcements.

"Director" means the community development director or his or her designee.

"Going-out-of-business sale" means any of the following:

- (1) Any sale, or any offer to sell, to the public, or any group thereof, goods, wares, or merchandise on order, in transit, or in stock in connection with a declared purpose as set forth by advertising that such sale is anticipatory of or to avoid the termination, liquidation,

revision, wind-up, discontinuance, removal, dissolution, or abandonment of the business or that portion of the business conducted at any location;

(2) Any sale advertised in any manner calculated to convey to the public the belief that upon the disposal of the goods to be placed on sale, the business, or that portion thereof, being conducted at any location will cease, be removed, interrupted, discontinued, or changed;

(3) Any sale advertised to be an "adjuster's sale," an "administrator's sale," an "assignee's sale," a "bankrupt sale," a "benefit administrator's sale," a "benefit of creditors sale," a "benefit of trustees' sale," a "building coming down sale," a "closing out sale," a "creditor's sale," a "creditor's committee sale," a "damaged goods sale," an "end sale," an "executors' sale," a "final days sale," a "fire sale," a "fixtures for sale," a "forced out sale," a "forced out of business sale," an "insolvent sale," an "insurance salvage sale," a "loss of lease sale," a "mortgage sale," an "outselling sale," a "quitting business sale," a "receiver's sale," a "reorganization sale," a "salvage sale," a "selling out sale," a "smoke sale," a "smoke and water sale," a "trustee's sale," a "wholesale closing out sale," a "we quit sale," a "we give up sale," or any other sale advertised by any similar expression or characterization which is calculated to convey the same meaning;

(4) Any sale advertised in a manner calculated to indicate that the goods, wares, or merchandise to be sold, or any part thereof, has been involved in any business failure or has been derived from a business which has failed, discontinued, or liquidated, or has been closed;

(5) Any sale accompanied by notices or advertising indicating that the premises are available for purchase or lease or are otherwise to be vacated; or

(6) Any sale accompanied by advertising, indicating a business emergency or failure affecting the seller or any previous holder of the goods to be sold.

"Permittee" means any person to whom a permit has been issued to hold a going-out-of- business sale.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(Ord. 788 § 9 (part), 1999)

5.30.030 Exemptions.

The provisions of this chapter shall not apply to or affect the following:

- (a) Persons acting pursuant to an order or process of a court of competent jurisdiction;
- (b) Persons acting in accordance with their powers and duties as public officials, such as sheriffs and marshals;
- (c) Duly licensed auctioneers, selling at auction; and
- (d) Any publisher or publication, newspaper, magazine, or other publication which publishes in good faith any advertisement without knowledge of its false, deceptive, or misleading character, or without knowledge that the provisions of this chapter have not been satisfied.

(Ord. 788 § 9 (part), 1999)

5.30.040 Additional information required for application.

In addition to the information required by Section 5.08.030(a) of this title, each applicant to conduct a going-out-of-business sale shall furnish the following information:

- (a) The name and address of the owner of the goods to be sold at the going-out-of-business sale;
- (b) A description of the place where the going-out-of-business sale is to be held and the nature of the applicant's occupancy, whether by lease, sublease, or ownership, and the effective date of the termination of such occupancy;
- (c) The dates between which the going-out-of-business sale is to be conducted;

- (d) A full and complete statement of the facts regarding the going-out-of-business sale, including the reason for the urgent and expeditious disposal of the goods and the manner in which the going-out-of-business sale will be conducted;
- (e) The means to be employed in advertising the going-out- of-business sale and the proposed content of any such advertisement;
- (f) An itemized inventory of the stock of goods, wares, and merchandise to be offered for sale, together with the name and address of the suppliers thereof, and the cost thereof. All goods, wares, and merchandise listed upon the inventory shall be described in detail by color, size, manufacturer's name and lot number, and the individual number of articles in each lot so that the identity of such goods can be readily determined. Each item listed on the inventory shall be tagged with a label or tag securely attached thereto on which there is written or printed a number corresponding with that item on the inventory;
- (g) The place where such stock was purchased or acquired and a statement as to whether or not the merchandise to be sold was purchased at a former going-out-of-business sale; and
- (h) If stock is brought upon the premises within thirty days prior to such application, the amount and time of acquisition of such stock.

(Ord. 788 § 9 (part), 1999)

5.30.050 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(b) of this title and that all of the following requirements have been met:

- (a) The inventory list is complete;
- (b) The merchandise is properly labeled or tagged;
- (c) The advertising as proposed is not false, fraudulent, deceptive, or misleading in any respect;
- (d) The methods to be used in conducting the going-out-of-business sale will not work a fraud upon the purchasers; and
- (e) The applicant has been in business at the same location for a period of time in excess of one hundred eighty days prior to filing the application for the going-out-of-business sale.

(Ord. 788 § 9 (part), 1999)

5.30.060 Term of permit.

The term of a going-out-of-business sale permit shall not exceed sixty days; provided further, that the permit may be extended for one additional period not exceeding thirty days subject to the following requirements:

- (a) Filing a renewal application on the form designated by the director not less than five business days before expiration of the original permit.
- (b) Inclusion of a complete list of all unsold stock which was listed on the original application. A renewal permit shall not authorize sale of any stock which was not listed in the original permit application.
- (c) The permittee has complied with the provisions of this chapter and terms of the permit since its issuance.
- (d) Payment of the renewal permit fee as required by Section 5.08.080 of this title.

(Ord. 788 § 9 (part), 1999)

5.30.070 Operating requirements.

- (a) Records, Inventory and Inspection. The permittee shall:
 - (1) Grant access to authorized representatives of the city to make an examination or investigation of the business, books, records, accounts, or other papers pertaining to the going- out-of-business sale regulated by the provisions of this chapter;

(2) Keep available at the place of the going-out-of- business sale a duplicate copy of the inventory submitted with the application and present such duplicate copy to authorized city officials upon request;

(3) Keep all other goods separate and apart from the goods listed in the going-out-of- business sale inventory filed with city; and all inventoried goods for the going-out-of-business sale shall be tagged to apprise the public of the status of all such goods; and

(4) At the close of business each day, a revised inventory list of items disposed of during the day shall be made and shall be available at all times to investigating or inspecting city officials.

(b) Location.

(1) A going-out-of-business sale shall not be conducted at the same location by any person who, as owner or successor in interest, except by operation of law, has in any way, either directly or indirectly, conducted a similar sale in the city within a period of one year immediately preceding the date of the proposed going-out-of-business sale.

(2) The going-out-of-business sale permit authorizes only the type of sale described in the application at the location named in such application and authorizes only the sale of goods described in the inventory attached to the application. No additions of stock shall be permitted.

(c) Incidental Nature. A going-out-of-business sale shall be incidental to the termination of a legitimate business and is not permissible for a business which was established for the purpose of conducting such going-out-of-business sale.

(d) Nature of Goods Sold.

(1) All goods, wares, and merchandise to be sold in the going-out-of-business sale shall have been purchased by the applicant for resale on bona fide orders without cancellation privileges and shall not comprise goods purchased on consignment.

(2) Goods, wares, and merchandise to be sold in the going-out-of-business sale shall not include goods ordered in contemplation of conducting a going-out-of-business sale. Any unusual purchase or addition to the stock of goods of the business within the period of thirty days before the filing of an application for a going-out-of-business sale permit and up to the time of the going-out-of-business sale shall be deemed to be goods ordered in contemplation of conducting a going-out-of-business sale.

(e) Other Stores or Businesses. Where a permittee operates more than one place of business, the permit issued shall apply only to the one store or branch specified in the application, and no store or branch shall advertise or represent that it is cooperating with, or in any way participating in, such going-out-of-business sale; nor shall the store or branch conducting the going-out-of-business sale, advertise or represent that any other store or branch is cooperating with, or participating in any way, in such going-out-of-business sale.

(f) Hours. The going-out-of-business sale shall not take place between nine-thirty p.m. and eight a.m. of the following day.

(Ord. 788 § 9 (part), 1999)

5.30.080 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter.

(Ord. 788 § 9 (part), 1999)

Chapter 5.32 GUN DEALERS*

Sections:

5.32.010 Permit required.

5.32.020 Definitions.

5.32.030 Additional information required for application.

5.32.040 Permit granted subject to specific conditions.

5.32.050 Additional criteria for issuance or denial of permit.

5.32.060 Operating requirements.

5.32.070 Compliance by existing dealers.

5.32.080 Officers, employees and agents of gun dealers defined.

5.32.090 Additional grounds for modification, revocation or suspension.

5.32.110 Penalty.

* Prior ordinance history: Ords. 674 and 698.

5.32.010 Permit required.

No person shall engage in conduct or carry on the business of a gun dealer without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 12 (part), 1999)

5.32.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section, unless it is plainly evident from the context that a different meaning is intended:

"Ammunition" means any cartridge or encasement, bullet or projectile, primer or propellant or explosive material which is used in the operation of firearm.

"Firearm" includes, but is not limited to, any pistol, revolver, rifle, shotgun or any other device, designed to be used as a weapon or modified to be used as a weapon, that expels a bullet or projectile by the force of explosion of the form of combustion.

"Gun dealer" means any person who sells or otherwise transfers to the public any firearm, including any person required by Section 12070(a) of the California Penal Code to obtain a permit under California Penal Code Section 12071. "Gun dealer" also includes any person who purchases, takes in trade or accepts on consignment from the public any firearm.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(Ord. 788 § 12 (part), 1999)

5.32.030 Additional information required for application.

In addition to the information required pursuant to Section 5.08.030(a) of this title, an applicant for a permit to operate as a gun dealer shall furnish evidence that the applicant owns, leases or legally occupies a fixed place of business.

(Ord. 788 § 12 (part), 1999)

5.32.040 Permit granted subject to specific conditions.

If a permit is granted under this chapter, it shall be subject to the conditions set forth in Penal Code Section 12071 as well as any conditions imposed pursuant to the provisions of Sections 5.08.120 of this title and 5.32.060 of this chapter.

(Ord. 788 § 12 (part), 1999)

5.32.050 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(b) of this title and that all of the following requirements have been met:

- (a) The gun dealer, and all officers, employees, and agents of the gun dealer are at least twenty-one years of age;
- (b) Neither the gun dealer, nor any officer, employee, or agent of the gun dealer, has had a similar type of permit previously revoked or denied within the immediately preceding two years;
- (c) Neither the gun dealer, nor any officer, employee, or agent of the gun dealer, has been convicted of:
 - (1) Any offense disqualifying said individual from owning or possessing a firearm under applicable federal, state, or local laws,
 - (2) Any offense relating to the manufacture, sale, possession, use, or registration of any firearm or dangerous or deadly weapon,
 - (3) Any offense involving the use of force or violence upon the person of another,
 - (4) Any offense involving theft, fraud, dishonesty, or deceit, or
 - (5) Any offense involving the manufacture, sale, possession, or use of any controlled substance as defined by the California Health and Safety Code, as said definition now reads or may hereafter be amended to read;
- (d) The gun dealer has a fixed place of business where all permitted activities will be conducted and where all firearms and ammunition will be stored. Under no circumstance may the address of the fixed place of business be either a United States Post Office box or a private commercial mailbox. The permit shall specify the street address of said fixed place of business;
- (e) The gun dealer's fixed place of business is not located in any area or district that is zoned for residential use; and
- (f) The gun dealer agrees to indemnify, defend and hold harmless the city of La Puente, its officers, agents and employees, from claims arising from the negligent or intentional acts of said gun dealer.

(Ord. 788 § 12 (part), 1999)

5.32.060 Operating requirements.

- (a) Records and Reporting Requirement. In addition to properly maintaining all records and documents required by state and federal laws, a gun dealer, upon purchasing, taking in trade or accepting on consignment from the public any firearm of any type, shall comply with buy-form requirements as enumerated in Part 7 of Chapter 7.76, beginning with Section 7.76.310 of the Los Angeles County Code. A gun dealer shall also be required to report every sale, lease, or other transfer of a firearm to the Los Angeles County sheriff's department on a form prescribed by the sheriff.
- (b) Inspection. Upon the request of any designated representative of the Los Angeles County sheriff's department or any peace officer, a gun dealer shall:
 - (1) Furnish all records pertaining to the gun dealer's transactions including, but not limited to, all records required to be maintained by law; and
 - (2) Permit an inspection of those portions of the permitted premises where the firearms and firearm accessories are located.
- (c) Security Requirements. The gun dealer shall comply with all security requirements imposed by state law.
- (d) Continuing Compliance. The gun dealer shall continue to comply with all the criteria for issuance of the original permit which are required by this chapter.

(Ord. 788 § 12 (part), 1999)

5.32.070 Compliance by existing dealers.

Any gun dealer permitted to engage in the sale of firearms prior to the effective date of this chapter shall, within ninety days after said effective date, comply with the provisions of these amendments.

(Ord. 788 § 12 (part), 1999)

5.32.080 Officers, employees and agents of gun dealers defined.

Any reference in this chapter to an officer, employee or agent of a gun dealer shall apply only to those persons who directly participate in firearm sale transactions or who have access or control of the firearms.

(Ord. 788 § 12 (part), 1999)

5.32.090 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, a permit authorizing a person to engage in, conduct or carry on the business of a gun dealer shall be revoked or suspended by the city if the permittee fails to comply with the requirements of this chapter.

(Ord. 788 § 12 (part), 1999)

5.32.110 Penalty.

Any gun dealer violating the provisions of this chapter is guilty of a misdemeanor, punishable by a fine not to exceed one thousand dollars, or imprisonment for a term not to exceed six months, or both. This penalty is in addition to all other penalties provided by law, and the immediate revocation of the gun dealer's permit granted pursuant to this chapter.

(Ord. 789 § 2, 1999; Ord. 788 § 12 (part), 1999)

Chapter 5.34 MANAGERS AND PROMOTERS

Sections:

5.34.010 Effect of adult entertainment regulations.

5.34.020 Permit required.

5.34.030 Definition.

5.34.040 Additional information required for application.

5.34.050 Additional criteria for issuance or denial of permit.

5.34.060 Additional grounds for modification, revocation or suspension.

5.34.070 Exemptions.

5.34.010 Effect of adult entertainment regulations.

Any permittee who causes or allows to be caused entertainment to occur which falls within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her permit revoked. The former permittee must then apply for and receive all permits required under Chapter 5.12 of this title before allowing, engaging in or promoting any such adult entertainment business.

(Ord. 788 § 13 (part), 1999)

5.34.020 Permit required.

If specifically required by any provision of this title, managers and promoters must obtain a permit issued pursuant to Chapter 5.08 of

this title and the provisions of this chapter. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. Neither the filing of an application for a permit, or renewal thereof, nor the payment of an application or renewal fee, shall authorize a person to act as a manager or entertainment promoter until such permit has been granted or renewed.

(Ord. 788 § 13 (part), 1999)

5.34.030 Definition.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, "permittee" means any individual who applies for and receives a permit to act as a manager or promoter.

(Ord. 788 § 13 (part), 1999)

5.34.040 Additional information required for application.

(a) In addition to the information required in Section 5.08.030(a) of this title, an application for a permit to act as an entertainment promoter or work as a manager must include the following:

(1) Location: (i) for a promoter's permit, the address where the event or activity being promoted will take place; (ii) for a manager's permit, the address of the business or establishment which must have a designated manager to obtain a permit under this title;

(2) The names and addresses of the persons who have authority or control over the location identified in paragraph (a)(1) of this section and a brief statement of the nature and extent of such authority or control;

(3) The method by which the city can contact the applicant in case of an emergency. "Emergency" includes, but is not limited to, any fire, earthquake, flood, or the occurrence of any activity at the establishment which violates any city, state or federal regulation or law;

(4) Whether, during the last five years, the applicant was convicted of or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving criminal misstatement or 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;

(5) The applicant's age and date of birth;

(6) Whether the applicant has been registered in any state as a prostitute; and

(7) A detailed statement of the type of entertainment which will be conducted at the establishment.

(b) The applicant or permit holder of a permit to work as a manager or entertainment promoter shall give written notification of any change of information required in the application to the director within five business days after such change.

(Ord. 788 § 13 (part), 1999)

5.34.050 Additional criteria for issuance or denial of permit.

The director shall grant the permit to act as a promoter or manager only if he or she finds that there is no reason to deny the permit under Section 5.08.060 of this title and that all of the following requirements have been met:

(a) During the preceding five years, the applicant was not convicted of or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving criminal misstatement or 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;

(b) The applicant is at least eighteen years of age;

(c) The applicant has not been registered in any state as a prostitute; and

(d) If the applicant is renewing his or her permit to work as a manager, the applicant did not knowingly violate any provisions of Title 5 of this code in the operation of the business for which he or she is responsible.

(Ord. 788 § 13 (part), 1999)

5.34.060 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if:

- (a) The permittee has been convicted of or entered a plea of guilty or nolo contendere to any violation of the crimes or offenses specified in Section 5.34.050(a) of this chapter;
- (b) The permittee violated or knowingly allowed any violation of any of the provisions of Title 5 of this code; or
- (c) If the permittee is a promoter, the permittee fails to obtain a permit for any other event or establishment.

(Ord. 788 § 13 (part), 1999)

5.34.070 Exemptions.

Any manager or promotor not explicitly required by another provision of Title 5 of this code to obtain a permit pursuant to the provisions of this chapter shall not be subject to this chapter.

(Ord. 788 § 13 (part), 1999)

Chapter 5.36 MESSAGE ESTABLISHMENTS AND TECHNICIANS

Sections:

Article I. Massage Establishments

- 5.36.010 Effect of adult entertainment regulations.
- 5.36.020 Permit required.
- 5.36.030 Definitions.
- 5.36.040 Additional information required for application.
- 5.36.050 Additional criteria for issuance or denial of permit.
- 5.36.060 Operating requirements.
- 5.36.070 Permit nontransferable.

Article II. Massage Technicians

- 5.36.200 Permit required.
- 5.36.210 Additional information required for application.
- 5.36.220 Verification of applicant qualifications.
- 5.36.230 Additional criteria for issuance or denial of permit.
- 5.36.240 Operating requirements.

Article III. General Requirements

- 5.36.300 Additional grounds for modification, revocation or suspension of permit.

Article I. Massage Establishments

5.36.010 Effect of adult entertainment regulations.

Any permittee who provides or allows to be provided any services which fall within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her permit to operate a massage business or to work as massage technician revoked. No services conducted by a massage business or a massage technician will continue upon revocation of the permit, and such permittee must apply for and receive all permits required under Chapter 5.12 of this title before continuing any operation which falls within the definition of "adult entertainment business" as defined in Section 5.12.020.

(Ord. 788 § 14 (part), 1999)

5.36.020 Permit required.

No person shall engage in conduct or carry on the business of a massage establishment or a recognized school of massage without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 14 (part), 1999)

5.36.030 Definitions.

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

"Director" means the community development director or his or her designee.

"Manager" means any individual designated as responsible for the massage establishment and who is employed by the massage establishment.

"Massage establishment" means any place of business where any person engages in, conducts, or carries on, or permits to be engaged in, conducted or carried on, any business of giving a massage.

"Massage" and "massage services" means and includes any method of treating the external parts of the human body for remedial, health or hygienic purposes by means of pressure on or friction against, or stroking, kneading, rubbing, tapping, pounding, manipulation, or stimulating the external parts of the body, with or without the aid of any mechanical or electrical apparatus or appliances, and with or without supplementary aids such as water, rubbing alcohol, liniments, antiseptics, oils, powder, creams, lotions, ointments, or other similar preparations.

"Massage" and "massage services" shall further include any bath, shower, electric tub, sponge bath, facial massage, fomentations, massage, electric or magnetic treatment, acupressure, shiatsu, alcohol rubs, and Russian, Swedish, Japanese or Turkish baths.

"Massage technician" or "masseuse" means any person who administers to another person, for any form of consideration, massage. "Massage technician" shall include a student at a recognized school of massage who administers a massage to any person for payment whether the payment is received by the student, school, or a massage establishment.

"Permittee" means any person with a permit to operate a massage business or to work as a massage technician.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

"Recognized school of massage" means any school or institution of learning which teaches the theory, ethics, practice, profession, or work of massage, which has been approved pursuant to the California Education Code. A school offering a correspondence course not requiring attendance shall not be deemed a recognized school. The city shall have a right to confirm that the applicant has actually

attended class in a recognized school.

(Ord. 788 § 14 (part), 1999)

5.36.040 Additional information required for application.

(a) In addition to the information required in Section 5.08.030(a) of this title, an applicant for a massage establishment permit shall furnish the following information:

- (1) The full true name under which the business will be conducted;
- (2) The applicant's full, true name, any other names used, date of birth, California Driver's License number or California identification number, present residential address and telephone number. The sex, height, weight, color of hair, and color of eyes of applicant;
- (3) The previous two residences of the applicant and the inclusive dates at each address;
- (4) The applicant's business, occupation, and employment history for five years preceding the date of application, and the inclusive dates of same;
- (5) The permit history of the applicant, including whether such person has ever had any permit or license issued by any agency, board, city, county, territory, or state, the date of issuance of such a permit or license, whether the permit or license was revoked or suspended, or if a vocational or professional license or permit was issued, revoked, or suspended, and the reason(s) therefor;
- (6) All convictions for any crime, except for minor traffic violations, and the reasons therefor;
- (7) Two photographs of the applicant, taken within six months prior to the date of the application, that clearly show the applicant's face and the applicant's fingerprints in the manner prescribed by the Los Angeles County sheriff's department. Any fees for the photographs or the fingerprints shall be paid by the applicant;
- (8) A complete definition of all services to be provided;
- (9) The name, address, and date of birth of each massage technician, who is or will be employed or trained in said establishment;
- (10) The name and address of any massage establishment, or similar business, owned or operated by any person whose name is required to be given pursuant to this section wherein the business or profession of massage is carried on;
- (11) Acceptable written proof that the applicant is at least eighteen years of age;
- (12) The applicant, if a corporation, or partnership, shall designate one of its officers or general partners to act as its responsible managing employee. Such person shall complete and sign all application forms required of an individual applicant under this chapter, however, only one application fee shall be charged. The corporation's or partnership's responsible managing employee must, at all times, meet all of the requirements established for a permittee by this chapter or the corporation or partnership permit shall be suspended until a responsible managing employee who meets such requirements is designated. If no such person is found within ninety days, the corporation or partnership permit is deemed canceled without further notice and a new initial application for permit must be filed;
- (13) A description of any other business to be operated on the same premises, or on adjoining premises, owned or controlled by the applicant;
- (14) The name and address of the owner and lessor of the real property upon or in which the business is to be conducted. In the event the applicant is not the legal owner of the property, the application must be accompanied by a copy of the lease and a notarized acknowledgment from the owner of the property that a massage establishment will be located on his or her property; and
- (15) The name and age of the manager.

(b) The applicant or permit holder shall give written notification of any change of information required by this section to the director within five business days after such change.

(c) A certificate of compliance from both the city's building and safety division, and the county health department must be submitted prior to the approval of the application. Any required inspection fees shall be the responsibility of the applicant. If the certificates of compliance are not received by the director within ninety days of the date of filing, the application shall be deemed void.

If any land use permit or other entitlement for use is required, such permit or use shall also be applied for and received prior to the massage establishment permit becoming effective.

(Ord. 788 § 14 (part), 1999)

5.36.050 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.040 of this title and that all of the following requirements have been met:

- (a) The applicant, if an individual, or any of the stockholders of the corporation, or any officers or directors, if the applicant is a corporation, or any partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code, Section 290, and has not been convicted for a violation of the provisions of California Penal Code Sections 266i, 314, 315, 316, 318, 647, Health and Safety Code Sections 11054 to 11058, or any other crime involving dishonesty, fraud, deceit, or moral turpitude;
- (b) The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked, or suspended by the city, or any other state or local agency prior to the date of approval;
- (c) The applicant is at least twenty-one years of age; and
- (d) The applicant complies with all of the provisions of this chapter.

(Ord. 788 § 14 (part), 1999)

5.36.060 Operating requirements.

- (a) Employee Reporting Requirement. The holder of a permit required by Section 5.36.020 of this chapter shall notify the director in writing of the name and address of each person employed as a massage technician within five business days of that person being employed.
- (b) Employment of Unlicensed Massage Technicians Prohibited. It is unlawful for any owner, manager, operator, responsible managing employee or permittee in charge of or in control of a massage establishment to employ or permit a person to act as a massage technician who is not in possession of a valid, unrevoked massage technician permit issued pursuant to this chapter and which is worn clearly visible during working hours.
- (c) Location Authorization. Any permit to conduct a massage establishment shall specify the exact location(s) where massage services may take place, and no massage shall be given in a business or on premises which are not so authorized. No massage establishment shall send massage technicians off the premises for the purposes of administering a massage, nor shall the massage establishment or any part thereof be used by any employee, operator, manager, or owner to receive or accept such requests for off-premises massages at any location other than the location(s) expressly authorized by a permit granted pursuant to this chapter.
- (d) Doors. No massage services shall be provided in an establishment which provides such services in any cubicle, room, booth, or other area which is fitted with a door capable of being locked. The premises, exterior doors and the doors separating the waiting or reception area from the remainder of the premises, shall remain unlocked during business hours (including electric locking devices)
- (e) Signs. A recognizable and readable sign shall be posted at the main entrance, identifying the establishment. A list of services available and the cost of such services shall be posted in an open public place within the premises, and shall be described in readily understandable language. No owner, manager, operator, responsible managing employee, or permittee shall permit, and no massage technician shall offer or perform, any service other than those posted. All signs shall comply with all requirements of the La Puente Municipal Code.
- (f) Building Code Requirements.
 - (1) Minimum lighting shall be provided in accordance with the building code, and, in addition, at least one artificial light of not less than forty watts shall be provided in each enclosed room or booth where massage services are being performed on a patron.
 - (2) Minimum ventilation shall be provided in accordance with the building code.
- (g) Cleanliness.

- (1) Adequate equipment for disinfecting and sterilizing instruments used in performing the acts of massage shall be provided.
 - (2) Hot and cold running water shall be provided at all times.
 - (3) Separate closed cabinets shall be provided for the storage of clean and soiled linen, and shall be plainly marked: "Clean Linen" and "Soiled Linen," respectively.
 - (4) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms, and all other physical facilities, shall be in good repair.
- (h) **Separate Rooms for Customers Required.** In an establishment where massage services are rendered only to members of the same sex at any one time, such persons of the same sex may be placed in a single separate room. If male and female patrons are to be treated simultaneously at the same massage establishment, a separate massage room or rooms shall be provided for male and female patrons.
- (i) **Bathing, Dressing and Toilet Facilities.** Adequate bathing, dressing, locker and toilet facilities shall be provided for patrons. A minimum of one tub or shower, one dressing room containing a separate locker for each patron to be served, which locker shall be capable of being locked, as well as a minimum of one toilet and one washbasin, shall be provided in every massage establishment; provided, however, that if male and female patrons are to be served simultaneously at the establishment, separate bathing, separate dressing and separate toilet facilities shall be provided for male and female patrons.
- (j) **Washbasins for Employees.** A minimum of one separate washbasin shall be provided in each massage establishment for the use of employees of any such establishment, which basin shall provide soap or detergent and hot and cold running water at all times, and shall be located within or as close as practicable to the area devoted to the performing of massage services. In addition, there shall be provided at each washbasin sanitary towels placed in permanently installed dispensers.
- (k) **Hours of Operation.** The permittee shall not conduct or operate a massage establishment between the hours of ten-thirty p.m. and seven a.m. of the following day, and shall exclude all customers, patrons and visitors therefrom between those hours.
- (l) **Recording of Activities Prohibited.** No building or part thereof where massage or massage services are being conducted shall be equipped with any electronic, mechanical or artificial device used, or capable of being used, for recording or videotaping, or for monitoring the activities, conversation, or other sounds in the treatment room(s) or room used by customers.
- (m) **Maintenance of Premises and Equipment.**
- (1) All walls, ceilings, floors, pools, showers, bathtubs, steam rooms and all other physical facilities for the establishment shall be in good repair and maintained in a clean and sanitary condition.
 - (2) Wet and dry heat rooms, steam or vapor rooms, or steam or vapor cabinets, shower compartments and toilet rooms shall be thoroughly cleaned each day the business is in operation. Bathtubs shall be thoroughly cleaned after each use.
 - (3) Clean and sanitary towels and linens shall be provided for each patron of the establishment or each patron receiving massage services. No common use of towels or linens shall be permitted.
 - (4) Standard or portable massage tables shall be used with a durable, washable plastic or other waterproof material as a covering. Foam pads more than four inches thick or more than four feet wide may not be used. Beds, mattresses and water beds may not be used in the administration of a massage.
- (n) **Persons Using Alcohol or Drugs Prohibited.** A person shall not enter, be or remain in any part of a massage establishment while in the possession of, consuming or using any alcoholic beverage or drugs. The permittee, manager, and every supervising employee, shall not permit any such person to enter or remain upon such premises.
- (o) **Prohibited Activity.** No massage establishment shall place, publish or distribute or cause to be placed, published or distributed any advertising matter that depicts any portion of the human body that would reasonably suggest to prospective customers or clients that any service is available other than those services described in the definition of "massage" in Section 5.36.030 of this chapter, nor shall any massage establishment employ language in the text of such advertising that would reasonably suggest to a prospective patron that any service is available other than those services as described in the definition of "massage" in Section 5.36.030 of this chapter. No massage establishment shall sell or serve food or beverages or conduct any other business on the premises where the massage establishment is being conducted.
- (p) **Inspections.** The director, the Los Angeles County sheriff and the county health department, or their authorized representatives, shall have the right to enter the massage establishment for the purpose of making reasonable unscheduled inspections to observe and enforce compliance with applicable regulations, laws, and provisions of this chapter.

(q) Manager Required. A massage establishment shall at all times the establishment is open have a responsible person acting as manager on the premises to ensure compliance with these provisions. The manager must be familiar with the requirements of this chapter and be capable of communicating the provisions of this chapter to employees and patrons of the establishment. The manager, if not the person to whom the permit has been issued to operate the massage establishment, must also have applied for and received a permit under Chapter 5.34 of this title.

(Ord. 788 § 14 (part), 1999)

5.36.070 Permit nontransferable.

No massage establishment permit may be sold, transferred or assigned by the permittee, or by operation of law, to any other person or persons, and any such sale, transfer or assignment, or attempted sale, transfer or assignment, shall be deemed to constitute a voluntary surrender of such permit and such permit shall thereafter be deemed terminated and void. Such attempted transfers include, but are not limited to, the transactions specified in paragraphs (1) to (8) of Section 5.08.090(a) of this title.

(Ord. 788 § 14 (part), 1999)

Article II. Massage Technicians

5.36.200 Permit required.

No person shall act as a massage technician without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 14 (part), 1999)

5.36.210 Additional information required for application.

In addition to the information required in Section 5.08.030(a) of this title, and Section 5.36.040(a)(2) through (8) of this chapter, an application for a permit required by this article also shall include:

- (a) Written statements of at least five persons that the applicant is of good moral character;
- (b) Written proof that the applicant is over the age of eighteen years;
- (c) Applicant's height, weight, color of eyes and hair. The applicant may be required to go have his or her height and weight confirmed by the Los Angeles County sheriff's department;
- (d) Business, occupation or employment of the applicant for the three years immediately preceding the date of the application;
- (e) All convictions for any crime, except for minor traffic violations, and the reasons therefor;
- (f) A certificate from a medical doctor stating that the applicant has, within thirty days immediately prior thereto, been examined and found to be free of any contagious or communicable disease; and
- (g) Such other identification and information reasonably necessary to discover the truth of the matters specified in subsections (a) to (f) of this section.

(Ord. 788 § 14 (part), 1999)

5.36.220 Verification of applicant qualifications.

- (a) The applicant shall furnish with his or her application for a permit to be a massage technician proof of one of the following:
 - (1) A diploma or certificate of graduation from a recognized school wherein the method, profession and work of a massage technician is taught; or

(2) A diploma or certificate from a school outside of the state of California which substantially complies with the educational requirements of Section 29025 of the Education Code of this state; or

(3) Other evidence showing at least less than five years' experience as a practicing massage technician; or

(4) Evidence of enrollment at a recognized school of massage.

(b) The director shall have the right to verify for authenticity the information supplied pursuant to this section.

(Ord. 788 § 14 (part), 1999)

5.36.230 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060 of this title and that all of the following requirements have been met:

(a) The applicant, if an individual, or any of the stockholders of the corporation, or any officers or directors, if the applicant is a corporation, or any partner if the applicant is a partnership, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Section 290, and has not been convicted for a violation of the provisions of California Penal Code, Sections 266i, 314, 315, 316, 318, 647, Health and Safety Code Sections 11054 to 11058, or any other crime involving dishonesty, fraud, deceit, or moral turpitude;

(b) The applicant has not had a massage establishment, massage technician, or other similar permit or license denied, revoked, or suspended by the city, or any other state or local agency prior to the date of approval;

(c) The applicant is at least eighteen years of age;

(d) The applicant has not been registered in any state as a prostitute; and

(e) The applicant provides proof of education or experience as required in Section 5.36.220 of this chapter.

(Ord. 788 § 14 (part), 1999)

5.36.240 Operating requirements.

(a) Off-Premises Massage Prohibited-Permit-Limitations. No massage technician permitted pursuant to this chapter may perform any massage or massage services in any location other than the location or locations specified in the permit.

(b) Attire. No massage or massage services may be administered unless the patron wears clothing which covers the patron's genitals, and if the patron is female, the breasts. The massage technician shall at all times while on the premises of the establishment, be clean, and wear nontransparent outer garments covering the body from knee to neck.

(c) Identification Card. All massage technicians must wear a picture I.D. issued by the city while working in a massage establishment.

(d) Employer Compliance. No massage technician shall knowingly provide massage services at a massage establishment which does not comply with the operating requirements in Section 5.36.060 of this chapter.

(Ord. 788 § 14 (part), 1999)

Article III. General Requirements

5.36.300 Additional grounds for modification, revocation or suspension of permit.

In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if:

(a) The permittee has been convicted of or entered a plea of guilty or nolo contendere to any violation of Health and Safety Code Section 11054-11058, Penal Code Section 647(b), 2 66(h), 266i, 315, 316 or 318;

(b) The permittee has violated any provisions of this chapter; or

(c) With regard to the permit to operate a massage establishment, the manager failed to obtain a permit as required.

(Ord. 788 § 14 (part), 1999)

5.36.310 Exemptions.

The provisions of this chapter shall not apply to the following:

(a) Physicians, surgeons, chiropractors, osteopaths, physical therapists who are duly licensed to practice their respective professions in the state.

(b) Nurses registered under the laws of the state.

(c) Persons who are licensed to practice any healing art under the provisions of the Business and Professions Code of the state of California or any other statute of this state who provide any treatment administered in good faith.

(d) Barbers and beauticians who are duly licensed under the laws of the state while engaging in practice within the scope of their licenses, except that this exemption shall apply solely to the massaging of the neck, face, and/or scalp of the customer or client.

(e) Hospitals, nursing homes, sanatoriums, or other health care facilities duly licensed by the state.

(f) Accredited high schools, junior colleges, and colleges or universities whose coaches and trainers are acting within the scope of their employment.

(g) Trainers of amateur, semi-professional or professional athletes or athletic teams.

(h) Any business duly licensed as a health club, provided only one massage table is used at such location and provided such use is incidental to the operation of the health club.

(Ord. 788 § 14 (part), 1999)

Chapter 5.38 MODELING STUDIOS

Sections:

5.38.010 Effect of adult entertainment regulations.

5.38.020 Permit required.

5.38.030 Definitions.

5.38.040 Additional information required for application.

5.38.050 Additional criteria for issuance or denial of permit.

5.38.060 Operating requirements.

5.38.070 Additional grounds for modification, revocation or suspension.

5.38.010 Effect of adult entertainment regulations.

Any permittee who provides or allows to be provided any services which fall within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her permit to operate a modeling studio revoked. No services conducted by a modeling studio will continue upon revocation of the permit, and such permittee must apply for and receive all permits required under Chapter 5.12 of this title before continuing any operation which falls within the definition of "adult entertainment business" as defined in Section 5.12.020 of this title.

(Ord. 788 § 15 (part), 1999)

5.38.020 Permit required.

No person shall engage in, conduct or carry on the business of a modeling studio without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 15 (part), 1999)

5.38.030 Definitions.

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

"Director" means the director of community development or his or her designee.

"Figure model" means any person, male or female, who poses to be observed, viewed, sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

"Manager" means any individual designated as responsible for the modeling studio and who is employed by the modeling studio.

"Modeling studio" means:

(1) Any premises on which there is conducted the business of furnishing figure models for persons who pay a fee or other consideration or compensation, or a gratuity, for the right or opportunity to observe, view, sketch, paint, draw, sculpture, photograph, or similarly depict the figure model.

(2) Any premises where there is conducted the business of furnishing or providing or procuring for a fee or other consideration or compensation or gratuity, figure models to be sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted.

(3) "Modeling studio" does not include:

(A) Any studio which is operated by any state college, or public junior college or school wherein the persons, firm, association, partnership or corporation operating it has met the requirements established in Division 21 of the Education Code for the issuance or conferring of, and is in fact authorized thereunder to issue and confer, a diploma or honorary diploma; or

(B) Any premises where there is conducted the business of furnishing, providing or procuring figure models solely for any studio described in subsection (A) of this paragraph (3)

(C) "Adult modeling studio," as that term is defined in Section 5.12.020 of this title.

"Permittee" means any person with a permit to operate a modeling studio.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(Ord. 788 § 15 (part), 1999)

5.38.040 Additional information required for application.

(a) In addition to the information required in Section 5.08.030(a) of this title, an applicant for a permit to operate a modeling studio license shall furnish the following information:

(1) The address of the modeling studio and the location in the modeling studio where any figure models will be observed, viewed, sketched, painted, drawn, sculptured, photographed or otherwise similarly depicted;

(2) The names and addresses of the persons who have authority or control over the modeling studio and a brief statement of the nature and extent of such authority or control;

(3) The names and addresses of each of the owners of the modeling studio if the applicant is leasing the studio;

(4) A detailed statement of the type of business which will be conducted at the modeling studio;

(5) The hours of operation;

(6) The name and age of the applicant;

(6) The name and age of the manager;

(7) Whether, during the last five years, the applicant was convicted of or pleaded nolo contendere or guilty to a misdemeanor or felony crime involving criminal misstatement or 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; and

(8) Whether the applicant has been registered in any state as a prostitute.

(b) The applicant or permit holder of a permit to operate a modeling studio shall give written notification of any change of information required in the application to the director within five business days after such change.

(c) The applicant shall furnish with his or her application for a permit to operate a modeling studio proof of the applicant's date of birth and the date of birth of the manager.

(Ord. 788 § 15 (part), 1999)

5.38.050 Additional criteria for issuance or denial of permit.

The director shall grant the permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(b) of this title and that all of the following requirements have been met:

(a) The applicant, has not been convicted in a court of competent jurisdiction of an offense involving conduct which requires registration under California Penal Code Section 290, and has not been convicted for a violation of the provisions of California Penal Code Sections 266i, 314, 315, 316, 318, 647, Health and Safety Code Sections 11054 to 11058, or any other crime involving dishonesty, fraud, deceit, or moral turpitude;

(b) The applicant has not had a permit or license to operate a modeling studio, or other similar permit or license denied, revoked, or suspended by the city, or any other state or local agency prior to the date of approval;

(c) The applicant is at least twenty-one years of age; and

(d) The applicant has not been registered in any state as a prostitute.

(Ord. 788 § 15 (part), 1999)

5.38.060 Operating requirements.

(a) Manager Required. All establishments permitted or required to be licensed under this chapter shall have a responsible person on the premises to act as manager at all times during which the modeling studio is open and to ensure compliance with these provisions. The manager must be familiar with the requirements of this chapter and be capable of communicating the provisions of this chapter to employees and patrons of the establishment. Such manager, if not the permittee, shall first procure a permit pursuant to Chapter 5.34 of this title and shall not be employed as or act as such manager until he or she has this permit. The permittee cannot act as manager if the permittee is not a human individual.

(b) Sign Restrictions. The permittee shall not maintain, or permit the maintenance upon or adjacent to the outside of the modeling studio, any sign which in whole or in part depicts or describes "specified sexual activities" or "specified anatomical areas," as those terms are defined in Section 5.12.020 of this title.

(c) Hours of Operation. The permittee shall not conduct or operate a modeling studio between the hours of ten p.m. and ten a.m. of the following day.

(d) Regulations to be Posted. The permittee shall post and continuously keep posted a copy of this chapter in a conspicuous place inside the premises.

- (e) Premises-Visibility. The permittee shall not permit conditions to exist wherein the interior of the modeling studio shall be visible from the outside of the premises.
- (f) Premises-Inspection. The permittee shall be responsible for and shall provide that any room or area used for the purpose of figure modeling shall be readily accessible at all times and shall be open to view in its entirety for inspection by the city or any peace officer.
- (g) Lighting. The permittee shall maintain a minimum of twenty footcandles of illumination generally distributed in all parts of the premises at all times when the modeling studio is open for business.
- (h) Recordkeeping Requirements. The permittee shall maintain a current file of all figure models employed by the operator or using the premises. This file shall contain true name and aliases used by the figure model, age, birth date, height, weight, color of hair and eyes, home address, phone numbers, Social Security numbers, a current copy of a valid California driver's license or Department of Motor Vehicles identification card, and the date of employment and termination. Inactive file cards shall be maintained on the premises for a period of one year following termination. The permittee shall make all records available immediately upon demand of the city or the L.A. County sheriff's department.
- (i) Entertainment by Models Prohibited. A permit issued pursuant to this chapter does not permit any entertainment as defined in Section 5.24.030 of this title or any public dance, private dance, special dance, or teenage dance as those terms are defined in Section 5.22.020 of this title.
- (j) Persons Using Alcohol or Drugs Prohibited. No person shall enter, be or remain in any part of a modeling studio or premises licensed as such while in the possession of, consuming, using or under the influence of any alcoholic beverage or drugs. The permittee, manager and every supervisory employee shall not permit any such person to enter or remain upon the licensed premises.

(Ord. 788 § 15 (part), 1999)

5.38.070 Additional grounds for modification, revocation or suspension.

- (a) In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period; or
- (b) The failure of the permittee's manager to obtain a permit is grounds for revocation of the permittee's permit to operate a modeling studio.

(Ord. 788 § 15 (part), 1999)

Chapter 5.40

MOTION PICTURE AND TELEVISION FILMING

Sections:

- 5.40.010 Effect of adult entertainment regulations.
- 5.40.020 Purpose and intent.
- 5.40.030 Definitions.
- 5.40.040 Film permit coordinator.
- 5.40.050 Permit required.
- 5.40.060 Exceptions.
- 5.40.070 Application form.
- 5.40.080 Time for filing application.
- 5.40.090 Permit fee schedule.
- 5.40.100 Application review and permit conditions.

5.40.110 Notification.

5.40.120 Insurance.

5.40.130 Hold harmless.

5.40.140 Permit amendments.

5.40.150 Prohibitions.

5.40.160 Permit revocation or suspension.

5.40.170 Appeals.

5.40.010 Effect of adult entertainment regulations.

Any permittee who causes or allows to be caused any filming activity to occur which falls within any of the categories of "adult entertainment business," as defined in Section 5.12.020 of this title, shall immediately have his or her film permit revoked. No filming activity shall take place at the establishment until the former permittee or the owner or operator of the establishment applies for and receives all permits required under Chapter 5.12 of this title.

(Ord. 788 § 17 (part), 1999)

5.40.020 Purpose and intent.

The intent of this chapter is to provide requirements and procedures to facilitate commercial motion picture and television filming and video recording within the city to ensure that such activity is consistent with the public health, safety and general welfare and the protection of property.

(Ord. 788 § 17 (part), 1999)

5.40.030 Definitions.

For the purposes of this chapter, unless otherwise apparent from the context, certain words and phrases used in this chapter are defined as follows:

"Filming" or "filming activity" means all activity in preparation of, and attendant to staging, making, striking, filming or video recording commercial motion pictures, television shows, programs and commercials, including magazines or documentary programs.

"News purposes" means the filming of news events for television news broadcasting by reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity. This does not include magazine or documentary programs.

"Studios" means an established or fixed place of business where filming or video recording for motion pictures or television productions is regularly conducted on the premises.

(Ord. 788 § 17 (part), 1999)

5.40.040 Film permit coordinator.

The city manager shall designate a film permit coordinator who will be responsible for issuing filming permits. The film permit coordinator will be responsible for coordinating needed services of city departments and other government agencies to assist the permittee in fulfilling the requirements of the permit.

(Ord. 788 § 17 (part), 1999)

5.40.050 Permit required.

Except as otherwise provided in this chapter, it is unlawful for any person to engage in the business or activity of filming at any place in the city, without an approved permit from the film permit coordinator. A copy of the permit must be posted on site during the entire time of the filming. The film site shall be open to inspection by city employees at any time during the preparation, shooting and strike.

(Ord. 788 § 17 (part), 1999)

5.40.060 Exceptions.

The provisions of this chapter shall not apply to:

- (a) The filming or video recording of motion pictures solely for private or family use;
- (b) The filming or video recording of motion pictures for use in a criminal investigation, civil proceedings, and emergencies such as fire, floods, police actions, etc.;
- (c) Filming or video recording for news purposes;
- (d) Education, government and public access and local organization programs for cable television systems franchised within the city;
- (e) Filming in a studio.

(Ord. 788 § 17 (part), 1999)

5.40.070 Application form.

The film permit coordinator shall develop an appropriate application form and furnish it to anyone who desires a film permit.

(Ord. 788 § 17 (part), 1999)

5.40.080 Time for filing application.

Applications for filming must be submitted by the following deadlines prior to the desired date of filming:

- (a) Ten full working days if no special traffic control, road closures or outdoor stunts or special effects are involved;
- (b) Twelve full working days if special traffic control measures, outdoor stunts or special effects are involved; and
- (c) Fifteen full working days if road closures are necessary.

If the filming is proposed to be on private property, written authorization from the property owners and/or occupants and/or persons lawfully having responsibility for the property on which the filming will occur shall be attached to the permit application.

(Ord. 788 § 17 (part), 1999)

5.40.090 Permit fee schedule.

A permit fee not to exceed the city's cost of processing a film permit application and the reasonable cost of related city services (including, but not limited, to law enforcement, traffic control, fire safety, trash hauling and attorney's fees) may be established by resolution of the city council. The permit fee shall be paid before the permit is issued. The fee may include a deposit based on an estimate of the cost of the city services and a bond to ensure compliance with conditions that may be imposed upon the permit. In the event the actual costs are less than the deposit, the applicant shall be refunded the difference. In the event the actual costs exceed the deposit, the applicant will be billed by the city and shall pay for the excess. No permit shall be issued to an applicant who owes the city money on a prior permit. In the event that weather conditions or other circumstances beyond the control of the applicant require that the date(s) or times(s) of the proposed filming be altered, no additional application or fees shall be required because of such alteration of the date(s) or time(s) so long as the film permit coordinator is given reasonable notice of the revised date and time.

(Ord. 788 § 17 (part), 1999)

5.40.100 Application review and permit conditions.

(a) A permit shall be approved only if the film permit coordinator finds that the filming will not endanger the public health, safety or welfare or create a substantial risk of injury to persons or property.

(b) The film permit coordinator may impose conditions upon the permit as deemed necessary to insure that the required finding set forth in subsection (a) of this section can be made. Factors which may be considered in the imposition of conditions include but are not limited to:

(1) Noise or Disruption. Filming activities which produce loud or unusual noise, or disrupt the public peace, such as gunfire, sirens, public address systems, bull horns, construction, or other loud or unusual noises or disruptions, may be conditioned to mitigate the effects of the activity. The film permit coordinator may consider the surrounding environment (for example, proximity to a church, playground, school, or residential community) in determining what is loud, unusual or disruptive.

(2) Aircraft. Aerial filming and/or helicopter landings are not permitted without explicit written permission from the film permit coordinator in addition to any permits required from the Federal Aviation Administration (FAA). Authorization from the FAA, if required, shall be provided in writing with the application. In addition, such activity may be further conditioned to mitigate effects caused by that activity.

(3) Public Safety. The film permit coordinator may include conditions on permits to ensure traffic control, public safety, and fire safety, as deemed appropriate.

(4) Parking and Traffic Control. The applicant must obtain approval from the film permit coordinator to park equipment and vehicles in restricted street parking zones; in all cases, however, vehicle weight limits shall be strictly observed. Temporary parking control signs shall be posted by the permittee in a manner and at the locations approved by the city at least twenty-four hours before filming is to begin.

A condition requiring the provision of law enforcement officers to ensure the safety of the public and the permittee's employees may be applied to a permit for any filming that will impair the normal flow of traffic. The permittee must obtain permission from the film permit coordinator for any road closures. The applicant must take reasonable safety precautions to ensure that motorists and pedestrians will be adequately warned of any special or modified traffic conditions.

(5) Term. The permit shall designate the specific date(s) and times(s) that the permit is effective.

(6) Clean-Up. The permittee shall conduct operations in an orderly fashion with continuous attention to the storage of equipment not in use and the cleanup of trash and debris. The permittee shall return the site to its original condition at the conclusion of filming before leaving the site. The applicant may be required to post a refundable bond, as determined by the city, to ensure cleanup and restoration of any public property.

(c) The decision by the film permit coordinator to approve or deny a filming permit and conditions to be applied to an approved permit shall be provided in writing within:

- (1) Five full working days if no special traffic control, road closures or stunts, or special effects are involved;
- (2) Ten full working days if special traffic control measures, outdoor stunts or special effects are involved;
- (3) Twelve full working days if road closures are necessary.

(Ord. 788 § 17 (part), 1999)

5.40.110 Notification.

(a) It shall be the responsibility of the applicant to provide notification a minimum of forty- eight hours prior to any filming activity on a designated city form to the following:

(1) Owners and occupants, whether residents or businesses, of properties affected by filming activity by virtue of: (i) filming on the property or in the public right-of-way adjacent to the property; (ii) storage of equipment or vehicles associated with the film production either on the property or in a public right-of-way adjacent to the property; or (iii) street closure, temporary restricted parking or other actions which affect the ability of persons or vehicles not associated with the filming to access the property or to park in front of the property. The determination of which properties may be affected shall be made by the applicant but shall be subject to the approval of film permit coordinator.

(2) If filming exceeds two days or filming is in a residential zone between seven p.m. and seven a.m., all owners or occupants, whether businesses or residents, of all properties within two hundred feet of properties affected by the filming as described in subsection (a)(1) of this section. Notification requirements pursuant to this subsection may be waived in whole or in part if it has been determined by the film permit coordinator that the filming will not have any adverse affect upon the owners or occupants of such properties.

(b) Response to notification of proposed filming shall be considered in the evaluation of a film permit application and may be cause for the imposition of restrictions or conditions on a permit or denial of a permit.

(Ord. 788 § 17 (part), 1999)

5.40.120 Insurance.

As a condition of issuing such a permit, the applicant shall furnish insurance in an amount to be determined by the film permit coordinator but in no event in an amount less than one million dollars to protect the city against claims of third persons for personal injury, wrongful death and property damage and to indemnify the city for damage to the city property arising out of the permittee's activities. An additional minimum of five million dollars of such general liability insurance coverage shall be required in the event aircraft or helicopters are used in the activity. Such insurance shall be evidenced by the standard general liability special endorsement form mandated by the California Film Commission. The applicant also shall submit verification that adequate worker's compensation insurance coverage is maintained. All insurance policies required herein shall be from an admitted carrier authorized to do business in the state of California and, with the exception of the worker's compensation insurance, shall have an endorsement naming the city of La Puente as additional insured.

(Ord. 788 § 17 (part), 1999)

5.40.130 Hold harmless.

The applicant shall submit a statement with the permit application agreeing to indemnify, defend and hold the city and its officers, employees and agents free and harmless from any and all liability, claims, damages or injuries to any person or property, including injury to the applicant's employees, and all claims which arise from or are connected with the permitted activity, including attorneys' fees and costs of investigating and defending against the same.

(Ord. 788 § 17 (part), 1999)

5.40.140 Permit amendments.

A filming permittee may apply for amendments, also known as "riders," for minor additions, corrections or alterations to a permit. Riders must be submitted in writing and approved by the film permit coordinator before implementation. However, a permit cannot be extended or amended by rider after the completion of the filming. Significant changes to the original permit shall require a new permit application.

(Ord. 788 § 17 (part), 1999)

5.40.150 Prohibitions.

No person shall engage in any filming activity which would constitute a hazard to the public health or safety or endanger persons or property.

(Ord. 788 § 17 (part), 1999)

5.40.160 Permit revocation or suspension.

(a) Permit Revocation. The film permit coordinator may revoke a film permit if the permittee, or any agent, employee, or contractor of the permittee fails to comply with the requirements set forth in this chapter or in the permit, or if the film permit coordinator

determines that the permit application was false in any material detail.

(1) Notice of the grounds for revocation of the film permit shall be provided in writing by the film permit coordinator to the permit applicant or person in charge at the location of the filming activity.

(2) Appeals of the permit revocation shall be conducted in the manner specified in this section.

(b) Permit Suspension. The Los Angeles County sheriff's department and/or fire department officer assigned to police the filming activity site may suspend the film permit when the filming activity poses an immediate hazard to persons or property and the location manager will not, or cannot, prevent the hazard after being instructed to do so by the officer.

(1) The grounds for the permit suspensions shall be provided in writing by the film permit coordinator to the permittee within two working days of the suspension.

(2) Appeals of the permit suspension shall be conducted in the manner specified in Section 5.40.170 of this chapter.

(Ord. 788 § 17 (part), 1999)

5.40.170 Appeals.

The permit applicant or permittee may appeal a denial of a permit or rider, or a revocation, suspension or permit condition. Such appeal shall be filed with the city manager not later than five working days after the date written notice of the decision is made. Failure to timely file an appeal shall result in a waiver to the right to appeal. The appeal shall be reviewed by the city manager. The decision of the city manager shall be rendered in five working days and shall be final.

(Ord. 788 § 17 (part), 1999)

Chapter 5.42 PEDDLERS

Sections:

5.42.010 Purpose.

5.42.020 Permit required.

5.42.030 Definitions.

5.42.040 Exemptions.

5.42.050 Additional information required for permit.

5.42.060 Manner of peddling.

5.42.070 Effect on other ordinances.

5.42.080 Additional grounds for modification, revocation or suspension.

5.42.090 Penalty for violations.

5.42.010 Purpose.

The purpose of this chapter is to mitigate the negative impacts generated by unregulated peddling. These negative impacts include, but are not limited to: (i) an increase in the amount of litter; (ii) trampling down lawns when peddlers walk across private property; (iii) an increased risk of vehicle accidents and personal injury when peddling from motorized vehicles; (iv) invasion of personal privacy when motorized vehicles remain parked for long periods of time in front of a person's home or business; (v) disruption of the peaceful repose of residents when catering trucks or other motorized or nonmotorized vehicles emit sounds to gain the attention of potential customers; and (vi) an increased risk of personal injury when carrying products through a neighborhood and exposing such items to the public for sale.

(Ord. 788 § 18 (part), 1999)

5.42.020 Permit required.

No person shall engage in, conduct or carry on the business of peddling without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter. A permit issued pursuant to Chapter 5.08 of this title may specify where and when peddling is permitted.

(Ord. 788 § 18 (part), 1999)

5.42.030 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Captive audience" means one or more purposefully stationary persons, such as persons in lines or seated in public areas.

"City" means the city of La Puente.

"Food" and "food products" means any liquid or edible product designed for human consumption, including but not limited to, fruits, vegetables, meats, fish, candy, ice cream and other milk products, soda pop, juice, and any other prepared or unprepared edible item.

"Peddle" and "Peddling" mean traveling by foot, motorized vehicle, nonmotorized vehicle or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting goods, wares, merchandise, or food and offering or exposing the same for sale.

"Peddler" means any person, traveling by foot, motorized vehicle, nonmotorized vehicle, or any other type of conveyance from place-to-place, house-to-house, or from street-to-street, carrying, conveying or transporting goods, wares, merchandise, or food and concurrently offering or exposing the same for sale. "Peddler" includes any person, who travels from place-to-place, selling or offering for sale any goods, wares, merchandise or food solely from a motorized vehicle.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor; or other similar representative thereof.

"Public sidewalk or street" means all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks and public ways.

(Ord. 788 § 18 (part), 1999)

5.42.040 Exemptions.

The provisions of this chapter shall not apply to the following:

(a) The sale or delivery of merchandise by a person engaged in the business of selling such merchandise at a fixed place of business in the city, or elsewhere, and which merchandise has been ordered to be so delivered, prior to such delivery.

(b) Any peddling approved for an otherwise approved community event including, but not limited to, a carnival, fair, organized picnic or fund raiser. However, such peddling shall only be done by peddlers who have applied for and received a business license and any other permit required by the city for participation in the community event.

(Ord. 788 § 18 (part), 1999)

5.42.050 Additional information required for permit.

In addition to the information required in Section 5.08.030(a) of this chapter, an applicant for a peddler's permit shall:

(a) Include in his or her application the vehicle identification number, license plate number and proof of current registration for the motorized vehicle, if any, which will be used for peddling in the city;

(b) Provide the city with evidence of automobile insurance required under state law for operating the motorized vehicle, if any, which is identified in the permit application form; and

(c) Provide a copy of a current health permit, if required to sell the particular product.

(Ord. 788 § 18 (part), 1999)

5.42.060 Manner of peddling.

(a) No peddler shall peddle any goods, wares, merchandise or food in any park owned or operated by the city.

(b) No peddler shall peddle any goods, merchandise, wares or food from any nonmotorized vehicle on any portion of any public sidewalk or street or right-of-way.

(c) No peddler shall peddle goods, merchandise, wares or food by sitting, standing or walking on a public sidewalk or street or upon a median or grassy embankment within a public sidewalk or street right-of-way, and in no case shall a peddler stand or park any motorized vehicle for the purposes of peddling or selling from such vehicle on any privately-owned property. This does not include sitting or standing in a motorized vehicle which is lawfully parked on a public street and from which the peddler has a permit to peddle pursuant to the requirements of this section nor does it include a yard sale which is conducted after obtaining a permit from the city as required by Section 5.50.010 of this title.

(d) No peddler shall stand or park any motorized vehicle for more than ten minutes on any side of a street that abuts a zoning district in which residential uses are the principal land use nor shall any peddler stand or park any motorized vehicle for more than thirty minutes on any street in any other area of the city. Regardless of the length of time parked at any particular location, no peddler shall park within five hundred feet of an area where he or she previously parked in the preceding four hours.

(e) No person shall peddle from a vehicle products other than peddler using a motorized vehicle shall carry any goods or food outside a ten foot radius encircling the motorized vehicle.

(f) No peddler shall park or stand a motorized vehicle used for peddling in a manner which causes a hazard to vehicular or pedestrian traffic.

(g) No peddler shall park a motorized vehicle in a residential zone from the hours of eight p.m. through seven a.m. of the next succeeding day.

(h) No peddler shall sell or offer for sale any food from a motorized vehicle unless he or she maintains a clearly designated litter receptacle in the immediate vicinity of the vehicle, marked with a sign requesting use by patrons. Prior to leaving the location, the peddler shall pick up, remove and dispose of all trash or refuse which consists of materials originally dispensed by the peddler, including any packages or containers, or parts thereof, used with or for dispensing such food.

(i) Between eight p.m. and seven a.m., the peddler shall not make any outcry, blow a horn, ring a bell, or use any sound devices or musical instrument upon any of the streets, alleys, parks or other public places of this city where sound of sufficient volume is emitted to be capable of being plainly heard upon the public sidewalks or streets, public parks or other public places, for the purpose of attracting attention to any goods, wares, merchandise or food which the permittee proposes to sell.

(j) No peddler shall keep, maintain or operate any motorized vehicle used in selling food products in or upon any public street or other public place within two hundred feet of the nearest property line of any property on which a public school building is located. This prohibition will not apply if the school principal gives the peddler written permission to park on school property to sell, give away, distribute or offer to sell any food products.

(k) No peddler shall persistently and importunately peddle any goods, merchandise, wares or food to any member of the public after such member of the public expresses his or her desire not to purchase anything from the peddler.

(l) No peddler shall intentionally or deliberately obstruct the free movement of any member of the public on any public sidewalk or street or in any public place.

(m) No peddler shall peddle any items to a captive audience.

(n) No peddler shall threaten any injury or damage to any member of the public who declines to purchase any items being peddled, if such threat, whether by word or gesture, would make a reasonable person fearful.

(o) No peddler shall peddle or attempt to peddle to the occupants of vehicles standing or moving upon any public street or highway.

Nothing in this paragraph shall be construed to prohibit peddling to the occupants of any vehicle that is lawfully parked.

(p) No peddler shall park or stand the motorized vehicle in violation of any conditions included in the permit as provided under Section 5.08.120 of this title.

(q) No peddler shall peddle from any motorized vehicle which has not been identified in the application.

(r) No peddler shall stop, stand or park any motorized vehicle in violation of any provision of the California Vehicle Code or the La Puente Municipal Code.

(s) No peddler shall peddle any food unless the items being sold comply with all applicable food labeling requirements established by the state of California and the peddler has all required permits, including, without limitation, Health permits, to sell such items.

(t) No peddler shall peddle any goods from any motorized vehicle which does not have insurance as required under state law for operating the motorized vehicle.

(u) Peddling from a motorized vehicle shall be restricted to ice cream trucks as defined by Section 22456(c) of the California Vehicle Code and to foodstuffs that may be consumed immediately after purchase by the consumer without washing, cooking or other preparation.

(Ord. 835 §§ 1 - 5, 2004; Ord. 788 § 18 (part), 1999)

5.42.070 Effect on other ordinances.

Peddlers required to comply with the provisions in this chapter shall not be relieved from complying with any other provision of this code, including, but not limited to, Chapter 5.04 of this title, and shall remain subject to the regulatory provisions of other chapters. Nothing contained in this chapter shall be interpreted or enforced in such a manner as to constitute a change in the tax currently imposed by Section 5.04.630 of this title.

(Ord. 788 § 18 (part), 1999)

5.42.080 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, a permit issued pursuant to this chapter may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period.

(Ord. 788 § 18 (part), 1999)

5.42.090 Penalty for violations.

A violation of any of the provisions of this chapter is a misdemeanor, punishable by the general penalty of Section 1.08.040 of this code (Ord. 788 § 18 (part), 1999)

Chapter 5.44 PRIVATE PATROL CARS

Sections:

5.44.010 Permit required.

5.44.020 Definitions.

5.44.030 Additional information required for application.

5.44.040 Operating requirements.

5.44.050 Additional grounds for modification, revocation or suspension.

5.44.010 Permit required.

(a) No person shall engage in, conduct or carry on the business of operating a patrol car service without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(b) Exemptions. Patrol officers are not required to obtain a permit or to pay a permit fee therefor. However, they must register with the director and provide the director with a photostatic or certified copy of their registration with the state pursuant to the State Private Investigator Act. If a patrol officer does not have proof of current valid registration, then he or she must register with the city upon a form prescribed by the sheriff's department. No registration fee shall be charged for such registration.

(Ord. 788 § 23 (part), 1999)

5.44.020 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Director" means the community development director of the city of La Puente or his or her designee.

"Patrol officer" means an individual engaged by a patrol service to perform the functions described in the definition of "patrol service" in this section.

"Patrol service" means a private business establishment whereby a private operator thereof agrees to furnish, for consideration, any watchman, guard, patrolman, patrol officer, or other individual, either uniformed or otherwise, to patrol any portion of the city, to guard against or prevent theft, unlawful taking, loss, misappropriation of property of any kind, or to act as an escort for a funeral procession. Patrol service does not include a service provided to protect a single individual's property where the person furnishing such service is employed solely by such individual.

"Permittee" means any person with a permit to operate a patrol service.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(Ord. 788 § 23 (part), 1999)

5.44.030 Additional information required for application.

In addition to the information required in Section 5.08.030(a) of this title, an applicant for a permit to operate a patrol service shall provide the following information:

- (a) A map of the district, territory or area proposed to be served by the patrol service;
- (b) A description of the patrol service's methods of operation;
- (c) A statement of what, if any, criminal offenses other than traffic violations, have been committed by the applicant;
- (d) A photostatic or certified copy of the applicant's state identification card required pursuant to the Private Investigator Act;
- (e) A description of areas of the public or private property upon which the applicant intends to park vehicles used in the operation of the business;
- (f) A description of the color scheme and insignia to be used on the patrol cars;
- (g) A description of the badge to be worn by any patrol officer employed by the applicant, along with color photographs depicting the color, shape and size of such badges;
- (h) A statement regarding the number of vehicles the applicant intends to use for patrol, their make, model, vehicle identification number, and license number; and

- (i) A current list of the names, addresses and physical descriptions of all of the applicant's employees.

(Ord. 788 § 23 (part), 1999)

5.44.040 Operating requirements.

(a) Badges.

(1) Each patrol service permittee shall issue a patrol officer's badge to each of its patrolmen. Every patrol officer shall wear the badge while acting as a patrol officer and shall wear no other badge of any kind, character or description.

(2) The permittee shall not sell, or permit the sale of, any patrol officer's badge or of any badge of a design that is the same as, or so similar to, the patrol officer's badge so that the buyer thereof would be mistaken for a patrol officer employed by the licensee when in fact he or she is not.

(b) False Identification.

(1) No patrol officer shall wear any uniform which is an imitation of, or can be readily mistaken for, an official sheriff's uniform or an official uniform of the police department of any city within the county, or an official uniform of any state officer, nor shall the words "POLICE" OR "SHERIFF" appear on any badge, emblem, or uniform worn by such patrol officer.

(2) No patrol officer shall assume or use a rank or title identical, or similar, to any rank or title used by the Los Angeles County sheriff's department or by any police department within the county.

(3) No patrol service shall use, bestow or permit any patrol officer to assume or use any rank or title identical, or similar, to any rank or title used by the Los Angeles County sheriff's department or by a police department within the county.

(c) Motor Vehicle Markings. Motor vehicles used by a patrol service or patrol officer shall not bear markings or insignia that resemble the markings or insignia on official Los Angeles County sheriff's department or police department motor vehicles, nor shall the words "POLICE" or "SHERIFF" appear on such markings or insignia.

(d) Conduct.

(1) An operator, partner, agent or patrol officer shall not, either by himself or herself or through the action of another, harass, annoy or commit a nuisance against or injure the property, or unnecessarily enter or otherwise trespass upon the property of any person whose property the private patrol service or private patrol officer is not employed to protect.

(2) All complaints regarding the activities of a patrol service or of a patrol officer employed by such service shall be investigated by the Los Angeles County sheriff's department. Reports of such complaints shall be held in the files of the sheriff for a period of two years and shall be subject to inspection by the city manager, the director, or the city council at all times.

(e) List of Customers. Each patrol service or patrol officer shall keep a list of all customers and the patrol officer assigned to guard or patrol such customers' premises. Such list shall be open to inspection by the Los Angeles County sheriff's department.

(f) Report of Law Violations. No permittee under this chapter shall perform official police duties. The permittee shall insure that every violation of law and every unusual occurrence coming to the permittee's attention or to the attention of his or her patrol officers in the performance of their duties is immediately reported to the Los Angeles County sheriff's department.

(Ord. 788 § 23 (part), 1999)

5.44.050 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, a permit authorizing a person to engage in, conduct or carry on the business of a patrol service shall be revoked or suspended by the city if the permittee fails to comply with any of the provisions of this chapter.

(Ord. 788 § 23 (part), 1999)

Sections:

- 5.46.010 Purpose.
- 5.46.020 Permit required.
- 5.46.030 Definitions.
- 5.46.040 Identification required.
- 5.46.050 Exemptions.
- 5.46.060 Application procedures.
- 5.46.070 Issuance and term of permit.
- 5.46.080 Suspension or revocation of permit.
- 5.46.090 Appeal.
- 5.46.100 Renewal.
- 5.46.110 Manner of solicitation.
- 5.46.120 Time of solicitation.
- 5.46.130 Effect on other ordinances.
- 5.46.140 Additional grounds for modification, revocation or suspension of permit.
- 5.46.150 Penalty for violations.

5.46.010 Purpose.

The purpose of this chapter is to mitigate the negative impacts generated by unregulated soliciting. These negative impacts include, but are not limited to: (i) invasion of the personal privacy of potential customers or donors; (ii) intimidation and assault of unwilling customers or donors; and (iii) an increased risk of vehicle accidents and personal injury when soliciting from or to people in motor vehicles.

(Ord. 788 § 26 (part), 1999)

5.46.020 Permit required.

No person shall promote, engage in, conduct or carry on solicitation without a permit issued pursuant to Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 26 (part), 1999)

5.46.030 Definitions.

For the purpose of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

"Captive audience" means one or more purposefully stationary persons, such as persons in lines or seated in public areas.

"Charitable" means and includes the words patriotic, philanthropic, social services, welfare, benevolent, educational, religious, civic or fraternal, either actual or purported.

"City" means the city of La Puente.

"Contribution" means and includes alms, food, clothing, money, or property, subscription or pledge, and it also means and includes donations under the guise of loans of money or property.

"Director" means the community development director or his or her designee.

"Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

"Solicit" and "solicitation" mean those activities of a person not having a regularly established place of business or permanent residence in the city engaged in the business of taking orders for the sale of any goods, wares, or merchandise, magazines, papers, periodicals or other form of occupation or business involving canvassing and taking orders from house to house or place to place, or upon the streets and public places within the city. Activities listed under Section 5.46.050 are exempt from this definition.

"Street or highway" means all of those areas dedicated as public thoroughfares, including, but not limited to, roadways, parkways, medians, alleys, sidewalks and public ways.

(Ord. 826 § 2, 2004; Ord. 788 § 26 (part), 1999)

5.46.040 Identification required.

No person shall solicit within the city without first having applied for and been granted a permit from the director. The individual agents and solicitors for each applicant shall not be required to obtain individual permits, provided a separate copy of the permit is in the possession of each individual agent and/or solicitor when soliciting as well as an identification card provided by the applicant.

(Ord. 788 § 26 (part), 1999)

5.46.050 Exemptions.

The provisions of this chapter shall not apply to the following:

- (a) Solicitations made upon premises owned or occupied by the organization or person on whose behalf such solicitation is made;
- (b) Payments required by law to be collected or paid;
- (c) Payments to or for governmental agencies;
- (d) Solicitations made by an association or its authorized agents and employees to its own members and employees;
- (e) Solicitations made by telephone;
- (f) Persons customarily calling only on businesses or institutions for the purposes of selling products for resale or business or institutional uses;
- (g) The distribution of items or printed materials for which consideration has been paid by the person receiving such items or materials.

(Ord. 788 § 26 (part), 1999)

5.46.060 Application procedures.

(a) Filing an Application. An application for a permit shall be filed with the director not less than five business days prior to the commencement of soliciting activities. Upon the filing of an application, the director shall, within five business days of the date the application is made, grant or deny the requested permit pursuant to the standards set forth in this chapter. In the event the director fails to act upon an application within the time presented herein, the permit shall be deemed granted.

(b) Contents of an Application. An application for a permit shall include the following information:

(1) If the applicant is an individual, the applicant's correct legal name, driver's license number and state issuing driver's license, date of birth, resident address, and telephone number;

- (2) If the applicant is not an individual, the applicant's correct legal name, taxpayer identification number (if applicable), address of its principal office, and the names, addresses and telephone numbers of the applicant's principal officers and executives;
- (3) The name, address and telephone number of the person or persons who will be in direct charge of conducting the solicitation;
- (4) The names and general description of all fund raisers or solicitors who are or will be conducting solicitation activities within the city;
- (5) A description of the method or methods to be used in conducting the solicitation and the locations in the city where the solicitation is to be conducted;
- (6) The time when such solicitation will be made, giving the intended dates and hours of day for the commencement and termination of the solicitations, if specifically known, or, in the alternative, a statement that soliciting will take place within the hours provided for by this chapter;
- (7) A statement to the effect that, if a permit is granted, it will not be used or represented in any manner as an endorsement by the city or by any department or officer thereof;
- (8) The signature of the applicant if the applicant is an individual, of the managing general partner if the applicant is a partnership, or of an officer authorized to bind the applicant if the applicant is a corporation or an association;
- (9) The applicant's city business license identification number, if applicable; and
- (10) If the applicant is unable to provide any element of the required information, an explanation of the reasons why any information required herein is not available must be provided.

(Ord. 788 § 26 (part), 1999)

5.46.070 Issuance and term of permit.

(a) Issuance of Permit. The director shall issue a permit for solicitation unless any one or more of the following have been demonstrated:

(1) The applicant failed to provide all information required pursuant to this chapter and failed to provide an explanation for such omission.

(2) Any material statement or representation made in the application is false.

(b) Authority of Director. Nothing in this section shall be construed as granting to the director, or to any other person, the discretion or authority to grant, deny, revoke, renew or suspend any permit by reason of either approval or disapproval of the philosophy, opinions, or beliefs of the applicant, or of the person such applicant represents, or for any other reasons not specifically set forth in this section.

(c) Form of Permit. Permits issued under this chapter shall bear the name and address of the person or organization to whom the permit is issued, the number of the permit, the date issued, the dates within which the applicant may solicit, and a statement that the authorization does not constitute an endorsement by the city or any of its departments, officers or employees of the purpose of or of the person conducting the solicitation. All permits must be signed by the director. A copy of the provisions of this chapter shall be provided to the applicant, upon request, at the applicant's expense.

(d) Term of Permit. All permits issued by the city shall be valid for a period of one month from the date of issuance unless revoked, suspended or renewed pursuant to the provisions of this chapter.

(Ord. 788 § 26 (part), 1999)

5.46.080 Suspension or revocation of permit.

(a) Grounds for Revocation. A permit may be revoked by the director if the holder or any person soliciting on behalf of the holder violates any of the provisions of this chapter.

(b) Notice-Revocation. Whenever it shall be shown that grounds for revocation exist, the director shall suspend the permit by issuing the holder notice of the suspension, stating specifically the reasons for the suspension. Such notice shall be provided by registered or certified mail or by personal service of the notice upon the person. The suspension shall become effective on the third

calendar day after service by mail of the suspension notice, or immediately upon personal service of the notice.

(c) Notification of the Sheriff's Department. The director shall immediately notify the Los Angeles County sheriff's department of the suspension or revocation of any permit issued under this chapter.

(Ord. 788 § 26 (part), 1999)

5.46.090 Appeal.

Any applicant or holder who is aggrieved by any action by the director to deny, suspend or revoke a permit shall have the right to appeal such decision to the city manager. The appeal shall be made in writing, shall be filed within five business days after mailing or personal delivery of a notice of denial or revocation, and shall set forth the specific grounds for the appeal. The city manager, or the city manager's designee, shall hear the aggrieved person or designated representative, receive relevant information and documents, and act on the appeal within three business days of receiving the appeal. The city manager's decision shall be final.

(Ord. 788 § 26 (part), 1999)

5.46.100 Renewal.

A permit shall be renewed within five business days of a written request for renewal by the holder or the holder's authorized representative if the factual information upon which the original application was granted remains unchanged and no violation of this chapter has been committed. In the event a violation has occurred, or if the factual information upon which the original application was granted has changed, a new application must be submitted.

(Ord. 788 § 26 (part), 1999)

5.46.110 Manner of solicitation.

(a) No person shall solicit at any dwelling, including, but not limited to, a house, apartment, mobilehome, or condominium, where there is displayed a sign indicating "No Solicitations," "Do Not Disturb" or any other indication in writing on a sign which indicates that the occupants do not wish to be solicited or in any other way have their privacy disturbed.

(b) No person shall touch, come into physical contact with, or affix any object to any member of the public, without first receiving express permission therefore from such member of the public.

(c) No person shall persistently and importunately solicit any member of the public after such member of the public expresses his or her desire not to be solicited.

(d) No person shall intentionally or deliberately obstruct the free movement of any member of the public on any street, sidewalk or other place or in any place open to the public generally.

(e) No person shall solicit from a captive audience.

(f) No person shall threaten any injury or damage to any member of the public who declines to be solicited if such threat, whether by word or gesture, would make a reasonable person fearful.

(g) No person shall accept food stamps as a contribution.

(h) No person shall misrepresent his or her physical or mental health while soliciting.

(i) No person shall, while an occupant of a temporarily standing or moving vehicle on a street or highway, hire or attempt to hire for employment another person or persons.

(j) No person shall solicit or attempt to solicit from any public street, sidewalk, alley, or other public property to the occupants of vehicles standing or moving upon any public street or highway. Nothing in this paragraph shall be construed to prohibit solicitation of the occupants of any vehicle that is lawfully parked.

(k) No person shall refuse to show his or her permit or identification card when the member of the public being solicited asks to see the permit or the identification.

(Ord. 788 § 26 (part), 1999)

5.46.120 Time of solicitation.

No person shall ring the doorbell or knock at the door of any residence, dwelling or apartment for the purposes of solicitation from nine p.m. until seven a.m. of the following day.

(Ord. 788 § 26 (part), 1999)

5.46.130 Effect on other ordinances.

Persons required to obtain a permit under this chapter shall not be relieved from complying with any other provision of this code, including, but not limited to, Chapter 5.04 of this title, and shall remain subject to the regulatory provisions of other chapters. Nothing contained in this chapter shall be interpreted or enforced in such a manner as to constitute an increase in the tax currently imposed by Section 5.04.630 of this title.

(Ord. 788 § 26 (part), 1999)

5.46.140 Additional grounds for modification, revocation or suspension of permit.

In addition to the grounds set forth in Section 5.08.110(a) of this title, a permit issued to a solicitor may be modified, suspended or revoked if the permittee violates any of the provisions of this chapter on two separate occasions within a twelve-month period.

(Ord. 788 § 26 (part), 1999)

5.46.150 Penalty for violations.

Any person who violates any provision of this chapter shall be guilty of an infraction for the first violation, and of a misdemeanor for each subsequent violation.

(Ord. 788 § 26 (part), 1999)

Chapter 5.48 TAXICAB OPERATORS AND TAXICAB DRIVERS

Sections:

Article I. Taxicab Operators

5.48.010 Permit required.

5.48.020 Definitions.

5.48.030 Additional information required for application for taxicab operator permit.

5.48.040 Investigation of applicant.

5.48.050 Determination by city manager.

5.48.060 Appeal to city council.

5.48.070 Conditions of approval.

5.48.080 Taxicab operator's insurance.

5.48.090 Permit contents.

5.48.100 Transfers.

5.48.110 Operating requirements.

5.48.120 Additional grounds for modification, revocation or suspension.

Article II. Taxicab Drivers

5.48.200 Taxicab driver's permit required.

5.48.210 Additional information required for taxicab driver's permit.

5.48.220 Test for driver's permit.

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5.48.310 Emergency temporary suspension of driver's permit.

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5.48.410 Franchise and permit required.

5.48.420 Application and franchise fees.

5.48.430 Application for taxicab operator's franchise.

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5.48.540 Taxicab operator's responsibilities for maintenance.

5.48.550 Taxicab operator's insurance.

5.48.560 Operating requirements.

5.48.570 Display flag.

5.48.580 Fare schedule.

Article I. Taxicab Operators

5.48.010 Permit required.

No person shall engage in, conduct or carry on the business of operating a taxicab service, where such service originates in the city, without first obtaining a taxicab operator's permit and taxicab vehicle permit(s) issued under the provisions of Chapter 5.08 of this title. A taxicab vehicle permit is required for every taxicab in the taxicab operator's service which accepts passengers for transportation in the city of La Puente. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.020 Definitions.

For the purposes of this chapter, the following words and phrases shall have the meaning respectively ascribed to them by this section.

"City council" means the city council of the city of La Puente.

"Director" means the community development director of the city of La Puente or his or her designee.

"Operating area" means and includes the city of La Puente.

"Street" means any public street, road, highway, freeway, lane, alley, sidewalk, parkway or public place which now exists or which may hereafter exist within the city of La Puente.

"Taxicab" means any passenger vehicle for hire for the directed transportation of not more than eight passengers, excluding the driver, at rates based upon the distance duration or number of trips, or waiting time, or on any combination of such rates.

"Taxicab driver" means the driver of an individual taxicab.

"Taxicab operator" means a person, association, solely-owned partnership, stock corporation, franchise, cooperative organization or other organization which operates a taxicab service.

"Taxicab service" means a business establishment which provides taxicabs for transportation service to persons within the city of La Puente.

"Taxicab zone" means and include the portion of a street area designated for the standing or stopping of taxicabs while awaiting employment.

"Taximeter" means 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.

(Ord. 788 § 28 (part), 1999)

5.48.030 Additional information required for application for taxicab operator permit.

In addition to the information required in Section 5.08.030(a) of this title, an applicant for an operator's permit shall furnish the following information:

(a) The legal name and actual street address of the applicant. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. Additionally, the names and addresses of all directors, any stockholder holding ten percent or more of the shares of the corporation, and the name and address of an officer who is duly authorized to accept service of legal process shall be included. A corporate applicant shall also provide a certificate of domestic stock ownership. If the applicant is a partnership, the names and addresses of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply. If the applicant is a cooperative, member stock-type operation, service organization, or association the application shall include the names, addresses and business phone numbers of each of the officers,

directors and each stockholder owning any portion of any stock of the organization or association as well as the address to which notice, when required, is to be sent or mailed, and the names of every individual authorized to accept service or process on behalf of the applicant.

(b) The actual street address of the taxicab business. A person may not use a post office box, mailbox, message service or other similar device as the actual street address of the business for purposes of this section. A post office box, mailbox, message service or other similar device can be used as the mailing address of the business for business purposes only.

(c) A description of the facility proposed to house the intended business activity and its location.

(d) A full description of the intended business activity and, if a new business, the starting date of such business activity.

(e) If the business is advertised to the public and operates under a name other than the name of the applicant, that name shall be included. The applicant shall give all fictitious business names used in Los Angeles County in the last five years.

(f) The location of any requested parking zones for taxicabs awaiting employment.

(g) The area within which the applicant proposes to operate.

(h) A public convenience and necessity proposal which must contain the following information:

(1) Provisions demonstrating the need and necessity of a taxicab service, including an estimate of the need for taxicab service in the city. This shall include, but not be limited to, any survey, study or other preparation of facts which demonstrates the need for a taxicab service in such operating area;

(2) The history of the organization, and the manner in which it is organized including, without limitation, the date of formation, the business commencement date (s) , and all business locations in California during the last five years;

(3) Proof of insurance meeting the requirements of Section 5.48.080 of this chapter;

(4) The type of radio dispatch proposed;

(5) The location of the garaging and/or dispatch facility;

(6) The color scheme, logo and insignia of the service's taxicabs;

(7) Evidence of the applicant's financial responsibility. Evidence shall include a certified financial statement, and if securing financing for more vehicles, then the agreements entered into for car sales or leases;

(8) The date, description and outcome of all enforcement actions (whether administrative or judicial) which any governmental or law enforcement entity in California has initiated or taken against the applicant in the last five years; and

(9) The names and addresses of all taxicab businesses of any form in which the applicant owns, or has owned any beneficial interest in the last five years.

(i) The number of taxicabs proposed to be operated in the city, their make, model, year, and passenger capacity, license plate number and the total number of taxicabs presently operated by the applicant in other areas.

(j) The name, address and telephone number of the applicant's insurance company as well as the policy numbers and a description of the kind and amount of liability, including common carrier, workers' compensation, automobile, or other insurance held by the applicant, as applicable.

(k) Service standards the applicant will provide for the area in which he or she will operate, including but not limited to, the estimate of response time between placement of a telephone order and the arrival of the dispatched vehicle.

(l) Operating procedures adopted by the applicant, including but not limited to, record keeping practices, safety standards, maintenance schedules, dispatching procedures, and disciplinary rules.

(m) Special programs instituted by the applicant, including but not limited to, drivers' education and training and community services.

(n) Any and all applicable agreements, articles, rules, bylaws and other memoranda of the applicant organization evidencing its taxicab driver's agreement to be governed and bound in the operation of their taxicabs by the applicant organization's authority, supervision and control.

(o) The names, addresses and telephone numbers of no less than two individuals who may be contacted twenty-four hours a day,

seven days a week, by the city in case of an emergency.

(p) The schedule of rates proposed to be charged.

(q) Such further information pertinent to the operation of the proposed taxicab service, including, but not limited to, the business backgrounds of the officers and directors, the business' financial statements, and lease arrangement as either the director, the city council, or the Los Angeles County sheriff may require.

(Ord. 788 § 28 (part), 1999)

5.48.040 Investigation of applicant.

Once an application is filed and deemed complete, the director shall conduct or cause to be conducted an investigation of the applicant pursuant to Section 5.08.030(c) of this title. Upon conclusion of the investigation, the director shall forward his or her recommendation to the city manager.

(Ord. 788 § 28 (part), 1999)

5.48.050 Determination by city manager.

The city manager, or the city manager's designee, may grant the permit if there is no reason to deny the permit under Section 5.08.060(b) of this title and if all of the following requirements have been met:

(a) All requests for modification of existing permits issued to the taxicab operator(s) have been granted wholly or in part or denied, and public convenience and necessity still justify the operation of one or more additional taxicabs in the area applied for. In making this determination, the city manager shall take into account all facts which he or she deems pertinent and proper, which shall include without limitation whether or not:

(1) The applicant has complied with all of the provisions of the La Puente Municipal Code;

(2) The applicant is financially responsible and under efficient management;

(3) The applicant is capable of providing safe and prompt taxicab service, twenty-four hours daily;

(4) The proposed insignia and color scheme for the taxicab service does not conflict with that of any existing taxicab operator so as to deceive or tend to deceive the public. Upon such finding, the applicant may amend such application to designate a different color scheme or insignia;

(5) The applicant has presented evidence sufficient to justify operation of a specified number of taxicabs in the city of La Puente;

(6) The applicant is fit and proper person to have a taxicab operator's permit;

(7) The imposition of any conditions are reasonably necessary to ensure that the applicant operates the taxicab service in compliance with this chapter and the public welfare.

(b) The level of service proposed is adequate to serve the public.

(c) The applicant has procured, posted or maintained in effect approved comprehensive automobile liability insurance as required by Section 5.48.080 of this chapter.

(d) The applicant does not have a poor safety record with respect to the operation of his or her taxicab service in La Puente or other operating areas outside of the city of La Puente.

(e) The applicant does not have a record of complaints filed with the city of La Puente or other agencies in connection with his or her operation of a taxicab service.

(f) The vehicles which the applicant proposes to use in connection with the taxicab service are not in poor or inadequate operating condition.

(g) The establishment of the taxicab service will not be detrimental to the public health, safety or welfare.

(h) The applicant, or any of his or her employees or agents, has not violated any rule or regulation adopted by any governmental

entity with respect to the applicant's operation of a taxicab service in other operating areas or in the city of La Puente.

(Ord. 788 § 28 (part), 1999)

5.48.060 Appeal to city council.

The city manager's decision may be appealed to the city council pursuant to the provisions of Section 5.08.030(d) of this title.

(Ord. 788 § 28 (part), 1999)

5.48.070 Conditions of approval.

(a) Right to Condition Permit. The city manager, or the city council on appeal, may condition any taxicab operator's permit pursuant to Section 5.08.120(b)(2) of this title.

(b) Application to Change Conditions. The city manager may change, modify or eliminate any conditions previously placed on the taxicab operator's permit if the city manager finds that the reasons for the original imposition of such conditions have been cured or no longer exist.

(c) Application to Change Any Other Operating Requirements. The city manager, at any time, may cause an investigation to be made and may change the rates, area, number of taxicabs, location or number of taxicab stands, or both, of any operator.

(d) Increased Service by Present Taxicab Operators. If the city manager finds that public convenience and necessity justify the operation of additional taxicabs from the area specified in the application and one or more duly permitted taxicab operators have applied to have the number of taxicabs permitted to them increased and such operators satisfy the city manager that they have sufficient taxicabs to so increase, the city manager may grant any one or more of such applications in whole or in part provided that the total increase does not exceed that justified by public convenience and necessity.

(Ord. 788 § 28 (part), 1999)

5.48.080 Taxicab operator's insurance.

(a) The city manager shall not issue a taxicab operator's permit until the applicant has filed with the director proof of the automobile liability insurance required by this subsection for each taxicab to be operated pursuant to the operator's taxicab service.

(b) Every taxicab operator shall obtain and maintain in full force and effect separate commercial automobile liability insurance for each vehicle proposed to be operated in connection with his or her taxicab service meeting the following requirements:

(1) The policy insurer must be either a carrier licensed by the state of California to sell commercial automobile liability in the state of California and be a member of the California Insurance Guarantee Fund, or maintain an AM Best rating of "A" or better (with proof of said licensing or rating to be provided by applicant);

(2) The policy shall be written with policy limits of (1) not less than one million dollars combined single limit per occurrence or (2) not less than five hundred thousand dollars per person, five hundred thousand dollars per accident, and three hundred thousand dollars for property damage;

(3) The policy shall be primary and not contributing to any other insurance maintained by the city;

(4) The policy shall name the city of La Puente, its city council, and its officers, agents and employees as additional insureds;

(5) The policy may include a property damage deductible or self-insured retention not greater than five thousand dollars per occurrence. Self-insured retention in excess of five thousand dollars may be acceptable upon satisfaction of the city's financial requirements including proof of ability to pay claims inside the self-insured retention per vehicle;

(6) The policy shall provide the director with thirty days' prior notice of any cancellation or modification of the policy; and

(7) A certificate of insurance shall be attached to every application for a taxicab vehicle permit submitted by the taxicab operator.

(c) Every taxicab operator with a permit issued pursuant to this article shall be required to sign an indemnification statement indemnifying the city of La Puente.

(d) Any taxicab operator who fails to have in effect or to maintain the required automobile insurance coverage and who continues to allow taxicab operation shall have his or her permit suspended for a period not to exceed fifteen days pending revocation proceedings pursuant to Section 5.48.120 of this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.090 Permit contents.

In issuing a taxicab operator's permit under this chapter, the following information shall be specified in every taxicab operator's permit:

- (a) The number of taxicabs the taxicab operator is permitted to operate;
- (b) The rates which the taxicab operator shall charge or the maximum or minimum rates or both above which or below which he shall not charge;
- (c) The response time for taxicab service which the taxicab operator must meet under normal conditions;
- (d) The location of the taxicab stand or stands, no one or which shall exceed forty feet in length on the public highway, from which the taxicab operator may accept passengers;
- (e) The area within which the taxicab operator may accept passengers; and
- (f) Any other conditions imposed on the permit by the city manager, or by the city council on appeal.

The permittee shall sign an affidavit regarding her or his acceptance of the conditions.

(Ord. 788 § 28 (part), 1999)

5.48.100 Transfers.

No taxicab operator's permit issued under this article shall be transferred. The following transactions shall be considered transfers:

- (a) The list of transactions set forth in paragraphs (1) to (8) of Section 5.08.090(a) of this title.
- (b) 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.

(Ord. 788 § 28 (part), 1999)

5.48.110 Operating requirements.

(a) Posting Requirements. Every taxicab operated shall display in full view of passengers in both the front seat and the rear seat, in letters and figures which are clearly labeled and not less than one-quarter inch high (1) a schedule of rates to be charged, and (2) a notice that a schedule of customary rates from La Puente to major points of interest is available on request. The schedule shall have printed thereon the name of the taxicab operator under whose permit the taxicab is permitted to operate and the business address and telephone number where comments or complaints regarding the taxicab service may be directed.

(b) Taxicab Equipment. Every taxicab into which passengers are accepted for transportation within the city of La Puente shall have the following equipment:

- (1) A taximeter, as defined in this chapter;
- (2) A radio transmitter and receiver capable of two way communication with a dispatcher;
- (3) Legible signs posted inside and outside the taxicab to notify persons that the driver carries only five dollars in change on his or

her person;

- (4) A trunk device which will permit the opening of the trunk lid from the inside of the trunk;
- (5) A permanent fixture to display the taxicab driver's permit in prominent view of the passengers;
- (6) Prominent signs giving the name and telephone number of the taxicab operator and the taxicab number on the sides of the taxicab. The taxicab number shall also be conspicuously displayed on the rear portion and inside the taxicab;
- (7) No fewer than four working doors, except that a handicapped accessible mini-van may be used;
- (8) A fire extinguisher;
- (9) Four flares;
- (10) At least two emergency reflectors;
- (11) Spare tire and jack;
- (12) Windows which customers can open from inside; and
- (13) 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.

(c) **Taximeter.** Every taximeter shall be of such type and design as has been accepted by the California Department of Agriculture, and shall be maintained at all times in accordance with standards of accuracy established by such department. Every taximeter shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible at all times by passengers riding in the taxicab. The taxicab operator shall have all taximeters tested by the county department of weights and measures for accuracy in accordance with the procedure of the department, and shall report the results in writing to the director within thirty days after such testing.

(d) **Prohibited Equipment.** No taxicab shall be equipped with scanners or other devices which can be used to intercept radio signals and dispatches sent to specific destinations.

(e) **Misleading Documents.** Receipts, cards, etc. issued by the driver to a customer shall match the taxicab and not mislead a customer to think that he or she patronized a taxi company other than the one actually patronized.

(f) **Prohibited Advertising.** It is illegal to direct advertisements primarily at La Puente residents, visitors, and businesses which represent that an operator is permitted to do business in La Puente if the operator is not permitted in La Puente.

(g) **Equipment Waiver Conditions.** Notwithstanding the provisions of this article, the city manager may waive any equipment requirement upon a showing of good cause by any applicant or permittee. Such waiver shall be specified on the taxicab operator's permit and any applicable vehicle permit.

(h) **Vehicle Inspection.** Every taxicab operator shall perform a yearly inspection of all taxicabs operating as part of his or her taxicab service. Such inspection shall be made by a certified automotive repair dealer. Each taxicab operator shall provide the director with written confirmation, signed by that repair dealer, that the taxicabs have been inspected and are in good working order within ten days of the inspection. Taxicabs which have been inspected pursuant to the requirements of another governmental entity may submit proof of such inspections in lieu of the inspection required herein.

(i) **Record Keeping.** Taxicab operators shall maintain the following records for each order of service:

- (1) Location and time of pickup;
- (2) Identification of order taker;
- (3) Date and time of the order;
- (4) Time delay quoted;
- (5) Identification of dispatcher;
- (6) Identification of taxicab dispatched;
- (7) Time of dispatch; and

(8) Whether handicapped accessible vehicle is requested.

Such records shall be available for inspection by the director and the sheriff for a period of at least six months.

(j) Information to Sheriff. Upon request, every taxicab operator issued an operator's permit shall inform the director or the Los Angeles County sheriff's department or any duly authorized peace officer of the names, addresses, and the source of all taxicab drivers' permits or vehicle licenses of all taxicab drivers employed, managed or otherwise connected to such taxicab operator.

(k) Changes in Members or Documents. An association, solely-owned partnership, stock corporation, franchise-type operation, cooperative stock-type operation, issued an operator's permit shall notify the director and the Los Angeles County sheriff's department immediately of any changes in membership, stock ownership, corporate officers, operating officers, or modification in operations, agreements, articles, bylaws or other memoranda of the permittee, in the operation of the taxicab service.

(l) 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 five 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 which cannot be met within a reasonable time shall be referred to another taxicab operator authorized to serve the city.

(m) Taxicab Drivers-Permit Preconditions. A taxicab operator shall not permit any person to operate a taxicab authorized under his or her taxicab operator's permit unless such person has in his or her possession a valid driver's license issued by the state of California Department of Motor Vehicles and a current taxicab driver's permit and taxicab driver's identification card obtained in accordance with the provisions of this chapter.

(n) Contracts and Agreements. Any taxicab under a taxicab operator's permit may be operated pursuant to a driver's contract, agreement or understanding between either the taxicab operator or a taxicab driver operating under such taxicab operator's permit and any other permitted taxicab driver. Such contract, agreement or understanding shall not relieve any taxicab operator or taxicab driver from full and complete compliance with applicable provisions of this chapter.

(o) Operator Compliance Responsibility.

(1) Every taxicab operator issued a permit under this chapter is responsible for submitting a complete list of its permitted, duly qualified drivers every calendar month to the director and shall notify the director within forty-eight hours of the termination of any employee employed as a taxicab driver.

(2) Every taxicab operator issued a permit under this chapter shall hire and contract with a professional manager to act as the operating officer of that taxicab operation and that qualified manager shall be responsible for the oversight and management of that taxicab operation. The professional manager selected shall have no less than three years experience in the transportation industry, or the equivalent training in management.

(3) Every taxicab operator issued a permit under this article is responsible for complying with the provisions of this article, any rules or regulations adopted by the city council, or promulgated by the director, and for obtaining the compliance of its officers, employees, taxicab drivers, association members, agents or any other person connected with such taxicab operator in providing taxicab service.

(p) Insurance Requirements. Continuing compliance with Section 5.48.080 of this chapter.

(q) Presentment of Permit.

(1) Every person required to have a permit pursuant to this article shall post, or carry such permit pursuant to the requirements of Section 5.08.070 of this title.

(2) Every taxicab shall be required to affix its vehicle permit on the rear windshield of the taxicab so that it is clearly visible from outside the vehicle. If, because of the presence of other stickers required by law, the sticker cannot be placed on the rear windshield, the sticker shall be attached to the vehicle in a conspicuous location, as close as possible to the windshield and in a manner clearly visible from outside the vehicle. The taxicab operator may substitute one vehicle in place of another if the substituted vehicle complies with the taxicab operator's permit.

(r) Compliance by Taxicab Drivers. A taxicab operator shall not allow or encourage its taxicab drivers to violate any of the provisions in this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.120 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110(b) of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if:

- (a) The level of service provided by the permittee is inadequate to serve the city of La Puente;
- (b) The permit is not justified by public convenience and necessity;
- (c) The color scheme or insignia used by the permittee is so similar to that of another taxicab operator that its use will tend to deceive or confuse the public;
- (d) The permittee has failed to satisfy all conditions of the city's senior coupon program;
- (e) The permittee has a poor safety record with respect to the operation of his taxicab service in the city of La Puente or in other areas in which it operates a taxicab service;
- (f) The permittee has a record of complaints filed against it with the city or with other agencies in connection with his or her operation of a taxicab service;
- (g) The vehicles which the permittee uses in connection with the taxicab service are in poor or inadequate operating condition; or
- (h) The permittee violated the provisions of this chapter or allowed any of its employees or agents to violate the provisions of this chapter.

(Ord. 788 § 28 (part), 1999)

Article II. Taxicab Drivers

5.48.200 Taxicab driver's permit required.

No person shall operate or drive a taxicab which accepts passengers for transportation within the city of La Puente without first obtaining a valid taxicab driver's permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.210 Additional information required for taxicab driver's permit.

In addition to the information required in Section 5.08.030(a) of this title, an applicant for a taxicab driver's permit shall furnish the following information:

- (a) A photograph of the applicant;
- (b) Proof of a current valid California driver's license;
- (c) Proof that the applicant is at least eighteen years of age;
- (d) Written documentation that the applicant has successfully passed a controlled substance and alcohol test which adheres to the requirements of Government Code Section 53075.5(b)(3);
- (e) Written documentation from a taxicab operator issued an operator's permit to conduct business in the city of La Puente that the applicant will be hired or is employed as a taxicab driver upon issuance of a taxicab driver's permit; and
- (f) Any other relevant information that the director deems necessary.

Once an application is determined to be complete, it shall be filed and accepted for processing and review. The director has responsibility to grant or deny a taxicab driver's permit. An application which is not complete shall be returned to the applicant along with a list of the deficiencies. The application shall be deemed abandoned if, within ten calendar days from the first class mailing of any notice from the city, the application is not received by the city with all of its defects entirely corrected.

(Ord. 788 § 28 (part), 1999)

5.48.220 Test for driver's permit.

Every applicant for a taxicab driver's permit shall be required to take an examination, developed and administered by the city, which tests whether the applicant possesses the qualifications necessary to operate a taxicab, including the applicant's ability to communicate in English.

(Ord. 924 § 2, 2013; Ord. 788 § 28 (part), 1999)

5.48.230 Additional criteria for issuance or denial of driver's permit.

The director shall grant a driver's permit only if he or she finds that there is no reason to deny the permit under Section 5.08.060(b) of this title and that all of the following requirements have been met:

- (a) The applicant has not been convicted of a felony or a misdemeanor involving moral turpitude;
- (b) The applicant has not been convicted for reckless driving or driving under the influence of intoxicating liquors or narcotics or other illegal drugs;
- (c) The applicant has not been convicted or pleaded guilty or no contest to two or more moving violations under the State Vehicle Code within the preceding two-year period;
- (d) The applicant has the physical ability to safely operate a taxicab;
- (e) The applicant successfully passed the examination required by Section 5.48.220 of this chapter;
- (f) The applicant successfully passed the controlled substance and alcohol test required by Section 5.48.210(d) of this chapter;
- (g) The applicant has a current valid California driver's license;
- (h) The applicant is employed or has an offer to be employed by a taxicab operator which has an operator's permit to operate in the city of La Puente; and
- (i) The applicant meets any other applicable requirements in this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.240 Appeal to city council.

The director's decision may be appealed to the city council pursuant to the provisions of Section 5.08.030(d) of this title.

(Ord. 788 § 28 (part), 1999)

5.48.250 Permit issuance.

Upon approval of a taxicab driver's permit, the director shall issue a taxicab driver's permit, which shall be in the form of a card, containing the price of the permit and the permittee's name, photograph and right index fingerprint, and name of employer.

(Ord. 788 § 28 (part), 1999)

5.48.260 Nontransferable.

Taxicab driver's permits are personal in nature and may not be transferred.

(Ord. 788 § 28 (part), 1999)

5.48.270 Conditions of approval.

The director may condition the taxicab driver's permit to ensure that the permit shall comport with the public health, safety and welfare.

(Ord. 788 § 28 (part), 1999)

5.48.280 Operating requirements.

(a) Driver's License. Every taxicab driver, while in charge of, or driving, a taxicab, shall have in his or her possession a valid and current driver's permit issued by the California Department of Motor Vehicles.

(b) Presentment of Driver's Permit. The taxicab driver shall post the taxicab driver's permit in a permanent fixture in prominent view of passengers in the taxicab.

(c) Radio. A taxicab driver shall keep the radio tuned to the correct frequency for the area in which the taxicab is operating so that it shall be audible to the driver at all times the taxicab is available for service.

(d) Manner of Soliciting Customers. A taxicab driver shall not solicit a customer's patronage on any public street in a loud or annoying manner.

(e) Destination. A taxicab driver shall not inquire of trip destination until a passenger is seated in the taxicab. A taxicab driver shall comply with the instruction of a passenger regarding destination and shall not attempt in any way to influence destination.

(f) Direct Route. A taxicab driver shall use the most direct available route on all trips unless otherwise specifically requested by the passenger.

(g) Rates and Fares Charged.

(1) A taxicab driver shall not solicit, demand or arrange for any compensation in an amount greater or lesser than the schedule of rates specified in the taxicab operator's permit. No rate other than that approved by the city shall be charged, demanded, or collected for taxicab service originating in the city, regardless of whether the destination of such service is within or beyond the corporate boundaries of the city.

(2) Fares shall not exceed the amount shown on the taxicab meter, plus any lawful surcharges. Fares shall not be calculated based upon the number of persons transported in the vehicle.

(h) Records. A taxicab driver shall make an accurate, legible record of all trips and all service calls including time and location of pick up, directed to him or her by dispatching personnel, as they occur. The information shall be recorded on waybills, shall be complete as to all items indicated and shall reflect appropriate information for all responses including "no goes" or "no loads." Such records shall be available for inspection by the director and the Los Angeles County sheriff's department for at least six months.

(i) Refusal to transport a passenger. A taxicab driver shall not refuse to transport any passenger requiring transportation except:

- (1) When the driver has already been dispatched on another call;
- (2) When the passenger appears to be a disorderly person;
- (3) When the passenger requires use of a stretcher; or
- (4) When the passenger can, upon request, show no ability to pay fare.

(j) Occupied Cabs. A taxicab driver shall not accept any passenger while in route to fill an order, nor accept any additional passengers while the taxicab is engaged unless so directed by an occupant of the taxicab.

(k) Language. Taxicab drivers shall not use foul or abusive language toward passengers.

(l) Receipt. Every taxicab driver shall issue a receipt for the taxi fare when requested by the passenger.

(m) Coupons. Every taxicab operating in the city shall comply with all provisions of the city's taxi coupon program as adopted by the council and shall accept taxi coupons issued by the city of La Puente at full face value from passengers.

(n) Compliance with Code. Taxicab drivers shall comply with all of the provisions of the city of La Puente Municipal Code,

including the city's nondiscrimination ordinances.

(o) **Taximeter Display.** The driver of a taxicab while engaged in carrying any passenger shall cause the meter to display the "HIRED" position so as to denote that such vehicle is employed; and shall not cause the taximeter to be in a recording position when such vehicle is not actually employed, or fail to place the taximeter in a non-recording position at the termination of each and every service.

(p) **Evaluation Forms.** "Taxi service evaluation forms" as designated by the city, shall be available for passengers in an easily accessible location in the taxicab.

(q) **Cooperation with Law Enforcement.** Every taxicab operating in the city shall cooperate with the Los Angeles County sheriff's department and city staff during enforcement operations.

(r) **Taxicab Zone.** Only one taxicab per permitted operator shall wait in any taxicab zone at any time.

(s) **Taxicab Operator.**

(1) No taxicab driver shall operate a taxicab in the city of La Puente into which passengers are accepted for transportation unless such driver is employed by, or associated with, a taxicab operator issued an operator's permit to do business in the city of La Puente.

(2) No taxicab driver shall knowingly work for or drive for a taxicab operator who does not comply with the provisions in this chapter.

(Ord. 788 § 28 (part), 1999)

5.48.290 Return of permit.

Upon termination of employment, the taxicab driver shall return the permit to the city of La Puente. Said permit will be null and void.

(Ord. 788 § 28 (part), 1999)

5.48.300 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110 of this title, any permit issued pursuant to this chapter may be modified, suspended or revoked if:

(a) The taxicab driver failed to comply with the provisions of this chapter;

(b) The permittee has been convicted of a felony, reckless driving, pandering, the use, sale, possession, or transportation of narcotics or illicit intoxicating liquors, or for assault or battery, or for driving under the influence of alcohol or narcotics;

(c) The permittee has been convicted of, or plead guilty or no contest to, two or more moving violations within the preceding two-year period;

(d) The permittee has a record of service complaints, including but not limited to, an inability to locate destinations, overcharging for trips, speeding, unsafe driving, rudeness, or late arrivals for pick-ups; or

(e) The permittee's operation of a taxicab is detrimental to the public health, safety and welfare.

(Ord. 788 § 28 (part), 1999)

5.48.310 Emergency temporary suspension of driver's permit.

Where the conduct or activity of the permittee creates an imminent peril to the public health, welfare, or safety, the permit may be summarily suspended by the director or the city manager upon written notice to the permittee stating the basis for the suspension. Any temporary emergency suspension pursuant to this paragraph shall not exceed fifteen days pending a hearing in a manner consistent with Section 5.08.100 of this title.

(Ord. 788 § 28 (part), 1999)

5.48.320 Violations.

(a) Generally. Any person violating any of the provisions of this chapter and/or any condition or continuing obligation imposed by any taxicab operator's permit, taxicab driver's permit, or vehicle permit granted or issued is punishable pursuant to Section 1.08.040 of this code. Where the conduct subject to the violation is of a continuing nature, each day that the conduct continues constitutes a separate and distinct violation.

(b) Rules and Regulations Promulgated by the Director. The director shall have the power and authority to promulgate rules and regulations for the implementation and enforcement of the provisions of this article, and when duly promulgated, such regulations shall be in full force and effect. Violations of such regulations shall constitute a violation of this code and shall be punishable in the same manner and to the same extent as other violations of this code.

(c) Impounding Taxicab. The Los Angeles County sheriff's department is authorized to impound the taxicab of any person violating the provisions of Sections 5.48.010 and 5.48.200 of this chapter.

(1) If the person from whom the vehicle is impounded is not the owner, the director shall immediately give notice to the owner by first-class mail of the impounding of the vehicle. The notice shall state that the owner may file a written request with the director for a hearing before the city manager, or the city manager's designee, to determine whether probable cause exists for the vehicle's impoundment. Such hearing shall be held within forty-eight hours of the director's receipt of the owner's request.

(2) The impounded vehicle shall be immediately returned to the owner without cost if the citation issued is not prosecuted or is dismissed, the owner is found not guilty of the offense, or it is determined that the vehicle was used in violation of Section 5.48.010 or Section 5.48.200 of this chapter without the knowledge and consent of the owner. Otherwise, the vehicle shall be returned to the owner upon full payment of the citation.

(3) At any time, the owner of the impounded vehicle may make a motion in municipal court for the immediate return of the vehicle on the ground that there was no probable cause for the impoundment of the vehicle or that there is some other good cause for the return of the vehicle, as determined by the court.

(4) If the city has not received payment in full of the citation or as ordered by the city manager within six weeks of either: the date of the citation; the date of the notice to owner; or the date of any hearing, the city may dispose of the vehicle, in accordance with Section 1411 of the California Penal Code.

(Ord. 788 § 28 (part), 1999)

Article III. Taxicab Operator's Franchise

5.48.410 Franchise and permit required.

No person shall engage in, conduct or carry on the business of operating a taxicab service, where such service originates in the city, without first having obtained a franchise and taxicab vehicle permit(s) issued under the provisions of Chapter 5.08 of this title. The city council shall issue one exclusive franchise for taxicab services within the city, 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. Upon issuance of one franchise, which franchise shall be exclusive and shall be applied for, granted, and in effect, all in compliance with the provisions of this chapter, the city shall not accept new or renewal applications for permits to operate a taxicab service. It shall be unlawful for any person other than the franchisee to engage in the business of operating or causing to be operated any taxicab service within the city, except that existing permits to operate a taxicab service will remain valid until their expiration.

(Ord. 823 § 1 (part), 2004)

5.48.420 Application and franchise fees.

The city council shall, by resolution, establish application fees, which shall be nonrefundable, for such franchise, and shall further establish franchise fees and terms for payment of such franchise fees, by resolution.

(Ord. 823 1 (part), 2004)

5.48.430 Application for taxicab operator's franchise.

An applicant for a taxicab operator's franchise shall furnish the following:

(a) The legal name and actual street address of the applicant and all persons to be directly or indirectly interested in the franchise, if granted. If the applicant is a corporation, the name shall be exactly as set forth in its articles of incorporation. Additionally, the names and addresses of all directors, any stockholder holding ten percent or more of the shares of the corporation, and the name and address of an officer who is duly authorized to accept service of legal process shall be included. A corporate applicant shall also provide a certificate of domestic stock ownership. If the applicant is a partnership, the names and addresses of each general partner shall be stated. If one or more of the partners is a corporation, the provisions of this subsection pertaining to a corporate applicant shall apply. If the applicant is a cooperative, member stock-type operation, service organization, or association, the application shall include the names, addresses and business phone numbers of each of the officers, directors and each stockholder owning any portion of any stock of the organization or association, as well as the address to which notice, when required, is to be sent or mailed, and the names of every individual authorized to accept service or process on behalf of the applicant.

(b) The actual street address of the taxicab business. A person may not use a post office box, mailbox, message service or other similar device as the actual street address of the business for purposes of this section. A post office box, mailbox, message service or other similar device can be used as the mailing address of the business for business purposes only.

(c) A description of the facility proposed to house the intended business activity and its location.

(d) A full description of the intended business activity for which the franchise is requested and, if a new business, the starting date of such business activity.

(e) If the business is advertised to the public and operates under a name other than the name of the applicant, that name shall be included. The applicant shall give all fictitious business names used in Los Angeles County in the last five years.

(f) The location of any requested parking zones for taxicabs awaiting employment.

(g) A public convenience and necessity proposal which must contain the following information:

(1) The history of the organization, and the manner in which it is organized, including, without limitation, the date of formation, the business commencement date(s), and all business locations in California during the last five years;

(2) Proof of insurance meeting the requirements of Section 5.48.550 of this chapter;

(3) The type of radio dispatch proposed;

(4) The location of the garaging and/or dispatch facility;

(5) The color scheme, logo and insignia of the service's taxicabs;

(6) A description of the proposed uniform to be worn by the drivers of applicant's taxicabs.

(7) The make and type of taximeter intended to be installed in each taxicab.

(8) Evidence of the applicant's financial responsibility. Evidence shall include a certified financial statement and, if securing financing for more vehicles, then the agreements entered into for car sales or leases;

(9) The date, description and outcome of all enforcement actions (whether administrative or judicial) which any governmental or law enforcement entity in California has initiated or taken against the applicant in the last five years; and

(10) The names and addresses of all taxicab businesses of any form in which the applicant owns, or has owned, any beneficial interest in the last five years.

(h) The number of taxicabs proposed to be operated in the city, their make, model, year, and passenger capacity, license plate number, together with evidence satisfactory to the director that each taxicab proposed to be utilized has been safety inspected within a period of time satisfactory to the director, and otherwise complies in all respects with any and all applicable laws, rules, and regulations, and the total number of taxicabs presently operated by the applicant in other areas.

(i) The name, address and telephone number of the applicant's insurance company, as well as the policy numbers and a description of the kind and amount of liability, including common carrier, workers compensation, automobile, or other insurance held by the applicant, as applicable.

(k) Service standards the applicant will provide, including, but not limited to, the estimate of response time between placement of a telephone order and the arrival of the dispatched vehicle.

(l) Operating procedures adopted by the applicant, including but not limited to, record keeping practices, safety standards, maintenance schedules, dispatching procedures, and disciplinary rules.

(m) Special programs instituted by the applicant, including, but not limited to, drivers' education and training and community services.

(n) Any and all applicable agreements, articles, rules, bylaws and other memoranda of the applicant organization, evidencing its taxicab drivers' agreement to be governed and bound in the operation of their taxicabs by the applicant organization's authority, supervision and control.

(o) The names, addresses and telephone numbers of no less than two individuals who may be contacted twenty-four hours a day, seven days a week, by the city in case of an emergency.

(p) The schedule of rates proposed to be charged.

(q) Such further information pertinent to the operation of the proposed taxicab franchise, including, but not limited to, the business backgrounds of the officers and directors, the business financial statements and lease arrangement, as either the director, the city council or the Los Angeles County sheriff may require.

(Ord. 823 § 1 (part), 2004)

5.48.440 Investigation of applicant.

The director shall conduct, or cause to be conducted, an investigation of the applicant:

(a) An application which is not complete shall be returned to the applicant, along with a list of its deficiencies, within fifteen calendar days of its receipt. The application shall be deemed abandoned if, within ten calendar days of the city's first class mailing of any notice, the application is not received by the city with all of its defects entirely corrected.

(b) Once a completed application is filed and the applicant has paid the prescribed franchise fee, the director shall initiate an investigation of facts for each franchise application. This departmental review process shall ensure that the action on each franchise application is consistent with the intent and purpose of this title. Upon conclusion of the investigation, the director shall forward his or her recommendation to the city council.

(Ord. 823 § 1 (part), 2004)

5.48.450 Public hearing.

Not more than forty-five days after filing of the fully completed application required by this chapter for the owner's franchise, the city council shall hold a public hearing thereon for the purpose of determining whether to award such franchise. Any person may appear before such hearing to either advocate or to protest the granting of such franchise. The city clerk shall fix the time for the public hearing, and shall notify the applicant thereof not less than ten days prior to such hearing.

(Ord. 823 § 1 (part), 2004)

5.48.460 Notice of hearing.

Notice of the time and place of the public hearing required by the preceding section before the city council shall be published at least once, not less than ten days before the hearing, in a newspaper of general circulation in the city.

(Ord. 823 § 1 (part), 2004)

5.48.470 Determination by city council.

The city council may grant the franchise, if there is no reason to deny the franchise under Section 5.48.430 of this title, and if all of the following requirements have been met:

(a) Public convenience and necessity still justify the operation of an exclusive taxicab franchise in the city. In making this determination, the city council shall take into account all facts deemed pertinent and proper, which shall include, without limitation, whether or not:

(1) The applicant has complied with all of the provisions of the La Puente Municipal Code;

(2) The applicant is financially responsible and under efficient management;

(3) The applicant is capable of providing safe and prompt taxicab service, twenty-four hours daily;

(4) The proposed insignia and color scheme for the taxicab service does not conflict with that of any existing taxicab operator so as to deceive, or tend to deceive, the public. Upon such finding, the applicant may amend such application to designate a different color scheme or insignia;

(5) The applicant has presented evidence sufficient to justify operation of a specified number of taxicabs in the city of La Puente;

(6) The applicant is fit and proper person to have a taxicab operator's franchise;

(7) The imposition of any conditions is reasonably necessary to ensure that the applicant operates the taxicab service in compliance with this chapter and the public welfare.

(b) The level of service proposed is adequate to serve the public.

(c) The applicant has procured, posted or maintained in effect approved comprehensive automobile liability insurance, as required by Section 5.48.550 of this chapter.

(d) The applicant does not have a poor safety record with respect to the operation of his or her taxicab service in La Puente or other operating areas outside of the city of La Puente.

(e) The applicant does not have a record of complaints filed with the city of La Puente or other agencies in connection with his or her operation of a taxicab service.

(f) The vehicles which the applicant proposes to use in connection with the taxicab service are not in poor or inadequate operating condition.

(g) The establishment of the taxicab service will not be detrimental to the public health, safety or welfare.

(h) The applicant, or any of his or her employees or agents, has not violated any rule or regulation adopted by any governmental entity with respect to the applicant's operation of a taxicab service in other operating areas or in the city of La Puente.

(Ord. 823 § 1 (part), 2004)

5.48.480 Execution of franchise agreement.

No franchise granted pursuant to this chapter shall be effective unless and until the operator has executed an agreement, accepting the award of the exclusive franchise, in a form satisfactory to the city attorney. Such agreement shall be executed within ten days of the award of the franchise by the city council.

(Ord. 823 § 1 (part), 2004)

5.48.490 Franchise term.

The exclusive franchise issued under this chapter will be for the term specified in the franchise agreement, commencing upon the effective date of the ordinance or resolution adopted by the city council that authorizes the franchise. At the expiration of the term, unless a new franchise is issued under the provisions of this chapter, or unless the city council, for good cause, extends the term of the original franchise, the franchise shall be deemed to have expired and shall no longer be valid.

(Ord. 823 § 1 (part), 2004)

5.48.500 Transfer of franchise.

No franchise awarded under this chapter shall be assigned or transferred without the prior approval of the city council, by resolution.

(Ord. 823 § 1 (part), 2004)

5.48.510 Denial of franchise.

The city council may deny a franchise to any applicant if it appears, to its satisfaction, that: the applicant has been convicted of a felony or violation of any narcotic law or of any penal law involving moral turpitude; the applicant has failed to provide the necessary information required in Section 5.48.430; the applicant has been in violation of any of the terms of this chapter, or of any other laws or regulations relating to the conduct of a taxicab business; or any other reasonable cause exists which, within the council's sound discretion, would render the proposed operations undesirable or inadequate to the city of La Puente.

(Ord. 823 § 1 (part), 2004)

5.48.520 Franchise revocation or suspension.

The city council may at any time, pursuant to the revocation or suspension proceedings as hereinafter described, revoke or suspend the franchise granted under this article, if it makes any of the following determinations:

- (a) The operator fails to operate taxicabs in accordance with the provisions of this chapter;
- (b) The operator discontinues or suspends service for a period of ten days without first having obtained permission from the city manager;
- (c) The operator refuses to accept a request for service anywhere within the corporate limits of the city, having vehicles and drivers available for service;
- (d) Taxicabs are operated at a rate of fare other than that specified in the franchisee's rate schedule then in effect and on file with the director, or at a rate in excess of any maximum rate schedule as set by the city council pursuant to Section 5.48.580(b);
- (e) Any materially false statements in application for the franchise, or any extensions thereof, or in any information required to be furnished under this chapter; or failure to furnish any material or information required to be furnished to city under this chapter.

The city council shall initiate revocation or suspension proceedings by directing the city clerk to give written notice to said owner that a public hearing will be held thereon by the council. Such notice shall be given at least five days prior to the date of such hearing, and shall specify the grounds upon which revocation or suspension proceedings will be conducted. At such public hearing, the council shall consider all relevant testimony before making its determinations thereon. The determination of the city council shall be final.

Any person whose franchise is thus revoked shall not be eligible to apply for another for a period of one year from the date of such revocation.

(Ord. 823 § 1 (part), 2004)

5.48.530 Maintenance of records.

The franchisee shall maintain accurate records relating to the ownership and registration of any of the franchisee's vehicles which it operates under the franchise. If the franchisee adds any vehicles to its operations under the franchise other than those which it has listed in its application, pursuant to Section 5.48.430(h), the franchisee shall, prior to placing the vehicle into service in the city, inform the director in writing of such vehicle's acquisition or transfer to its operations under the franchise, and shall give the date upon which such vehicle will be put into service under the franchise, and all other information required under Section 5.48.430(h), as well as any other information requested by the director related to such vehicle, its ownership, or use in the franchisee's business operations. The franchisee shall also keep accurate records on any vehicles listed in its application, or later acquired, which it removes from service under the franchise, including dates of such removal, disposition of the vehicle, and details of any transfer of ownership, together with copies of all documents related to such transfer. Prior to the start of the next calendar year quarter after the removal of a vehicle from service under the franchise, the franchisee shall inform the director in writing of that fact, and furnish any related information required by the director.

(Ord. 823 § 1 (part), 2004)

5.48.540 Taxicab operator's responsibilities for maintenance.

It shall be the responsibility of the operator to assure that every taxicab operated under its franchise is in safe working order and meets the requirements of the Vehicle Code of the state of California. When in operation, the interior and exterior of each taxicab shall be clean and well maintained at all times. The interior of each taxicab shall be cleaned daily. The exterior of each taxicab shall be washed not less than once a week and painted once each year; provided, however, that the painting thereof may be less frequent so long as the appearance thereof, including the color scheme, owner's trademark, monogram or insignia or other markings conform to the generally prevailing standard in the trade in the county of Los Angeles.

(Ord. 823 § 1 (part), 2004)

5.48.550 Taxicab operator's insurance.

(a) The city council shall not issue a taxicab operator's franchise until the applicant has filed with the director proof of the automobile liability insurance required by this subsection for each taxicab to be operated pursuant to the operator's taxicab service.

(b) Every applicant for a taxicab operator's franchise shall obtain and maintain in full force and effect separate commercial automobile liability insurance for each vehicle proposed to be operated in connection with his or her taxicab service meeting the following requirements:

(1) The policy insurer must be either a carrier licensed by the state of California to sell commercial automobile liability in the state of California and be a member of the California Insurance Guarantee Fund, or maintain an AM Best rating of "A" or better (with proof of said licensing or rating to be provided by applicant);

(2) The policy shall be written with policy limits of: (1) not less than one million dollars combined single limit per occurrence, or (2) not less than five hundred thousand dollars per person, five hundred thousand dollars per accident, and three hundred thousand dollars for property damage;

(3) The policy shall be primary and not contributing to any other insurance maintained by the city;

(4) The policy shall name the city of La Puente, its city council, and its officers, agents and employees as additional insureds;

(5) The policy may include a property damage deductible or self-insured retention not greater than five thousand dollars per occurrence. Self-insured retention in excess of five thousand dollars may be acceptable upon satisfaction of the city's financial requirements, including proof of ability to pay claims inside the self-insured retention per vehicle;

(6) The policy shall provide the director with thirty days prior notice of any cancellation or modification of the policy; and

(7) A certificate of insurance shall be attached to every application for a taxicab vehicle permit submitted by the taxicab operator.

(c) The franchisee shall be required to sign an indemnification statement indemnifying the city of La Puente.

(d) Any franchisee who fails to have in effect or to maintain the required automobile insurance coverage, and who continues to allow taxicab operation, shall have his or her franchise suspended for a period not to exceed fifteen days, pending revocation proceedings pursuant to Section 5.48.520 of this chapter.

(Ord. 823 § 1 (part), 2004)

5.48.560 Operating requirements.

(a) Posting Requirements. Every taxicab operated shall display, in full view of passengers in both the front seat and the rear seat, in letters and figures which are clearly labeled and not less than one-quarter inch high: (1) a schedule of rates to be charged, and (2) a notice that a schedule of customary rates from La Puente to major points of interest is available on request. The schedule shall have printed thereon: the name of the taxicab operator under whose franchise the taxicab is permitted to operate, and the business address and telephone number where comments or complaints regarding the taxicab service may be directed.

(b) Taxicab Equipment. Every taxicab into which passengers are accepted for transportation within the city of La Puente shall have the following equipment:

- (1) A taximeter, as defined in this chapter;
- (2) A radio transmitter and receiver capable of two-way communication with a dispatcher;
- (3) Legible signs posted inside and outside the taxicab to notify persons that the driver carries only five dollars in change on his or her person;
- (4) A trunk device which will permit the opening of the trunk lid from the inside of the trunk;
- (5) A permanent fixture to display the taxicab driver's permit in prominent view of the passengers;
- (6) Prominent signs giving the name and telephone number of the taxicab operator and the taxicab number on the sides of the taxicab. The taxicab number shall also be conspicuously displayed on the rear portion and inside of the taxicab;
- (7) No fewer than four working doors, except that a handicapped accessible mini-van may be used;
- (8) A fire extinguisher;
- (9) Four flares;
- (10) At least two emergency reflectors;
- (11) Spare tire and jack;
- (12) Windows which customers can open from inside; and
- (13) 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.

(c) Taximeter. Every taximeter shall be of such type and design as has been accepted by the California Department of Agriculture, and shall be maintained at all times in accordance with standards of accuracy established by such department. Every taximeter shall be placed so that the reading dial showing the amount to be charged shall be well lighted and readily discernible at all times by passengers riding in the taxicab. The taxicab operator shall have all taximeters tested by the county department of weights and measures for accuracy in accordance with the procedure of the department, and shall report the results in writing to the director within thirty days after such testing.

(d) Prohibited Equipment. No taxicab shall be equipped with scanners or other devices which can be used to intercept radio signals and dispatches sent to specific destinations.

(e) Misleading Documents. Receipts, cards, etc. issued by the driver to a customer shall match the taxicab and not mislead a customer to think that he or she patronized a taxi company other than the one actually patronized.

(f) Prohibited Advertising. It is illegal to direct advertisements primarily at La Puente residents, visitors, and businesses which represent that an operator is permitted to do business in La Puente, if the operator is not permitted in La Puente.

(g) Equipment Waiver Conditions. Notwithstanding the provisions of this article, the city manager may waive any equipment requirement, upon a showing of good cause by any applicant or franchisee. Such waiver shall be specified on the taxicab operator's franchise and any applicable vehicle permit.

(h) Vehicle Inspection. The taxicab operator shall perform a yearly inspection of all taxicabs operating as part of his or her taxicab service. Such inspection shall be made by a certified automotive repair dealer. Within ten days of the inspection, the taxicab operator shall provide the director with written confirmation, signed by that repair dealer, that the taxicabs have been inspected and are in good working order. Taxicabs which have been inspected pursuant to the requirements of another governmental entity may submit proof of such inspections in lieu of the inspection required herein.

(i) Record Keeping. The franchisee shall maintain the following records for each order of service:

- (1) Location and time of pickup;
- (2) Identification of order taker;
- (3) Date and time of the order;
- (4) Time delay quoted;
- (5) Identification of dispatcher;

- (6) Identification of taxicab dispatched;
- (7) Time of dispatch; and
- (8) Whether a handicapped accessible vehicle is requested.

Such records shall be available for inspection by the director and the sheriff for a period of at least six months.

(j) Information to Sheriff. Upon request, the franchisee shall inform the director or the Los Angeles County sheriff's department, or any duly authorized peace officer, of the names, addresses, and the source of all taxicab drivers' permits or vehicle licenses of all taxicab drivers employed, managed or otherwise connected to such taxicab operator.

(k) Changes in Members or Documents. An association, solely-owned partnership, stock corporation, franchise-type operation or cooperative stock-type operation issued an operator's franchise shall notify the director and the Los Angeles County sheriff's department immediately of any changes in membership, stock ownership, corporate officers, operating officers, or modification in operations, agreements, articles, bylaws or other memoranda of the franchisee, or in the operation of the taxicab service.

(l) 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 five 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.

(m) Taxicab Drivers-Permit Preconditions. A taxicab operator shall not permit any person to operate a taxicab authorized under his or her taxicab operator's franchise, unless such person has in his or her possession a valid driver's license issued by the state of California Department of Motor Vehicles, and a current taxicab driver's permit and taxicab driver's identification card obtained in accordance with the provisions of this chapter.

(n) Contracts and Agreements. Any taxicab under a taxicab operator's franchise may be operated pursuant to a driver's contract, agreement or understanding between either the taxicab operator or a taxicab driver operating under such taxicab operator's franchise. Such contract, agreement or understanding shall not relieve the taxicab operator or any taxicab driver from full and complete compliance with applicable provisions of this chapter.

(o) Operator Compliance Responsibility.

(1) The taxicab operator issued a franchise under this chapter is responsible for submitting a complete list of its permitted, duly qualified drivers every calendar month to the director, and shall notify the director within forty-eight hours of the termination of any employee employed as a taxicab driver.

(2) The taxicab operator issued a franchise under this chapter shall hire and contract with a professional manager to act as the operating officer of that taxicab operation, and that qualified manager shall be responsible for the oversight and management of that taxicab operation. The professional manager selected shall have no less than three years experience in the transportation industry, or the equivalent training in management.

(3) The taxicab operator issued a franchise under this article is responsible for complying with the provisions of this article, any rules or regulations adopted by the city council, or promulgated by the director, and for obtaining the compliance of its officers, employees, taxicab drivers, association members, agents or any other person connected with such taxicab operator in providing taxicab service.

(p) Insurance Requirements. Continuing compliance with Section 5.48.550 of this chapter.

(q) Presentment of Taxicab Driver's Permit. Every taxicab shall be required to affix its vehicle permit on the rear windshield of the taxicab so that it is clearly visible from outside the vehicle. If, because of the presence of other stickers required by law, the sticker cannot be placed on the rear windshield, the sticker shall be attached to the vehicle in a conspicuous location, as close as possible to the windshield and in a manner clearly visible from outside the vehicle. The taxicab operator may substitute one vehicle in place of another, if the substituted vehicle complies with the taxicab operator's franchise.

(r) Compliance by Taxicab Drivers. The taxicab operator shall not allow or encourage its taxicab drivers to violate any of the provisions in this chapter.

(Ord. 823 § 1 (part), 2004)

5.48.570 Display flag.

While carrying passengers, it shall be unlawful for a taxicab driver to: display the flag or device attached to the taximeter in such position as to denote that the vehicle is for hire, cause the taximeter to record when the vehicle is not actually employed, or fail to cause the device on the taximeter to be placed in a non-recording position at the termination of each and every service.

(Ord. 823 § 1 (part), 2004)

5.48.580 Fare schedule.

(a) The exclusive franchisee shall adopt a uniform and reasonable schedule of charges for use of taxicabs operated under its franchise, based upon the distance traveled or waiting time, or both, as may be indicated by such taximeter, which schedule of fares shall be filed with the director of public safety, or his or her designated representative, prior to being employed in the franchisee's operations. In no event shall the fares under such schedule exceed any of the fares that may be set forth in the maximum rate schedule, as adopted by the city council under subsection (b) below.

(b) The city council, at annual intervals, may, by resolution, and after public hearing and notice, establish a schedule of maximum rates to be charged by the franchisee operating under this chapter. In setting such maximum rate schedules, the city council may review and consider the average rates for taxicab service charged in La Puente, as well as in jurisdictions in the vicinity of La Puente, and any other factors which it deems relevant to its determination.

5.48.590 Nonliability.

No duty described in this chapter shall be considered a mandatory duty for purposes of the California Torts Claim Act, Government Code Section 815, et seq. Specifically, the failure of the city to inspect any taxicab or the negligent inspection of any taxicab by the city shall not create liability on behalf of the city under this chapter, nor shall the issuance of any franchise or permit, nor the failure to suspend or revoke any franchise or permit.

(Ord. 823 § 1 (part), 2004)

Chapter 5.50 YARD SALES

Sections:

- 5.50.010 Permit required.
- 5.50.020 Exemptions.
- 5.50.030 Definitions.
- 5.50.040 Information required for application.
- 5.50.050 Criteria for issuance or denial.
- 5.50.060 Conditions.
- 5.50.070 Operating requirements.
- 5.50.080 Additional grounds for modification, revocation or suspension.

5.50.010 Permit required.

No person shall engage in, conduct or carry on a yard sale without a permit issued pursuant to this chapter. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 788 § 29 (part), 1999)

5.50.020 Exemptions.

The provisions of this chapter shall not apply to: (a) religious institutions, schools, charitable organizations or other conditionally permitted uses on residentially zoned property if the property is not being used for residential purposes; or (b) regular commercial enterprises conducted from a fixed place of business provided such business has applied for and received a business license issued by the city of La Puente.

(Ord. 788 § 29 (part), 1999)

5.50.030 Definitions.

For purposes of this chapter, unless it is plainly evident from the context that a different meaning is intended, the following definitions shall apply:

(a) "Director" means the community development director of the city of La Puente or his or her designee.

(b) "Person" means any individual, firm, business, partnership, corporation, cooperative, company, association, joint stock association, church, religious sect, religious denomination, society, organization, or league and shall include any trustee, receiver, assignee, agent, solicitor, or other similar representative thereof.

(c) "Yard sale" means a sale of personal household property held on the premises of a private single-family or multiple-family residence by the owner, owners, tenants or occupants thereof. "Yard sale" includes garage sales, lawn sales, attic sales, rummage sales, moving sales, patio sales and estate sales that meet the definition set forth in this section.

(Ord. 788 § 29 (part), 1999)

5.50.040 Information required for application.

The applicant shall submit an application containing the following information:

(a) The name of the applicant;

(b) The applicant's address and the address where the yard sale will take place;

(c) The area within the property where the sale is to be held;

(d) The date(s) and hours of the sale;

(e) A general description of the type of merchandise to be sold and the source of such goods; and

(f) A signed declaration that the applicant resides at the property where the sale is to be held and that the applicant is the owner of all of the property to be offered for sale.

(Ord. 788 § 29 (part), 1999)

5.50.050 Criteria for issuance or denial.

Within ten calendar days after submittal of a complete application, the director shall issue a yard sale permit unless the director determines that the applicant has made a material misrepresentation in the application or the director determines that the yard sale, as proposed, will violate the provisions of this chapter, or will violate the provisions of any other local, state or federal regulation.

(Ord. 788 § 29 (part), 1999)

5.50.060 Conditions.

The director may impose conditions upon the approval of a yard sale permit for the purpose of ensuring that the yard sale complies with the regulations set forth in this chapter and all other local, state and federal regulations.

(Ord. 788 § 29 (part), 1999)

5.50.070 Operating requirements.

(a) Frequency and Duration. No yard sale shall be conducted by any person or at any location more frequently than once every six months. Furthermore, yard sales shall be limited to a period of two consecutive days.

(b) Hours of Sale. No yard sale shall begin before nine a.m. nor continue beyond six p.m.

(c) Permitted Locations. Yard sale items shall be displayed or stored only within a permanent structure or in the driveway, front yard, side yard or backyard. Yard sale items will not be placed on or within three feet of the sidewalk or street.

(d) Ownership of Property. Merchandise sold at a yard sale shall be limited to property owned exclusively by the person conducting the yard sale.

(e) Inspection. All merchandise offered for sale at a yard sale shall be made available for inspection by the Los Angeles County sheriff's department. If requested by the sheriff's department, the person conducting the sale shall produce evidence of title or ownership to the merchandise offered for sale.

(f) Advertising. Placement of the sign or signs shall comply with the following criteria:

(1) Location. No sign or other form of advertisement of a proposed yard sale shall be placed upon any public property within the city or upon any other property within the city, except upon the premises where a sale is legally permitted.

(2) Vehicle Signs. No sign or other form of advertisement for a yard sale shall be placed or posted on the exterior of any vehicle.

(Ord. 788 § 29 (part), 1999)

5.50.080 Additional grounds for modification, revocation or suspension.

In addition to the grounds set forth in Section 5.08.110(b) of this title, the director may modify, revoke or suspend a yard sale permit if he or she makes finds that:

(a) The yard sale is not being conducted as approved, as conditioned or in accordance with the operating requirements in Section 5.50.070 of this chapter; or

(b) The Director or the Los Angeles County sheriff's department determines that the yard sale is being conducted in a fraudulent, disruptive or disorderly manner, or in a manner that endangers the public health, safety or welfare.

Upon suspension of a yard sale permit, the permittee shall immediately end the sale and remove all signage relating to the sale from public view. In addition, all property for sale shall be removed from view or access by the public.

(Ord. 788 § 29 (part), 1999)

Chapter 5.52 TELECOMMUNICATIONS REGULATORY ORDINANCE

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Article I. General Provisions

5.52.010 Title.

This chapter is known and may be cited as the "telecommunications regulatory ordinance" of the city of La Puente.
(Ord. 760 § 2 (part), 1998)

5.52.020 Purpose and intent.

(a) The city council finds and determines as follows:

(1) The development of cable television and other telecommunications systems may provide significant benefits for, and have substantial impacts upon, the residents of the city.

(2) Because of the complex and rapidly changing technology associated with telecommunications services and systems, the public convenience, safety and general welfare can best be served by establishing regulatory powers to be exercised by the city.

(3) The ordinance codified in this chapter is intended to establish regulatory provisions that authorize the city to regulate telecommunications services and systems to the extent authorized by federal and state law, including but not limited to the federal Cable Communications Policy Act of 1984, the federal Cable Television Consumer and Competition Act of 1992, the federal Telecommunications Act of 1996, applicable regulations of the Federal Communications Commission, and applicable California statutes and regulations.

(b) The purpose and intent of the ordinance codified in this chapter is to provide for the attainment of the following objectives:

(1) To enable the city to discharge its public trust in a manner consistent with rapidly evolving federal and state regulatory

policies, industry competition, and technological development;

(2) To authorize and to manage reasonable access to the city's public rights-of-way and public property for telecommunications purposes on a competitively neutral and nondiscriminatory basis;

(3) To obtain fair and reasonable compensation for the city and its residents for authorizing the private use of the public rights-of-way and public property;

(4) To promote competition in telecommunications services, minimize unnecessary local regulation of telecommunications service providers, and encourage the delivery of advanced and competitive telecommunications services on the broadest possible basis to local government and to the businesses, institutions and residents of the city;

(5) To establish clear local guidelines, standards and time frames for the exercise of local authority with respect to the regulation of telecommunications service providers;

(6) To encourage the profitable deployment of advanced telecommunications infrastructures that satisfy local needs, deliver enhanced government services, and provide informed consumer choices in an evolving telecommunications market.

(Ord. 760 § 2 (part), 1998)

5.52.030 Defined terms and phrases-Where found.

Various terms and phrases used in this chapter are defined below in Article V, Section 5.52.400.

(Ord. 760 § 2 (part), 1998)

Article II. Cable Television Systems

5.52.100 Authority and findings.

(a) In accordance with applicable federal and state law, the city is authorized to grant one or more nonexclusive franchises to construct, reconstruct, operate and maintain cable television systems within the city limits.

(b) The city council finds that the development of cable television and related telecommunications services may provide significant benefits for, and substantial impacts upon, the residents of the city. Because of the complex and rapidly changing technology associated with cable television, the city council further finds that the public convenience, safety and general welfare can best be served by establishing regulatory powers to be exercised by the city. This Article II is intended to specify the means for providing to the public the best possible cable television and related telecommunications services, and every franchise issued in accordance with this Article II is intended to achieve this primary objective. It is the further intent of this Article II to adopt regulatory provisions that will enable the city to regulate cable television and related telecommunications services to the maximum extent authorized by federal and state law.

(Ord. 760 § 2 (part), 1998)

5.52.110 Franchise terms and conditions.

(a) Franchise Purposes. A franchise granted by the city under the provisions of this article may authorize the grantee to do the following:

(1) To engage in the business of providing cable service and such other telecommunications services as may be authorized by law and which grantee elects to provide to its subscribers within the designated franchise service area;

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

(3) To maintain and operate the franchise properties for the origination, reception, transmission, amplification and distribution of television and radio signals, and for the delivery of cable services and such other services as may be authorized by law.

(b) Franchise Required. It is unlawful for any person to construct, install or operate a cable television system within any street or public way in the city without first obtaining a franchise under the provisions of this article.

(c) Term of the Franchise.

(1) A franchise granted under this article will be for the term specified in the franchise agreement, commencing upon the effective date of the ordinance or resolution adopted by the city council that authorizes the franchise.

(2) A franchise granted under this article may be renewed upon application by the grantee in accordance with the then-applicable provisions of state and federal law and of this article.

(d) Franchise Territory. A franchise is effective within the territorial limits of the city, and within any area added to the city during the term of the franchise, unless otherwise specified in the ordinance or resolution granting the franchise or in the franchise agreement.

(e) Federal or State Jurisdiction. This article will be construed in a manner consistent with all applicable federal and state laws, and it applies to all franchises granted or renewed after the effective date of this article, to the extent authorized by applicable law.

(f) Franchise Nontransferable.

(1) Grantee may not sell, transfer, lease, assign, sublet, or dispose of, in whole or in part, either by forced or involuntary sale, or by ordinary sale, contract, consolidation, or otherwise, the franchise or any of the rights or privileges therein granted, without the prior consent of the city council and then only upon such terms and conditions as may be prescribed by the city council, which consent may not be unreasonably denied or delayed. Any attempt to sell, transfer, lease, assign, or otherwise dispose of the franchise without the consent of the city council is null and void. The granting of a security interest in any assets of the grantee, or any mortgage or other hypothecation, will not be deemed a transfer for the purposes of this subsection.

(2) The requirements of subsection (f)(1) of this section apply to any change in control of grantee. The word "control" as used herein is not limited to the ownership of major stockholder or partnership interests, but includes actual working control in whatever manner exercised. If grantee is a corporation, prior authorization of the city council is required where ownership or control of more than ten percent of the voting stock of grantee is acquired by a person or a group of persons acting in concert, none of whom, singularly or collectively, owns or controls the voting stock of the grantee as of the effective date of the franchise.

(3) Grantee must notify the city in writing of any foreclosure or judicial sale of all or a substantial part of the grantee's franchise property, or upon the termination of any lease or other interest covering all or a substantial part of that franchise property. That notification will be considered by the city as notice that a change in control of ownership of the franchise has taken place, and the provisions of this paragraph that require the prior consent of the city council to that change in control of ownership will apply.

(4) For the purpose of determining whether it will consent to an acquisition, transfer, or change in control, the city may inquire as to the qualifications of the prospective transferee or controlling party, and grantee must assist the city in that inquiry. In seeking the city's consent to any change of ownership or control, grantee or the proposed transferee, or both, must complete Federal Communications Commission Form 394 or its equivalent. This application must be submitted to the city not less than one hundred twenty days prior to the proposed date of transfer. The transferee must establish that it possesses the legal, financial and technical capability to operate and maintain the cable system and to comply with all franchise requirements during the remaining term of the franchise. If the legal, financial and technical qualifications of the applicant are satisfactory, the city will consent to the transfer of the franchise. The consent of the city to that transfer will not be unreasonably denied and delayed.

(5) Any financial institution holding a pledge of the grantee's assets to secure the advance of money for the construction or operation of the franchise property has the right to notify the city that it, or a designee satisfactory to the city, will take control of and operate the cable television system upon grantee's default in its financial obligations. Further, that financial institution must also submit a plan for such operation within ninety days after assuming control. The plan must insure continued service and compliance with all franchise requirements during the period that the financial institution will exercise control over the system. The financial institution may not exercise control over the system for a period exceeding one year unless authorized by the city, in its sole discretion, and during that period of time it will have the right to petition the city to transfer the franchise to another grantee.

(6) Grantee must reimburse the city for the city's reasonable review and processing expenses incurred in connection with any transfer or change in control of the franchise. These expenses include, without limitation, costs of administrative review, financial, legal and technical evaluation of the proposed transferee, consultants (including technical and legal experts and all costs incurred by these experts), notice and publication costs, and document preparation expenses. No reimbursement may be offset against any franchise fee payable to the city during the term of the franchise.

(g) Geographical Coverage.

(1) Grantee must design, construct and maintain the cable television system so as to have the capability to pass every dwelling unit in the city, subject to any service-area line extension requirements of the franchise agreement.

(2) After service has been established by activating trunk or distribution cables for any service area, grantee must provide service to any requesting subscriber in that service area within thirty days from the date of request, provided that the grantee is able to secure on reasonable terms and conditions all rights-of-way necessary to extend service to that subscriber within that thirty-day period.

(h) Nonexclusive Franchise. Each franchise granted is nonexclusive. The city specifically reserves the right to grant, at any time, such additional franchises for a cable television system, or any component thereof, as it deems appropriate, subject to applicable state and federal law. If an additional franchise is proposed to be granted to a subsequent grantee, a notice public hearing must first be held in accordance with the provisions of Government Code Section 53066.3.

(i) Multiple Franchises.

(1) The city may grant any number of franchises, subject to applicable state and federal law. The city may limit the number of franchises granted, based upon, but not necessarily limited to, the requirements of applicable law and specific local considerations, such as:

(A) The capacity of the public rights-of-way to accommodate multiple cables in addition to the cables, conduits and pipes of the existing utility systems, such as electrical power, telephone, gas and sewerage;

(B) The benefits that may accrue to subscribers as a result of cable system competition, such as lower rates and improved service;

(C) The disadvantages that may result from cable system competition, such as the requirement for multiple pedestals on residents' property, and the disruption arising from numerous excavations within the public rights-of-way;

(2) The city may require that any new grantee be responsible for its own underground trenching and the associated costs if, in the city's opinion, the rights-of-way in any particular area cannot reasonably accommodate additional cables.

(Ord. 760 § 2 (part), 1998)

5.52.120 Franchise applications and renewal.

(a) Filing of Applications. Any person desiring an initial franchise for a cable television system must file an application with the city. A reasonable nonrefundable application fee in an amount established by resolution of the city council must accompany the application. That application fee will cover all costs associated with reviewing and processing the application, including without limitation costs of administrative review, financial, legal and technical evaluation of the applicant, consultants (including technical and legal experts and all costs incurred by those experts), notice and publication requirements, and document preparation expenses. If those costs exceed the application fee, the applicant must pay the difference to the city within thirty days following receipt of an itemized statement of those costs.

(b) Applications - Contents. An application for an initial franchise for a cable television system must contain, as applicable:

(1) A statement as to the proposed franchise service area;

(2) A resume of the applicant's prior history, including the experience and expertise of the applicant in the cable television and telecommunications industry;

(3) A list of the partners, general and limited, of the applicant, if a partnership, or the percentage of stock owned or controlled by each stockholder, if a closely-held corporation. If the applicant is a publicly-owned corporation, each owner of ten percent or more of the issued and outstanding capital stock must be identified;

(4) A list of officers, directors, and managing employees of the applicant, together with a description of the background of each such person;

(5) The names and addresses of any parent or subsidiary of the applicant, or any other business entity owning or controlling applicant in whole or in part, or that is owned or controlled in whole or in part by the applicant;

(6) A current financial statement of the applicant verified by a certified public accountant or otherwise certified to be true, complete and correct to the reasonable satisfaction of the city;

(7) The proposed construction and service schedule;

(8) Any additional information that the city deems to be reasonably necessary.

(c) Consideration of Initial Applications.

(1) Upon receipt of an application for an initial franchise, the city manager or the city manager's designee must prepare a report and make recommendations to the city council concerning that application.

(2) A public hearing will be noticed prior to any initial franchise grant, at a time and date approved by the city council. Within thirty days after the close of the hearing, the city council will make a decision based upon the evidence received at the hearing as to whether the franchise should be granted, and, if granted, subject to what conditions. The city council may grant one or more franchises, or may decline to grant any franchise.

(d) Franchise Renewal. Franchise renewals will be processed in accordance with then- applicable law. The city and grantee, by mutual consent, may enter into renewal negotiations at any time during the term of the franchise.

(Ord. 760 § 2 (part), 1998)

5.52.130 Contents of cable television franchise agreements.

(a) The terms and provisions of a franchise agreement for the operation of a cable television or related telecommunications services may relate to or include, without limitation, the following subject matters:

(1) The nature, scope, geographical area, and duration of the franchise;

(2) The applicable franchise fee to be paid to the city, including the amount, the method of computation, and the time for payment;

(3) Requirements relating to compliance with and implementation of state and federal laws and regulations pertaining to the operation of the cable television system;

(4) Requirements relating to the construction, upgrade or rebuild of the cable television system, as well as the provision of special services, such as outlets for public buildings, emergency alert capability, and parental control devices;

(5) Requirements relating to the maintenance of a performance bond, a security fund, a letter of credit, or similar assurances to secure the performance of the grantee's obligations under the franchise agreement;

(6) Requirements relating to comprehensive liability insurance, workers' compensation insurance, and indemnification;

(7) Requirements relating to consumer protection and customer service standards, including the resolution of subscriber complaints and disputes and the protection of subscribers' privacy rights;

(8) Requirements relating to the grantee's support of local cable usage, including the provision of public, educational and governmental access channels, the coverage of public meetings and special events, and financial support for governmental access channels;

(9) Requirements relating to construction, operation and maintenance of the cable television system within the public rights-of-way, including compliance with all applicable building codes and permit requirements of the city, the abandonment, removal or relocation of facilities, and compliance with FCC technical standards;

(10) Requirements relating to recordkeeping, accounting procedures, reporting, periodic audits, and performance reviews, and the inspection of grantee's books and records;

(11) Acts or omissions constituting material breaches of or defaults under the franchise agreement, and the applicable penalties or remedies for such breaches or defaults; including fines, penalties, liquidated damages, suspension, revocation and termination;

(12) Requirements relating to the sale, assignment, or other transfer or change in control of the franchise;

(13) The grantee's obligation to maintain continuity of service and to authorize, under certain specified circumstances, the city's operation and management of the cable system;

(14) Such additional requirements, conditions, policies and procedures as may be mutually agreed upon by the parties to the

franchise agreement and that will, in the judgment of city staff and the city council, best serve the public interest and protect the public health, welfare and safety.

(b) If there is any conflict or inconsistency between the provisions of a franchise agreement authorized by the city council and provisions of this Article II, the provisions of the franchise agreement will control.

(Ord. 760 § 2 (part), 1998)

Article III. Open Video Systems

5.52.200 Applicability.

The provisions of this Article III are applicable to an open video system operator, as defined below in Article V of this chapter, that intends to deliver video programming to consumers in the city over an open video system.

(Ord. 760 § 2 (part), 1998)

5.52.210 Application required.

(a) Before commencing the delivery of video programming services to consumers in the city over an open video system, the open video system operator must file an application with the city. That application must include or be accompanied by the following, as applicable:

- (1) The identity of the applicant, including all affiliates of the applicant;
- (2) Copies of FCC Form 1275, all "Notices of Intent" filed under 47 CFR § 76.1503(b)(1), and the order of the FCC, all of which relate to certification of the applicant to operate an open video system in accordance with Section 653(a)(1) of the Communications Act and the FCC's rules;
- (3) The area or areas of the city that the applicant desires to serve;
- (4) A description of the open video system services that will be offered by the applicant over its existing or proposed facilities;
- (5) A description of the transmission medium that will be used by the applicant to deliver the open video system services;
- (6) Information in sufficient detail to establish the applicant's technical qualifications, experience and expertise regarding the ownership and operation of the open video system described in the application;
- (7) Financial statements prepared in accordance with generally accepted accounting principles that demonstrate the applicant's financial ability to:
 - (A) Construct, operate, maintain and remove any new physical plant that is proposed to be constructed in the city,
 - (B) Comply with the city's public, educational and governmental access requirements as specified below in Section 5.52.230(b)(4),
 - (C) Comply with the city's requirement that gross revenue fees be paid in the sum of five percent, as specified below in Section 5.52.230(b)(2);
- (8) An accurate map showing the location of any existing telecommunications facilities in the city that the applicant intends to use, to purchase, or to lease;
- (9) If the applicant's operation of the open video system will require the construction of new physical plant in the city, the following additional information must be provided:
 - (A) A preliminary construction schedule and completion dates,
 - (B) Preliminary engineering plans, specifications, and a network map of any new facilities to be constructed in the city, in sufficient detail to identify:
 - (i) The location and route requested for the applicant's proposed facilities,

- (ii) The locations, if any, for interconnection with the facilities of other telecommunications service providers,
 - (iii) The specific structures, improvements, facilities and obstructions, if any, that the applicant proposes to remove or relocate on a temporary or permanent basis,
- (C) The applicant's statement that, in constructing any new physical plant, the applicant will comply with all applicable ordinances, rules and regulations of the city, including the payment of all required permit and processing fees;
- (10) The information and documentation that is required to be submitted to the city by a video provider, as specified below in subsection (b) of Section 5.52.310;
- (11) Such additional information as may be requested by the city manager;
- (12) A nonrefundable filing fee in an amount established by resolution of the city council.
- (b) If any item of information specified above in subsection (a) of this section is determined under paramount federal or state law to be unlawful, the city manager is authorized to waive the requirement that such information be included in the application.
- (Ord. 760 § 2 (part), 1998)

5.52.220 Review of the application.

Within thirty days after receipt of an application filed under Section 5.52.210 that is deemed to be complete, the city manager will give written notice to the applicant of the city's intent to negotiate an agreement setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the city. The commencement of those negotiations will be on a date that is mutually acceptable to the city and to the applicant.

(Ord. 760 § 2 (part), 1998)

5.52.230 Agreement required.

(a) No video programming services may be provided in the city by an open video system operator unless the operator and the city have executed a written agreement setting forth the terms and conditions under which the operation of the proposed open video system will be authorized by the city.

(b) The agreement between the city and the open video system operator may contain terms and conditions that relate to the following subject matters, to the extent that such terms, conditions, and subject matters are not preempted by federal statute or regulations:

- (1) The nature, scope and duration of the agreement, including provisions for its renewal or extension;
- (2) The obligation of the open video system operator to pay to the city, at specified items, fees on the gross revenues received by the operator, as authorized by 47 CFR § 76.1511, in accordance with the following standards and procedures:
 - (A) The amount of the fees on the gross revenues will be five percent, and will be paid in lieu of the franchise fees permitted under Section 622 of the Communications Act,
 - (B) The term "gross revenues" means: (i) all gross revenues received by an open video system operator or its affiliates, including all revenues received from subscribers and all carriage revenues received from unaffiliated video programming providers, and (ii) all advertising revenues received by the operator or its affiliates in connection with the provision of video programming, where such revenues are included in the calculation of the cable franchise fee paid to the city by the franchised cable operator. The term "gross revenues" does not include revenues, such as subscriber or advertising revenues, collected by unaffiliated video programming providers;
- (3) The obligation of the open video system operator to comply with requirements relating to information collection and recordkeeping, accounting procedures, reporting, periodic audits, and inspection of records in order to ensure the accuracy of the fees on the gross revenues that are required to be paid as specified above in subsection (b)(2) of this section;
- (4) The obligation of the open video system operator to meet the city's requirements with respect to public, educational, and governmental access channel capacity, services, facilities and equipment, as provided for in 47 CFR § 76.1505. In this regard, the

following standards and procedures are applicable:

(A) The open video system operator is subject to the same public, educational, and governmental access requirements that apply within the cable television franchise service area with which its system overlaps,

(B) The open video system operator must ensure that all subscribers receive all public, educational, and governmental access channels within the franchise service area in which the city's subscribers are located,

(C) The open video system operator may negotiate with the city to establish the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities and equipment. These negotiations may include the city's franchised cable operator if the city, the open video system operator, and the franchised cable operator so desire,

(D) If the open video system operator and the city are unable to reach an agreement regarding the operator's obligations with respect to public, educational, and governmental access channel capacity, services, facilities and equipment with the city's jurisdiction, then the following obligations will be imposed:

(i) The open video system operator must satisfy the same public, educational, and governmental access obligations as the city's franchised cable operator by providing the same amount of channel capacity for public, educational, and governmental access and by matching the city's franchised cable operator's annual financial contributions in support of public, educational, and governmental access services, facilities and equipment that are actually used by the city. For in-kind contributions, such as cameras or production studios, the open video system operator may satisfy its statutory obligation by negotiating mutually agreeable terms with the city's franchised cable operator, so that public, educational, and governmental access services to the city are improved or increased. If such terms cannot be agreed upon, the open video system operator must pay to the city the monetary equivalent of the franchised cable operator's depreciated in-kind contribution, or, in the case of facilities, the annual amortization value. Any matching contributions provided by the open video system operator must be used to fund activities arising under Section 611 of the Communications Act,

(ii) The city will impose upon the open video system operator the same rules and procedures that it imposes upon the franchised cable operator with regard to the open video system operator's use of channel capacity designated for public, educational, and governmental access use when that capacity is not being used for such purposes,

(E) The city's franchised cable operator is required under federal law to permit the open video system operator to connect with its public, educational, and governmental access channel feeds. The open video system operator and the franchised cable operator may decide how to accomplish this connection, taking into consideration the physical and technical characteristics of the cable and the open video systems involved. If the franchised cable operator and the open video system operator cannot agree on how to accomplish the connection, the city has the right to decide. The city may require that the connection occur on city-owned property or on public rights-of-way,

(F) All costs of connection to the franchised cable operator's public, educational, and governmental access channel feed must be borne by the open video system operator. These costs will be counted towards the open video system operator's matching financial contributions set forth above in subsection (b)(4)(D)(i) of this section,

(G) The city will not impose upon the open video system operator any public, educational, or governmental access obligations that are greater than those imposed upon the franchised cable operator,

(H) If there is no existing franchised cable operator, the provisions of 47 CFR § 76.1505(d)(6) will be applicable in determining the obligations of the open video system operator,

(I) The open video system operator must adjust its system to comply with new public, educational, and access obligations imposed on the city's franchised cable operator following a renewal of the cable television franchise; provided, however, that the open video system operator will not be required to displace other programmers using its open video system to accommodate public, educational, and governmental access channels. The open video system operator must comply with such new public, educational, and governmental access obligations whenever additional capacity is or becomes available, whether it is due to increased channel capacity or to decreased demand for channel capacity;

(5) If the city and the open video system operator cannot agree as to the application of the FCC's rules regarding the open video system operator's obligations to provide public, educational, and governmental access under the provisions of subsection (b)(4) of this section, then either party may file a complaint with the FCC in accordance with the dispute resolution procedures set forth in 47 CFR § 76.1514. No agreement will be executed by the city until the dispute has been finally resolved;

(6) If the open video system operator intends to maintain an institutional network, as defined in Section 611(f) of the Communications Act, the city will require that educational and governmental access channels be designated on that institutional network to the same extent that those channels are designated on the institutional network of the city's franchised cable operator;

(7) The authority of an open video system provider to exercise editorial control over any public, educational, or governmental use of channel capacity will be restricted in accordance with the provisions of 47 CFR § 76.1505(f);

(8) The obligation of the open video system operator to comply with all applicable federal and state statutes and regulations relating to customer service standards, including the Cable Television and Video Customer Service and Information Act (Government Code Sections 53054, et seq.), and the Video Customer Service Act (Government Code Sections 53088, et seq.);

(9) If a new physical plant is proposed to be constructed within the city, the obligation of the open video system operator to comply with the following rights-of-way use and management responsibilities that are also imposed by the city upon other telecommunications service providers in a nondiscriminatory and competitively neutral manner:

(A) Compliance with all applicable city building and zoning codes, including applications for excavation, encroachment and construction permits and the payment of all required permit and inspection fees,

(B) The coordination of construction requirements,

(C) Compliance with established standards and procedures for constructing lines across private property,

(D) Compliance with all applicable insurance and indemnification requirements,

(E) The repair and resurfacing of construction-damaged streets,

(F) Compliance with all public safety requirements that applicable to telecommunications service providers using public property or public rights-of-way;

(10) Acts or omissions constituting breaches or defaults of the agreement, and the applicable penalties, liquidated damages, and other remedies, including fines or the suspension, revocation or termination of the agreement;

(11) Requirements relating to the sale, assignment or transfer of the open video system;

(12) Requirements relating to the open video system operator's compliance with and implementation of state and federal laws, rules and regulations pertaining to the operation of the open video system;

(13) Such additional requirements, conditions, terms, policies and procedures as may be mutually agreed upon by the city and the open video system operator and that will, in the judgment of the city council, best serve the public interest and protect the public health, welfare and safety.

(Ord. 760 § 2 (part), 1998)

Article IV. Other Telecommunications Services and Systems

5.52.300 Other multichannel video programming distributors.

The term "cable system," as defined in federal law and as set forth in Article V of this chapter, does not include a facility that serves subscribers without using any public rights-of-way. Consequently, the categories of multichannel video programming distributors identified below are not deemed to be cable systems and are therefore exempt from the city's franchise requirements and from certain other local regulatory provisions authorized by federal law, provided that their distribution or transmission facilities do not involve the use of the city's public rights-of-way:

(a) Multichannel multipoint distribution service (MMDS), also known as "wireless cable," which typically involves the transmission by an FCC-licensed operator of numerous broadcast stations from a central location using line-of-sight technology;

(b) Local multipoint distribution service (LMDS), another form of over-the-air wireless video service for which licenses are auctioned by the FCC, and which offers video programming, telephony, and data networking services;

(c) Direct broadcast satellite (DBS), also referred to as "direct-to-home satellite services," which involves the distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without the use of ground receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite. Local regulation of direct-to-home satellite services is further proscribed by the following federal statutory provisions:

(1) 47 U.S.C. § 303(v) confers upon the FCC exclusive jurisdiction to regulate the provision of direct-to-home satellite services,

(2) Section 602 of the Communications Act states that a provider of direct-to-home satellite service is exempt from the collection

or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction on direct-to-home satellite service. The terms "tax" and "fee" are defined by federal statute to mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction.

(Ord. 760 § 2 (part), 1998)

5.52.310 Video providers-Registration-Customer service standards.

(a) Unless the customer protection and customer service obligations of a video provider, as that term is defined in Article V of this chapter, are specified in a franchise, license, lease, or similar written agreement with the city, a video provider must comply with all applicable provisions of the following state statutes:

- (1) The Cable Television and Video Customer Service and Information Act (Government Code Sections 53054, et seq.);
- (2) The Video Customer Service Act (Government Code Sections 53088, et seq.)

(b) All video providers that are operating in the city on the effective date of the ordinance codified in this chapter, or that intend to operate in the city after the effective date of the ordinance codified in this chapter, must register with the city. The registration form must include or be accompanied by the following:

- (1) The video provider's name, address, and local telephone numbers;
- (2) The names of the officers of the video provider;
- (3) A copy of the video provider's written policies and procedures relating to customer service standards and the handling of customer complaints, as required by Government Code Sections 53054, et seq. These customer service standards must include, without limitation, standards regarding the following:
 - (A) Installation, disconnection, service and repair obligations, employee identification, and service call response time and scheduling,
 - (B) Customer telephone and office hours,
 - (C) Procedures for billing, charges, refunds and credits,
 - (D) Procedures for termination of service,
 - (E) Notice of the deletion of a programming service, the changing of channel assignments, or an increase in rates,
 - (F) Complaint procedures and procedures for bill dispute resolution,
 - (G) The video provider's written commitment to distribute annually to the city, and to its employees and customers, a notice describing the customer service standards specified above in subsections (b)(3)(A) through (F) of this section. This annual notice must include the report of the video provider on its performance in meeting its customer service standards, as required by Government Code § 53055.2;
- (4) Unless a video provider is exempt under federal law from its payment, a registration fee in an amount established by resolution of the city council to cover the reasonable costs incurred by the city in reviewing and processing the registration form;
- (5) In addition to the registration fee specified above in subsection (b)(4) of this section, the written commitment of the video provider to pay to the city, when due, all costs and expenses reasonably incurred by the city in resolving any disputes between the video provider and its subscribers, which dispute resolution is mandated by Government Code Section 53088.2(o)
- (c) The city council may establish by ordinance a schedule of monetary penalties for the material breach by a video provider of its obligations under subparagraphs (a) through (n) of Government Code Section 53088.2. As used herein, the term "material breach" means any substantial and repeated failure to comply with the consumer service standards set forth in Government Code Section 53088.2. The provisions of that ordinance must be consistent with the provisions of Government Code Section 53088.2. The schedule of monetary penalties may also impose a penalty, as authorized by Government Code Section 53056(a), for the failure of a video provider to distribute the annual notice required by Government Code Section 53055.1, which penalty may not exceed five hundred dollars for each year in which the notice is not distributed as required by state statute.

(Ord. 760 § 2 (part), 1998)

5.52.320 Antennas for telecommunications services.

Title 10 of this code sets forth the city's regulatory requirements relating to the siting of satellite earth station antennas, also referred to as "satellite dish antennas," which are parabolic or dish-shaped antennas or devices that are designed for over-the-air reception of radio or television broadcast signals, multichannel multipoint distribution service, or direct broadcast satellite services.

(Ord. 760 § 2 (part), 1998)

5.52.330 Telecommunications service provided by telephone corporations.

(a) The city council finds and determines as follows:

(1) The federal Telecommunications Act of 1996 preempts and declares invalid all state rules that restrict entry or limit competition in both local and long-distance telephone service.

(2) The California Public Utilities Commission (CPUC) is primarily responsible for the implementation of local telephone competition, and it issues certificates of public convenience and necessity to new entrants that are qualified to provide competitive local telephone exchange services and related telecommunications service, whether using their own facilities or the facilities or services provided by other authorized telephone corporations.

(3) Section 234(a) of the California Public Utilities Code defines a "telephone corporation" as "every corporation or person owning, controlling, operating, or managing any telephone line for compensation within this state."

(4) Section 616 of the California Public Utilities Code provides that a telephone corporation "may condemn any property necessary for the construction and maintenance of its telephone line."

(5) Section 2902 of the California Public Utilities Code authorizes municipal corporations to retain their powers of control to supervise and regulate the relationships between a public utility and the general public in matters affecting the health, convenience and safety of the general public, including matters such as the use and repair of public streets by any public utility and the location of the poles, wires, mains or conduits of any public utility on, under or above any public streets.

(6) Section 7901 of the California Public Utilities Code authorizes telephone and telegraph corporations to construct telephone or telegraph lines along and upon any public road or highway, along or across any of the waters or lands within this state, and to erect poles, posts, piers or abatements for supporting the insulators, wires, and other necessary fixtures of their lines, in such manner and at such points as not to incommode the public use of the road or highway or interrupt the navigation of the waters.

(7) Section 7901.1 of the California Public Utilities Code confirms the right of municipalities to exercise reasonable control as to the time, place and manner in which roads, highways and waterways are accessed, which control must be applied to all entities in an equivalent manner, and may involve the imposition of fees.

(8) Section 50030 of the California Government Code provides that any permit fee imposed by a city for the placement, installation, repair or upgrading of telecommunications facilities, such as lines, poles or antennas, by a telephone corporation that has obtained all required authorizations from the CPUC and the FCC to provide telecommunications services, must not exceed the reasonable costs of providing the service for which the fee is charged, and must not be levied for general revenue purposes.

(b) In recognition of and in compliance with the statutory authorizations and requirements set forth above in subsection (a) of this section, the following regulatory provisions are applicable to a telephone corporation that desires to provide telecommunications service by means of facilities that are proposed to be constructed within the city's public rights-of-way:

(1) The telephone corporation must apply for and obtain, as may be applicable, an excavation permit, an encroachment permit, or a building permit ("ministerial permit");

(2) In addition to the information required by this code in connection with an application for a ministerial permit, a telephone corporation must submit to the city the following supplemental information:

(A) A copy of the certificate of public convenience and necessity issued by the CPUC to the applicant, and a copy of the CPUC decision that authorizes the applicant to provide the telecommunications service for which the facilities are proposed to be constructed in the city's public rights-of-way,

(B) If the applicant has obtained from the CPUC a certificate of public convenience to operate as a competitive local carrier, the following additional requirements are applicable:

(i) As required by Decision No. 95-12-057 of the CPUC, the applicant must establish that it has timely filed with the city a quarterly report that describes the type of construction and the location of each construction project proposed to be undertaken in the city during the calendar quarter in which the application is filed, which information is sufficient to enable the city to coordinate multiple projects, as may be necessary,

(ii) If the applicant's proposed construction project will extend beyond the utility rights-of-way into undisturbed areas or other rights-of-way, the applicant must establish that it has filed a petition with the CPUC to amend its certificate of public convenience and necessity and that the proposed construction project has been subjected to a full-scale environmental analysis by the CPUC, as required by Decision No. 95-12-057 of the CPUC,

(iii) The applicant must inform the city whether its proposed construction project will be subject to any of the mitigation measures specified in the negative declaration ["Competitive Local Carriers" (CLCs) Projects for Local Exchange Communication Service throughout California] or to the mitigation monitoring plan adopted in connection with Decision No. 95-12-057 of the CPUC. The city's issuance of a ministerial permit will be conditioned upon the applicant's compliance with all applicable mitigation measures and monitoring requirements imposed by the CPUC upon telephone corporations that are designated as competitive local carriers.

(c) In recognition of the fact that numerous excavations in the public rights-of-way diminish the useful life of the surface pavement, and for the purpose of mitigating the adverse impacts of numerous excavations on the quality and longevity of public street maintenance within the city, the following policies and procedures are adopted:

(1) The city manager is directed to ensure that all public utilities, including telephone corporations, comply with all local design, construction, maintenance and safety standards that are contained within, or are related to, a ministerial permit that authorizes the construction of facilities within the public rights-of-way;

(2) The city manager is directed to coordinate the construction and installation of facilities by public utilities, including telephone corporations, in order to minimize the number of excavations in the public rights-of-way. In this regard, based upon projected plans for street construction or renovation projects, the city manager is authorized to establish on a quarterly basis one or more construction time periods or "windows" for the installation of facilities within the public rights-of-way. Telephone corporations and other public utilities that submit applications for ministerial permits to construct facilities after a predetermined date may be required to delay such construction until the next quarterly "window" that is established by the city.

(Ord. 760 § 2 (part), 1998)

Article V. Definitions

5.52.400 Defined terms and phrases.

(a) For the purposes of this chapter, the words, terms, phrases, and their derivations set forth in this Article V have the meanings set forth below. Words used in the present tense include the future tense, and words in the singular include the plural number.

"Affiliate" means, when used in relation to any person, another person who owns or controls, is owned or controlled by, or is under common ownership or control with, such person. For purposes of this definition, the term "own" means to own an equity interest, or its equivalent, of ten percent or more.

"Cable service" means the one-way transmission to subscribers of video programming, or other programming services, and subscriber interaction, if any, that is required for the selection or use of that video programming or other programming service. For the purposes of this definition, "video programming" means programming provided by, or generally considered comparable to programming provided by, a television broadcast station; and "other programming service" means information that a cable system operator makes available to all subscribers generally.

"Cable system," or "cable communications system" or "cable television system," means a facility, consisting of a set of closed transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service that includes video programming and that is provided to multiple subscribers within a community. The term "cable system" does not include:

- (1) A facility that serves only to retransmit the television signals of one or more television broadcast stations;
- (2) A facility that serves subscribers without using any public right-of-way;

(3) A facility of a common carrier that is subject, in whole or in part, to the provisions of Title II of the Telecommunications Act of 1996, except that such facility will be considered a cable system (other than for purposes specified in Section 621(c) of the 1984 Cable Act) to the extent such facility is used in the transmission of video programming directly to subscribers, unless the extent of such use is solely to provide interactive on-demand services;

(4) An open video system that complies with Section 653 of Title VI of the Telecommunications Act of 1996; or

(5) Any facilities of an electric utility that are used solely for operating its electric utility system.

"Cable system operator" means any person or group of persons:

(1) Who provides cable service over a cable system and directly or through one or more affiliates owns a significant interest in that cable system; or

(2) Who otherwise controls or is responsible for, through any arrangement, the management and operation of that cable system.

"City" means the city of La Puente as represented by its city council or by any delegate acting within the scope of its delegated authority.

"____ CFR § ____" means the Code of Federal Regulations. Thus, the citation of "47 CFR 80.1" refers to Title 47, Part 80, Section 1, of the Code of Federal Regulations.

"Communications Act" means the Communications Act of 1934 (47 U.S.C. §§ 151, et seq.), as amended by the Cable Communications Policy Act of 1984, the Cable Television Consumer Protection and Competition Act of 1992, and the Telecommunications Act of 1996.

"FCC" or "Federal Communications Commission" means the federal administrative agency, or any lawful successor, that is authorized to regulate telecommunications services and telecommunications service providers on a national level.

"Franchise" means an initial authorization, or the renewal of an initial authorization, issued by the city council, whether such authorization is designated as a franchise, permit, license, resolution, contract, certificate, agreement, or otherwise, that authorizes the construction or operation of a cable system.

"Franchise fee" means any fee or assessment of any kind that is authorized by state or federal law to be imposed by the city on a grantee as compensation in the nature of rent for the grantee's use of the public rights-of-way. The term "franchise fee" does not include:

(1) Any tax, fee or assessment of general applicability (including any such tax, fee or assessment imposed on both utilities and cable operators or their services);

(2) Capital costs that are required by the franchise to be incurred by grantee for public, educational, or governmental access facilities;

(3) Costs or charges that are incidental to the award or enforcement of the franchise, including payments for bonds, security funds, letters of credit, insurance, indemnification, penalties, or liquidated damages; or

(4) Any fee imposed under Title 17, United States Code.

"Franchise service area" or "service area" means the entire geographic area of the city as it is now constituted, or may in the future be constituted, unless otherwise specified in the ordinance or resolution granting a franchise, or in a franchise agreement.

"Grantee" means any person that is awarded a franchise in accordance with this chapter, and that person's lawful successor, transferee or assignee.

"Gross annual cable service revenues" means the annual gross revenues received by a grantee from all operations of its cable television system within the city, excluding uncollected bad debt, refundable deposits, rebates or credits, and further excluding any sales, excise, or other taxes or charges that are required to be collected for direct pass-through to the local, state or federal government. Revenues identified and collected from subscribers as franchise fees may not be excluded from a grantee's gross annual cable service revenues.

"Gross annual telecommunications service revenues" means the annual revenues received by a grantee from the operation of a cable system to provide telecommunications services other than video programming services.

"Multichannel video programming distributor" or "video programming distributor" means a person such as, but not limited to, a cable

system operator, a multichannel multipoint distribution service, a direct broadcast satellite service, or a television receive-only satellite program distributor, who makes available multiple channels of video programming for purchase by subscribers or customers.

"Open video system" means a facility consisting of a set of transmission paths and associated signal generation, reception, and control equipment that is designed to provide cable service, including video programming, and that is provided to multiple subscribers within the city, provided that the FCC has certified that such system complies with 47 CFR § 1500 et seq., entitled "Open Video Systems."

"Open video system operator" means any person or group of persons who provides cable service over an open video system and directly or through one or more affiliates owns a significant interest in that open video system, or otherwise controls or is responsible for the management and operation of that open video system.

"Person" means an individual, partnership, association, joint stock company, trust, corporation, or governmental entity.

"Public, educational, or government access facilities" or "PEG access facilities," means the total of the following:

- (1) Channel capacity designated for noncommercial public, educational, or government use; and
- (2) Facilities and equipment for the use of that channel capacity.

"Subscriber" or "customer" or "consumer" means any person who, for any purpose, subscribes to the services provided by a multichannel video programming distributor and who pays the charges for those services.

"Street" or "public way" means each of the following that has been dedicated to the public and maintained under public authority or by others and is located within the city limits: streets, roadways, highways, avenues, lanes, alleys, sidewalks, easements, rights-of-way, and similar public property that the city from time to time authorizes to be included within the definition of a street.

"Telecommunications" means the transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

"Telecommunications equipment" means equipment, other than customer premises equipment, used by a telecommunications service provider to provide telecommunications service, including software that is integral to that equipment.

"Telecommunications service" means the offering of telecommunications directly to the public for a fee, or to such classes of users as to be effectively available directly to the public, regardless of the equipment or facilities that are used.

"Telecommunications service provider" means any provider of telecommunications service.

"____ U.S.C. § ____" means the United States Code. Thus, the citation of "47 U.S.C. § 153" refers to Title 47, Section 153, of the United States Code.

"Video programming provider" means any person or group of persons who has the right under the federal copyright laws to select and to contract for the carriage of specific video programming on an open video system.

"Video provider" means any person, company or service that provides one or more channels of video programming to a residence, including a home, condominium, apartment or mobilehome, where some fee is paid for that service, whether directly or as included in dues or rental charges, and whether or not public rights-of-way are used in the delivery of that video programming. A "video provider" includes, without limitation, providers of cable television service, master antenna television, satellite master antenna television, direct broadcast satellite, multipoint distribution services, and other providers of video programming, whatever their technology.

(b) Unless otherwise expressly stated, words, terms and phrases not defined in this Article V will be given their meaning as used in Title 47 of the United States Code, as amended, and, if not defined in that code, their meaning as used in Title 47 of the Code of Federal Regulations.

(Ord. 760 § 2 (part), 1998)

Article VI. Violations-Severability

5.52.500 Violations-Enforcement.

(a) Any person who wilfully violates any provision of this chapter is guilty of a misdemeanor and is punishable as provided for in Chapter 1.08 of Title 1 of this code.

(b) The misdemeanor penalty specified above in subsection (a) of this section is not applicable to a violation of any provision of this chapter for which another sanction or penalty may be imposed under any franchise, license, lease, or similar written agreement between the city and a multichannel video programming distributor or other telecommunications service provider.

(c) The city may initiate a civil action in any court of competent jurisdiction to enjoin any violation of this chapter.

(Ord. 760 § 2 (part), 1998)

5.52.510 Severability.

If any provision of this chapter is determined by any court of competent jurisdiction, or by any federal or state agency having jurisdiction over its subject matter, to be invalid and in conflict with any paramount federal or state law or regulation now or hereafter in effect, or is determined by that court or agency to require modification in order to conform to the requirements of that paramount law or regulation, then that provision will be deemed a separate, distinct, and independent part of this chapter, and such determination will not affect the validity and enforceability of any other provisions. If that paramount federal or state law or regulation is subsequently repealed or amended so that the provision of this chapter determined to be invalid or subject to modification is no longer in conflict with that law or regulation, then that provision will again become effective and will thereafter be binding on the city and any affected telecommunications service provider; provided, however, that the city must give the affected telecommunications service provider thirty days' written notice of that change before requiring compliance with that provision, or such longer period of time as may be reasonably required for the telecommunications service provider to comply with that provision.

(Ord. 760 § 2 (part), 1998)

Chapter 5.54 NEWSRACKS

Sections:

- 5.54.010 Purpose.
- 5.54.020 Definitions.
- 5.54.030 Permit required.
- 5.54.040 Additional information required for application.
- 5.54.050 Insurance.
- 5.54.060 Additional criteria for denial.
- 5.54.070 Denial.
- 5.54.080 Appeal procedure.
- 5.54.090 Newspaper and periodical vending racks.
- 5.54.100 Display of certain matter prohibited.
- 5.54.110 Harmful matter to minors.
- 5.54.120 Impoundment of racks.
- 5.54.130 Return of impounded newsracks.
- 5.54.140 Hearings on impoundment.
- 5.54.150 Appeal after hearing.
- 5.54.160 Violations.

5.54.010 Purpose.

The purpose of this chapter is to establish a comprehensive set of regulations applicable to newsracks on the public streets, sidewalks and other public property. The purpose of this chapter is to advance and improve safety and aesthetics by controlling the number, size, construction, placement and appearance of newsracks without restricting the free dispersal of information guaranteed by the constitutions of the United States and the state of California.

More specifically, the purpose of this chapter is to promote the public peace, morals, health, safety and general welfare by regulating the placement, appearance, servicing and insuring of newsracks so as to protect against the dangers of impairing or distracting the vision of motorists and pedestrians; the hazards of unreasonably interfering with or impeding the flow of pedestrian or vehicular traffic, including ingress into or egress from any residence or place of business, or from the street to the sidewalk by persons exiting or entering parked or standing vehicles; unreasonably interfering with the use of public property for its intended purpose; unduly restricting access to the use of poles, posts, traffic signs or signals, hydrants, mailboxes or locations used for transportation purposes; unsightly structures inconsistent with the intent and purpose of the city's design regulations; neglectful servicing of newsracks resulting in visual blight on public rights-of-way and other public property and detracting from the aesthetics of store window displays, adjacent landscaping and other improvements; reduction in value of surrounding property; unnecessary exposure of the city to personal injury or property damage claims or suits; and public display of harmful or offensive matters. The city council finds and determines that the strong and competing interests of the public and of newspapers and other similar materials require a reasonable accommodation which can only be satisfactorily achieved through the means of this chapter which is designed to accommodate such interests by regulating the time, place and manner of using newsracks. It is not the intent of this chapter to in any way discriminate against, regulate or interfere with the publication, circulation, distribution or dissemination of any publications.

(Ord. 789 § 4 (part), 1999)

5.54.020 Definitions.

For the purpose of this chapter, the following words and phrases shall have the meanings as ascribed to them by this section:

"Director" means the director of community development or his or her designee.

"Newsrack" means any self-service or coin-operated box, container, storage unit, or other dispenser installed, used or maintained for the display or sale of any written or printed material, including, but not limited to, newspapers, news periodicals, magazines, books, pictures, photographs and records.

"Person" means any individual, company, corporation, association, business or other legal entity.

"Sidewalk" means and includes that portion of a street other than a roadway, set apart by curbs, barriers, markings or other delineation for pedestrian travel, other than crosswalks.

"Streets," as used herein, means and includes roads, streets, highways and alleys publicly maintained and open to the use of the public and privately owned and maintained roads and streets generally held open to the public use.

(Ord. 789 § 4 (part), 1999)

5.54.030 Permit required.

No person shall place, affix, erect, construct, or maintain a newsrack on any sidewalk without a permit issued under the provisions of Chapter 5.08 of this title. If any of the provisions of Chapter 5.08 of this title conflict with the provisions of this chapter, the provisions of this chapter shall prevail as to all matters and questions arising out of the subject matter of this chapter.

(Ord. 789 § 4 (part), 1999)

5.54.040 Additional information required for application.

In addition to the information required in Section 5.08.030(a) of this title, an applicant for a newsrack permit shall furnish the following information:

(a) The name, address and telephone number of a responsible person whom the city may notify or contact at any time concerning the applicant's newsrack(s)

(b) The number of newsracks and the exact proposed location of each; and

(c) The names of the newspapers or periodicals to be contained in each newsrack.

(Ord. 789 § 4 (part), 1999)

5.54.050 Insurance.

(a) Unless a time extension is granted in writing by the director, within five business days of approval of the permit, the permittee must file with the director an insurance certificate establishing that the applicant has in force public liability and property damage insurance in the amount of one million dollars to indemnify the city against any personal injury, death, loss or damage resulting from the permittee's activities. The city and its officers, employees and agents shall be named as additional insureds. The policy must include a statement by the insurance carrier that thirty days advance written notice will be given to the city before any cancellation or modification of coverage. The permittee must maintain such insurance for as long as the permittee maintains a newsrack on a city sidewalk. The applicant shall also execute a hold harmless agreement as provided by the city prior to the issuance of any permit.

(b) Upon a showing that the insurance requirements are so financially burdensome that they would constitute an unreasonable burden on First Amendment rights by virtue of the financial circumstances of the applicant, the director may waive or decrease that requirement, as necessary.

(Ord. 789 § 4 (part), 1999)

5.54.060 Additional criteria for denial.

The director shall grant the permit if he or she finds that there is no reason to deny the permit under Section 5.08.060(a) of this title, unless there is a finding that:

(a) The newsrack fails to comply with the provisions of this chapter;

(b) The proposed location of the newsrack creates a substantial obstruction or hazard to vehicular or pedestrian traffic; or

(c) The proposed location of the newsrack is within one hundred eight inches of a location where six newsracks are already in place on a block and approval would violate Section 5.54.090 of this chapter. In such event the applicant, upon request, may be placed on a waiting list. When the proposed location becomes available due to a reduction in the number of newsracks, the applicant will be notified according to its placement on the waiting list and a new application may be submitted at that time.

(Ord. 789 § 4 (part), 1999)

5.54.070 Denial.

If a permit is denied, the applicant shall be notified in writing of the specific basis of such denial by the director.

(Ord. 789 § 4 (part), 1999)

5.54.080 Appeal procedure.

Any final decision of the director may be appealed to the city manager by the applicant. The appeal shall be made in writing, shall be filed within five business days after mailing or personal delivery of a notice of denial or revocation, and shall set forth the specific grounds for the appeal. The city manager, or the city manager's designee, shall hear the aggrieved person or designated representative, receive relevant information and documents, and act on the appeal within three business days of receiving the appeal. The city manager's decision shall be final.

(Ord. 789 § 4 (part), 1999)

5.54.090 Newspaper and periodical vending racks.

No person shall install, use or maintain any newsrack in violation of or contrary to any of the following:

(a) Where said newsrack projects onto, into or any portion of the street, or which rests, wholly or in part, upon, along, or over any portion of such a street;

(b) Where said newsrack in whole or in part rests upon, in, or over any sidewalk publicly owned and maintained by the city, if such installation, use, or maintenance endangers the safety of persons or property, or when such site or location is used for public utility purposes, public transportation purposes, or other governmental use, or when such newsrack unreasonably interferes with, or impedes the flow of pedestrian or vehicular traffic, the ingress into or the egress from any residence, place of business, or any legally parked or stopped vehicles, or the use of poles, posts, traffic signs or signals, hydrants, mailboxes, or other objects permitted at or near said location, or when such newsrack interferes with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery;

(c) Any newsrack which in whole or in part rests upon, in or over any sidewalk publicly owned or maintained by the city shall comply with the following standards:

(1) No newsrack shall exceed fifty-four inches in height, thirty inches in width, or two feet in depth,

(2) Newsracks shall only be placed near a curb or adjacent to a wall of a building. Newsracks placed near the curb shall be placed no less than eighteen inches, nor more than twenty-four inches from the edge of the curb. Newsracks placed adjacent to the wall of a building shall be placed parallel to such wall and not more than six inches from the wall. No newsrack shall be placed or maintained on the sidewalk opposite a newsstand or another newsrack,

(3) Each newsrack shall have a stand or base giving the same stability, and allowing the permanent fixation of said newsrack on the sidewalk, and each such newsrack or combination of newsracks bolted together, as provided in the next subsection, shall be bolted or firmly fastened to the sidewalk in the manner and fashion approved by the director,

(4) Newsracks shall be placed as provided in subdivision (2) of this subsection, and side by side, in even parallel lines with eighteen inches open space being provided between each newsrack; provided, however, that newsracks may be attached one to the other, if no more than three newsracks are joined in this fashion, and a space of not less than eighteen inches separates each group of newsracks so joined together. In addition, no more than six newsracks, whether singly installed or joined together, may be installed and maintained at any one location, unless an open space is maintained between each such grouping of six newsracks equal to one hundred eight inches,

(5) No newsrack shall be chained, bolted or otherwise attached to any property not owned by the owner of the newsrack, except as previously provided;

(d) No newsrack shall weigh in excess of one hundred twenty-five pounds when empty;

(e) No newsrack shall be placed, installed, used or maintained:

(1) Within three feet of any marked crosswalk,

(2) Within fifteen feet of the curb return of any unmarked crosswalk,

(3) Within fifteen feet of any fire hydrant or other emergency facility,

(4) Within three feet of any driveway,

(5) Within three feet ahead of, and fifteen feet to the rear of any sign marking a designated bus stop,

(6) Within three feet of any bus bench,

(7) At any location whereby the clear space for the passage of pedestrians is reduced to less than six feet,

(8) Within three feet of any area improved with lawn, flowers, shrubs or trees, or within three feet of any display window of any building abutting the sidewalk, or in such manner as to impede or interfere with the reasonable use of such window for display purposes,

(9) At any location where the newsrack causes, creates or constitutes a traffic hazard,

(10) Where the newsrack will endanger persons or property,

(11) Where the newsrack will unreasonably interfere with or obstruct the flow of pedestrian or vehicular traffic on the street,

(12) At any location where the newsrack unreasonably obstructs or interferes with access to, or the use and enjoyment of

abutting property;

(f) No such newsrack shall be used for any purpose other than dealing with the display, sale or purchase of the newspaper or periodical therein contained, and no advertising signs, advertising material, or publicity materials or signs shall be placed thereon, with the exception that the face or entrance to the newsrack may state the name of the newspaper or periodical on display or dispensed therefrom;

(g) Such newsrack shall be maintained in a clean and neat condition, and in good repair at all times;

(h) All newsracks placed or maintained on any sidewalk publicly owned and maintained by the city shall be installed and maintained in accordance with the foregoing and pursuant to inspection and approval by the director. Every person who places or maintains a newsrack on said public sidewalks shall have his name, address, telephone number affixed thereto in a place where such information may be easily seen.

(Ord. 789 § 4 (part), 1999)

5.54.100 Display of certain matter prohibited.

No publication offered for sale from any newsrack placed or installed in, maintained on or relocated to any public sidewalk or parkway, shall be displayed or exhibit in any manner which exposes to public view from the street any of the following:

(a) Any statements or words describing explicit sexual acts, sexual organs or excrement, where such statement or words have as their purpose or effect, sexual arousal, gratification or affront.

(b) Any picture or illustration of genitals, pubic hair, perineums, anuses, or anal regions of any person, or any picture or illustration which has as its purpose or effect, sexual arousal, gratification or affront.

(c) Any picture or illustration depicting explicit sexual acts, where such picture or illustration has as its purpose or effect, sexual arousal, gratification or affront. "Explicit sexual acts" means depictions of sexual intercourse, oral copulation, bestiality, sadism, masochism or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of the genitals, where any of the above conduct is depicted or described as being performed alone or between members of the same or opposite sex or between humans and animals or other acts of sexual arousal involving any physical contact with a person's genital, pubic region, pubic hair, perineum, anus or anal region.

(d) For purposes of this section, no publication shall be considered displayed or exhibited if the newsrack in which it is placed is covered on all sides, except for a one inch wide vertical opening for the purpose of indicating the number of remaining publications, by opaque material preventing exposure to public view from the street.

(Ord. 789 § 4 (part), 1999)

5.54.110 Harmful matter to minors.

No person shall knowingly display, exhibit or cause to be exhibited or displayed, in any newsrack any material which is harmful to minors, as defined in California Penal Code Section 313, unless the display of the materials complies with the provisions of Section 3.60.010 of this code.

(Ord. 789 § 4 (part), 1999)

5.54.120 Impoundment of racks.

(a) The director may:

(1) Notwithstanding any other provisions of this chapter, immediately remove and impound any newsrack in violation of this chapter if the violation is creating a dangerous or hazardous condition. Notice of such action and the right to request a hearing in accordance with this chapter shall be mailed to the person, if known, maintaining such newsrack, within five business days after such action;

(2) Notify the person; if known, maintaining a newsrack found in violation of this chapter, either in person, by telephone or by

mail, in the director's discretion, and/or by affixing a notice to the newsrack, that unless the violation is corrected or a hearing requested, within two business days if the notice is in person or by telephone, within five business days if the notice is by mail, or within seven business days if the notice is by affixing a notice to the newsrack, of the date of the notice, the newsrack will be impounded;

(3) Impound any newsrack in accordance with the decision of any hearing requested pursuant to this chapter.

(b) If a hearing on the impounding of the newsrack is not timely requested or if the newsrack is not returned in accordance with the provisions of this chapter, the director may sell or otherwise dispose of the newsrack, and its contents, and deposit the proceeds, if any, from any such sale or other disposition, and any moneys contained in said newsrack, in the city general fund.

(Ord. 789 § 4 (part), 1999)

5.54.130 Return of impounded newsracks.

(a) Unless the newsrack and its contents are being held as evidence in a criminal prosecution, the person maintaining the newsrack, or if there is no such known person, a claimant who provides sufficient proof of ownership of an impounded newsrack may, at any time up to and including the thirtieth day after the impounding, and if a hearing pursuant to this chapter is held concerning the newsrack, may, at any time up to and including the thirtieth day after the decision at such hearing becomes final, obtain a return of the newsrack and its contents, upon paying an impound fee of twenty-five dollars plus the city's reasonable additional cost, if any, of impounding the newsrack in excess of twenty-five dollars.

(b) The director may, after a hearing in accordance with this chapter, order the newsrack returned without payment of any impound fee; or if an impound fee has previously been paid, may order return of any such impound fee.

(c) A court before whom criminal charges concerning an impounded newsrack are pending, may, upon dismissal of the charges or a finding of acquittal, in its discretion order an impounded newsrack returned without payment of an impound fee or the return of the impound fee paid.

(Ord. 789 § 4 (part), 1999)

5.54.140 Hearings on impoundment.

(a) Request for Hearing. Any permittee or person maintaining a newsrack found in violation of this chapter may, at any time within thirty days of the alleged violation, request in writing a hearing before the city manager or his or her designee.

(b) Stay Pending Decision. A timely request for a hearing made prior to any impounding shall operate to stay any impounding until five business days after the decision is rendered, unless further stayed pending any appeal therefrom.

(c) Conduct of Hearing. A hearing shall be held, unless continued by agreement, within five business days of the request for a hearing. At the hearing, any person may present evidence or argument as to whether the newsrack was in violation of this chapter or whether the newsrack should be returned without payment of an impound fee.

(d) Decision. A decision shall be rendered within five business days after the close of the hearing.

(e) Notice of Decision. The city manager or his or her designee may give oral notice of the decision at the close of the hearing and shall send notice of the decision by mail.

(Ord. 789 § 4 (part), 1999)

5.54.150 Appeal after hearing.

(a) Appeal. Any person who requested a hearing, within five business days after notice of the decision is given pursuant to this chapter, may appeal such decision to the city council.

(b) Contents of Appeal. The appeal shall be in writing, shall state the legal and factual basis upon which the appeal is to be based, and shall be filed with the city clerk, who shall immediately forward the appeal, together with a copy of the decision, to the city council.

(c) Stay Pending Appeal. A timely appeal of the decision shall operate to stay any impounding pending action taken on the appeal by the city council pursuant to this section.

(d) Action by Council. Within thirty business days following receipt of the appeal and decision, and as soon as practical, the city council may take any one of the following actions:

- (1) Grant a stay of the decision or any impounding pending further consideration by the city council;
- (2) Approve the decision and order;
- (3) Refer the matter back to the city manager with or without instructions;

(4) Set the matter for public hearing before itself. Such public hearing shall be held de novo as if no hearing previously had been held.

(e) Stay Pending Action by Council. Action taken by the city council pursuant to subsections (d)(3) or (d)(4) of this section shall operate to stay the decision or any impounding pending final resolution of the issues of whether the newsrack was in violation of this chapter or whether the newsrack should be returned without payment of an impound fee.

(f) Effective Date of Council Action. Action taken by the city council pursuant to subsection (d)(2) of this section shall be effective two business days after said action is taken.

(Ord. 789 § 4 (part), 1999)

5.54.160 Violations.

A violation of this chapter is a misdemeanor which is punishable as set forth in Section 1.08.040 of this code. The provisions of this chapter shall not limit any other remedy authorized by law.

(Ord. 789 § 4 (part), 1999)

Chapter 5.56

VIDEO SERVICE PROVIDED BY STATE FRANCHISE HOLDERS

Sections:

- 5.56.010 Purpose and applicability.
- 5.56.020 Definitions.
- 5.56.030 Franchise fee for state franchise holders.
- 5.56.040 Public, educational and government channels.
- 5.56.050 Payment of fees.
- 5.56.060 Customer service penalties for state franchise holders.
- 5.56.070 Appeal process for customer service penalties.
- 5.56.080 Public right-of-way
- 5.56.090 Authority to examine and audit business records.
- 5.56.100 Environmental review.
- 5.56.110 Emergency alert system.
- 5.56.120 Non-discriminatory video service.

5.56.010 Purpose and applicability.

The purpose of this chapter is to set forth regulations for the provision of video service by state franchise holders, in accordance with the Digital Infrastructure and Video Competition Act, California Public Utilities Code section 5800 et seq ("DIVCA"). This chapter shall apply only to video service providers issued a state franchise to serve any area within the city by the California Public Utilities

Commission ("CPUC") pursuant to DIVCA.

(Ord. 08-871 § 1 (part), 2008)

5.56.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"Cable service" shall have the meaning given that term by the California Public Utilities Code section 5830(c) or its successor.

"City" means the City of La Puente.

"City Council" shall mean the City Council of the city.

"Encroachment permit" shall have the meaning given that term by the California Public Utilities Code section 5885(c)(1) or its successor.

"Franchise" shall have the meaning given that term by the California Public Utilities Code section 5830(f) or its successor.

"Franchise fee" shall have the meaning given that term by the California Public Utilities Code section 5830(g) or its successor.

"Gross revenues" shall have the meaning given that term by the California Public Utilities Code section 5860 or its successor.

"Holder" shall have the meaning given that term by the California Public Utilities Code section 5830(i) or its successor.

"Incumbent cable operator" shall have the meaning given that term by the California Public Utilities Code section 5830(j) or its successor.

"Lead agency" shall have the meaning given that term by the California Public Resources Code section 21067 or its successor.

"Local franchise" shall mean a cable television franchise, permitting the incumbent cable operator to own, operate, and maintain a cable system and provide cable services within the city, issued by the City prior to December 31, 2006.

"Material breach" shall have the meaning given that term by the California Public Utilities Code section 5900(j) or its successor.

"Network" shall have the meaning given that term by the California Public Utilities Code section 5830(l) or its successor.

"PEG channels" means "public, educational, and governmental access channels" as that term is defined in Public Utilities Code section 5870.

"Public right-of-way" shall have the meaning given that term by the California Public Utilities Code section 5830(o) or its successor.

"State franchise" shall have the meaning given that term by the California Public Utilities Code section 5830(p) or its successor.

"Video service" shall have the meaning given that term by the California Public Utilities Code section 5830(s) or its successor.

(Ord. 08-871 § 1 (part), 2008)

5.56.030 Franchise fee for state franchise holders.

Each state franchise holder shall remit to the city a franchise fee in the amount of five percent of the gross revenues of the state franchise holder in compliance with California Public Utilities Code sections 5840(q) and 5860.

(Ord. 08-871 § 1 (part), 2008)

5.56.040 Public, educational, and government channels.

(a) Each state franchise holder shall remit to the city a fee to support PEG channel facilities in the amount of one percent of the gross revenues of the state franchise holder. All revenue collected pursuant to this fee shall be deposited in a separate fund and shall only be expended for the purpose of supporting PEG channel facilities.

(b) Each payment of the fee established in subsection (a) of this section delivered to the city shall be accompanied by a summary report explaining the basis for the calculation of the payment, reflecting the total amount of gross revenues for the remittance period and all payments, deductions and computations used to determine the amount of the quarterly remittance. The City Manager may establish, and from time to time revise, such additional reporting requirements as are necessary to ensure that the basis for the calculation of the amount of remittance is adequately explained and documented, and each state franchise holder shall comply with such additional reporting requirements provided that each state franchise holder shall have first been provided written notice at least fifteen days prior to the beginning of the remittance period.

(c) All obligations, existing on December 31, 2006, to provide and support PEG channel facilities and institutional networks and to provide cable services to community buildings contained in a local franchise, shall continue until October 31, 2014 pursuant to California Public Utilities Code section 5870.

(d) Each state franchise holder shall designate a sufficient amount of capacity on its network to allow the provision of PEG channels in accordance with California Public Utilities Code section 5870. Each state franchise holder shall have three months from the date the city requests the PEG channels to designate the capacity. The three (3) month period shall be tolled by any period during which the designation or provision of PEG channel capacity is technically infeasible.

(e) Notwithstanding California Public Utilities Code section 5879(n), upon the expiration of any state franchise, without any action of the City Council, this section shall be deemed to have been automatically reauthorized, unless the state franchise holder has given the City Manager and the City Council written notice sixty days prior to the expiration of its state franchise that the section will expire pursuant to the terms of California Public Utilities Code Section 5879(n).

(f) This section shall be enforced, and disputes regarding this section shall be resolved, pursuant to California Public Utilities Code section 5870.

(Ord. 08-871 § 1 (part), 2008)

5.56.050 Payment of fees.

(a) Each state franchise holder shall pay the franchise fee established in Section 5.56.030 and the PEG channel facilities fee established in Section 5.56.040.(a) on a quarterly basis in a manner consistent with California Public Utilities Code section 5860.

(b) Each state franchise holder shall deliver to the city by check, or other means agreeable to the City Manager, a separate payment for the franchise fee established in Section 5.56.030 and the PEG channel facilities fee established in Section 5.56.040.(a) not later than forty-five days after the end of each calendar quarter.

(c) If any state franchise holder fails to remit the franchise fee established in Section 5.56.030 or the PEG channel facilities fee established in Section 5.56.040.(a) when due, the state franchise holder shall remit to the city a late payment charge at the rate per year equal to the highest prime lending rate during the period of delinquency plus one percent.

(Ord. 08-871 § 1 (part), 2008)

5.56.060 Customer service penalties for state franchise holders.

(a) In accordance with California Public Utilities Code Section 5900 or its successor, the City Council may from time to time adopt, by resolution, a schedule of penalties for any material breach by a state franchise holder.

(b) The City Manager shall have the authority to assess penalties for any material breach by a state franchise holder. Prior to assessing penalties for a material breach, the City Manager shall first provide the state franchise holder with a written notice of any alleged material breach of the customer service provisions set forth in California Public Utilities Code Section 5900 and shall allow the state franchise holder at least thirty days from receipt of the notice to remedy the specified material breach. In the event that a specified material breach has not been remedied following the City Manager's assessment of penalties in the maximum amount permitted per occurrence, the City Manager, after providing a subsequent written notice of the alleged material breach, may treat the continuing occurrence as a subsequent material breach.

(c) Pursuant to California Public Utilities Code Section 5900, any penalty remitted to the city by a state franchise holder for a material breach of the customer service provisions set forth in California Public Utilities Code Section 5900 shall be split in half, and the city shall submit one half of the penalty amount to the Digital Divide Account established by California Public Utilities Code Section 280.5.

(Ord. 08-871 § 1 (part), 2008)

5.56.070 Appeal process for customer service penalties.

Any state franchise holder may appeal any customer service penalty assessed pursuant to Section 5.56.060 according to the administrative hearing procedure set forth in Chapter 1.12 of Title 1 of the La Puente Municipal Code. Judicial review of any resulting decision of the hearing officer may be sought by any interested person in a court of competent jurisdiction pursuant to California Public Utilities Code Section 5900.

(Ord. 08-871 § 1 (part), 2008)

5.56.080 Public right-of-way.

(a) Each state franchise holder that desires to provide video services by means of a network proposed to be constructed within the city's public right-of-way shall comply, to the extent permitted by law, with the regulatory provisions applicable to telecommunication corporations set forth in subsections (b) and (c) of Section 5.52.330 of Chapter 5.52 of Title 5 of the La Puente Municipal Code. In addition to such regulatory provisions, the following shall apply to each state franchise holder applying for an encroachment permit:

(1) Any encroachment permit application submitted by a state franchise holder shall be approved or denied within sixty days of receipt by the city of a completed application. An application for an encroachment permit is complete when the state franchise holder has complied with all statutory requirements, including CEQA, pursuant to California Public Utilities Code Section 5885.

(2) The sixty-day time period for approval or denial of an encroachment permit application may be extended if mutually agreed to in a written agreement between the state franchise holder and the city.

(3) Any denial of an encroachment permit application submitted to any state franchise holder by the city shall be written and shall include a detailed explanation of the reason for the denial.

(4) Any state franchise holder may appeal a denial of an encroachment permit application to the City Council.

(Ord. 08-871 § 1 (part), 2008)

5.56.090 Authority to examine and audit business records.

(a) The City Manager is hereby authorized to examine and audit once per year the business records of any state franchise holder relating to gross revenues in a manner consistent with California Public Utilities Code Section 5860.

(b) All state franchise holders shall keep and maintain all business records reflecting any gross revenues, regardless of change in ownership, for at least four years after those gross revenues are recognized by the state franchise holder on its books and records pursuant to California Public Utilities Code Section 5860.

(c) If the state franchise holder has underpaid the franchise fee established by Section 5.56.030 by more than five percent, the state franchise holder shall pay the reasonable and actual costs of the examination and audit. If the state franchise holder has not underpaid the franchise fee established in Section 5.56.030, the city shall pay the reasonable and actual costs of the examination and audit. If the state franchise holder, however, has underpaid the franchise fee established by Section 5.56.030 by five percent or less, the state franchise holder and the city shall each bear their own costs of the examination and audit.

(Ord. 08-871 § 1 (part), 2008)

5.56.100 Environmental review.

The city shall serve as the lead agency for any environmental review under DIVCA. The city may impose conditions to mitigate environmental impacts of any state franchise holder's use of the public rights-of-way that may be required pursuant to the California Environmental Quality Act, California Public Resources Code Sections 21000 et seq. ("CEQA").

5.56.110 Emergency alert system.

(a) All state franchise holders shall comply with the Emergency Alert System requirements of the Federal Communications Commission in order that emergency messages may be distributed over all state franchise holders' networks.

(b) All provisions contained in a local franchise existing within the City on December 31, 2006 authorizing the city access and use of the Emergency Alert System shall remain in effect and shall apply to any state franchise holders until October 31, 2014.

(Ord. 08-871 § 1 (part), 2008)

5.56.120 Non-discriminatory video service.

Each state franchise holder is prohibited from discriminating against or denying access to service to any group of potential residential subscribers within the city because of the income of the residents in the local area in which the group resides. This requirement may be satisfied pursuant to California Public Utilities Code section 5890 or its successor. The City may bring complaints to the CPUC that a state franchise holder is not offering video services as required by California Public Utilities Code Section 5890.

(Ord. 08-871 § 1 (part), 2008)

Chapter 5.58

MEDICAL MARIJUANA COOPERATIVES OR COLLECTIVES

Sections:

- 5.58.010 Applicability.
- 5.58.020 Definitions.
- 5.58.030 Permit, business licenses, sales tax, and seller's permits for medical marijuana cooperative or collective.
- 5.58.040 Application for medical marijuana cooperative or collective.
- 5.58.050 Director review and action on the permit.
- 5.58.060 Term of the permit; expiration and renewal; limit on permits.
- 5.58.070 Nontransferable.
- 5.58.080 Operational and performance standards.
- 5.58.090 Membership application and verification.
- 5.58.100 Permit modification, suspension and revocation procedure.
- 5.58.110 Appeals.
- 5.58.120 Violation and enforcement.

Cross-reference:

Prohibition of medical marijuana cooperatives or collectives, see Chapter 10.42

5.58.010 Applicability.

The regulations, requirements and criteria established in this chapter shall apply to any site, facility, location, entity, dispensary, cooperative or collective in the city of La Puente that distributes, dispenses, stores, exchanges, processes, delivers, gives away, transmits, cultivates or otherwise offers marijuana for medical purposes to qualified patients, health care providers, persons with identification cards, patients' primary caregivers, or physicians, pursuant to Health and Safety Code §§ 11362.5, 11362.7 - 11362.83 or any state regulations adopted in furtherance thereof. Nothing in this section shall be interpreted to conflict with provisions of Health and Safety Code § 11362.5 (Compassionate Use Act) and Health and Safety Code § 11362.7 *et seq.* (Medical Marijuana Program). Any medical marijuana cooperative or collective, as defined in Section 5.58.020 of this chapter, operating in the city pursuant to a valid

business license issued under Chapter 5.04 of the code prior to February 12, 2010, shall comply with the operational and membership regulations of this chapter, immediately upon the effective date of this chapter.

(Ord. 10-902 § 2, 2010; Ord. 10-901 § 2, 2010; Ord. 09-983 § 2, 2010)

5.58.020 Definitions.

For the purposes of this chapter, the words set out in this section shall have the following meanings:

"City" means the city of La Puente.

"Code" means La Puente municipal code.

"Conviction" means a plea or verdict of guilty, or a conviction following a plea of nolo contendere.

"Director" means the city of La Puente community development director, or his/her designee.

"Guidelines" means the "Guidelines For The Security and Non-Diversion of Marijuana Grown for Medical Use" issued by the California Attorney General in August 2008 or as such guidelines may be amended from time to time.

"Medical marijuana" means marijuana authorized in strict compliance with Health and Safety Code §§ 11362.5, 11362.7 et seq., or as such sections may be amended from time to time.

"Medical marijuana cooperative or collective" means a collective, cooperative, association or similar entity that cultivates, distributes, dispenses, stores, exchanges, processes, delivers, makes available, transmits or gives away marijuana in the city for medicinal purposes to qualified patients, persons with an identification card or primary caregivers pursuant to Health and Safety Code §§ 11362.5, 11362.7 - 11362.83 and/or the guidelines, or as these laws may be amended from time to time.

"Member" means a qualified patient, person with an identification card or primary caregiver who is a member in good standing of the medical marijuana collective or cooperative.

"Person with an identification card" shall have the meaning given that term by Health and Safety Code § 11362.7 or as such section may be amended from time to time.

"Permit" means a medical marijuana cooperative or collective permit, as authorized by this chapter.

"Permittee" means any person, group, association, cooperative or collective issued a permit pursuant to this chapter.

"Primary caregiver" shall have the meaning given that term by Health and Safety Code § 11362.7 or as such section may be amended from time to time.

"Qualified patient" shall have the meaning given that term by Health and Safety Code § 11362.7 or as such section may be amended from time to time.

"State law" means Compassionate Use Act, as codified in Health and Safety Code § 11362.5 and Medical Marijuana Program Act, as codified in §§ 11362.7 et seq. or as such acts may be amended from time to time.

"Zoning code" means Title 10 (zoning) of the code.

(Ord. 10-902 § 3, 2010; Ord. 10-901 § 3, 2010; Ord. 09-983 § 2, 2010)

5.58.030 Permit, business licenses, sales tax, and seller's permits for medical marijuana cooperative or collective.

(a) Prior to initiating operations or establishing, and as a continuing prerequisite to conducting legally valid operations, any person, association, cooperative, collective or entity wishing to operate a medical marijuana cooperative or collective shall apply for and receive from the city a permit for operation of a medical marijuana cooperative or collective, pursuant the terms and conditions set forth in this chapter.

(b) Medical marijuana cooperative or collective shall also apply for and maintain business license pursuant to Chapter 5.04 of the code, as a prerequisite to operating a medical marijuana collective or cooperative in the city. Additionally, medical marijuana cooperative or collective shall comply with all applicable provisions of the code, zoning code and state laws.

(c) The state board of equalization has determined that medical marijuana transactions are subject to sales tax, regardless of whether the individual or group makes a profit, and those engaging in transactions involving medical marijuana must obtain a seller's permit from the state board of equalization, or other applicable state agency.

(Ord. 09-983 § 2, 2010)

5.58.040 Application for medical marijuana cooperative or collective.

(a) Application for a permit shall be filed with the director, as provided in this section.

(b) The application for a permit shall include:

(1) A warning that members of this collective or cooperative may be subject to prosecution under federal laws.

(2) The applicant's agreement, in a form approved by the city attorney, to waive and release the city from any and all legal liability related to or arising from the application for permit or business license, the issuance of a permit or business license, or the enforcement of the conditions of the permit, and/or the operation of any medical marijuana cooperative or collective.

(c) The application shall be filed on a form, signed by the applicant under penalty of perjury, shall contain such information as is requested by the city, and shall comply with the following requirements:

(1) The applicant for medical marijuana cooperative or collective shall be at least eighteen years old.

(2) The application shall include a complete description of the type, nature and extent of the enterprise to be conducted and for which application is made, with evidence that the enterprises is either a "cooperative" or "collective", as set forth in the guidelines. The requirements, standards and criteria of the guidelines are as follows:

(A) *Statutory cooperatives:* A cooperative must file articles of incorporation with the state and conduct its business for the mutual benefit of its members. (Corporations Code §§ 12201, 12300.) No business may call itself a "cooperative" (or "co-op") unless it is properly organized and registered as such a corporation under the Corporations or Food and Agricultural Code. (*Id.* at § 12311(b).) Cooperative corporations are "democratically controlled and are not organized to make a profit for themselves, as such, or for their members, as such, but primarily for their members as patrons." (*Id.* at § 12201.) The earnings and savings of the business must be used for the general welfare of its members or equitably distributed to members in the form of cash, property, credits, or services. (*Id.*) Cooperatives must follow strict rules on organization, articles, elections and distribution of earnings, and must report individual transactions from individual members each year. (*Id.* at § 12200 *et seq.*) Agricultural cooperatives are likewise nonprofit corporate entities "since they are not organized to make profit for themselves, as such, or for their members, as such, but only for their members as producers." (Food and Agricultural Code § 54033.) Agricultural cooperatives share many characteristics with consumer cooperatives. (See, e.g. *Id.* at § 54002 *et seq.*) Cooperatives should not purchase marijuana from, or sell to, non-members; instead, they should only provide a means for facilitating or coordinating transactions between members.

(B) *Collectives:* California law does not define collectives, but the dictionary defines them as "a business, farm, etc., jointly owned and operated by the members of a group." (Random House Unabridged Dictionary, Random House, Inc.© 2006.) Applying this definition, a collective should be an organization that merely facilitates the collaborative efforts of patient and caregiver members - including the allocation of costs and revenues. As such, a collective is not a statutory entity, but as a practical matter it might have to organize as some form of business to carry out its activities. The collective should not purchase marijuana, but should facilitate or coordinate transactions between members.

(3) The address of the location from which the cooperative or collective will be operated, and a copy of a lease signed by the owner or duly authorized agent of the property, authorizing allowing the applicant to occupy the property as a medical marijuana collective or cooperative. The property owner must authorize the application for a medical marijuana collective or cooperative in writing, and provide his/her name, address, and telephone number of where he/she may be reached for verification of the lease.

(4) The application shall include the name and address of the applicant for the medical marijuana cooperative or collective for which application is made, as well as the applicant's previous addresses for the past five years immediately prior to the present address of the applicant.

(5) The application shall include all business, occupation or employment of the applicant for the five years immediately preceding the date of the application.

(6) The application shall include a plan of operations describing how the medical marijuana cooperative or collective will operate consistent with the state law, the provisions of this chapter and the guidelines, including but not limited to:

(A) Ensuring that medical marijuana is not distributed, transmitted, dispensed, cultivated, exchanged, delivered or otherwise offered by the medical marijuana cooperative or collective in a manner that would generate a profit;

(B) Controls or measures intended to ensure medical marijuana will be dispensed, transmitted, delivered, offered, cultivated to and exchanged with members only;

(C) Controls or measures intended to ensure that access to the medical marijuana cooperative or collective premises is adequately monitored and restricted only to members; and

(D) Independent verification methods for ensuring that a potential member and/or member is a qualified patient, person with identification card or a primary caregiver.

(7) The application shall include a sketch or diagram showing the interior configuration of the premises. The sketch or diagram need not be professionally prepared, but must be drawn to a designated scale or drawn with marked dimensions of the interior of the premises to an accuracy of plus or minus six inches denoting the following:

(A) Waiting area;

(B) Dispensing area;

(C) Location of storage area:

(D) Separate air handling/HVAC system for the lease space. Neither the ventilation system for the lease space/premise nor the air handling/HVAC controls are to be shared with another lease space;

(E) Exterior lighting;

(F) Restrooms; and

(G) Signage plan (both interior and exterior).

(8) The application shall include a security plan including the following measures;

(A) Security cameras shall be installed and maintained in good condition, and used in an on-going manner with at least one hundred twenty concurrent hours of digitally recorded documentation in a format approved by the Los Angeles County sheriff's department. The cameras shall be in use twenty-four hours per day, seven days per week. The areas to be covered by the security cameras include, but are not limited to, the dispensing areas, storage areas, all doors and windows to the medical marijuana cooperative or collective, all parking areas, and any other areas as determined by the Los Angeles County sheriff's department.

(B) The premises shall be equipped with an alarm system that is operated and monitored by an alarm company properly licensed by the California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with California Business and Professions Code § 7590 *et seq.* and whose agents are also properly licensed and registered under the provisions of said sections of the Business and Professions Code.

(9) Any applicant for a permit shall complete a background check and shall provide the following information, to enable the Los Angeles County sheriff's department to perform the background check:

(A) The name, address, phone number, and fingerprints of the applicant;

(B) A list of each criminal conviction of the applicant, whether such conviction was by verdict, plea of guilty, or plea of nolo contendere. The list shall, for each such conviction, set forth the date of arrest, the offense charged, and the offense of which the applicant was convicted; and

(C) Such other information as may be required by the director or Los Angeles County sheriff's department for the purpose of completing the background check required by this section.

(10) The application shall include a written statement by the applicant that he/she certifies under penalty of perjury that the applicant has the consent of the property owner to operate a medical marijuana cooperative or collective at the premises.

(11) The application shall include a statement by the applicant that he/she certifies under penalty of perjury that all information contained in the application is true and correct.

(12) The application shall include any other information that is deemed necessary for the director to complete the investigation and determine compliance with this chapter, the code, zoning code and applicable state law.

- (13) The application shall be accompanied by a nonrefundable fee in an amount prescribed by resolution of the city council.
(Ord. 09-983 § 2, 2010)

5.58.050 Director review and action on the permit.

(a) The completeness of an application for a permit shall be determined by the director within fifteen city business days of its submittal. If the director determines that the permit application is incomplete, the director shall notify in writing the applicant of such fact and the reasons therefor, including any additional information necessary to render the application complete. The director's notice of incomplete application shall be deposited in the U.S. mail, postage prepaid. The application shall be deemed abandoned if, within ten days from the date of depositing the notice of incomplete application in the U.S. mail, postage prepaid, application is not received by the city with all of its defects entirely corrected.

(b) Once a completed application is filed, and applicant pays all applicable fees, the director shall initiate an investigation of facts for the permit with the appropriate city and county agencies designated to review such application. This investigation and review shall be ensure that the action on each permit application is consistent with the intent, purpose and requirement of this chapter. Guidelines, applicable provisions of the code and zoning code and state law.

(c) Upon completion of investigation, the director shall review and either approve, conditionally approve or deny the application for a permit, as provided in this chapter.

(d) Director may approve an application for permit, if the director determines that the proposed medical marijuana cooperative or collective complies with all of the requirements of this chapter, the applicable provisions of the guidelines, the code, state law and zoning code, and none of the grounds for denial, as set forth in subsection (e) below are present. If the application is granted, the director shall attach to the application a permit and notify the applicant, as provided in subsection (g) below.

(e) The director shall deny an application for a permit based on any of the following grounds:

(1) If the proposed medical marijuana cooperative or collective fails to show compliance with any of the requirements of this chapter, applicable code and zoning code regulations, guidelines and state law;

(2) If applicant fails to demonstrate that the proposed medical marijuana cooperative or collective, as a "cooperative" or a "collective", permitted under state law, Guidelines and set forth in Section 5.58.040(c)(2);

(3) If applicant fails to demonstrate or comply with any of the requirements of Sections 5.58.040, 5.58.050, 5.58.090, 5.58.100 of this chapter;

(4) If the medical marijuana cooperative or collective fails to comply with any of the operational and/or performance standards set forth in Sections 5.58.090 and 5.58.100;

(5) If the applicant has knowingly made any false, misleading, or fraudulent statement of material fact in the application or in any report or document required to be filed with the application for the permit;

(6) If the applicant is not at least eighteen years of age;

(7) If the applicant fails to pay the application fees;

(8) If the applicant has had a prior permit revoked by the city within the previous calendar year;

(9) If the applicant has committed acts which would constitute a felony or which would constitute a crime, or the conviction thereof, if the crime is substantially related to the qualifications, functions, or duties for operation of medical marijuana cooperative or collective. Notwithstanding the above, an applicant shall not be denied solely on the basis that the applicant has been convicted of a felony if the applicant has obtained a certificate of rehabilitation under California law or that the applicant has been convicted of a misdemeanor if the applicant has met all applicable requirements of rehabilitation pursuant to California law;

(10) If the applicant, his/her agent or any person exercising managerial authority on behalf of the applicant has committed any act involving dishonesty, fraud or deceit with intent to substantially benefit him/her self, or another, or substantially injure another, or illegal use, possession, distribution or similar action relating to illegal drugs or controlled substances. Notwithstanding the above, an applicant shall not be denied solely on the basis that the applicant has been convicted of a felony if the applicant has obtained a certificate of rehabilitation under California law or that the applicant has been convicted of a misdemeanor if the applicant has met all applicable requirements of rehabilitation pursuant to California law;

(11) If the building, structure, premises, or the equipment used to conduct, establish and/or operate medical marijuana cooperative or collective fails to comply with all applicable health, zoning, fire, building and safety laws of the state of California or the city;

(12) If the applicant, his/her agent or employee, or any person connected or associated with the applicant as partner, director, officer, associate or manager, has committed, assisted in, or incited the commission of any act, or act of omission, which would be grounds for disciplinary action under this chapter if committed by the applicant (or in case of renewal, permittee);

(13) If the permittee has failed to pay business license fee, as required by Chapter 5.04 of the code; or

(14) The applicant has been subject to enforcement actions by another state governmental agency in connection with his or her operation of a similar business activity for which the permit is being sought.

(f) If the application for a permit is denied, the director shall prepare a notice of his/her decision, together with reasons for the denial based on the grounds set forth above.

(g) In approving a permit or renewal of a permit, the director may impose reasonable terms and condition on the proposed operation of medical marijuana cooperative or collective, consistent with the requirements of this chapter, guidelines, state law or to preserve or preserve public health, safety and welfare.

(h) The notice of director's decision shall be mailed to the applicant at the address provided on the application and by depositing the notice in U.S. mail, postage prepaid, within five city business days of such decision.

(i) Any interested person may appeal the decision of the director to the city council, pursuant to provisions of Section 5.58.110.

(Ord. 09-983 § 2, 2010)

5.58.060 Term of the permit; expiration and renewal; limit on permits.

(a) Unless suspended or revoked, the term and renewal of a permit shall be governed by this chapter. A permit issued pursuant to this chapter shall be valid for one year.

(b) Applications for renewal of a permit shall be processed in accordance with the procedures governing initial applications as specified in this chapter. Complete applications for renewal shall be made at least forty-five calendar days before the annual expiration of the permit, and shall be accompanied by a nonrefundable renewal fee, as established by a resolution of the city council. Applications for renewal made less than forty-five days before the annual expiration date shall not stay the annual expiration date of the permit, and in addition to satisfying all other criteria for renewal, the applicant shall be required to demonstrate good cause for failing to timely renew his/her application. The director shall have the sole discretion to determine whether such good cause is demonstrated. If a permit expires without being renewed, the holder of the expired permit must apply for a new permit by complying with all requirements of this chapter applicable to an original application for a permit.

(c) No more than six medical marijuana cooperatives or collectives shall be permitted to operate in the city at any one time.

(Ord. 09-983 § 2, 2010)

5.58.070 Nontransferable.

(a) No person shall operate a medical marijuana cooperative or collective under the authority of the permit at any place other than the address stated in the application for permit.

(b) No permit issued pursuant to this chapter shall be transferable.

(c) Any attempt to transfer the permit is hereby declared invalid and the permit automatically shall become void effective the date of such attempted transfer. "Transfers" include, but are not limited to, the transactions specified in paragraphs (1) to (8) of Section 5.08.090(a) of the code.

(Ord. 09-983 § 2, 2010)

5.58.080 Operational and performance standards.

Any medical marijuana cooperative or collective in the city shall immediately conform to and operate in strict compliance with the following standards to ensure that the operations of the cooperative or collective are in compliance with this chapter, guidelines, state law and to mitigate the secondary negative effects and adverse impacts associated with operations of facilities dispensing medical marijuana:

(a) Medical marijuana cooperative or collective shall comply with and operate in compliance with Health and Safety Code §§ 11362.5, 11362.7 - 11362.83 and in conformance with the guidelines. Additionally, medical marijuana cooperative or collective shall comply with all other applicable property development and design standards of the zoning code, as well the applicable provisions of the code.

(b) Medical marijuana cooperative or collective shall provide adequate security and lighting on-site to ensure the safety of persons and protect the premises from theft at all times. In addition, medical marijuana cooperative and collective shall prepare and implement a safety and security plan, as reviewed and approved by the Los Angeles County sheriff's department, which shall include at minimum all of the following:

(1) Security cameras shall be installed and used twenty-four hours per day, seven days a week, with at least one hundred twenty concurrent hours of digitally recorded documentation in a format approved by the Los Angeles County sheriff's department. The cameras shall be maintained in good an working conditions at all times. The areas to be covered by the security cameras include, but are not limited to, the dispensing areas, storage areas, all doors and windows to the medical marijuana cooperative or collective, all parking areas, and any other areas as determined by the Los Angeles County sheriff's department.

(2) The premises of a medical marijuana cooperative or collective shall be equipped with an alarm system that is operated and monitored by an alarm company properly licensed by the California Department of Consumer Affairs Bureau of Security and Investigative Services in accordance with California Business and Professions Code § 7590 *et seq.* and whose agents are also properly licensed and registered under the provisions of said sections of the Business and Professions Code.

(3) All security guards employed by medical marijuana cooperative or collective shall be licensed and possess a valid California Department of Consumer Affairs security guard card at all times.

(4) The security guard and medical marijuana cooperative or collective shall monitor the site and the immediate vicinity of the site to assure that member(s) immediately leave the site and not consume medical marijuana in the vicinity or on the property or in the parking lot of the cooperative or collective.

(5) Any other measures which the Los Angeles County sheriff's department determines necessary to ensure that a medical marijuana cooperative or collective is operating in a secure and safe manner.

(c) No recommendations for use of medical marijuana shall be issued on-site.

(d) There shall be no on-site sales of alcohol or tobacco, and no consumption of alcohol, tobacco or marijuana by any member on-site, the premises, common area(s), parking lot or sidewalks surrounding the property.

(e) Hours of operation shall be limited to: 10:00 a.m. to 7:00 p.m. on Monday through Saturday; and 12:00 p.m. to 5:00 p.m. on Sunday.

(f) Medical marijuana cooperative or collective shall only provide, distribute, dispense, give or transmit medical marijuana to a member, as defined in this chapter. This shall include possession of a valid physician's recommendation, not more than one-year old, for medical marijuana use by the member. Medical marijuana cooperative or collective shall not distribute medical marijuana to a person who is not a member.

(i) Medical marijuana cooperative or collective shall notify members of the following in writing and through posting of a sign in a conspicuous location:

(1) Use of medical marijuana shall be limited to the qualified patient or person with identification card identified on the physician's recommendation. Secondary sale, barter or distribution of medical marijuana is a crime and can lead to arrest.

(2) Members of medical marijuana cooperative or collective must immediately leave the site and not consume or use medical marijuana until at home or in an equivalent private location. Medical marijuana cooperative or collective staff, employees, volunteers or members shall monitor the site and vicinity to ensure compliance with Health and Safety Code §§ 11362.5, 11362.7 - 11362.83, the guidelines and requirements of this chapter.

(3) Forgery of medical documents is a felony crime.

(g) Medical marijuana cooperative or collective shall track when member's medical marijuana recommendation and/or identification

card expires and enforce conditions of membership by excluding any member whose identification card or physician recommendation is invalid or has expired, or who is caught diverting marijuana for non-medical use.

(h) Medical marijuana cooperative or collective shall not provide marijuana to any Member in an amount not consistent with personal medical use, as recommended by the recommending physician.

(i) Medical marijuana cooperative or collective may only cultivate, dispense, transmit, store or transport marijuana in aggregate amounts tied to its membership numbers, not to exceed eight ounces of dried marijuana, six mature and twelve immature plants per member, as provided by Health and Safety Code § 11362.77, unless a higher amount is recommended by a physician for an individual member, as evidenced by supporting records, in which case the amount for that member shall not exceed the amount recommended by that member's physician.

(j) Medical marijuana cooperative or collective shall keep accurate records, follow accepted cash handling practices and maintain a general ledger of cash transactions. Medical marijuana cooperative or collective shall maintain membership records on-site or have them reasonably available.

(k) Medical marijuana cooperative or collective shall also keep accurate records as to which member or members cultivate, provide and/or supply medical marijuana to medical marijuana cooperative or collective. Medical marijuana cooperative or collective shall not acquire marijuana from any person who is not a member of the cooperative or collective.

(l) Any qualified patient or person with an identification card under eighteen years of age shall be accompanied by a parent or a legal guardian. In addition, no one under eighteen years of age shall be a member of a medical marijuana cooperative or collective without written, verified authorization by a parent or a legal guardian.

(m) Medical marijuana cooperative or collective shall provide law enforcement and all neighbors within one hundred feet of the cooperative or collective with the name and phone number of an on-site community relations staff person, volunteer, employee or member to notify if there are operational problems with the establishment.

(n) The operator(s) of medical marijuana cooperative or collective must attend coordination meetings with the Los Angeles County sheriff's department, as recommended by the department.

(o) City of La Puente community preservation officers, code enforcement officers, Los Angeles County sheriff's department or other agents or employees of the city requesting admission for the purpose of determining compliance with these standards shall be given unrestricted access.

(p) The operator(s) of medical marijuana cooperative or collective shall maintain the premises, location, property and/or structures free of litter, debris, junk and other similar cast-off materials and free of graffiti. Any graffiti must be removed and/or repainted within seventy-two hours from discovery of or verbal or written notice of the graffiti vandalism from the city.

(q) There shall be no loitering on the premises, surroundings or parking lot of the medical marijuana cooperative or collective.

(r) Medical marijuana cooperative or collective must bar all windows and ensure that all marijuana is securely stored, subject to the approval of the fire department.

(s) Medical marijuana shall not be grown, stored or cultivated outside. Only indoor growing, storage and cultivation is permitted.

(t) Only the owner, operator or the security guard(s) of a medical marijuana cooperative or collective shall be permitted to carry weapons.

(u) In the event the medical marijuana cooperative or collective engages in the cooking, preparation, or manufacturing of marijuana enhanced or edible or drinkable products, including but not limited to drinks, infused water, cookies, candy or brownies, the cooperative or collective shall comply with all applicable state and city regulations pertaining to the preparation, distribution, handling and sale of food.

(v) Medical marijuana cooperative or collective shall cooperate with the city in any investigation of allegation(s) that the cooperative or collective is operating in violation of applicable provisions of this chapter.

(Ord. 10-902 § 4, 2010; Ord. 10-901 § 4, 2010; Ord. 09-983 § 2, 2010)

5.58.090 Membership application and verification.

When a qualified patient, person with identification card or primary caregiver wishes to join a medical marijuana cooperative or

collective, the following application guidelines should be followed by operators of medical marijuana cooperative or collective to help ensure that medical marijuana is not diverted to illicit markets:

- (a) Medical marijuana cooperative or collective shall require that potential members complete and submit a written membership application;
- (b) Verify the individual's status as a qualified patient, person with identification card or primary caregiver. Unless qualified patient has a valid state medical marijuana identification card, the verification process should involve personal contact with the recommending physician (or his or her agent), verification of the physician's identify, as well as his/her state licensing status. Verification of primary caregiver status should include contact with the qualified patient, as well as validation of the qualified patient's recommendation. Copies should be made of the physician's recommendation or identification card, if any;
- (c) Have the applicant for the membership of marijuana cooperative or collective agree not to distribute marijuana to non-members or anyone for non-medicinal purposes; and
- (d) Have the applicant for the membership in medical marijuana cooperative or collective agree not to use the marijuana for other than medical purposes.

(Ord. 09-893, § 2, 2010)

5.58.100 Permit modification, suspension and revocation procedure.

(a) Grounds for modification, revocation or suspension. The director may modify, suspend or revoke a permit based on any of the following grounds:

- (1) The building, structure, premises or equipment used to conduct or operate medical marijuana cooperative or collective fails to comply with any applicable health, zoning, fire, and building and safety laws of the state of California or the city;
- (2) Medical marijuana cooperative or collective is established, operated or maintained in a manner that would justify the denial of the application for a permit, based on the grounds set forth in Section 5.58.050(e).
- (3) The existence of any conditions constituting a public nuisance under California law, including but not limited to California Civil Code §§ 3479 or 3480 or the code;
- (4) Permittee is operating the medical marijuana cooperative or collective not in conformance with any requirements of this chapter, applicable provisions of guidelines or the state law;
- (5) The permittee, permittee's employees, agents or manager has conducted or operated medical marijuana cooperative or collective in a manner contrary to the peace, health, safety and the general welfare of the public, including, without limitation, by allowing or failing to prevent the use of the business as a base or magnet for unlawful or criminal activity;
- (6) The permittee has violated one or more conditions upon which the permit has been issued;
- (7) The permittee, while holding an active permit, has committed an act which would have resulted in the denial of the permit pursuant to this chapter; or
- (8) The permittee has failed to pay business license fee as required by Chapter 5.04 of the code.

(c) Procedures for modification, revocation or suspension.

(1) On determining that grounds for modification, revocation or suspension of a permit exist, the director shall furnish written notice of the proposed action to the permittee. Such notice shall set forth the time and place of a hearing, and the ground(s) upon which the proposed suspension or revocation is based, the pertinent provisions of this chapter. Guidelines, code, zoning code or state law, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the permittee, or shall be personally delivered to the permittee, at least ten days prior to the hearing date.

(2) The public hearing on modification, revocation or suspension of the permit shall be conducted by the director or his/her designee, which may include a third party hearing officer. Additionally, such hearings shall be conducted in accordance with procedures established by the director but, at minimum shall include the following.

(A) All parties involved shall have a right to:

1. Offer testimonial, documentary and tangible evidence bearing on the issues;
2. Be represented by counsel; and
3. Confront and cross-examine witnesses.

(B) Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs.

(C) Any hearing under this section may be continued for a reasonable time for the convenience of a party or a witness at the request of the permittee. Extension of the time or continuances sought by a permittee shall not be considered delay on the part of the city or constitute failure by the city to provide for prompt decisions on permit suspensions or revocation.

(3) After holding the public hearing in accordance with this section, if the director finds and determines that there are grounds for modification, suspension or revocation of the permit, the director shall impose one of the following:

- (A) Modification of the permit;
- (B) Suspension of the permit for a specified period; or
- (C) Revocation of the permit.

(D) The director shall render a written decision that shall be served by depositing the notice of the decision in U.S. mail, postage prepaid, within thirty days of the public hearing.

(d) In the event a the permit is revoked pursuant to this section, another permit to operate medical marijuana cooperative or collective shall not be granted to the permittee or an entity related to the permittee within twelve months after the date of such revocation.

(e) Whenever a permit is suspended or revoked by the director or city council on appeal. Director or Los Angeles County sheriff's department shall take into possession the permit for the subject operation. The permittee shall surrender the permit. No permit fee refunds shall be issued to any permittee upon suspension or revocation of the permit.

(f) Upon revocation or suspension of a permit, the permittee shall immediately cease operation of the activity, unless permittee files a timely appeal, in which case the director's decisions shall be stayed pending the outcome of the appeal. Except as otherwise provided, in the event that the permit is suspended, the permittee may resume operation once the suspension period has expired.

(g) The decision of the director may be appealed pursuant to Section 5.58.110. The suspension or revocation shall become effective ten calendar days following the date of service upon the permittee, unless the permittee files a written request for an appeal hearing pursuant to Section 5.58.110. If the permittee files an appeal within the time and manner prescribed, the permit shall remain in effect until the appeal is finally determined.

(Ord. 09-893, § 2, 2010)

5.58.110 Appeals.

(a) After approval, denial, suspension, modification or revocation of a permit applicant, permittee or any interested may appeal the director's decision to the city council, by filing written request for hearing with the city clerk within ten days following the date of the mailing of the director's decision and paying the fee for appeals, as set by a resolution of the city council. All such appeals shall be filed with the city clerk and shall be public records.

(b) Consideration of an appeal of the director's decision shall be at a public hearing, notice of which shall be given pursuant to California Government Code §§ 65091 and 65905 and which hearing shall occur within thirty days of the filing or initiation of the appeal. The city clerk shall issue a notice which shall set forth the time and place of a hearing before the city council, the pertinent provisions of this chapter, guidelines, code, zoning code or state law, and a brief statement of the factual matters in support thereof. The notice shall be mailed, postage prepaid, addressed to the last known address of the applicant or permittee, or shall be personally delivered to the applicant or permittee, at least ten days prior to the hearing date.

(c) The appeal shall be conducted at a public hearing and in accordance with procedures established by the city council but, at minimum shall include the standards set forth in subsection (c) (2) of Section 5.58.110.

(d) The city council shall not be bound by the formal rules of evidence.

(e) The city council upon the conclusion of the de novo public hearing, shall grant or deny the appeal. The city council's decision shall be final and conclusive and shall be rendered in writing within thirty days of the hearing, such written decision shall be mailed to the party appealing the director's decision.

(Ord. 09-893, § 2, 2010)

5.58.120 Violation and enforcement.

(a) The establishment, maintenance or operation of a medical marijuana cooperative or collective in violation of or in non-compliance with any of the requirements of this chapter, applicable provisions of the guidelines, code, zoning code or state law shall be subject to the enforcement remedies available under the code, including but not limited to Chapter 1.12. In addition, the city may enforce the violation of this chapter by means of civil enforcement through a restraining order, a preliminary or permanent injunction or by any other means authorized under the law.

(b) The establishment, maintenance or operation of a medical marijuana cooperative or collective in violation of or in non-compliance with any of the requirements of this chapter, applicable provision of the guidelines, code, zoning code or state law is declared to be a public nuisance and may be abated by the city either pursuant to Chapter 3.20 of the code, or any available legal remedies.

(Ord. 09-893, § 2, 2010)

Title 6 VEHICLES AND TRAFFIC

Chapters:

- 6.04 Definitions
- 6.08 Administration
- 6.12 Enforcement
- 6.16 Traffic Control Devices
- 6.20 Turning Movements
- 6.24 One-Way Streets and Alleys
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Sections:

- 6.04.005 Definitions of words and phrases-Generally.
- 6.04.010 Business district.
- 6.04.020 Holidays.
- 6.04.030 Loading zone.
- 6.04.040 Official time standard.
- 6.04.050 Park.
- 6.04.060 Parkway.
- 6.04.070 Passenger loading zone.
- 6.04.080 Pedestrian.
- 6.04.090 Person.
- 6.04.100 Police officer.
- 6.04.110 Stop-Stop or stand.

6.04.005 Definitions of words and phrases-Generally.

(a) Whenever any words or phrases used in this title are not defined herein, but are now defined in the Vehicle Code, such definitions are incorporated herein and shall be deemed to apply to such words and phrases used herein as though set forth herein in full.

(b) The following words and phrases when used in this title shall for the purpose of this title have the meanings respectively ascribed to them.

(Ord. 1 § 3400, added by Ord. 15; November 19, 1956)

6.04.010 Business district.

BUSINESS DISTRICT is that portion of a highway and the property contiguous thereto (a) upon one side of which highway, for a distance of six hundred (600) feet, fifty per cent (50%) or more of the contiguous property fronting thereon is occupied by buildings in use for business, or (b) upon both sides of which highway, collectively, for a distance of three hundred (300) feet, fifty per cent (50%) or more of the contiguous property fronting thereon is so occupied. A business district may be longer than the distances specified in this section if the above ratio of buildings in use for business to the length of highway exists.

(Ord. 1 § 3400.1, added by Ord. 15; November 19, 1956)

6.04.020 Holidays.

Within the meaning of this title, HOLIDAYS are the first day of January, the thirtieth day of May, the fourth day of July, the first Monday in September, the twenty-fifth day of December, and Thanksgiving Day. If a holiday as defined in this section falls upon a Sunday, the Monday following is a holiday.

(Ord. 1 § 3400.2, added by Ord. 15; November 19, 1956)

6.04.030 Loading zone.

LOADING ZONE: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials.

(Ord. 1 § 3400.3, added by Ord. 15; November 19, 1956)

6.04.040 Official time standard.

OFFICIAL TIME STANDARD: Whenever certain hours are named herein, they shall mean standard time or daylight saving time as may be in current use in this city.

(Ord. 1 § 3400.4, added by Ord. 15; November 19, 1956)

6.04.050 Park.

PARK: To stand or leave standing any vehicle, whether occupied or not, otherwise than temporarily for the purpose of and while actually engaged in loading or unloading of passengers or materials.

(Ord. 1 § 3400.5, added by Ord. 15; November 19, 1956)

6.04.060 Parkway.

PARKWAY: That portion of a street other than a roadway or a sidewalk.

(Ord. 1 § 3400.6, added by Ord. 15; November 19, 1956)

6.04.070 Passenger loading zone.

PASSENGER LOADING ZONE: The space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers.

(Ord. 1 § 3400.7, added by Ord. 15; November 19, 1956)

6.04.080 Pedestrian.

PEDESTRIAN: Any person afoot.

(Ord. 1 § 3400.8, added by Ord. 15; November 19, 1956)

6.04.090 Person.

PERSON: Every natural person, firm, copartner-ship, association or corporation.

(Ord. 1 § 3400.9, added by Ord. 15; November 19, 1956)

6.04.100 Police officer.

POLICE OFFICER: Every officer of the Police Department of this city, or any officer authorized to direct or regulate traffic, or to make arrests for violations of traffic regulations.

(Ord. 1 § 3400.10, added by Ord. 15; November 19, 1956)

6.04.110 Stop-Stop or stand.

(a) STOP: When required, means complete cessation of movement.

(b) STOP OR STAND: When prohibited, means any stopping or standing of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the direction of a police officer or official traffic control device.

(Ord. 1 § 3400.11, added by Ord. 15; November 19, 1956)

Chapter 6.08 ADMINISTRATION

Sections:

6.08.010 Traffic division established.

6.08.020 Same-Duties.

6.08.030 Same-Traffic accident studies.

6.08.040 Same-Filing of accident reports.

6.08.050 Same-Annual traffic report.

6.08.060 City traffic engineer-Office created-Appointment-Powers and duties.

6.08.070 Same-Duties.

6.08.080 Traffic commission created-Membership.

6.08.090 Same-Duties.

6.08.100 Same-Further duties.

6.08.010 Traffic division established.

There is hereby established in the Police Department of this city a Traffic Division to be under the control of an officer of police appointed by and directly responsible to the Chief of Police.

(Ord. 1 § 3401, added by Ord. 15; November 19, 1956)

6.08.020 Same-Duties.

It shall be the duty of the Traffic Division with such aid as may be rendered by other members of the Police Department to enforce the street traffic regulations of this city and all of the state vehicle laws applicable to street traffic in this city, to make arrests for traffic violations, to investigate traffic accidents and to co-operate with the City Traffic Engineer and other officers of the city in the administration of the traffic laws and in developing ways and means to improve traffic conditions, and to carry out those duties specially imposed upon said Division by this title and the traffic ordinances of this city.

(Ord. 1 § 3402, added by Ord. 15; November 19, 1956)

6.08.030 Same-Traffic accident studies.

Whenever the accidents at a particular location become numerous, the Traffic Division shall co-operate with the City Traffic Engineer in conducting studies of such accidents and determining remedial measures.

(Ord. 1 § 3403, added by Ord. 15; November 19, 1956)

6.08.040 Same-Filing of accident reports.

The Traffic Division shall maintain a suitable system of filing traffic accident reports. Accident reports or cards referring to them shall be filed alphabetically by location. Such reports shall be available for the use and information of the City Traffic Engineer.

(Ord. 1 § 3404, added by Ord. 15; November 19, 1956)

6.08.050 Same-Annual traffic report.

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

- (1) The number of traffic accidents, the number of persons killed, the number of persons injured, and other pertinent traffic accident data;
- (2) The number of traffic accidents investigated and other pertinent data on the safety activities of the police;
- (3) The plans and recommendations of the division for future traffic safety activities.

(Ord. 1 § 3405, added by Ord. 15; November 19, 1956)

6.08.060 City traffic engineer-Office created-Appointment-Powers and duties.

The office of City Traffic Engineer is hereby established. The City Traffic Engineer shall be appointed by the City Manager, and he shall exercise the powers and duties as provided in this title. Whenever the City Traffic Engineer is required or authorized to place or maintain official traffic control devices or signals, he may cause such devices or signals to be placed or maintained.

(Ord. 1 § 3406, added by Ord. 15; November 19, 1956)

6.08.070 Same-Duties.

It shall be the general duty of the City Traffic Engineer to determine the installation and proper timing and maintenance of traffic control devices and signals, to conduct engineering analyses of traffic accidents and to devise remedial measures, to conduct engineering and traffic investigations of traffic conditions and to co-operate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by sections of this code.

(Ord. 1 § 3407, added by Ord. 15; November 19, 1956)

6.08.080 Traffic commission created-Membership.

There is hereby established an Advisory Traffic Commission consisting of the City Traffic Engineer, the Chief of Police or his representative, a member of the City Council, and one representative each from the City Engineer's office and the City Manager's office and such number of other city officers and representatives of unofficial bodies as may be determined and appointed by the Mayor. The chairman of the Commission shall be appointed by the Mayor and may be removed by him.

(Ord. 1 § 3408, added by Ord. 15; November 19, 1956)

6.08.090 Same-Duties.

It shall be the duty of the Traffic Commission to suggest the most practicable means for co-ordinating the activities of all officers and agencies of this city having authority with respect to the administration or enforcement of traffic regulations; to stimulate and assist in the preparation and publication of traffic reports; to receive complaints having to do with traffic matters; and to recommend to the legislative body of this city and to the City Traffic Engineer, the Chief of the Traffic Division and other city officials ways and means for improving traffic conditions and the administration and enforcement of traffic regulations.

(Ord. 1 § 3409, added by Ord. 15; November 19, 1956)

6.08.100 Same-Further duties.

It shall further be the duty of the Traffic Commission:

- (a) To consider matters involving the safety of the whole community which may be brought to its attention or which may be referred to it by the City Council.
- (b) To make such recommendations as it may deem advisable concerning the safety of the community, to the City Council or to other agencies and individuals.
- (c) To prepare and submit annually, a budget of the estimated expenditures to be made during the following fiscal year in connection with safety programs.
- (d) To make an annual report each fiscal year of all activities and of all disbursements made in connection with programs sponsored by said Traffic Commission.

(Ord. 1 § 3409.1, added by Ord. 15; November 19, 1956)

Chapter 6.12 ENFORCEMENT

Sections:

- 6.12.005 Effect of existing traffic control signs and devices.
- 6.12.010 Enforcement of traffic laws.
- 6.12.020 Violations of title a misdemeanor.
- 6.12.030 Obedience to police and fire department officials.
- 6.12.040 Application to persons riding bicycles or animals.
- 6.12.050 Persons other than officials shall not direct traffic.
- 6.12.060 Public employees to obey traffic regulations.
- 6.12.070 Exemptions to certain vehicles.
- 6.12.080 Report of damage to public property.

6.12.005 Effect of existing traffic control signs and devices.

It is the intention of the city to provide reasonable traffic and parking rules, regulations and laws. All intersections, safety zones, crosswalks, roadway or curb parking, loading, standing regulation markings, stop signs, boulevard stop signs, speed limit signs, slow signs, danger signs, caution signs, warning signs, traffic signals, and all other traffic control signs and devices, parking limit signs, roadway markings relative to traffic direction and control, and also relative to parking, now painted or marked or posted or in place or designated or authorized by existing county ordinances, or by county road commissions, or by County Sheriff or by State Highway Patrol, or by other agencies to whom such authority was delegated by the state or county shall so continue as if found, established or designated by this City Council and shall be enforced pursuant to this title as part of the traffic regulations of the City of La Puente until the City Council adopts rules or regulations, or laws to the contrary. No person shall drive, stand or park a vehicle in violation thereof. The foregoing shall remain enforceable as long as they conform with the provisions of the Vehicle Code of the State of California or until changed by the City Council. Hereafter, future designations relative to the foregoing shall be done pursuant to authorization given or granted by the City Council to any person, agency or organization.

(Ord. 1 § 3494, added by Ord. 29; March 18, 1957)

6.12.010 Enforcement of traffic laws.

(a) It shall be the duty of the officers of the Police Department or such officers as are assigned by the Chief of Police to enforce all street traffic laws of this city and all of the state vehicle laws applicable to street traffic in this city.

(b) Officers of the Police Department or such officers as are assigned by the Chief of Police are hereby authorized to direct all traffic by voice, hand or other signal in conformance with traffic laws, provided that in the event of a fire or other emergency or to expedite traffic or to safeguard pedestrians, officers of the Police Department may direct traffic as conditions may require, notwithstanding the provisions of the traffic laws.

(c) Officers of the Fire Department, when at the scene of a fire or when in the course of their duties they are protecting the personnel or equipment of the Fire Department, may direct or assist the police in directing traffic.

(Ord. 1 § 3410, added by Ord. 15; November 19, 1956)

6.12.020 Violations of title a misdemeanor.

It is a misdemeanor for any person to do any act forbidden or fail to perform any act required in this title.

(Ord. 1 § 3411, added by Ord. 15; November 19, 1956)

6.12.030 Obedience to police and fire department officials.

No person shall wilfully fail or refuse to comply with any lawful order of a police officer or Fire Department official when directing traffic.

(Ord. 1 § 3412, added by Ord. 15; November 19, 1956)

6.12.040 Application to persons riding bicycles or animals.

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

(Ord. 1 § 3413, added by Ord. 15; November 19, 1956)

6.12.050 Persons other than officials shall not direct traffic.

No person other than an officer of the Police Department or a person deputized by the Chief of Police or person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate when and as herein provided any mechanical pushbutton signal erected by order of the City Traffic Engineer.

(Ord. 1 § 3414, added by Ord. 15; November 19, 1956)

6.12.060 Public employees to obey traffic regulations.

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

(Ord. 1 § 3415, added by Ord. 15; November 19, 1956)

6.12.070 Exemptions to certain vehicles.

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

(b) The foregoing exemptions shall not, however, protect the driver of any such vehicle from the consequences of his wilful disregard of the safety of others.

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

(Ord. 1 § 3416, added by Ord. 15; November 19, 1956)

6.12.080 Report of damage to public property.

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

(b) Every such report shall state the time when and the place where the accident took place, the name and address of the person owning and of the person driving or in charge of such vehicle or animal, the license number of every such vehicle, and shall briefly describe the property damaged in such accident.

(c) A driver involved in an accident shall not be subject to the requirements or penalties of this section if and during the time such driver is physically incapable of making a report, but in such event said driver shall make a report as required in subdivision (a) within twenty-four hours after regaining ability to make such report.

(Ord. 1 § 3417, added by Ord. 15; November 19, 1956)

Chapter 6.16 TRAFFIC CONTROL DEVICES

Sections:

- 6.16.010 Traffic control devices-Installation.
- 6.16.020 When traffic control devices required for enforcement.
- 6.16.030 Obedience to traffic control devices required.
- 6.16.040 Traffic signals-Installation.
- 6.16.050 Lane markings.
- 6.16.060 Distinctive roadway markings.
- 6.16.070 Traffic control devices-Removal, relocation and discontinuance authorized.
- 6.16.080 Traffic control devices-Hours of operation.

6.16.010 Traffic control devices-Installation.

(a) The City Traffic Engineer shall have the power and duty to place and maintain or cause to be placed and maintained official traffic control devices when and as required to make effective the provisions of this title.

(b) Whenever the Vehicle Code requires for the effectiveness of any provision thereof that traffic control devices be installed to give notice to the public of the application of such law the City Traffic Engineer is hereby authorized to install or cause to be installed

the necessary devices subject to any limitations or restrictions set forth in the law applicable thereto.

(c) The City Traffic Engineer may also place and maintain or cause to be placed and maintained such additional traffic control devices as he may deem necessary to regulate traffic or to guide or warn traffic, but he shall make such determination only upon the basis of traffic engineering principles and traffic investigations and in accordance with such standards, limitations and rules as may be set forth in this title or as may be determined by resolution of the legislative body of this city.

(Ord. 1 § 3420, added by Ord. 15; November 19, 1956)

6.16.020 When traffic control devices required for enforcement.

No provision of the Vehicle Code or of this title for which signs are required shall be enforced against an alleged violator unless appropriate signs are in place and sufficiently legible to be seen by an ordinarily observant person, giving notice of such provisions of the traffic laws.

(Ord. 1 § 3421, added by Ord. 15; November 19, 1956)

6.16.030 Obedience to traffic control devices required.

The driver of any vehicle shall obey the instructions of any official traffic control device applicable thereto placed in accordance with this title unless otherwise directed by a police officer subject to the exceptions granted the driver of an authorized emergency vehicle when responding to emergency calls.

(Ord. 1 § 3422, added by Ord. 15; November 19, 1956)

6.16.040 Traffic signals-Installation.

(a) The City Traffic Engineer is hereby directed to install and maintain official traffic signals at those intersections and other places where traffic conditions are such as to require that the flow of traffic be alternately interrupted and released in order to prevent or relieve traffic congestion or to protect life or property from exceptional hazard.

(b) The City Traffic Engineer shall ascertain and determine the locations where such signals are required by resort to field observation, traffic counts, and other traffic information as may be pertinent and his determinations therefrom shall be made in accordance with those traffic engineering and safety standards and instructions set forth in the "Manual on Uniform Traffic Control Devices" published by the Superintendent of Documents, Washington, D. C., and/or in the Planning Manual of Instructions, Part 8, "Traffic," issued by the Division of Highways of the State Department of Public Works.

(c) Whenever the City Traffic Engineer installs and maintains an official traffic signal at any intersection, he shall likewise erect and maintain at such intersection street name signs visible to the principal flow of traffic unless such street name signs have previously been placed and are maintained at any said intersection.

(Ord. 1 § 3423, added by Ord. 15; November 19, 1956)

6.16.050 Lane markings.

The City Traffic Engineer is hereby authorized to mark center lines and lane lines upon the surface of the roadway to indicate the course to be traveled by vehicles and may place signs temporarily designating lanes to be used by traffic moving in a particular direction, regardless of the center line of the highway.

(Ord. 1 § 3424, added by Ord. 15; November 19, 1956)

6.16.060 Distinctive roadway markings.

The City Traffic Engineer is authorized to place and maintain distinctive roadway markings as described in the Vehicle Code on those streets or parts of streets where the volume of traffic or the vertical or other curvature of the roadway renders it hazardous to

drive on the left side of such marking or signs and markings. Such marking or signs and marking shall have the same effect as similar markings placed by the State Department of Public Works pursuant to provisions of the Vehicle Code.

(Ord. 1 § 3425, added by Ord. 15; November 19, 1956)

6.16.070 Traffic control devices-Removal, relocation and discontinuance authorized.

The City Traffic Engineer is hereby authorized to remove, relocate or discontinue the operation of any traffic control device not specifically required by state law or this title whenever he shall determine in any particular case that the conditions which warranted or required the installation no longer exist or obtain.

(Ord. 1 § 3426, added by Ord. 15; November 19, 1956)

6.16.080 Traffic control devices-Hours of operation.

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

(Ord. 1 § 3427, added by Ord. 15; November 19, 1956)

Chapter 6.20 TURNING MOVEMENTS

Sections:

- 6.20.010 Turning markers and multiple lanes.
- 6.20.020 Restricted turns-Signs required.
- 6.20.030 Obedience to restricted turn signs.
- 6.20.040 Signal controlled intersections-Right turns.

6.20.010 Turning markers and multiple lanes.

(a) The City Traffic Engineer is authorized to place markers, buttons, or signs within or adjacent to intersections indicating the course to be traveled by vehicles turning at such intersections, and the City Traffic Engineer is authorized to allocate and indicate more than one lane of traffic from which drivers of vehicles may make right or left hand turns, and the course to be traveled as so indicated may conform to or be other than as prescribed by law.

(b) When authorized markers, buttons, or other indications are placed within an intersection indicating the course to be traveled by vehicles turning thereat, no driver of a vehicle shall disobey the directions of such indications.

(Ord. 1 § 3428, added by Ord. 15; November 19, 1956)

6.20.020 Restricted turns-Signs required.

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

(Ord. 1 § 3429, added by Ord. 15; November 19, 1956)

6.20.030 Obedience to restricted turn signs.

Whenever authorized signs are erected indicating that no right or left or U-turn is permitted, no driver of a vehicle shall disobey the directions of any such sign.

(Ord. 1 § 3430, added by Ord. 15; November 19, 1956)

6.20.040 Signal controlled intersections-Right turns.

(a) No driver of a vehicle shall make a right turn against a red or stop signal at any intersection which is sign-posted giving notice of such restriction as hereinafter provided in this section.

(b) The City Traffic Engineer shall post appropriate signs giving effect to this section at any intersection where he determines that the making of right turns against a traffic signal "stop" indication would seriously interfere with the safe and orderly flow of traffic.

(Ord. 1 § 3431, added by Ord. 15; November 15, 1956)

Chapter 6.24 ONE-WAY STREETS AND ALLEYS

Sections:

6.24.010 One-way streets and alleys-Signs required.

6.24.010 One-way streets and alleys-Signs required.

Whenever any ordinance or resolution of this city designates any one-way street or alley, the City Traffic Engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. Signs indicating the direction of lawful traffic movement shall be placed at every intersection where movement of traffic in the opposite direction is prohibited and at such other locations as may be deemed advisable by the City Traffic Engineer.

(Ord. 1 § 3434, added by Ord. 15; November 19, 1956)

Chapter 6.28 SPECIAL STOPS

Sections:

6.28.010 Stop signs-Erection and maintenance.

6.28.020 Emerging from alley, driveway or building.

6.28.010 Stop signs-Erection and maintenance.

Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, or any railroad grade crossing at which vehicles are required to stop, the City Traffic Engineer shall erect and maintain stop signs as provided in Section 471 of the Vehicle Code.

(Ord. 1 § 3435, added by Ord. 15; November 19, 1956)

6.28.020 Emerging from alley, driveway or building.

The driver of a vehicle emerging from an alley, driveway or building shall stop such vehicle immediately prior to driving onto a sidewalk or into the sidewalk area extending across any alleyway whenever a stop sign has been erected by the City Traffic Engineer.

(Ord. 1 § 3437, added by Ord. 15; November 19, 1956)

Chapter 6.32

Sections:

- 6.32.010 Driving through funeral processions.
- 6.32.020 Clinging to moving vehicles.
- 6.32.030 Vehicles not to be driven on the sidewalk.
- 6.32.040 New pavement and fresh markings.
- 6.32.050 Limited access road travel.

6.32.010 Driving through funeral processions.

No driver of a vehicle shall drive between vehicles comprising a funeral procession while they are in motion and when the vehicles in such processions are conspicuously so designated.

(Ord. 1 § 3438, added by Ord. 15; November 19, 1956)

6.32.020 Clinging to moving vehicles.

Any person riding upon any bicycle, motorcycle, coaster, roller skates or any toy vehicle shall not attach the same or himself to any moving vehicle upon any roadway.

(Ord. 1 § 3439, added by Ord. 15; November 19, 1956)

6.32.030 Vehicles not to be driven on the sidewalk.

The driver of a vehicle shall not drive within any sidewalk area or any parkway except at a permanent or temporary driveway.

(Ord. 1 § 3440, added by Ord. 15; November 19, 1956)

6.32.040 New pavement and fresh markings.

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

(Ord. 1 § 3441, added by Ord. 15; November 19, 1956)

6.32.050 Limited access road travel.

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

(Ord. 1 § 3442, added by Ord. 15; November 19, 1956)

**Chapter 6.36
PEDESTRIANS**

Sections:

- 6.36.010 Crosswalks-Establishment and maintenance.

6.36.020 Pedestrians must use crosswalks.

6.36.030 Crossing roadway at right angles.

6.36.040 Standing or walking in roadways.

6.36.010 Crosswalks-Establishment and maintenance.

The City Traffic Engineer shall establish, designate and maintain crosswalks at intersections and other places by appropriate devices, markings, or lines upon the surface of the roadway when vehicular and pedestrian traffic movement require the same for the safety of the public.

(Ord. 1 § 3450, as amended by Ord. 40; May 20, 1957)

6.36.020 Pedestrians must use crosswalks.

No pedestrian shall cross a roadway other than by a crosswalk in any business district.

(Ord. 15, 1956; Ord. 1 § 3451, 1956)

6.36.030 Crossing roadway at right angles.

No pedestrian shall cross a roadway at any place other than by a route at right angles to the curb or by the shortest route to the opposite curb except in a marked crosswalk.

(Ord. 15, 1956; Ord. 1 § 3450, 1956)

6.36.040 Standing or walking in roadways.

No person shall stand or walk in any roadway other than a safety zone or in a crosswalk if such action interferes with the lawful movement of traffic. This section shall not apply to any public officer or employee, or employee of a public utility when necessarily upon a street in line of duty.

(Ord. 15, 1956; Ord. 1 § 3453, 1956)

Chapter 6.40 STOPPING, STANDING AND PARKING

Sections:

6.40.010 Application of regulations.

6.40.020 Standing in parkways prohibited.

6.40.030 Parking on private property restricted.

6.40.040 Use of streets for storage of vehicles prohibited.

6.40.045 Parking of large construction equipment and commercial vehicles prohibited.

6.40.050 Parking for certain purposes prohibited.

6.40.055 Parking of trailers or semitrailers restricted.

6.40.060 Parking of commercial vehicles with dangerous cargoes restricted.

6.40.070 Parking parallel with curb.

- 6.40.080 Angle parking-Signs or markings required.
- 6.40.090 Parking adjacent to schools.
- 6.40.100 Parking on narrow streets.
- 6.40.110 Parking on hills.
- 6.40.120 Places where stopping or parking prohibited.
- 6.40.130 Parking by peddlers.
- 6.40.160 Peddling and vending from non-motorized vehicles prohibited.
- 6.40.170 Temporary restrictions authorized.
- 6.40.180 Two hour parking.
- 6.40.190 One hour parking.
- 6.40.200 Restricted parking between four-thirty p.m. and six p.m.
- 6.40.210 Parking prohibited at all times.
- 6.40.225 All night parking prohibited in public parking lots.
- 6.40.230 Parking space markings.
- 6.40.241 Parking-Disabled persons-Blue curb markings.
- 6.40.242 Parking-Spaces designated for disabled persons-Prohibited.
- 6.40.250 Angle parking on certain streets.
- 6.40.260 Assigned parking spaces.
- 6.40.270 Removal of vehicles.

6.40.010 Application of regulations.

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

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

(Ord. 15 (part), 1956: Ord. 1 § 3454, 1956)

6.40.020 Standing in parkways prohibited.

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

(Ord. 15 (part), 1956: Ord. 1 § 3455, 1956)

6.40.030 Parking on private property restricted.

No person shall park or leave standing any vehicle in a private driveway or on private property without the actual or implied consent of the owner or person in lawful possession of such driveway or property.

(Ord. 15 (part), 1956: Ord. 1 § 3455-1, 1956)

6.40.040 Use of streets for storage of vehicles prohibited.

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

In the event of a consecutive period of seventy-two hours, any member of the police department authorized by the chief of police may remove said vehicle from the street or alley in the manner and subject to the requirements of the Vehicle Code.

(Ord. 268, 1965; Ord. 15 (part), 1956; Ord. 1 § 3456, 1956)

6.40.045 Parking of large construction equipment and commercial vehicles prohibited.

The parking of construction equipment or any commercial vehicle with an unladen weight exceeding six thousand pounds is prohibited on any street, highway, alley or public way, except where expressly allowed by, and only during the hours specified in, a resolution adopted by the city council pursuant to the provisions of this section.

(a) This section shall not prohibit the parking of such vehicles while loading or unloading or used in the performance of a service on or to a property located in the same block where the vehicle is parked for such time as is reasonably required to complete such loading, unloading or service. This section also shall not apply to passenger buses under the jurisdiction of either the California Public Utilities Commission or federal regulatory authority, to any vehicle owned by a public utility while used in connection with the construction, installation or repair of a public utility, or to motor homes, pick-up trucks (with or without mounted campers) or vans, as these terms are defined in Chapter 10.132 of this code.

(b) The city traffic engineer shall place appropriate signs giving notice of this prohibition and of the streets and time periods where such parking is permitted by city council resolution.

(c) The city traffic engineer shall make recommendations to the city council regarding the areas where it may be appropriate to permit the parking of large commercial vehicles, pursuant to a resolution adopted by the city council, based on the following criteria:

- (1) The effect of the parking of large commercial vehicles on traffic safety, including, but not limited to, effects on visibility of sidewalks, crosswalks, intersections or driveways;
- (2) Proximity to residential properties;
- (3) Impacts on access to businesses; and
- (4) Proximity to a designated truck route.

(Ord. 745 § 1, 1997; Ord. 697 § 1, 1993)

6.40.050 Parking for certain purposes prohibited.

No person shall park a vehicle upon any roadway for the principal purpose of:

- (a) Displaying such vehicle for sale.
- (b) Conducting the business, or any part thereof, of selling, renting or leasing such vehicle.
- (c) Using of any vehicle for advertising any business, service or merchandise for sale, excepting however, vehicles licensed by the public utilities commission.
- (d) Washing, greasing or repairing such vehicle except repairs necessitated by an emergency.

(Ord. 187 (part), 1962; Ord. 15 (part), 1956; Ord. 1 § 3457, 1956)

6.40.055 Parking of trailers or semitrailers restricted.

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

highway, street, alley, public way or public place.

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

(Ord. 404 § 1, 1976)

6.40.060 Parking of commercial vehicles with dangerous cargoes restricted.

(a) No truck or other commercial vehicle carrying as cargo any explosive as that term is defined in the California Vehicle Code, regardless of the weight of the explosive, shall be parked at any time on any residential street within the city, unless permitted by the provisions of the California Vehicle Code pertaining to transportation of explosives.

(b) No truck, tank truck or other commercial vehicle, carrying as cargo, or designated to carry as cargo, gasoline or other flammable liquid, as that term is defined in the California Vehicle Code, shall be parked on any residential street within the city between the hours of twelve midnight and six a.m., nor shall such a vehicle be parked on any residential street at any other time for a period exceeding one hour.

(Ord. 1 § 3350.1, added by Ord. 123, 1959)

6.40.070 Parking parallel with curb.

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

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

(c) The city traffic engineer is authorized to determine when standing or parking shall be prohibited upon the left-hand side of any one-way street or when standing or parking may be permitted upon the left-hand side of any one-way roadway of a highway having two or more separate roadways and shall erect signs or pavement markings giving notice thereof.

(Ord. 1 § 3458, added by Ord. 15 (part), 1956)

6.40.080 Angle parking-Signs or markings required.

(a) Whenever any ordinance of this city designates and describes any street or portion thereof upon which angle parking shall be permitted, the city traffic engineer shall mark or sign such street indicating the angle at which vehicles shall be parked.

(b) When signs or markings are in place indicating angle parking as herein provided, no person shall park or stand a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

(c) Angle parking shall be permitted upon those streets and parts of streets described in Section 6.40.250.

(Ord. 1 § 3459, added by Ord. 15 (part), 1956)

6.40.090 Parking adjacent to schools.

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

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

(Ord. 1 § 3460, added by Ord. 15 (part), 1956)

6.40.100 Parking on narrow streets.

(a) The city traffic engineer is authorized to place signs or markings indicating no parking upon any street when the width of the roadway is such as to create a hazard to traffic movement.

(b) When official signs or markings prohibiting parking are erected upon narrow streets as authorized herein, no person shall park a vehicle in any such designated place.

(Ord. 1 § 3461, as amended by Ord. 40, 1957)

6.40.110 Parking on hills.

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

(Ord. 1 § 3462, added by Ord. 15 (part), 1956)

6.40.120 Places where stopping or parking prohibited.

The city traffic engineer shall appropriately sign or mark the following places and when so signed or marked no person shall stop, stand or park a vehicle in any of said places:

- (1) At any place within twenty feet of a crosswalk except that a bus may stop at a designated bus stop.
- (2) Within twenty feet of the approach to any traffic signal, boulevard stop sign, or official electric flashing device.
- (3) At any place where the city traffic engineer determines that it is necessary in order to eliminate dangerous traffic hazards.

(Ord. 1 § 3463, added by Ord. 15 (part), 1956)

6.40.130 Parking by peddlers.

Chapter 5.42 of this code provides additional restrictions on parking of vehicles by peddlers.

(Ord. 788 § 19, 1999: Ord. 721 § 1, 1995: Ord. 1 § 3464(a), added by Ord. 15 (part), 1956)

6.40.160 Peddling and vending from non-motorized vehicles prohibited.

Pursuant to Section 5.42.060 of this code, no person shall peddle any goods, wares, merchandise or food from any non-motorized vehicle within any park owned by the city or on any portion of any public sidewalk or street except as otherwise allowed under Section 5.42.040 of this code.

(Ord. 788 § 21, 1999: Ord. 721 § 3, 1995: Ord. 15 (part), 1956: Ord. 1 § 3464(d), 1956)

6.40.170 Temporary restrictions authorized.

(a) Whenever the city traffic engineer finds that traffic congestion or traffic hazard is likely to result from the operation, stopping, standing, or parking of vehicles during the holding of public or private assemblages, gatherings, or functions, or during the construction, alteration, repair, street sweeping, or improvement of any highway, or for any other reason, he may place or cause to be placed temporary signs prohibiting the operation, stopping, standing, or parking of vehicles during the existence of such conditions.

(b) When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand

any vehicle contrary to the directions and provisions of such signs.

(Ord. 15 (part), 1956: Ord. 1 § 3465, 1956)

6.40.180 Two hour parking.

Whenever any ordinance or resolution of this city so designates and when authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets enumerated therein for a period of time longer than two hours at any time between the hours of seven a.m. and six p.m. of any day except Sundays and holidays.

(Ord. 40, 1957: Ord. 1 § 3473, 1956)

6.40.190 One hour parking.

Whenever any ordinance or resolution of this city so designates and when authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle on any of the streets enumerated therein for a period of time longer than one hour at any time between the hours of seven a.m. and six p.m. of any day except Sundays and holidays.

(Ord. 40, 1957: Ord. 1 § 3474, 1956)

6.40.200 Restricted parking between four-thirty p.m. and six p.m.

Whenever any ordinance or resolution of this city so designates and when authorized signs are in place giving notice thereof, no person shall stop, stand or park any vehicle upon any street between the hours of four-thirty p.m. and six p.m. of any day except Sundays and holidays for any purpose other than the loading or unloading of passengers or materials.

(Ord. 40, 1957: Ord. 1 § 3475, 1956)

6.40.210 Parking prohibited at all times.

Whenever any ordinance or resolution of this city so designates and when authorized signs are in place giving notice thereof, no person shall park a vehicle at any time upon any of the streets described therein.

(Ord. 40, 1957: Ord. 1 § 3476, 1956)

6.40.225 All night parking prohibited in public parking lots.

No person shall stop, stand or park a vehicle on any public parking lot, where signs are so posted, between the hours of two a.m. and five a.m. of any day, and will be declared in violation of this chapter and may be towed away at owner's expense.

(Ord. 607 § 1, 1989)

6.40.230 Parking space markings.

The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbs where authorized parking is permitted.

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

(Ord. 15, 1956: Ord. 1 § 3478, 1956)

6.40.241 Parking-Disabled persons-Blue curb markings.

(a) The Public Works Director is authorized to designate parking spaces for the exclusive use vehicles which display a distinguishing license plate or a placard issued pursuant to Sections 5007, 22511.55, 22511.59 of the Vehicle Code, or to disabled veterans as specified in Section 9105 of the Vehicle Code, and in addition, may designate stalls or spaces in an off-street parking facility owned or operated by the City or private person for the exclusive use of vehicles which display distinguishing license plates or placards issued pursuant to Section 22511.55 of the Vehicle Code or to disabled veterans as specified in Section 9105 of the Vehicle Code.

(b) Application for disabled parking designation. Any person who has been issued a special identification license plate pursuant to Vehicle Code Sections 5007, 9105, 22511.55 or 22511.59, pursuant to this section and guidelines established by a resolution of the City Council, may apply to the Public Works Director for designation of an on-street parking space as a parking space reserved for disabled persons. Such application shall contain:

- (1) Proof of residency in the City;
 - (2) Evidence of authorization from the California Department of Motor Vehicles of authorization;
 - (3) Certification by the applicant that not existing on-street or off-street parking space meets his or her parking needs; and
 - (4) Payment of application, sign installation and maintenance costs in the amount established by a resolution of the City Council.
- When any of the circumstances in the application change or cease to exist, the applicant shall notify the Public Works Director.

(c) Disabled Parking Determination. The Public Works Director shall make a determination for request for a disabled parking designation pursuant to this section and the guidelines established by a resolution of the City Council. Any applicant dissatisfied with the determination of the Public Works Director may appeal to the City Council by filing a notice of appeal with the City Clerk within ten days after notice of the decisions. The appeal shall be accompanied by the applicable appeal fee, which shall be established by a resolution of the City Council. Upon filing of a timely request for an appeal and payment of appeal fee, the City Clerk shall schedule hearing before the City Council, no earlier than ten but no later than sixty days from the date of the appeal. The City Council may affirm, reverse or modify the determination of the Public Works Director.

(d) Whenever the Public Works Director designates any on-street vehicle parking space for the exclusive use of disabled persons whose vehicles display either a distinguishing license plate or placard issued pursuant to Sections 5007, 22511.55 or 22511.59 of the Vehicle Code, an operator of any vehicle not displaying said distinguishing license plates or placards shall not park such vehicle in such parking space. The traffic engineer shall place blue paint markings at each such parking space in the manner specifically set forth in the Vehicle Code, and in addition thereto, may indicate the parking space or spaces by signs or other suitable means.

(e) This section does not restrict the privilege granted to disabled persons by Section 22511.5 of the Vehicle Code and to disabled veterans by Section 9105 of the California Vehicle Code.

(Ord. 879 § 1, 2008; Ord. 575 § 2, 1987)

6.40.242 Parking-Spaces designated for disabled persons-Prohibited.

(a) It is unlawful for any person to park or leave standing any vehicle in a stall for space designated for physically handicapped persons pursuant to Section 22511.7 or 22511.8 of the California Vehicle Code unless the vehicle displays either a distinguishing license plate or placard issued pursuant to Section 22511.5 or 22511.9 of the California Vehicle code.

(b) Subsection (a) of this section applies to all off-street parking facilities owned or operated by the City. Subsection (a) of this section also applies to any privately owned and maintained off-street parking facility.

(Ord. 575 § 3, 1987)

6.40.250 Angle parking on certain streets.

In accordance with Section 6.40.080 and when signs or markings are in place giving notice thereof drivers of vehicles may stand or park a vehicle only as indicated by such marks or signs on the following streets or portions thereof: (none).

(Ord. 15 (part), 1956; Ord. 1 § 3490, 1956)

6.40.260 Assigned parking spaces.

Whenever any vehicle parking space is assigned for the exclusive use of the occupant of any building, whether residential, commercial, or industrial, which parking space is within such building or elsewhere, and at, in, or near such parking space there is a legible sign stating either that such space is exclusively assigned, or that parking is prohibited, or both, a person, other than the person to whom such parking space is assigned shall not park any vehicle in such parking space except with the permission of the person to whom such parking space is assigned.

(Ord. 371 § 1,1974)

6.40.270 Removal of vehicles.

Vehicles parked in violation of the provisions of Section 6.40.170 of this code may be removed when signs have been posted providing for the removal of vehicles illegally parked. Such signs authorizing the removal of illegally parked vehicles shall be placed in the following instances:

- (a) On those streets where parking is prohibited during the alteration, repair or improvement of any highway and appropriate signs have been posted;
- (b) On those streets where parking has been prohibited during the holding of public or private assemblages, gatherings or functions and appropriate signs have been posted.

(Ord. 412 § 1, 1977)

Chapter 6.44 LOADING AND UNLOADING

Sections:

- 6.44.010 Loading zones authorized-Restrictions.
- 6.44.020 Curb markings to indicate no stopping and parking regulations.
- 6.44.030 Effect of permission to load or unload.
- 6.44.040 Yellow loading zone restrictions.
- 6.44.050 Standing in passenger loading zones restricted.
- 6.44.060 Standing in alleys restricted.
- 6.44.070 Bus zones authorized-Restrictions.

6.44.010 Loading zones authorized-Restrictions.

- (a) The city traffic engineer is hereby authorized to determine and to mark loading zones and passenger loading zones as follows:
 - (1) At any place in any business district;
 - (2) Elsewhere in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly, if the city traffic engineer determines that adequate off-street loading facilities are not available and that no existing loading zone will serve adequately.
- (b) In no event shall more than one-half of the total curb length in any block be reserved for loading zone purposes.
- (c) Loading zones shall be indicated by a yellow paint line stenciled with black letters, "LOADING ONLY," upon the top of all curbs within such zones.
- (d) Passenger loading zones shall be indicated by a white line stenciled with black letters, "PASSENGER LOADING ONLY," upon the top of all curbs in said zones.

(Ord. 15, 1956: Ord. 1 § 3466, 1956)

6.44.020 Curb markings to indicate no stopping and parking regulations.

(a) The city traffic engineer is authorized, subject to the provisions and limitations of this title, to place, and when required herein shall place, the following curb markings to indicate parking or standing regulations, and said curb markings shall have the meanings as herein set forth.

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

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

(3) White shall mean no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mail box, which shall not exceed three minutes and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays and except as follows:

(1) When such zone is in front of a hotel or in front of a mail box the restrictions shall apply at all times.

(2) When such zone is in front of a theater the restrictions shall apply at all times except when such theater is closed.

(4) Green shall mean no standing or parking for longer than twenty minutes at any time between seven a.m. and six p.m. of any day except Sundays and holidays.

(b) When the city traffic engineer is authorized under this title has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section.

(Ord. 15, 1956: Ord. 1 § 3467, 1956)

6.44.030 Effect of permission to load or unload.

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

(b) The loading or unloading of materials shall apply only to commercial deliveries, also the delivery or pick-up of express and parcel post packages and the United States mail.

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

(d) Within the total time limits above specified the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges hereby granted.

(Ord. 15, 1956: Ord. 1 § 3468, 1956)

6.44.040 Yellow loading zone restrictions.

No person shall stop, stand or park a vehicle in any yellow loading zone for any purpose other than loading or unloading passengers or material for such time as is permitted in Section 6.44.030.

(Ord. 1 § 3469, added by Ord. 15; November 19, 1956)

6.44.050 Standing in passenger loading zones restricted.

No person shall stop, stand or park a vehicle in any passenger loading zone for any purpose other than the loading or unloading of

passengers for such time as is specified in Section 6.44.030.

(Ord. 1 § 3470, added by Ord. 15; November 19, 1956)

6.44.060 Standing in alleys restricted.

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

(Ord. 1 § 3471, added by Ord. 15; November 19, 1956)

6.44.070 Bus zones authorized-Restrictions.

(a) The City Traffic Engineer is hereby authorized to establish bus zones set forth herein.

(b) The word "bus" as used in this section shall mean any motor bus, motor coach, trackless trolley coach, or passenger stage used as a common carrier of passengers.

(c) Bus zones shall normally be established on the far side of an intersection.

(d) The City Traffic Engineer shall paint a red line stenciled with white letters "NO STANDING," together with the words "BUS ZONE" upon the top side of all curbs and places specified as a bus zone.

(e) No person shall stop, stand or park any vehicle except a bus in a bus zone.

(Ord. 1 § 3472, added by Ord. 15; November 19, 1956)

Chapter 6.48 TRUCK ROUTES

Sections:

6.48.010 Commercial vehicles prohibited from using certain streets.

6.48.020 Truck traffic routes-Regulations.

6.48.030 Vehicles over six thousand pounds.

6.48.040 Commercial vehicles prohibited.

6.48.050 Truck routes designated.

6.48.010 Commercial vehicles prohibited from using certain streets.

(a) Whenever any law of this city designates and describes any street or portion thereof as a street the use of which is prohibited by any commercial vehicle, the City Traffic Engineer shall erect and maintain appropriate signs on those streets affected by such ordinance.

(b) Those streets and parts of streets described in Section 6.48.040 are hereby declared to be the streets the use of which is prohibited by any commercial vehicle. The provisions of this section shall not apply to passenger buses under the jurisdiction of the Public Utilities Commission.

(Ord. 1 § 3479, added by Ord. 15; November 19, 1956)

6.48.020 Truck traffic routes-Regulations.

(a) Whenever any law of this city designates and describes any street or portion thereof as a street the use of which is permitted by any vehicle exceeding a maximum gross weight limit of three tons, the City Traffic Engineer is hereby authorized to designate such street or streets by appropriate signs as "Truck Traffic Routes" for the movement of vehicles exceeding a maximum gross weight limit

of three tons.

(b) When any such truck traffic route or routes are established and designated by appropriate signs the operator of any vehicle exceeding a maximum gross weight limit of three tons shall drive on such route or routes and none other except that nothing in this section shall prohibit the operator of any vehicle exceeding a maximum gross weight of three tons coming from a "Truck Traffic Route" having ingress and egress by direct route to and from restricted streets when necessary for the purpose of making pickups or deliveries of goods, wares and merchandise from or to any building or structure located on such restricted streets or for the purpose of delivering materials to be used in the actual and bona fide repair, alteration, remodeling or construction of any building or structure upon such restricted streets for which a building permit has previously been obtained therefor.

(c) The provisions of this section shall not apply to (1) passenger buses under the jurisdiction of the Public Utilities Commission, or to (2) any vehicle owned by a public utility while necessarily in use in the construction, installation or repair of any public utility.

(d) Those streets and parts of streets described in Section 6.48.050 hereof are hereby declared to be truck traffic routes for the movement of vehicles exceeding a maximum gross weight of three tons.

(Ord. 1 § 3479.1, added by Ord. 40; May 20, 1957)

6.48.030 Vehicles over six thousand pounds.

Pursuant to the provisions of Section 713 of the California Vehicle Code, the use of California Avenue within the City of La Puente by any vehicle exceeding a maximum gross weight of six thousand (6,000) pounds is hereby prohibited. The City Traffic Engineer shall have signs posted on California Avenue at the existing limits of the city giving notice of the prohibition contained in this section.

(Ord. 1 § 3451.1, added by Ord. 111; July 27, 1959)

6.48.040 Commercial vehicles prohibited.

In accordance with Section 6.48.010, the following streets and parts of streets are hereby declared to be streets, the use of which is prohibited by any commercial vehicle, pursuant to the authority set forth in Section 713 of the Vehicle Code: Ferrero Lane.

(Ord. 1 § 3493, as amended by Ord. 30; March 18, 1957)

6.48.050 Truck routes designated.

In accordance with Section 6.48.020, the following streets and parts of streets are declared to be truck traffic routes, i.e., streets the use of which is permitted by any vehicle exceeding a maximum gross weight of three tons:

(a) North-South Routes: Puente Avenue, Sunset Avenue, Hacienda Boulevard, Azusa Boulevard, Azusa Way.

(b) East-West Routes: Francisquito Avenue west of Hacienda Boulevard, Amar Road, Valley Boulevard.

(Ord. 387 § 1, 1975; Ord. 193, 1963; Ord. 40, 1957; Ord. 1 § 3495, 1956)

Chapter 6.52 RAILROAD TRAINS

Sections:

6.52.010 Obedience to railway barriers required.

6.52.020 Trains not to block crossings.

6.52.010 Obedience to railway barriers required.

No person shall drive any vehicle through, around, or under any crossing gate or barrier at a railroad grade crossing while such gate or barrier is closed or is being opened or closed.

(Ord. 15, 1956: Ord. 1 § 3480, 1956)

6.52.020 Trains not to block crossings.

It is 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 manner as to prevent the use of any street for the purposes of travel for a period of time longer than ten minutes, except that this provision shall not apply to railway trains, cars or similar vehicles on rails while blocking or obstructing a crossing because of an accident which requires the operator of a train, car or similar vehicle on rails to stop at or near the scene of the accident.

(Ord. 15, 1956: Ord. 1 § 3481, 1956)

**Chapter 6.54
SPEED LIMITS**

Sections:

- 6.54.010 Speed limits on city streets.
- 6.54.020 Regulation of speed by traffic signals.

6.54.010 Speed limits on city streets.

The following speed limits are established pursuant to the California Vehicle Code. These speed limits shall be effective when appropriate signs giving notice thereof are erected for each listed street.

No .	Street	Location	Speed Limit
1	Amar Rd.	Puente Ave. to Sunset Ave.	40
2	Amar Rd.	Sunset Ave. to Unruh Ave.	40
3	Amar Rd.	Unruh Ave. to Aileron Ave.	40
4	Azusa Way	Valley Blvd. to Main St.	35
5	California Ave.	Francisquito Ave. to Del Valle Ave.	35
6	California Ave.	Nelson Ave. to Temple Ave.	35
7	Central Ave.	Main St. to Valley Blvd.	35
8	Elliot Ave.	Amar Rd. to Hacienda Blvd.	30
9	Fairgrove Ave.	Sandy Hook Ave. to Unruh Ave.	30
10	Fairgrove Ave.	Hacienda Blvd. to Aileron Ave.	30
11	Francisqui to Ave.	California Ave. to Hacienda Blvd.	40
12	Glendora Ave.	Old Valley Blvd. to Temple Ave.	35

13	Glendora Ave.	Temple Ave. to Hacienda Blvd.	35
14	Hacienda Blvd.	Nelson Ave. to Temple Ave.	40
15	Hacienda Blvd.	Temple Ave. to Amar Rd.	40
16	Hacienda Blvd.	Amar Rd. to N.C.L. (550' SW/O Michelle St.)	40
17	Main St.	E. Old Valley Blvd. to Stimson Ave.	30
18	Nelson Ave.	Puente Ave. to Orange Ave.	35
19	Nelson Ave.	Orange Ave. to California Ave.	35
20	Nelson Ave.	California Ave. to Unruh Ave.	35
21	Nelson Ave.	Unruh Ave. to Hacienda Blvd.	35
22	Nelson Ave.	Hacienda Ave. to Glendora Ave.	35
23	Old Valley Blvd.	Glendora Ave. to Valley Blvd.	35
24	Orange Ave.	Nelson Ave. to Temple Ave.	35
25	Orange Ave.	Temple Ave. to Amar Rd.	35
26	Orange Ave.	Amar Rd. to N.C.L. (Shaver St.)	35
27	Puente Ave.	Nelson Ave. to Temple Ave.	45
28	Puente Ave.	Temple Ave. to Amar Rd.	40
29	Puente Ave.	Amar Rd. to N.C.L (110' NE/O Sauder St.)	40
30	Sunset Ave.	Nelson Ave. to Temple Ave.	45
31	Sunset Ave.	Temple Ave. to Amar Rd.	45
32	Temple Ave.	Puente Ave. to Orange Ave.	40
33	Temple Ave.	Orange Ave. to California Ave.	40
34	Temple Ave.	California Ave. to Unruh Ave.	40
35	Temple Ave.	Unruh Ave. to Hacienda Blvd.	40
36	Temple Ave.	Hacienda Blvd. to E.C.L. (370' E/O Greycliff Ave.)	40
37	Unruh Ave.	Nelson Ave. to Temple Ave.	40
38	Unruh Ave.	Temple Ave. to Amar Rd.	40
39	Unruh Ave.	Amar Rd. to Fairgrove Ave.	40
40	Valley Blvd.	W.C.L. (Valley Bridge) to Old Valley Blvd.	50
41	Valley Blvd.	Old Valley Blvd. to E.C.L. (125' E/O Azusa Way)	50

43	Willow Ave.	Nelson Ave. to Temple Ave. Temple Ave. to Amar Rd.	35
44	Willow Ave.	Amar Rd. to N.C.L. (Hayland St.)	35

(Ord. 940 § 2, 2016; Ord. 889 § 1, 2009; Ord. 841 § 1, 2005; Ord. 840 § 1, 2004; Ord. 611 § 1, 1989; Ord. 519 § 1, 1984; Ord. 443 § 2, 1979)

6.54.020 Regulation of speed by traffic signals.

The City Traffic Engineer is authorized to regulate the timing of traffic signals so as to permit the movement of traffic in an orderly and safe manner at speeds slightly at variance from the speeds otherwise applicable within the district or at intersections, and shall erect appropriate signs giving notice thereof.

(Ord. 940 § 5, 2016; Ord. 1 § 3485, added by Ord. 15; November 19, 1956)

Chapter 6.56 PUBLIC OFF-STREET PARKING LOTS

Sections:

- 6.56.010 Established.
- 6.56.020 Method of regulation.
- 6.56.030 Parking time limits.
- 6.56.040 Parking within parking spaces.
- 6.56.050 Use of entrance and exit.
- 6.56.060 Use of aisles.
- 6.56.070 Length of vehicles.
- 6.56.080 Trailers prohibited.
- 6.56.090 Speed of vehicles in lot.
- 6.56.100 Violations-Citations.
- 6.56.110 Removal of vehicles.
- 6.56.120 Violations-Prima facie presumption.

6.56.010 Established.

Public off-street parking lots are hereby established in the City of La Puente and all of the provisions of this chapter shall be applicable thereto. Such off-street parking lots are those areas so designated by resolution of the City Council of the City of La Puente.

(Ord. 1 § 3496, added by Ord. 81; March 18, 1958)

6.56.020 Method of regulation.

The method of regulation and control of parking or standing of vehicles in public off-street parking lots shall be determined by the City Council.

(Ord. 1 § 3496.1, added by Ord. 81; March 18, 1958)

6.56.030 Parking time limits.

The limit of parking time and the days and hours during which parking time limits shall apply on public off-street parking lots shall be established by resolution of the City Council of the City of La Puente.

When appropriate signs or markings designating such parking time limits are in place giving notice thereof, it shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle on any public off-street parking lot for longer than the permitted time.

(Ord. 1 § 3496.2, added by Ord. 81; March 18, 1958)

6.56.040 Parking within parking spaces.

Parking spaces on public off-street parking lots shall be designated by lines or other appropriate markings. When parking spaces are so designated, it shall be unlawful for the operator of any vehicle to stop, stand or park said vehicle other than in a regularly designated parking or loading space, across any such line or marking, or in such position that said vehicle shall not be entirely within the area so designated as a parking space. No vehicle shall be parked, stopped, nor shall stand either wholly or partially in any driveway of any public off-street parking lot or in any manner which shall obstruct or interfere with the free movement of vehicles in such driveway or in any manner so as to obstruct or otherwise prevent or interfere with ingress to or egress from any regularly designated parking space.

(Ord. 1 3496.3, added by Ord. 81; March 18, 1958)

6.56.050 Use of entrance and exit.

It shall be unlawful for any person to enter any public off-street parking lot over any area or driveway or the portion between any curb returns which is not marked with the word, "entrance," or otherwise indicated by arrows, signs or words that it is a driveway or place for the entering of such parking lot.

It shall be unlawful for any person to move any vehicle from any such parking lot into any public way over any area except an area marked with the word, "exit," or otherwise indicated by arrows, signs or words that it is a driveway or place for the leaving of such parking lot.

(Ord. 1 § 3496.4, added by Ord. 81; March 18, 1958)

6.56.060 Use of aisles.

It shall be unlawful for any person to travel in the direction opposite to that designated in one-way aisles. It shall be unlawful for any person to travel on the left side of an aisle designated for two-way traffic movement.

(Ord. 1 § 3496.5, added by Ord. 81; March 18, 1958)

6.56.070 Length of vehicles.

It shall be unlawful for any person to stop, stand or park any vehicle having an overall length in excess of twenty-one (21) feet in any public off-street parking lot.

(Ord. 1 § 3496.6, added by Ord. 81; March 18, 1958)

6.56.080 Trailers prohibited.

It shall be unlawful for any person to stop, stand or park any house or truck trailer in any public off-street parking lot.

(Ord. 1 § 3496.7, added by Ord. 81; March 18, 1958)

6.56.090 Speed of vehicles in lot.

It shall be unlawful for any person to move any vehicle on any public off-street parking lot at any speed exceeding ten miles per hour.

(Ord. 1 § 3496.8, added by Ord. 81; March 18, 1958)

6.56.100 Violations-Citations.

For any violation of any provision of this chapter, the Police Department of the City of La Puente is hereby empowered to issue notices to appear or citations in the usual form and manner as provided in the Vehicle Code of the State of California.

(Ord. 1 § 3496.9, added by Ord. 81; March 18, 1958)

6.56.110 Removal of vehicles.

The Police Department of the City of La Puente is hereby empowered to remove, or cause to have removed, to the nearest garage or other place of safety, or to a garage designated or maintained by the City of La Puente, any vehicle that is stopped, standing or parked on any public off-street parking lot in violation of this chapter. The provisions of Section 585 of the Vehicle Code of the State of California, pertaining to notice to owner and garage keeper's lien, shall apply in the event of such removal.

(Ord. 1 § 3496.10, added by Ord. 81; March 18, 1958)

6.56.120 Violations-Prima facie presumption.

In any prosecution charging a violation of any of the provisions of this chapter governing the stopping, standing or parking of a vehicle in any public off-street parking lot, proof that the particular vehicle described in the complaint was stopped, standing or parked in violation of any provision of this chapter, together with proof that defendant named in the complaint was at the time of such stopping, standing or parking the registered owner of such vehicle, shall constitute in evidence a prima facie presumption that the registered owner of such motor vehicle was the person who stopped, left standing or parked such motor vehicle at the point where and for the time during which such violation occurred.

(Ord. 1 § 3496.11, added by Ord. 81; March 18, 1958)

Chapter 6.58 REPOSSESSED MOTOR VEHICLES

Sections:

6.58.010 Repossession report required-Form.

6.58.010 Repossession report required-Form.

Every person who recovers possession or takes possession of any motor vehicle under the provisions of any conditional sale or lease contract or chattel mortgage, hereafter termed "repossessed" or "repossessing" shall, within twenty-four hours after repossessing such vehicle if repossessed within the City of La Puente, complete and file in person with the Chief Law Enforcement Officer of the city, a form furnished by the city setting forth the following information:

- (a) The make, model, year, motor number, serial number, and license number of such vehicle.
- (b) The name and address of the registered owner of such vehicle.
- (c) The name and address of the legal owner of such vehicle at the time of repossession.

(d) The name and address of the person or agency repossessing the vehicle.

(e) Date, time and exact location of repossession.

(f) Such other information as the Chief Law Enforcement Officer shall find to be necessary for the identification of vehicles reported to the Chief Law Enforcement Officer as having been stolen, or necessary for the prevention of fraud in the repossession of motor vehicles.

(Ord. 1 § 3631, added by Ord. 92; June 17, 1958)

Chapter 6.62 BICYCLES*

Sections:

6.62.010 Bicycle registration and licensing required.

6.62.020 License application-Form-Registration-License issuance.

6.62.030 License plate required-Attachment.

6.62.040 Transfer of registration-Procedure.

6.62.050 Re-registration in case of loss, theft or mutilation.

6.62.060 Term of license-Fee.

6.62.070 Dealers' reports.

* Parking at blue curbs-See Section 6.40.240 of this code.

6.62.010 Bicycle registration and licensing required.

A person, firm or corporation shall not operate or permit to be operated on any street in the City of La Puente any bicycle propelled wholly or in part by muscular power, unless such bicycle shall first have been registered and licensed as provided in this chapter.

(Ord. 1 § 3600, added by Ord. 37; April 15, 1957)

6.62.020 License application-Form-Registration-License issuance.

(a) Any person, firm or corporation desiring to register a bicycle shall make application therefor in writing to the City Clerk of the City of La Puente, or the Sheriff of Los Angeles County, upon forms provided by that official. Such form shall show the name and address of the applicant, a description of the bicycle to be registered, including the name, serial number, if any, and color thereof, together with such other information or description as may be required.

(b) Upon receipt of any such application, said Sheriff or City Clerk shall register said bicycle in a permanent register and give such bicycle a registration number.

(c) When a bicycle is so registered, a registration certificate and a license shall be issued to the applicant. Both the registration certificate and license shall bear the registration number assigned.

(Ord. 37, 1957; Ord. 1 § 3601, 1956)

6.62.030 License plate required-Attachment.

A license plate which may be in the form of a decal shall be numbered and contain the letters "LACBL" and shall be attached to the frame of the bicycle for which issued. It is unlawful for any person, firm, or corporation to remove, mutilate, deface or destroy any such license or to transfer any such license to any bicycle for which the same was not issued.

(Ord. 37, 1957: Ord. 1 § 3602, 1956)

6.62.040 Transfer of registration-Procedure.

It shall be the duty of any person residing within the city who sells or transfers ownership of any such bicycle, to report such sale or transfer by returning to the sheriff or city clerk the registration card issued to such person, firm, or corporation as licensee thereof, together with the name and addresses of the person to whom such bicycle was sold or transferred and such report shall be made within five days of the date of such sale or transfer. It shall be the duty of the purchaser or transferee of such bicycle to apply for a transfer of registration therefor within five days of the date of such sale or transfer. It is unlawful for any person, firm, or corporation to refuse, fail or neglect to conform to any provision of this section.

(Ord. 37, 1957: Ord. 1 § 3603, 1956)

6.62.050 Re-registration in case of loss, theft or mutilation.

If the license plate or decal is lost, stolen, or mutilated, the person, firm, or corporation owning such bicycle, shall make an application to re-register such bicycle. The previous registration shall be cancelled and the bicycle shall be re-registered in the permanent register and, if necessary, a new identifying number shall be given to such bicycle.

(Ord. 37, 1957: Ord. 1 § 3604, 1956)

6.62.060 Term of license-Fee.

A bicycle registration and license shall expire four years after the end of the thirty-first day of December of the year during which such registration and license first take effect. The applicant shall pay a fee of fifty cents for each new license issued or for each re-registration or for each transfer of registration.

(Ord. 37, 1957: Ord. 1 § 3605, 1956)

6.62.070 Dealers' reports.

Every auctioneer, auto wrecker, foundry, pawnbroker, secondhand dealer, junk dealer, or bicycle dealer shall notify the city clerk in writing on forms prescribed, not less often than once a week of every bicycle received in the course of business by him since his last report. In such reports he shall describe each such bicycle received and give the license number thereof, if any. In addition he shall supply such other information as the sheriff shall require. The dealer shall not sell, transfer, deliver, destroy or alter any such bicycle until fourteen days after its receipt has been reported to the sheriff.

(Ord. 37, 1957: Ord. 1 § 3606, 1956)

Chapter 6.64

ABANDONED, WRECKED, DISMANTLED AND INOPERATIVE VEHICLES

Sections:

- 6.64.010 Abandoned, wrecked, dismantled or inoperative vehicles or parts thereof-Public nuisance, abatement procedure.
- 6.64.020 Same-Exceptions.
- 6.64.030 Same-Not exclusive regulation.
- 6.64.040 Same-Enforcement.
- 6.64.050 Same-Removal-Authorized persons.
- 6.64.060 Same-Administrative costs.
- 6.64.070 Same-Administration.

- 6.64.080 Same-Notice.
- 6.64.090 Same-Public hearing.
- 6.64.100 Same-Public hearing procedure.
- 6.64.110 Same-Appeal.
- 6.64.120 Same-Findings-Order.
- 6.64.130 Same-Notice to Department of Motor Vehicles.
- 6.64.140 Same-Cost assessment.
- 6.64.150 Same-Misdemeanor.
- 6.64.160 Same-Misdemeanor.

6.64.010 Abandoned, wrecked, dismantled or inoperative vehicles or parts thereof-Public nuisance, abatement procedure.

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

The accumulation and storage of abandoned, wrecked, dismantled, or inoperative vehicles or parts thereof on private or public property not including highways is hereby found to create a condition tending to reduce the value of private property, to promote blight and deterioration, to invite plundering, to create fire hazards, to constitute an attractive nuisance creating a hazard to the health and safety of minors, to create a harborage for rodents and insects and to be injurious to the health, safety and general welfare. Therefore, the presence of an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof, on private or public property not including highways, except as expressly hereinafter permitted, is declared to constitute a public nuisance which may be abated as such in accordance with the provisions of this chapter.

As used in this chapter:

- (a) "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) "Highway" means a way or place of whatever nature, publicly maintained and open to the use of the public for purposes of vehicular travel. Highway includes street.
- (c) "Public property" does not include "highway."
- (d) "Owner of the land" means the owner of the land on which the vehicle, or parts thereof, is located, as shown on the last equalized assessment roll.
- (e) "Owner of the vehicle" means the last registered owner and legal owner of record.

(Ord. 363 § 1 (part), 1973)

6.64.020 Same-Exceptions.

This chapter shall not apply to:

- (a) A vehicle, or parts 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 parts thereof, which is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer, a junk dealer, or when such storage or parking is necessary to the operation of a lawfully conducted business or commercial enterprise.

Nothing in this section shall authorize the maintenance of a public or private nuisance as defined under provisions of law other than

Chapter 10 (commencing with Section 22650) of Division 11 of the Vehicle Code and this chapter.

(Ord. 363 § 1 (part), 1973)

6.64.030 Same-Not exclusive regulation.

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

(Ord. 363 § 1 (part), 1973)

6.64.040 Same-Enforcement.

Except as otherwise provided herein, the provisions of this chapter shall be administered and enforced by the city manager. In the enforcement of this chapter such officer and his deputies may enter upon private or public property to examine a vehicle or parts thereof, or obtain information as to the identity of a vehicle and to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 363 § 1 (part), 1973)

6.64.050 Same-Removal-Authorized persons.

When the city council has contracted with or granted a franchise to any person or persons, such person or persons shall be authorized to enter upon private property or public property to remove or cause the removal of a vehicle or parts thereof declared to be a nuisance pursuant to this chapter.

(Ord. 363 § 1 (part), 1973)

6.64.060 Same-Administrative costs.

The city council shall from time to time determine and fix an amount to be assessed as administrative costs, excluding the actual cost of removal of any vehicle or parts thereof, under this chapter.

(Ord. 363 § 1 (part), 1973)

6.64.070 Same-Administration.

Upon discovering the existence of an abandoned, wrecked, dismantled, or inoperative vehicle, or parts thereof, on private property or public property within the city, the city manager shall have the authority to cause the abatement and removal thereof in accordance with the procedure prescribed herein.

(Ord. 363 § 1 (part), 1973)

6.64.080 Same-Notice.

A ten-day notice of intention to abate and remove the vehicle, or parts thereof, as a public nuisance shall be mailed by registered mail to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. The notices of intention shall be in substantially the following forms:

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED, OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of owner of the land)

As owner shown on the last equalized assessment roll of the land located at (address), you are hereby notified that the undersigned pursuant to Section 6.64.010 of the Code of the City of La Puente has determined that there exists upon said land an (or parts of an) abandoned, wrecked, dismantled or inoperative vehicle registered to _____, license number _____, which constitutes a public nuisance pursuant to the provisions of Title 1 of the City Code of the City of La Puente.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice, and upon your failure to do so the same will be abated and removed by the City and the costs thereof, together with administrative costs, assessed to you as owner of the land on which said vehicle (or said parts of a vehicle) is located.

As owner of the land on which said vehicle (or said parts of a vehicle) is located, you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Manager within such 10-day period, the City Manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) as a public nuisance and assess the costs as aforesaid without a public hearing. You may submit a sworn written statement within such 10-day period denying responsibility for the presence of said vehicle (or said parts of a vehicle) on said land, with your reasons for denial, and such statement shall be construed as a request for hearing at which your presence is not required. You may appear in person at any hearing requested by you or the owner of the vehicle or, in lieu thereof, may present a sworn written statement as aforesaid in time for consideration at such hearing.

Notice Mailed _____ s/ _____

(Date) City Manager"

"NOTICE OF INTENTION TO ABATE AND REMOVE AN ABANDONED, WRECKED, DISMANTLED OR INOPERATIVE VEHICLE OR PARTS THEREOF AS A PUBLIC NUISANCE

(Name and address of last registered and/or legal owner of record of vehicle - notice should be given to both if different)

As last registered (and/or legal) owner of record of (description of vehicle - make, model, license, etc.), you are hereby notified that the undersigned pursuant to Section 6.64.010 et seq. of the City Code of the City of La Puente has determined that said vehicle (or parts of a vehicle) exists as an abandoned, wrecked, dismantled or inoperative vehicle at (describe location on public or private property) and constitutes a public nuisance pursuant to the provisions of Title 1 of the City Code of the City of La Puente.

You are hereby notified to abate said nuisance by the removal of said vehicle (or said parts of a vehicle) within 10 days from the date of mailing of this notice.

As registered (and/or legal) owner of record of said vehicle (or said parts of a vehicle), you are hereby notified that you may, within 10 days after the mailing of this notice of intention, request a public hearing and if such a request is not received by the City Manager within such 10-day period, the City Manager shall have the authority to abate and remove said vehicle (or said parts of a vehicle) without a hearing.

Notice Mailed _____ s/ _____

(Date) City Manager"

(Ord. 363 § 1 (part), 1973)

6.64.090 Same-Public hearing.

Upon request by the owner of the vehicle or owner of the land received by the city manager within ten days after the mailing of the notices of intention to abate and remove, a public hearing shall be held by the city manager on the question of abatement and removal of the vehicle or parts thereof as an abandoned, wrecked, dismantled or inoperative vehicle, and the assessment of the administrative costs and the cost of removal of the vehicle or parts thereof against the property on which it is located.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land within such ten-day period, said statement shall be construed as a request for hearing which does not require his presence. Notice of the hearing shall be mailed, by registered mail, at least ten days before the hearing to the owner of the land and to the owner of the vehicle, unless the vehicle is in such condition that identification numbers are not available to determine ownership. If such a request for hearing is not received within ten days after mailing of the notice of intention to abate and remove, the city shall have the authority to abate and remove the vehicle or parts thereof as a public nuisance without holding a public hearing.

(Ord. 363 § 1 (part), 1973)

6.64.100 Same-Public hearing procedure.

All hearings under this chapter shall be held before the city manager who shall hear all facts and testimony he deems pertinent. Said facts and testimony may include testimony on the condition of the vehicle or parts thereof and the circumstances concerning its location on the said private property or public property. The city manager shall not be limited by the technical rules of evidence. The owner of the land may appear in person at the hearing or present a sworn written statement in time for consideration at the hearing, and deny responsibility for the presence of the vehicle on the land, with his reasons for such denial.

The city manager may impose such conditions and take such other action as he deems appropriate under the circumstances to carry out the purpose of this chapter. It may delay the time for removal of the vehicle or parts thereof if, in his opinion, the circumstances justify it. At the conclusion of the public hearing, the city manager may find that a vehicle or parts thereof has been abandoned, wrecked, dismantled, or is inoperative on private or public 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 the cost of removal to be charged against the owner of the land. The order requiring removal shall include a description of the vehicle or parts thereof and the correct identification number and license number of the vehicle, if available at the site.

If it is determined at the hearing that the vehicle was placed on the land without the consent of the owner of the land and that he has not subsequently acquiesced in his presence, the city manager shall not assess the costs of administration or removal of the vehicle against the property upon which the vehicle is located or otherwise attempt to collect such costs from such owner of the land.

If the owner of the land submits a sworn written statement denying responsibility for the presence of the vehicle on his land but does not appear, or if an interested party makes a written presentation to the city manager but does not appear, he shall be notified in writing of the decision.

(Ord. 363 § 1 (part), 1973)

6.64.110 Same-Appeal.

Any interested party may appeal the decision of the city manager by filing a written notice of appeal with the city manager within five days after his decision.

Such appeal shall be heard by the city council which may affirm, amend or reverse the order or take other action deemed appropriate.

The clerk shall give written notice of the time and place of the hearing to the appellant and those persons specified in Section 6.64.080.

In conducting the hearing the city council shall not be limited by the technical rules of evidence.

(Ord. 363 § 1 (part), 1973)

6.64.120 Same-Findings-Order.

Five days after adoption of the order declaring the vehicle or parts thereof to be a public nuisance, five days from the date of mailing of notice of the decision if such notice is required by Section 6.64.090, or fifteen days after such action of the governing body authorizing removal following appeal, the vehicle or parts thereof may be disposed of by removal to a scrapyard or automobile dismantler's yard. After a vehicle has been removed it shall not thereafter be reconstructed or made operable.

(Ord. 363 § 1 (part), 1973)

6.64.130 Same-Notice to Department of Motor Vehicles.

Within five days after the date of removal of the vehicle or parts thereof, notice shall be given to the Department of Motor Vehicles identifying the vehicle or parts thereof removed. At the same time there shall be transmitted to the Department of Motor Vehicles any evidence of registration available, including registration certificates, certificates of title and license plates.

(Ord. 363 § 1 (part), 1973)

6.64.140 Same-Cost assessment.

If the administrative costs and cost of removal which are charged against the owner of a parcel of land pursuant to Section 6.64.090 are not paid within thirty days of the date of the order, or the final disposition of an appeal therefrom, such costs shall be assessed against the parcel of land pursuant to Section 38773.5 of the Government Code and shall be transmitted to the tax collector for collection. Said assessment shall have the same priority as other city taxes.

(Ord. 363 § 1 (part), 1973)

6.64.150 Same-Misdemeanor.

It is 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 parts thereof which is in an abandoned, wrecked, dismantled or inoperative condition upon any private property or public property not including highways within the city for a period in excess of five days unless such vehicle or parts thereof is completely enclosed within a building in a lawful manner where it is not plainly visible from the street or other public or private property, or unless such vehicle is stored or parked in a lawful manner on private property in connection with the business of a licensed dismantler, licensed vehicle dealer or a junkyard.

(Ord. 363 § 1 (part), 1973)

6.64.160 Same-Misdemeanor.

It is unlawful and a misdemeanor for any person to fail or refuse to remove an abandoned, wrecked, dismantled or inoperative vehicle or parts thereof or refuse to abate such nuisance when ordered to do so in accordance with the abatement provisions of this chapter or state law where such state law is applicable.

(Ord. 363 § 1 (part), 1973)

Chapter 6.66 PARKING CITATION PROCESSING

Sections:

- 6.66.010 Title.
- 6.66.020 Definitions.
- 6.66.030 Authority to contract with outside agencies.
- 6.66.040 Authority to conduct administrative review process-Hearing officer-Procedures.
- 6.66.050 Process by which parking citations must be issued.
- 6.66.060 Parking penalties.
- 6.66.070 Parking penalties received by date fixed-No contest-Request to contest.
- 6.66.080 Parking penalties not received by date fixed.
- 6.66.090 Notice of delinquent parking violation-Contents.
- 6.66.100 Copy of citation upon request by registered owner.
- 6.66.110 Affidavit of nonliability-Leased or rented vehicle.
- 6.66.120 Affidavit of nonliability-Sale.
- 6.66.130 Contesting parking citation-Procedure.
- 6.66.140 Collection of unpaid parking penalties.

6.66.150 Obligation of processing agency once parking penalty paid.

6.66.160 Deposit of parking penalties with the city.

6.66.170 Filing of annual reports.

6.66.010 Title.

The ordinance codified in this chapter shall be known as the parking citation processing ordinance of the city of La Puente.

(Ord. 700 § 2 (part), 1993)

6.66.020 Definitions.

Except where the context otherwise requires, the definitions provided in this section shall govern the construction of this chapter.

"Agency" means the "processing agency" as defined below.

"City" at all times refers to the city of La Puente.

"Contestant" means any "operator" or "registered owner" as defined in this section who contests a parking citation.

"Department" means the Department of Motor Vehicles.

"Hearing examiner" means any individual selected by the city, or if the city elects to contract for parking citation processing services, that individual selected by the processing agency authorized to administratively adjudicate parking citation contests.

"Issuing agency" means the city or its authorized agent that issues parking citations.

"Issuing officer" means a peace officer as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of the California Penal Code, or the successor statutes thereto, or any other person authorized by the city to issue a parking citation.

"Operator" means any individual driving and/or in possession of a vehicle at the time a citation is issued or the registered owner.

"Parking citation" means a notice that is personally given or mailed to the operator, or attached to the operator's vehicle, informing the operator of a parking, equipment and/or other vehicle violation and the operator's right to elect to pay the parking penalty for the violation or contest the citation.

"Parking penalty" includes, but is not limited to, the parking penalty for the particular violation, as well as late payment penalties, administrative fees, assessments, costs of collection as provided by law, and other related fees.

"Processing agency" means the city or its authorized agent that processes parking citations and issues notices of delinquent parking violations on behalf of the city.

"Registered owner" means the individual or entity whose name is recorded with the Department of Motor Vehicles as having ownership of a particular vehicle.

"Vehicle" means a vehicle as defined in the California Vehicle Code.

"Violation" means any parking, equipment or other vehicle violation as established pursuant to state law or local ordinance.

(Ord. 700 § 2 (part), 1993)

6.66.030 Authority to contract with outside agencies.

(a) The city may issue and/or process parking citations and notices of delinquent parking violations, or it may enter into a contract for that purpose with a private parking citation processing agency, or with another city, county, or other public issuing or processing agency.

(b) Any contract entered into pursuant to this Section shall provide for monthly distribution of amounts collected between the parties, except amounts payable to the County pursuant to Chapter 12 (commencing with Section 76000) of Title 8 of the California

Government Code, or the successor statutes thereto, and amounts payable to the Department pursuant to California Vehicle Code Section 4763 or the successor statute thereto.

(Ord. 700 § 2 (part), 1993)

6.66.040 Authority to conduct administrative review process-Hearing officer-Procedures.

The processing agency may review appeals or other objections to a parking citation pursuant to the procedures set forth in this section.

(a) For a period of twenty-one days from the issuance of the parking citation, or ten days from the mailing of the notice of delinquent parking citation, an operator may request initial review by the processing agency. The request for initial review may be made in writing, by telephone or in person.

(b) The initial review by the processing agency shall consist of those procedures outlined in Section 6.66.130(a)(1).

(c) If the operator is dissatisfied with the results of the initial review, the operator may contest the parking citation or notice of delinquent parking violation through an administrative hearing review process as outlined in Section 6.66.130.

In order to contest the parking citation, the operator must deposit with the processing agency the full amount of the parking penalty on or before the fifteenth day following the mailing to that operator of the results of the processing agency's initial review. At the same time, the operator must provide a written explanation of the reason or reasons for contesting the parking citation on a form provided by the processing agency. If the operator is unable to deposit the full amount of the parking penalty, the operator must provide verifiable and substantial proof of an inability to deposit the parking penalty. Upon presentation of such proof, the processing agency shall proceed with the contest procedure despite the operator's failure to deposit the full amount of the parking penalty. If it is ultimately determined that the operator is not liable for the parking violation, then the full amount of the parking penalty deposited shall be refunded.

The contestant may contest the parking citation either by written declaration, on forms provided by the processing agency, or by personal appearance before a hearing examiner.

(d) Notwithstanding the provisions of subsection (c) of this section, if the vehicle has been immobilized or impounded for unpaid parking citations, the processing agency shall permit the registered owner of the vehicle to contest the parking citations upon which the seizure was based, without requiring a deposit of the parking penalty, provided that the vehicle remains under the control of the immobilizing or impounding agency.

(e) The processing agency shall provide, through an administrative policy, a procedure for contesting parking citations and notices of delinquent parking violations.

(Ord. 700 § 2 (part), 1993)

6.66.050 Process by which parking citations must be issued.

Parking citations shall be issued in accordance with the following procedures:

(a) If a vehicle is unattended at the time that the parking citation is issued for a parking violation, the issuing officer shall securely attach to the vehicle the parking citation setting forth the violation, including reference to the section of the California Vehicle Code, this code, or other parking regulation violated; the approximate time of the violation; the location of the violation, and the date by which the operator is to deposit the parking penalty or contest the parking citation pursuant to Section 6.66.130. The citation shall state the amount of the parking penalty and the address of the agent authorized to receive deposit of the parking penalty.

The parking citation shall also set forth the vehicle license number and registration expiration date, if such date is visible; the last four digits of the vehicle identification number, if that number is visible through the windshield; the color of the vehicle; and, if discernable, the make of the vehicle.

(b) The parking citation, or copy thereof, shall be considered a record kept in the ordinary course of business of the issuing agency and the processing agency, and shall be prima facie evidence of the facts contained therein.

(c) Once the parking citation is prepared and attached to the vehicle pursuant to subsection (a) above, the issuing officer shall file notice of the parking violation with the processing agency.

(d) If during issuance of the parking citation, without regard to whether the vehicle was initially attended or unattended, the vehicle is driven away prior to attaching the parking citation to the vehicle, the issuing officer shall file the notice with the processing agency. The processing agency shall mail, within fifteen days of issuance of the parking citation, a copy of the parking citation to the registered owner.

(e) If after a copy of the parking citation is attached to the vehicle, or personally given to the operator, the issuing agency or the issuing officer determines that the issuing officer was in error in issuing the parking citation, the issuing officer or the issuing agency may recommend, in writing, that the parking citation be canceled. The recommendation shall state the reason or reasons for cancellation and shall be filed with the processing agency.

Under no circumstance shall a personal relationship with any public official, officer, issuing officer, or law enforcement agency be grounds for cancellation.

(f) If a processing agency makes a finding that there are grounds for cancellation as set forth in the City's administrative policy, or pursuant to any other basis provided by law, then the finding or findings shall be filed with the processing agency, and the parking citation shall be canceled pursuant to Section 6.66.130(a)(1).

(Ord. 700 § 2 (part), 1993)

6.66.060 Parking penalties.

(a) Parking penalties shall be established by resolution of the city council.

(b) All parking penalties received by the processing agency shall accrue to the benefit of the city.

(Ord. 700 § 2 (part), 1993)

6.66.070 Parking penalties received by date fixed-No contest-Request to contest.

(a) If payment of the parking penalty is received by the processing agency and there is no contest by the date fixed on the parking citation, all proceedings as to that parking citation shall terminate.

(b) If the operator contests the parking citation, the processing agency shall proceed in accordance with Section 6.66.130.

(Ord. 700 § 2 (part), 1993)

6.66.080 Parking penalties not received by date fixed.

(a) If payment of the parking penalty is not received by the processing agency by the date fixed on the parking citation, the processing agency shall deliver to the registered owner a notice of delinquent parking violation pursuant to Section 6.66.090.

(b) Delivery of a notice of delinquent parking violation may be made by personal service or by first class mail addressed to the registered owner of the vehicle as shown on the records of the department.

(Ord. 700 § 2 (part), 1993)

6.66.090 Notice of delinquent parking violation-Contents.

The notice of delinquent parking violation shall contain the information required to be included in a parking citation pursuant to Section 6.66.050. The notice of delinquent parking violation shall also contain a notice to the registered owner that, unless the registered owner pays the parking penalty or contests the citation within ten days after mailing the notice of delinquent parking violation or completes and files an affidavit of nonliability that complies with Section 6.66.110 or Section 6.66.120, the vehicle registration shall not be renewed until the parking penalties have been paid. In addition, the notice of delinquent parking violation shall contain, or be accompanied by, an affidavit of nonliability and information concerning what constitutes nonliability, information as to the effect of executing an affidavit, and instructions for returning the affidavit to the issuing agency.

(b) If the parking penalty is paid within ten days after the mailing of the notice of delinquent parking violation, no late penalty or

similar fee shall be charged to the operator.

(Ord. 700 § 2 (part), 1993)

6.66.100 Copy of citation upon request by registered owner.

(a) Within fifteen days of request, made by mail or in person, the processing agency shall mail or otherwise provide to the registered owner, or the registered owner's agent, who has received a notice of delinquent parking violation, a copy of the original parking citation. The issuing agency may charge a fee sufficient to cover the actual cost of copying and/or locating the original parking citation, not to exceed two dollars. Until the issuing or processing agency complies with a request to provide a copy of the parking citation, the processing agency may not proceed to immobilize the vehicle in question merely because the registered owner has received five or more outstanding parking violations over a period of five or more days.

(b) If the description of the vehicle on the parking citation does not substantially match the corresponding information on the registration card for that vehicle the processing agency shall, on written request of the operator, cancel the notice of parking violation.

(Ord. 700 § 2 (part), 1993)

6.66.110 Affidavit of nonliability-Leased or rented vehicle.

A registered owner shall be released from liability for a parking citation if the registered owner files with the processing agency an affidavit of nonliability in a form satisfactory to the processing agency and such form is returned within thirty days after the mailing of the notice of delinquent parking violation together with proof of a written lease or rental agreement between a bona fide rental or leasing company and its customer which identifies the renter or lessee and provides the operator's driver's license number, name and address. The processing agency shall serve or mail to the renter or lessee identified in the affidavit of nonliability a notice of delinquent parking violation. The processing agency shall inform the renter or lessee that he or she must pay the full amount of the fine, or provide notice to the processing agency that he or she intends to contest the parking citation pursuant to Section 6.66.130 within fifteen days of the mailing of the notice of delinquent parking violation. If the processing agency does not receive payment of the parking citation or does not receive notice of an intent to contest within fifteen days, the processing agency may proceed against the renter or lessee pursuant to Section 6.66.140.

(Ord. 700 § 2 (part), 1993)

6.66.120 Affidavit of nonliability-Sale.

(a) A registered owner of a vehicle shall be released from liability for a parking citation issued to that vehicle if the registered owner served with a notice of delinquent parking violation files with the processing agency, within thirty days of receipt of the notice of delinquent parking violation, an affidavit of nonliability together with proof that the registered owner served with a notice of delinquent parking violation has made a bona fide sale or transfer of the vehicle and has delivered possession thereof to the purchaser prior to the date of the alleged violation. The processing agency shall obtain verification from the Department that the former owner has complied with the requirements necessary to release the former owner from liability pursuant to California Vehicle Code Section 5602 or the successor statute thereto.

(b) If the registered owner has complied with California Vehicle Code Section 5602, or the successor statute thereto, the processing agency shall cancel the notice of delinquent parking violation with respect to the registered owner.

(c) If the registered owner has not complied with the requirements necessary to release the owner from liability pursuant to California Vehicle Code Section 5602, or the successor statute thereto, the processing agency shall inform the registered owner that the citation must be paid in full or contested pursuant to Section 6.66.130. If the registered owner does not comply, the processing agency shall proceed pursuant to Section 6.66.140.

(Ord. 700 § 2 (part), 1993)

6.66.130 Contesting parking citation-Procedure.

(a) If an operator or registered owner contests a parking citation or a notice of delinquent parking violation, the processing agency shall do all of the following:

(1) First, either investigate with its own records and staff or request that the issuing agency investigate the circumstances of the citation with respect to the contestant's written explanation of the reason or reasons for contesting the parking citation.

If, based on the results of that investigation, the processing agency is satisfied that the violation did not occur, or the registered owner was not responsible for the violation by virtue of having sold, rented or leased the vehicle, or because legally supportable or mitigating circumstances as set forth in the City's administrative policy warrant a dismissal, the processing agency shall cancel the parking citation, and make an adequate record of the reason or reasons for canceling the parking citation. The processing agency shall mail the results of the investigation by first class mail to the contestant within ten days of the decision.

(2) If the contestant is not satisfied with the results of the investigation provided for in paragraph (1) of this subsection, the contestant may, within fifteen days of the mailing of the results of the initial investigation, deposit the amount of the parking penalty or provide proof of an inability to deposit the parking penalty, and request an administrative hearing.

(3) If the contestant prevails at the administrative hearing, then the full amount of the parking penalty deposited shall be refunded.

(b) The administrative hearing procedure shall consist of the following:

(1) The contestant shall make a written request for administrative hearing on a form and in a manner satisfactory to the processing agency, and may request to contest the parking citation either in person or by written declaration;

(2) If the contestant is a minor, that person shall be permitted to appear at a hearing or admit responsibility for a parking citation without the necessity of the appointment of a guardian. The processing agency may proceed against the minor in the same manner as if the minor were an adult;

(3) The administrative hearing shall be conducted before an examiner designated to conduct the hearing by the city council or by the processing agency.

(c) The issuing officer shall not be required to participate in an administrative hearing. The issuing agency shall not be required to produce any evidence other than the parking citation or copy thereof, and information received from the Department identifying the registered owner of the vehicle.

This documentation in proper form shall be considered prima facie evidence of the violation.

(d) The processing agency's final decision shall be in writing and delivered personally to the contestant or the contestant's agent, or delivered by first class mail within ten (10) working days following the hearing.

(e) If the contestant is not the registered owner of the vehicle, all notices to the contestant required under this section shall also be given to the registered owner by first class mail.

(Ord. 700 § 2 (part), 1993)

6.66.140 Collection of unpaid parking penalties.

Except as otherwise provided below, the processing agency shall proceed under subsections (a) or (b), but not both, in order to collect an unpaid parking penalty:

(a) File an itemization of unpaid parking penalties and other related fees with the Department for collection pursuant to the California Vehicle Code Section 4760 or the successor statute thereto.

(b) If more than four hundred dollars in unpaid parking penalties and other related fees have been accrued by any one registered owner or the registered owner's renter, lessee or sales transferee, proof thereof may be filed with the court which has the same effect as a civil judgment. Execution may be levied and such other measures may be taken for the collection of the judgment as are authorized for the collection of unpaid civil judgments entered against a defendant in an action against a debtor.

The processing agency shall send notice by first class mail to the registered owner or renter, lessee, or sales transferee indicating that a civil judgment has been filed and the date that the judgment shall become effective. The notice shall also indicate the time: that execution may be levied against that person's assets, that liens may be placed against that person's property, that the person's wages may be garnished, and that other steps may be taken to satisfy the judgment. The notice shall also state that the processing agency will terminate the commencement of a civil judgment proceeding if all parking penalties and other related fees are paid prior to the date set

for hearing. If judgment is entered, then the city may file a writ of execution or an abstract with the court clerk's office identifying the means by which the civil judgment is to be satisfied.

If a judgment is rendered for the processing agency, that agency may contract with a collection agency licensed pursuant to Chapter 8 (commencing with Section 6850) of Division 3 of the California Business and Professions Code, or the successor statutes thereto, to collect the judgment.

The processing agency shall pay the established first paper civil filing fee at the time an entry of civil judgment is requested.

(c) If the registration of the vehicle has not been renewed for sixty days beyond the renewal date, and the citation has not been collected by the Department pursuant to the California Vehicle Code Section 4760, or the successor statute thereto, then the processing agency may file proof of unpaid penalties and fees with the court which has the same effect as a civil judgment as provided above in subsection (b)

(d) The processing agency shall not file a civil judgment with the court relating to a parking citation filed with the Department unless the processing agency has determined that the registration of the vehicle has not been renewed for sixty days beyond the renewal date and the citation has not been collected by the Department pursuant to the California Vehicle Code Section 4760 or the successor statute thereto.

(Ord. 700 § 2 (part), 1993)

6.66.150 Obligation of processing agency once parking penalty paid.

(a) If the operator or registered owner served with notice of delinquent parking violation, or any other person who presents the parking citation or notice of delinquent parking violation, deposits the penalty with the person authorized to receive it, the processing agency shall do both of the following:

(1) Upon request, provide the operator, registered owner, or the registered owner's agent with a copy of the citation information presented in the notice of delinquent parking violation. The processing agency shall, in turn, obtain and record in its records the name, address and driver's license number of the person actually given the copy of the citation information;

(2) Determine whether the notice of delinquent parking violation has been filed with Department or a civil judgment has been entered pursuant to Section 6.66.140.

(b) If the processing agency receives full payment of all parking penalties and other related fees and the processing agency has neither filed a notice of delinquent parking violation nor entered a civil judgment, then all proceedings for that citation shall cease.

(c) If the notice of delinquent parking violation has been filed with the Department and has been returned by the Department pursuant to the provisions of the California Vehicle Code and payment of the parking penalty has been made, along with any other related fees, then the proceedings for that citation shall cease.

(d) If the notice of delinquent parking violation has been filed with the Department and has not been returned by the Department, and payment of the parking penalty along with any other fees applied by either the Department or the processing agency or both have been made, the processing agency shall do all of the following:

(1) Deliver a certificate of payment to the operator, or other person making payment;

(2) Within five working days transmit payment information to the Department in the manner prescribed by the Department;

(3) Terminate proceedings on the notice of delinquent parking violation;

(4) Deposit all parking penalties and other fees as required by law.

(Ord. 700 § 2 (part), 1993)

6.66.160 Deposit of parking penalties with the city.

(a) All parking penalties collected, including process service fees and costs related to civil debt collection, shall be deposited to the account of the processing agency, and then remitted to the city, if the city is not also the processing agency.

(b) If the city is not the processing agency, then the city shall enter into an agreement with the processing agency for periodic

transfer of parking citation receipts, along with a report setting forth the number of cases processed and the sums received.

(Ord. 700 § 2 (part), 1993)

6.66.170 Filing of annual reports.

The processing agency shall prepare an audited report at the end of each fiscal year setting forth the number of cases processed, and all sums received and distributed, together with any other information that may be specified by the city or its authorized issuing agency or the State Controller. The report is a public record and shall be delivered to the city and its authorized issuing agency.

(Ord. 700 § 2 (part), 1993)

Chapter 6.70 SKATEBOARDS AND ROLLER SKATES

Sections:

6.70.010 Definitions.

6.70.020 Yielding the right of way.

6.70.030 Obeying traffic and pedestrian signals.

6.70.040 Skateboards and roller skates prohibited on disabled person access ramps.

6.70.050 Skateboards and roller skates prohibited in or on public facilities.

6.70.060 Penalty for violations.

6.70.070 Exemptions from the provisions of this chapter.

6.70.010 Definitions.

As used in this chapter:

"Public facility" means any building, park, plaza, courtyard, parking lot, walkway, path, loading dock or other facility that is owned or maintained by the city, any public agency or public school district, or any public utility. "Public facility" does not include sidewalks.

"Roller skate" means any shoe, boot or other footwear to which one or more wheels are attached.

"Sidewalk" means that portion of a street or highway, other than the roadway, set apart by curbs, barriers, markings or delineation for pedestrian travel.

"Skateboard" means any platform of any composition or size to which two or more wheels are attached and which is intended to be ridden or propelled by one or more persons standing or kneeling upon it and to which there is not affixed any seat or any device or mechanism to turn and control the wheels.

(Ord. 732 § 1 (part), 1996)

6.70.020 Yielding the right of way.

Any person riding upon or propelling any roller skate or skateboard shall yield the right of way to pedestrians on any sidewalk or crosswalk upon which it is lawful to ride or propel a skateboard or roller skates.

(Ord. 732 § 1 (part), 1996)

6.70.030 Obeying traffic and pedestrian signals.

It is unlawful for any person riding upon or propelling any skateboard or roller skates to fail to obey any traffic control signal or pedestrian traffic control signal.

(Ord. 732 § 1 (part), 1996)

6.70.040 Skateboards and roller skates prohibited on disabled person access ramps.

It is unlawful for any person to ride or propel a skateboard or roller skates on any ramp designed or built to afford access to buildings or structures by disabled persons.

(Ord. 732 § 1 (part), 1996)

6.70.050 Skateboards and roller skates prohibited in or on public facilities.

It is unlawful to ride or propel a skateboard or roller skates in or on any public facility in the city.

(Ord. 732 § 1 (part), 1996)

6.70.060 Penalty for violations.

Any person in violation of the provisions of this chapter shall be guilty of an infraction, and upon conviction thereof shall be punishable by a fine of twenty-five dollars. A second and all subsequent violations of this Chapter shall be punishable by a fine of fifty dollars.

(Ord. 732 § 1 (part), 1996)

6.70.070 Exemptions from the provisions of this chapter.

This Chapter shall not apply to any device designated, intended and used solely for: (1) the transportation of infants, or disabled or incapacitated persons; or (2) the transportation of goods or merchandise to and from the place of purchase or storage. Furthermore, the city manager in his sole discretion may suspend the enforcement provisions of this chapter to accommodate special events when so requested by the event organizer.

(Ord. 732 § 1 (part), 1996)