Title 1
GENERAL PROVISIONS

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Chapter 1.01
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1.01.010 Title – Citation – Reference.

This code shall be known as the "Palos Verdes Estates Municipal Code" and it shall be sufficient to refer to the code as the "Palos Verdes Estates Municipal Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part or portion thereof as an addition to, amendment to, correction or repeal of the "Palos Verdes Estates Municipal Code." Further reference may be had to the titles, chapters, sections and subsections of the "Palos Verdes Estates Municipal Code" and such references shall apply to that numbered title, chapter, section or subsection as it appears in the code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 2, 1988)

1.01.020 Codification authority.

This code consists of all the regulatory and penal ordinances and certain of the administrative ordinances of the city, codified pursuant to the provisions of Cal. Gov. Code §§ 50022.1 through 50022.8 and 50022.10. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 3, 1988)

1.01.030 Reference applies to all amendments.

Whenever a reference is made to this code as the "Palos Verdes Estates Municipal Code" or to any portion thereof, or to any ordinance of the city, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 20, 1988)

1.01.040 Title, chapter and section headings.
Title, chapter and section headings contained in this code shall 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. 701 § 2 (Exh. 1), 2012; Ord. 471 § 21, 1988)

1.01.050 Reference to specific ordinances.
The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with, ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 22, 1988)

1.01.060 Effect of code on past actions and obligations.
Neither the adoption of this code nor the repeal or amendment hereby of any ordinance or part or portion of any ordinance of the city shall in any manner affect the prosecution for violations of ordinances, which violations were committed prior to the effective date of the ordinance codified in this chapter, nor be construed as a waiver of any license, fee, or penalty of said effective date due and unpaid under such ordinances, nor be construed as affecting any of the provisions of such ordinances relating to the collection of any such license, fee or penalty, or the penal validity of any bond or cash deposit in lieu thereof required to be posted, filed or deposited pursuant to any ordinance, and all rights and obligations thereunder appertaining shall continue in full force and effect. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 23, 1988)

1.01.070 Effective date.
This code shall become effective on the date the ordinance adopting the “Palos Verdes Estates Municipal Code” becomes effective. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 24, 1988)

1.01.080 Severability.
If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. The council declares that it would have passed this code, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases had been declared invalid or unconstitutional, and if for any reason this code should be declared invalid or unconstitutional, then the original ordinance or ordinances shall be in full force and effect. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 471 § 25, 1988)

Chapter 1.04
GENERAL PROVISIONS

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1.04.010 Definitions.

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1.04.060 Prohibited acts include causing and permitting.

1.04.070 Computation of time.

1.04.080 Construction.

1.04.090 Repeal shall not revive any ordinances.

1.04.010 Definitions.

The following words and phrases, whenever used in the ordinances of the city of Palos Verdes Estates, California, shall be construed as defined in this section 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 or phrases:

A. “City” means the city of Palos Verdes Estates, or the area within the limits of the city of Palos Verdes Estates.

B. “Council” means all the members of the city council of the city of Palos Verdes Estates. “All its members” or “all council members” means the total number of council members holding office.

C. “County” means the county of Los Angeles.

D. “Development entitlement” means any permit, or other approval of an application for development, issued or granted pursuant to the provisions of PVEMC Title 17 or 18.

E. “Law” denotes applicable federal law, the constitution and statutes of the state of California, the ordinances of the city of Palos Verdes Estates, and, when appropriate, any and all rules and regulations which may be promulgated

thereunder.

F. “May” is permissive.

G. “Member” means a member of a commission or committee of the city established pursuant to Chapter 2.24 PVEMC.

H. “Month” means a calendar month.

I. “Must” and “shall” are each mandatory.

J. “Oath” includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words “swear” and “sworn” shall be equivalent to the words “affirm” and “affirmed.”

K. “Owner,” applied to a building or land, includes any part owner, joint owner, tenant-in-common, joint tenant, or tenant-by-the-entirety of the whole or a part of such building or land.

L. “Person” includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, government entity other than the city of Palos Verdes Estates or the manager, lessee, agent, servant, officer or employee of any of them.

M. “Personal property” includes money, goods, chattels, things in action and evidences of debt.

N. “Preceding” and “following” mean next before and next after, respectively.

O. “Property” includes real and personal property.

P. “Real property” includes lands, tenements and hereditaments.

Q. “Sidewalk” means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.

R. “State” means the state of California.

S. “Street” includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this city which have been or may, after the effective date of the ordinance codified in this chapter, be dedicated and open to public use, or such other public property so designated in any law of this state.

T. “Tenant” and “occupant,” applied to a building or land, include any person who occupies the whole or a part of such building or land, whether alone or with others.

U. “Written” includes printed, typewritten, electronic, or otherwise reproduced in permanent visible form.

V. “Year” means a calendar year. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 1, 1991; Ord. 454 § 1)

1.04.020 Title of office.
Use of the title of any officer, employee, department, board or commission means that officer, employee, department, board or commission of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 2)

1.04.030 Interpretation of language.
All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 3)

1.04.040 Grammatical interpretation.
The following grammatical rules shall apply in the ordinances of the city of Palos Verdes Estates, unless it is apparent from the context that a different construction is intended:

A. Gender. Each gender includes the masculine, feminine and neuter genders.

B. Singular and Plural. The singular number includes the plural and the plural includes the singular.

C. Tenses. Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 4)

1.04.050 Acts by agents.
When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 5)

1.04.060 Prohibited acts include causing and permitting.
Whenever in the ordinances of the city of Palos Verdes Estates any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering or concealing the fact of such act or omission. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 6)

1.04.070 Computation of time.

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is a day in which City Hall is closed, in which case the deadline to act shall be extended to the next day that City Hall is open. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 7)

1.04.080 Construction.

The provisions of the ordinances of the city of Palos Verdes Estates, and all proceedings under them, are to be construed with a view to effect their objects and to promote justice. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 8)

1.04.090 Repeal shall not revive any ordinances.

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 454 § 9)

Chapter 1.12
ORDINANCES

Sections:

1.12.010 Posting of documents.

1.12.010 Posting of documents.

Whenever any notice, ordinance, resolution or other document or paper is required to be posted in three public places, the following locations are designated by the city council for the posting of such notices, ordinances, resolutions or other documents or papers:

A. That certain bulletin board located on the wall immediately adjacent to the second floor entrance to City Hall, 340 Palos Verdes Drive West, Palos Verdes Estates;

B. That certain bulletin board located on the interior wall immediately adjacent to and to the right of the main entrance to the Malaga Cove branch of Palos Verdes Library District, 2400 Via Campesina, Palos Verdes Estates; and

C. That certain bulletin board located on the exterior wall adjacent to and to the left of the entrance to the pro shop at the Palos Verdes Golf Club, 3301 Via Campesina, Palos Verdes Estates. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 250 § 1, 1968)

Chapter 1.16
GENERAL PENALTY

Sections:

1.16.010 General penalty designated.

1.16.010 General penalty designated.

A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of this code or any permit or license approved pursuant to any provision of this code is guilty of a misdemeanor, unless the violation or failure to comply is specifically classified by this code as an infraction or unless such violation is subsequently prosecuted as an infraction, in the discretion of the enforcing authority, in which case such person is guilty of an infraction.

B. Except in cases where a different punishment is prescribed by any ordinance of the city, any person convicted of a misdemeanor for a violation of an ordinance of the city is punishable by a fine of not more than one thousand dollars, or by imprisonment not to exceed six months, or by both such fine and imprisonment.

C. Any person convicted of an infraction for violation of an ordinance of the city other than a violation of the building and safety codes 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 ordinance within one year; and

3. A fine not exceeding five hundred dollars for each additional violation of the same ordinance within one year.

D. Notwithstanding any other provision of law, a violation of the city's building and safety codes determined to be an infraction is punishable by (1) a fine not exceeding one hundred dollars for a first violation; (2) a fine not exceeding five hundred dollars for a second violation of the same ordinance within one year; and (3) a fine not exceeding one thousand dollars for each additional violation of the same ordinance within one year of the first violation.

E. A separate offense is committed each and every day during any portion of which any violation of any provision of the ordinances of the city is committed, continued or permitted, and each violation is punishable as a separate offense.

F. In addition to the penalties hereinabove provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be, by the city, summarily abated as such, and every

day such condition continues shall be regarded as a new and separate offense.

G. Any provision of this code may be prosecuted as a misdemeanor or as an infraction in the discretion of the city prosecutor. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 1, 2001; Ord. 495 § 2, 1989; Ord. 444 § 1, 1987)

Chapter 1.20
GENERAL MUNICIPAL ELECTION

Sections:

1.20.010 Date of election.

1.20.010 Date of election.

The date of the general municipal election of the city is the first Tuesday after the first Monday in November of each even-numbered year. (Ord. 719 § 2, 2016; Ord. 701 § 2 (Exh. 1), 2012; Ord. 577 § 1, 1994)

Chapter 1.30
CITY SEAL AND LOGO

Sections:

1.30.010 Adoption.

1.30.020 Use of seal.

1.30.025 Use of logo.

1.30.030 Use of police badge and patch.

1.30.040 Custodian.

1.30.010 Adoption.

The city council, by resolution, shall adopt a city seal. The city council, by resolution, may adopt a city logo. (Ord. 701 § 2 (Exh. 1), 2012)

1.30.020 Use of seal.

The city seal is the property of the city. The impression of the seal shall be made and used only upon official documents executed by duly authorized officials of the city. No person shall make, reproduce, manufacture, display or use the seal, or its design or any design so closely resembling the seal as to be apt to deceive or be reasonably mistaken for the city seal, in any way without written consent of the council or for any purpose other than for the official business of the city. (Ord. 701 § 2 (Exh. 1), 2012)

1.30.025 Use of logo.

The city logo is the property of the city. The city logo is, and has been, established and designated to identify official city facilities, events and publications. No person shall make, reproduce, manufacture, display or use the city logo, or its design or any design so closely resembling the same as to be apt to deceive or be reasonably mistaken for in any way the city logo, for any purpose other than for official city business, a city-sponsored event or publication, or a city-endorsed event or publication and without the express written consent of the city manager. (Ord. 701 § 2 (Exh. 1), 2012)

1.30.030 Use of police badge and patch.

The city police badge and patch are the property of the city. The city police badge and patch are established and designated to identify official city police officers, employees, and activities. It shall be a misdemeanor for any person to make, reproduce, manufacture, display or use the city police badge or patch, or its design or any design so closely resembling the same as to be apt to deceive or be

reasonably mistaken for in any way the city police badge or patch, without the express written consent of the police chief. (Ord. 701 § 2 (Exh. 1), 2012)

1.30.040 Custodian.

The city clerk shall be the custodian of the city seal. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 1.40
CLAIMS AND LEGAL CHALLENGES TO CITY DECISIONS

Sections:

1.40.010 Challenging the administrative and quasi-judicial actions of the city – Time in which actions must be brought.

1.40.020 Claims against the city – Prerequisite to lawsuits.

1.40.010 Challenging the administrative and quasi-judicial actions of the city – Time in which actions must be brought.

Any action challenging a final administrative order or decision by the city made as a result of a proceeding in which by law a hearing is required to be given, evidence is required to be taken, and discretion regarding a final and nonappealable determination of facts is vested in the city of Palos Verdes Estates, or in any of its boards, committees, commissions, officers or employees, must be filed within the time limits set forth in Cal. Civ. Proc. Code § 1094.6. (Ord. 701 § 2 (Exh. 1), 2012)

1.40.020 Claims against the city – Prerequisite to lawsuits.

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

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

C. In accordance with Cal. Gov. Code §§ 935(b) and 945.6, all claims shall be presented as provided in this section prior to the filing of suit on such claims. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 1.50
ADMINISTRATIVE CITATIONS AND PENALTIES

Sections:

1.50.010 Purpose.

1.50.020 Definitions.

1.50.030 Scope.

1.50.040 Administrative citation.

1.50.050 Procedures for issuing an administrative citation.

1.50.060 Satisfaction of administrative citation.

1.50.070 Issuing permits or licenses.

1.50.080 Administrative review and hearing.

1.50.090 Right to judicial review.

1.50.100 Collection and lien procedures.

1.50.110 Failure to comply with administrative order.

1.50.010 Purpose.

A. This chapter is adopted pursuant to the city's police powers and Cal. Gov't Code § 53069.4 for the purpose of making certain violations of the Palos Verdes Estates Municipal Code subject to an administrative fine and to set forth procedures for the imposition and collection of such fines.

B. The purpose and intent of this chapter is to ensure the health, safety and welfare of the city's residents and to provide an efficient and cost effective method of enforcing the Palos Verdes Estates Municipal Code and the city's ordinances. The purpose and intent of the city's imposition of fines is to encourage compliance with, and deter future violations of, the Palos Verdes Estates Municipal Code.

C. The administrative enforcement procedures set forth in this chapter are in addition to all other legal remedies, criminal or civil, which the city may choose to pursue. Nothing in this chapter is intended to supersede, replace or otherwise limit the now existing powers of the city to enforce its laws. The use of this chapter is at the sole discretion of the city. (Ord. 718 § 1, 2016)

1.50.020 Definitions.

A. “Administrative citation” or “citation” means a citation issued pursuant to this chapter.

B. “Day” means a calendar day, unless otherwise specifically expressed.

C. “Department director” means the director or designee of the department responsible for issuing a citation pursuant to this chapter.

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

E. “Hearing officer” means that person designated by the city manager to conduct an administrative hearing pursuant to this chapter.

F. “Person” means a natural person, corporation, association, partnership, sole proprietorship, public entity, firm, business, trust, or corporation.

G. “Responsible person” means:

1. A person who causes a code violation to occur;

2. A person who maintains or allows a code violation to continue, by his or her action or failure to act;

3. A person whose agent, employee, or independent contractor causes a code violation by its action or failure to act;

4. A person who is the owner of, and/or a person who is a lessee or sublessee with the current right of possession of, real property where a code violation occurs; or

5. A person who is the on-site manager of a business who normally works during the business’s operating hours and who is responsible for the activities occurring on such premises.

H. “Violation” means any condition caused or permitted to exist in violation of any provision of this code, or any ordinance of the city, or of any condition of any permit or license required by this code and issued by the city. A violation may include failure to correct, abate or remove any condition expressly prohibited by this code or any ordinance of the city or any such permit or license. (Ord. 718 § 1, 2016)

1.50.030 Scope.

A. In addition to any criminal, civil or other legal remedy established by this code or other law that may be pursued to address violations of the municipal code, any violation of the Palos Verdes Estates Municipal Code is subject to the administrative penalty procedures and other provisions of this chapter.

B. Use of the provisions of this chapter does not waive the city's ability to use any other enforcement remedies authorized by law.

C. Any person who violates the same provision, or who fails to comply with the same sections of this code more than three times within a twelve-month period shall be guilty of a misdemeanor for each violation committed thereafter within that same twelve-month period. Any person who violates or fails to comply with the sections of this code and who possesses no photo identification or refuses to identify him/herself to an enforcement officer, thereby impeding, delaying or obstructing the issuance of an administrative citation, shall be guilty of a misdemeanor. (Ord. 718 § 1, 2016)

1.50.040 Administrative citation.

A. Issuing Administrative Citations. The following procedures shall be used in issuing administrative citations:

1. Personal Service. In any case where an administrative citation is issued by personal service the enforcement officer shall attempt to locate and personally serve the responsible person and obtain the signature of the responsible person on the administrative citation. If the responsible person served refuses or fails to sign the citation, the failure or refusal to sign shall not affect the validity of the administrative citation or of subsequent proceedings. Additionally, service under this subsection is effective at the time the notice is personally served.

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

3. Service of Citation by Posting. If the enforcement officer is unable to effectuate service of the citation under subsection (A)(1) or (2) of this section, a copy of the citation may be posted on any real property within the city in which the city has a reasonable belief that the responsible person may be

found or in which the responsible person has a legal interest. Service under this subsection shall be deemed effective on the date when such notice is posted.

4. Service of Citation by Publication. If the enforcement officer is unable to serve the citation by any of the preceding methods, the citation may be published in a newspaper likely to give actual notice to the responsible person. The publication shall be once a week for four successive weeks in a newspaper published at least once a week. Service under this subsection is deemed effective twenty-four hours after the fourth weekly publication of the notice.

B. The administrative citation shall contain the following information:

1. The date the administrative citation is issued;

2. The code section(s) violated and a brief description of the conditions resulting in the violation(s);

3. The date, approximate time, and address or description of the location where the violation(s) occurred;

4. The amount of the fine imposed for the violation;

5. The manner by which the administrative citation may be paid, including the location where payments may be tendered and the due date for paying the fine;

6. A description of the penalties for failure to pay the fine;

7. A deadline for any requested corrections of existing violations which triggered the issuance of the administrative citation;

8. A brief description of the administrative citation review process, including the time within which the administrative citation may be contested and the manner in which a request for review of the citation may be requested;

9. To the extent reasonably practical: the full legal name of the responsible person, the responsible person’s current address and mailing address, the responsible person’s telephone number and the responsible person’s signature;

10. An order prohibiting the continued or repeated occurrence of the violation described in the administrative citation; and

11. The name of the enforcement officer. (Ord. 718 § 1, 2016)

1.50.050 Procedures for issuing an administrative citation.

A. Prior to the issuance of an administrative citation, a responsible person will first be issued a notice of violation. The notice of violation shall specify the action required to correct or otherwise remedy the violation(s). Upon the issuance of the notice of violation, the code enforcement officer shall assign a specific reasonable period within which to correct or otherwise remedy each violation. If no such period is specifically provided, the responsible person will have fifteen days from the date of issuance to correct or otherwise remedy the violation.

B. Failure to comply with any portion of a notice of violation may result in the issuance of an administrative citation.

C. A notice of violation is not required before any subsequent administrative citations may be issued for a continuing or repeated violation. (Ord. 718 § 1, 2016)

1.50.060 Satisfaction of administrative citation.

A. Upon the issuance of an administrative citation, the responsible person must either correct the violation and pay the fine, or file an administrative review.

1. Payment of Administrative Fines. An administrative citation fine must be paid to the city within thirty days from the date of issuance of the administrative citation or, if a request for an initial administrative review is submitted and the review held, then within fifteen days after the date of mailing of the notice of the conclusion of that initial administrative review, whichever is later.

2. Delinquency Penalty. Any responsible person who fails to pay to the city the amount of any fine imposed pursuant to the provisions of this chapter is liable for the payment of an additional delinquency penalty. The delinquency penalty is equal to one hundred percent of the amount due the city, not to exceed one hundred dollars; or if a portion of the fine amount was timely paid, one hundred percent of the amount of the fine remaining unpaid to the city, not to exceed one hundred dollars.

3. Failure of any person to pay the fines assessed by an administrative citation and any delinquency penalty within the time set forth herein shall constitute a debt to the city which may be collected in any manner authorized by law.

4. Remedy the violation within the specific reasonable period outlined in the administrative citation; or if no such period is specifically provided, the responsible person will have fifteen days from the date of issuance to correct

or otherwise remedy the violation.

B. File an Administrative Review. An administrative review shall be filed in accordance with the time limits and other provisions of PVEMC 1.50.080. In the event the responsible person fails or refuses to select and satisfy any of the alternatives set forth above, then the penalty shall be immediately due and owing to the city and may be collected in any manner allowed by law for collection of a debt. Commencement of an action to collect the delinquent penalty shall not preclude issuance of additional citations to the responsible person should the violations persist. (Ord. 718 § 1, 2016)

1.50.070 Issuing permits or licenses.

If an enforcement officer issues an administrative citation because the responsible person lacks a required permit or license required by this code and the fine is delinquent, the city shall not issue the permit or license until the delinquent fine, and any applicable penalties and interest, are paid. Similarly, no permit or license shall be renewed until any and all outstanding administrative citations have been paid in full, regardless of the violation that triggered the administrative citation. (Ord. 718 § 1, 2016)

1.50.080 Administrative review and hearing.

A. Initial Administrative Review – Request. The responsible person may request an initial administrative review of the citation within fifteen days of its issuance by submitting a request to the city clerk, or his or her designee. This request must: be made in writing and set forth with particularity the reasons the responsible person believes a violation did not occur or that the responsible person was not responsible for the violation(s); must include a copy of the citation; must be received by the city clerk within fifteen days of the issuance of the citation; and must contain the address to which the conclusions of the city's review should be mailed. A request for an initial administrative review is a mandatory prerequisite to a request for an administrative hearing.

B. Initial Administrative Review – Procedure. The city clerk, or his or her designee, shall forward the initial administrative review request to the department director supervising the enforcement officer who issued the administrative citation for review. The initial administrative review shall be limited to a review of the city's documentation of the violation.

C. Initial Administrative Review – Decision.

1. Within fifteen days upon receiving the request, the department director shall review the request and provide the city clerk, or his or her designee, with

written notification either that:

a. The citation should be vacated because either there was no violation, or the responsible person was not responsible for the violation, and setting forth the basis for that conclusion; or

b. There is no justification found for vacating the citation.

2. The city clerk, or his or her designee, shall mail a copy of the decision to the responsible person at the address on the request for initial administrative review along with, if applicable, a notice establishing the fine due date and the procedure for requesting an administrative hearing.

3. If the initial administrative review upholds the citation, the fine shall be paid to the city within fifteen days after the date the city mailed the responsible person the notice of the initial administrative review decision.

D. Request for Hearing. If the responsible person wishes to contest the decision of the initial administrative review, the responsible person shall request an administrative hearing within fifteen days after the date the city mailed the responsible person the notice of the initial administrative review decision. Requests must be in writing submitted to the city clerk and be accompanied by an advance deposit of the fine.

E. Notification of Hearing. Upon receipt of the payment of the administrative fine and request for a hearing, the city shall give notice to the responsible person of the time, date, and location of the hearing. The hearing shall be held not less than fifteen days, or more than sixty days, after the receipt of the request. Any documentation, other than the administrative citation, that the enforcement officer has submitted or will submit to the hearing officer shall be sent to the responsible person by regular first class mail at least five days before the date on which the hearing is scheduled. The documentation shall be made available upon request at the time of the hearing.

F. Evidentiary Rules. The city bears the burden of proving a violation of the code by a preponderance of the evidence. The administrative citation and any additional reports submitted by the enforcement officer constitute prima facie evidence of the respective facts contained in those documents. Both the responsible person and the enforcement officer have the opportunity to testify, cross-examine witnesses and present additional evidence concerning the administrative citation. Evidence may include, without limitation, witness testimony, documents, or other similar evidence. Formal rules of evidence do not apply, but all evidence

presented must be relevant and material to the issues of whether the violation alleged in the citation occurred or whether the responsible person was accountable for the violation.

G. Waiver of Personal Appearance at Hearing. In lieu of personally appearing at an administrative hearing, the responsible person may request that the hearing officer decide the matter based upon the citation itself and written argument and any documentary evidence signed under penalty of perjury submitted by the responsible person prior to the time of the scheduled hearing.

H. Failure to Appear at Hearing. Failure of a responsible person to appear at the hearing is deemed a waiver of the right to be personally present at the hearing. The hearing officer may then decide the matter based upon the citation itself, any documentary evidence previously submitted, and any additional evidence that may be presented at the hearing by the enforcement officer.

I. Attendance of Enforcement Officer. The enforcement officer who issued the administrative citation may, but is not required to, attend the administrative hearing. If the enforcement officer does not attend the administrative hearing he or she may, before the date set for said hearing, submit reports, photos, or other documentation regarding the violation to the hearing officer for consideration at the hearing.

J. Continuation of Hearings. The hearing officer may continue any hearing and request additional information from the enforcement officer or responsible person before issuing a written decision.

K. Decision of Hearing Officer. Based upon the evidence presented at the administrative hearing, the hearing officer shall provide a written decision to the parties within fifteen days of the hearing with one of the following determinations:

1. Determine that the violation for which the citation was issued occurred, and impose a fine in the amount set forth in the fine and penalty schedule. If the violation has not been corrected as of the date of the hearing, the hearing officer may additionally order the responsible person to correct or abate the violation. In this event, the city can retain the fine deposited by the responsible person.

2. Determine either that the violation for which the citation was issued did not occur or that the condition did not constitute a violation of this code. In either event, the city shall refund the deposit, if any, within fifteen days of the decision. A finding by the hearing officer that no violation occurred

constitutes a dismissal of the administrative citation at issue, but does not have any effect on any other administrative citations issued or any other action taken by the city.

3. Determine that the person cited was not the responsible person as to the violation. In this event the city shall refund the deposit, if any, within fifteen days of the decision.

L. The administrative hearing officer's decision must explain the basis for the decision and be served upon the responsible person by first class mail to the address stated on the request for hearing form. If applicable, the order must set forth the date by which compliance must be achieved and the imposed fine paid to the city. The order is final on the date of mailing, which is deemed the "date of service," and must notify the responsible person of the right to appeal to the superior court, as further described in PVEMC 1.50.090. There is no right to an appeal other than as provided in PVEMC 1.50.090. The administrative hearing officer's decision shall be the final administrative order and decision pursuant to Cal. Gov't Code § 53069.4(b). (Ord. 718 § 1, 2016)

1.50.090 Right to judicial review.

If an administrative order is rendered in favor of the city, the responsible person may seek judicial review of the administrative order in the Los Angeles County superior court, by filing an appeal of the administrative order pursuant to, and paying the fee required by, Cal. Gov't Code § 53069.4 within twenty days after service of the administrative order. Pursuant to Cal. Gov't Code § 53069.4, the appealing party must serve a copy of the notice of appeal in person or by first-class mail upon the city clerk. If no notice of appeal is filed within the twenty-day period, the administrative hearing officer's decision is final. (Ord. 718 § 1, 2016)

1.50.100 Collection and lien procedures.

A. Recovery of Administrative Citation Fines and Costs. In addition to any other legal remedy, the city may place a lien on property owned by the responsible person in an amount equal to the sum of the fines delinquent for more than ninety days, plus penalties and interest. Imposition of a lien must stem from a citation for the condition or use of real property, or any improvements thereon, owned by the responsible person.

B. Lien Procedure.

1. The city manager may initiate proceedings to record a lien conforming with this code if the decision is not appealed.

2. Before recording the lien, the department director must submit a report to the city manager, or designee, stating the amount due and owing.

3. The department director must then contact the city clerk and arrange a time, date, and place for the city council to consider the report and any protests or objections to it.

4. The department director must serve the responsible person with a hearing notice not less than ten days before the hearing date. The notice must set forth the amount of the delinquent administrative fine, and any penalties and interest that are due. Notice must be delivered via first-class mail, postage prepaid, addressed to each responsible person's address as it appears on the last equalized assessment roll or supplemental roll of the county of Los Angeles, whichever is more current. Service by mail is effective on the date of mailing and failure of responsible person to actually receive notice does not affect its validity.

5. At the conclusion of the hearing, the city council shall adopt a resolution confirming, discharging, or modifying the lien amount.

C. Recording a Lien. Within thirty days following the city council's adoption of a resolution imposing a lien, the department director shall file same as a judgment lien in the Los Angeles County recorder's office. Before recordation of the lien, the city must give notice to the owner of record of the subject parcel in the manner required by Cal. Gov't Code § 38773.1(b).

D. Administrative Fee. Each responsible person against whose property an assessment is levied pursuant to this chapter shall also be assessed an administrative fee in an amount established by city council resolution based on the costs incurred in levying the assessment. The administrative fee shall be included in the lien amount approved by the city council and recorded against the responsible person's property.

E. Satisfaction of Lien. Once the city receives full payment for outstanding principal, penalties, and costs, the department director shall either record a notice of satisfaction or provide the responsible person with a notice of satisfaction for recordation at the Los Angeles County recorder's office. This notice of satisfaction shall cancel the city's lien. (Ord. 718 § 1, 2016)

1.50.110 Failure to comply with administrative order.

In the absence of a timely appeal to the superior court, failure to comply with a final administrative order directing the abatement of a continuing violation by the

date specified in the order shall be a misdemeanor for each day thereafter, or any portion thereof, that the violation is maintained or permitted. In the event of a timely appeal to the superior court pursuant to PVEMC 1.50.090, and provided the city prevails thereon, each day, or any portion thereof, that a continuing violation is maintained or permitted after a court-ordered abatement date shall be a misdemeanor. Filing a misdemeanor action does not preclude the city from pursuing any other remedies to gain compliance provided in this code or under state law. For purposes of this chapter, a "continuing violation" shall mean a single, ongoing condition or activity in violation of the municipal code. (Ord. 718 § 1, 2016)

Title 2
ADMINISTRATION AND PERSONNEL

Chapters:

2.04 City Council

2.08 City Manager

2.10 Finance Director

2.12 Police Department

2.16 Police Department Reserve Corps

2.24 Commissions and Committees

2.28 Emergency Services

2.32 Unclaimed Property

2.36 Personnel and Employment

2.38 Post-Employment Lobbying

Prior legislation: Ord. 452.

Chapter 2.04
CITY COUNCIL

Sections:

2.04.010 Regular meetings.

Prior legislation: Ords. 180, 530 and 586.

2.04.010 Regular meetings.

The city council shall hold regular meetings on the second and fourth Tuesday of every month, except that no regular meeting will be held in the month of August or the fourth Tuesday of December and the first meeting of January shall be held on the second Wednesday. Meetings shall begin at the hour of seven-thirty p.m. in the council chambers of City Hall located at 340 Palos Verdes Drive West or in such other place within the city limits to which such meeting may be adjourned. A closed session, if any, of each regular meeting may be held before the regular meeting, with the start time of the closed session noted on the posted agenda. When the day for any regular meeting falls on a legal holiday, the city council may choose to meet on that day as scheduled or meet on another date by formal adjournment. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 655 § 1, 2004; Ord. 472 § 1, 1988)

Chapter 2.08
CITY MANAGER

Sections:

2.08.010 Office established – Appointment.

2.08.020 Residence in city.

2.08.030 Acting manager.

2.08.040 Compensation.

2.08.050 Powers and duties.

2.08.060 Emergency authority.

2.08.070 Relationship of council, city employees and manager.

2.08.080 Removal.

Prior legislation: Ord. 498.

2.08.010 Office established – Appointment.

A. The office of the city manager is hereby created and established.

B. When a vacancy exists in the position of city manager, the city council shall establish a procedure designed to select a city manager. Appointment shall be made by the city council by a majority vote of the city council, solely on the basis of the candidate's executive and administrative qualifications and ability, with special reference to actual experience in or knowledge of accepted practices of municipal administration, and the city manager shall hold office at the pleasure of the city council.

C. No person having served as a council member shall be eligible for appointment as city manager until one year has elapsed after such person has ceased to be a member of the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.020 Residence in city.

If not housed in city-owned housing, residence in the city shall not be required as a condition of appointment, but the city manager shall establish residence within ten miles of the city unless the city council establishes a different reasonable and specific distance from the city in a particular employment agreement. Thereafter, the city manager shall maintain a residence within the specified distance. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.030 Acting manager.
In case of extended absence or any disability of the city manager, the city council may designate a duly qualified person to perform the duties of the city manager during the period of absence or disability. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.040 Compensation.
A. The city manager shall receive such compensation, benefits, and allowances as the city council, from time to time, determines and fixes, and the compensation and expense allowance shall be a proper charge against such funds of the city as the city council designates.

B. The city manager shall be reimbursed for all such sums necessarily incurred or paid by the city manager in the performance of his or her duties or incurred when traveling on business pertaining to the city under direction of the city council; reimbursement shall only be made, however, when a verified itemized claim, setting forth the sums expended for which reimbursement is requested, has been presented to the city council and the city council has duly approved and allowed reimbursement. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.050 Powers and duties.
A. The city manager shall be the administrative head of the government of the city under the direction and control of the city council, except as otherwise provided in this chapter.

B. The city manager shall be responsible for the efficient administration of all the affairs of the city which are under his or her control. In addition to the city manager's general powers as administrative head, and not as a limitation thereon, the city manager shall have the following powers and duties:

1. To see that all laws and ordinances of the city are duly enforced and that all franchises, permits and privileges granted by the city are faithfully observed;

2. To control, order and give directions to all heads of departments and to subordinate officers and employees of the city under his or her jurisdiction through their department heads;

3. To appoint, remove, promote and demote any and all officers and employees of the city except the city attorney;

4. To recommend to the city council such reorganization of offices, positions, departments or units under his or her direction as may be indicated in the interest of efficient, effective and economical conduct of the city's business;

5. To attend all meetings of the city council of the city unless excused therefrom by the council;

6. To recommend to the city council for adoption such measures and ordinances as the city manager deems necessary or expedient;

7. To keep the city council at all times fully advised as to the financial conditions and needs of the city;

8. To prepare and submit the proposed annual budget and the proposed annual salary plan to the city council for its approval and to be responsible for efficient administration of both budget and salary plan after their adoption by the city council;

9. To purchase all supplies for all departments or divisions of the city and to submit to the city council only those expenditures reviewed and approved by the city manager;

10. To designate a qualified city administrative officer to exercise the powers and perform the duties of city manager during any temporary absence of the city manager, upon filing a letter with the city clerk designating such person;

11. To make investigations into the affairs of the city and any department or division thereof and any contract thereof, and any contract or the proper performance of any obligations running to the city;

12. To investigate all complaints in relation to matters concerning the administration of the city government and in regard to the service maintained by public utilities in the city;

13. To exercise general supervision over all public buildings, public parks and all other public property under the control and jurisdiction of the city council;

14. To perform such other duties and exercise such other powers as may be delegated to the city manager from time to time by ordinance or resolution or other action of the city council;

15. To devote his or her entire time to the duties of the office in the interests of the city;

16. To make and keep up to date an inventory of all property, real and personal, owned by the city and to recommend to the city council the purchase of new machinery, equipment and supplies whenever in the city manager's

judgment the same can be obtained at the best advantage, taking into consideration trade-in value of machinery, equipment, etc., in use;

17. To receive and open all mail addressed to the city council as a body and give immediate attention thereto to the end that all administrative business referred to in such communications and not necessarily requiring councilmanic action may be disposed of between council meetings; provided, that all actions taken pursuant to such communications shall be reported to the city council at its next regular meeting thereafter;

18. Whenever, in the ordinances of this city, it is provided that anything shall be done or may be done by an officer therein designated by a title which no longer exists, as used therein, the duty or authority to do such thing shall rest upon the city manager, or, as to departments under the city manager's control, by his or her order, upon such department or the person therein designated by the city manager as the successor of such duty or authority of the officer originally referred to. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.060 Emergency authority.

A. In the event of a locally declared emergency, as defined in PVEMC 2.28.020, the city manager may repair, prevent further damage to, or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes without compliance with any bidding procedure otherwise required by law; provided, that the total expenditures for such actions do not exceed one hundred thousand dollars for any one declared disaster or emergency. In addition, the city manager may authorize such an expenditure in excess of one hundred thousand dollars, but less than five hundred thousand dollars, if the city manager has first consulted with and received the concurrence of a member of the city council, in the following order of priority: the mayor, mayor pro tem, or one of the other city council members.

B. Prior to taking any action pursuant to subsection A of this section, the city manager shall determine, based on substantial evidence, that the emergency will not permit a delay resulting from a competitive solicitation for bids and that such action is necessary to respond to the emergency, and shall consult with one of the city council members, if any one of them is available, in the following order of priority: the mayor, mayor pro tem, or one of the other city council members.

C. The city manager shall report any action taken pursuant to subsection A of this section to the city council at a meeting of the city council to be called within seven

days after such action is taken, or at the next regularly scheduled meeting of the city council after such action is taken if such meeting is held not later than fourteen days after such action is taken. The report shall contain the reasons justifying why the emergency did not permit solicitation for bids and why the action taken was necessary to respond to the emergency. If such action has not been completed or terminated by the time of such meeting, the city council shall review the action and may continue it only if the city council determines by a four-fifths vote that there is a need to continue such action. Such review shall thereafter occur at each succeeding regularly scheduled meeting of the city council until the action is terminated.

D. The city manager and city council shall terminate any action taken without bid pursuant to this section at the earliest possible date that conditions warrant so that the remainder of any emergency action needed may be completed by giving notice for bids to let contracts.

E. For purposes of this section only, "emergency" shall mean a sudden, unexpected occurrence that poses a clear and imminent danger, requiring immediate action to prevent or mitigate the loss or impairment of life, health, property or essential public services.

F. This section shall be deemed a delegation of the city council's authority to take action pursuant to Cal. Pub. Cont. Code § 22050 if the city manager determines such action must be taken prior to the time a meeting of the city council may be convened. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 674 § 1, 2006; Ord. 589 § 1, 1995)

2.08.070 Relationship of council, city employees and manager.
Neither the city council nor any council members shall give orders to any subordinates of the city manager. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

2.08.080 Removal.
A. The city manager shall not be removed from office during or within a period of ninety days following any general municipal election at which a member of the city council is elected. The purpose of this provision is to allow any newly elected member of the city council, or a reorganized city council, to observe the actions and ability of the city manager in the performance of the powers and duties of the office.

B. Except as provided in subsection A of this section, the city manager may be removed by a majority vote of the city council, subject to any applicable provisions contained in the city manager's employment agreement. The decision of the city council shall be final. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 351 § 1, 1980)

Chapter 2.10
FINANCE DIRECTOR

Sections:

2.10.010 Office established.

2.10.020 Powers and duties.

2.10.030 Bond.

2.10.010 Office established.

The office of finance director is created and established, consistent with the provisions of Cal. Gov. Code § 37209. The office of finance director may be combined with any other office or position not inconsistent therewith. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 494 § 1, 1989)

2.10.020 Powers and duties.

The finance director shall have the following powers and duties:

A. The administration of the financial affairs of the city, under the direction of the city manager;

B. Assisting the city manager in the preparation and administration of the annual budget;

C. The maintenance of a general accounting system for each of the departments of the city;

D. The supervision and responsibility for the control of the expenditures of all moneys, and the audit of all bills, invoices, payrolls, demands or charges;

E. The preparation and presentation to the city council, through the city manager, of a monthly statement of receipts and disbursements of funds, in sufficient detail to show the exact financial condition of the city; and at the end of each fiscal year, a summary statement of receipts and disbursements by departments and funds, including opening and closing fund balances in the treasury;

F. The supervision of the maintenance of current inventories of all city property by all departments of the city;

G. The maintenance of an internal audit of all city income and revenues, prescribing such receipt forms, procedures and methods as may be necessary to determine that all receipts are properly accounted for and transmitted to the city treasurer;

H. The preparation and maintenance of accurate current records of all accounts receivable of the city, based on pertinent data received from the respective departments of the city, and the making of timely billings of all such account receivables;

I. The planning, organizing and direction of the daily activities of the finance department, including payroll, employee benefits, accounts payable, purchasing, billing and collection, licensing, data processing, internal auditing and related activities;

J. The management of the safety and risk control function of the city; and

K. The performance of such other duties and the exercise of such other powers as may be delegated to the finance director by the city manager. (Ord. 704 § 1, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 494 § 1, 1989)

2.10.030 Bond.

The finance director shall furnish a corporate surety bond to be approved by the city council, in such sums as may be determined by the city council, and conditioned upon the faithful performance of the duties imposed upon the finance director as prescribed in this chapter. Any premium for such bond shall be a proper charge upon the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 494 § 1, 1989)

Chapter 2.12
POLICE DEPARTMENT

Sections:

2.12.010 Election to receive aid.

2.12.020 Adherence to peace officer training standards.

2.12.025 Adherence to state standards for selection and training of public safety dispatchers.

2.12.030 Adherence to Board of Corrections standards.

Prior legislation: Ord. 117.

2.12.010 Election to receive aid.

The city declares that it desires to qualify to receive aid from the state of California under the provisions of Cal. Pen. Code Part 4, Title 4, Chapter 1. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 212 § 1, 1963)

2.12.020 Adherence to peace officer training standards.

Pursuant to Cal. Pen. Code § 13522, of Cal. Pen. Code Part 4, Title 4, Chapter 1, the city, while receiving aid from the state of California pursuant to said Cal. Pen. Code Chapter 1, will adhere to the standards for recruitment and training established by the California Commission on Peace Officer Standards and Training. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 212 § 2, 1963)

2.12.025 Adherence to state standards for selection and training of public safety dispatchers.

A. Pursuant to Cal. Pen. Code § 13510(c), the Palos Verdes Estates police department will adhere to standards for recruitment and training established by the California Commission on Peace Officer Standards and Training (POST).

B. Pursuant to Cal. Pen. Code § 13512, the Commission and its representatives may make such inquiries as deemed appropriate by the Commission to ascertain that the Palos Verdes Estates police department's public safety dispatcher personnel adhere to standards for selection and training established by the Commission on Peace Officer Standards and Training. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 488 §§ 2, 3, 1989)

2.12.030 Adherence to Board of Corrections standards.

While receiving any state aid pursuant to Cal. Pen. Code Part 3, Title 7, Chapter 5, Article 3, commencing with Cal. Pen. Code § 6040, the city will adhere to the

standards for selection and training established by the Board of Corrections. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 431 § 1, 1986)

Chapter 2.16
POLICE DEPARTMENT RESERVE CORPS

Sections:

2.16.010 Established – Appointment – Control.

2.16.020 Mounted police unit.

2.16.030 Classification of reserve police officers.

2.16.040 Function.

2.16.050 Training and assignments.

2.16.060 Qualifications.

2.16.070 Rules and regulations.

2.16.080 Termination – Resignation.

2.16.090 Identification.

2.16.100 Uniform – Sidearms.

2.16.110 Exemption from membership in retirement system.

2.16.120 Misrepresentation.

2.16.010 Established – Appointment – Control.

There is hereby established a police reserve corps. The corps is so established as a voluntary organization composed of persons to be appointed by the chief of police of the city (hereinafter referred to in this chapter as the "chief"). Each and all of the persons so appointed and composing the corps shall receive compensation and equipment as fixed and determined by the city council. All persons appointed pursuant to this chapter shall be considered volunteers and shall not be defined as employees pursuant to city personnel regulations. The city shall furnish each member of the police reserve corps with general liability insurance and worker's compensation. The chief shall have complete authority and control over the corps. The chief may appoint as members of the corps any persons whom the chief deems to be qualified for membership, pursuant to the Commission on Peace Officer Standards and Training (POST) guidelines. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 1, 1964)

2.16.020 Mounted police unit.

As a part of the police reserve corps referred to in PVEMC 2.16.010, the chief of

police is authorized to establish a mounted patrol unit. Any mounted patrol unit shall furnish its own mount and tack. Members of the mounted patrol unit shall not be compensated. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 399 § 1, 1985)

2.16.030 Classification of reserve police officers.

Reserve police officers are designated as level I, II, or III, based upon the amount of POST training hours they receive. The amount of required training to qualify for each classification shall be as prescribed by POST. Reserve officer assignments within the police department shall be determined according to reserve officer level status. (Ord. 701 § 2 (Exh. 1), 2012)

2.16.040 Function.

The corps shall function as a unit of the police department, to assist regular police officers of the city in law enforcement and the maintenance of peace and order in all cases where, in the opinion of the chief, it is beneficial to supplement local police protection provided by the regular police officers of the city. Level I reserve police officers may be permitted to work alone in the prevention and detection of crime, including making arrests; provided, that they have received all required POST training. Level II reserve police officers that have completed all required POST training shall work under the immediate supervision of a full-time, regular police officer, unless such work is related to traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, or other duties that are not likely to result in physical arrests, in which case the reserve police officer may act alone. Level II reserve police officers may make arrests while under the immediate supervision of a full-time, regular police officer. Level III reserve police officers shall only be authorized to carry out limited support duties not requiring general law enforcement powers in their routine performance, including without limitation traffic control, security at parades and sporting events, report taking, evidence transportation, parking enforcement, or other duties that are not likely to result in physical arrests. Level III reserve police officers shall be supervised in the immediate vicinity by a level I reserve police officer or a full-time, regular police officer at all times, and are not authorized to make arrests. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 2, 1964)

2.16.050 Training and assignments.

The chief shall provide for the training of candidates for membership in the corps and for the further training of members of the corps in all fields of police activity. All members shall maintain training qualifications established by POST. The authority of a person designated as a peace officer pursuant to this chapter extends only for the duration of the person's specific assignment. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 3, 1964)

2.16.060 Qualifications.
No person shall become a member of the corps established by this chapter until that person has taken all required POST training and is able to meet all other requirements prescribed by the chief for such membership. When so qualified, and when selected by the chief, such member shall then be sworn in by the chief, or the chief's duly authorized representative, as a member of the corps. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 4, 1964)

2.16.070 Rules and regulations.
Reserve police officers shall be governed by the departmental "Reasonable Rules of Good Conduct," the rules, regulations and orders of the chief, and the Palos Verdes Estates police department manual. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 5, 1964)

2.16.080 Termination – Resignation.
The membership of any person in the corps may be terminated by the chief at any time, and any member of the corps may resign from the corps upon notifying the chief of police in writing of the resignation. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 6, 1964)

2.16.090 Identification.
When a selected and designated person has been duly sworn in, an identification card, badge, and such other insignia or evidence of identification as the chief may prescribe shall be issued to such person, who shall thereupon be a member of the corps. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 7, 1964)

2.16.100 Uniform – Sidearms.
A. Reserve police officers shall be like equipped as regular officers according to departmental policy and state law. Uniforms, badges, helmets, leather gear, and insignia shall be issued by the department.

B. Only departmentally authorized firearms and ammunition shall be carried. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 9, 1964)

2.16.110 Exemption from membership in retirement system.
The members of the corps shall not be eligible for membership in the State Employees' Retirement Act or system membership of the city, but each and all of the members of the corps, as such members, shall be entitled to receive full protection and benefits provided for disaster service workers and civilian defense workers, all as contemplated and set forth in and under the provisions of the California Labor Code relating to disaster service workers and civilian defense workers. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 10, 1964)

2.16.120 Misrepresentation.

It is unlawful for any person (other than a regular police officer of the city) who is not a member of the corps (A) to wear, carry or display any identification card, badge, cap piece, uniform or insignia of the corps, or (B) in any manner to represent himself or herself to be connected with the corps. Uniforms may only be worn to, from, or in the performance of police duties. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 221 § 11, 1964)

Chapter 2.24
COMMISSIONS AND COMMITTEES

Sections:

2.24.010 Term of office.

2.24.020 Manner of appointment.

2.24.030 Qualifications.

2.24.040 Serve without compensation.

2.24.050 Meetings.

2.24.060 Quorum.

2.24.070 Officers.

2.24.080 Parliamentary rules.

2.24.090 City planning commission.

2.24.100 City parklands committee.

2.24.110 City traffic safety committee.

2.24.120 City investment advisory committee.

2.24.010 Term of office.

Except as may be otherwise provided, the term of office of all members of any commission or committee shall be two years, or such period as the council may establish at the time each member is appointed, so long as such term does not exceed two years. If a vacancy occurs other than by expiration of a term, such vacancy shall be filled for the unexpired portion of the term. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 612 § 1, 1999; Ord. 529 § 2, 1991; Ord. 241 § 1, 1967; Ord. 10 § 1, 1940)

2.24.020 Manner of appointment.

The members of any commission or committee of the city shall be appointed by the mayor and approved by a majority vote of the council. Members shall serve at the pleasure of the city council and may be removed by a majority of the council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 241 § 1, 1967; Ord. 192 § 1, 1960; Ord. 10 § 2, 1940)

2.24.030 Qualifications.

No person shall be eligible to be a member of any committee unless he or she is an

elector and a resident of the city of Palos Verdes Estates. No person shall serve on more than one commission or committee at the same time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 3, 1940)

2.24.040 Serve without compensation.

Each member shall serve without compensation. Any member shall receive reimbursement for actual expenditures made in the discharge of official duties provided the same is authorized by the city council. No member shall have the power to incur any obligation against the city for any purpose unless the same is specifically authorized by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 192 § 2, 1960; Ord. 10 § 4, 1940)

2.24.050 Meetings.

For each commission or committee, the city council shall establish regular meetings at a frequency, time and place to be fixed by resolution. Each commission and committee of the city shall call and conduct its meetings in compliance with the provisions of the Ralph M. Brown Act, Title 5, Cal. Gov. Code Division 2, Part 1, Chapter 9 (Cal. Gov. Code § 54950 et seq.) and as such provisions may be amended from time to time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 192 § 2, 1960; Ord. 10 § 4, 1940)

2.24.060 Quorum.

A quorum of the commission or committee shall consist of one member more than one-half the members. All action of a commission or committee requires a quorum to be present, except as to the adjournment of a meeting, or the fixing of a time and place for a meeting, which actions may be taken without the presence of a quorum. Any action must be concurred in by a majority of the members present at the time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 306 § 1, 1975; Ord. 10 § 4, 1940)

2.24.070 Officers.

The mayor shall appoint a chair and vice-chair to each commission or committee. The officers shall be appointed to a term of one year. The chair shall preside at all meetings, and in the absence of the chair, the vice-chair shall preside. In the absence of both the chair and the vice-chair, the commission or committee shall choose a temporary chair. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 659 § 1, 2004; Ord. 639 § 1, 2002; Ord. 622 § 1, 2001; Ord. 620 § 1, 1999; Ord. 529 § 2, 1991; Ord. 286 § 1, 1973; Ord. 10 § 4, 1940)

2.24.080 Parliamentary rules.

Ordinary rules of parliamentary practice shall govern the meetings of each commission or committee, except to the extent that they conflict with other

applicable rules and regulations specifically governing the conduct of public meetings by bodies subject to the Brown Act. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 4, 1940)

2.24.090 City planning commission.

A. There is hereby created a city planning commission consisting of five members.

B. The city planning commission shall have and exercise all powers and duties granted to it by any provision or provisions of this code and shall further have the power to recommend to the city council or any officer or commission thereof plans and regulations to enhance the future growth, development, and beautification of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 529 § 2, 1991; Ord. 10 § 5, 1940)

2.24.100 City parklands committee.

A. There is created a city parklands committee consisting of five members of the public, who shall be appointed and serve in accordance with the requirements of this chapter.

B. The city parklands committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council in all matters pertaining to parklands, grounds and landscaped portions of rights-of-way of the city, including all matters affecting policy, procedures, management and use of such public property;

2. At the request or direction of the city council, to initiate studies, investigations and surveys in the use or management of parklands and other public property, and to report its findings and recommendations to the city council;

3. To advise and assist the city council on any issue or matter pending before the city council which may affect parklands or other public property and which is referred to the parklands committee by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 631 § 1, 2002; Ord. 625 § 1, 2000; Ord. 612 § 2, 1999; Ord. 604 § 1, 1996; Ord. 529 §§ 2, 28, 1991; Ord. 241 § 1, 1967; Ord. 10 § 6, 1940)

2.24.110 City traffic safety committee.

A. There is created a city traffic safety committee, consisting of five members of the public, who shall be appointed and serve in accordance with the requirements of this chapter.

B. The city traffic safety committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council on matters of traffic safety, including all matters affecting policy and procedures related to traffic safety;

2. At the request or direction of the city council, to initiate studies, investigations and surveys on matters of traffic safety and report its findings and make recommendations to the city council; and

3. To advise and assist the city council on any issue or matter pending before the city council which relates to traffic matters and which is referred to the traffic safety committee by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 631 § 2, 2001; Ord. 625, 2000; Ord. 610 §§ 1, 2, 1999; Ord. 448 § 2, 1987; Ord. 230 § 1, 1965)

2.24.120 City investment advisory committee.

A. There is created a city investment advisory committee to serve in accordance with the requirements of this chapter. The city investment advisory committee shall consist of the city treasurer; two members of the public that shall be appointed by the city council; and two ex officio nonvoting members who are (1) the city manager or city manager's designee; and (2) an external auditor as selected by the mayor and approved by the council. Except for the city treasurer, members shall serve at the pleasure of the city council and may be removed by a majority of the council.

B. The city investment advisory committee shall have the following powers and duties:

1. To act in an advisory capacity to the city council in all matters of investments and banking, including all matters affecting policy and procedures related to investments and banking;

2. At the request or direction of the city council, to initiate studies, evaluations and reviews of matters of investment and banking and report its findings and make recommendations to the city council and city treasurer; and

3. To advise and assist the city council and city treasurer on any issue or matter pending before the city council or city treasurer which relates to investment and banking matters and which is referred to the investment policy advisory committee by the city council.

C. Notwithstanding any other provision of this chapter, the city treasurer shall serve as chair of the investment advisory committee. (Ord. 720 § 1, 2017)

Chapter 2.28
EMERGENCY SERVICES

Sections:

2.28.010 Purposes.

2.28.020 Emergency defined.

2.28.030 Disaster council – Established – Composition.

2.28.040 Disaster council – Powers and duties – Meetings.

2.28.050 Director and assistant director – Offices established.

2.28.060 Director and assistant director – Powers and duties.

2.28.070 Emergency organization.

2.28.080 Emergency plan.

2.28.090 Expenditures.

2.28.100 Line of succession for council members.

2.28.110 Prohibited acts during emergencies.

2.28.120 Proclamation of local emergency – Determination – Authority.

2.28.130 Proclamation of local emergency – Term.

2.28.140 Proclamation of local emergency – Powers of director.

Prior legislation: Ord. 161.

2.28.010 Purposes.

The declared purposes of this chapter are to provide for the preparation and carrying out of plans for the protection of life, property and the environment 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 in compliance with the Emergency Services Act and rules and regulations established by the California Emergency Management Agency (CalEMA). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.020 Emergency defined.

As used in this chapter, “emergency” means the actual or threatened existence of

conditions of disaster or of extreme peril to the safety of life, property or the environment within this city including without limitation a fire, flood, storm, epidemic, riot, earthquake, or other natural or manmade disasters occurring within the city, including conditions resulting from terrorism, war or imminent threat thereof, but other than conditions resulting from a labor controversy, which conditions are or are likely to be beyond the control of the services, personnel, equipment and facilities of this city, requiring the combined forces of other political subdivisions to combat. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.030 Disaster council – Established – Composition.
The disaster council is hereby created and shall consist of the following:

A. The mayor, who shall be chair;

B. The city manager, who is ex officio the director of emergency services, who shall be vice-chair;

C. The mayor pro tempore; and

D. Such chiefs of emergency services as are provided for in a current emergency plan of this city, adopted pursuant to this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.040 Disaster council – Powers and duties – Meetings.
It shall be the duty of the disaster council, and it is hereby empowered, to develop and recommend for adoption by the city council emergency and mutual aid plans and agreements and such ordinances, resolutions, rules and regulations as are necessary to implement such plans and agreements. The disaster council shall meet upon call of the chairman or, in the absence of the chairman from the city, or inability to call such meeting, upon call of the vice-chairman. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.050 Director and assistant director – Offices established.
There is created the office of director of emergency services. The city manager shall be the director of emergency services. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.060 Director and assistant director – Powers and duties.
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 proclamation if the city council is not in session. Whenever a local emergency

is proclaimed by the director, the city council shall take action to ratify the proclamation within seven days thereafter or the proclamation shall 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 for the accomplishment of the purposes of this chapter;

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

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

6. In the event of the proclamation of a "local emergency" as provided in this chapter, the proclamation of a "state of emergency" by the Governor or the Director of CalEMA, or the existence of a natural disaster, an act of terrorism, or 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, property, and the environment as affected by such emergency; provided, however, that such rules and regulations must be confirmed at the earliest practicable time by the city council;

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

c. To require emergency services of any city officer or employee and, in the event of the proclamation of a "state of emergency" in the county in which this city is located or the existence of a natural disaster, an act of terrorism, or 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; such persons shall be entitled to all privileges, benefits and immunities as 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 delegate to elected and appointed officials of the city such duties and authorities as he or she deems necessary; and

f. To execute all of the director's ordinary power as city manager, all of the special powers conferred upon the director by this chapter or by resolution or emergency plan pursuant to this chapter adopted by the city council and as authorized by PVEMC 2.08.060, and all powers conferred upon the director by any statute, by any agreement approved by the city council, and by any other lawful authority.

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

C. Develop emergency plans and manage the emergency programs of this city with the assistance of the emergency service chiefs. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.070 Emergency organization.
All officers and employees of this city, together with those volunteer forces enrolled to aid them during an emergency, and all groups, organizations, and persons who may by agreement or operation of law, including persons impressed into service under the provisions of PVEMC 2.28.060(A)(6)(c), be charged with duties incident to the protection of life, property, and the environment in this city during such emergency, shall constitute the emergency organization of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.080 Emergency plan.
The disaster council shall be responsible for the development of the city emergency plan, which plan shall provide for the effective mobilization of all of the resources of this city, both public and private, to meet any condition constituting a local emergency, state of emergency, or state of war emergency, and shall provide for the organization, powers and duties, services and staff of the emergency organization. Such plan shall take effect upon adoption by resolution of the city council. A copy of any adopted emergency plan shall be provided to the CalEMA. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.090 Expenditures.
Any expenditures made in connection with emergency activities, including mutual

aid activities, shall be deemed conclusively to be for the direct protection and benefit of the inhabitants and property of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 323 § 1, 1976)

2.28.100 Line of succession for council members.

The line of succession for the position of mayor during a state of emergency, state of war emergency, local emergency, or other condition of disaster, unless ordered by the city council, shall be the mayor pro tempore followed by the remaining council members in the order of their seniority, excluding standby successors who may have been appointed pursuant to Cal. Gov. Code § 8638. For members of the city council elected at the same election, seniority to the office of mayor shall be determined by the greater number of votes received during that election. (Ord. 701 § 2 (Exh. 1), 2012)

2.28.110 Prohibited acts during emergencies.

It is a criminal act and a misdemeanor punishable pursuant to PVEMC 1.16.010 for any person during a state of emergency, state of war emergency, local emergency, or other condition of disaster:

A. To willfully obstruct, hinder, or delay any member of the city emergency organization in the enforcement of any law or lawful rule, regulation, or order issued pursuant to this chapter, or in the performance of any duty imposed upon such emergency organization member pursuant to this chapter;

B. To do any act forbidden by any lawful rule, regulation, or order issued pursuant to this chapter so as to give assistance to the enemy during time of war, or to imperil life, property, or the environment, or to prevent, hinder, or delay the defense or protection of persons, property, or the environment; or

C. To wear, carry, or display, without authority, any means of identification specified by the emergency services or disaster or civil defense agencies of the federal or state governments. (Ord. 701 § 2 (Exh. 1), 2012)

2.28.120 Proclamation of local emergency – Determination – Authority.

A. Whenever riots, general civil disobedience, multiple law violations, or the threat of such happenings occurs in the city, the director, or, in the event of his or her inability to act, the chief of police, may determine that a local emergency exists.

B. If such local emergency is declared by the director or designee of the director, the declaration shall be reviewed by city council as soon as practicable but at least within seven days of the declaration. In the event the city council fails to ratify such declaration of local emergency within seven days of its declaration, the

declaration of local emergency shall cease and terminate.

C. The director shall immediately proclaim in writing the existence of a state of local emergency which shall be executed by the mayor if declared by the city council or by the director, or designee of the director, if declared by the director or designee. He or she shall cause widespread publicity and notice to be given of such proclamation. (Ord. 701 § 2 (Exh. 1), 2012)

2.28.130 Proclamation of local emergency – Term.
The proclamation of local emergency provided in this chapter shall become effective immediately upon its issuance and shall be disseminated to the public by appropriate news media. Such a state of local emergency shall exist from the time the proclamation is issued until such time as it is similarly and duly terminated by:

A. The city council at the earliest possible date that conditions warrant; or

B. By the passage of seven days after the emergency is declared by the director or designee of the director and not ratified by the city council. (Ord. 701 § 2 (Exh. 1), 2012)

2.28.140 Proclamation of local emergency – Powers of director.
A. After issuance of a proclamation of local emergency, the director shall have the power to make, issue, and enforce rules and regulations on matters reasonably related to the protection of life, property, and the environment as affected by such emergency; provided, however, such rules and regulations shall be confirmed as soon as possible by the city council. In addition to those powers and duties set forth in PVEMC 2.28.060, the director is granted, but shall not be limited to, the following powers:

1. Curfew. The director may order a general curfew applicable to the entire city or such geographical areas of the city as he or she deems necessary to protect the public health, safety and welfare. As used in this chapter, “curfew” means a prohibition against any person or persons walking, running, loitering, standing, riding, or motoring upon any alley, street, highway, public property, or private property except as authorized by the owner, lessee, or person in charge of such private property. Persons officially delegated to duty with reference to such local emergency and representatives of news media, physicians, nurses, ambulance operators performing medical services, utility personnel maintaining essential public services, firemen and law enforcement officers, and other such personnel specifically authorized to duty by a duly delegated authority are exempted from the foregoing curfew requirements;

2. Business Closing. The director may order the closing of any business establishments anywhere within the city, such businesses to include without limitation those selling alcoholic beverages, gasoline, or firearms;

3. Alcoholic Beverages. The director may order that no person shall consume alcoholic beverages in a public street or place which is publicly owned or in any other public or private area open to the public on which the consumption of such alcoholic beverages shall be found by the director, based on just cause, to precipitate a clear and present danger to the well-being of the community during the emergency;

4. Weapons. The director may order that no persons shall carry or possess in a public street or place which is publicly owned or in any other public or private area open to the public any gun, bomb, fire bomb, knife, rock, or other such weapon or item, the use of which would tend to inflict great bodily harm on persons or damage to property or the environment;

5. Closed Areas. The director may designate any public street, thoroughfare, or vehicular parking area closed to motor vehicles and pedestrian traffic during the course of such emergency.

B. The foregoing specific authorization of authority vested in the director and other such authorizations as may be deemed necessary during such emergency are declared to be imminently necessary for the protection of life, property and the environment during such period. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 2.32
UNCLAIMED PROPERTY

Sections:

2.32.010 Sale and disposition authorized.

2.32.020 Holding period.

2.32.030 Sale to highest bidder.

2.32.040 Advertisement.

2.32.050 Redemption by owner.

2.32.060 Deposit of unclaimed money.

2.32.065 Sale proceeds.

2.32.070 Unsaleable and unusable property.

2.32.075 Dangerous or perishable property.

2.32.080 Applicability.

2.32.010 Sale and disposition authorized.

Whenever any property of any kind or nature comes into the possession of the police department and is unclaimed for the periods specified in this chapter, the property shall be sold or disposed of by the police department unless the owner in the meantime has claimed such property. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 237 § 1, 1966)

2.32.020 Holding period.

Such unclaimed property in the possession of the police department shall be held for a period of at least ninety days, and during such time the police department shall try to ascertain the owner thereof. If such owner can be found or ascertained, such property shall be restored to such owner on demand upon the payment of any and all costs incurred by the police department in caring for the personal property. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 237 § 1, 1966)

2.32.030 Sale to highest bidder.

After holding such property for six months, except unclaimed bicycles which shall be held for a period of at least ninety days, in the event any such property is unclaimed or unredeemed by the owner by paying the cost of the care thereof, the chief of police shall sell such property and the whole thereof at public auction to the highest bidder. If there is no bidder for any part of the property, the chief of

police shall dispose of all such unclaimed and unsold property by destroying the same and disposing of it as trash. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 237 § 1, 1966)

2.32.040 Advertisement.
Before selling such property, the chief of police shall advertise such property for sale by publishing a notice thereof for at least ten days prior to the date of sale in the official newspaper of the city, in which notice the chief of police shall give the time of sale and the place of sale, and any storage charge against the property. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 237 § 1, 1966)

2.32.050 Redemption by owner.
The owner of such property, or any part thereof, which may establish ownership thereto, may reclaim and redeem the property, or any part thereof, at any time prior to the actual sale thereof. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 237 § 1, 1966)

2.32.060 Deposit of unclaimed money.
All moneys so received by the police chief and not delivered to the true owner during a six-month period shall thereafter be deposited in the general fund. (Ord. 701 § 2 (Exh. 1), 2012)

2.32.065 Sale proceeds.
After the auction is completed, the finance director shall deposit the proceeds of the auction in the general fund. (Ord. 701 § 2 (Exh. 1), 2012)

2.32.070 Unsaleable and unusable property.
Any property advertised and offered for sale but not sold and not suitable for appropriation to the use of the city shall be deemed to be of no value and shall be disposed of in such manner as the city manager directs. (Ord. 701 § 2 (Exh. 1), 2012)

2.32.075 Dangerous or perishable property.
Any property coming into the possession of the police chief which he or she determines to be dangerous or perishable may be disposed of immediately, without notice, in such manner as he determines to be in the public interest. (Ord. 701 § 2 (Exh. 1), 2012)

2.32.080 Applicability.
The provisions of this chapter shall not apply to property subject to confiscation under the laws of the state or of the United States, and shall apply to property held as evidence. This chapter only applies when the property is unclaimed by any person and no other provisions of law are applicable concerning its disposition. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 2.36
PERSONNEL AND EMPLOYMENT

Sections:

2.36.010 Purpose.

2.36.020 Applicability.

2.36.030 Temporary appointments.

2.36.040 Abolishment of positions.

2.36.050 Employee conduct.

2.36.060 Rules and regulations.

2.36.070 Amendment of provisions.

2.36.010 Purpose.

The purpose of this chapter is to establish an equitable and uniform procedure for dealing with personnel matters and to place municipal employment on a merit basis so that the best qualified persons available shall be brought into the service of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 1, 1951)

2.36.020 Applicability.

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

A. City clerk;

B. City treasurer;

C. Positions on appointive boards, commissions and committees;

D. City manager;

E. City attorney;

F. Public works director;

G. City engineer;

H. Fire chief;

I. All part-time, seasonal and temporary employees;

J. Assistant city engineer;

K. Police chief;

L. Finance director. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 494 § 2, 1989; Ord. 283 § 1, 1972; Ord. 273 § 1, 1971; Ord. 100 § 2, 1951)

2.36.030 Temporary appointments.
Temporary appointments may be made pursuant to the rules and regulations provided for in PVEMC 2.36.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 8, 1951)

2.36.040 Abolishment of positions.
Positions may be abolished in the manner and for the reasons set forth in the rules and regulations provided for in PVEMC 2.36.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 9, 1951)

2.36.050 Employee conduct.
The activities and conduct of persons holding positions under this chapter shall be regulated and the grounds and reasons for, and the procedure for, their discipline, suspension and removal shall be defined and set out in the rules and regulations provided for in PVEMC 2.36.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 10, 1951)

2.36.060 Rules and regulations.
The city council shall pass personnel rules and regulations covering such matters as may be deemed necessary or proper by the city council. Notwithstanding PVEMC 2.36.020 above, the city council may apply all or part of the personnel rules and regulations to any position in the city service whether or not the position is otherwise subject to the rules of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 11, 1951)

2.36.070 Amendment of provisions.
The city council may amend, supplement or modify this chapter or the rules and regulations adopted pursuant to PVEMC 2.36.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 699 § 1, 2011; Ord. 100 § 13, 1951)

Chapter 2.38
POST-EMPLOYMENT LOBBYING

Sections:

2.38.010 Post-employment lobbying.

2.38.020 Exemptions.

2.38.010 Post-employment lobbying.

A. "Designated employees and officials" for purposes of this chapter are as follows:

1. "City employee" includes, whether fulfilling duties as a city employee or as an independent contractor, the city department heads, police chief, assistant to the city manager, city clerk, deputy city clerk, building official, city engineer, administrative analyst, planner, and other positions designated by resolution of the city council.

2. "City official" includes each member of the city council, planning commission, parklands committee, and traffic safety committee. City official also includes the city manager, city treasurer, city attorney, and deputy or assistant city attorney.

B. Designated employees and officials shall not, for a period of two years after leaving that office or employment, act as agent or attorney for, or otherwise represent, for compensation, any other person, by making any formal or informal appearance before, or by making any oral or written communication to, the city council or any committee, subcommittee, board, commission, or present member thereof, or any officer or employee of the city, if the appearance or communication is made for the purpose of influencing administrative or legislative action, or influencing any action or proceeding involving the issuance, amendment, awarding, or revocation of a permit, license, grant, or contract, or the sale or purchase of goods or property. (Ord. 713 § 1, 2015)

2.38.020 Exemptions.

The prohibitions contained in PVEMC 2.38.010 do not apply as follows:

A. To appearances or communications by former city employees or city officials concerning matters of a personal or individual nature, such as obtaining a business license or making an application for planning approvals for their own property;

B. To prevent a former city employee or city official from making or providing a statement based upon the former city employee's or city official's own special knowledge in the particular area that is the subject of the statement; provided,

that no compensation is thereby received other than that regularly provided for by law or regulation for witnesses; or

C. To prevent a former city employee or city official from giving a testimony under oath, or from making statements required to be made under penalty of perjury. (Ord. 713 § 1, 2015)

Title 3
REVENUE AND FINANCE

Chapters:

3.04 Assessment and Tax Collection

3.08 Sales and Use Tax

3.12 Real Property Transfer Tax

3.24 Purchasing System

3.28 Transportation Improvement Fund

3.32 Charge for Special Police Services

Code reviser's note: The following initiative ordinances levied special real property taxes in the city:

Ord. No.	Term	Purpose
317	1976-77	Paramedic services
390	1984-88	Police, fire and paramedic services
428	1986-90	Parklands and street maintenance
461	1988-92	Police, fire and paramedic services
508	1990-94	Parkland and street maintenance and flood control
531	—	Suspends special real

		property taxes and repeals Ords. 461 and 508
630	2001-2007	Levies fire and paramedic services special tax
677	2007-2017	Fire and paramedic services special tax

The ordinances may be found on file in the office of the city clerk.

Chapter 3.04
ASSESSMENT AND TAX COLLECTION

Sections:

3.04.010 Assessor and tax collector.

3.04.020 Finance director to assume city assessor's duties.

3.04.010 Assessor and tax collector.

Pursuant to the authority granted by Cal. Gov. Code § 51501, the assessment and tax collection duties performed by the city assessor and tax collector hereby are transferred to the assessor and tax collector of the county of Los Angeles. (Ord. 701 § 2 (Exh. 1), 2012)

3.04.020 Finance director to assume city assessor's duties.

From and after the effective date of Ordinance No. 3, codified in this chapter, all duties other than the assessing of the property of the city or municipal corporation theretofore performed by the city assessor shall be transferred to and be performed by the finance director of Palos Verdes Estates, or such other officer as the city by ordinance determines, and all duties other than the collection of taxes theretofore performed by the city tax collector shall be transferred to and be performed by the chief of police, or such other officer as the city by ordinance determines. (Ord. 704 § 2, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 3 § 4, 1940)

Chapter 3.08
SALES AND USE TAX

Sections:

3.08.010 Purpose.

3.08.020 Operative date – Contract with state.

3.08.030 Sales tax – Imposed.

3.08.040 Sales tax – Place of sale.

3.08.050 Sales tax – State provisions adopted.

3.08.060 Sales tax – Interpretation of state provisions.

3.08.070 Sales tax – Seller's permit.

3.08.080 Sales tax – Exclusions.

3.08.090 Use tax – Imposed.

3.08.100 Use tax – State provisions adopted.

3.08.110 Use tax – Interpretation of state provisions.

3.08.120 Use tax – Exemptions.

3.08.130 Applicability of exclusion and exemption provisions.

3.08.140 Amendments to state law.

3.08.150 Enjoining collection prohibited.

3.08.160 Violation – Penalty.

3.08.010 Purpose.

The city council declares that this chapter is adopted to achieve the following, among other, purposes, and directs that the provisions of this chapter 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 Cal. Rev. & Tax. Code Division 2, Part 1.5;

B. To adopt a sales and use tax ordinance which incorporates provisions identical to those of the sales and use tax laws of the state insofar as those provisions are not inconsistent with the requirements and limitations contained in Cal. Rev. &

Tax. Code Division 2, Part 1.5;

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 Cal. Rev. & Tax. Code Division 2, Part 1.5, 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. 701 § 2 (Exh. 1), 2012; Ord. 152 § 2, 1956)

3.08.020 Operative date – Contract with state.
This chapter shall become operative on April 1, 1956, and prior thereto this city shall contract with the State Board of Equalization to perform all functions incident to this chapter; provided, that if this city shall not have contracted with the State Board of Equalization, as above set forth, prior to April 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 (county in which this city is located). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 3, 1956)

3.08.030 Sales tax – Imposed.
For the privilege of selling tangible personal property at retail, a tax is imposed upon all retailers in the city at the rate of one percent of the gross receipts of the retailer from the sale of all tangible personal property sold at retail in the city of Palos Verdes Estates on and after the operative date of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 4(a)(1), 1956)

3.08.040 Sales tax – Place of sale.
For the purposes of this chapter, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has

no permanent place of business in the state or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under the rules and regulations to be prescribed and adopted by the Board of Equalization. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 205 § 2, 1961; Ord. 152 § 4(a)(2), 1956)

3.08.050 Sales tax – State provisions adopted.

Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Cal. Rev. & Tax. Code Division 2, Part 1.5, all of the provisions of Cal. Rev. & Tax. Code Division 2, Part 1, as amended and in force and effect on April 1, 1956, applicable to sales taxes, are hereby adopted and made a part of this section as though fully set forth herein. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 4(b)(1), 1956)

3.08.060 Sales tax – Interpretation of state provisions.

Wherever, and to the extent that, in Cal. Rev. & Tax. Code Division 2, Part 1 the state of California is named or referred to as the taxing agency, the city of Palos Verdes Estates shall be substituted therefor. Nothing in this section shall be deemed to require the substitution of the name of the city of Palos Verdes Estates 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 exception 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 Cal. Rev. & Tax. Code Division 2, Part 1; nor to impose this tax with respect to certain gross receipts which would not be subject to tax by the state under the provisions of that code; and, in addition, the name of the city shall not be substituted for that of the state in Cal. Rev. & Tax. Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 as adopted. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 4(b)(2), 1956)

3.08.070 Sales tax – Seller's permit.

If a seller's permit has been issued to a retailer under Cal. Rev. & Tax. Code § 6067,

an additional seller's permit shall not be required by reason of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 293 § 1, 1973; Ord. 152 § 4(b)(3), 1956)

3.08.080 Sales tax – Exclusions.

A. There shall be excluded from the gross receipts by which the sales tax is measured:

1. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

2. Receipts from sales to operators of common carriers and waterborne vessels of property to be used or consumed in the operation of such common carriers or waterborne vessels principally outside of this city.

B. There shall be excluded from the gross receipts by which the sales tax is measured:

1. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

2. 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.

C. There shall be excluded from the gross receipts by which the sales tax is measured:

1. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

2. The gross receipts from the sale of tangible personal property to operators of waterborne vessels to be used or consumed principally outside the city in which the sale is made and directly and exclusively in the carriage of persons or property in such vessel for commercial purposes;

3. 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. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 385 §§ 1, 3, 1984; Ord. 293 § 2, 1973; Ord. 152 § 4(b)(4), 1956)

3.08.090 Use tax – Imposed.
An excise tax is 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 or use tax regardless of the place to which delivery is made. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 5(a), 1956)

3.08.100 Use tax – State provisions adopted.
Except as hereinafter provided, and except insofar as they are inconsistent with the provisions of Cal. Rev. & Tax. Code Division 2, Part 1.5, all of the provisions of Cal. Rev. & Tax. Code Division 2, Part 1, as amended and in force and effect on April 1, 1956, applicable to use taxes are hereby adopted and made a part of this section as though fully set forth herein. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 5(b)(1), 1956)

3.08.110 Use tax – Interpretation of state provisions.
Wherever, and to the extent that, in Cal. Rev. & Tax. Code Division 2, Part 1 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 those sections, including, but not necessarily limited to, sections referring to the exterior boundaries of the state of California, where the result of the substitution would be to provide an exemption from this tax with respect to certain storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such storage, use or other consumption remains subject to tax by the state under the provisions of Cal. Rev. & Tax. Code Division 2, Part 1, 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 Cal. Rev. & Tax. Code §§ 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 and 6828 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. 701 § 2 (Exh. 1), 2012; Ord. 205 § 5, 1961; Ord. 152 § 5(b)(2), 1956)

3.08.120 Use tax – Exemptions.

A. There shall be exempt from the tax due under PVEMC 3.08.110:

1. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

2. 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 Cal. Rev. & Tax. Code Division 2, Part 1.5 by any city and county, county, or city in this state;

3. The storage or use of tangible personal property in the transportation or transmission of persons, property or communications, or in the generation, transmission or distribution of electricity or in the manufacture, transmission or distribution of gas in intrastate, interstate or foreign commerce by public utilities which are regulated by the Public Utilities Commission of the state;

4. The use or consumption of property purchased by operators of common carriers and waterborne vessels to be used or consumed in the operation of such common carriers or waterborne vessels principally outside the city.

B. There shall be exempt from the tax due under PVEMC 3.08.110:

1. The amount of any sales or use tax imposed by the state upon a retailer or consumer;

2. 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 Cal. Rev. & Tax. Code Division 2, Part 1.5 by any city and county, county, or city in this state;

3. In addition to the exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws to this state, the United States, or any foreign government.

C. There shall be exempt from the tax due under PVEMC 3.08.110:

1. The amount of any sales or use tax imposed by the state of California upon a retailer or consumer;

2. 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 Cal. Rev. & Tax. Code Division 2, Part 1.5 by any city and county, county, or city in this state;

3. The storage, use or other consumption of tangible personal property purchased by operators of waterborne vessels and used or consumed by such operators directly and exclusively in the carriage of persons or property in such vessels for commercial purposes;

4. In addition to the exemptions provided in Cal. Rev. & Tax. Code §§ 6366 and 6366.1, the storage, use or other consumption of tangible personal property purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this state, the United States, or any foreign government. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 385 §§ 2, 4, 1984; Ord. 293 § 3, 1973; Ord. 205 § 6, 1961; Ord. 152 § 5(b)(3), 1956)

3.08.130 Applicability of exclusion and exemption provisions.

A. PVEMC 3.08.080(B) and 3.08.120(B) shall be operative January 1, 1984.

B. PVEMC 3.08.080(C) and 3.08.120(C) shall be operative on the operative date of any act of the Legislature of the state which amends or repeals and reenacts Cal. Rev. & Tax. Code § 7202 to provide an exemption from city sales and use taxes for operators of waterborne vessels in the same, or substantially the same, language as that existing in Cal. Rev. & Tax. Code §§ 7202(i)(7) and (i)(8) as those subdivisions read on October 1, 1983. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 385 §§ 5, 6, 1984; Ord. 293 § 4, 1973)

3.08.140 Amendments to state law.

All amendments of the California Revenue and Taxation Code enacted subsequent to the effective date of the ordinance codified in this chapter which relate to the sales and use tax and which are not inconsistent with Cal. Rev. & Tax. Code Division 2, Part 1.5 shall automatically become a part of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 6, 1956)

3.08.150 Enjoining collection prohibited.

No injunction or writ of mandamus 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 Cal. Rev. & Tax. Code Division 2, Part 1.5, of any tax or any amount of tax required to be collected. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 152 § 7, 1956)

3.08.160 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of an infraction, and upon conviction thereof shall be punishable as described in PVEMC 1.16.010(C). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 495 § 3, 1989; Ord. 152 § 8, 1956)

Chapter 3.12
REAL PROPERTY TRANSFER TAX

Sections:

3.12.010 Authority.

3.12.020 Imposed.

3.12.030 Payment.

3.12.040 Debt security exempted.

3.12.050 Governments exempted.

3.12.060 Receiverships and bankruptcies exempted.

3.12.070 SEC-ordered conveyances exempted.

3.12.080 Partnership transfers exempted.

3.12.085 Other exemptions.

3.12.090 Administration by county.

3.12.100 Refund claims.

3.12.010 Authority.

The ordinance codified in this chapter shall be known as the "real property transfer tax ordinance of the city of Palos Verdes Estates." It is adopted pursuant to the authority contained in Cal. Rev. & Tax. Code Division 2, Part 6.7 (commencing with Cal. Rev. & Tax. Code § 11901). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.020 Imposed.

There is imposed on 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 a person's 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, a tax at the rate of twenty-seven and one-half cents for each five hundred dollars or fractional part thereof. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.030 Payment.

Any tax imposed pursuant to PVEMC 3.12.020 shall be paid by any person who makes, signs or issues any document or instrument subject to the tax, or for whose

use or benefit the same is made, signed or issued. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.040 Debt security exempted.
Any tax imposed pursuant to this chapter shall not apply to any instrument in writing given to secure a debt. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.050 Governments exempted.
Any deed, instrument or writing to which the United States or any agency or instrumentality thereof, any state or territory, or political subdivision thereof, is a party shall be exempt from any tax imposed pursuant to this chapter when the exempt agency is acquiring title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 266 § 1, 1970; Ord. 245 § 1, 1967)

3.12.060 Receiverships and bankruptcies exempted.
A. Any tax imposed pursuant to this chapter shall not apply to the making, delivering or filing of conveyances to make effective any plan of reorganization or adjustment:

1. Confirmed under the Federal Bankruptcy Act, as amended;

2. Approved in an equity receivership proceeding in a court involving a railroad corporation, as defined in 11 U.S.C. Section 205(m), as amended;

3. Approved in an equity receivership proceeding in a court involving a corporation, as defined in 11 U.S.C. Section 506(3), as amended; or

4. Whereby a mere change of identity, form or place of organization is effected.

B. Subsections (A)(1) to (4), inclusive, of this section shall only apply if the making, delivery or filing of instruments of transfer or conveyances occurs within five years from the date of such confirmation, approval or change. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

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

A. The order of the Securities and Exchange Commission in obedience to which such conveyance is made recites that such conveyance is necessary or appropriate

to effectuate the provisions of 15 U.S.C. Section 79(k), relating to the Public Utility Holding Company Act of 1935;

B. Such order specifies the property which is ordered to be conveyed;

C. Such conveyance is made in obedience to such order. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.080 Partnership transfers exempted.

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

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

2. Such continuing partnership continues to hold the realty concerned.

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

C. Not more than one tax shall be imposed pursuant to this chapter by reason of a termination described in subsection B of this section, and any transfer pursuant thereto, with respect to the realty held by such partnership at the time of such termination. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.085 Other exemptions.

A. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or writing to a beneficiary or mortgagee, which is taken from the mortgagor or trustor as a result of or in lieu of foreclosure; provided, that such tax shall apply to the extent that the consideration exceeds the unpaid debt, including accrued interest and cost of foreclosure. Consideration, unpaid debt amount and identification of grantee as beneficiary or mortgagee shall be noted on the deed, instrument or writing or stated in an affidavit or declaration under penalty of perjury for tax purposes.

B. 1. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing which purports to transfer, divide, or allocate community, quasi-community, or quasi-marital property assets between spouses

for the purpose of effecting a division of community, quasi-community, or quasi-marital property which is required by a judgment decreeing a dissolution of the marriage or legal separation, by a judgment of nullity, or by any other judgment or order rendered pursuant to the California Family Code, or by a written agreement between the spouses, executed in contemplation of any such judgment or order, whether or not the written agreement is incorporated as part of any of those judgments or orders.

2. In order to qualify for the exemption provided in subsection (B)(1) of this section, the deed, instrument, or other writing shall include a written recital, signed by either spouse, stating that the deed, instrument, or other writing is entitled to the exemption.

C. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing by which realty is conveyed by the state of California, any political subdivision thereof, or agency or instrumentality of either thereof, pursuant to an agreement whereby the purchaser agrees to immediately reconvey the realty to the exempt agency.

D. Any tax imposed pursuant to this chapter shall not apply with respect to any deed, instrument, or other writing by which the state of California, any political subdivision thereof, or agency or instrumentality of either thereof conveys to a nonprofit corporation realty, the acquisition, construction, or improvement of which was financed or refinanced by obligations issued by the nonprofit corporation on behalf of a governmental unit, within the meaning of Section 1.103-1(b) of Title 26 of the Code of Federal Regulations.

E. Any tax imposed pursuant to this chapter shall not apply to any deed, instrument, or other writing which purports to grant, assign, transfer, convey, divide, allocate, or vest lands, tenements, or realty, or any interest therein, if by reason of such inter vivos gift or by reason of the death of any person, such lands, tenements, realty, or interests therein are transferred outright to, or in trust for the benefit of, any person or entity. (Ord. 701 § 2 (Exh. 1), 2012)

3.12.090 Administration by county.

The county recorder shall administer this chapter in conformity with the provisions of Cal. Rev. & Tax. Code Division 2, Part 6.7 and the provisions of any county ordinance adopted pursuant thereto. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

3.12.100 Refund claims.

Claims for refund of taxes imposed pursuant to this chapter shall be governed by

the provisions of Cal. Rev. & Tax. Code Division 1, Part 9, Chapter 5 (commencing with Cal. Rev. & Tax. Code § 5096). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 245 § 1, 1967)

Chapter 3.24
PURCHASING SYSTEM

Sections:

3.24.010 Purposes.

3.24.020 Purchasing officer.

3.24.030 Requisitions.

3.24.040 Purchase orders.

3.24.050 Exemptions from centralized purchasing.

3.24.060 Contract procedure.

3.24.070 Open market procedure.

3.24.080 Submission of bids to council.

3.24.090 Petty cash purchases.

3.24.100 Waivers.

3.24.110 Inspection and approval of purchases.

3.24.010 Purposes.

In order to establish efficient procedures for the purchase of supplies and equipment, to secure supplies and equipment for the city at the lowest possible cost commensurate with quality needed, to exercise positive financial control over purchases, to clearly define authority for the purchasing function and to assure the quality of purchases, a purchasing system is adopted. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 1, 1959)

3.24.020 Purchasing officer.

There is created the position of purchasing officer. The city manager or his or her designee shall act as the purchasing officer as provided in PVEMC 2.08.050(B)(9). The duties of purchasing officer may be combined with those of any other office or position. The purchasing officer shall purchase or contract for supplies and equipment requisitioned by all city departments in accordance with purchasing procedures prescribed by this chapter, such administrative regulations as the purchasing officer adopts and such other rules and regulations as shall be prescribed by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 2, 1959)

3.24.030 Requisitions.

All departments shall submit requisitions for supplies and equipment to the purchasing officer. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 3, 1959)

3.24.040 Purchase orders.
Purchases of supplies and equipment shall be made by purchase order only. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 4, 1959)

3.24.050 Exemptions from centralized purchasing.
The purchasing officer, with approval of the city council, may authorize, in writing, any city department to purchase or contract for specified supplies and equipment independently of the purchasing officer, but the purchasing officer shall require that such purchases or contracts be made in conformity with the procedures established by this chapter, and shall further require periodic reports from the city department so authorized on the purchases and contracts made under such written authorization. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 5, 1959)

3.24.060 Contract procedure.
Except as otherwise provided in this chapter, purchases and contracts for supplies and equipment of estimated value greater than twenty-five thousand dollars shall be by written contract with the lowest responsible bidder pursuant to the procedure prescribed herein.

A. Notice Inviting Bids.

1. Notices inviting bids shall include a general description of the articles to be purchased, shall state where bid blanks and specifications may be secured, the deadline time and place for receiving bids and the time and place for publicly opening bids.

2. Notices inviting bids shall be posted in at least three public places in the city and shall be mailed to not less than three individuals, firms or corporations dealing in the service, commodities or supplies described in the posted notice.

B. Bidder’s Security. When deemed necessary by the purchasing officer, bidder’s security may be prescribed in the public notices inviting bids.

C. Deadline Adherence. The purchasing officer shall not accept bids after the closing date and time set forth in the posted notice.

D. Bid Opening Procedure. Sealed bids shall be submitted to the purchasing officer and shall be identified as bids on the envelope. Bids shall be opened in public at the time and place stated in the public notices. A tabulation of all bids received

shall be open for public inspection during regular business hours for a period of not less than thirty calendar days after the bid opening.

E. Rejection of Bids. In its discretion, the city council may reject any and all bids presented, and after such rejection may, at its discretion, readvertise for bids or purchase on the open market.

F. Performance Bonds. The city council shall have authority to require a performance bond and labor and materials bond before entering into a contract, in such amount as it shall find reasonable and necessary to protect the best interests of the city. If the city council requires bonds, the form and amount of the bonds shall be described in the notice inviting bids. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 626 § 1, 2000; Ord. 179 § 6, 1959)

3.24.070 Open market procedure.
Purchases of supplies, equipment and services of an estimated value in the amount of twenty-five thousand dollars or less may be made by the purchasing officer in the open market without observing the procedures prescribed by PVEMC 3.24.060.

A. Minimum Number of Bids. Open market purchases shall, whenever possible, be based on at least three bids, and shall be awarded to the lowest responsible bidder.

B. Solicitation of Bids. The purchasing officer shall solicit bids in conformance with procedures prescribed by administrative regulations as the purchasing officer adopts and such other rules and regulations as shall be prescribed by the city council.

C. Written Bids. Sealed written bids shall be submitted to the purchasing officer, who shall keep a record of all open market orders and bids for a period of one year after the submission of bids or the placing of orders. This record, while so kept, shall be open to public inspection. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 626 § 2, 2000; Ord. 179 § 7, 1959)

3.24.080 Submission of bids to council.
All bids secured under the provisions of PVEMC 3.24.060 shall be submitted to the city council for final approval, rejection or further action. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 8, 1959)

3.24.090 Petty cash purchases.
Purchase of supplies and equipment of an estimated value of five hundred dollars or less may be made by the purchasing officer in the open market and without observing the procedures described in PVEMC 3.24.060, 3.24.070 and 3.24.080.

(Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 9, 1959)

3.24.100 Waivers.

In its discretion, the city council may at any time, by a majority vote and without amending this chapter, waive purchasing procedures or alter these procedures to fit a specific purchase, when such waiver is not in violation of California state law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 179 § 10, 1959)

3.24.110 Inspection and approval of purchases.

A. The purchasing officer shall inspect supplies and equipment delivered to determine their conformance with the specifications set forth in the order or contract.

B. Each department head shall inspect all purchases delivered to that department and certify by written memorandum addressed to the purchasing officer or by suitable endorsement of the invoice or other document evidencing delivery to the city that the merchandise or services received comply in all details with the specifications and descriptions of the contract or purchasing order issued for such acquisition; the purchasing officer's endorsement of approval of such certification shall relieve the purchasing officer of the duty of inspection provided by subsection A of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 229 § 1, 1965; Ord. 179 § 11, 1959)

Chapter 3.28
TRANSPORTATION IMPROVEMENT FUND

Sections:

3.28.010 Fund established.

3.28.020 Deposit of street and highway funds.

3.28.030 Expenditure of funds.

3.28.010 Fund established.

To comply with the provisions of Cal. Str. & Hwy. Code Division 1, Chapter 1, Article 5, with particular reference to the amendments made thereto by Chapter 642, Statutes of 1935, there is created in the city treasury a special fund to be known as the "transportation improvement fund." (Ord. 701 § 2 (Exh. 1), 2012; Ord. 5 § 1, 1940)

3.28.020 Deposit of street and highway funds.

All moneys received by the city from the state of California under the provisions of the California Streets and Highways Code for the acquisition of real property or interests therein for, or the construction, maintenance or improvement of, streets or highways other than state highways shall be paid into the fund. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 5 § 2, 1940)

3.28.030 Expenditure of funds.

All moneys in the fund shall be expended exclusively for the purposes authorized by, and subject to all of the provisions of, Cal. Str. & Hwy. Code Division 1, Chapter 1, Article 5. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 5 § 3, 1940)

Chapter 3.32
CHARGE FOR SPECIAL POLICE SERVICES

Sections:

3.32.010 Loud or unruly assemblage – Normal services.

3.32.020 Special security assignment – Generally.

3.32.030 Special security assignment – Fees.

3.32.010 Loud or unruly assemblage – Normal services.

A. When any loud or unruly assemblage occurs and in the event that the senior police officer at the scene determines that there is a threat to the public peace, health, safety or general welfare, then that senior officer shall personally notify the owner of the premises or the person in charge of the premises or the person responsible for the assemblage that that person or, if that person is a minor, that the parents and guardians of that person will be held personally liable for the costs of providing police personnel on special security assignment over and above the normal services provided by the police department to those premises.

B. A first warning shall be deemed to be the normal services provided. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 451 § 1, 1988)

3.32.020 Special security assignment – Generally.

The personnel utilized after the first warning to control the threat to the public peace, health, safety or general welfare shall be deemed to be on special security assignment over and above the normal services provided. The accounting and billing procedures as set forth in PVEMC 3.32.030 shall apply. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 451 § 1, 1988)

3.32.030 Special security assignment – Fees.

A. The costs of special security assignment described in PVEMC 3.32.020 shall include personnel and equipment costs expended during the second and any subsequent returns to the premises, including costs for the total number of officers involved and total minutes expended after the officers arrive on the scene. In addition, such costs may include damages to city property and/or injuries to city personnel.

B. All fees and charges levied for city services described in PVEMC 3.32.010 and 3.32.020 shall be due and payable upon presentation.

C. All fees and charges for such services shall constitute a valid and subsisting debt in favor of the city and against the owner of the premises, the person in

charge of the premises and the person responsible for the assemblage or, if any of the foregoing persons is a minor, the parents and guardians of that person. If an amount remains unpaid after reasonable and practical attempts have been made by the city to obtain a payment, a civil action may be filed with the court for the amount due and payable, together with any penalties, any related charges and fees accrued due to nonpayment, and all fees and charges required to file and pursue such civil action.

D. Fees and charges shall be levied for recovering city costs for notification and collection of delinquent accounts and shall be established by resolution of the city council. Such fees and charges are a part of the fees and charges established for the services rendered and shall be collected as such. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 451 § 2, 1988)

Title 5
BUSINESS TAXES, LICENSES AND REGULATIONS

Chapters:

5.04 Fortunetelling and Related Practices

5.08 Peddlers and Solicitors

5.16 Business License Tax

5.20 Commercial Film Permit

5.25 Real Property Records Report

Chapter 5.04
FORTUNETELLING AND RELATED PRACTICES

Sections:

5.04.010 Definitions.

5.04.020 Permit – Required.

5.04.030 Permit – Application.

5.04.040 Permit – Investigation.

5.04.050 Permit – Hearing and decision.

5.04.060 Permit – Required findings.

5.04.070 Permit – Issuance.

5.04.080 Permit – Term.

5.04.090 Exemptions.

5.04.010 Definitions.

As used in this chapter:

A. “For pay” means for a fee, reward, donation, loan or receipt of anything of value.

B. “Fortunetelling” means and includes telling of fortunes, forecasting of future events or furnishing of any information not otherwise obtainable by the ordinary process of knowledge, by means of any occult or psychic power, faculty or force, including, but not limited to, clairvoyance, clairaudience, cartomancy, psychology, psychometry, phrenology, spirits, tea leaves or other such reading, mediumship, seership, prophecy, augury, astrology, palmistry, necromancy, mind-reading, telepathy, or other craft, art, science, cards, talisman, charm, potion, magnetism, magnetized article or substance, crystal gazing, or magic, of any kind or nature. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.020 Permit – Required.

No person shall conduct, engage in, carry on, participate in, or practice fortunetelling or cause the same to be done for pay without having first obtained a fortunetelling permit. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.030 Permit – Application.

Every natural person who wishes, for pay, to conduct, engage in, carry on, or practice fortunetelling must file a separate verified application for a

fortunetelling permit with the finance director. The application shall contain the following:

A. The name, home and business address, and home and business telephone number of the applicant;

B. The record of conviction for violations of the law, excluding minor traffic violations;

C. The fingerprints of the applicant on a form provided by the police department;

D. The address, city and state, and the approximate dates where and when the applicant practiced a similar business, either alone or in conjunction with others;

E. A nonrefundable fee to cover the city's costs of processing of the application in an amount as established by resolution of the city council;

F. Any other such information reasonably required by the finance director. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.040 Permit – Investigation.

Upon the filing of the application, it shall be referred to the police department for investigation, report and recommendation. The investigation shall be conducted to verify the facts contained in the application and any supporting data. The investigation shall be completed and a report and recommendation made in writing to the finance director within fourteen days after the filing of the application, unless the applicant requests or consents to an extension of the time period. If the report recommends denial of the permit to the applicant, the ground for the recommended denial shall be set forth therein. At the time of the filing of the report and recommendation with the finance director, a copy thereof shall be served personally or by certified mail on the applicant, accompanied by a notice to the applicant that he or she may request to be heard when the finance director considers the application and report. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.050 Permit – Hearing and decision.

The finance director shall consider the application and the report and recommendation at a hearing held on or before the seventh day after filing of the report and recommendation referred to in PVEMC 5.04.040. Notice of the time and place of the hearing shall be given to all parties by the finance director at least three days prior to the hearing. The applicant for the permit shall be required to attend the hearing. Any interested party shall be heard upon a reasonable request. The decision of the finance director to grant or deny the permit or conditionally

grant the permit shall be in writing, supported by substantial evidence and, if adverse to the applicant, shall contain findings of fact and a determination of the issues presented. Unless the applicant agrees in writing to an extension of time, the finance director shall make his or her order denying or granting or conditionally granting the permit within twenty-four hours after completion of the hearing on the application for a permit and shall notify the applicant of his or her action by personal service or certified mail. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.060 Permit – Required findings.
The finance director shall grant the permit if he or she makes all the following findings:

A. All the information contained in the application and supporting data is true;

B. The applicant has not, within the previous two years, been convicted of any violation of this chapter or any law relating to fraud or moral turpitude;

C. The applicant appeared in person at the hearing; and

D. The applicant agrees to abide by and comply with all conditions of the permit and applicable laws. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.070 Permit – Issuance.
If the finance director grants the permit, the officer shall thereafter issue the permit only after the applicant has paid the required business tax. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.080 Permit – Term.
The term of the permit shall be for no more than the term of the business tax receipt as described in this chapter. A renewal application shall be filed no later than thirty days prior to the expiration of the permit and shall be processed in the same manner as a new application. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

5.04.090 Exemptions.
A. This chapter shall not apply to the licensed practice of psychology, psychotherapy, counseling, hypnotherapy or any other related licensed healing art regulated pursuant to the California Business and Professions Code.

B. This chapter shall not apply to any person engaged solely in the business of entertaining the public by demonstrations of mind-reading, mental telepathy, thought conveyance, or the giving of horoscopic readings at public places and in the presence of and within the hearing of all persons in attendance, and at which

no questions are answered as part of such entertainment except in a manner to permit all persons present at such public place to hear such answers. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 406 § 1, 1985)

Chapter 5.08
PEDDLERS AND SOLICITORS

Sections:

5.08.010 Definitions.

5.08.020 Permit and license requirements.

5.08.030 Exemptions.

5.08.035 Fee exemption.

5.08.040 Application procedure.

5.08.050 Investigation.

5.08.060 Permitting procedure.

5.08.070 Identification cards.

5.08.080 Denial of permit.

5.08.090 Suspension or revocation of permit.

5.08.100 Appeal.

5.08.110 Renewal of permit.

5.08.120 Solicitation procedures.

5.08.130 Penalty.

5.08.010 Definitions.

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

A. “Charitable” means and includes the words patriotic, political, philanthropic, social services, welfare, benevolent, educational, religious, civic or fraternal, or any other tax-exempt purpose or function as specified in Cal. Rev. & Tax. Code Chapter 4, Article 1 (Cal. Rev. & Tax. Code § 23701 et seq.) or any successor thereto.

B. “Charitable association” means and includes any organization, whether or not incorporated, that is organized and operated exclusively for charitable, religious, fraternal, educational, cultural, civic or other tax-exempt purposes or functions as specified in Cal. Rev. & Tax. Code Chapter 4, Article 1 (Cal. Rev. & Tax. Code § 23701

et seq.) or any successor thereto, and which has been determined by the Franchise Tax Board to be exempt from taxation, or which has established its exemption under Section 501(c)(3) of the Internal Revenue Code or any successor thereto.

C. “Commercial” means and includes the sale of services, goods, wares and merchandise, for profit, whether or not a profit is made, and not for any charitable purpose as defined in this section.

D. “Contribution” means and includes alms, food, clothing, money, property, subscriptions, pledges or donations given or solicited either directly or indirectly, or under the guise of loans of money or property.

E. “Identification card” means a solicitor identification card, issued in accordance with PVEMC 5.08.070, for use in conducting solicitations pursuant to a permit issued under this chapter.

F. “Monetary compensation” or “solicitation” means and includes the request, directly or indirectly, for a contribution for charitable purposes or for a commercial sale, which request is made door to door at places of residence, in any place of public accommodation, in any place of business open to the public generally, on city streets and sidewalks, in public parks, or in any other public places. A solicitation shall be deemed completed when the request is made, whether or not the solicitor receives any contribution or makes any sale. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.020 Permit and license requirements.

A. No person shall solicit for any purpose within the city without having first obtained a permit from the city’s finance director authorizing such solicitation, except that where a permit for solicitation has been issued to any applicant, the individual agents and solicitors for such applicant shall not be required to obtain individual permits, provided a separate identification card is obtained for each individual agent and solicitor.

B. No person shall solicit for commercial purposes within the city without having first paid the applicable business license tax as required under Chapter 5.16 PVEMC (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.030 Exemptions.

A. This chapter shall not apply to solicitations made upon the premises owned or occupied by the organization or person on whose behalf such solicitation is made.

B. This chapter shall not apply to the following:

1. Payments required by law to be collected or paid; or

2. Payments to or from governmental agencies; or

3. Solicitations made by an association or its authorized agents and employees to its own members and employees. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.035 Fee exemption.

Disabled veterans, as defined by Cal. Bus. & Prof. Code §§ 16001 and 16001.5, shall not be required to pay a license fee to hawk, peddle, and vend any goods, wares or merchandise owned by them, except alcoholic beverages. (Ord. 701 § 2 (Exh. 1), 2012)

5.08.040 Application procedure.

A. Filing of an Application. An application for a permit for solicitation shall be filed with the finance director. The application shall be reviewed by the finance director and the chief of police in conformance with the standards set forth in this chapter. The city, through the finance director, shall either grant or deny the requested permit to conduct solicitation within ten calendar days of the date the application is made. In the event the finance director fails to act upon an application within the time prescribed herein, the permit shall be deemed granted.

B. Contents of Application. An application for a solicitation permit shall include the following information:

1. If the applicant is an individual, the name, address, and telephone number of the applicant;

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. If such person will not be physically located within thirty miles of the borders of the city at all times that the solicitation will be conducted, the applicant shall, in addition, designate a contact person who will be so physically located and shall provide the name, address and telephone number of such person;

4. The names of all fundraisers or solicitors connected with, or to be connected with, the proposed solicitation, a copy of a valid photo identification (driver's

license or other) of all such persons showing each such person's face in a clear and distinguishable manner, and a recent photograph of each such person's face not exceeding two inches in size in any dimension;

5. A description of the method or methods to be used in conducting the solicitation;

6. The time when such solicitation will be made, giving the intended dates and the hours or day for the commencement and termination of the solicitation;

7. A statement to the effect that, if the 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. A statement that the applicant has received and read all city ordinances, rules and regulations governing the manner in which solicitation may be conducted and will provide a copy to each person soliciting on behalf of the applicant, and that the applicant and each person soliciting on behalf of the applicant will comply with all such ordinances, rules and regulations;

9. 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 if the applicant is a corporation or an association. At the time the individual signs the application, said individual shall swear before an officer authorized to administer oaths that he or she has carefully read the application and that all the information contained therein is true and correct;

10. If the applicant is other than the owner or an officer of a company or organization for which the solicitation is proposed to be conducted, the application must be accompanied by a letter from that company or organization stating that the applicant is authorized to solicit on its behalf;

11. The required fee; and

12. If the applicant is unable to provide any of the required information, an explanation of the reasons why any information required herein is not available.

C. Change in Information. If, while any application is pending, or during the term of any permit granted thereon, there is any change in fact, policy, or method that would alter the information set forth in the application, the applicant shall notify the finance director in writing thereof within twenty-four hours after such change.

D. Charitable Solicitations. If the applicant is a charitable association or if the applicant is to be engaged by a charitable association to conduct the solicitation, documents which evidence the tax-exempt status of the charitable association and its relationship, if any, to the applicant are required. If the applicant is a "commercial fundraiser for charitable purposes" as defined in Cal. Gov. Code § 12599, documents which evidence compliance by the applicant with the provisions of Cal. Gov. Code § 12599 et seq. are required.

E. Commercial Solicitations. In addition to the requirements set forth in subsection B of this section, any person applying for a permit to conduct commercial solicitation shall include in the application the following information for each individual who will be engaged in such solicitation:

1. A description of any criminal offense, other than a minor traffic violation, of which such individual has been convicted setting forth the nature of the offense, date of conviction, and the jurisdiction in which the conviction occurred;

2. The fingerprints of each such individual, which shall be used by the city to confirm the validity of the information contained in the application;

3. The name, home address, Social Security number, and driver's license number of each such individual; and

4. A photocopy of the state-issued photo identification card (driver's license or other) of each such individual. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 628 § 1, 2001; Ord. 565 § 3, 1993)

5.08.050 Investigation.

Applicants for permits to conduct charitable solicitations shall make available for inspection all of the applicant's financial books, records and papers at any reasonable time before the application is granted and during the time a permit is in effect. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.060 Permitting procedure.

A. Issuance of Permit. The finance director shall issue a permit for solicitation unless any of the following have been demonstrated:

1. That the applicant has failed to provide information required pursuant to this chapter.

2. That any statement made in the application is false.

3. That the applicant has not paid the business license tax, if any, required pursuant to Chapter 5.16 PVEMC.

4. That the applicant or any individual whom the applicant proposes to authorize to conduct a solicitation on its behalf is a registered sex offender under Cal. Pen. Code § 290, or was convicted at any time within the ten-year period preceding the date of the application of any crime involving the intentional infliction of bodily injury or the theft of any property.

B. Authority of the Finance Director. Nothing in this section shall be construed as granting to the finance director, or to any other person, the 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, the permittee, or the person such applicant or permittee represents, or for any other reasons not specifically set forth in this section.

C. Cost of Permit. Applicant shall pay a permit fee as established by resolution; provided, however, that a permit issued for charitable contribution solicitation shall be exempt from the fee.

D. Form of Permit. Permits issued under this chapter shall bear the name and address of the person to whom the permit is issued, the number of the permit, the date issued, the dates within which the permittee may solicit, a statement that the permit does not constitute an endorsement by the city or any of its departments, officers or employees of the purpose of, or of the person conducting, the solicitation and, in the case of charitable associations, a brief statement describing by approximate percentage the proposed disbursement of all funds to be solicited under the permit. All permits must be signed by the finance director.

E. Term of Permits. All permits issued under this chapter shall be valid for a period of one month from the date of issuance unless revoked or suspended or renewed pursuant to the provisions of this chapter.

F. Permit Nontransferable. Any permit issued under this chapter shall not be transferable or assignable. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 628 § 2, 2001; Ord. 565 § 3, 1993)

5.08.070 Identification cards.

A. Contents of Identification Card. All persons personally conducting solicitations shall obtain an identification card from the city which shall include the permit number, the name and street address of the permittee, a statement describing the permittee’s purpose and activity, the name and signature of the solicitor to whom

the card is issued, a photograph of the solicitor to whom the card is issued, the specific period of time during which the solicitation is authorized, a statement that additional data regarding the permittee is on file with the finance director and available for inspection, and a statement printed prominently on the card which shall state: "This identification card is not an endorsement of the solicitation by the City of Palos Verdes Estates or any of its departments, officers or employees."

B. Fee for Identification Card. The cost for issuance of the identification card shall be established by resolution and shall be paid by the applicant prior to card issuance.

C. Card to Be Carried and Displayed. No person shall solicit unless an identification card is exhibited and read to the person solicited, or is presented for review by the person solicited, before accepting any contribution or making any commercial transaction.

D. Repeal or Revocation of Identification Card. If a permit issued pursuant to this chapter is denied or revoked, all identification cards issued to persons conducting solicitations under the provisions of this chapter shall be canceled and such cards shall be returned to the finance director within forty-eight hours from the time of receipt of such notification.

E. School Identification Cards. The police chief may permit children under the age of eighteen who are soliciting for charitable purposes in connection with the Palos Verdes Peninsula Unified School District to utilize identification cards issued by such school district in lieu of the identification card otherwise required by subsection A of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.080 Denial of permit.

In the event that the finance director denies a permit, the finance director shall, within five business days, notify the applicant by mail with proof of service, stating with specificity the reasons for such denial. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.090 Suspension or revocation of permit.

A. Grounds for Revocation. A permit shall be revoked if the permit holder or any person soliciting on behalf of the permit holder violates any of the provisions of this code or misrepresents to a person being solicited the purpose of the solicitation.

B. Notice – Suspension. Whenever it shall be shown that grounds for revocation

exist, the finance director shall suspend the permit by issuing to the permittee notice of the suspension, stating with specificity the reasons for suspension. Such notice shall be provided by registered or certified mail or by personal service of the notice of the permittee. 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. Notice – Revocation Hearing. The suspension notice shall set the matter for hearing before the finance director within three business days of the effective date of the suspension.

D. Revocation. The finance director shall, based upon the evidence presented at the hearing, render a decision within one business day thereafter either revoking the permit or ending the suspension and reinstating the permit.

E. Notification to the Chief of Police. The chief of police shall be notified by the finance director of the suspension, revocation or reinstatement of any permit issued under this chapter and the effective date thereof. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.100 Appeal.

If an applicant or permittee is aggrieved by any action to deny or revoke a permit by the finance director, such applicant or permittee shall have the right to appeal such decision to the city manager. The notice of appeal shall specifically set forth the grounds for the appeal and shall be filed within five calendar days after the mailing or personal delivery of a notice of denial or revocation. The city manager shall hear the applicant/permittee or a designated representative, receive relevant information and documents, and act on the appeal within five days of receiving the appeal. The city manager's decision shall be final. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.110 Renewal of permit.

A permit shall be renewed within ten calendar days of a written request for renewal if the factual information upon which the original application was granted remains unchanged and no violation of this chapter or code has been committed. The finance director may require a new application subject to the provisions of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 565 § 3, 1993)

5.08.120 Solicitation procedures.

A. General Requirements.

1. No person required to obtain a permit in accordance with the requirements

of this chapter shall solicit except pursuant to a permit issued under this chapter, or without having in his or her possession an identification card as provided in PVEMC 5.08.070.

2. No person shall solicit within the city after the permit issued by the city has expired, unless such permit has been renewed.

3. No person shall solicit at any dwelling or commercial establishment where there is a sign indicating "No Soliciting," "Do Not Disturb," or "No Trespassing," or otherwise indicating that the occupants or owners do not wish to be solicited or have their privacy disturbed.

4. No solicitor shall touch, come into physical contact with, or affix any object to another person without first receiving express permission therefor from such person.

5. No solicitor shall request or demand admission to the interior of the property of any person being solicited.

6. No solicitor shall step over the threshold of any door located on private property where such property is not otherwise open to the public unless invited to do so by the owner or occupant of such property.

7. No solicitor may insistently solicit any person who has expressed his or her desire not to be solicited.

8. A solicitor shall leave the premises when asked to do so.

9. No solicitor shall intentionally or deliberately obstruct the free movement of any person on any street, sidewalk or other place or in any place generally open to the public.

10. No solicitor shall place any portion of his or her body in any doorway so that it would reasonably appear to another person that the door could not be closed.

11. No person shall alter an identification card issued by the city without the express approval of the finance director.

12. No person shall directly or indirectly solicit contributions from any person by misrepresentation of his or her name, occupation, physical or mental condition, financial condition, residence, or principal place of business, and no person shall make or cause to be made any misstatement of fact or fraudulent misrepresentation in connection with any solicitation, or in any application or

report filed under this chapter.

13. No charitable association or professional fundraiser permitted to solicit for a charitable association shall use statements or materials indicating such contributions are being raised for any organization which has not given its explicit written consent for the solicitation or such contributions.

14. No person shall solicit in the city for any purpose other than the purpose(s) specified in the application upon which the permit was issued.

B. Books and Records. No person shall solicit any contributions for a charitable purpose without maintaining a system of accounting whereby all receipts and disbursements are entered upon the official books or records by such person's treasurer or other financial officer, in accordance with generally accepted accounting principles as defined by the American Institute of Certified Public Accountants and the Financial Accounting Standards Board.

C. Hours of Solicitation. It shall be unlawful for any person to enter upon private residential premises after seven p.m. or earlier than nine a.m. of any day for the purpose of solicitation, unless such person has been requested or invited to do so by the owner or occupant of said premises. This subsection shall not be interpreted to grant any person permission to enter upon private property.

D. Written Receipts Required. Any solicitor receiving money or anything having a value of ten dollars or more from any person under a solicitation made pursuant to a permit issued under the provisions of this chapter shall give to such person a written receipt, signed by the solicitor, showing plainly the name and permit number of the person under whose permit the solicitation is conducted, and the date and the amount received; provided, however, that this requirement shall not apply to any contributions collected by means of a closed box or receptacle used for solicitation with the written approval of the finance director where it is impractical to determine the amount of each such contribution. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 628 § 1, 2001; Ord. 565 § 3, 1993)

5.08.130 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 2, 2001)

Chapter 5.16
BUSINESS LICENSE TAX

Sections:

5.16.010 License required.

5.16.020 Tax amount established.

5.16.030 License year.

5.16.040 Additional licenses required.

5.16.050 Evidence of doing business.

5.16.060 Commencement of business without business license – Penalty.

5.16.070 Late renewal penalties.

5.16.080 Limitation on issuance of licenses.

5.16.090 Building permit limitations.

5.16.100 License – Posting and keeping.

5.16.110 Exemptions.

5.16.120 Claims for exemptions.

5.16.130 Effect on other ordinances.

5.16.140 Administrative procedures.

5.16.150 Penalty.

5.16.010 License required.

No person shall conduct any business within the city without first obtaining and thereafter maintaining a business license pursuant to the provisions of this chapter, and paying the tax therefor. As used in this chapter, the word "person" shall mean and include an individual, and any domestic or foreign corporation, association, syndicate, joint venture, partnership, club, trust or sureties of any kind, excepting any public utility that pays a franchise fee to the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.020 Tax amount established.

Every person conducting any business within the city shall pay the business license tax in the amount established by resolution of the city council. (Ord. 701 § 2 (Exh.

1), 2012; Ord. 559 § 2, 1992)

5.16.030 License year.

A. Except as otherwise established by resolution of the city council for specified businesses, business licenses shall be valid for one year, with the license year to commence January 1st. The tax imposed by this chapter shall be paid by the last day of said month and is delinquent if unpaid thereafter.

B. Notwithstanding subsection A of this section, the tax due for the first business license issued to any person for a business enterprise newly established in the city shall be prorated from the first day of the quarter of the license year in which it is applied for to the end of the license year. Thereafter, the business license for such person shall be renewed on an annual basis for the license year. The city council may by resolution deem the business license for any particular business not to be proratable. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.040 Additional licenses required.

A. Separate business licenses shall be obtained for each branch establishment or location of the business engaged in, as if each such branch establishment or location were a separate business.

B. Each business license shall authorize a person to engage only in the business for which the business license has been issued at the location or in the manner designated in such license.

C. If any person is conducting two or more businesses at the same location, the business license tax will be computed by taking the highest business license tax applicable to one of such businesses and adding to it fifty percent of the business taxes applicable to each of the other businesses. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.050 Evidence of doing business.

When any person shall by use of signs, circulars, cards, telephone book or newspaper advertise, hold out or represent that he is in business in the city, or when any person holds an active license or permit issued by a governmental agency indicating that he is in business in the city, and such person fails to deny by a sworn statement given to the collector that he is not conducting a business in the city after being requested to do so by the collector, then these facts shall be considered prima facie evidence that such person is conducting a business in the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.060 Commencement of business without business license – Penalty.

Any person who carries on any business without first obtaining a business license therefor shall pay a penalty of ten percent of the prescribed business license tax, in addition to the tax otherwise established for such business. An additional ten percent penalty shall be added for each five days or fraction thereof after notice shall have been issued to such person directing him to obtain a business license until the business license application is filed and tax paid, except that the total amount of the penalty added shall in no event exceed fifty percent of the tax otherwise established for such business. Such penalty shall be collected and the payment thereof shall be enforced in the same manner as other business license taxes are collected and payment enforced. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.070 Late renewal penalties.

For failure to pay a business license tax when due, the collector shall add a penalty of ten percent of said business license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed fifty percent of the amount of the business license tax otherwise due. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.080 Limitation on issuance of licenses.

No license, receipt, sticker, tag, plate or symbol shall be issued, nor shall one which has been suspended or revoked be reinstated or reissued, to any person who at the time of applying therefor is indebted to the city for any delinquent business license tax or penalties. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.090 Building permit limitations.

A. No building, grading, electrical, plumbing, pool, sewer or heating/air conditioning permit shall be issued to any general contractor or subcontractor who has not paid the tax for and received a business license for this city.

B. Each general contractor shall:

1. Furnish an affidavit that all work is being done solely by the contractor or his/her direct employees; or

2. Furnish the city with an affidavit listing the names of subcontractor(s) who will perform the work for which the permit is being taken. In this event, the city shall verify that such subcontractor(s) are operating with a current city business license prior to scheduling a final inspection for any such work. The contractor may amend the affidavit of subcontractor(s) used, or may furnish an affidavit that all work has been done by the contractor who has paid the business license tax.

C. No final inspection shall be performed by the city on any work for which a business license tax has not been paid for all contractors and subcontractors of record at the time the job is completed. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.100 License – Posting and keeping.
All business licenses or other identifying documents issued by the collector must be kept and posted in the following manner:

A. Any licensee engaged in business at a fixed place of business in the city shall keep the license posted in a conspicuous place upon the premises where such business is carried on.

B. Any licensee engaged in business but not operating at a fixed place of business in the city shall keep the license upon his person or upon a vehicle utilized by such licensee in connection with the operation of such business at all times while engaged in business within the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.110 Exemptions.
The following are exempted from the payment of the business license tax required by this chapter:

A. Any charitable institution, organization, or association organized and conducted for charitable purposes only;

B. Any person conducting or staging any concert, exhibition, lecture, dance, amusement or entertainment where the receipts, if any be derived therefrom, are to be used solely for charitable or benevolent purposes and not for the private gain of any person in whole or in part;

C. Any religious, fraternal, educational, military, state, county or municipal organization or association conducting any business which is open to members thereof only and not open to the public;

D. Any religious, fraternal, educational, military, state, county or municipal organization or association conducting or staging any amusement or entertainment, concert, exhibition, lecture, dance or athletic event, when the receipts derived are to be wholly for the benefit of such organization and not for the private gain of any person in whole or in part;

E. Any solicitor engaged in interstate commerce when the business license tax would create a burden upon interstate commerce;

F. Any natural person of sixteen years of age or less and whose annual gross receipts from any and all businesses are five hundred dollars or less;

G. Any person not required to pay a business license tax pursuant to any applicable statute or constitutional provision of the United States or the state of California;

H. Any taxicab operator or driver; provided, that the operator or driver possesses a valid permit issued by either the county of Los Angeles or the city of Los Angeles. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.120 Claims for exemptions.

A. Any person claiming an exemption pursuant to PVEMC 5.16.110 shall file a sworn statement with the collector stating the facts upon which exemption is claimed. In the absence of such statement substantiating the claim, such person shall be liable for the payment of the taxes imposed by this chapter. The collector shall, upon a proper showing contained in the sworn statement, issue a business license to such person claiming exemption under this section without payment to the city of the business license tax required therefor.

B. The collector, after giving notice and a reasonable opportunity for hearing to a person with a business license tax exemption, may revoke any business license granted pursuant to the provisions of this section upon information that said person is not entitled to the exemption as provided herein.

C. This exemption shall not apply to any person who for profit or gain conducts any business merely because such person has paid or agreed to pay to an exempt organization a portion of the receipts of the business as a reward or recompense for the sponsorship of such business, or for any other reason. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.130 Effect on other ordinances.

Persons required to pay a business license tax for transacting and carrying on any business under this chapter shall not be relieved from the payment of any business revenue tax for the privilege of doing business required under any other ordinance of the city, nor from any other code, and such person shall remain subject to the regulatory provisions of other ordinances and other provisions of this code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 559 § 2, 1992)

5.16.140 Administrative procedures.

The finance director or his designee shall act as the collector under this chapter. The finance director may adopt such administrative procedures as are in his opinion necessary to effectuate the terms of this chapter. (Ord. 701 § 2 (Exh. 1),

2012; Ord. 559 § 2, 1992)

5.16.150 Penalty.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, except that notwithstanding any other provision of this section, any violation constituting a misdemeanor under this chapter may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 4, 2001)

Chapter 5.20
COMMERCIAL FILM PERMIT

Sections:

5.20.010 Definitions.

5.20.020 Purpose.

5.20.030 Permit required.

5.20.040 Exemptions.

5.20.050 Application.

5.20.060 Permit requirements.

5.20.070 Conditions of approval.

5.20.080 Interagency notification.

5.20.090 Permits at Farnham Martin Park.

5.20.010 Definitions.

As used in this chapter:

A. “Commercial filming” means and includes all activity attendant to staging or shooting commercial motion pictures, television programs, or commercials, and the taking of single or multiple photographs for sale or use for a commercial purpose where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one location for longer than five consecutive minutes.

B. “Small photography shoot” means the activity of taking photographs where: (1) three or fewer persons are engaged in the staging or shooting of photographs or operating the photography equipment, not including the subjects of the shoot; (2) the photographer uses no more than two pieces of photography equipment; (3) the photography equipment used is of a size and weight that each piece can be carried by one person; and (4) the entire production is finished in one calendar day.

C. “Student film” means any activity undertaken as part of a bona fide educational curriculum where the photographer sets up stationary equipment on public or private property or the public right-of-way in any one location for longer than five consecutive minutes, with evidence of enrollment status of the permittee and insurance provided by the school or program for the subject permit.

D. “News media” means persons engaged in the filming or photographing of spontaneous, unplanned news events for the purpose of broadcast or publication. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 476 § 1, 1988)

5.20.020 Purpose.

The purpose of this chapter is to regulate commercial filming within the city to minimize disruptions and health and safety risks to the citizens of the city caused by the presence of the equipment and personnel used to conduct commercial filming and photography. This chapter is also designed to encourage commercial filming and photography within the city’s boundaries while at the same time ensuring that the costs associated with the same are paid for by the filming party and not by the citizens of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 476 § 1, 1988)

5.20.030 Permit required.

No person shall use any public or private property, facility or residence for the purpose of commercial filming without first applying for and receiving a permit from the city manager, or his or her designee. (Ord. 701 § 2 (Exh. 1), 2012)

5.20.040 Exemptions.

A. Current News. The provisions of this chapter shall not apply to or affect reporters, photographers or cameramen in the employ of a newspaper, news service or similar entity engaged in live broadcasting of news events concerning those persons, scenes or occurrences which are in the news and of general public interest.

B. Personal Use. The provisions of this chapter shall not apply to filming or photography which will not be used in any commercial medium and is intended solely for personal use.

C. Small Photography Shoot. The provisions of this chapter shall not apply to a small photography shoot; provided, that any photographer taking pictures for sale or use for a commercial purpose shall obtain a business license under Chapter 5.16 PVEMC. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 13, 1999; Ord. 476 § 1, 1988)

5.20.050 Application.

All applications for a commercial film permit shall be reviewed by the city manager, or his or her designee, who shall either approve or deny each such complete application. In the case of an application which the city manager is uncertain meets or fails to meet the permit requirements, the city manager may refer the application evaluation to the city council. The council shall make the final determination as to the issuance of any such permit. Should any other permit also be required, the city council may consider the issuance of the subject permits

together. Each application for a commercial film permit shall be submitted not less than seven business days before the intended film date and shall include the following:

A. The name, address and telephone number of the person wishing to conduct such activity;

B. The filming date(s);

C. The hours of filming, which must be consistent with the permit requirements listed in PVEMC 5.20.060;

D. The location of the proposed filming described by street address;

E. The approximate number of persons who will be engaged in such activity;

F. A list of major equipment to be used in the activity including but not limited to vehicles, lighting, cameras, and generators; and

G. A general statement of the character or nature of the proposed activity. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 476 § 1, 1988)

5.20.060 Permit requirements.

The city manager or city council shall not grant a commercial film permit unless they find the permit application complies with the following:

A. Filming Frequency and Hours. Except as otherwise permitted by this subsection, no more than one permit for filming at any private residence shall be issued in any calendar year. Filming allowed under such permit shall be conducted only during the hours of eight a.m. to seven p.m., and all days of filming under the permit shall be consecutive; provided, however, that no filming shall be permitted on Sundays or any holiday established by the California Government Code. With the unanimous written consent of all landowners or tenants in possession of occupied property within three hundred feet of the lot boundaries of the residence at which filming is to occur, additional filming permit(s) may be issued during any calendar year, and/or filming may be permitted during hours or on days not otherwise permitted by this subsection. In no event, however, shall more than eight days of actual filming be permitted at any private residence in any calendar year. If the applicant fails to obtain the required neighborhood consent, the city manager or his or her designee shall deny the request for extended filming hours, filming on days not otherwise permitted, or additional permits at the same location in one year. The applicant may appeal the denial to the city council. Notwithstanding the lack of neighborhood consent, the city council may grant the permit if, based on the

record before it, it finds the request meets the purpose of this chapter and is otherwise in the public interest. For purposes of this restriction, setup and cleanup (or strikedown) days shall not be counted as days of actual filming.

B. General Use Fee. The permit shall contain a contractual provision between the city and the permit applicant in which the permit applicant shall pay a nonrefundable general use permit fee to the city in an amount as established by resolution.

C. Zone Use Daily Fee. The permit shall contain a contractual provision between the city and the permit applicant in which the permit applicant agrees to pay the applicable zone use daily fee for each day that filming takes place within the city. Zone use categories are designated as commercial, residential, coastal and parklands. Zone use daily fees shall be established by resolution. The parklands and coastal zone daily use fees are not mutually exclusive, and if both apply, then both are applicable; provided, however, that no permit will be granted for parkland use unless it is clear that no damage will be done to the parklands.

D. Business License. The permit shall contain a contractual provision between the city and the permit applicant in which the permit applicant covenants to pay the applicable daily business license fee as established by resolution.

E. Fee Exemption – Student Film. Student film permits shall be exempt from payment of the fees specified in subsections B, C, and D of this section; however, all other provisions of this section shall apply, including payment for police services, if applicable, and all insurance requirements.

F. Police Supervision. The permit shall provide that the city's police department may supervise the commercial filming by assigning off-duty officers or reserve officers in a reasonable number deemed appropriate by the chief of police to be present at all times during filming.

1. Each permit shall include a contractual provision between the permit applicant and the city's police department in which the permit applicant covenants to pay any off-duty police officer assigned by the city's police department to supervise motion picture filming at a rate of time and a half of the officer's regular hourly wage. Any reserve officer assigned by the city's police department to supervise motion picture filming shall be paid at a rate equal to that reserve officer's regular hourly wage.

2. The permit applicant shall pay an administrative surcharge to the city's police department for scheduling the supervising officers in an amount equal

to fifty percent of gross wages paid to any off-duty officer plus twenty percent of gross wages paid to any reserve officer pursuant to this section.

G. Disruption Clause. Each permit shall contain a contractual provision between the permit applicant and the city in which the permit applicant covenants to halt or interrupt filming upon instruction from a uniformed officer of the city's police department. The city covenants not to instruct that such a halt or interruption take place unless in its discretion it perceives that the filming shall cause or coincide with interference with traffic movement, disturbance of the peace, destruction of property, violation of the law, or a threat to the public peace, health or safety. Each permit further shall include a contractual provision wherein the applicant covenants to defend, indemnify and hold harmless from any and all damages which may result from the city's police department representative exercising the city's right under this provision of the permit.

H. Liability Insurance. A certificate of insurance will be required in an amount established by resolution by the city council naming the city as a coinsured for protection against claims of third persons for personal injuries, wrongful deaths, and property damage before a permit is issued. The city officers and employees shall be named as additional insureds. The certificate shall not be subject to cancellation or modification until after thirty days' written notice to the city. A copy of the certificate will remain on file.

I. Workers' Compensation Insurance. An applicant shall conform to all applicable federal and state requirements for workers' compensation insurance for all persons operating under a permit.

J. Hold Harmless Agreement. An applicant shall execute a hold harmless agreement as provided by the city prior to the issuance of a permit under this chapter.

The fees set out in this section are collected for purposes of paying for resident notification, traffic control, police services over and above those explicitly provided for herein, public works, detour placement and necessary environmental protection safeguards. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 656 § 1, 2004; Ord. 579 § 1, 1994; Ord. 523 § 1, 1991; Ord. 476 § 1, 1988)

5.20.070 Conditions of approval.

The city manager, or his or her designee, shall have the authority to impose such conditions on any permit issued hereunder as he or she shall deem necessary to ensure that the purpose of this chapter, as provided in PVEMC 5.20.020, is accomplished. (Ord. 701 § 2 (Exh. 1), 2012)

5.20.080 Interagency notification.

The city manager shall notify the city's police department at least three days before filming is to commence so that the police supervision as provided for in PVEMC 5.20.060(F) may be available to oversee the commercial filming. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 476 § 1, 1988)

5.20.090 Permits at Farnham Martin Park.

Farnham Martin Park is recognized by the city as having unique characteristics, based upon its immediate contiguity to residential property on one side, and its use as the entrance way to the Malaga Cove Library located on the other side. Commercial use of Farnham Martin Park for commercial filming or still photography would, therefore, create significant adverse impacts to both private property and the public in general if permitted to occur without control. Notwithstanding any provision of this chapter to the contrary, in no event shall any permit for commercial still photography required by PVEMC 5.20.030 and/or for commercial filming be issued to permit such use of Farnham Martin Park at any time that the Malaga Cove Library is open. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 14, 1999)

Chapter 5.25
REAL PROPERTY RECORDS REPORT

Sections:

5.25.010 Authority and purpose.

5.25.020 Definitions.

5.25.030 Report of city records before real property sale.

5.25.040 Issuance by city.

5.25.050 Delivery to buyer.

5.25.060 Exceptions.

5.25.070 Nonliability of city.

5.25.080 Violation.

5.25.010 Authority and purpose.

The city council finds, determines and declares as follows:

A. This chapter is adopted pursuant to the authority of Cal. Gov. Code Title 4, Division 3, Part 2, Chapter 10, Article 6.5 (commencing with Cal. Gov. Code § 38780) and other applicable law.

B. Citizens, property owners, and potential property owners in the city need information about property proposed for sale or transfer in order to adequately protect their interests in a sale or transfer. Building and zoning records of the city constitute an important source of such information. Therefore, it is one of the purposes of this chapter to assist in, but not guarantee, the disclosure of information from city records about real property within the city.

C. It is also a purpose of this chapter to assist the city in abating public nuisances and enforcing its building and zoning ordinances by identifying properties in violation of its codes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.020 Definitions.

As used in this chapter:

A. “Consummation of the sale or exchange” means the signing of final documents at the close of escrow, which documents provide that title to or ownership of any real property is transferred from one owner to another owner.

B. “Owner” means any person, copartnership, association, corporation or fiduciary having legal or equitable title or any interest in any property.

C. “Property” means any unimproved or improved real property situated in the city and shall include the buildings or structures located on the property. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.030 Report of city records before real property sale.
Prior to the consummation of the sale or exchange, the owner or the owner’s authorized representative shall obtain from the city a real property records report as described in PVEMC 5.25.040. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.040 Issuance by city.
A. Upon application of the owner or his authorized agent on a form prescribed by the city and the payment to the city of a fee established by resolution of the city council, the city engineer, or his authorized representative, shall review pertinent city records insofar as they are available, and, within five business days after receipt of a complete application, deliver to the applicant a report which contains the following information about the subject property insofar as it is available as of the date the report is issued:

1. The street address and assessor number;

2. The zone classification as set forth in this code;

3. The occupancy as indicated and established by permits of record;

4. Variances, conditional use permits, exceptions, and other pertinent administrative or legislative acts of record;

5. Any special restrictions of use or development of record; and

6. A copy of all building permits, exclusive of plumbing, electrical and mechanical permits.

B. The report shall expire, and may not be used for the purpose of compliance with PVEMC 5.25.050, six months after issuance; provided, however, that upon an application made by the owner and filed with the building official stating that no structural changes, improvements or additions have been made since the date of the issuance of the original report, such original report shall be valid at no additional cost for an additional period not to exceed six months, dated from the date of the expiration of the first six-month report.

C. Any certificate or report issued pursuant to this section shall not constitute

authorization to violate any ordinance or other law regardless of whether the certificate or report purports to authorize the violation or not. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.050 Delivery to buyer.

The report shall be delivered by the property owner, or the authorized designated representative of the owner, to the buyer or transferee of the property prior to the consummation of the sale or exchange. The buyer or transferee shall execute a receipt therefor as furnished by the city and the receipt shall be delivered to the city engineer or the engineer's authorized representative as evidence of compliance with the provisions of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.060 Exceptions.

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

A. The first sale of residential or commercial buildings or condominiums located in a subdivision whose final map has been approved and recorded in accordance with the Subdivision Map Act not more than two years prior to the first sale.

B. Buildings and properties acquired or conveyed by the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.070 Nonliability of city.

The issuance of the real property records report is not a warranty or representation by the city that the subject property or its present use is or is not in compliance with the law. The city does not represent or warrant that the information contained in the report will always be complete and/or accurate and all persons receiving the report should independently verify the information contained therein before relying on it. Neither the enactment of this chapter nor the preparation of and delivery of any report required under this chapter shall impose any mandatory duty upon the city to completely and accurately report the information from its records or impose any liability upon the city for any errors or omissions contained in the report. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

5.25.080 Violation.

A. No sale or exchange of residential or commercial property shall be invalidated solely because of the failure of any person to comply with any provisions of this chapter unless such failure is an act or omission which would be a valid ground for rescission of such sale or exchange in the absence of this chapter.

B. In cases where property has already changed hands and the city requests a

seller to provide a report after a sale or transference of property has taken place, an additional fee in the amount of fifty percent of the original fee shall be required if the application fee is not paid within ten days of notice by the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 440 § 1, 1987)

Title 6
ANIMALS

Chapters:

6.04 Animal Control Generally

6.08 Regulations Pertaining to Dogs

6.12 Potentially Dangerous and Vicious Dogs

6.16 Vaccination

Chapter 6.04
ANIMAL CONTROL GENERALLY

Sections:

6.04.010 Definitions.

6.04.020 Animals other than household pets restricted – Exceptions.

6.04.030 Animals disturbing others.

6.04.035 Public nuisance.

6.04.040 Stray animals on private property.

6.04.050 Interference with poundmaster prohibited.

6.04.060 Exemptions.

6.04.070 Poundmaster's authority to take animals.

6.04.080 Disposition of impounded animals.

6.04.090 Penalty.

6.04.010 Definitions.

The words and phrases used in this title shall be defined as set forth in this section.

"Animal" means any animal, poultry, bird, reptile, fish or any other dumb creature.

"Animal shelter" means a place where animals impounded by the city are placed for their humane care and keeping.

"Approved rabies vaccine" means a rabies vaccine which is approved for use by the State of California Department of Public Health.

"County animal control department" means that department of the county of Los Angeles which is designated by the board of supervisors to have responsibility for animal care and control.

"Dog" means any dog of any age, including female as well as male.

"Impounded" means the receipt of an animal into the custody of the poundmaster pursuant to the provisions of this chapter or any state statute.

"Livestock" means any pig, pygmy pig, hog, cow, bull steer, horse, mule, jack, jenny, hinny, sheep, goat, llama, or domesticated fowl.

"Person" means any individual, firm, partnership, corporation, trust, or association of persons, including any governmental entity other than the city.

"Potentially dangerous dog" means any of the following:

1. Any dog which, when unprovoked, on two separate occasions within the prior thirty-six-month period, engages in any behavior that requires a defensive action by any person to prevent bodily injury when the person and the dog are off the property of the owner or keeper of the dog.

2. Any dog which, when unprovoked, bites a person or otherwise engages in aggressive behavior, causing a less severe injury than defined for a "vicious dog."

3. Any dog which, when unprovoked, has killed, seriously bitten, inflicted or caused injury to a domestic animal off the property of the owner or keeper of the dog.

"Poundmaster" means the individual, individuals, entity, or entities designated by the city council to carry out animal control functions in the city and/or the duties imposed by this chapter which are not otherwise specifically assigned. If no individual or individuals have been so designated for any particular purpose or purposes relating to this chapter, the poundmaster for such purpose or purposes shall be the chief of police and/or such persons as he/she designates.

"Property owner" means any person owning, controlling, or having possession of private premises, or the agent or representative of such person.

"Severe injury" means any physical injury to a human being that results in muscle tears or disfiguring lacerations or requires multiple sutures or corrective or cosmetic surgery.

"Unlicensed dog" means any dog for which the license for the current year has not been paid, or any dog to which the tag for the current year is not attached.

"Vicious dog" means any of the following:

1. Any dog seized under Cal. Pen. Code § 599aa and upon the sustaining of a conviction of the owner or keeper under Cal. Pen. Code § 597.5(a).

2. Any dog which, when unprovoked, in an aggressive manner, inflicts severe injury on or kills a human being.

3. Any dog previously determined to be and currently listed as a potentially

dangerous dog which, after its owner or keeper has been notified of this determination, continues the behavior described in the definition of "potentially dangerous dog."

4. Any potentially dangerous dog which is maintained in violation of any order issued pursuant to PVEMC 6.12.020.

5. Any dog that engages in or has been found to have been trained to engage in exhibitions of fighting.

"Wild animal" is any nondomestic, exotic, or dangerous animal, including but not limited to the following: coyotes and other mammals, peacocks and other wildfowl, fish and reptiles, or insects. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.020 Animals other than household pets restricted – Exceptions.
It is unlawful for any person to keep, maintain, or permit upon any lot or parcel of land occupied by or under the control of that person any wild animal or any livestock; provided, however, that it is lawful to keep and maintain any of the following, provided such keeping and maintenance is in conformance with the requirements of PVEMC 6.04.030 and 6.04.035:

A. Horses on Lots 1, 2, 3 and 4 of Block 6231 of Tract 6887, on Lot O of Tract 6887, and on Lot H of Tract 7143; or

B. Any of the following animals for personal use:

1. Canaries;

2. Finches;

3. Mynah birds;

4. Parrots, parakeets, or other exotic birds not prohibited from keeping by federal or state law;

5. White doves;

6. Guinea pigs;

7. Hamsters;

8. Domesticated rabbits;

9. Domesticated mice and rats;

10. Gopher snakes;

11. King snakes;

12. Turtles;

13. Tropical fish excluding caribe. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.030 Animals disturbing others.
It is unlawful for any person to keep, maintain or permit upon any lot or parcel of land occupied by or under the control of that person any animal which disturbs, by any repeated or sustained act, sound, cry, or odor, the peace and comfort of any neighborhood. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.035 Public nuisance.
A. Any animal (or animals) which molests passersby or passing vehicles, attacks other animals, trespasses on school grounds, is repeatedly at large, damages and/or trespasses on private or public property, or barks, whines or howls in a continuous or sustained fashion shall be considered a public nuisance.

B. Every person who maintains, permits or allows a public nuisance to exist upon his or her property or premises, and every person occupying or leasing the property or premises of another and who maintains, permits or allows a public nuisance as described above, after reasonable notice in writing from the city manager or his or her designee has been served upon such person to cease such nuisance, is guilty of a misdemeanor. The existence of such nuisance for each and every day after the service of such notice shall be deemed a separate and distinct offense. (Ord. 701 § 2 (Exh. 1), 2012)

6.04.040 Stray animals on private property.
A. Except as set forth in subsections B and C of this section, any animal which does not belong to a property owner which is found trespassing upon the private premises of such property owner may be taken up by the property owner, provided such person shall promptly notify the poundmaster of such taking up. It is unlawful for any such person to fail or refuse to surrender such animal to the poundmaster upon demand therefor.

B. It shall be unlawful for any person to lure peafowl for the purpose of trapping them, or to otherwise attempt to trap or to trap peafowl within the city. This subsection shall not apply to persons employed by the city, or agents of the city, who are engaged in the performance of their duties, nor shall it apply to persons who are acting pursuant to the provisions of subsection A of this section.

C. It shall be unlawful for any person to transport or to cause to be transported any peafowl within the boundaries of the city. This section shall not apply to persons employed by the city, or agents of the city, who are engaged in the performance of their duties. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.050 Interference with poundmaster prohibited.
It is unlawful for any person to interfere with, oppose, or resist the poundmaster or any of the poundmaster's designees while such person is engaged in the performance of any act authorized by this title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.060 Exemptions.
A. Notwithstanding any other provision of this code to the contrary, it shall not be deemed unlawful for the city to undertake any action which it deems necessary or desirable to manage peafowl or any other animal, fowl, reptile or insect, whether or not such management is deemed to be the keeping, maintenance, or permitting of such animal on property owned or controlled by the city.

B. This title does not apply to dogs while utilized by any police department or any law enforcement officer in the performance of police work.

C. This chapter does not apply to animal control facilities or veterinarians. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.070 Poundmaster's authority to take animals.
A. The poundmaster is appointed to take up and impound the following animals:

1. All unlicensed dogs;

2. Dogs and other animals running at large contrary to the provisions of this chapter, or any other ordinance or state statute;

3. Any dog where upon investigation it is determined there is probable cause to believe that the dog is potentially dangerous or vicious;

4. Abandoned animals or animals for which the owner or custodian cannot be found; and

5. Animals delivered by the owners to the poundmaster, all title and interest in which is abandoned by such owners.

B. The provisions of this section shall not be deemed to prohibit the poundmaster from impounding animals pursuant to other provisions of this title, of Cal. Pen. Code § 597.1 or 597f, or of any other similar law. (Ord. 701 § 2 (Exh. 1), 2012; Ord.

678 § 2, 2007)

6.04.080 Disposition of impounded animals.

A. No animal which is impounded pursuant to this title shall be killed or otherwise disposed of without notice to the owner of such animal, if such owner is known. The poundmaster shall utilize all reasonable efforts to identify the owner of the animal, including scanning the animal for a microchip. The owner or person entitled to the custody of any animal taken up and impounded under the provisions of this chapter may, at any time before the sale or disposal as herein provided, redeem such animal by paying the required fees and charges incurred prior to the date of redemption.

B. The required holding period for a stray dog shall be as established by Cal. Food & Agr. Code § 31108.

C. The fee for the poundmaster taking up an unwanted animal when requested to do so by the animal's owner or other person having custody or control over said animal shall be the amount as established by resolution of the city council.

D. A person shall not remove any animal which has been impounded pursuant to this section from the custody of the poundmaster without first paying a fee to the city in the amount established by resolution of the city council. The refusal or failure of the owner of any impounded animal to pay the fees due pursuant to this chapter after due notification shall be held to be an abandonment of the animal by the owner.

E. No dog impounded by the poundmaster pursuant to this section shall be released to any person unless: (1) such person provides proof that such dog has a license tag from the city, or from another jurisdiction where the dog is housed if the dog is not housed within the city, or such person first obtains a license tag from the city pursuant to the provisions of this title; and (2) the poundmaster has determined that such dog does not have and is not reasonably suspected of having rabies. If the poundmaster suspects that an impounded dog has rabies, the provisions of PVEMC 6.16.040 shall apply.

F. Notwithstanding any provision of this title to the contrary, the poundmaster may transfer any animal for which an owner cannot be found, or for which the owner has failed or refused to respond to notice that the poundmaster has impounded such animal, to the county animal control department. Upon receipt of an animal by the county animal control department, the provisions of Title 10 of the Los Angeles County Code shall regulate the obligations of the owner of the animal; provided, however, that such transfer shall not be deemed to invalidate or waive any

monetary obligation of the owner to the city incurred pursuant to this title and such monetary obligation shall be and remain a debt of such owner to the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.04.090 Penalty.

Except as specifically provided in this title, any person violating any of the provisions of this title or of any order issued pursuant to PVEMC 6.12.020 shall be guilty of a misdemeanor; provided, however, that in the discretion of the enforcing authority or the prosecuting attorney, such violation may be charged and prosecuted as an infraction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

Chapter 6.08
REGULATIONS PERTAINING TO DOGS

Sections:

6.08.010 License required for dogs.

6.08.020 License – Display of tag.

6.08.030 Unauthorized removal of tag prohibited.

6.08.040 Counterfeit or imitation tag prohibited.

6.08.050 Dogs – Running at large prohibited.

6.08.060 Dog nuisances prohibited.

6.08.070 Dogs on beach or in ocean prohibited.

6.08.010 License required for dogs.

A. Except as provided in this section, it is unlawful for any person to have, keep, maintain or harbor any dog within the city for more than thirty consecutive days unless such person obtains from the county of Los Angeles department of animal care and control (hereafter referred to as "county"), a license for such dog. The license shall be valid for one year from the date of issuance and shall thereafter be renewed annually so long as such person has, keeps, maintains or harbors such dog.

B. To obtain a license, the owner of the dog shall submit an application to the county stating the age, sex, color, and breed of the dog for which the license is desired and the address of the owner, and shall provide a certificate issued by a person licensed by the state, or any other state or nation, to practice veterinary medicine, which shows that the dog for which the license is sought either:

1. Has been vaccinated with an approved rabies vaccine and the period elapsing from the date of the vaccination to the date of expiration of the license being issued does not exceed the time as established by the state; or

2. Should not be vaccinated with a rabies vaccine by reason of infirmity or other disability, which disability and estimated date of termination thereof are shown on the face of such certificate and, to the satisfaction of the county, to be in effect at the time of the license application.

If a license is issued for a dog which has not been vaccinated, that shall be noted in the county's records and the dog shall be vaccinated at the earliest time possible,

consistent with the dog's infirmity or disability, and no license for such dog may be renewed until either such dog has been vaccinated with an approved rabies vaccine, or a new certificate meeting subsection (B)(2) of this section has been provided to the county.

C. 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 county for a transfer of such dog's tag and license. Upon receipt of such application and fee, the county shall record the name and address of the new owner.

D. The fees for a new dog license, the renewal of a dog license, or the transfer of a dog license, and the penalty for delinquency in renewing a dog license, shall be in amounts established by resolution of the city council.

E. The county shall provide for the issuance of serially numbered metallic dog licenses. The dog licenses shall be stamped with the name of the county and the year of issue. The number of the license tag issued shall be endorsed upon the application for the license.

F. A license pursuant to this section shall not be required for the following:

1. A dog under the age of four months;

2. A dog owned by or in the charge of a person who is a nonresident of the city and is traveling through the city or residing in the city for a period not in excess of thirty days; or

3. A dog brought into the city from any point outside of the city for the exclusive purpose of receiving veterinary care in any dog hospital; provided, that such dog is kept at all times strictly confined within such hospital. (Ord. 707 § 2, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.020 License – Display of tag.

A. The owner or person having the care, control, or custody of any dog shall securely fasten the license tag required by PVEMC 6.08.010 upon a suitable collar or harness and securely fasten such collar or harness, with such tag thereto, upon the dog to which the license is issued.

B. A duplicate license tag may be issued by the county to the applicant upon payment of an amount set by resolution of the city council. (Ord. 707 § 2, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.030 Unauthorized removal of tag prohibited.

An unauthorized person shall not remove from any dog any collar or harness or other device to which is attached a license tag, or remove such tag or other identification therefrom. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.040 Counterfeit or imitation tag 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 counterfeit or imitation of any license tag provided for in this chapter, or make or cause or permit to be made, or have in his or her possession, any counterfeit or imitation of any license tag provided for in this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.050 Dogs – Running at large prohibited.

A. No person owning or having charge, care, custody, or control of any dog shall cause, permit, or allow the same to be or to run at large upon any street, sidewalk, parkland, or other public place, or upon any private property or premises other than that of the person owning or having charge, care, custody, or control of such dog, unless such dog be restrained by a substantial chain or leash not exceeding six feet in length and is in the charge, care, custody, or control of a competent person.

B. In addition to the provisions of subsection A of this section, no person owning or having charge, care, custody, or control of any dog which has been trained to attack persons or animals, or an attack dog that behaves in a threatening or menacing manner, shall cause, permit, or allow the same to be or run at large upon any private property or premises, including those of the person owning or having charge, care, or custody of such dog, except within such portion of such property or premises which is enclosed by a structure, fence, or wall not less than five feet in height, which is otherwise in compliance with the provisions of this code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.060 Dog nuisances prohibited.

A. Except as expressly authorized by subsection B of this section, no person having custody of any dog shall permit such dog to commit any nuisance upon any lawn, yard, or other public or private property unless the permission of the property owner is first obtained.

B. Notwithstanding the provisions of subsection A of this section, a person having custody of a dog may permit such dog to commit a nuisance upon that portion of the sidewalk which consists of unpaved property (commonly referred to as the parkway) or paved street, or upon any property owned by the city and designated as parkland; provided, that such person shall immediately remove all feces deposited by the dog in a sanitary method and shall dispose of such feces in a

sanitary manner by placing the same in a sealed container and depositing such container in a trash receptacle. Failure to undertake such removal or such disposal shall be deemed a violation of this section.

C. Any person who has charge or control of a dog outside of an enclosed structure or vehicle and in a location other than on the property of such person or the property of the owner of the dog shall have in his or her possession a suitable wrapper, bag or container for the purpose of complying with the requirements of subsection B of this section. Such wrapper, bag or container shall be carried in such a manner that it can be observed in plain view.

D. For the purposes of this section, the following definitions shall apply:

1. A “nuisance” committed by a dog shall mean defecation by such dog.

2. A person “permits” a dog to commit a nuisance if that person either willfully permits such act or fails to exercise due care or control of the dog.

E. The provisions of this section shall not apply to a blind person, visually handicapped person, deaf person, or other physically disabled person accompanied by a guide dog, signal dog, or service dog.

F. Any violation of this section is an infraction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.08.070 Dogs on beach or in ocean prohibited.

No person shall bring onto any beach or into the waters of the Pacific Ocean adjacent to any beach any dog. “Beach,” as used in this section, is defined as follows: that portion of Lot F, Tract 10624, between the water’s edge and the base of the bluffs. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

Chapter 6.12
POTENTIALLY DANGEROUS AND VICIOUS DOGS

Sections:

6.12.010 Process for determination of status.

6.12.020 Result of determination.

6.12.030 Notice of determination – Appeal.

6.12.040 Immediate impoundment.

6.12.050 Exceptions.

6.12.010 Process for determination of status.

A. If the poundmaster has investigated and determined that there exists reasonable cause to believe that a dog may be a potentially dangerous dog or a vicious dog, the poundmaster shall initiate a proceeding to determine whether or not the dog in question should be declared potentially dangerous or vicious.

B. A proceeding to determine that a dog is potentially dangerous or vicious shall begin by the poundmaster filing a petition with the city clerk setting forth his/her determination and the basis therefor. Whenever possible, any complaint received from a member of the public which serves as the evidentiary basis for the poundmaster's determination shall be sworn to and verified by the complainant and shall be attached to the petition, but the petition may proceed without such complaint.

C. The city clerk shall notify the owner or keeper of the dog that a hearing will be held by the city at which time he or she may present evidence as to why the dog should not be declared potentially dangerous or vicious. The notice shall also contain the date, time, and place of the hearing and include a copy of the petition. The notice shall be served either personally or by first class mail with return receipt requested. The hearing shall be scheduled within thirty days of the date of the notice, but may be continued from said date with the consent of owner or keeper of the dog.

D. The hearing shall be held before a hearing officer assigned by the city clerk. The hearing officer may be a city officer or employee, including but not limited to the city clerk, or may be a person not affiliated with the city; provided, however, that the hearing officer shall not be the poundmaster or any person who reports to or is supervised by the poundmaster.

E. The hearing officer may admit into evidence all relevant evidence, including

incident reports and the affidavits of witnesses. The hearing need not be open to the public. The hearing officer may render a decision notwithstanding the failure of the owner or keeper of the dog to appear at the hearing. The hearing officer may find, upon a preponderance of the evidence, that the dog is potentially dangerous or vicious. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.12.020 Result of determination.

A. Upon finding that a dog is potentially dangerous, the hearing officer shall order the owner to comply with the following requirements and shall establish the time for such compliance:

1. The potentially dangerous dog, while on the owner's property, shall, at all times, be kept indoors, or in a securely fenced yard from which the dog cannot escape and into which children cannot trespass. If the potentially dangerous dog has been impounded pursuant to PVEMC 6.12.040, the yard must be inspected and approved in writing by the poundmaster prior to the dog's release to its owner.

2. The potentially dangerous dog may be off the owner's premises only if it is restrained by a heavy-duty leather or nylon strap leash, of no more than six feet in length, and if it is under the control of an adult person who is able to physically handle and safely control the dog.

3. The potentially dangerous dog shall be properly licensed and vaccinated. The "potentially dangerous" designation shall be included in the licensing records for the dog.

4. The potentially dangerous dog shall be implanted with an identifying microchip. The owner or keeper of the dog shall provide the microchip number to the poundmaster and shall notify the national registry applicable to the implanted chip of a change of ownership of the dog or a change of address or telephone number of the owner.

5. The owner or keeper of the dog shall notify the city immediately in the event the dog is at large or has committed an attack on any person or animal, has been sold or otherwise disposed of, or has died.

6. The dog must complete an obedience course at the owner's expense within sixty days after its release to its owner or keeper. The course must be approved in advance by the poundmaster.

7. If the dog has not been spayed or neutered, it must be spayed or neutered at the expense of the owner or keeper.

B. Upon finding that a dog is vicious, the hearing officer may make either of the following order(s) and shall establish the time for compliance therewith:

1. The vicious dog may be destroyed if the hearing officer determines that release of the dog would create a significant threat to the public health, safety or welfare; or

2. If it is determined that the dog shall not be destroyed, the hearing officer shall impose conditions upon the ownership of the dog that protect the public health, safety, and welfare. Such conditions shall include all of the following:

a. The vicious dog, while on the owner's property, shall, at all times, be kept indoors, or in an enclosure which is enclosed on all sides and which is locked by a padlock. The enclosure must be inspected and approved by the poundmaster.

b. The vicious dog may be off the owner's premises only if it is muzzled and restrained by a substantial leash, of not more than six feet in length, and if it is under the control of a responsible adult.

c. The owner of the dog shall post a sign on the premises in a location approved by the poundmaster which is visible from the public right-of-way stating that a vicious dog resides on the property.

d. The owner of the dog shall give written notice of the vicious dog determination to the local branch of the United States Post Office, to all utility companies and the solid waste collection company which service the premises where the vicious dog is housed, and to all regular service people (e.g., housekeepers, gardeners) who work on the premises where the dog is housed. Copies of the notices shall be filed with the poundmaster.

e. The vicious dog shall be implanted with an identifying microchip. The owner or keeper of the dog shall provide the microchip number to the poundmaster and shall notify the national registry applicable to the implanted chip of a change of ownership of the dog or a change of address or telephone number of the owner.

f. The owner or keeper of the dog shall notify the poundmaster immediately in the event the dog is at large or has committed an attack on any person or animal, has been sold or otherwise disposed of, or has died.

g. The dog must complete an obedience course at the owner's expense

within sixty days after its release to its owner or keeper. The course must be approved in advance by the poundmaster.

h. The vicious dog shall be properly licensed and vaccinated. The "vicious" designation shall be included in the licensing records for the dog. If the dog has not been spayed or neutered, it must be spayed or neutered at the expense of the owner or keeper.

C. The hearing officer may make such additional orders as the hearing officer determines are necessary to assure that the public health, safety and welfare are maintained, including but not limited to requiring the dog to wear an identifying collar or other item which states the dog's designation as potentially dangerous or vicious, and requiring the owner or keeper of the dog to maintain general liability insurance specifically covering property damage and bodily injury caused by the dog. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.12.030 Notice of determination – Appeal.

A. The owner or keeper of a dog which is determined to be potentially dangerous or vicious shall be notified in writing of the determination and orders issued, either personally or by first class mail postage prepaid by the city.

B. The owner or keeper of the dog which has been so determined to be potentially dangerous or vicious may appeal the determination of the hearing officer to the superior court within the time permitted by, and pursuant to the procedures set forth in, Cal. Food & Agr. Code § 31622. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.12.040 Immediate impoundment.

A. If upon investigation the poundmaster determines that probable cause exists to believe a dog poses an immediate threat to public health or safety, then the poundmaster may seize and impound the dog pending the hearings to be held pursuant to this chapter. Probable cause of an immediate threat to public health or safety shall be deemed to exist if the poundmaster has reasonable information to believe that a dog has attacked another dog or a person, whether or not the dog was loose or on a lead when such attack occurred.

B. The poundmaster shall notify the owner of the dog, if such owner is known, within forty-eight hours, excluding weekends and holidays, after impounding such dog that the dog has been impounded and that the poundmaster intends to begin a proceeding to determine that the dog is a potentially dangerous dog or a vicious dog. The notice shall include all of the following:

1. The name, business address, and telephone number of the person providing the notice.

2. A description of the animal seized, including any identification upon the animal.

3. The authority and purpose for the impoundment, including the time, place, and circumstances under which the animal was seized.

4. A statement that, in order to receive an immediate post-seizure hearing, the owner or person authorized to keep the animal shall request such hearing by signing and returning an enclosed declaration of ownership or right to keep the animal, by personal delivery, to the city within five days, excluding weekends and holidays, of the date of the notice.

5. A statement that the cost of caring for and treating any animal properly seized under this section is an obligation of the owner and that the animal shall not be returned to the owner until the charges are paid, and that failure to request or to attend a scheduled hearing shall result in liability for this cost.

C. A post-seizure hearing shall be conducted within forty-eight hours of receipt of the request therefor, excluding weekends and holidays. The poundmaster may authorize any person, whether or not a city officer or employee, to conduct the hearing; provided, however, that the hearing officer shall not be the same person who directed the impoundment of the dog nor any person who is supervised by such person.

D. The sole purpose of a post-seizure hearing under this section shall be to determine if the dog must remain impounded pending the hearing on the petition to determine whether it is a potentially dangerous or vicious dog. The hearing may be informal and the rules of evidence shall not apply. If the hearing officer determines by a preponderance of the evidence that the dog poses an immediate danger to the public health or safety, the dog shall remain impounded.

E. Failure of the owner or keeper of the dog to request or to attend a scheduled post-seizure hearing shall result in a forfeiture of any right to a post-seizure hearing or right to challenge his or her liability for costs incurred.

F. The city shall be responsible for the costs incurred for caring for a dog impounded under this section if it is determined in the post-seizure hearing that the poundmaster did not have reasonable grounds to believe prompt seizure of the animal was required to protect the public health or safety. If it is determined the

seizure was justified, the owner or keeper shall be personally liable to the city for the cost of the seizure and care of the dog. In addition, the charges for the seizure and care of the dog shall be a lien on the dog, and the dog shall not be returned to its owner until the charges are paid.

G. If the poundmaster has impounded a dog under this section, he or she shall file the petition required by PVEMC 6.12.010 to start the process of status determination within five business days after the impoundment has occurred.

H. When a dog has been impounded pursuant to subsection A of this section and it is not contrary to public safety, the poundmaster shall permit the animal to be confined at the owner's expense in a city-approved kennel or veterinary facility. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.12.050 Exceptions.

A. No dog may be declared potentially dangerous or vicious as the result of an injury or damage sustained by a person who, at the time the injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing, or assaulting the dog, or was committing or attempting to commit a crime.

B. No dog may be declared potentially dangerous or vicious if the dog was protecting or defending a person within the immediate vicinity of the dog from an unjustified attack or assault.

C. No dog may be declared potentially dangerous or vicious as the result of an injury or damage sustained by a domestic animal which at the time the injury or damage was sustained was teasing, tormenting, abusing, or assaulting the dog.

D. No dog may be declared potentially dangerous or vicious as the result of injury or damage to a domestic animal which was sustained while the dog was working as a hunting dog, herding dog, or predator control dog on the property of, or under the control of, its owner or keeper, provided the damage or injury was to a species or type of domestic animal appropriate to the work of the dog. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

Chapter 6.16
VACCINATION

Sections:

6.16.010 Requirements generally.

6.16.020 Revaccination time – Rabies vaccine.

6.16.030 Certificate of vaccination – Information to be shown.

6.16.040 No vaccination or rabies suspected.

6.16.010 Requirements generally.

A. Except as set forth in this section, every person keeping, harboring, or having any dog or cat over four months of age within the city shall cause such dog or cat to be vaccinated with rabies vaccine by a person licensed by the state of California, or other state, to practice veterinary medicine, on or before the later of the following dates: (1) fifteen days after first acquiring such dog or cat; or (2) fifteen days after bringing such dog or cat into the city.

B. No person shall cause a dog or cat under the age of four months to be vaccinated with an approved rabies vaccine unless a veterinarian licensed by the state of California, or other state, determines that such vaccination is required to preserve the health or prevent the disability of such dog or cat. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.16.020 Revaccination time – Rabies vaccine.

Every person keeping, harboring, or having a dog or cat within the city which has been vaccinated with an approved rabies vaccine shall cause such dog or cat to be revaccinated within a period of not more than: (1) twelve months after the dog's or cat's initial vaccination if the dog or cat was between four months and one year of age at the time of such vaccination; or (2) thirty-six months after each prior vaccination in all other events. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.16.030 Certificate of vaccination – Information to be shown.

Every person practicing veterinary medicine in the city who vaccinates a dog or cat with rabies vaccine shall immediately issue to the person to whom he delivers the dog or cat the original, and shall mail to the city a duplicate, of a certificate signed by the veterinarian which states:

A. The name and address of the owner or keeper of the vaccinated dog or cat;

B. The kind of vaccine used, the name of the manufacturer and the manufacturer's serial or lot number, and the date of the vaccination; and

C. The breed, age, color and sex of the vaccinated dog or cat. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

6.16.040 No vaccination or rabies suspected.

A. The poundmaster is appointed to take up and impound any dog which has not been vaccinated with an approved rabies vaccine or which displays any symptom of rabies.

B. The poundmaster shall hold any dog impounded pursuant to subsection A of this section for inspection by the county animal control department or its designated health officer.

C. The county animal control department or designated health officer may: (1) confine such dog for such time as it directs if it is determined that such dog has rabies or may develop rabies; or (2) dispose of an impounded dog if it is determined that such dog has rabies.

D. If it is determined that a dog impounded pursuant to the provisions of this section does not have rabies, such dog shall be released in accordance with the provisions of this title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 678 § 2, 2007)

Title 8
HEALTH AND SAFETY

Chapters:

8.04 Health Code

8.08 Burglary and Robbery Alarm Systems

8.12 Fire Code

8.16 Garbage and Rubbish

8.20 Handbills

8.24 Hang Gliders and Model Aircraft

8.28 Noise

8.32 Outdoor Business Lighting

8.36 Substandard Premises

8.40 Recreational Vehicles and Recreational Vessels

8.44 Wells and Mines

8.48 Nuisances, General

8.49 Graffiti Abatement

8.52 Mobile Source Air Pollution Reduction

8.56 Smoking Prohibited

8.60 Fireworks

Chapter 8.04
HEALTH CODE

Sections:

8.04.010 Adoption of Los Angeles County health and safety code.

8.04.020 Inspection of food establishments.

8.04.010 Adoption of Los Angeles County health and safety code.

Title 11, entitled "Health and Safety," of the Los Angeles County Code, as amended and in effect on January 1, 2011, is adopted by reference as the public health and safety code of the city. A copy of the county health and safety code has been deposited in the office of the city clerk and shall be maintained by the city clerk for use and examination by the public. In the event there is any inconsistency between the provisions of Title 11 of the Los Angeles County Code and other provisions of this code, the other provisions of this code shall prevail. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 609 § 1, 1998; Ord. 446 § 3, 1987)

8.04.020 Inspection of food establishments.

The following sections of Title 8, entitled "Consumer Protection," of the Los Angeles County Code are adopted by reference: Sections 8.04.165, 8.04.200, 8.04.225, 8.04.275, 8.04.337, 8.04.405, 8.04.752, 8.04.755 and 8.04.943. A copy of the sections of the county consumer protection code related to the inspection of food establishments has been deposited in the office of the city clerk and shall be maintained by the city clerk for use and examination by the public. In the event there is any inconsistency between provisions of Title 8 of the Los Angeles County Code and other provisions of this code, the other provisions of this code shall prevail. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 609 § 2, 1998)

Chapter 8.08
BURGLARY AND ROBBERY ALARM SYSTEMS

Sections:

8.08.010 Definitions.

8.08.020 Audible alarm requirements.

8.08.030 Telephone dial alarms.

8.08.040 Charges for false alarms.

8.08.050 Making false alarms.

8.08.060 Malfunction repair.

8.08.010 Definitions.

For the purposes of this chapter, certain words and phrases shall be construed herein as set forth in this section, unless it is apparent from the context that a different meaning is intended:

A. “Audible alarm” means a device designed for the detection of unauthorized entry onto premises which generates an audible sound on the premises when it is activated.

B. “Burglary and robbery alarm system” means any mechanical or electrical device that is designed or used for detection of an unauthorized entry into a building, structure or facility or for alerting others of the commission of an unlawful act within a building, structure, or facility, or both, and that emits a sound or transmits a signal or message when activated. Alarm systems include, but are not limited to, silent alarms, audible alarms and proprietor alarms in guard shacks. Not included in this definition are auxiliary devices installed by the telephone company to protect telephone company systems which might be damaged or disrupted by use of an alarm system.

C. “False alarm” means an alarm signal activated through subscriber negligence or for reasons not of an emergency nature or when activated due to malfunction of any segment of the alarm system and which necessitates response by the police department where an emergency does not exist.

D. “Proprietor alarm” means an alarm system which does not request public response when activated or is not reasonably expected to result in some public response.

E. “Silent alarm” means a device designed for the detection of unauthorized entry on premises which does not generate an audible sound on the premises when it is activated but transmits a signal directly to the alarm company. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 346 § 1, 1979)

8.08.020 Audible alarm requirements.

A. Every person maintaining an audible alarm shall provide the chief of police with a current list of the names and telephone numbers of the persons to be notified to render repairs or service and secure the premises during any hour of the day or night that the alarm system is activated. It is the responsibility of every person maintaining an alarm system to assure that the names and telephone numbers recorded with the police department are kept current.

B. No person shall install an audible alarm system which creates a sound similar to that of an emergency vehicle siren or a civil disaster warning system.

C. No person shall install an audible alarm system which does not automatically discontinue emitting an audible sound within one-half hour after it is activated. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 346 § 1, 1979)

8.08.030 Telephone dial alarms.

No person shall install or maintain a telephone device that automatically connects to the police department or the police communications center. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 346 § 1, 1979)

8.08.040 Charges for false alarms.

A. The response to false alarms is an unjustified expense to the taxpayers and should properly be borne by the person or firm responsible for initiating the false alarm.

B. Charges shall be made for each false alarm response by the police department. Charges for false alarms shall be set by resolution.

C. Exceptions. False alarms generated by testing or repair of equipment or lines will not be charged for under this chapter, providing the alarm company notifies the police department in advance of work or testing to be performed on the alarm system.

D. Responsibility for Payment of Charges. The license of the business or resident of the property for which the false alarm is turned in to the police department shall be responsible for payment of the charges.

E. Failure to Pay. Failure to pay the charges set out in this section, within thirty

days from date of billing by the city, shall cause discontinuance of burglar alarm response to the premises for which the delinquent billing was made. Police response may be reinstituted when it has been determined that the false alarm fee has been paid and that there has been a material change in circumstances that would preclude a similar incident from occurring. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 576 § 1, 1994; Ord. 570 § 1, 1993; Ord. 346 § 1, 1979)

8.08.050 Making false alarms.

A person shall not knowingly turn in a false alarm. This section does not prohibit a test of an alarm system as permitted in advance by the chief of police. Activation of audible alarm systems for twenty seconds or less shall not be considered a false alarm. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 346 § 1, 1979)

8.08.060 Malfunction repair.

After any false alarm caused by a malfunction of the alarm system, an alarm system permittee shall cause the alarm system to be repaired so as to eliminate such malfunction before reactivating the alarm. A person shall not reactivate such alarm until such repairs have been made. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 346 § 1, 1979)

Chapter 8.12
FIRE CODE

Sections:

8.12.010 County provisions adopted.

8.12.020 Fire hazard severity map.

8.12.030 Amendments to the Los Angeles County fire code.

8.12.040 Violation – Penalty.

8.12.010 County provisions adopted.

Except as hereinafter provided, Title 32, Fire Code, of the Los Angeles County Code, as amended and in effect on July 13, 2017, adopting the California Fire Code, 2016 Edition (California Code of Regulations Title 24, Part 9), is hereby incorporated herein by reference as if fully set forth herein, and shall be known and may be cited as the fire code of the city of Palos Verdes Estates. In the event of any conflict between provisions of the California Fire Code, 2016 Edition, Title 32 of the Los Angeles County Code, or any amendment to the fire code contained in the Palos Verdes Estates Municipal Code, the provision contained in the latter listed document shall control. A copy of Title 32 of the Los Angeles County Code and the California Fire Code, 2016 Edition, 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. 723 § 3, 2017; Ord. 710 § 2, 2014)

8.12.020 Fire hazard severity map.

The city council of the city of Palos Verdes Estates hereby designates very high fire hazard severity zones, as recommended by the Director of the California Department of Forestry and Fire Protection and the county of Los Angeles fire department, as designated on the map entitled “Fire Hazard Severity Zone,” which is on file in the city’s planning department. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 683 § 1, 2008)

8.12.030 Amendments to the Los Angeles County fire code.

A. Notwithstanding the provisions of PVEMC 8.12.010, Section 503.4 of Title 32 of the Los Angeles County Code is hereby amended to read as follows:

> 503.4 Obstruction to fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times in accordance with California Vehicle Code section 22500.1.

B. Notwithstanding the provisions of PVEMC 8.12.010, Title 32 of the Los Angeles County Code is hereby amended to delete Section 503.4.1. (Ord. 701 § 2 (Exh. 1), 2012)

8.12.040 Violation – Penalty.

Every person violating any provision of Title 32, Los Angeles County Fire Code and appendices, adopted by reference by PVEMC 8.12.010, or of any permit or license granted thereunder, or any rules or regulations promulgated pursuant thereto, is guilty of a misdemeanor. Upon conviction thereof he or she shall be punishable by a fine not to exceed one thousand dollars or imprisonment not to exceed six months, or by both such fine and imprisonment. The imposition of such penalty for any violation shall not excuse the violation or permit it to continue. Each day that a violation occurs shall constitute a separate offense. (Ord. 710 § 3, 2014)

Chapter 8.16
GARBAGE AND RUBBISH

Sections:

8.16.010 Definitions.

8.16.020 Refuse, green waste, and recyclable containers.

8.16.030 Collection service required.

8.16.035 Unlawful transport of waste materials.

8.16.040 Refuse accumulation and disposal.

8.16.050 Refuse accumulation and disposal – Standing water and other waste.

8.16.060 Manure accumulation and disposal.

8.16.070 Commercial refuse containers.

8.16.080 Refuse containers.

8.16.090 Placement of containers.

Prior legislation: Ords. 329 and 495.

8.16.010 Definitions.

As used in this chapter:

A. “Garbage” means animal and vegetable waste that has resulted from the preparation of food, and table refuse.

B. “Person” means any person, firm, association, corporation or company.

C. “Single-family dwelling” shall mean each premises used for or designated as a single-unit residential dwelling.

D. “Refuse” shall mean all nonhazardous solid waste from and incidental to the use of a single-family dwelling, whether such use be residential or commercial if otherwise permitted under the laws of the city.

E. “Green waste” shall mean grass clippings, shrubbery trimmings, branches, cuttings, and brush, separated from all other refuse.

F. “Recyclable” or “recyclable material” shall mean those commodities which are

to be collected separately from refuse and recycled. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 281 § 1, 1972; Ord. 242 § 1.1, 1967; Ord. 211 § 1, 1963)

8.16.020 Refuse, green waste, and recyclable containers.

A. No person shall place or cause to be placed any refuse, green waste, or recyclable container upon any public street or any other public place, except for special refuse collection events authorized and approved by the city.

B. No person shall throw, scatter or deposit any refuse, green waste, or recyclables on the property of another without the owner's written permission. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 211 § 2, 1963)

8.16.030 Collection service required.

Every occupied residential unit within the city shall be serviced, at the expense of the occupant, by the rubbish collector licensed to perform such services within the city. Such service shall conform to rules, regulations and specifications approved by the city council. Only one license shall be issued and outstanding at any one time for such single-family dwelling service. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 242 § 1.2, 1967; Ord. 211 § 3, 1963)

8.16.035 Unlawful transport of waste materials.

A. It is unlawful for any person to collect, carry, convey or transport any refuse, green waste, or recyclable material, including but not limited to any demolition or construction debris, generated or originating from any single-family dwelling within the jurisdictional limits of the city in, over, upon or through any public street, alley or public place of the city.

B. Subsection A of this section shall not apply to any of the following: (1) any person under the agreement with the city, whether by franchise or otherwise, to provide solid waste disposal services within the city to residential units, or to any agent or employee of that person while acting in the course and scope of their official duties pursuant to that agreement; (2) any person collecting, carrying, conveying or transporting not more than two cubic yards of refuse, green waste, or recyclables generated or originating from a residential unit within the jurisdictional limits of the city; (3) any person who has obtained the prior written consent of the public works director to collect, carry, convey or transport such refuse material, based upon the public works director's determination that such activity is not detrimental to the public health, safety or welfare, nor inconsistent with any agreement to which the city is a party. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 663 § 1, 2006)

8.16.040 Refuse accumulation and disposal.

A. It is unlawful for any person to keep or accumulate, or cause to be kept or accumulated, upon any premises owned, controlled or managed by him in the city, any refuse, unless the refuse is enclosed in a container as provided for in this chapter, or to keep any refuse on or about such premises for a period of more than one week.

B. Refuse, green waste, or recyclables shall neither be burned nor buried within the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 211 § 4, 1963)

8.16.050 Refuse accumulation and disposal – Standing water and other waste.
A. It is unlawful for any person to keep or accumulate upon any premises owned, controlled or occupied by him in the city any refuse, animal or vegetable matter, filth, slop, stagnant water or other waste matter which is or is liable to become a fire menace or a health menace. It shall be the duty of each such person to cause any such accumulation to be promptly handled, treated, placed and disposed of as contemplated in this chapter.

B. All construction waste and debris from new construction or major alteration or repair shall be kept in an enclosed container and such waste or debris shall be removed weekly by owner or contractor.

C. Nothing in this section shall be deemed to prohibit the composting of garden clippings, prunings, trimmings, weeds, leaves and similar materials provided the compost is free of obnoxious odors, flies and rodents and does not constitute a nuisance or hazard. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 320 § 1, 1976; Ord. 211 § 5, 1963)

8.16.060 Manure accumulation and disposal.
All manure and cleanings from stables, where horses or other animals are kept, shall be deposited in an enclosed bin constructed of boards or netting so as to exclude flies, and shall be kept covered. No person shall accumulate or allow to accumulate any such manure or cleanings in an amount to exceed one cubic yard in volume nor shall such accumulation be allowed for more than seven days. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 211 § 6, 1963)

8.16.070 Commercial refuse containers.
Every owner, manager or person in possession, charge or control of any commercial premises from the use and occupancy of which refuse results shall provide or cause to be provided, and at all times keep, or cause to be kept, portable vessels, tanks or receptacles for holding the refuse. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 242 § 1.3, 1967; Ord. 211 § 7, 1963)

8.16.080 Refuse containers.

A. Every person occupying or in possession of any premises in the city shall provide one or more portable, reusable containers for refuse. Such containers shall be constructed of any durable material, shall have handles and tightly fitting lids, and must not allow for the contents thereof to sift or pass through any opening therein, other than the top thereof, or accumulation of water therein. Containers shall be free of any rough or jagged surfaces, tapered, with the top diameter greater than the bottom diameter, and without horizontal corrugations. Such containers shall have a capacity of not less than fifteen nor more than thirty-five gallons and shall weigh, when placed for collection, not more than sixty pounds including the contents thereof.

B. Oil drums are not acceptable as containers.

C. No person shall deposit refuse in any container upon private property, other than those located upon his own premises, without the owner's permission.

D. No person shall deposit in a public refuse container any accumulation of refuse originating from the operation of any business.

E. Ashes must be cool and must be contained in a heavy bag or otherwise be well-wrapped within the container.

F. Vacuum cleaner and carpet sweeper dust must be contained in a heavy bag or otherwise be well-wrapped within the container. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 242 § 1.4, 1967; Ord. 211 § 8, 1963)

8.16.090 Placement of containers.

Containers shall be kept concealed from view of those on neighboring properties and streets, and shall be kept on the premises of the person providing the containers except when removed for collection purposes, at which time they shall be replaced promptly by the collector without disturbance to the peace and quiet of the neighborhood and occupants of the premises or damage to the containers. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 342 § 1, 1977; Ord. 242 § 1.5, 1967; Ord. 211 § 9, 1963)

Chapter 8.20
HANDBILLS

Sections:

8.20.010 Purpose.

8.20.020 Definitions.

8.20.030 Distribution or posting – Public property.

8.20.040 Distribution or posting – Private property and handbill restrictions.

Prior legislation: Ords. 495 and 627.

8.20.010 Purpose.

The purpose of this chapter is to control litter produced by the unauthorized use and distribution of handbills and preserve the natural scenic character and aesthetic appearance of the city. (Ord. 701 § 2 (Exh. 1), 2012)

8.20.020 Definitions.

"Distribute" means to hand, transmit, deposit, drop, throw, scatter, or cast, either directly or indirectly.

"Handbill," for the purposes of this chapter, includes any printed or written advertising matter, any sample or device, dodger, circular, leaflet, pamphlet, newspaper, paper, booklet or other printed matter or literature.

"Person" means any individual person, firm, partnership, association, corporation, company, organization, society, group or legal entity of any kind.

"Residential property" means any dwelling, house, apartment, mobilehome, condominium, building, or other structure, designed or used either in whole or in part for private residential purposes, whether inhabited or temporarily or continuously uninhabited or vacant, and shall include any yard, grounds, walk, driveway, porch, steps, hallway, vestibule, or mailbox belonging to such dwelling, house, building, or other structure. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 190 § 1, 1960)

8.20.030 Distribution or posting – Public property.

A. It is unlawful for any person, either directly or indirectly, to deposit, place, throw, scatter or cast any handbill in or on any public thoroughfare, park, ground or other public place within the city.

B. It is unlawful for any person to post, print, stick, stamp, tack or otherwise affix,

or cause the same to be done, any handbill, notice, placard, bill, poster, sticker, banner, sign, or advertisement in or upon any street right-of-way, park, parkland, public sidewalk, crosswalk, curb, curbstone, lamppost, hydrant, street sign, post, tree, electric or telephone line or pole, or upon any fixture of the fire alarm, police or telephone system or lighting system of the city, or on mailboxes, on the exterior of parked automotive vehicles or trailers within the street right-of-way, except where explicitly permitted by this code or a permit issued under the authority of this code.

C. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to any person willing to accept such handbill. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 295 § 1, 1973; Ord. 190 §§ 2, 4, 5, 1960)

8.20.040 Distribution or posting – Private property and handbill restrictions.
A. It is unlawful for any person to distribute any handbill in or upon any residential property unless the handbill is properly placed, secured, or deposited such that it will not be blown or drifted about the property or elsewhere, eliminating the hazards of randomly scattered litter. The provisions of this section shall not be deemed to prohibit the handing, transmitting or distributing of any handbill to the owner or occupant of the private yard, grounds, walk, porch, steps, mailbox, vestibule, house, residence, building or other private property.

B. It is unlawful for any person to distribute any handbill in or upon any residential property if there is placed on the property in a conspicuous position (near the entrance and, where feasible, visible from the public right-of-way) a legible notice of at least sixteen square inches in area bearing the words “No Handbills” or any similar notice indicating in any manner that the occupants do not desire to have their right of privacy disturbed or to have any such handbills left upon the property (such as a “No Solicitation” notice), unless such person has first received the written permission of the occupant authorizing the person to so distribute.

C. In order for this section to apply to multi-tenant residential properties where the owner, landlord, or property manager posts a “No Handbills” or similar notice on behalf of an occupant, the occupant shall have provided their prior authorization to the owner, landlord, or property manager. This section shall not supersede provisions of any landlord-tenant agreement or covenants, conditions and restrictions with respect to multi-unit residential housing.

D. The provisions of this chapter shall not apply to the following:

1. Distribution of any handbill to any person who is willing to accept the same;

2. Distribution of any handbill for which consideration has been paid by the person receiving such handbill; or

3. Distribution of any handbill made by a duly authorized public officer, public employee, or contractor acting with the authority of the city, the state of California, or the United States to promote the purpose of the contract. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 190 §§ 3, 6, 1960)

Chapter 8.24
HANG GLIDERS AND MODEL AIRCRAFT

Sections:

8.24.010 Flying of hang gliders unlawful.

8.24.020 Gliders and model airplanes – Distance from dwellings.

8.24.025 Gliders and model airplanes – Requirements for flight.

8.24.030 Gliders and model airplanes – Restricted hours and places.

8.24.010 Flying of hang gliders unlawful.

A. It is unlawful for any person to fly a hang glider in the city. As used in this section, “hang glider” means any device or contrivance by which the occupant becomes airborne other than in a powered aircraft regulated by the Federal Aviation Administration, or other aircraft regulated by the Federal Aviation Administration.

B. This section shall not prohibit any flight expressly authorized by the Federal Aviation Administration or the aeronautics authorities of the state. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 291 § 1, 1973)

8.24.020 Gliders and model airplanes – Distance from dwellings.

It is unlawful for any person to fly any powered model airplane or radio-controlled glider at any place within one hundred feet of any dwelling. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 321 § 1, 1976)

8.24.025 Gliders and model airplanes – Requirements for flight.

A. It is unlawful for any person to launch any powered model airplane or radio-controlled glider from any place within the Bluff Cove area of the city other than from an area posted by the city as being a permissible area for such launching. Areas to be so posted shall be determined by motion or resolution of the city council.

B. It is unlawful for any person to launch or fly any powered model airplane or radio-controlled glider within the city unless such person is an active member of the Academy of Model Aeronautics or has a policy of liability insurance in the amount established by resolution of the city council sufficient to insure against any claim or damage arising from the flying of a powered model airplane or radio-controlled glider, and has upon his or her person proof of such membership or of such insurance policy, which shall be made available upon request of any city employee. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 588 § 1, 1995)

8.24.030 Gliders and model airplanes – Restricted hours and places.

No person shall fly a powered model airplane or radio-controlled glider between eight p.m. Sunday and eight a.m. of the following Saturday in that portion of the city bounded by Paseo del Mar on the east, Lot 1, Block 1450, Tract 7536 on the south, the city limits on the west and Lot 1, Block 1432, Tract 6886 on the north. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 332 § 1, 1977)

Chapter 8.28
NOISE

Sections:

8.28.010 Purpose.

8.28.020 Prohibited noises.

8.28.030 Noise from commercial operations.

8.28.040 Leaf blowers.

8.28.050 Exemptions.

Prior legislation: Ord. 495.

8.28.010 Purpose.

The city is mostly developed with noise-sensitive residential uses. Excessive noise levels are detrimental to the health and safety of individuals. Excessive noise is considered a public nuisance and the city prohibits unnecessary, excessive, or annoying noises from all sources. Creating, maintaining, causing, or allowing to be created, caused or maintained any noise or vibration in a manner prohibited by the provisions of this chapter is a public nuisance and shall be punishable as a misdemeanor. (Ord. 701 § 2 (Exh. 1), 2012)

8.28.020 Prohibited noises.

Unless otherwise permitted in this chapter, no person shall make, permit to be made or cause to suffer any noises, sounds or vibrations that are so loud, prolonged and harsh as to be annoying to reasonable persons of ordinary sensitivity and to cause or contribute to the unreasonable discomfort of any persons within the vicinity. When considering whether a noise, sound or vibration is unreasonable within the meaning of this section, the following factors shall be taken into consideration:

A. The volume and intensity of the noise, particularly as it is experienced within a residence or place of business;

B. Whether the noise is prolonged and continuous;

C. How the noise contrasts with the ambient noise level;

D. The proximity of the noise source to residential and commercial uses;

E. The time of day; and

F. The anticipated duration of the noise. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 203 § 1, 1961)

8.28.030 Noise from commercial operations.

No person shall, within the city, operate or cause the operation, or suffer or permit the operation upon any premises owned, occupied or controlled by such person, of any tool, machine or other thing designated or used for the manufacture of goods, wares, buildings or structures, or for any commercial purpose, the noise from which can be heard at any point on any other premises, other than during the hours of seven a.m. until seven p.m. Monday, Tuesday, Wednesday, and Thursday, seven a.m. until five-thirty p.m. Friday, and nine a.m. until five p.m. Saturday. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 438 § 1, 1986; Ord. 310 § 1, 1975; Ord. 287 § 1, 1973; Ord. 258 § 1, 1969; Ord. 203 § 2, 1961)

8.28.040 Leaf blowers.

A. General Prohibition. The use or operation or allowing the use or operation of any portable machine powered with combustion, gasoline or electric-powered engine used to blow leaves, dirt or other debris off sidewalks, driveways, lawns and other surfaces that creates a noise level more than seventy decibels of noise at a distance of fifty feet is prohibited.

B. Permitted Hours. No person shall operate a weed and debris blower at any time other than the days, times, or hours permitted in PVEMC 8.28.030. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 528 § 2, 1991; Ord. 442 § 1, 1987)

8.28.050 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.

B. Warning Devices. Warning devices necessary for the protection of public safety, such as police, fire and ambulance sirens.

C. Outdoor Activities. Activities conducted on fully licensed and approved child day care facilities within residential areas as permitted by law, and on public or private school grounds including without limitation school athletic and school entertainment events.

D. Outdoor gatherings, public dances, shows and sporting events, provided the events are conducted pursuant to a permit issued by the city manager.

E. Public Health and Safety Activities. All transportation, flood control, and utility company maintenance and construction operations at any time on public right-of-way, and those situations that may occur on private property deemed necessary to serve the best interest of the public and to protect the public's health and well-being, including without limitation street sweeping, debris and limb removal, removal of downed wires, restoring electrical service, repairing traffic signals, unplugging sewers, house moving, vacuuming catchbasins, removal of damaged poles and vehicles, and repair of water hydrants and mains, gas lines, oil lines, and sewers. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 8.32
OUTDOOR BUSINESS LIGHTING

Sections:

8.32.010 Business lighting shining on adjoining property.

Prior legislation: Ords. 495 and 627.

8.32.010 Business lighting shining on adjoining property.

No person, firm or corporation, in operating or conducting any business within the city during the nighttime or after nine p.m., shall employ or use outdoor floodlight illumination or any other artificial outdoor light source that results in light reflection upon, or the illumination of, a parcel of property or properties other than those upon which such light fixture or source is physically located. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 204 § 1, 1961)

Chapter 8.36
SUBSTANDARD PREMISES

Sections:

8.36.010 Nuisance buildings and premises designated.

8.36.010 Nuisance buildings and premises designated.

Any building or structure or any lot upon which a building or structure is situated which has any or all of the conditions or defects described in this section is declared to be a public nuisance:

A. Maintenance of any structure in a state of substantial deterioration, which is viewable from a public right-of-way or viewable from the sites of neighboring properties, where such condition would depreciate the aesthetic and property values of surrounding property;

B. Windows which normally contain glass and which are without glass, or which contain broken glass, for more than thirty days in occupied buildings or, in the case of abandoned buildings, for more than five days;

C. Land, the topography, geology or configuration of which, whether in natural state or as a result of grading operations, excavation or fill, could cause potential erosion, subsidence or surface water drainage problems of such magnitude as to be injurious or potentially injurious to the public health, safety and welfare, or to the adjacent properties;

D. Storing inoperable vehicles, equipment or discarded furniture in front and side yards, including trailers, camper shells, boats, inoperable vehicles and other equipment kept or stored for unreasonable periods, but not less than seventy-two hours, in yard areas where the equipment is not screened so that it cannot be viewed from off site;

E. Painting or marking of obscenities, as defined by state laws, or graffiti, on buildings, fences or other structures visible to the public;

F. Development where more than fifteen percent of landscaping detailed on any city-approved plan is not maintained;

G. Maintaining property with overgrown or dead vegetation, including lawns, weeds, plants, shrubs, hedges and trees and including any such vegetation within that portion of the unimproved street right-of-way adjacent to the property. There shall be a conclusive presumption that vegetation is overgrown under this subsection if the vegetation has not been properly cut and trimmed within thirty

days after notification that the vegetation is overgrown;

H. Any uncompleted building or work for which a permit is issued pursuant to Chapter 15.12 PVEMC, and the permit has expired and has not been renewed; provided, that at least one hundred eighty days have passed since such permit expired;

I. Any uncompleted building or work which is found to adversely impact the neighborhood. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 435 § 1, 1986)

Chapter 8.40
RECREATIONAL VEHICLES AND RECREATIONAL VESSELS

Sections:

8.40.010 Purpose.

8.40.020 Scope.

8.40.030 Definitions.

8.40.040 Intent and purpose.

8.40.050 Authority to grant certificates of compliance (COC).

8.40.060 Processing requests for a certificate of compliance.

8.40.070 Termination/revocation of administrative certificate of compliance.

8.40.080 Parking and storage.

8.40.090 Shielding and screening.

8.40.100 Occupancy.

8.40.110 Loading and unloading certificates.

8.40.120 Guest recreational vehicles.

8.40.130 Fees.

Prior legislation: Ord. 238.

8.40.010 Purpose.

The purpose of this chapter is to regulate the parking and storage of recreational vehicles and recreational vessels. These regulations are intended to preserve the natural scenic character of the city by establishing standards related to the parking and storage of recreational vehicles and recreational vessels. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.020 Scope.

This chapter is intended to be applicable to all residentially zoned areas within the city limits. Specifically, this includes the R-1 single-family residential zone and the R-M multifamily residential zone. All recreational vehicles, recreational vessels, utility trailers, and air vehicles as defined in PVEMC 8.40.030 are subject to PVEMC 8.40.040 through 8.40.120.

Any recreational vehicle, recreational vessel, utility trailer, or air vehicle maintained in violation of the provisions of this chapter shall be deemed a public nuisance and can be abated by the city in any appropriate manner. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.030 Definitions.

As used in this chapter, the following definitions apply:

A. “Air vehicles” include powered aircraft and sailplanes.

B. “Certificate of compliance (COC)” is a use permit issued upon request after compliance with all of the requirements of PVEMC 8.40.080 and 8.40.090.

C. “Manager” means the city manager or his or her designee.

D. “Recreational vehicles” fall into three broad categories: campers, motor homes, and trailers. They share certain things in common: they are truly mobile, and are primarily designed for recreational and vacation use, rather than permanent occupancy.

1. The “camper” category of recreational vehicles includes (a) chassis-mounted campers having a fixed living module and (b) pickup campers having a removable living module.

2. The “motor home” category of recreational vehicles has its own motive power, and contains a living module and driver’s compartment within one integral unit.

3. The “trailer” category of recreational vehicles includes (a) travel trailers, (b) fifth wheel trailers, (c) telescoping (vertically) trailers, and (d) folding trailers. These four types of trailers are all designed to be towed by a motorized vehicle.

E. “Recreational vessels” include all manner of watercraft, whether impelled by wind, oars, or mechanical devices, and associated trailers.

F. “Utility trailers” include all manner of trailers used to transport cargo of various sorts.

G. “Yard” and “front, rear, and side yard” definitions are as defined in PVEMC 17.08.440, 17.08.450, 17.08.460 and 17.08.470, respectively. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.040 Intent and purpose.

It is the intent of the city to create a certificate of compliance (COC) process for those situations where there is a need to exercise limited discretion under designated types of circumstances. The purpose of this chapter is to impose a limited discretion and control by the city in situations as specifically identified in this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.050 Authority to grant certificates of compliance (COC).

The manager may grant a certificate of compliance on terms and conditions that are harmonious with the general intent and purposes of this chapter so long as it is shown that the granting of such certificates of compliance will be consistent with the purposes of this chapter and the general plan, and will serve the public health, convenience, safety, and welfare. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.060 Processing requests for a certificate of compliance.

A. Requests for a certificate of compliance (COC) shall be made as follows:

1. On forms prescribed by the manager;

2. Signed by the owner of the property or the property owner's duly authorized agent and sworn to by declaration or before a notary public;

3. Filed with the manager;

4. Submitted with an appropriate plan or graphic depiction of the affected property;

5. Any other information and/or documentation which the manager deems necessary or appropriate.

B. Upon the submission of a complete request for a certificate of compliance the manager shall investigate the request and make a determination within thirty days of such submission.

C. At the conclusion of the thirty-day period or at any time thereto, the manager shall render a decision in writing to approve, approve with conditions, or disapprove the request.

Notice of the manager's proposed decision to approve the request, approve the request with conditions or disapprove the request shall be mailed to the applicant and to the residents of properties on adjacent sides and to the residents of properties across the street from the three above-mentioned properties; said notices shall advise that unless an appeal hearing is requested within fifteen days of the date of the mailing, the decision shall become final.

D. In the event the applicant or anyone receiving notice as required in subsection C of this section makes a timely written request for an appeal hearing regarding the request for a certificate of compliance, such a hearing shall be set before the planning commission in the same manner that any hearing is set before the planning commission, and shall be reported to the city council in the same manner as any other matter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.070 Termination/revocation of administrative certificate of compliance.

A. A certificate of compliance shall terminate when any one or more of the following occurs:

1. The use for which the certificate of compliance has been acquired has been abandoned for six consecutive months or the owner of the property files a declaration with the manager that the certificate of compliance has been abandoned or discontinued; or

2. The certificate of compliance has expired or been revoked; or

3. The vehicle is sold or otherwise disposed of.

B. The manager may, after twenty days' notice by mail to the certificate of compliance holder, revoke a certificate of compliance on any one or more of the following grounds:

1. The certificate of compliance was obtained by fraud;

2. The property subject to the certificate of compliance has been utilized contrary to the terms and conditions of approval; or in violation of any statute, ordinance, law or regulation not otherwise allowed pursuant to the certificate of compliance; or

3. The use privilege subject to the certificate of compliance is being or has been exercised in a manner which is detrimental to the public health, safety or welfare or so as to constitute a public nuisance.

C. The decision of the manager to revoke an administrative certificate of compliance can be appealed pursuant to the procedures contained in PVEMC 8.40.060(D). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.080 Parking and storage.

Recreational vehicles, recreational vessels, utility trailers, and air vehicles are subject to the following conditions and requirements. The unit shall be parked in the location providing the greatest degree of visual screening. The order of

priority for parking and storage shall generally be subsection A of this section, followed in order by subsections B, C, and D of this section.

A. Completely enclosed in a garage (no certificate of compliance required); or

B. Parked outside in the rear yard on a city-approved surface; or

C. Parked outside in the side yard on a city-approved surface; or

D. Parked outside in the front yard on a city-approved surface, subject to meeting the following conditions:

1. Space is not available in or there is no access to either the rear yard or the side yard; a corner lot is normally deemed to have access to the rear yard; a wall, fence, or shrubbery is not necessarily deemed to prevent access,

2. A removed module of a pickup camper shall not be stored in a front yard;

E. Unless a unit is completely shielded or screened from public view by shielding or screening which complies with all provisions of this code, it shall not be nearer to either the front property line of the building site or the line of any future street as shown on the official street plan than is permitted for buildings in the R-1 zone;

F. Public safety access will be maintained at all times;

G. No portion of the unit may extend beyond the property line;

H. All parked or stored units must be in an operable condition;

I. No parked or stored unit shall be in a visible state of external disrepair;

J. No more than one certificate of compliance may be issued per lot;

K. Except as provided in PVEMC 8.40.120, the unit shall be registered to the primary resident(s) of the property on which it is parked or stored. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 564 § 1, 1993; Ord. 540 § 1, 1991)

8.40.090 Shielding and screening.

Except where a unit is parked or stored in a fully enclosed garage, all recreational vehicles, recreational vessels, utility trailers, and air vehicles shall be fully screened from view on three surfaces including both sides and either the front or rear surface, and essentially screened from view on the remaining fourth surface, by a city-approved existing building, city-approved wall or fence, or shrubbery, to mitigate visual impact from neighboring properties. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.100 Occupancy.
Recreational vehicles or recreational vessels shall not be:

A. Used for dwelling or sleeping purposes;

B. Used for cooking purposes;

C. Permanently connected to electricity, water, or sewer lines. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.110 Loading and unloading certificates.
Residents who store units covered by this chapter in commercial facilities shall, upon submission of satisfactory proof of such storage, be issued a certificate stating the fact of such storage of a specified unit in such a commercial facility. This certificate shall be issued without charge, and shall be for the purpose of loading and unloading the unit. Such certificate shall be valid only for the period of time stated on the certificate, which shall be the same as any period of time stated in an agreement with such commercial facility. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.120 Guest recreational vehicles.
All nonresident-owned recreational vehicles shall require a city permit to allow parking and occupancy for a period not to exceed seven days in any one calendar year. One seven-day extension may be permitted. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

8.40.130 Fees.
The city shall have the right to charge a fee for the certificate of compliance or any other permit authorized hereunder. The amount of said fee may be set and may be changed by city council resolution. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 540 § 1, 1991)

Chapter 8.44
WELLS AND MINES

Sections:

8.44.010 Definitions.

8.44.020 Oil drilling structures prohibited.

8.44.030 Mining prohibited.

8.44.040 Water wells and cathodic protection wells.

8.44.010 Definitions.

As used in this chapter:

A. “Cathodic protection well” means any artificial excavation in excess of fifty feet constructed by any method for the purpose of installing equipment or facilities for the protection of electrical or metallic equipment in contact with the ground, commonly referred to as cathodic protection.

B. “Oil and gas wells” means any drilled, excavated, jetted or otherwise constructed excavation which is used or intended to be used to extract oil, gas or other hydrocarbon products from the ground.

C. “Well” or “water well” means any drilled, excavated, jetted or otherwise constructed excavation which is used to extract water from or inject water into the underground for any purposes; or to observe or test underground waters. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 274 § 2, 1971)

8.44.020 Oil drilling structures prohibited.

It is unlawful to erect, construct or place any derrick or other structure designed for use in boring for oil upon any part of the property within the boundaries of the city, nor shall any oil, natural gas, petroleum, asphaltum, hydrocarbon products or substances be produced or extracted therefrom. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 274 § 2, 1971)

8.44.030 Mining prohibited.

It is unlawful to conduct any mining operation or extract minerals or mineral substances from any part of the property within the boundaries of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 274 § 2, 1971)

8.44.040 Water wells and cathodic protection wells.

It is unlawful to drill, construct or maintain or cause to be drilled, constructed or maintained water wells, tunnels or cathodic protection wells in the city except with

the written consent and approval of the city council. Water wells or cathodic protection wells which are approved by the city council shall be drilled, constructed, maintained, operated, abandoned and destroyed in accordance with the provisions of the Los Angeles County health code, as the code exists as of the effective date of the ordinance codified in this chapter or may thereafter be amended. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 274 § 2, 1971)

Chapter 8.48
NUISANCES, GENERAL

Sections:

8.48.010 Purposes.

8.48.015 Public nuisances designated.

8.48.020 Abatement of nuisance.

8.48.030 Responsibility for abatement.

8.48.040 Notice of hearings for nuisance abatement.

8.48.050 Hearing procedure.

8.48.060 Compliance with abatement order.

8.48.070 City expenses – Record of costs and recovery of attorneys' fees.

8.48.080 Hearing on the cost of abatement.

8.48.090 Nuisance abatement lien and special assessment procedures.

8.48.100 Graffiti abatement charges.

8.48.110 Order for treble costs of abatement.

8.48.120 Judicial remedies.

8.48.130 Emergency abatement.

Prior legislation: Ords. 536 and 692.

8.48.010 Purposes.

A. In order to further the stated goals of the city and to protect its citizens and their property from conditions which are offensive or annoying to the senses, detrimental to property values and community appearance or hazardous or injurious to the health, safety or welfare of the general public, the city council has determined that this chapter is necessary to effectively abate or prevent the development of such conditions in the city.

B. It is the intention of the city council in adopting this chapter to set forth guidelines for determining what conditions constitute a public nuisance; to establish a method for giving notice of the conditions and an opportunity to correct them; to ensure that public nuisances on public and private property are

abated efficiently and expeditiously; and finally, in the event a public nuisance on private property is not abated or corrected, to provide a procedure for a hearing and determination of the facts and manner in which the conditions shall be corrected or removed.

C. It is the purpose of this chapter to provide a just, equitable, and practical method, in addition to any other remedy available at law, whereby lands or buildings which are dilapidated, unsafe, dangerous, unsanitary, cluttered with weeds, debris, abandoned vehicles, machinery or equipment, or are a menace or hazard to life, limb, safety, health, morals, property values, aesthetic standards or the general welfare of the city may be required to be repaired, renovated, vacated, demolished, made safe, or cleaned up by removal of offensive conditions.

D. In addition to the abatement procedures provided herein, this chapter declares certain conditions to be public nuisances and that maintenance of such conditions shall be a misdemeanor.

E. This chapter is not intended to enforce conditions, covenants and restrictions (CC&Rs) on property, or to supersede them. This chapter will be enforced uniformly within the city regardless of CC&Rs. Therefore, this chapter does not abrogate the right of any homeowners' association or private citizen to take actions, legal or as otherwise provided in the CC&Rs, to force compliance with the CC&Rs applicable to the tract or association even though the CC&R provisions may be the same, more restrictive or may not be covered by this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.015 Public nuisances designated.

It is unlawful, and it is declared to be a public nuisance, for any of the following conditions to be allowed to exist on any property within the city, public or private:

A. Any violation of any provision of PVEMC Title 8, 12, 15, 17, 18, or 19.

B. Land, the topography or configuration of which, in any manmade state, whether as a result of grading operations, excavations, fill, or other alteration, interferes with the established drainage pattern over the property or from adjoining or other properties which does or may result in erosion, subsidence or surface water drainage programs of such magnitude as to be injurious to public health, safety and welfare or to neighboring properties.

C. Buildings or structures which are partially destroyed, abandoned or permitted to remain in a state of partial construction without any substantial construction activity taking place for more than six months after the issuance of a building permit.

D. The failure to secure and maintain from public access all doorways, windows and other openings into vacant or abandoned buildings or structures.

E. Painted buildings and walls, retaining walls, fences or structures that require repainting, or buildings, walls, fences or structures upon which the condition of the paint has become so deteriorated as to permit decay, excessive checking, cracking, peeling, chalking, dry rot, warping or termite infestation.

F. Broken windows.

G. Any overgrown, dead, decayed, diseased or hazardous tree, weeds, vegetation or debris which:

1. May harbor rats, vermin or other disease carriers;

2. Is maintained so as to cause an obstruction to the vision of motorists or a hazardous condition to pedestrians or vehicle traffic;

3. Creates a dangerous condition or constitutes an attractive nuisance;

4. Is detrimental to the appearance of the neighboring properties or substantially detracts from the appearance of the immediate neighborhood or reduces or has the potential to reduce the property values in the immediate neighborhood; or

5. Constitutes a fire hazard.

H. Building exterior, roofs, landscaping, grounds, walls, retaining and crib walls, fences, driveways, parking lots, sidewalks or walkways which are maintained in such condition so as to become defective, unsightly or no longer viable.

I. The accumulation of dirt, litter, feces, or debris in doorways, adjoining sidewalks, parking lots, landscaped or other areas.

J. Lumber, junk, trash, garbage, salvage materials, rubbish, hazardous waste, refuse, rubble, broken asphalt or concrete, containers, broken or neglected machinery, furniture, appliances, sinks, fixtures or equipment, scrap metals, machinery parts, or other such material stored or deposited on property such that they are visible from a public street, alley or neighboring property.

K. Deteriorated parking lots or driveways, including those containing potholes or cracks large enough to pose a hazard to pedestrians or to detract from the appearance of the immediate neighborhood.

L. Abandoned, broken or neglected equipment and machinery, pools, ponds,

excavations, abandoned wells, shafts, basements or other holes, abandoned refrigerators or other appliances, abandoned motor vehicles (i.e., any mobile vehicle or trailer which is inoperable or in storage, except as permitted under Chapter 8.40 PVEMC, visible from the street or an adjacent property), any unsound structures, skateboard ramps, or accumulated lumber, trash, garbage, debris or vegetation which may reasonably attract children or others to such abandoned or neglected conditions.

M. Construction equipment, buses, tow trucks, dump trucks, flatbed trucks, grading equipment, tractors, tractor trailers, truck trailers, or any other commercial vehicle over twenty-five feet long or eight feet in height or ninety inches wide, supplies, materials, or machinery of any type or description, parked or stored upon any street or property within a residential zone. “Commercial vehicle,” for the purposes of this section, shall be defined as any motorized or nonmotorized vehicle used or maintained to transport property or goods for profit, or persons for hire or compensation. Any transportation by the person owning, leasing, occupying or having charge of any such vehicle shall be excluded from the provisions of this subsection.

N. Construction debris storage bins stored in excess of fifteen days on a public street or any front or side yard setback area without the express approval of the public works director or which fail to have affixed reflectors which satisfy the minimum standards of the department of public works.

O. Unapproved signs or signs improperly maintained which pose a threat to safety or have become unsightly so as to detract from the appearance of the immediate neighborhood.

P. Any front yard, parkway, or landscaped setback area which lacks turf, other planted material, decorative rock, bark or planted groundcover.

Q. Any condition of vegetation overgrowth which encroaches into, over or upon any public right-of-way including, but not limited to, streets, alleys, or sidewalks, so as to constitute either a danger to the public safety or property or any impediment to public travel.

R. Use of parked or stored recreational vehicles, as defined in PVEMC 8.40.030, as temporary or permanent living space.

S. Animals, livestock, poultry, bees or reptiles kept, bred or maintained for any purpose and in violation of PVEMC Title 6.

T. Any habitation which is overcrowded, as defined by the Uniform Housing Code,

or which lacks adequate ventilation, sanitation or plumbing facilities, or which constitutes a fire hazard.

U. Any other condition declared by any state, county or city statute, code or regulation to be a public nuisance.

V. Trailers, campers, boats or motor vehicles present on vacant property or in any yard of developed lots except as may be permitted pursuant to Chapter 8.40 PVEMC. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.020 Abatement of nuisance.
All or any part of a use or the condition of any property, including, without limitation, any use or improvement found to constitute a public nuisance, will be abated by rehabilitation, demolition, repair, cessation of use or a combination thereof, or in such other manner as designated in a nuisance abatement order, which is reasonably required to abate the public nuisance, pursuant to the procedures set forth in this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.030 Responsibility for abatement.
Whenever the city manager, or designee, reasonably believes a public nuisance exists, the city manager, or designee, may commence abatement proceedings under this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.040 Notice of hearings for nuisance abatement.
A. Notices. To initiate abatement proceedings, the city manager, or designee, will cause written notice to be mailed and conspicuously posted on the property containing a nuisance. Notice will be titled in letters at least one inch in height and read substantially as follows:

Notice of Public Nuisance Hearing

> On _____, 20__, the City Council of the City of Palos Verdes Estates will hold a public hearing to determine whether this property known and designated as _____, constitutes a public nuisance. If this property is found to constitute a public nuisance as defined by the Palos Verdes Estates Municipal Code ("PVEMC"), and if the public nuisance is not promptly abated by the responsible person as ordered by the hearing officer, then the City will abate the nuisance. If the City abates the nuisance, the cost of these proceedings, all previous code enforcement efforts concerning this condition of the property, and the cleaning, clearing, rehabilitation, repair, or demolition by the City will constitute a special assessment and a Nuisance Abatement Lien upon such land until

paid. The City may foreclose on any such lien in order to reimburse the City for these costs.

The alleged violations consist of the following:

_____

The methods of abatement available are:

_____

All persons having any objection to, or interest in, said matters should attend the City Council hearing to be held in the Council Chamber at Palos Verdes Estates City Hall, located at 340 Palos Verdes Drive West, Palos Verdes Estates, California, on _____, at the hour of ___ a.m./p.m., or as soon thereafter as the matter may be heard, when their testimony and evidence will be heard and given due consideration.

Dated: _____

City Manager

B. Mailing/Posting. Notice of the hearing will be served by posting on the subject property in a conspicuous location and by registered or certified mail (postage fully prepaid) addressed to the owner of the property at the address appearing on the last equalized assessment roll or the supplemental roll, whichever is more current before the hearing notice is mailed. The notice will be posted on the property and mailed at least fifteen days before the hearing date. Proof of posting and mailing will be by declaration. Failure of any person to receive the notice will not affect the validity of any provision set forth in this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.050 Hearing procedure.

A. The hearing will be conducted by the city council. At the time set for such hearing, the city council will conduct a hearing to determine, based upon the evidence presented, whether a public nuisance exists on the subject property. At the hearing, the city council will accept evidence from any person if such evidence bears on the issue of whether a public nuisance exists on the subject property. The city council is authorized to take testimony and is authorized to administer oaths or affirmations under Cal. Civ. Proc. Code § 2093(a). Based upon the evidence submitted, including, without limitation, any written staff reports regarding the alleged nuisance, the city council will determine whether or not a public nuisance exists on the subject property. If a public nuisance is found to exist, the city council shall issue an order requiring abatement of the public nuisance within a

reasonable time and manner as set forth in the order.

B. The city council's decision shall be by resolution, which shall contain the informal findings of the council upon which the determination of nuisance is based, an order requiring abatement of the nuisance, a description of the actions necessary to abate the nuisance, and a deadline for completion of the nuisance abatement activities. The city council's decision is final. Any property owner shall have the right to have the nuisance, as declared, abated, provided the same is completed prior to the expiration of the period of time set forth in said resolution. The time set for abatement, upon good cause shown, may be extended for a reasonable time by the council. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.060 Compliance with abatement order.

At no cost to the city, the responsible person will comply with all of the provisions of an abatement order. If the responsible person fails, for any reason, to comply with an abatement order within the time required in the order, the city manager, or designee, will cause the nuisance described in the abatement order to be abated by city forces or by private contractor. The city attorney is authorized to take such action as needed to gain entry upon the property where the public nuisance exists for purposes of abating a public nuisance. Upon obtaining an abatement warrant, the city manager, or designee, is expressly authorized to allow city forces or a private contractor to enter upon the premises for the purpose of abating the nuisance in the manner herein provided and consistent with the terms of the abatement warrant. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.070 City expenses – Record of costs and recovery of attorneys' fees.

A. The city manager or designee will keep an account of the costs, including incidental expenses, of abating the nuisance on each separate lot or parcel of land where the work is done. The term "incidental expenses" includes but is not limited to the actual expenses and costs of the city in preparation of notices, specifications and contracts, inspection of the work, and the cost of printing and mailing required under this chapter, and any attorneys' fees expended in the abatement of the nuisance, through civil action or otherwise. The city attorney shall be responsible for keeping an accounting of attorneys' fees and costs and transmitting the same to the manager.

B. In any action, administrative proceeding or special proceeding to abate a nuisance brought pursuant to this code, the prevailing party may recover attorneys' fees. The recovery of attorneys' fees by the prevailing party is limited to those individual actions or proceedings in which the city elects, at the initiation of that individual action or proceeding, to seek recovery of its own attorneys' fees. In

no action, administrative proceeding, or special proceeding shall an award of attorneys' fees to a prevailing party exceed the amount of reasonable attorneys' fees incurred by the city in the action or proceeding. (Ord. 712 § 1, 2014; Ord. 701 § 2 (Exh. 1), 2012)

8.48.080 Hearing on the cost of abatement.

A. The city manager or designee will give notice of the cost of abatement by registered or certified mail (postage fully prepaid) addressed to the owner of the property at the address appearing on the last equalized assessment roll or the supplemental roll, whichever is more current before mailing of the cost notice. The cost notice will include a statement of the hearing rights of the property owner concerning the cost of abatement. If, within fifteen days after the mailing of the cost notice, the property owner requests a hearing on the issue of the cost of the abatement, a hearing on the matter will be scheduled before the city council.

B. Notice of the hearing will be mailed at least ten days before the hearing by registered or certified mail to the property owner. The city council may, by resolution, either confirm the cost of abatement or modify such amount. The decision of the city council is final. The city manager or designee will give notice of the council's decision on the cost of abatement by registered or certified mail to the property owner. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.090 Nuisance abatement lien and special assessment procedures.

A. Lien. Pursuant to Cal. Gov. Code §§ 38773, 38773.1, and 38773.5, and any successor statutes, persons failing to abate a public nuisance as ordered pursuant to this chapter will be obligated to pay all city expenses of abating the nuisance and all administrative costs associated therewith. A nuisance abatement lien in favor of the city for such expenses will be created and recorded pursuant to this section against the property on which the nuisance is maintained. The notice of lien for recordation shall be in a form substantially as follows:

NOTICE OF LIEN

Claim of the City of Palos Verdes Estates

Pursuant to Chapter 8.48 of the Palos Verdes Estates Municipal Code, the property hereinafter described was lawfully declared a public nuisance by resolution of the City Council of the City of Palos Verdes Estates dated _____, 2___. The City has since caused the nuisance to be abated. The City Council, on the ____ day of _____, 2___, assessed the cost of such abatement upon the property and the same has not been paid nor any part thereof. The City of Palos Verdes Estates does hereby claim a lien

for such abatement in the amount of $_____, and the same shall be a lien upon the real property until paid in full and discharged of record.

The real property hereinabove mentioned, and upon which a lien is claimed, is that certain parcel of land lying and being entirely within the City of Palos Verdes Estates, County of Los Angeles, State of California, particularly described as follows:

[legal description]

Dated: This ____ day of _____, 2___.

B. Notice of Proposed Recordings. An itemized notice of the lien amount and proposed recording will be sent by certified mail to the property owner of record, based on the last equalized assessment roll or the supplemental roll, whichever is more current, at least ten days before recording the lien. The notice will be served in the same manner as a summons in a civil action in accordance with Cal. Civ. Proc. Code § 415.10 et seq. If the owner of record, after diligent search, cannot be found, the notice may be served by posting a copy thereof in a conspicuous place upon the property for a period of ten days, and publication thereof in a newspaper of general circulation published in the county in which the property is located.

C. Recording. The city's nuisance abatement lien will then be recorded in the Los Angeles County recorder's office and, from the date of recording, will have the force, effect, and priority of a judgment lien.

D. Special Assessment. The city's total costs described in this section may also be collected as a special assessment against the lot or parcel on which the nuisance existed. After recordation of the nuisance abatement lien the city may provide a copy of the notice of proposed recordation, proof of service, and the recorded lien to the tax collector, and the tax collector will add the described special assessment payments to the next regular tax bill levied against the respective lots or parcels, and the amounts will be collected and subject to the same penalties and the same procedure under foreclosure and sale as in the case of tax delinquencies. However, if any real property to which the cost of abatement relates has been transferred or conveyed to a bona fide purchaser for value, or if a lien of a bona fide encumbrance for value has been created and attached thereon, before the date on which the first installment of the taxes would become delinquent, then the cost of abatement will not result in a lien against the real property but instead will be transferred to the unsecured roll for collection.

E. Satisfaction. In the event that the lien or special assessment is discharged,

released, or satisfied, either through payment or foreclosure, a notice of the discharge containing the information specified in the lien will be recorded by the city.

F. Fees. Any fees incurred by the city for processing, recording of the lien and providing notice to the property owner may be recovered by the city as part of its foreclosure action to enforce the lien. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.100 Graffiti abatement charges.

A. The abatement and related administrative costs incurred by the city in abating any nuisance resulting from the defacement of private or public property by graffiti or any other inscribed material shall be:

1. A personal obligation of any minor creating, causing or committing the nuisance; and/or

2. A personal obligation of the parent or guardian having custody and control of that minor; and/or

3. A special assessment against any parcel of land owned by that minor; and/or

4. A special assessment against any parcel of land owned by the parent or guardian having custody and control of that minor.

B. The procedures for determining, imposing, and collecting a special assessment pursuant to subsection A of this section shall be those set forth in this chapter.

C. For purposes of this section, the following terms shall have the meanings set forth in this subsection:

"Abatement and related administrative costs" include, but are not limited to, court costs, attorney's 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 in identifying and apprehending the minor.

"Graffiti or other inscribed material" means any unauthorized inscription, word, figure, mark or design that is written, marked, etched, scratched, drawn or painted on any real or personal property.

"Minor" means a minor who has confessed to, admitted to, or pleaded guilty or nolo contendere to a violation of Cal. Pen. Code § 594, 594.3, 640.5, 640.6 or 640.7, or a minor convicted by final judgment of a violation of Cal. Pen. Code § 594, 594.3, 640.5, 640.6 or 640.7, or a minor declared a ward of the juvenile court pursuant to Cal. Welf. & Inst. Code § 602 by reason of the commission of an act prohibited by

Cal. Pen. Code § 594, 594.3, 640.5, 640.6 or 640.7.

D. This section shall not be deemed to preclude recovery of the costs of abating a nuisance resulting from graffiti from any other person who may be responsible for such costs under law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 692 § 1, 2009; Ord. 585 § 1, 1995; Ord. 536 § 1, 1991)

8.48.110 Order for treble costs of abatement.

Upon entry of a second or subsequent civil or criminal judgment within a two-year period finding that an owner of property is responsible for a condition that may be abated in accordance with this chapter, except conditions abated pursuant to Cal. Health & Saf. Code § 17980, the court may order the owner to pay treble the costs of the abatement. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.120 Judicial remedies.

A. Nothing in this chapter will be deemed to prevent the city attorney from:

1. Commencing a civil action in the superior court to enforce all or any of the provisions of any abatement order;

2. Commencing a civil action to abate a public nuisance as an alternative to or in conjunction with an administrative proceeding pursuant to this chapter;

3. Filing a civil action to recover the amount of a confirmed accounting from an owner or occupant of the lot to which it relates; or

4. Filing a criminal action to enforce this code.

B. Where a civil action is filed, if the court issues an order or a judgment which finds a public nuisance to exist, and orders or approves the abatement of the public nuisance, or where the court validates an accounting, the court will also award the city its actual costs of abatement, including, without limitation, reasonable attorney's fees incurred by the city in such judicial proceeding. (Ord. 701 § 2 (Exh. 1), 2012)

8.48.130 Emergency abatement.

Notwithstanding any other provision of this code, whenever the city manager, or designee, determines that a public nuisance, as defined in this chapter, or in any other applicable law, exists upon a lot, and that such public nuisance constitutes an immediate threat or hazard or danger to persons or property, the city manager, without observing procedures set forth in this chapter with reference to public nuisance abatement, will forthwith immediately cause the abatement of such public nuisance in such manner as the city manager, or designee, determines is

reasonably required. If the city manager, or designee, deems it feasible, the city manager, or designee, will attempt to give the owner and occupant verbal notice of the existence of the public nuisance, and the proposed timing and method of abatement thereof. The city manager will, forthwith, report such circumstances to the city council. Where such abatement is ordered by the city manager, the person abating such nuisance will, after completing the abatement of the public nuisance, comply with the provisions of this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 8.49
GRAFFITI ABATEMENT

Sections:

8.49.010 Definitions.

8.49.020 Graffiti prohibited.

8.49.025 Declaration of graffiti as a public nuisance.

8.49.030 Notice to owners or possessors of private property.

8.49.035 Removal.

8.49.040 Hearing prior to abatement – Notice of hearing.

8.49.045 Posting and serving notice of hearing.

8.49.050 Conduct of hearing.

8.49.055 Order of abatement.

8.49.060 Abatement.

8.49.065 Assessment of cost.

8.49.070 Parental responsibility.

8.49.075 Reward.

8.49.080 Remedy cumulative.

8.49.010 Definitions.

As used in this chapter:

"Graffiti" means any unauthorized inscription, word, figure, mark, or design that is written, marked, etched, scratched, drawn, or painted on any real or personal property.

"Notice" means a written communication served in compliance with Cal. Gov. Code § 38773.1. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 537 § 1, 1991)

8.49.020 Graffiti prohibited.

It is unlawful for any person to permit or allow any graffiti or other defacement by paint, other liquids or other means of inscription within public view to remain on any building or structure whether publicly or privately owned upon any lot or

parcel of land under his or her ownership, custody or control. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 537 § 1, 1991)

8.49.025 Declaration of graffiti as a public nuisance.
The city council hereby finds and declares that the appearance of graffiti on public and private properties within public view is obnoxious and constitutes a public nuisance, the abatement of which shall be provided as set forth herein. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.030 Notice to owners or possessors of private property.
Whenever the city manager, or his or her designee, determines that graffiti is being maintained upon the premises within the city in violation of this chapter, the city manager, or designee, shall send written notice of the premises of such condition to the owner or possessor and shall require that the graffiti be removed. The notice and order shall be sent to the owner as shown on the most recent equalized assessment roll and a copy shall be posted on the subject property. The notice shall state that the owner must remove the graffiti or consent to its removal by the city within fourteen days from the date the notice was mailed. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 537 § 1, 1991)

8.49.035 Removal.
A. Property Owner's Consent to Remove. Whenever the city manager, or his or her designee, determines that graffiti is located on public or private property so that graffiti may be viewed by a person using any public right-of-way or other public property, the city manager, or designee, is authorized to provide for and use public funds, if necessary, to remove graffiti upon the following conditions:

1. Public Property. Whenever the city manager or designee determines that graffiti exists upon property owned by the city, it shall be removed as soon as possible. When the property is owned by a public entity other than the city, the removal of the graffiti is authorized after securing written consent of the public agency having jurisdiction over the property.

2. Private Property. Where the subject property is privately owned, the removal of graffiti is authorized after the city manager, or designee, secures the written consent of the owner of the property and the owner executes a release and waiver approved as to form by the city attorney.

B. Removal by City without Consent of Property Owner. The city manager may initiate proceedings to abate any graffiti maintained contrary to the provisions of this chapter only after the following has occurred:

1. The city manager has determined that graffiti within public view exists on particular premises in the city;

2. A notice of such condition has been sent to the property owner pursuant to PVEMC 8.49.030; and

3. The property owner has failed to either remove the graffiti or consent to its removal by the city within the time period specified in the notice. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.040 Hearing prior to abatement – Notice of hearing.
Prior to the city abating graffiti on private property without the consent of the owner, a hearing shall be conducted by the city manager or his or her designee, at which time the property owner shall be given an opportunity to be heard regarding the proposed abatement. A notice of the time, place and subject of the hearing before the city manager or designee shall be sent to the property owner not less than ten days prior to the hearing. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.045 Posting and serving notice of hearing.
A. The city manager shall cause the notice to be served in the same manner as a summons in a civil action in accordance with the California Code of Civil Procedure on the owner as shown on the latest equalized tax assessment roll of the affected premises and shall cause a copy of the notice to be conspicuously posted on the affected premises.

B. The notice shall be posted and served at least ten days before the time fixed for the hearing. Proof of posting and serving such notice shall be made by declaration under penalty of perjury filed with the hearing officer.

C. The failure of any person to receive the notice shall not affect the validity of any proceedings under this chapter. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.050 Conduct of hearing.
The hearing to determine whether a nuisance exists shall be conducted by the city manager or his or her duly authorized representative as the hearing officer. At the hearing, the hearing officer shall receive and consider all relevant evidence. Any interested person shall be given a reasonable opportunity to be heard in conjunction therewith. Based upon the evidence presented, the hearing officer shall determine whether a nuisance within the meaning of this chapter exists and whether an abatement is appropriate. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.055 Order of abatement.
Within ten days after the hearing, the city manager, or his or her designee, shall

give written notice of the decision to the owner and to any other person requesting the same personally or by first class United States mail, postage paid. If a nuisance is determined to exist and abatement is determined to be appropriate, the notice shall contain an order of abatement directed to the owner of the affected property or the person in control or charge of the property and shall set forth the nature of the graffiti, its location on the premises and the maximum number of days, time and manner for its abatement. The city manager may impose such conditions as are reasonably necessary to abate the graffiti. The decision of the city manager may be appealed to the city council by the filing of a written request for appeal with the city clerk within ten days after the city manager mails notice of the decision to the owner. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.060 Abatement.

If the city manager's decision is not appealed and the nuisance is not abated within the time frame set by the order of abatement, the city manager, or his or her designee, is authorized to enter upon the premises and to abate the graffiti nuisance through utilization of labor, equipment and materials as directed by the city manager. The graffiti shall be removed as authorized herein, but the removal shall not involve the painting or repair of a more extensive area than is necessary for such removal. The city manager shall then prepare a statement of the fact of such abatement and of the expense incurred in abatement and shall file the statement with the city clerk. Such statement shall identify the premises including more than one lot or each separate lot, or all of the lots may be set forth in the same statement. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 537 § 1, 1991)

8.49.065 Assessment of cost.

Upon completion of the work required to abate the graffiti, the cost to the city to perform such work shall be assessed against the property owner pursuant to the procedures set forth in PVEMC 8.48.100. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.070 Parental responsibility.

Pursuant to Cal. Civ. Code § 1714.1, and any successor statute thereto, every parent or other legal guardian having custody or control of a minor who defaces property by inscribing graffiti thereon shall be jointly and severally liable with such minor for any resulting damages incurred by the property owner, or any other person, in an amount not to exceed twenty-five thousand dollars for each such act of defacement and for all attorney's fees and court costs incurred in connection with the civil prosecution for damages. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.075 Reward.

The city may pay to any person who provides information which leads to arrest and

conviction of any person who applies graffiti to any public or private property in the city visible to the public a reward as established by city council resolution. The amount of any award paid pursuant to this section may be sought from the person arrested and convicted as restitution in addition to any other restitution associated with the removal of graffiti. (Ord. 701 § 2 (Exh. 1), 2012)

8.49.080 Remedy cumulative.

The remedies provided in this chapter are in addition to other remedies and penalties available under this code and the laws of the state of California. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 537 § 1, 1991)

Chapter 8.52
MOBILE SOURCE AIR POLLUTION REDUCTION

Sections:

8.52.010 Intent.

8.52.020 Air quality improvement trust fund.

8.52.030 Limitation of expenditures.

8.52.040 Expenditures and audits.

8.52.010 Intent.

This chapter is intended to support the South Coast Air Quality Management District's imposition of the vehicle registration fee and to bring the city into compliance with requirements set forth in Cal. Health & Saf. Code § 44243 in order to receive fee revenues for the purpose of implementing programs to reduce air pollution from motor vehicles. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 539 § 1, 1991)

8.52.020 Air quality improvement trust fund.

All fee revenues received by the city from the South Coast Air Quality Management District pursuant to Cal. Health & Saf. Code § 44243 shall be deposited in an air quality improvement trust fund to be established by the city. All expenditures of said funds to reduce air pollution from motor vehicles shall be made from this fund. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 539 § 1, 1991)

8.52.030 Limitation of expenditures.

All fee revenues received by the city pursuant to Cal. Health & Saf. Code § 44243 from the South Coast Air Quality Management District and any interest accrued thereon shall be spent to reduce air pollution from motor vehicles pursuant to the California Clean Air Act of 1988 or the plan prepared pursuant to Cal. Health & Saf. Code Division 26, Part 3, Chapter 5.5, Article 5, commencing with Cal. Health & Saf. Code § 40460. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 539 § 1, 1991)

8.52.040 Expenditures and audits.

All moneys deposited in or accrued by the air quality improvement trust fund shall be expended within one year of the program or project completion date. The funds received by the city pursuant to this chapter shall be subject to audit pursuant to the provisions of Cal. Health & Saf. Code § 44244.1. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 539 § 1, 1991)

Chapter 8.56
SMOKING PROHIBITED

Sections:

8.56.010 Definitions.

8.56.020 Prohibition.

8.56.010 Definitions.

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

"Smoke" means and includes the carrying of a lighted pipe, lighted cigar, or lighted cigarette of any kind, or the lighting, burning, inhaling, or exhaling of the smoke of a pipe, cigar, or cigarette.

"Undeveloped public place" means any place within the city which is owned by the city and is not developed with a structure or landscaping, including but not limited to any portion of any beach or parklands which is not so developed. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 671 § 1, 2006)

8.56.020 Prohibition.

It shall be unlawful for any person to smoke tobacco, or any weed or plant, in any undeveloped public place. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 671 § 1, 2006)

Chapter 8.60
FIREWORKS

Sections:

8.60.010 Fireworks defined.

8.60.020 Fireworks prohibited.

8.60.030 Penalty.

8.60.010 Fireworks defined.

"Fireworks" means any dangerous fireworks, exempt fireworks, fireworks, pyrotechnic devices, safe and sane fireworks or special effects as defined in Cal. Health & Saf. Code §§ 12505, 12508, 12511, 12526, 12529 and 12532, or any successor provision thereto. (Ord. 701 § 2 (Exh. 1), 2012)

8.60.020 Fireworks prohibited.

No person shall manufacture, possess, sell, offer for sale, store, display, dispose of, give away, keep in stock, discharge, explode, fire or set off any fireworks on private property within the city, including without limitation safe and sane, dangerous, and exempt fireworks. Discharge or use of fireworks upon public property as part of a public event may be permitted upon prior written approval by the city manager. (Ord. 701 § 2 (Exh. 1), 2012)

8.60.030 Penalty.

Any person who violates any of the provisions of this chapter is guilty of a misdemeanor and each such violation shall be punishable as set forth in PVEMC 1.16.010. (Ord. 701 § 2 (Exh. 1), 2012)

Title 9
PUBLIC PEACE, MORALS AND WELFARE

Chapters:

9.04 Offenses Against Public Decency

9.05 Picketing

9.08 Curfew

9.12 Weapons

9.16 Use of Beaches

9.18 Social Host Liability for Parties at Which Underage Drinking Occurs

Chapter 9.04
OFFENSES AGAINST PUBLIC DECENCY

Sections:

9.04.010 Liquor possession or consumption in public places.

9.04.020 Public nudity prohibited.

9.04.010 Liquor possession or consumption in public places.

No person shall possess an open container of any alcoholic beverage on any street, sidewalk, square, park, parklands, or playground, or in any public place which is located between the exterior boundary of the city lying within the Pacific Ocean and the landward side of the public street closest to the Pacific Ocean; provided, however, that this prohibition shall not apply to any premises which are licensed for the on-site consumption of alcoholic beverages. Any person violating any of the provisions of this section shall be guilty of an infraction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 10, 2001; Ord. 400 § 1, 1985; Ord. 380 § 1, 1983)

9.04.020 Public nudity prohibited.

No person shall appear, bathe, sunbathe, walk or be in any public park, playground, beach or the waters adjacent thereto, or permit a child to do any of the same, in such a manner that the genitals, vulva, pubis, pubic symphysis, pubic hair, buttocks, natal cleft, perineum, anus, anal region, or pubic hair region of any person, or any portion of the breast at or below the upper edge of the areola thereof of any female person not engaged in the act of breastfeeding an infant, is exposed to public view or is not covered by an opaque covering.

A. This section shall not apply to children under the age of five years.

B. This section shall not apply to live theatrical performances performed in a theater, concert hall, or other similar establishment located on public land. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 307 § 1, 1975)

Chapter 9.05
PICKETING

Sections:

9.05.010 Definitions.

9.05.020 Prohibition against using dangerous sticks and poles.

9.05.030 Regulating targeted residential picketing.

9.05.010 Definitions.

The following definitions shall apply to terms used in this chapter:

A. “Picketing” means the posting of a person or group for a demonstration or protest.

B. “Targeted picketing” means picketing activity targeted at a particular residential dwelling that remains in one area or proceeds on a definite course or route in front of or near that particular residential dwelling.

C. “Residential dwelling” means any permanent building being used by its occupant(s) solely for a nontransient residential use.

D. “Parkway space” means that portion of a street between the curb or vehicular traffic line and the closest abutting property line.

E. “Street” means the right-of-way within which improvements are constructed for the conveyance of vehicular and pedestrian traffic.

F. “Targeted residential dwelling” means any residential dwelling in which the target(s) of targeted picketing reside(s). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 696 § 1, 2010)

9.05.020 Prohibition against using dangerous sticks and poles.

While participating in any demonstration, picketing, rally or public assembly, no person shall carry or possess any length of lumber, wood, wood lath, hard plastic or other hard material, unless that object 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-quarter inch in its thickest dimension. Nothing in this section shall prohibit a disabled person from carrying a cane, walker or similar device necessary for mobility so that person may participate in any demonstration, picketing, rally or public assembly. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 696 § 1, 2010)

9.05.030 Regulating targeted residential picketing.

A. Prohibition. No person shall engage in targeted picketing:

1. Within two hundred feet from the property (measured from the property line) upon which the targeted residential dwelling is located;

2. Except during daylight hours; and

3. For more than one hour during any twenty-four-hour period.

B. Nonapplicability. This section does not and shall not be interpreted to preclude picketing in a residential area that is not targeted at a particular residential dwelling. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 696 § 1, 2010; Ord. 520 § 1, 1990)

Chapter 9.08
CURFEW

Sections:

9.08.010 Loitering by persons under eighteen.

9.08.020 Definitions.

9.08.030 Enforcement.

Prior legislation: Ord. 495.

9.08.010 Loitering by persons under eighteen.

No person under the age of eighteen years may loiter about the public streets, avenues, alleys, parks or public places between the hours of ten p.m. and the time of sunrise of the following day when not accompanied by his legal guardian having legal custody and control of such person, or spouse of such person over twenty-one years of age. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 74 § 1, 1946)

9.08.020 Definitions.

A. For purposes of this chapter, the term “loiter” means to delay, to linger, or to idle about without lawful purpose for being present.

B. For purposes of this chapter, notwithstanding the fact that a person may be “loitering” as defined herein, it shall not be a violation of this chapter if the person is engaged in an activity protected under the constitution of the state of California or the United States. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 608 § 2, 1997)

9.08.030 Enforcement.

Before taking any enforcement action under this chapter, a police officer shall ask the apparent offender’s age and reason for being in the prohibited place. The officer shall not issue a citation or make an arrest under this chapter unless the officer reasonably believes that an offense has occurred and that, based on any response and other circumstances, the person is not engaged in an activity protected under the constitution of the state of California or the United States. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 608 § 3, 1997)

Chapter 9.12
WEAPONS

Sections:

9.12.010 Discharge.

9.12.020 Replica firearm.

Prior legislation: Ords. 495 and 627.

9.12.010 Discharge.

Except in self-defense or by a peace officer in the course of duty, it is unlawful for any person to discharge or shoot any firearm, including rifles, shotguns, pistols and revolvers and any other gun, rifle or pistol using air, springs or gas as a propellant, within the corporate limits of the city except upon a duly authorized shooting range. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 135 § 1, 1954)

9.12.020 Replica firearm.

No person, except in self-defense, may, in the presence of any other person, draw, exhibit or brandish a replica firearm or simulate a firearm in a rude, angry and threatening manner, or in any manner unlawfully use the same in any fight or quarrel and cause the victim to reasonably believe that the person is actually in possession of an operable firearm. For the purposes of this section, the term "replica firearm" includes any device or object made of plastic, wood, metal or any other material which is a facsimile or toy version of, or is otherwise recognizable as, a pistol, revolver, shotgun, sawed-off shotgun, rifle, machine gun, rocket launcher, or any other firearm as that term is used under the provisions of Cal. Pen. Code §§ 12001, 12001.5, and 12002(d)(1). For purposes of this section, the meaning of the term "firearm" shall be the same as the meaning of that term under the dangerous weapons control laws and shall include air rifles, pellet guns or BB guns. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 9.16
USE OF BEACHES

Sections:

9.16.010 Surf-riding.

9.16.020 Obedience to peace officers.

9.16.030 Blocking access to beach.

9.16.010 Surf-riding.

Every person engaged in the operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment in or upon any beach within the city, or in or upon the waters adjacent to any beach within the city, shall at all times while engaged in such activity have due regard for the safety of other persons near or in his or her vicinity. Due regard shall be deemed to require, but not be limited to, the following actions: (1) maintaining within a person's control the surf- or wave-riding device or equipment he or she is using, to the extent compatible with its use for the purposes intended, and (2) accommodating other persons utilizing the beach and/or water to the extent feasible. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 640 § 1, 2002)

9.16.020 Obedience to peace officers.

It shall be unlawful for any person to fail or refuse to obey any command, order, instruction, or direction of any peace officer given in connection with or with reference to the safety of any person in the use, operation, manipulation, or handling of any boat, surfboard, paddleboard, kayak, or other surf- or wave-riding device or equipment. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 640 § 1, 2002)

9.16.030 Blocking access to beach.

A. No person shall stand, sit, lie, or congregate on any path, trail, or other way providing access to or from any beach in such a manner as to interfere with or impede the free flow of travel along such accessway.

B. Unless the prior consent of the city is first received, no person shall place, throw, leave, keep or maintain any object of any type upon any path, trail, or other way which provides access to or from any beach. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 640 § 1, 2002)

Chapter 9.18
SOCIAL HOST LIABILITY FOR PARTIES AT WHICH UNDERAGE DRINKING OCCURS

Sections:

9.18.010 Purpose and intent.

9.18.020 Definitions.

9.18.030 Social host liability for parties at which underage drinking occurs.

9.18.040 Exceptions.

9.18.050 Notice to responsible person.

9.18.060 Penalties.

9.18.010 Purpose and intent.

The city council finds and determines that minors may obtain alcoholic beverages at parties held at private premises. The purposes of this chapter are as follows:

A. Protect the public health, safety and general welfare;

B. Discourage and decrease underage drinking by imposing a civil fine on persons responsible for gatherings where alcohol is consumed by or served to underage persons; and

C. Facilitate the enforcement of laws prohibiting the service to and consumption of alcoholic beverages by underage persons. (Ord. 721 § 1, 2017)

9.18.020 Definitions.

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

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

B. “Residence or other private property” shall mean a home, yard, apartment, condominium, hotel or motel room, or other dwelling unit, or a hall or meeting room, whether occupied on a temporary or permanent basis, whether occupied as a dwelling, party or other social function venue, and whether owned, leased, rented or used with or without compensation.

C. “Responsible person” includes the following persons, whether or not present at a gathering in violation of this chapter:

1. A person or persons with a right of possession of the residence or other private property at which a gathering is conducted;

2. Each person who has an ownership interest in the premises. In the event the property is rented, the landlord shall qualify as a responsible person where the landlord has received notice of a prior gathering at the same premises;

3. Each person who, although not an owner, nevertheless occupies or has a legal right or legal obligation to exercise possession or control over the premises;

4. Any person who organizes, supervises, officiates, conducts or controls the gathering or any other person(s) accepting responsibility for such a gathering; or

5. The parent or legal guardian of an underage person, where the underage person is the host of a gathering in violation of this chapter.

D. “Underage person” is any person under the age of twenty-one. (Ord. 721 § 1, 2017)

9.18.030 Social host liability for parties at which underage drinking occurs.
It shall be a violation of this chapter, and a public nuisance constituting an immediate threat to public health and safety warranting summary abatement, for any responsible person to conduct or allow in a residence or other private property any party, gathering or event at which an underage person consumes alcoholic beverages, where the responsible party knows or reasonably should know that an underage person has obtained or may consume an alcoholic beverage. Prior knowledge of the gathering is not prerequisite to a finding that any specific individual is a responsible person as defined by this section. In the event the responsible person is an underage person, then the underage person, and his/her parents or legal guardian, shall be jointly and severally liable for any penalties incurred pursuant to this chapter. (Ord. 721 § 1, 2017)

9.18.040 Exceptions.
A. This chapter shall not apply to possession or consumption of an alcoholic beverage under the supervision of a parent or guardian in connection with a cultural or religious activity.

B. The penalties provided by this chapter shall not apply to any responsible person who seeks medical attention for an underage person who is or appears to be under the influence of alcohol.

C. The penalties provided by this chapter shall not apply when an attendee at a gathering where underage drinking occurs is the individual who reports to law enforcement the underage drinking. (Ord. 721 § 1, 2017)

9.18.050 Notice to responsible person.

When a law enforcement officer makes an initial response to a party, gathering or event at which underage consumption of alcoholic beverages occurs, the officer shall provide a written notice to all identified responsible persons at the time of the initial response. This notice shall include the following information:

A. The official has determined that a party, gathering or event at which underage consumption of alcoholic beverages exists;

B. The responsible person(s) will be fined for a violation of this chapter;

C. If the condition is not abated and an additional response is required of law enforcement or emergency service providers, such as emergency personnel or fire, to abate the nuisance, the responsible person(s) will be billed for any response costs incurred, pursuant to Chapter 3.32 PVEMC; and

D. The responsible person(s) are entitled to request a hearing to appeal the fine and response costs pursuant to the procedures set forth in Chapter 1.50 PVEMC for appealing administrative citations. (Ord. 721 § 1, 2017)

9.18.060 Penalties.

A. The city council shall establish a schedule of administrative fines for violation of this chapter.

B. In addition to the administrative fines described in this chapter, the responding law enforcement officer may issue an order requiring the gathering to be disbanded, and may cite and/or arrest any law violators under any other applicable ordinances and state statutes. (Ord. 721 § 1, 2017)

Title 10
VEHICLES AND TRAFFIC

Chapters:

10.02 Penalties

10.04 Definitions

10.08 Traffic Administration

10.12 Enforcement and Obedience to Traffic Regulations

10.16 Traffic-Control Devices

10.20 One-Way Streets and Alleys

10.24 Special Stops

10.28 Miscellaneous Driving Rules

10.32 Stopping, Standing and Parking – Purposes

10.36 Stopping, Standing and Parking – Vending

10.40 Stopping, Standing and Parking – Places

10.44 Stopping, Standing and Parking – Times

10.48 Stopping for Loading and Unloading Only

10.52 Commercial Vehicles and Truck Routes

10.56 Speed Limits

10.60 Congestion Management Program

Chapter 10.02
PENALTIES

Sections:

10.02.010 General penalty.

10.02.020 Specific penalties.

10.02.010 General penalty.

Except as set forth in PVEMC 10.02.020, the ordinances codified in this title have been enacted in accord with authority granted to the city by the California Vehicle Code. Any person violating any of the provisions of any section of this title which is not specified in PVEMC 10.02.020 shall therefore be subject to such penalty, whether civil or criminal, as is established by the California Vehicle Code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 12, 2001)

10.02.020 Specific penalties.

The following sections of this title are not subject to penalty provisions established by the California Vehicle Code, and violation of any such section shall be a misdemeanor: PVEMC 10.12.020, 10.12.030, 10.12.040, 10.16.030, 10.28.020, 10.28.030, 10.28.040, 10.28.050, 10.28.060, 10.28.080, 10.40.020, and 10.40.140. Notwithstanding the foregoing, should it be determined by any court of law that any provision of the California Vehicle Code preempts the city in establishing a penalty for any such section of this title, the penalty imposed for violation of such section shall be the maximum penalty provided by the California Vehicle Code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 12, 2001)

Chapter 10.04
DEFINITIONS

Sections:

10.04.010 Applicability of definitions.

10.04.020 Vehicle Code definitions apply.

10.04.030 Bus.

10.04.040 Curb.

10.04.050 Divisional island.

10.04.060 Holidays.

10.04.070 Loading zone.

10.04.080 Parkway.

10.04.090 Passenger loading zone.

10.04.100 Police officer.

10.04.110 Vehicle Code.

10.04.010 Applicability of definitions.
The words and phrases defined in this chapter, when used in this title, shall for the purpose of this title have the meanings respectively ascribed to them in this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.020 Vehicle Code definitions apply.
Whenever any words or phrases used in this title are not defined, but are defined in the Vehicle Code of the state and amendments thereto, such definitions shall apply. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.030 Bus.
"Bus" is any vehicle, including a trailer, designed, used, or maintained for carrying more than fifteen persons including the driver. (Ord. 701 § 2 (Exh. 1), 2012)

10.04.040 Curb.
"Curb" means the lateral boundary of the roadway whether such curb is marked by curbing construction or not so marked; "curb" as used in this title shall not include the line dividing the roadway of a street from parking strips in the center of a street, nor from tracks or rights-of-way of public utility companies. (Ord. 701 § 2

(Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.050 Divisional island.
"Divisional island" means a raised island located in the roadway and separating opposing or conflicting streams of traffic. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.060 Holidays.
For purposes of this title, a "holiday" is any holiday designated by the state or federal government and which is observed by the city as a city holiday. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 13, 2001; Ord. 230 § 1, 1965)

10.04.070 Loading zone.
"Loading zone" means a space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers or materials marked and designated as hereinafter provided within this title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.080 Parkway.
"Parkway" means that portion of the public right-of-way other than that reserved for vehicular travel or a sidewalk. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.090 Passenger loading zone.
"Passenger loading zone" means the space adjacent to a curb reserved for the exclusive use of vehicles during the loading or unloading of passengers. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.100 Police officer.
"Police officer" means every officer of the police department of this city or any officer authorized to direct or regulate traffic or to make arrests for violations of traffic regulations as defined under Cal. Pen. Code § 830. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.04.110 Vehicle Code.
"Vehicle Code" means the California Vehicle Code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.08
TRAFFIC ADMINISTRATION

Sections:

10.08.010 Traffic accident studies.

10.08.020 Annual traffic safety report.

10.08.030 Traffic engineer – Established.

10.08.040 Traffic engineer – Powers and duties.

10.08.050 Traffic engineer – Obstruction removal.

10.08.010 Traffic accident studies.

Whenever the accidents at any particular location become numerous, the police department shall cooperate with the city traffic engineer in conducting studies of such accidents and determining remedial measures. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.08.020 Annual traffic safety report.

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

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

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

C. The plans and recommendations of the division for future traffic safety activities. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.08.030 Traffic engineer – Established.

The office of city traffic engineer is established. The city engineer shall serve as city traffic engineer in addition to the engineer's other functions, and shall exercise the powers and duties with respect to traffic as provided in this title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230, 1965)

10.08.040 Traffic engineer – Powers and 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 cooperate with other city officials in the development of ways and means to improve traffic conditions, and to carry out the additional powers and duties imposed by the code of this city. In order to define the section of the roadway to be used for vehicular travel, the city traffic engineer shall cause to be placed the appropriate color and type of marking to delineate the right and/or left edges of a roadway at the direction of city council. Whenever, by the provisions of this title, a power is granted to the city traffic engineer or a duty imposed upon the traffic engineer, the power may be exercised or the duty performed by the traffic engineer's deputy or a person authorized in writing by the traffic engineer. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.08.050 Traffic engineer – Obstruction removal.

Whenever the city traffic engineer finds, in his or her discretion, that any hedge, shrubbery or tree growing in a parkway obstructs the view of any intersection, or any traffic upon the streets approaching such intersection, the traffic engineer shall cause the hedge, shrubbery or tree to be removed or reduced in height. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.12
ENFORCEMENT AND OBEDIENCE TO TRAFFIC REGULATIONS

Sections:

10.12.010 Authority of police officers and road crews.

10.12.020 Unauthorized traffic direction.

10.12.030 Obedience to authorized persons.

10.12.040 Interference with authorized persons.

10.12.050 Removal of chalk marks.

10.12.060 Obedience by public employees.

10.12.070 Exempt vehicles.

10.12.080 Applicability of parking regulations.

10.12.010 Authority of police officers and road crews.

Officers of the police department and such officers as are assigned by the chief of police are authorized to direct all traffic by voice, hand, audible or other signal in conformance with traffic laws, except that in the event of an emergency or to expedite traffic or to safeguard pedestrians, officers of the police department may direct traffic as conditions may require, notwithstanding the provisions to the contrary contained in this title or the Vehicle Code. Whenever the public works director finds that the regulation of traffic is necessary at the site of road or street construction or maintenance, he or she may regulate traffic by means of persons authorized for such duty. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.020 Unauthorized traffic direction.

No person other than an officer of the police department or a person authorized by the chief of police or traffic engineer or a person authorized by law shall direct or attempt to direct traffic by voice, hand or other signal, except that persons may operate, when and as provided in this title, any mechanical push-button signal erected by order of the city traffic engineer. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.030 Obedience to authorized persons.

No person shall fail or refuse to comply with, or perform any act forbidden by, any lawful order, signal or direction of a traffic or police officer, or a person authorized by the chief of police or traffic engineer or by law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.040 Interference with authorized persons.
No person shall interfere with or obstruct in any way any police officer or other officer or employee of this city in their enforcement of the provisions of this title. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.050 Removal of chalk marks.
No person shall remove, obliterate or conceal any chalk mark or other distinguishing mark used by any police officer or other employee or officer of this city in connection with the enforcement of the parking regulations of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.060 Obedience by public employees.
The provisions of this title shall apply to the operator of any vehicle owned by or used in the service of the United States Government, this state, any county or city, and it is unlawful for any such operator to violate any of the provisions of this title except as otherwise permitted in this title or by the Vehicle Code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.070 Exempt vehicles.
A. The provisions of this title regulating the operation, parking and standing of vehicles shall not apply to authorized emergency vehicles as defined by and operated in the manner specified by the Vehicle Code in response to an emergency call.

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

C. The provisions of this title regulating the parking or standing of vehicles shall not apply to any vehicle of a city department or public utility while necessarily in use for construction or repair work or any vehicle owned or operated by the United States Post Office Department while in use for the collection, transportation or delivery of United States mail. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.12.080 Applicability of parking regulations.
A. The provisions of this title prohibiting the stopping, standing or parking of a vehicle shall apply at all times or at those times specified in this title, 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 restrictions on the standing or

parking of vehicles as indicated by posted signage. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.16
TRAFFIC-CONTROL DEVICES

Sections:

10.16.010 Authority to install traffic-control devices.

10.16.020 Edge-line striping.

10.16.030 Unauthorized painting of curbs.

10.16.010 Authority to install traffic-control devices.

The city traffic engineer shall place and maintain or cause to be placed and maintained such traffic signs, signals, and other traffic-control devices upon streets and highways as required hereunder, and may place and maintain or cause to be placed and maintained such appropriate signs, signals, or other traffic-control devices as may be authorized hereunder or as may be necessary to properly carry out the provisions of this code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.16.020 Edge-line striping.

In order to define the section of roadway to be used for vehicular travel, the city traffic engineer shall cause to be placed the appropriate color and type of markings to delineate the right and/or left edges of a roadway at the direction of the city council. (Ord. 701 § 2 (Exh. 1), 2012)

10.16.030 Unauthorized painting of curbs.

No person, unless authorized by this city, shall paint any street or curb surface; provided, however, that this section shall not apply to the painting of numbers on a curb surface by any person who has complied with the provisions of any resolution or ordinance of this city pertaining thereto. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.20
ONE-WAY STREETS AND ALLEYS

Sections:

10.20.010 Designation of one-way streets and alleys.

10.20.010 Designation of one-way streets and alleys.

Whenever any ordinance or resolution of this city designates any one-way street or alley, the city traffic engineer shall place and maintain signs giving notice thereof, and no such regulations shall be effective unless such signs are in place. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.24
SPECIAL STOPS

Sections:

10.24.010 Stop signs.

10.24.020 Through streets.

10.24.010 Stop signs.

Whenever any ordinance or resolution of this city designates and describes any street or portion thereof as a through street, or any intersection at which vehicles are required to stop at one or more entrances thereto, the city traffic engineer may erect and maintain stop signs at one or more entrances thereto. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.24.020 Through streets.

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

B. The provisions of this chapter shall also apply at one or more entrances to the intersections as such entrances and intersections are established by resolution of the council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.28
MISCELLANEOUS DRIVING RULES

Sections:

10.28.010 Driving through parade or procession.

10.28.020 Commercial vehicle in private driveway.

10.28.030 Crossing curb or sidewalk.

10.28.040 Crossing new pavement and markings.

10.28.050 Barriers and signs – Placement.

10.28.060 Barriers and signs – Obedience.

10.28.070 Limited-access roadway – Entering and exiting.

10.28.080 Off-road operation of motor-driven vehicles.

10.28.090 Excess load permits.

10.28.010 Driving through parade or procession.

No operator of any vehicle shall drive between the vehicles comprising a funeral procession or a parade; provided, that such vehicles are conspicuously so designated. The directing of all vehicles and traffic on any street over which such funeral procession or parade wishes to pass shall be subject to the orders of the police department. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.020 Commercial vehicle in private driveway.

No person shall operate or drive a commercial vehicle in, on or across any private driveway approach or sidewalk area or the driveway itself without the consent of the owner or occupant of the property, if a sign or markings are in place indicating that the use of such driveway is prohibited. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.030 Crossing curb or sidewalk.

No person shall ride, drive, propel or cause to be propelled any vehicle across or upon any curb or sidewalk excepting over permanently constructed driveways and excepting when it is necessary for any temporary purpose to drive a loaded vehicle across a curb or sidewalk; provided further, that such curb or sidewalk areas shall be substantially protected by wooden planks two inches thick, and written permission shall be previously obtained from the city engineer. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 223 § 2, 1965)

10.28.040 Crossing new pavement and markings.
No person shall walk, ride, or drive over or across any newly made pavement or freshly painted markings in any street when a barrier, sign, cone marker or other warning device is in place warning persons not to drive over or across such pavement or marking, or when any such device is in place indicating that the street or any portion thereof is closed. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.050 Barriers and signs – Placement.
No person, public utility or department in the city shall erect or place any barrier or sign on any street unless of a type approved by the city traffic engineer or disobey the instructions, remove, tamper with or destroy any barrier or sign lawfully placed on any street by any person, public utility or by any department of this city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.060 Barriers and signs – Obedience.
No person shall operate a vehicle contrary to the directions or provisions of any barrier or sign erected:

A. Pursuant to the provisions of this chapter or any ordinance of the city; or

B. By any public utility; or

C. By any department of the city; or

D. By any other person pursuant to law or contract with the city;

nor shall any unauthorized person move or alter the position of any such barrier or sign. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.070 Limited-access roadway – Entering and exiting.
No person shall drive a vehicle onto or from any limited-access roadway except at such entrances and exits as are lawfully established. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.28.080 Off-road operation of motor-driven vehicles.
Any person who operates a motorcycle, trail bike, minibike, dune buggy, motor scooter, jeep or other motor-driven vehicle on any vacant lot, parking lot, vacant property, improved property, acreage or parkland within the city and disturbs the peace or quiet of any neighborhood or person by noise, dust, smoke or fumes caused by such vehicle is guilty of a misdemeanor. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 325 § 1, 1977)

10.28.090 Excess load permits.

A. No person shall move or operate upon any of the city streets any vehicle with a load or loads in excess of those permitted by the Vehicle Code without a written permit from the city traffic engineer.

B. The city traffic engineer may, by written permit, authorize a load or loads in excess of those allowed for in the Vehicle Code, if, in the traffic engineer's judgment, the streets upon which such vehicle is to be operated can safely withstand the additional weight, or if the applicant will guarantee to the city that all costs of repair to the streets or to the public property of the city damaged by the movement of such load or loads will be paid in full. Such permit shall be granted upon such conditions and upon depositing such bond as the traffic engineer in his or her discretion may require. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.32
STOPPING, STANDING AND PARKING – PURPOSES

Sections:

10.32.010 Storage of vehicles.

10.32.020 Repairing or greasing vehicles.

10.32.030 Washing or polishing vehicles.

10.32.010 Storage of vehicles.

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. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.32.020 Repairing or greasing vehicles.

No person shall construct or cause to be constructed, repair or cause to be repaired, grease or cause to be greased, dismantle or cause to be dismantled any vehicle or any part thereof upon any public street in this city. Temporary emergency repairs may be made upon a public street. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.32.030 Washing or polishing vehicles.

No person shall wash or cause to be washed, polish or cause to be polished any vehicle or any part thereof upon any public street in this city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.36
STOPPING, STANDING AND PARKING – VENDING

Sections:

10.36.010 Definitions.

10.36.020 Regulations for vending from vehicles.

10.36.030 Application for operator's permit – Contents – Required fee.

10.36.040 Application for vendor's permit – Contents – Required fee.

10.36.050 Investigation of applications.

10.36.060 Issuance of permit.

10.36.070 Denial of permit.

10.36.080 Revocation of permit.

10.36.090 Appeals.

10.36.100 Exemptions.

10.36.110 Citations for violation of chapter.

10.36.010 Definitions.

The following words and terms as used in this chapter shall have the following meanings:

A. "Goods" or "merchandise" means and includes items and products of every kind and description, including all food, produce and beverage items.

B. "Operator" means any person or entity owning, operating, or otherwise controlling any business involving the vending of goods or merchandise from a vehicle.

C. "Person" means any natural person, any firm, any partnership, any association, corporation, or other entity of any kind or nature.

D. "Public property" means any real property, or interest therein, owned, leased, operated, or otherwise controlled by the city, either wholly or jointly with another public agency, other than a street, alley, parkway or sidewalk.

E. "Residential zone" or "zoned for residential purposes" means any property which, by ordinance of the city, is then currently classified into any one of the

residential zones specified in this code in which residential dwellings are an expressly permitted use.

F. “Used for residential purposes” means any lot or parcel of property any portion of which is being lawfully used as a residential dwelling.

G. “Vehicle” means as defined in the Vehicle Code of the state of California, and shall not include any human-powered device.

H. “Vend” or “vending” means the sale or offering for sale of any goods or merchandise to the public from a vehicle.

I. “Vendor” means any person who engages in the act of vending from a vehicle or who drives or otherwise operates any such vehicle for the purpose of vending therefrom. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.020 Regulations for vending from vehicles.
It is unlawful for any person to sell or offer for sale, or operate any vehicle or conduct any business for the purpose of causing the sale of or offering for sale, any goods or merchandise from any vehicle parked, stopped, or standing upon any public street, alley, parkway, sidewalk, or other public property in the city except in accordance with all applicable provisions of this code and in compliance with each of the following requirements:

A. The vending shall be only by means of a vehicle duly registered and licensed by the state of California with an unladen weight of less than sixteen thousand pounds.

B. The vending shall be limited to only public streets, where the posted speed limit is less than thirty-five miles per hour, and shall not be permitted upon any alley, parkway, sidewalk or other public property.

C. Each operator of such vehicle shall possess and at all times display in conspicuous view upon each such vehicle a city business license issued pursuant to this code.

D. Each operator of such vehicle shall possess and at all times display in conspicuous view upon such vehicle an unexpired and unrevoked operator’s permit issued pursuant to PVEMC 10.36.030.

E. It is unlawful for any vendor to sell or offer for sale any goods or merchandise from any vehicle pursuant to this section unless such person shall possess and at all times while conducting such vending maintain upon his or her person an

unexpired and unrevoked vendor's permit issued pursuant to PVEMC 10.36.040.

F. It is unlawful for any operator to permit or allow any vendor under such operator's control, direction, charge, or employ to vend any goods or merchandise from any vehicle pursuant to this section unless such vendor possesses an unexpired and unrevoked vendor's permit issued pursuant to PVEMC 10.36.040.

G. Each operator causing the sale of or offering for sale any produce or other food item shall possess and at all times display in conspicuous view upon such vehicle an unexpired and unrevoked public health license issued by the county of Los Angeles pursuant to Los Angeles County Code § 8.04.200 and any other food handling permit or other health permit required by law.

H. No vending from such vehicle shall be permitted within sixty feet of any intersection of two or more public streets nor within five hundred feet of any public or private elementary, junior high, or high school.

I. No vending from such vehicle shall be permitted for a period of time in excess of thirty minutes in any one location and the vehicle must be moved a distance of not less than two hundred fifty feet between consecutive stops at which vending occurs.

J. No minor under the age of sixteen shall ride in or upon a vehicle which such vehicle is engaged in or about to be engaged in vending.

K. No vehicle shall be parked, stopped or left standing in any manner which blocks or impedes vehicular access to any driveway or restricts the free movement of other vehicles upon the public street.

L. Each vehicle shall be equipped with a trash receptacle of a size adequate to accommodate all trash and refuse generated by such vending.

M. Each vendor shall pick up and deposit in the trash receptacle on the vehicle any paper, cups, wrappers, litter, or other refuse of any kind which was a part of the goods or merchandise supplied from the vehicle and which has been left or abandoned within twenty-five feet of such vehicle on any public property other than in a trash receptacle provided for such purposes. No vendor or operator shall dispose of any trash or refuse in any such public or private trash receptacle other than a trash receptacle owned, operated, or otherwise provided by and under the control of such vendor or operator.

N. No vending shall be permitted except after the vehicle has been brought to a complete stop and parked adjacent to the curb in a lawful manner.

O. Any vehicle from which vending occurs pursuant to this section shall have the name, address, and telephone number of the holder of the operator's permit permanently affixed on both the left and right sides of the vehicle. Such information shall be in letters not less than four inches in height and shall be in contrast to the color of the background upon which the letters are placed.

P. Except for vending from a vehicle on private property to provide meals for those living or working on such private property, no vending shall be permitted by any operator or conducted by any vendor except between the hours of nine a.m. and five p.m. Monday through Friday of each week.

Q. No amplified sound-making devices shall be used to draw attention to, or announce the presence of, such vehicle upon any public street immediately contiguous to any residentially zoned property within the city. Nonamplified sound-making devices shall be permitted for such purposes; provided, that (1) such sounds shall not be made while the vehicle is stopped, parking, or otherwise in a stationary position; and (2) such sounds shall not be audible to a person with normal hearing for a distance of more than two hundred feet.

R. Any operator or vendor using scales or any other weighing or measuring devices shall have all such scales and devices inspected and sealed by the weights and measures division of Los Angeles County.

S. All foods, beverages, utensils and equipment offered for sale or utilized on vending vehicles shall at all times be protected from contamination and pollution by dust, dirt, flies, vermin, rodents, animals, unnecessary handling, droplet infection, overhead leakage, insecticides, rodenticide, cleaning compounds, and other poisonous or deleterious substances, and all other forms of contamination.

T. No vendor may sell or offer for sale any food or beverage for immediate consumption by a customer unless the vendor and the vendor's customers have permission to use a permanent or temporary permitted sanitary toilet facility which is located within two hundred fifty feet from the location where the food or beverages are to be sold or offered for sale. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.030 Application for operator's permit – Contents – Required fee.
Any person desiring to obtain an operator's permit to conduct or otherwise operate the business of vending goods or merchandise from a vehicle pursuant to this section shall make application to the planning department of the city. Such application shall be accompanied by a nonrefundable application fee in such amount as established by resolution of the city council. Any such permit shall be

required to be renewed annually and a separate nonrefundable application fee paid yearly for such renewal application. Each applicant for an operator's permit shall furnish the following information and documentation as part of or in conjunction with such application:

A. The present or proposed address from which the business is to be conducted;

B. The full true name under which the business will be conducted;

C. The full true name and any other names used by the applicant;

D. The present residence and business addresses and telephone numbers of the applicant;

E. A description of the goods or merchandise which the business will vend;

F. The number of vehicles to be owned, operated, or controlled by the applicant and the makes, body styles, years, serial and engine numbers, state license plate numbers, and names and addresses of the registered and legal owners of each vehicle;

G. A description of the logo, color scheme, insignia and any other distinguishing characteristics of applicant's vehicles;

H. The full true names and residence addresses of all persons employed or intended to be employed or with whom the applicant has contracted or intends to contract as drivers and/or vendors and the respective capacities in which they will be employed, including the California driver's license number of all persons who will be employed or engaged as drivers of vehicles in conjunction with such business;

I. The applicant, if an individual, or each of the directors, officers or stockholders holding more than five percent of the stock of the corporation, or each of the partners including limited partners, or profit interest holders, managers, or other persons principally in charge of the operation of the existing or proposed business, shall also furnish the following information:

1. California driver's license or Social Security number of the above-described natural persons;

2. Date of birth of the above-described natural persons;

3. The permit history of the above-described natural persons for the three-year period immediately preceding the date of the filing of the application,

including whether such person, in previously operating in this or any other city, county, state, or territory, has ever had any similar license or permit, or franchise, revoked or suspended, and if so, the circumstances of such suspension or revocation; and

4. All criminal convictions, including pleas of guilty or nolo contendere, suffered by the applicant including ordinance violations, stating the date, place, nature, and sentence of each such conviction;

J. When any change occurs regarding the written information required by subsections A through I of this section prior to issuance of a permit, the applicant shall give written notification of such change to the city's planning department within two weeks after such change; and

K. Such other identification and information as the city manager, or his/her designee, may require in order to discover the truth of the matters required to be set forth in the application. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.040 Application for vendor's permit – Contents – Required fee.
Any person desiring to obtain a vendor's permit to engage in the vending of goods or merchandise from a vehicle, or driving of such vehicle, pursuant to this section shall make application to the city planning department. The application shall be accompanied by a nonrefundable application fee in such amount as established by resolution of the city council. Any such permit shall be required to be renewed annually and a separate nonrefundable application fee paid yearly for such renewal application. Each applicant for a vendor's permit, or an operator or applicant for an operator's permit on behalf of such proposed vendor, shall furnish the following information and documentation as part of or in conjunction with such application:

A. The present or proposed address from which the business is to be conducted;

B. The full true name under which the business will be conducted;

C. The full true name and any other names used by the applicant;

D. The present residence address and telephone number of the applicant;

E. California driver's license number of the applicant;

F. Acceptable written proof that the applicant is at least eighteen years of age;

G. The applicant's height, weight, color of eyes and hair, and date of birth;

H. The business, occupation or employment history of the applicant from the three-year period immediately preceding the date of the application;

I. The permit history of the applicant, for the three-year period immediately preceding the date of the filing of the application, including whether such applicant, in previously operating in this or any other city, county, state, or territory, has ever had any similar license or permit or franchise revoked or suspended, and, if so, the circumstances of such suspension or revocation;

J. All criminal convictions, including pleas of guilty or nolo contendere, suffered by the applicant, including ordinance violations and traffic offenses;

K. When any change occurs regarding the written information required by subsections A through J of this section prior to issuance of a permit, the applicant shall give written notification of such change to the city finance department within two weeks after such change; and

L. Such other identification and information as the city manager or his/her designee may require in order to discover the truth of the matters required to be set forth in the application.

If the applicant is an individual who intends to own, operate and drive his or her own vehicle, then it is not necessary to pay a fee for the vendor's permit application separate from the fee period for the operator's permit application. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.050 Investigation of applications.

The city planning department shall refer all applications for operator's permits and vendor's permits made pursuant to this chapter to the city's police department for investigation and recommendation. The police department shall have a reasonable period of time within which to investigate the application and background of the applicant for a vendor's permit or an operator's permit. The police department shall, within thirty days after the date of the filing of the application, render a written recommendation to the city planning department as to approval or denial of the application for the permit based upon the criteria set forth in PVEMC 10.36.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.060 Issuance of permit.

The city planning department within ten days after receiving the application and aforementioned recommendation shall grant the vendor's permit or operator's permit only if it finds all of the following requirements have been met:

A. The required fees have been paid;

B. The application conforms in all respects to the provisions of this chapter;

C. The applicant has not made a material misrepresentation of fact in the application;

D. The applicant has not had a similar permit denied or revoked by the city within a period of one year prior to the date of such application; and

E. The applicant, if an individual, or any of the directors, officers or stockholders holding more than five percent of the stock of the corporation, or any of the partners, including limited partners, or profit interest holder, manager or other person principally in charge of the operation of the existing or proposed business of vending from a vehicle, or a natural person employed or contracted with to be a driver or vendor, has not been convicted or pleaded nolo contendere or guilty, within five years prior to his application for a permit, to a misdemeanor or felony crime of moral turpitude or drug-related misdemeanor or felony crime, including but not limited to: the sale of a controlled substance specified in Cal. Health & Saf. Code §§ 11054 through 11058; the sale, distribution or display of harmful or obscene matter; indecent exposure; or, in the case of applications for a vendor's permit by a person who will be a driver of a vehicle pursuant to this section, alcohol- or drug-related traffic offenses. The investigating city employee is specifically authorized to obtain state summary criminal history record information as provided for in Cal. Pen. Code § 11105. Any complaint for the above-listed charges pending before a court of law shall cause the application to be considered pending until adjudication of the complaint. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.070 Denial of permit.

A. If the city planning department does not find all of the requirements set forth in PVEMC 10.36.030, 10.36.040, and 10.36.060, as applicable, have been met, then the city's director of planning, or his/her designee, shall deny the application for the vendor's or operator's permit. In the event the application for the permits is denied by the city's director of planning, written notice of such denial shall be given to the applicant specifying the ground or grounds of such denial. Notice of denial of the application for the permit shall be deemed to have been served upon the date it is personally served on the applicant or when deposited in the United States mail with postage prepaid and addressed to the applicant at the address as set forth in the application for the permit.

B. Any applicant whose application for a vendor's or operator's permit has been denied by the city's director of planning may appeal such denial to the city

manager by filing a written notice of appeal with the city's planning department within ten days following the date of service of the decision and payment of the appeal fee prescribed by resolution of the city council. The date of filing of the notice of appeal shall be the date the notice and appeal fee are received by the city's planning department.

C. No person or entity whose permit is finally denied shall be eligible to apply for a new permit for a period of one year following such final denial. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.080 Revocation of permit.

A. Any vendor's or operator's permit may be revoked by the city's planning department for good cause shown, including but not necessarily limited to any of the following reasons:

1. Falsification of any information supplied by the permittee upon which issuance of the permit was based;

2. Failure of the permittee, or any employees or subcontractors of the permittee, to comply with the regulations set forth in this chapter;

3. Conviction of a violation, or a plea of guilty or nolo contendere, by the permittee, or any employee, subcontractor or independent contractor of the permittee, of any state law or municipal ordinance while in the course of conducting vending operations from a vehicle pursuant to the permit; or

4. Conviction of a violation, or a plea of guilty or nolo contendere, by the permittee of any applicable provision or requirement of this chapter;

5. No revocation shall become effective until expiration of the appeal period specified in PVEMC 10.36.090. Notification of the permit holder shall be made either by personal delivery or by mail with proof of service addressed to the permit holder at such permit holder's residence address as set forth on the application for a permit. Service shall be deemed made on the permit holder on the date personally delivered or on the date of mailing. A permit holder may appeal such revocation to the city manager by filing a written notice of appeal with the city finance department within ten days following the date of service of such decision and payment of the appeal fee as prescribed by resolution of the city council. The date of filing of said notice of appeal shall be the date said notice and appeal fee are received by the city finance department. If a timely appeal is filed, then the revocation shall be stayed pending the decision of the city manager. Otherwise the suspension or

revocation shall become effective immediately upon expiration of said appeal period.

B. No person or entity whose permit is revoked shall be eligible to apply for a new permit for a period of one year following such revocation. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.090 Appeals.

Upon receipt of a timely appeal pursuant to PVEMC 10.36.070 or 10.36.080, the city manager, or his/her designated representative, shall hear such appeal within twenty days following the date of such appeal and shall give the appellant not less than five days' advance notice of the date of such hearing. The decision of the city manager shall be based upon the same criteria as set forth in this chapter which are applicable to the issuance or revocation of such permit. The appellant shall be notified of the decision of the city manager by mailed, written notice. The decision of the city manager shall be final. No revocation of a permit pursuant to this chapter shall be deemed effective during the pendency of a timely filed appeal until the date of mailing of the city manager's decision. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.100 Exemptions.

The requirements of this chapter shall not apply to the following:

A. Any person delivering any goods or merchandise by vehicle where such goods or merchandise have been ordered in advance for such delivery from any business located at a permanent location and which goods or merchandise are being delivered from such location to the customer by vehicle, regardless of the point of sale thereof;

B. Any person engaged in the vending of goods or merchandise on public property where such person has been authorized by the city to engage in such activity by a permit, lease, real property license, agreement, or other entitlements issued by the city for such purpose; or

C. Charitable solicitations conducted by or for nonprofit organizations exempt under 26 U.S.C. Section 501(c)(3). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

10.36.110 Citations for violation of chapter.

A. All city police officers and code enforcement officers or other employees of the police so designated are authorized to give citations to any and all persons violating any provision of this chapter.

B. All city police officers are authorized to arrest any and all persons violating any

provision of this chapter in accordance with applicable law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 686 § 1, 2008)

Chapter 10.40
STOPPING, STANDING AND PARKING – PLACES

Sections:

10.40.010 Markings and signs – Generally.

10.40.020 Markings and signs – Temporary.

10.40.030 Prohibited areas designated.

10.40.040 Marked spaces.

10.40.050 Parking for disabled persons.

10.40.060 Residential exemption.

10.40.070 Bicycle parking.

10.40.080 Parking on narrow streets.

10.40.090 Parking on one-way streets.

10.40.100 Diagonal parking.

10.40.110 Parking on grades.

10.40.120 Parkways.

10.40.130 City property.

10.40.140 Private property – Permission of owner.

10.40.150 Private property – Posting.

10.40.010 Markings and signs – Generally.

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

B. When the curb markings or signs are in place, no operator of any vehicle shall stop, stand or park such vehicle adjacent to any such legible curb marking or sign in violation of any of the provisions of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.020 Markings and signs – Temporary.

A. Whenever the city traffic engineer or a police officer determines that an

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

B. When signs authorized by the provisions of this section are in place giving notice thereof, no person shall operate, park or stand any vehicle contrary to the directions and provisions of such signs. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.030 Prohibited areas designated.

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

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

B. Within an intersection, except adjacent to curbs as may be allowed by local ordinance;

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

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

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

F. On any street or highway where the use of such street or highway or a portion thereof is necessary for the cleaning, repair or construction of the street or highway or the installation of underground utilities or where the use of the street or highway or any portion thereof is authorized for a purpose other than the normal flow of traffic or where the use of the street or highway or any portion thereof is

necessary for the movement of equipment, articles or structures of unusual size, and the parking of such vehicle would prohibit or interfere with such use or movement; provided, that signs giving notice of such no parking are erected or placed at least twenty-four hours prior to the effective time of such no parking;

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

H. On any property where access thereto can be obtained only by driving across or upon any curb or sidewalk and there is not provided a permanently constructed driveway. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.040 Marked spaces.

A. The city traffic engineer is authorized to install and maintain parking space markings to indicate parking spaces adjacent to curbings where authorized parking is permitted.

B. When such parking space markings are placed on the highway, subject to other and more restrictive limitations, no vehicle shall be stopped, left standing or parked other than within a single space unless the size or shape of such vehicle makes compliance impossible. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.050 Parking for disabled persons.

A. In accordance with the provisions of Cal. Veh. Code § 22507.8, no person shall stop, stand or park a vehicle in any public parking lot or structure within a stall or space designated for physically handicapped persons if, immediately adjacent to and visible from such stall or space, there is posted a sign consisting of a profile view of a wheelchair with an occupant in white on a blue background, unless the vehicle displays either one of the distinguishing license plates or a placard issued pursuant to Cal. Veh. Code §§ 22511.55 and 22511.59 or to disabled persons as specified in Cal. Veh. Code § 5007.

B. A disabled person is entitled to certain parking privileges upon display of disabled person license plates and/or a disabled person parking placard issued by the Department of Motor Vehicles. Placards are issued for a disabled person’s use only and when the disabled person is using or being transported in the vehicle in which the placard is displayed. Violation of this section is a misdemeanor.

C. Display of the placard on the driver’s side of the dashboard or the display of disabled person plates on the vehicle permits a person to park in spaces reserved for the disabled in metered zones without payment of fees, or in limited-time

zones without payment or observing the time limit. Neither the license plates nor the placard authorizes a person to park in red zones where all vehicles are prohibited from stopping or parking. A person may stop long enough to load or unload passengers in a white zone and freight and passengers in a yellow zone but is not authorized to park in either a white or yellow zone. A blue zone is reserved for vehicles displaying either a set of disabled person plates or a disabled person parking placard. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 388 § 1, 1984)

10.40.060 Residential exemption.

The city council may, by resolution, identify specific areas in which residents may be exempted from posted parking restrictions if they obtain and display a permit or decal in a form approved by the city. The city council may also establish a fee for the issuance of such permits or decals. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 545 § 1, 1992)

10.40.070 Bicycle parking.

When the city traffic engineer determines that the establishment of a bicycle parking zone is reasonably necessary or desirable for the regulation of traffic or to provide facilities for the temporary parking of bicycles being operated upon public streets, or to safeguard life or property, he is authorized to set aside a space on the street not more than thirty-six feet in length for the parking of bicycles during such hours of such days as are found by him to be best suited for the accomplishment of the purposes set forth in this section. When a bicycle parking zone is so established, the traffic engineer shall cause appropriate signs to be posted thereat during such hours, giving notice that parking of other vehicles is prohibited. No person shall stop, stand or park any other vehicle in front of such zone while such signs are in place. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.080 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 does not exceed twenty feet, or upon one side of a street as indicated by such signs or markings when the width of the roadway does not exceed thirty feet.

B. When official signs or markings prohibiting parking are erected upon narrow streets as authorized in this section, no person shall park a vehicle upon any such street in violation of any such sign or marking. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.090 Parking on one-way streets.

A. Subject to other and more restrictive limitations, a vehicle may be stopped or

parked with the left-hand wheels parallel to and 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, except that a motorcycle, if parked on the left-hand side, shall have either one wheel or one fender touching the curb. Where no curb or barriers bound a one-way roadway, parallel parking on either side is required unless otherwise indicated.

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

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

D. The requirement of parallel parking imposed by this section shall not apply in the event any commercial vehicle is actually engaged in the process of loading or unloading freight or goods, in which case such vehicle may be backed up to the curb; provided, that such vehicle does not extend beyond the centerline of the street and does not block traffic thereby. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.100 Diagonal parking.

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

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

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

B. The provisions of this section shall not apply when such vehicle is actually engaged in the process of loading or unloading passengers, freight or goods, in which event the provisions applicable in PVEMC 10.40.090 shall be complied with. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.110 Parking on grades.

No person shall park or leave standing any vehicle unattended on a highway when

upon any grade exceeding three percent (within any business or residence district) without blocking the wheels of the vehicle by turning them against the curb or by other means. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.120 Parkways.

No person shall stop, stand or park a vehicle within any parkway. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.130 City property.

A. Whenever the city traffic engineer determines that the orderly, efficient conduct of the city's business requires that parking or stopping of vehicles on city property be prohibited, limited or restricted, the traffic engineer shall have the power and authority to order signs to be erected or posted indicating that the parking or stopping of vehicles is thus prohibited, limited or restricted.

B. When signs authorized by the provisions of this section are in place, giving notice thereof, no person shall park or stop any vehicle contrary to the directions or provisions of such signs. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.140 Private property – Permission of owner.

No person shall operate or drive or leave any vehicle in, over or upon any private property without express or implied permission of the owner thereof, for the time being, or the authorized agent of the owner, except that this section shall not apply to public or private parking lots. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.40.150 Private property – Posting.

Pursuant to Cal. Veh. Code § 22658, the owner or person in lawful possession of private property may cause the removal of a vehicle parked on the property if there is displayed, in plain view at all entrances to the property, a sign or signs not less than seventeen by twenty-two inches in size indicating that public parking is prohibited and that vehicles will be removed at the owner's expense. The sign(s) shall also include the phone number of the Palos Verdes Estates police department. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 394 § 2, 1984)

Chapter 10.44
STOPPING, STANDING AND PARKING – TIMES

Sections:

10.44.010 Parking restrictions.

10.44.020 Five-hour commercial vehicle parking.

10.44.010 Parking restrictions.

When authorized signs, parking meters, curb markings, or asphalt markings have been determined by the city traffic engineer to be necessary and are in place giving notice thereof, no operator of any vehicle shall stop, stand or park the vehicle between the hours of nine a.m. and six p.m. of any day except Sundays and holidays, for a period of time longer than that posted on such sign, parking meter, curb marking, or asphalt marking. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 527 §§ 1, 2, 1991; Ord. 447 §§ 1 – 4, 1987; Ord. 230 § 1, 1965)

10.44.020 Five-hour commercial vehicle parking.

No person shall park any commercial vehicle more than five hours on any street in the city except:

A. While loading or unloading and time in addition to such five-hour period is necessary to complete such work; or

B. When such vehicle is parked in connection with, and in aid of, the performance of a service to or on a property in the block in which the vehicle is parked and time in addition to such five-hour period is reasonably necessary to complete such service; or

C. When granted specific permission to do so by the chief of police. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 394 § 1, 1984)

Chapter 10.48
STOPPING FOR LOADING AND UNLOADING ONLY

Sections:

10.48.010 Loading zone establishment.

10.48.020 Curb markings.

10.48.030 Effect of permission to load or unload.

10.48.040 Use of yellow loading zone.

10.48.050 Passenger loading zones.

10.48.060 Bus zones.

10.48.070 Alleys.

10.48.010 Loading zone establishment.

A. The city traffic engineer is authorized to determine and to mark loading zones and passenger loading zones in front of the entrance to any place of business or in front of any hall or place used for the purpose of public assembly.

B. Commercial loading zones shall be indicated by yellow paint upon the top of all curbs within such zones.

C. Passenger loading zones shall be indicated by white paint upon the top of all curbs in the zones. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.020 Curb markings.

A. The city traffic engineer is authorized, subject to the provisions and limitations of this title, to place, and when required in this title shall place, the following curb markings to indicate parking or standing regulations, and the curb markings shall have the meanings as set forth in this section:

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

2. Yellow means 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 means no stopping, standing or parking for any purpose other than loading or unloading of passengers, or for the purpose of depositing mail in an adjacent mailbox, which shall not exceed three minutes, and such restrictions shall apply between seven a.m. and six p.m. of any day except Sundays and holidays.

B. When the city traffic engineer, as authorized under this title, has caused curb markings to be placed, no person shall stop, stand or park a vehicle adjacent to any such legible curb marking in violation of any of the provisions of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.030 Effect of permission to load or unload.

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

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

C. Permission granted in this chapter 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 specified in this chapter, the provisions of this section shall be enforced so as to accommodate necessary and reasonable loading or unloading but without permitting abuse of the privileges granted by this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.040 Use of yellow loading zone.

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 PVEMC 10.48.030. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.050 Passenger loading zones.

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 PVEMC 10.48.030. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.060 Bus zones.

A. The city traffic engineer is authorized to establish bus zones opposite curb

space for the loading and unloading of buses and to determine the location thereof.

B. Bus zones shall normally be established on the far side of an intersection. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.48.070 Alleys.

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. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

Chapter 10.52
COMMERCIAL VEHICLES AND TRUCK ROUTES

Sections:

10.52.010 Advertising vehicles.

10.52.020 Maximum gross weight limit of vehicles on city streets.

10.52.010 Advertising vehicles.

No person shall operate or drive any vehicle used for advertising purposes or any advertising vehicle equipped with a sound-amplifying or loudspeaking device upon any street or alley at any time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 230 § 1, 1965)

10.52.020 Maximum gross weight limit of vehicles on city streets.

A. No vehicles with a gross weight in excess of ten tons shall use the following streets within the city: Palos Verdes Drive West; Palos Verdes Drive North.

B. Subsection A of this section shall not apply to:

1. Any commercial vehicle when use by such vehicle is necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on any street within the city or for the purpose of delivering materials to be used in the actual bona fide repair, alteration, remodeling or construction of any building or structure, upon such street within the city, for which a building permit has previously been obtained;

2. Any commercial vehicle when use by such vehicle is necessary for the purpose of making pickups and deliveries of goods, wares and merchandise from or to any building or structure located on a property in the city of Rancho Palos Verdes as described in this subsection or for the purpose of delivering materials to be used in the actual bona fide repair, alteration, remodeling or construction of any building or structure, upon such property, for which a building permit has previously been obtained: (a) property fronting on to Alida Place; (b) property fronting on to Lunada Vista; and (c) property which has its primary access from Via Campesina between Via La Cuesta and Paseo Del Campo;

3. Any vehicle owned by a public utility or licensed contractor while necessarily in use in the construction, installation or repair of any public utility;

4. Any vehicle which is subject to the provisions of Cal. Veh. Code § 35701.

C. The city shall erect and maintain on those streets designated in subsection A of this section such signs as are required by law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 658 § 1, 2004; Ord. 490B § 1, 1989; Ord. 490 § 1, 1989; Ord. 230 § 1, 1965)

Chapter 10.56
SPEED LIMITS

Sections:

10.56.010 Designated for certain streets.

Prior legislation: Ord. 230.

10.56.010 Designated for certain streets.

It is hereby determined upon the basis of an engineering and traffic survey that a speed greater than twenty-five miles per hour would facilitate the orderly movement of vehicular traffic and would be reasonable and safe upon such portions of the following streets within business or residence districts, and it is hereby declared that the prima facie speed limit shall be as set forth in this section on those streets or parts of streets designated in this section when signs are erected giving notice thereof:

Street/Location	Recommended Speed Limit (mph)
Granvia Altamira, city limits to Via Fernandez	30
Palos Verdes Drive North, southeast city limits to Paseo Del Campo	35
Palos Verdes Drive North, Paseo Del Campo to Palos Verdes Boulevard	35
Palos Verdes Boulevard, north city limits to Palos Verdes Drive North	30
Palos Verdes Drive West, Palos Verdes Drive North to Paseo Del Mar	35
Palos Verdes Drive West, Paseo Del Mar to Paseo Lunado	35
Palos Verdes Drive West, Paseo Lunado to south city limits	35
Paseo Del Campo, Via Campesina to Palos Verdes Drive North	25
Paseo Del Mar, Via Arroyo to Palos Verdes Drive West	30
Paseo Del Mar, Palos Verdes Drive West to Paseo Lunado	30

Via Almar, Via Del Puente to Via Arroyo	25
Via Campesina, Palos Verdes Drive North to Via Elevado	30
Via Campesina, Via Elevado to Via Corta	25
Via Coronel, Palos Verdes Drive West to Via Castilla	25
Via Coronel, Via Castilla to Lower Paseo La Cresta	25
Via Del Monte, Via Campesina to Granvia Altamira	25
Via Fernandez, Via Zurita to Granvia Altamira	25
Via Zurita, Via Fernandez to Via Coronel	25

(Ord. 702 § 1, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 688 § 1, 2009; Ord. 687 § 1, 2008; Ord. 558, 1992; Ord. 285 § 1, 1973; Ord. 257 § 1, 1969)

Chapter 10.60
CONGESTION MANAGEMENT PROGRAM

Sections:

10.60.010 Definitions.

10.60.020 Review of transit impacts.

10.60.030 Transportation demand and trip reduction measures.

10.60.040 Monitoring.

10.60.010 Definitions.

The following words or phrases shall have the following meanings when used in this chapter:

A. “Alternative transportation” means the use of modes of transportation other than the single-passenger motor vehicle, including but not limited to carpools, vanpools, buspools, public transit, walking and bicycling.

B. “Applicable development” means any development project that is determined to meet or exceed the project size threshold criteria contained in PVEMC 10.60.030.

C. “Buspool” means a vehicle carrying sixteen or more passengers commuting on a regular basis to and from work with a fixed route, according to a fixed schedule.

D. “Carpool” means a vehicle carrying two to six persons commuting together to and from work on a regular basis.

E. The “California Environmental Quality Act (CEQA)” is a statute that requires all jurisdictions in the state to evaluate the extent of environmental degradation posed by proposed development.

F. “Developer” shall mean the builder who is responsible for the planning, design and construction of an applicable development project. A developer may be responsible for implementing the provisions of this chapter as determined by the property owner.

G. “Development” means the construction or addition of new building square footage. Additions to buildings which existed prior to the adoption of this chapter and which exceed the thresholds defined in PVEMC 10.60.030 shall comply with the applicable requirements but shall not be added cumulatively with existing square footage; existing square footage shall be exempt from these requirements. All

calculations shall be based on gross square footage.

H. “Employee parking area” means the portion of total required parking at a development used by on-site employees. Unless otherwise specified in this code, employee parking shall be calculated as follows:

Type of Use	Percent of Total Required Parking Devoted to Employees
Commercial	30
Office/Professional	85
Industrial/Manufacturing	90

I. “Preferential parking” means parking spaces designated or assigned through use of a sign or painted space markings for carpool and vanpool vehicles carrying commute passengers on a regular basis that are provided in a location more convenient to a place of employment than parking spaces provided for single-occupant vehicles.

J. “Property owner” means the legal owner of a development who serves as the lessor to a tenant. The property owner shall be responsible for complying with the provisions of this chapter either directly or by delegating such responsibility as appropriate to a tenant and/or his agent.

K. “South Coast Air Quality Management District (SCAQMD)” is the regional authority appointed by the California State Legislature to meet federal standards and otherwise improve air quality in the South Coast Air Basin (the nondesert portions of Los Angeles, Orange, Riverside and San Bernardino Counties).

L. “Tenant” means the lessee of facility space at an applicable development project.

M. “Transportation demand management (TDM)” means the alteration of travel behavior, usually on the part of commuters, through programs of incentives, services and policies. TDM addresses alternatives to single-occupant vehicles such as carpooling and vanpooling, and changes in work schedules that move trips out of the peak period or eliminate them altogether (as in the case of telecommuting or compressed work weeks).

N. “Trip reduction” means reduction in the number of work-related trips made by single-occupant vehicles.

O. “Vanpool” means a vehicle carrying seven or more persons commuting together

to and from work on a regular basis, usually in a vehicle with a seating arrangement designed to carry seven to fifteen adult passengers, and on a prepaid subscription basis.

P. “Vehicle” means any motorized form of transportation, including but not limited to automobiles, vans, buses and motorcycles. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 560 § 1, 1993)

10.60.020 Review of transit impacts.

Prior to approval of any development project for which an environmental impact report (EIR) will be prepared pursuant to the requirements of the California Environmental Quality Act (CEQA) or based on a determination by the city, regional and municipal fixed-route transit operators providing service to the project shall be identified and consulted with. Projects for which a notice of preparation (NOP) for a draft EIR has been circulated pursuant to the provisions of CEQA prior to the effective date of this chapter shall be exempted from its provisions. The “transit impact review worksheet,” contained in the Los Angeles County Congestion Management Program Manual, or similar worksheets, shall be used in assessing impacts. Pursuant to the provisions of CEQA, transit operators shall be sent an NOP for all contemplated EIRs and shall, as part of the NOP process, be given opportunity to comment on the impacts of the project, to identify recommended transit service or capital improvements which may be required as a result of the project, and to recommend mitigation measures which minimize automobile trips on the congestion management program (CMP) network. Impacts and recommended mitigation measures identified by the transit operator shall be evaluated in the draft environmental impact report prepared for the project. Related mitigation measures adopted shall be monitored through the mitigation monitoring requirements of CEQA.

Phased development projects, development projects subject to a development agreement, or development projects requiring subsequent approvals need not repeat this process as long as no significant changes are made to the project. It shall remain the discretion of the city to determine when a project is substantially the same and therefore covered by a previously certified EIR. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 560 § 1, 1993)

10.60.030 Transportation demand and trip reduction measures.

A. Applicability of Requirements. Prior to approval of any development project, the applicant shall make provision for, as a minimum, all of the following applicable transportation demand management and trip reduction measures.

This chapter shall not apply to projects for which a development application has

been deemed “complete” by the city pursuant to Cal. Gov. Code § 65943, or for which a notice of preparation for a draft environmental impact report (DEIR) has been circulated or for which an application for a building permit has been received, prior to the effective date of the ordinance codified in this chapter.

All facilities and improvements constructed or otherwise required shall be maintained in a state of good repair.

B. Development Standards.

1. Nonresidential developments of twenty-five thousand square feet or more shall provide to the satisfaction of the city a bulletin board, display case or kiosk displaying transportation information located where the greatest number of employees are likely to see it. Information in the area shall include, but is not limited to, the following:

a. Current maps, routes and schedules for public transit routes serving the site;

b. Telephone numbers for referrals on transportation information including numbers for the regional ridesharing agency and local transit operators;

c. Ridesharing promotional material supplied by commuter-oriented organizations;

d. Bicycle route and facility information, including regional/local bicycle maps and bicycle safety information;

e. A listing of facilities available for carpoolers, vanpoolers, bicyclists, transit riders and pedestrians at the site.

2. Nonresidential developments of fifty thousand square feet or more shall comply with subsection (B)(1) of this section and shall provide all of the following measures to the satisfaction of the city:

a. Not less than ten percent of employee parking area shall be located as close as is practical to the employee entrance(s), and shall be reserved for use by potential carpool/vanpool vehicles, without displacing handicapped and customer parking needs. This preferential carpool/vanpool parking area shall be identified on the site plan upon application for a building permit, to the satisfaction of city. A statement that preferential carpool/vanpool spaces for employees are available and a description of the method for obtaining such spaces must be included on the required

transportation information board. Spaces will be signed/striped as demand warrants; provided, that at all times at least one space for projects of fifty thousand square feet to one hundred thousand square feet and two spaces for projects over one hundred thousand square feet will be signed/striped for carpool/vanpool vehicles.

b. Preferential parking spaces reserved for vanpools must be accessible to vanpool vehicles. When located within a parking structure, a minimum vertical interior clearance of seven feet two inches shall be provided for those spaces and access ways to be used by such vehicles. Adequate turning radii and parking space dimensions shall also be included in vanpool parking areas.

c. Bicycle racks or other secure bicycle parking shall be provided to accommodate four bicycles per the first fifty thousand square feet of nonresidential development and one bicycle per each additional fifty thousand square feet of nonresidential development. Calculations which result in fractions of five-tenths or higher shall be rounded up to the nearest whole number. A bicycle parking facility may also be a fully enclosed space or locker accessible only to the owner or operator of the bicycle, which protects the bike from inclement weather. Specific facilities and location (e.g., provision of racks, lockers or locked room) shall be to the satisfaction of the city.

3. Nonresidential developments of one hundred thousand square feet or more shall comply with subsections (B)(1) and (B)(2) of this section, and shall provide all of the following measures to the satisfaction of the city:

a. A safe and convenient zone in which vanpool and carpool vehicles may deliver or board their passengers;

b. Sidewalks or other designated pathways following direct and safe routes from the external pedestrian circulation system to each building in the development;

c. If determined necessary by the city or county to mitigate the project impact, bus stop improvements must be provided. The city or county will consult with the local bus service providers in determining appropriate improvements. When locating bus stops and/or planning building entrances, entrances must be designed to provide safe and efficient access to nearby transit stations/stops;

d. Safe and convenient access from the external circulation system to bicycle parking facilities on site. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 572 § 1, 1993; Ord. 560 § 1, 1993)

10.60.040 Monitoring.

Compliance with the standards established by this chapter shall be monitored by the city manager or his or her designee at the times and pursuant to the procedures established for monitoring of compliance with building permits. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 560 § 1, 1993)

Title 12
STREETS, SIDEWALKS AND PUBLIC PLACES

Chapters:

12.04 Encroachments

12.12 Excavations

12.16 Street Trees

12.20 Street and Sidewalk Use Restrictions

12.24 Parks

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Chapter 12.04
ENCROACHMENTS

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12.04.030 Permit application.

12.04.040 Permit issuance.

12.04.050 Display of permit.

12.04.060 Inspection.

12.04.070 Revocation.

12.04.080 Standard encroachments.

12.04.090 Nonstandard encroachments.

12.04.100 Appeals.

Prior legislation: Ords. 344 and 627.

12.04.010 Definitions.

As used in this chapter:

A. “Person” means an individual, a copartnership, a firm, an incorporated or unincorporated association, a trust, a corporation, an estate, or a public agency.

B. “Encroachment” means privately owned improvements, facilities or structures, including without limitation any post, sign, pole, fence, deck, building, tree (unless permitted pursuant to PVEMC 12.16.030), pipe, cable, drainage facility, septic system, or recreational facility, in the public right-of-way or on other public property, constructed and maintained by the property owner.

C. “Standard encroachment” means any encroachment which conforms to a standard plan previously approved by the public works director as a city standard encroachment.

D. “Nonstandard encroachment” means any encroachment which does not conform to a standard plan previously approved by the public works director as a city standard encroachment.

E. “Public property” means property owned in fee by the city or dedicated for public use.

F. “Public rights-of-way” means public easements or public property that are used for streets, alleys or other public purposes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.020 Permit required.

It shall be unlawful to erect, place, construct, establish, plant or maintain any structure, vegetation or object on public property or public rights-of-way without a permit issued by the public works director. This provision shall not apply to: (A) any of the officers or employees of the city under the direction of the various city departments or their designee; or (B) any person utilizing a bin for construction waste or special refuse which has been provided by the contractor providing solid waste collection service to single-family residential units under agreement with the city, provided the location of such bin is in conformance with the requirements of such agreement. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 662 § 1, 2005; Ord. 650 § 1, 2003)

12.04.030 Permit application.

A. Any person applying for a permit required by the provisions of PVEMC 12.04.020 shall file with the public works director an application in writing on a form furnished by the director. Such form shall specify the following:

1. The name and residence or business address of the applicant;

2. The location or description of the property on which the proposed encroachment is to be made;

3. The name of the person who will perform the work;

4. The nature, purpose, and dimensions of the proposed work, including detailed plans and specifications;

5. Such additional information as the public works director may require.

B. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council.

C. A permit for the construction, alteration, or reconstruction of improvements on property of the city shall be issued only to a person licensed by the state of California as a contractor for the work to be performed under said permit and shall not be transferable. This requirement may be waived by the public works director

for work on walkways perpendicular to the street where the public works director determines in his or her sole discretion that sufficient assurances have been provided that such work may be properly performed by a person without such a license. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.040 Permit issuance.

A. The public works director may condition issuance of an encroachment permit to provide for the public safety, the protection of persons or property, the public convenience, the accommodation of public needs, adequate traffic control, control over litter and noise, the cleanup and removal of construction materials, and such other provisions as may appear to be in the public interest.

B. Prior to issuance of an encroachment permit, the director shall require the applicant to provide and maintain:

1. An agreement to defend, indemnify, and hold harmless the city, its officers, agents and employees from and against any and all loss, damage, liability, claims, demands, costs, charges, and expenses, including attorney's fees, and causes of action of whatsoever character which city may incur, sustain or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any person arising out of or in any way connected to the encroachment.

2. An agreement to reimburse the city for any costs incurred by the city to repair damage, restore premises, or satisfy claims incurred by reason of the encroachment.

3. A certificate of insurance issued by a corporation authorized to do business in the state of California providing for comprehensive general liability insurance in an amount established by resolution by the city council, on account of any one occurrence or in the aggregate resulting in injury to or death of one person or for damage to property. A certificate indicating that the city is named as additional insured shall be provided on a form specified by the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.050 Display of permit.

The permittee shall keep the permit at the work site at all times any work is in progress. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.060 Inspection.

A. An encroachment on any public property shall be done under the supervision of the public works director or his or her designee. Any such work done without the

inspection and approval of the public works director shall be subject to rejection and abatement as a public nuisance.

B. The applicant shall be subject to inspection fees as determined by resolution of the city council. Such inspection fees shall be paid prior to the commencement of the encroachment. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.070 Revocation.
The encroachment permit may be revoked by the public works director if the applicant fails to comply with any of the requirements or conditions of the permit or if the director finds that such action is necessary to protect the public interest. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.080 Standard encroachments.
Any person applying for a standard encroachment permit shall obtain approval from the public works director or his or her designee before a permit may be issued. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.090 Nonstandard encroachments.
Any person applying for a nonstandard encroachment permit shall obtain approval from the planning commission before a permit may be issued. The decision made by the planning commission may be appealed to the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

12.04.100 Appeals.
The decisions of the public works director in connection with the encroachment permit may be appealed to the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 1, 2003)

Chapter 12.12
EXCAVATIONS

Sections:

12.12.010 Definitions.

12.12.020 Permit required.

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12.12.100 Sidewalk and curb protection.

12.12.110 Safety.

12.12.120 Access maintenance.

12.12.130 Construction standards and specifications.

12.12.140 Completion.

12.12.150 Correction by the city.

Prior legislation: Ords. 147, 227, 339, 436, 495 and 627.

12.12.010 Definitions.

As used in this chapter:

A. “Person” means an individual, a copartnership, a firm, an incorporated or unincorporated association, a trust, a corporation, an estate, or a public agency.

B. “Excavation” means any operation in which earth, sand, gravel, rock, or other material in the ground is moved, by using tools for grading, trenching, digging, ditching, drilling, auguring, tunneling, scraping, cable or pipe plowing, drawing, brushing, or other similar activity.

C. “Public property” means property owned in fee by the city or dedicated for public use.

D. “Public rights-of-way” means public easements or public property that are used for streets, alleys or other public purposes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.020 Permit required.

No person shall make or cause to be made any excavation, cut or fill in or under the surface of any street or other public place in the city or construct, alter, or reconstruct any improvements thereon or therein without first having obtained from the public works director a permit to make such excavation or construction. This provision shall not apply to any of the officers or employees of the city under the direction of the various city departments or their designee. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.030 Permit application.

A. Any person applying for a permit required by the provisions of PVEMC 12.12.020 shall file with the public works director an application in writing on a form furnished by the director. Such form shall specify the following:

1. The name and residence or business address of the applicant.

2. The location and area of each excavation intended to be made.

3. The purpose for which the construction or excavation is to be made and used.

4. Proof of legal authority to occupy and use, for the purpose mentioned in said application, the streets wherein the excavation is proposed to be made.

5. The proposed start date and the estimated time to complete the work.

6. A trench cut cost recovery fee as determined by resolution of the city council.

7. The deposits and fees as required by resolution of the city council.

8. Such other information as the public works director may desire.

B. The applicant shall also provide the following:

1. A plat in duplicate showing the location of each proposed excavation or new construction, the dimensions thereof and such other details as the public works director may require to be shown upon such plat; provided, however,

that the public works director may waive such requirement when, in his or her opinion, the plat is unnecessary.

2. A report of survey, when such deemed to be desirable by the public works director.

C. The application shall be accompanied by a nonrefundable fee in an amount established by resolution of the city council.

D. A permit for the construction, alteration, or reconstruction of improvements on property of the city shall be issued only to a person licensed by the state of California as a contractor for the work to be performed under said permit and shall not be transferable.

E. Except for requirements subject to the exclusive jurisdiction of another regulatory agency, the location, depth, and other physical characteristics of any facilities for which an excavation permit is issued shall be subject to approval of the public works director, and all backfilling, compaction, and pavement restoration performed for any excavation shall comply with all city standards that have been adopted by the public works department. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.040 Permit issuance.

A. The public works director may condition issuance of an excavation permit to provide for the public safety, the protection of persons or property, the public convenience, the accommodation of public needs, adequate traffic control, control over litter and noise, the cleanup and removal of construction materials, and such other provisions as may appear to be in the public interest.

B. Prior to issuance of an excavation permit, the director shall require the applicant to provide and maintain:

1. An agreement to defend, indemnify, and hold harmless the city, its officers, agents and employees from and against any and all loss, damage, liability, claims, demands, costs, charges, and expenses, including attorney's fees, and causes of action of whatsoever character which city may incur, sustain or be subjected to on account of loss or damage to property or loss of use thereof, or for bodily injury to or death of any person arising out of or in any way connected to the encroachment.

2. An agreement to reimburse the city for any costs incurred by the city to repair damage, restore premises, or satisfy claims incurred by reason of the excavation.

3. A certificate of insurance issued by a corporation authorized to do business in the state of California providing for comprehensive general liability insurance in an amount established by resolution by the city council, on account of any one occurrence or in the aggregate resulting in injury to or death of one person or for damage to property. A certificate indicating that the city is named as additional insured shall be provided on a form specified by the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.050 Emergencies.

A. An excavation, cut or fill may be made in an emergency without a permit having been issued.

B. An emergency shall exist in any situation where, due to the shortness of time and the magnitude of the danger sought to be averted, it is impractical to secure a permit before work is commenced.

C. Any person making or causing to be made any such emergency excavations, cut or fill shall notify the public works director and shall obtain a permit as soon as practicable after such work is commenced.

D. The provisions of this section shall be strictly construed against the person claiming the benefit hereof and such person shall have the burden of proving the existence of such emergency. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.060 Display of permit.

The permittee shall keep the permit at the work site at all times any work is in progress. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.070 Inspection.

A. An excavation, cut or fill in or under any street or other public property shall be done under the supervision of the public works director or his or her designee. Any such work done without the inspection and approval of the public works director shall be subject to rejection and abatement as a public nuisance.

B. The applicant shall be subject to inspection fees as determined by resolution of the city council. Such inspection fees shall be paid prior to the commencement of the excavation. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.080 Revocation.

The excavation permit may be revoked by the public works director if the applicant fails to comply with any of the requirements or conditions of the permit or if the director finds that such action is necessary to protect the public interest.

(Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.090 Appeals.
The decisions of the public works director in connection with the excavation permit may be appealed to the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.100 Sidewalk and curb protection.
Before any vehicle shall be driven or operated over any sidewalk or curb at any point other than where a driveway had been constructed, the sidewalk or curb shall be adequately protected by wood planking so that the sidewalk or curb is not damaged. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.110 Safety.
The permittee shall comply with all current federal, state, and local safety regulations. Barriers, warning signs and lights, and other measures must be erected by the permittee. Warning lights shall be placed and maintained at each excavation or obstruction at distances of not more than fifty feet along such excavation at all times until the excavation is entirely refilled and resurfaced or such obstruction is removed. Barriers shall be placed and maintained not less than three feet high at each end of any excavation or obstruction at all times until the excavation is entirely refilled and resurfaced or such obstruction is removed. Additional safety measures may be required by the public works director. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.120 Access maintenance.
A. No person shall make any excavation in any street without maintaining safe crossings for vehicular traffic at all street intersections and safe crossings for pedestrians at intervals of not more than two hundred feet.

B. Free access must be provided to all fire hydrants and water gates.

C. All excavated materials shall be laid completely along the side of the trench and kept trimmed so as to cause as little inconvenience as possible to travelers.

D. All traffic control shall be administered pursuant to the latest edition of the Work Area Traffic Control Manual. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.130 Construction standards and specifications.
All work and construction must conform to all city standard plans and specifications and the latest edition of the Standard Specifications for Public Works Construction (the “Greenbook”) and the APWA Standard Plans for Public Works Construction and all amendments and supplements, as approved by the

public works director. In case of conflict between the city standard plans and specifications and the Greenbook or the Standard Plans for Public Works Construction, the city standards shall take precedence over and be used in lieu of such conflicting portions. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.140 Completion.

A. After an excavation, cut or fill in or under any street or other public property is commenced, such work shall be prosecuted diligently to completion and shall restore the surface to a condition approved by the public works director.

B. Permittees shall maintain the surface of the street or other public property in good condition for a period of two years following the date of issuance of the permit.

C. Should it become necessary for the surface of a street to be repaired due to causes attributable to an excavation, the permittee shall make such repairs at no cost to the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

12.12.150 Correction by the city.

Should a permittee fail or refuse to perform any work in accordance with the conditions of the excavation permit or the provisions of this chapter within five days' notice by the city, the city may complete the work and the permittee shall pay the actual cost of the work plus an additional fifteen percent. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 650 § 2, 2003)

Chapter 12.16
STREET TREES

Sections:

12.16.010 Purpose.

12.16.020 Definitions and enforcement.

12.16.030 Permits.

12.16.040 Permit issuance.

12.16.050 Planting.

12.16.060 Maintenance.

12.16.070 Protection.

12.16.080 Abuse or mutilation.

12.16.085 Restoration fees.

12.16.090 Existing trees.

12.16.100 Nuisance trees or shrubs.

12.16.110 Civil or criminal abatement proceedings.

12.16.120 Appeal.

12.16.010 Purpose.

Official tree, shrub and plant regulations for the city are adopted and established by this chapter to serve the public health, safety and general welfare. To that end, the purposes of this chapter are specifically declared to be as follows:

A. Improve general aesthetic values;

B. Reduce traffic noise;

C. Deflect glare and heat;

D. Lower wind velocity;

E. Purify air;

F. Provide cooling shade and beauty;

G. Provide for the proper selection of trees to minimize trouble in sewers, water mains and storm drains and to prevent displacement of streets, curbs, gutters and sidewalks;

H. Minimize interference with street and traffic lighting;

I. Minimize the spread of disease to healthy trees;

J. Minimize danger of falling trees and limbs onto streets, sidewalks, private property and people;

K. Minimize accumulation of leaves and debris which cause unnecessary labor in cleaning the sidewalks, streets and storm drains; and

L. Select trees of longevity and those suitable to the environment. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.020 Definitions and enforcement.

Whenever in this chapter the words or phrases hereinafter in this section defined are used, they shall have the respective meanings assigned to them in the following definitions:

A. “City” means the city of Palos Verdes Estates.

B. “Public works director” means the public works director of the city or the director’s authorized agent.

C. “Street” or “highway” includes all lands lying between the so-called property lines on either side of all public streets, roads, boulevards and alleys.

D. “Street trees” means trees or shrubs in public places along city streets, roads, boulevards and alleys.

E. “Trees and shrubs” includes all woody vegetation growing, planted or to be planted on any public place or area as of or after the effective date of the ordinance codified in this chapter.

F. “Parkway” means that portion of the public right-of-way other than the roadway or sidewalk.

G. “Public place or area” includes all those streets and highways within the city and all other properties owned by the city.

H. Restoration Fees. A “restoration fee” is that which would cover the costs of crown restoration over five to seven years.

I. Pruning Standards and Schedules. Pruning of city trees shall conform to the pruning standards set forth and adopted by the Western Chapter International Society of Arboriculture. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.030 Permits.

It is unlawful and it is prohibited for any person, firm, association, corporation or franchisee of the city to plant, move, remove, destroy, cut, trim, deface, injure or replace any tree or shrub in, upon or along any public street or other place of the city or to cause the same to be done without first obtaining a written permit from the public works director, issued in accordance with the procedures set forth in this chapter. The permit shall specifically describe the work to be done. It is unlawful to alter any tree or shrub which is not so specifically described. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 20, 2001; Ord. 557 § 2, 1993; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.040 Permit issuance.

The following permits to undertake work upon any tree or shrub in a public place or area shall be issued in accordance with the following procedures and standards.

A. The public works director shall issue such a permit when he or she determines the work to be undertaken consists solely of actions required pursuant to PVEMC 12.16.060 for the maintenance of a tree or shrub and the permit is sought by the owner or resident, or authorized representative thereof, of the property immediately adjacent to the public place or area in which the tree or shrub to be so maintained is located. Any such decision of the public works director shall be final.

B. Permits for work on a tree or shrub located in a public place or area may be issued to persons who do not own or reside on property immediately adjacent to that public place or area as follows:

1. The parklands committee shall consider and may approve, disapprove or approve with conditions an application to trim a street tree when such trimming consists solely of lacing the tree and removing selected limbs in such a manner as to open up views but to allow the tree to reach normal mature size for its species (“crown restructuring”).

2. The parklands committee shall consider and may approve, disapprove or approve with conditions an application to trim or remove any street tree in a manner other than crown restructuring. The decision shall be reported to the city council at a regular or special meeting. The city council may at such time

take any of the following actions:

a. Accept the recommendation of the parklands committee; or

b. Set the application for consideration, in which case it shall thereafter conduct a de novo hearing in accordance with procedures established by law.

3. The decision of the city council shall be final. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 557 § 3, 1993)

12.16.050 Planting.

A. Species or Varieties of Street Trees. The parklands committee shall prepare a list of street trees which may be planted in each of the parkway areas of the city, which list shall be available to the public to aid in the choice of trees to be planted. This list may be modified as experience indicates the desirability of such modification. The original list and any modifications thereto shall be approved by the parklands committee.

B. Planting of Street Trees.

1. All planting should be in good horticultural practice as determined by the parklands committee.

2. All planting on unpaved streets without curb must have the special permission of the parklands committee, who shall determine the tree's exact location so that it will not be injured or destroyed when the street is improved.

3. Spacing of trees shall be determined by the parklands committee according to local conditions and species to be used, and their mature height, spread and form.

4. The recommended size shall be designated as fifteen-gallon size (accepted trade sizing), and the minimum size acceptable shall be fifteen-gallon. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.060 Maintenance.

A. It is made the duty of all owners and persons having possession and control of real property within the city to cultivate and care for and provide complete maintenance of all shrubs, lawns and groundcovers planted or set out within any of the streets, avenues, highways and parkways adjacent to their real properties.

B. Owners and persons having possession or control of real property within the city are encouraged to promptly notify the public works director of any tree or shrub in

a public area immediately adjacent to the person's property which is in such condition as to be a menace to public safety or dangerous to life or property.

C. Trimming and Removal. Except as may be provided in PVEMC 12.16.100(D), the city will not remove a tree in the parkway adjoining any property unless such tree is dead or a hazard to the public or to street maintenance or other services of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.070 Protection.
During the erection, repair, alteration or removal of any building, house, structure or street in the city, any person, firm, association, corporation or franchise in charge of such work shall protect any tree, shrub or plant in any street, park, boulevard or public place in the vicinity of such building or structure with sufficient guards or protectors as shall prevent injury to the tree, shrub or plant arising out of or by reason of the erection, repair, alteration or removal, and shall be held responsible if the public works director determines that this protection has not been provided. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.080 Abuse or mutilation.
It is unlawful for any person to:

A. Damage, cut, carve, etch, hew or engrave or injure the bark of any street tree;

B. Allow any gaseous, liquid or solid substance harmful to trees to come in contact with any part of any street tree;

C. Deposit, place, store or maintain upon any public area any stone, brick, concrete or other material which may impede the free passage of air, water and fertilizer to the roots of any tree or shrub growing therein, except by written permit of the public works director;

D. Damage, tear up or destroy any plantings, grass, flowers, shrubs or trees planted upon or in any public place or area in the city, except as may be authorized by the provisions of PVEMC 12.16.030; and

E. Paint, tack, paste, post or otherwise attach or place any advertisement, notice, card or announcement or any printed or written matter or any wire, board, platform or injurious material of any kind upon any tree or shrub situated in any public place or area in the city. Any person violating any of the provisions of this section shall be guilty of a misdemeanor. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 22, 2001; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.085 Restoration fees.

A. Any person responsible for the topping or illegal pruning of city trees shall be required to pay a restoration fee to the city. The fee shall be established by the public works director either (1) in an amount sufficient to permit the city to maintain the tree over whatever period is required to restore it to appropriate dimensions and undertake routine pruning and maintenance during such period, or (2) if the public works director is of the opinion that the tree cannot be fully restored within a reasonable time, the public works director shall fix the restoration fee at an amount sufficient to replace the tree with a like tree and maintain the like new tree until it is fully established.

B. The public works director shall notify, by first class mail or personal service, all persons who he or she determines are responsible for the damage to the tree of the amount he or she has fixed as a restoration fee. Any person aggrieved by the determination of the public works director may appeal the determination to the city council within fifteen days of receipt of the notice. The city council shall set the matter for hearing and give notice to the person who appeals of the time and place set for the hearing. Following the hearing, the city council shall make its determination. The city council's determination shall be final. Any restoration fees not paid shall be a joint and several debt to the city of all persons given notice that they are responsible for the topping or illegal pruning of city trees.

C. The remedies in this section are in addition to any other remedy available to the city for violations of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989)

12.16.090 Existing trees.

Those existing street trees with an approved planting plan may remain until by old age or other reasons they are removed by either city forces or with the approval of the city's parklands committee. When any new street tree is planted it shall conform to the street tree planting guide referred to in PVEMC 12.16.050(A) and (B). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.100 Nuisance trees or shrubs.

A. The council, pursuant to the power and authority vested in it to do so under the provisions of Cal. Str. & Hwy. Code §§ 22060 through 22062, may remove any tree or any part thereof which appears to be dead, is liable to fall, is dangerous or is an obstruction to public travel, whether or not the tree is on any private property and overhangs or projects into any street or is in any street, park, parkway or other public grounds of the city. Except in the case of manifest public danger and immediate necessity, no such tree shall be wholly cut down or removed unless ten days' notice in writing is given to the owner, tenant, or occupant, or agent of the

owner, tenant or occupant, of the land upon which the tree is situated. If the owner, tenant, occupant, or agent, within seven days after the giving of the notice, files with the board his objections in writing to the removal, the tree shall not be cut down or removed unless the board gives the owner, tenant, occupant, or agent a reasonable opportunity to be heard and shall thereafter approve in writing the removal of the tree.

B. Unapproved shrubs on public property which constitute a public nuisance shall be removed, replaced or trimmed at the expense of the adjacent property owner as ordered by the public works director upon the recommendation of the parklands committee and approval of the city council.

C. It shall be the duty of all owners and persons having possession and control of real property within the city to abate any public nuisances referred to in this section that occur on their real properties.

D. Trees existing on city property that have been planted without city council approval are subject to review by the parklands committee and may be removed by the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.110 Civil or criminal abatement proceedings.

Nothing in this chapter shall be deemed to prevent the council from ordering the commencement of a civil or criminal proceeding to abate a public nuisance or from pursuing any other means available to it under provisions of applicable ordinances or state law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 491 § 1, 1989; Ord. 361 § 1, 1981)

12.16.120 Appeal.

Any decision of the parklands committee made pursuant to this chapter may be appealed to the city council. The applicant, or any other interested party, must file a written request for appeal with the city clerk on the prescribed form within fifteen days of the parklands committee decision. The city may charge a fee for such an appeal to be established by city council resolution. The city council shall hold a hearing on any such appeal for which the appellant shall receive at least three days' prior notice. The city council may take whatever action in its discretion it shall deem appropriate on an appeal under this section. The action of the city council shall be final. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 533 § 1, 1991)

Chapter 12.20
STREET AND SIDEWALK USE RESTRICTIONS

Sections:

12.20.010 Roller skates and toy vehicles on roadway.

12.20.020 Roller skates and toy vehicles in business district.

12.20.030 Overnight camping on street or alley.

12.20.040 Building material and containers in right-of-way – Placement.

12.20.050 Building material and containers in right-of-way – Reflectors.

12.20.060 Building material and containers in right-of-way – Removal by police.

12.20.010 Roller skates and toy vehicles on roadway.
It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or skateboard to go upon any roadway. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 354 § 1, 1981)

12.20.020 Roller skates and toy vehicles in business district.
It is unlawful for any person upon roller skates or riding in or by means of any coaster, toy vehicle or skateboard to go upon the sidewalk in a business district. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 354 § 2, 1981)

12.20.030 Overnight camping on street or alley.
It is unlawful for any person to use any public street or alley for the purpose of overnight sleeping or camping in a camper, motor home, van or other vehicle. For the purpose of this section, “overnight” means any portion of the hours between sunset and sunrise. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 326 § 1, 1977)

12.20.040 Building material and containers in right-of-way – Placement.
No person shall deposit or maintain any building material or any trash container, dumpster, or container of any kind upon any street right-of-way or alley in such a manner as to constitute a traffic hazard. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 367 § 1, 1982)

12.20.050 Building material and containers in right-of-way – Reflectors.
All building material, trash containers and dumpsters stored or left upon any street or alley shall be equipped with reflectors in the front and the rear of the same, not less than six inches in diameter. The reflectors should be located on the left and right sides, front and rear, no less than fifteen inches from the ground and

no more than sixty inches from the ground. The reflectors facing traffic shall be red in color. All such reflectors shall be visible for a minimum of three hundred feet in the dark. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 367 § 2, 1982)

12.20.060 Building material and containers in right-of-way – Removal by police. The police department is authorized to remove, at the owner's expense, any building materials, trash containers, dumpsters or containers of any kind or any other matter left on the street or alley without the reflectors required in PVEMC 12.20.050 or, whether equipped with reflectors or not, if such material or other equipment constitutes a hazard or obstructs free passage of the street or alley. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 361 § 3, 1982)

Chapter 12.24
PARKS

Sections:

12.24.010 Definitions.

12.24.020 Compliance with rules and regulations.

12.24.030 Compliance with signs and notices.

12.24.040 Closure of grounds.

12.24.060 Horses.

12.24.070 Performing of labor.

12.24.080 Peddling and vending.

12.24.090 Deposit of rubbish.

12.24.100 Disorderly conduct.

12.24.110 Bathing.

12.24.120 Pollution of waters.

12.24.130 Parental responsibility.

12.24.140 Group gatherings.

12.24.150 Injuring plant life.

12.24.160 Removing plant life and other materials.

12.24.170 Vandalizing buildings and fixtures.

12.24.180 Nighttime trail closures.

Prior legislation: Ord. 495.

12.24.010 Definitions.

As used in this chapter:

A. “Park” includes all areas owned by the city which are designated for public recreational use, whether active or passive, including all paths, roadways, avenues, and parkways.

B. “Person” includes persons, associations, partnerships, firms, corporations and governmental entities other than the city.

C. “Grounds” includes all areas owned by the city which are designated for open space use, including parklands, and all paths, roadways, parkways and structures and equipment located thereon.

D. “Group gathering” means any meeting, collection or assemblage of people for any purpose including but not limited to active recreational uses, social occasions or personal celebrations, where the total number of persons attending such meeting, collection or assemblage exceeds ten.

E. “Parklands,” for purposes of this chapter, means all areas owned in fee by the city which are designated for open space use. The term “parklands” does not include streets and does not include those portions of property that are subject to a concession agreement or other lease (e.g., golf, tennis, swim, stables), except the sand dunes adjacent to the developed golf course, and improved or used for active recreation. For purposes of coastal development permits, the definition of parklands in PVEMC 19.01.140 applies. (Ord. 708 § 1, 2014; Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 1, 1999; Ord. 23 §§ 1 – 4, 1940)

12.24.020 Compliance with rules and regulations.

No person shall disobey or violate any of the rules or regulations of the city governing the use and enjoyment by the public of any park, square, avenue, or grounds, or governing the use and enjoyment of any building, structure, equipment, apparatus or appliance thereon, which rules or regulations at the time are posted in some conspicuous place in the park, square, avenue, or grounds, or in or near the building, structure, equipment, apparatus or appliance to which the rule or regulation applies. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 5, 1940)

12.24.030 Compliance with signs and notices.

No person shall disobey any instruction, sign or notice posted by the city in any park, square, avenue, or grounds or in any building, structure, construction or erection thereon for the control, management or direction of such park, square, avenue, grounds, building, structure, construction or erection. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 6, 1940)

12.24.040 Closure of grounds.

When the city manager or his or her designee determines that immediate interests of the public health, safety or welfare demand such action, any park, square, avenue, or grounds, or any part or portion thereof, may be closed against the public and all persons may be excluded therefrom until the situation upon which

the determination of the city manager is based has ceased. The city manager shall open the park, square, avenue, or grounds or parts thereof so closed again to the public upon the cessation of the situation upon which his or her determination was based. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 2, 1999; Ord. 23 § 7, 1940)

12.24.060 Horses.
No person shall ride any horse or other animal within any park, square, avenue, or grounds, except upon the bridle paths provided and designated by the city for such use, and must ride or drive such horse or other animal in a careful manner, at a lawful rate of speed, and in accordance with any rules and regulations. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 9, 1940)

12.24.070 Performing of labor.
No person shall perform any labor in or upon any park, square, avenue, or grounds, such as taking up or replacing soil, turf, ground or pavement, structure, tree, shrub, plant, grass, flower and the like, except under the supervision and control of the public works director. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 10, 1940)

12.24.080 Peddling and vending.
No person shall bring or cause to be brought into, for the purpose of sale or barter, or have for sale, or sell or exchange, or offer for sale or exchange any goods, wares or merchandise or other things in any park, square, avenue, or grounds, nor shall any person perform or offer to perform for consideration any service in any park, square, avenue, or grounds, without first having been issued a permit from the parklands committee to do so, in accordance with all other requirements of law. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 5, 1999; Ord. 23 § 12, 1940)

12.24.090 Deposit of rubbish.
No person shall throw, place, cast, deposit or dump any refuse, animal food, garbage, paper, scraps, dirt, dead animals, beverage containers, boxes, cartons, waste paper, newspaper, filth or rubbish of any kind in any park, square, avenue, or grounds, except to place the same in such receptacles as are provided for such matter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 23, 2001; Ord. 23 § 18, 1940)

12.24.100 Disorderly conduct.
No person shall in any park, square, avenue, or grounds:

A. Disrobe, urinate, defecate, or display any lewd act;

B. Throw stones or other missiles;

C. Discharge any firearm or any other instrument which propels any missile or other projectile, except as otherwise permitted by this code;

D. Fire or carry any firecracker, torpedo or fireworks;

E. Make any fire or cook any food;

F. Climb upon any wall, fence, shelter, statue, building or fountain. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 9, 1999; Ord. 23 § 20, 1940)

12.24.110 Bathing.
No person shall bathe in any tank, reservoir, pool or fountain in any park, square, avenue, or grounds. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 22, 1940)

12.24.120 Pollution of waters.
No person shall throw or place or cause to be thrown or placed any dirt, filth or foreign matter in the waters of, or near to the waters of, any pool, tank or reservoir in any park, square, avenue, or grounds. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 23, 1940)

12.24.130 Parental responsibility.
No parent, legal guardian or legal custodian of a minor shall permit or allow such minor to do any act or thing in any park, square, avenue, or grounds prohibited by the provisions of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 25, 1940)

12.24.140 Group gatherings.
A. Farnham Martin Park is recognized by the city as having unique characteristics, based upon its immediate contiguity to residential property on one side, and its use as the entrance way to the Malaga Cove Library located on the other side. Group gatherings at Farnham Martin Park would, therefore, create significant adverse impacts to both private property and the public in general if permitted to occur without control.

B. It is unlawful for any person to hold or participate in any group gathering at Farnham Martin Park unless a permit therefor is first obtained in accord with the provisions of subsection C of this section. Notwithstanding the foregoing, in no event shall a group gathering occur or be permitted at Farnham Martin Park at any time that the Malaga Cove Library is open.

C. An application for a permit to utilize Farnham Martin Park for a group gathering shall be submitted to the city clerk not less than seven days prior to the intended date of the group gathering. The city manager may issue a permit for the proposed group gathering if he determines that such gathering may be conducted without generating adverse impacts to neighboring residential properties or to use of the Malaga Cove Library. In issuing a group gathering permit under this section, the

city manager may impose such terms and conditions as he deems advisable to avoid such adverse impacts.

D. The provisions of this section shall not apply to any meeting, collection or assemblage of people where the purpose and result of such gathering is solely for such people to engage in noncommercial activity protected by the First Amendment to the United States Constitution.

E. The fee for a group gathering permit shall be in the amount established by resolution of the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 621 § 11, 1999; Ord. 23 § 26, 1940)

12.24.150 Injuring plant life.
No person shall cut, break, dig up, pull up, pluck or in any manner injure any tree, bush, shrub, flower or plant growing in any park, square, avenue, or grounds, or in any building or structure within any park, square, avenue, or grounds. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 28, 1940)

12.24.160 Removing plant life and other materials.
No person shall remove or take away any tree, wood, bush, turf, flower, plant, grass, soil or rock, or anything of like kind, from any park, square, avenue, or grounds. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 29, 1940)

12.24.170 Vandalizing buildings and fixtures.
No person shall destroy, mutilate, deface, cut, scratch, mark upon, write upon, print upon, paint upon, or otherwise mar, or mutilate, or deface, or injure any building, or structure, restroom, toilet, or any wall, fence, door, fixture, or any part thereof, or any furniture, equipment or apparatus therein, within any park, square, avenue, or grounds. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 23 § 30, 1940)

12.24.180 Nighttime trail closures.
A. General Prohibition. No person shall be on the following trails and in the following areas from one hour after sunset to one hour before sunrise:

1. The Paseo Del Sol Fire Road from the easterly terminus of lower Paseo Del Sol to Via Campesina, and all parkland within fifty yards from the center of said trail.

2. The Via Tejon trail beginning at the easterly terminus of Via Tejon and ending at the Via Campesina bridge, and all parkland within fifty yards from the center of said trail.

B. Exceptions to this prohibition are as follows:

1. Persons performing emergency work.

2. Persons engaged in city-sponsored events or specific events approved by the city manager.

3. The evening of July 4th.

C. Map Available. The police department and city clerk shall maintain a map of the areas subject to nighttime closure, which shall be subject to public inspection on request during business hours. (Ord. 703 § 1, 2013)

Chapter 12.32
CABLE, VIDEO AND TELECOMMUNICATIONS SERVICE PROVIDERS

Sections:

12.32.100 Title.

12.32.110 Franchise fee established.

12.32.120 Notices from state franchisees.

12.32.130 Tax, fee or charge applicability to state franchisees.

12.32.140 Customer service provisions for state franchisees.

12.32.150 PEG compatibility.

12.32.160 Interconnection.

12.32.170 Other multichannel video programming distributors.

12.32.180 Definitions.

Prior legislation: Ords. 484, 497 and 652.

12.32.100 Title.

This chapter is known and may be cited as the cable and video service providers ordinance of the city of Palos Verdes Estates. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.110 Franchise fee established.

A. For any state franchisee, the amount of the franchise fee imposed by Cal. Pub. Util. Code § 5840(q) shall be five percent of gross revenues, as defined in Cal. Pub. Util. Code § 5860(d).

B. In accord with Cal. Pub. Util. Code § 5860(a), the city manager will prepare and provide to state franchisees all necessary documentation supporting the percentage franchise fee paid by the incumbent cable operator serving the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.120 Notices from state franchisees.

Any notice a state franchisee is required to deliver to the city by Cal. Pub. Util. Code § 5840(m) must be delivered to the city manager. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.130 Tax, fee or charge applicability to state franchisees.

Nothing in this chapter is intended to limit or restrict in any way the imposition of any existing or future generally applicable, nondiscriminatory, competitively neutral tax, fee, or charge to a state franchisee, city franchisee or the services the franchisees provide. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.140 Customer service provisions for state franchisees.

A. A state franchisee shall be subject to the city's right to enforce compliance with all customer service and protection standards of Cal. Pub. Util. Code § 5900 with respect to complaints received from residents within the city.

B. A state franchisee shall comply with the provisions of Cal. Gov. Code §§ 53055, 53055.1, 53055.2, and 53088.2 (with the exception of subsections (q), (r) and (s) of 53088.2) and any other customer service standards pertaining to the provisions of video service established by federal or state laws or regulations.

C. The city shall have the right to resolve any disputes concerning a state franchisee's compliance with the provisions of Cal. Gov. Code §§ 53088.2(a) through (p).

D. A state franchisee shall be subject to the following penalties and enforcement procedures for any material breach of the provisions cited above:

1. The city manager shall provide the state franchisee with written notice of any alleged material breach and shall allow thirty days from the date of receipt of said notice for the state franchisee to remedy the specified material breach. A "material breach" shall mean any substantial and repeated failure of a state franchisee to comply with service quality and other specified standards referenced in this chapter. A state franchisee shall not be subject to penalties or held in breach when the alleged material breach was caused by events beyond the reasonable control of the state franchisee.

2. Notice of the breach(es) must be in writing and must contain findings supporting the decisions. Decisions by the city manager are final, unless appealed to the city council.

3. If the state franchisee fails to remedy the specified material breach(es) within thirty days, the city may impose monetary penalties on the following schedule:

a. Up to five hundred dollars for each day of each material breach, not to exceed one thousand five hundred dollars for each occurrence of a material breach.

b. For a second material breach of the same nature within twelve months, up to one thousand dollars for each day of each material breach, not to exceed three thousand dollars for each occurrence of the material breach.

c. For a third or further material breach of the same nature within twelve months, up to two thousand five hundred dollars for each day of each material breach, not to exceed seven thousand five hundred dollars for each occurrence of the material breach.

4. Any monetary penalty imposed under this section may be appealed by the state franchisee to the city council. Appeals must be received in writing by the city clerk within sixty days of imposition of the penalty. The state franchisee may present any relevant written or oral evidence of its choice. The city council may uphold or reverse, in whole or in part, the imposition of the monetary penalties.

5. A material breach for the purposes of assessing penalties shall be deemed to have occurred for each day, following the expiration of the thirty-day notice period, that any material breach has not been remedied by the video service provider, irrespective of the number of customers affected.

6. Any interested person may seek judicial review of a decision of the city in a court of appropriate jurisdiction. For this purpose, a court of law shall conduct a de novo review of any issues presented.

7. Any penalty paid to the city shall be allocated consistent with applicable law, particularly Cal. Pub. Util. Code § 5900(g). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.150 PEG compatibility.

The city manager shall ensure PEG transmissions, content, and programming provided by the city to a state franchisee are in a format compatible with the state franchisee's system. In the alternative, the transmissions, content, and programming may be provided in an industry standard format, in accord with Cal. Pub. Util. Code § 5870(g)(1). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.160 Interconnection.

To properly serve the city's interest in PEG programming, each state franchisee and incumbent cable operator must comply with the PEG system interconnection requirements of Cal. Pub. Util. Code § 5870. The city manager, or his or her designee, may make any interconnection determinations of the city under Cal. Pub. Util. Code § 5870, including requiring interconnection where state franchisees

or incumbent cable operators fail to reach a mutually acceptable interconnection agreement. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.170 Other multichannel video programming distributors.

The term "cable system," as defined in federal law and as set forth in this chapter, does not include a facility that serves subscribers without using any public rights-of-way. Consequently, the categories of multichannel video programming identified below are not deemed to be "cable systems" and are therefore exempt from this chapter; 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. Section 303(v) confers upon the FCC exclusive jurisdiction to regulate the provision of direct-to-home satellite services.

2. Section 602 of the Telecommunications Act of 1996 states that a provider of direct-to-home satellite service is exempt from the collection or remittance, or both, of any tax or fee imposed by any local taxing jurisdiction on direct-to-home satellite service. The terms "tax" and "fee" are defined by federal statute to mean any local sales tax, local use tax, local intangible tax, local income tax, business license tax, utility tax, privilege tax, gross receipts tax, excise tax, franchise fees, local telecommunications tax, or any other tax, license, or fee that is imposed for the privilege of doing business, regulating, or raising revenue for a local taxing jurisdiction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

12.32.180 Definitions.

Unless otherwise expressly stated, the words, terms, phrases, and their derivations set forth in this chapter have the meanings set forth in Cal. Pub. Util. Code § 5830, Title 47 of the United States Code, and Title 47 of the Code of Federal Regulations. Words used in the present tense include the future tense, and words in the singular include the plural number. In addition to the definitions listed in the federal and state statutes listed above, the meanings of the following words, terms and phrases shall be:

"City" means the city of Palos Verdes Estates as represented by its city council or by any delegate acting within the scope of its delegated authority.

"Person" means an individual, partnership, limited liability company, association, joint stock company, trust, corporation, or governmental entity.

"Public, educational or government access facilities" or "PEG access facilities" means the total of the following:

1. Channel capacity designated for noncommercial public, educational, or government use; and

2. Facilities and equipment for the use of that channel capacity.

"State franchisee" means any holder of a state-issued video franchise operating in the city, as defined in Cal. Pub. Util. Code § 5830(p). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 697 § 1, 2010)

Title 13
PUBLIC SERVICES

Chapters:

13.04 Sewers

13.06 Sewer User Fee

13.08 Storm Drains and Stormwater Management and Pollution Control

13.12 Underground Utility Districts

13.14 Sanitary Sewers and Industrial Waste

Chapter 13.04
SEWERS

Sections:

13.04.010 Connection permit – Required.

13.04.020 Connection permit – Fee.

Prior legislation: Ords. 244 and 495.

13.04.010 Connection permit – Required.

It is unlawful for any person, other than persons specifically permitted by this chapter, to cause or permit the connection of private sewer facilities to a public sewer or other similar appurtenance without first obtaining from the city engineer a written permit to construct or use such facilities, paying the required fees for issuing the permit and to cover costs for inspection and incidental expenses in connection therewith. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 218 § 1, 1964)

13.04.020 Connection permit – Fee.

The application for a connection permit shall be accompanied by an application fee as required by the fee schedule adopted by the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 341 § 1, 1978; Ord. 218 § 3, 1964)

Chapter 13.06
SEWER USER FEE

Sections:

13.06.010 Purpose.

13.06.020 Methodology for rate determination.

13.06.030 Collection of charges.

13.06.040 Expiration of sewer user fee.

13.06.050 Fee adjustment.

13.06.010 Purpose.

This chapter establishes a sewer user fee for all parcels of real property in the city connected to the sanitary sewer system. The city provides sewer service within its boundaries. The amount of money from ad valorem taxes available to the city is inadequate to fund the cost of maintenance and repair of those sanitary sewers, but such work must be performed to protect the public health, safety, and welfare. The purpose of this chapter is to provide financing for the ongoing maintenance and repair of the city's sanitary sewer system. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 649 § 2, 2003)

13.06.020 Methodology for rate determination.

The sewer user fee for any property in any one fiscal year shall be determined by multiplying the total number of sewer units anticipated to be generated by that property in that fiscal year by the effective sewer user fee rate for that fiscal year. These factors shall be determined as follows:

A. The total number of sewer units anticipated to be generated by a property for a fiscal year shall be deemed to be equal to the amount of water consumed on that property in the previous calendar year, minimizing to the extent feasible the amount of water used for landscaping. To determine that amount, the three months in the previous calendar year which had the lowest water usage in the city as a whole shall be determined. The total number of sewer units anticipated to be generated by a particular property shall be calculated by averaging the amount of water used at that property during such three-month period and multiplying that average by twelve.

B. The effective sewer user fee rate in any fiscal year shall be determined by dividing the annual sewer program budget for that fiscal year by the total number of sewer units in the entire city for the previous calendar year (determined by

averaging the amount of water used in the entire city during the three months in that calendar year which had the lowest water usage, and multiplying that average by twelve). The annual sewer program budget shall be calculated by adding (1) the amount budgeted by the city council in that fiscal year for repair and maintenance of the sewerage system and (2) the cost of engineering administration of the fee, and subtracting from said sum the amount of any interest earned on any amounts in the sewer fund balance.

Notwithstanding the foregoing, the maximum allowable sewer user fee rate shall not exceed the rate cap established by this paragraph. The rate cap shall be one dollar two cents per sewer unit for fiscal year 2003-2004. Thereafter, the rate cap shall be increased annually by any increase in the Engineering News Record Construction Cost Index for the Los Angeles area, as determined in February of each year. The rate cap shall increase in accord with the Construction Cost Index regardless of whether or not the sewer user fee rate imposed in any one year reaches the rate cap established for that year. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 649 § 2, 2003)

13.06.030 Collection of charges.

The sewer user fee shall be collected for each fiscal year on the county of Los Angeles tax roll in the same manner, by the same persons, and at the same time as, together with and not separately from, the general taxes of the city. For any fiscal year that the sewer user fee is not collected on the tax roll, the city may collect all or a portion of the sewer user fee for such year on the tax roll in the following fiscal year or years. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 649 § 2, 2003)

13.06.040 Expiration of sewer user fee.

The sewer user fee authorized by this chapter shall be effective from fiscal year 2003-2004 through fiscal year 2012-2013. Unless extended in accord with the then required provisions of law, the sewer user fee shall expire and be of no further force or effect as of July 1, 2013. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 649 § 2, 2003)

13.06.050 Fee adjustment.

A. At any time but no more frequently than once per year, the city council may review the status of compliance with this chapter and the degree to which the sewer user fees collected pursuant to this chapter are adequately financing the maintenance and repair of the city's sanitary sewer system. By ordinance, and after a noticed public hearing, the sewer user fee may be increased or decreased to reflect changes in the actual and estimated revenues and costs (including, without limitation, debt service, lease payments, inflation, identification of other funding sources, and acquisition and construction costs) of sewer maintenance as

compared to the previous estimate.

B. Upon adoption by the city council of any ordinance which proposes to increase the sewer user fee, the city clerk shall provide notice to all owners of parcels subject to the proposed increase. Such notice shall include a copy of the ordinance, a majority protest voting ballot, and a statement that a majority protest will prevent the enactment of the fee adjustment. At a noticed public hearing, the city council shall consider all protests and shall not enact the fee adjustment if a majority of city voters affected by the proposed adjustment submit ballots opposing the proposed adjustment. (Ord. 701 § 2 (Exh. 1), 2012)

Chapter 13.08
STORM DRAINS AND STORMWATER MANAGEMENT AND POLLUTION CONTROL

Sections:

13.08.005 Purpose and intent.

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13.08.005 Purpose and intent.

A. The purpose of this chapter is to protect and enhance the quality of surface waters and surface water bodies, including the Santa Monica Bay and Machado Lake, in a manner consistent with the Federal Clean Water Act (33 U.S.C. Sections 1251 et seq.), the California Porter-Cologne Water Quality Control Act (Cal. Water Code Sections 13000 et seq.), and the municipal National Pollutant Discharge Elimination System (NPDES) permit.

B. This chapter is intended to provide the city with the legal authority necessary to implement and enforce the requirements contained in 40 Code of Federal Regulations ("CFR") Section 122.26(d)(2)(i)(A) through (F) and in the municipal NPDES permit to the extent they are applicable in the city, to control discharges to and from those portions of the municipal stormwater system over which it has jurisdiction as required by the municipal NPDES permit, and to hold dischargers to the municipal stormwater system accountable for their contributions of pollutants and flows.

C. This chapter authorizes the authorized enforcement officer to define and adopt applicable best management practices (BMPs) and other stormwater pollution control measures, to grant emergency self-waivers from municipal NPDES permit development and redevelopment requirements, as provided herein, to cite

infractions, and to impose fines pursuant to this chapter. Except as otherwise provided herein, the authorized enforcement officer shall administer, implement, and enforce the provisions of this chapter.

D. This chapter also sets forth requirements for the construction and operation of certain "commercial and industrial facilities," "new development" and "redevelopment" projects, and other activities (as further defined herein), which are intended to ensure compliance with the stormwater mitigation measures prescribed in the current version of the municipal NPDES permit, which is on file in the office of the city clerk of this city.

E. The provisions of this chapter shall be construed to assure consistency with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and existing or future NPDES permits, and any amendment, revision or reissuance thereof. Any person who violates any provision of this chapter may also be in violation of such federal act, NPDES permit, or other federal or state law, and subject to the sanctions thereof.

F. The provisions of this chapter shall not be deemed to waive or supplant any other provision of this code, and, in the event of conflict, the more stringent requirement in terms of preservation of the public health, safety, and welfare shall prevail. (Ord. 706 § 3, 2015)

13.08.010 Definitions.

Except as specifically provided herein, any term used in this chapter shall be defined as that term is defined in the current municipal NPDES permit, or, if it is not specifically defined in the municipal NPDES permit, then as such term is defined in the Federal Clean Water Act, as amended, and/or the regulations promulgated thereunder. The following definitions apply to this chapter only:

"Authorized enforcement officer" means the city manager or his or her designee.

"Best management practices" or "BMPs" means activities, practices, facilities, and/or procedures that when implemented to their maximum efficiency will prevent or reduce pollutants in discharges. BMPs include, but are not limited to, public education and outreach, proper planning of development projects, proper cleanout of catch basin inlets, and proper sludge or waste handling and disposal, among others, to control stormwater and non-stormwater runoff, spillage, leaks, and contamination of the waters of the United States.

"City" means the city of Palos Verdes Estates, or the area within the limits of the

city of Palos Verdes Estates.

"Construction" means any construction or demolition activity, clearing, grading, grubbing, excavation, or any other activities that result in soil disturbance. Construction includes structure teardown and demolition. It does not include routine maintenance activities required to maintain the integrity of structures by performing minor repair and restoration work, original line and grade, hydraulic capacity, or original purpose of facility; emergency construction activities required to immediately protect public health and safety (including fire prevention); clearing and grubbing of vegetation for landscape maintenance which is not associated with a larger construction project; interior remodeling with no outside exposure of construction material or construction waste to stormwater; mechanical permit work; or sign permit work. See "routine maintenance" definition below.

"Construction general permit" means the NPDES General Permit for Storm Water Discharges Associated with Construction and Land Disturbance Activities, Order No. 2009-0009-DWQ (NPDES No. CAS000002), adopted September 2, 2009, and any successor permit to that permit.

"Development" means any construction, rehabilitation, redevelopment, or reconstruction of any public or private residential project (whether single-family, multi-unit or planned unit development); industrial, commercial, retail and other nonresidential projects, including public agency projects; or mass grading for future construction. It does not include routine maintenance to maintain original line and grade, hydraulic capacity, or original purpose of facility, nor does it include emergency construction activities required to immediately protect public health and safety.

"Directly adjacent" means situated within two hundred feet of the contiguous zone required for the continued maintenance, function, and structural stability of the environmentally sensitive area.

"Director" means the city manager or his or her designee.

"Discharge" means when used without qualification the "discharge of a pollutant."

"Discharging directly" means outflow from a drainage conveyance system that is composed entirely or predominantly of flows from the subject property, development, subdivision, or industrial facility, and not commingled with the flows from adjacent lands.

"Disturbed area" means an area that is altered as a result of clearing, grading,

and/or excavation, unless solely for the purposes of landscape maintenance or fire prevention.

"Hazardous material" means any material defined as hazardous by California Health and Safety Code Division 20, Chapter 6.95 (Hazardous Waste Control).

"Hazardous substance" means any substance designated pursuant to 40 CFR Section 302, and any unlisted hazardous substance which is a solid waste, as defined in 40 CFR Section 261.2, which is not excluded from regulation as a hazardous waste under 40 CFR Section 261.4(b), and which is a hazardous substance under Section 101(14) of the Federal Clean Water Act because it exhibits any of the characteristics identified in 40 CFR Sections 261.20 through 261.24.

"Hazardous waste" means any hazardous material or hazardous substance which is to be discharged, discarded, recycled, or processed.

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

"Industrial general permit" also known as the "general industrial activities stormwater permit" means the general NPDES permit adopted by the State Water Resources Control Board which authorizes the discharge of stormwater from certain industrial activities under certain conditions.

"Infiltration" means the downward entry of water into the surface of the soil.

"Inspection" means entry and the conduct of an on-site review of structures and devices on a property, at reasonable times, to determine compliance with specific municipal or other legal requirements. The steps involved in performing an inspection, include but are not limited to:

1. Pre-inspection documentation research;

2. Request for entry;

3. Interview of property owner, resident and/or occupant(s);

4. Property walk-through;

5. Visual observation of the condition of property premises;

6. Examination and copying of records as required;

7. Sample collection (if necessary or required);

8. Exit discussion (to discuss preliminary evaluation) as appropriate; and

9. Report preparation and, if appropriate, recommendations for coming into compliance.

"Low impact development" or "LID" means building or landscape features designed to retain or filter stormwater runoff.

"Municipal NPDES permit" means the "Waste Discharge Requirements for Municipal Separate Storm Sewer System (MS4) Discharges within the Coastal Watersheds of Los Angeles County, Except Those Discharges Originating from the City of Long Beach MS4" (Order No. R4-2012-0175), NPDES Permit No. CAS004001, effective December 28, 2012, issued by the California Regional Water Quality Control Board – Los Angeles Region, and any successor permit to that permit.

"Municipal separate storm sewer system" or "MS4" means a conveyance or system of conveyances (consisting of roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains):

1. Owned or operated by a state, city, town, borough, county, parish, district, association, or other public body (created by or pursuant to state law) having jurisdiction over disposal of sewage, industrial wastes, stormwater, or other wastes, including special districts under state law such as a sewer district, flood control district or drainage district, or similar entity, or an Indian tribe or an authorized Indian tribal organization, or a designated and approved management agency under Section 208 of the CWA that discharges to waters of the United States;

2. Designed or used for collecting or conveying stormwater;

3. Which is not a combined sewer; and

4. Which is not part of a publicly owned treatment works (POTW) as defined in 40 CFR Section 122.2.

"National Pollutant Discharge Elimination System" or "NPDES" means the national program for issuing, modifying, revoking and reissuing, terminating, monitoring, and enforcing permits, and imposing and enforcing pretreatment requirements, under Clean Water Act Section 307, 402, 318, and 405.

"Natural drainage systems" means all drainages that have not been improved (e.g., channelized or armored with concrete, shotcrete, or rip-rap) or drainage systems that are tributary to a natural 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.

"Pollutant" means those "pollutants" defined in Section 502(6) of the Federal Clean Water Act (33 U.S.C. Section 1362(6)), or incorporated into California Water Code Section 13373. Pollutant shall not include any discharge exempted from the provisions of this chapter pursuant to PVEMC 13.08.040. Examples of pollutants 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 soils, sediment and particulate materials in amounts which may adversely affect the beneficial use of the receiving waters, flora or fauna of the state;

5. Animal wastes (such as discharge from confinement facilities, kennels, pens, recreational facilities, stables and show facilities);

6. Substances having characteristics such as pH less than six or greater than nine, 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, unless solely for the purposes of landscape maintenance or fire prevention. The term is not limited to "project" as defined under CEQA.

"Redevelopment" means land-disturbing activity that results in the creation, addition, or replacement of ten thousand square feet or more of impervious surface on existing single-family dwelling and accessory structures or the creation, addition, or replacement of five thousand square feet or more of impervious surface area on an already developed site for non-single-family projects. 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 a routine maintenance activity, and land disturbing

activities 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.

"Routine maintenance" includes, but is not limited to, projects conducted to:

1. Maintain the original line and grade, hydraulic capacity, or original purpose of the facility;

2. Perform as needed restoration work to preserve the original design grade, integrity and hydraulic capacity of flood control facilities;

3. Carry out road shoulder work, regrading dirt or gravel roadways and shoulders and performing ditch cleanouts;

4. Update existing lines and facilities, including the replacement of existing lines with new materials or pipes, to comply with applicable codes, standards, and regulations regardless if such projects result in increased capacity;

5. Repair leaks;

6. Conduct landscaping activities without changing existing or natural grades; and

7. Conduct brush clearing and grubbing for fire prevention.

Routine maintenance does not include construction of new lines or facilities resulting from compliance with applicable codes, standards, and regulations. New lines are those that are not associated with existing facilities and are not part of a project to update or replace existing lines.

"Runoff" means any runoff including stormwater and dry weather flows from a drainage area that reaches a receiving water body or subsurface. During dry weather it is typically comprised of base flow, either contaminated with pollutants or uncontaminated, and nuisance flows.

"Significant ecological area" or "SEA" means an area that is determined to possess an example of biotic resources that cumulatively represent biological diversity, for the purposes of protecting biotic diversity, as part of the 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, or migrating grounds and is limited in availability either regionally or within Los Angeles County;

5. Biotic resources that are of scientific interest because they are either an extreme in physical/geographical limitations, or represent an unusual variation in a population or community;

6. Areas important as game species habitat or as fisheries;

7. Areas that would provide for the preservation of relatively undisturbed examples of natural biotic communities in Los Angeles County; and

8. Special areas.

"Simple LID BMP" means a BMP constructed above ground on a single-family residential home that can be readily inspected by a homeowner or inspector. Simple LID BMPs do not require an operation and maintenance plan per the municipal NPDES permit. Examples of such BMPs include, but are not limited to, vegetated swales, rain barrels and above ground cisterns, rain gardens, and pervious pavement.

"Site" means the land or water area where any "structure or activity" is physically located or conducted, including adjacent land used in connection with the structure or activity.

"Stormwater" means stormwater runoff and surface runoff and drainage related to precipitation events (pursuant to 40 CFR Section 122.26(b)(13); 55 Federal Register 47990, 47996 (Nov. 16, 1990)).

"Structural BMP" means any structural facility designed and constructed to mitigate the adverse impacts of stormwater and dry weather runoff pollution (e.g., canopy, structural enclosure). Structural BMPs may include both treatment control BMPs and source control BMPs.

"Treatment" means the application of engineered systems that use physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media adsorption, biodegradation, biological uptake, chemical oxidation, and UV radiation.

"Treatment control BMP" means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process. (Ord. 706 § 3, 2015)

13.08.020 Entry into storm drain facilities.

No person shall enter into any storm drain, storm drain ditch, storm drain pipe, flood control channel, or any other facility owned by any public agency for the purpose of transporting or diverting storm drain water, except public officers or employees, or persons holding the express written permission from the public works director of the city, or the chief engineer of the Los Angeles County flood control district; provided, however, that this section shall be applicable only to a storm drain facility where there is in place at each entrance of the facility a sign, the face of which is not less than one square foot in area, upon which appear the words "NO TRESPASSING – DO NOT ENTER." (Ord. 706 § 3, 2015)

13.08.030 Prohibition of illicit discharges and illicit connections to storm drains.

A. No person shall discharge or deposit or cause or suffer to be discharged or deposited in any channel, gutter, inlet, storm drain, or swale, or to flow across any public property, any material from any source which will or may cause or result in the pollution of any underground or surface waters, obstruction to the flow in storm drains, or other interference with the proper operation of the storm drain system. Prohibited discharges or deposits include, but are not limited to: flammable or explosive solids, liquids, or gases; litter; leaves, dirt, or other landscape debris; food wastes; ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastic, wood, or manure; and any other solid or viscous substance capable of causing such interference.

B. No person shall connect to the MS4, as defined, unless such connection has been specifically permitted in accordance with the provisions of federal, state and local law. It is prohibited to establish, use, maintain, or continue illicit connections to the MS4, or to commence or continue any illicit discharges to the storm drain system.

C. All non-stormwater discharges into the MS4 are prohibited unless those flows are: in compliance with a separate NPDES permit; pursuant to a discharge

exemption by the regional board, the regional board's executive officer, or the State Water Resources Control Board; associated with emergency firefighting activities (i.e., flows necessary for the protection of life or property); natural flows as defined in the municipal NPDES permit; conditionally exempt non-stormwater discharges as defined in accordance with the municipal NPDES permit; or authorized as a temporary non-stormwater discharge by USEPA pursuant to Section 104(a) or 104(b) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA). Prohibited discharges include, but are not limited to:

1. Wash waters from commercial auto washing or when gas stations, auto repair garages, or other types of automotive service facilities are cleaned;

2. Wastewater from mobile auto washing, steam cleaning, mobile carpet cleaning, and other such mobile commercial and industrial operations (excluding non-commercial car washing by residents and nonprofit organizations);

3. Discharges from areas where repair of machinery and equipment, including motor vehicles, which are visibly leaking oil, fluid or antifreeze, is undertaken;

4. Discharges of runoff from storage areas of materials containing grease, oil or other hazardous substances, and from uncovered receptacles containing hazardous materials;

5. Discharge of commercial, municipal or private swimming pool filter backwash;

6. Discharge of runoff from the washing of toxic materials from paved or unpaved areas;

7. Discharge from washing out concrete or cement laden wash water from concrete trucks, pumps, tools, and equipment;

8. Any pesticide, fungicide, or herbicide banned by the United States Environmental Protection Agency or the California Department of Pesticide Regulation;

9. Discharge from the washing of impervious surfaces associated with commercial activity, including but not limited to pressure washing of surfaces prior to or for cleanup from painting.

D. Each person who owns, manages, or operates any industrial or commercial parking lot with more than twenty-five parking spaces which is located in any area

potentially exposed to stormwater shall regularly remove oil, chemicals, debris, or other pollutionable materials from such lot by sweeping or other equally effective measures (including use of absorbent material if necessary).

E. Each person who owns, manages, or operates any machinery or equipment which is to be repaired or maintained shall use best management practices or shall place the machinery or equipment that is to be repaired or maintained in such a place that leaks, spills, and other maintenance-related pollutants are not discharged to the storm drain system.

F. All hazardous substances and hazardous materials shall be stored in such a manner as to prevent such substances or materials from coming into contact with stormwater or other runoff which discharges into the storm drain system. It is unlawful for any person to dispose of any hazardous waste in any trash container used for municipal trash disposal.

G. In any area exposed to stormwater, all fuels, chemicals, fuel and chemical wastes, animal wastes, garbage, batteries, and other materials shall be removed and lawfully disposed of in a manner so as to avoid potential adverse impacts on water quality.

H. Persons conducting commercial or industrial activities within the city shall implement effective source control best management practices as required in the municipal NPDES permit to prevent illicit discharges and to prevent stormwater discharges associated with the commercial or industrial activity from causing or contributing to a violation of receiving water limitations. Persons conducting commercial or industrial activities within the city shall refer to the most recent edition of the Industrial/Commercial Stormwater Best Management Practices Handbook, produced and published by the California Stormwater Quality Association, for specific guidance on selecting best management practices for reducing pollutants in stormwater discharges from commercial/industrial activities.

I. Each industrial discharger subject to the industrial general permit or other discharger described in any general stormwater permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the Los Angeles Regional Water Quality Control Board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the authorized enforcement officer prior to the issuance of any grading, building, or occupancy permits, or any other type of

permit or license issued by the city. (Ord. 706 § 3, 2015)

13.08.040 Exceptions.

Discharges from those activities specifically identified in, or pursuant to, the municipal NPDES permit as being exempted discharges or conditionally exempted discharges shall not be considered a violation of this chapter; provided, that any applicable BMPs developed pursuant to the municipal NPDES permit are implemented to minimize any adverse impacts from such identified sources and that required conditions prescribed in the municipal NPDES permit are met prior to discharge. All non-stormwater discharges through the MS4 to receiving waters are prohibited except for those discharges identified in the municipal NPDES permit as follows:

A. Authorized non-stormwater discharges separately regulated by an individual or general NPDES permit;

B. Temporary non-stormwater discharges authorized by USEPA pursuant to Section 104(a) or 104(b) of CERCLA that meet all requirements set forth in the municipal NPDES permit;

C. Authorized non-stormwater discharges from emergency firefighting activities (i.e., flows necessary for the protection of life or property). Discharges from vehicle washing, building fire suppression system maintenance and testing, fire hydrant maintenance and testing, and other routine maintenance activities are not considered emergency firefighting activities;

D. Natural flows, including natural springs; flows from riparian habitats and wetlands; diverted stream flows, authorized by the state or regional water board; uncontaminated ground water infiltration which is water other than wastewater that enters the MS4 (including foundation drains) from the ground through such means as defective pipes, pipe joints, connections, or manholes; rising ground waters, where ground water seepage is not otherwise covered by a NPDES permit; or

E. Conditionally exempt non-stormwater discharges as defined by the municipal NPDES permit which meet all requirements therein. (Ord. 706 § 3, 2015)

13.08.050 Requirements for industrial, commercial and construction activities.

A. Each industrial discharger, discharger associated with construction activity, or other discharger described in any general stormwater permit addressing such discharges, as may be issued by the U.S. Environmental Protection Agency, the

State Water Resources Control Board, or the regional board, shall comply with all requirements of such permit. Each discharger identified in an individual NPDES permit shall comply with and undertake all activities required by such permit. Proof of compliance with any such permit may be required in a form acceptable to the authorized enforcement officer prior to the issuance of any grading, building, final approval, or any other type of permit or license issued by the city.

B. Non-stormwater discharges to the MS4 from industrial, commercial, or construction activities are prohibited.

C. Industrial and commercial dischargers and dischargers associated with construction activities must implement effective BMPs, including source control BMPs, in accordance with the municipal NPDES permit to reduce pollutants in stormwater from such sites to the maximum extent practicable.

D. Stormwater runoff containing sediment, construction materials, or other pollutants from the construction site and any adjacent staging, storage or parking areas shall be reduced to the maximum extent practicable.

E. Construction sites less than one acre must implement an effective combination of erosion and sediment control BMPs from the municipal NPDES permit to prevent erosion and sediment loss, and the discharge of construction wastes.

F. Construction sites covering one acre or more must adhere to the requirements set forth in the municipal NPDES permit and the construction general permit. A stormwater pollution prevention plan (SWPPP) for construction sites of one acre or greater shall be developed by a qualified SWPPP developer (QSD) consistent with the municipal NPDES permit. (Ord. 706 § 3, 2015)

13.08.060 Planning and land development program requirements for new development and redevelopment projects.

A. The following new development and redevelopment projects are required to comply with the municipal NPDES permit:

1. Development projects, including the construction of new single-family residential homes, equal to one acre or greater of disturbed area and adding more than ten thousand square feet of impervious area;

2. Industrial parks ten thousand square feet or more of surface area;

3. Commercial malls ten thousand square feet or more of surface area;

4. Retail gasoline outlets five thousand square feet or more of surface area;

5. Restaurants (as defined in the Department of Labor's Standard Industrial Classification (SIC) Code 5812) five thousand square feet or more of surface area;

6. Parking lots with five thousand square feet or more of impervious area or with twenty-five or more parking spaces;

7. Single-family hillside residential developments or redevelopments;

8. Street and road construction of ten thousand square feet or more of impervious surface area shall follow USEPA guidance regarding Managing Wet Weather with Green Infrastructure: Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable. Street and road construction applies to standalone streets, roads, highways, and freeway projects, and also applies to streets within larger projects;

9. Automotive service facilities (SIC 5013, 5014, 5511, 5541, 7532 through 7534 and 7536 through 7539) five thousand square feet or more of surface area;

10. Projects located in, or directly adjacent to, or discharging directly to a significant ecological area (SEA), as defined, where the development will:

a. Discharge stormwater runoff that is likely to impact a sensitive biological species or habitat; and

b. Create two thousand five hundred square feet or more of impervious surface area;

11. Projects in subject categories that meet redevelopment thresholds (pursuant to the municipal NPDES permit), which include:

a. Land-disturbing activities which create, add, or replace ten thousand square feet or more of impervious surface area on existing single-family dwellings and accessory structures; and

b. Land-disturbing activities which create, add, or replace five thousand square feet or more of impervious surface area on an already developed site excluding single-family dwellings and accessory structures.

c. 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-development stormwater quality control requirements, the entire project must be mitigated.

d. Where redevelopment results in an alteration to less than fifty percent of impervious surfaces of a previously existing development, and the existing development was not subject to post-development stormwater quality control requirements, only the alteration must be mitigated, and not the entire development.

B. Exceptions. Notwithstanding subsection A of this section, the following activities or projects do not constitute new development or redevelopment:

1. Routine maintenance activities conducted to maintain original line and grade, hydraulic capacity, original purpose of facility, or emergency redevelopment activity required to protect public health and safety.

2. Discretionary permit projects or phased project applications which have been deemed complete by February 8, 2013, and which have not received an extension of time.

3. Discretionary permit projects with a valid vesting tentative map.

C. Incorporation of Planning and Land Development Program Requirements into Project Plans.

1. New development and redevelopment projects are required to control pollutants and runoff volume from the project site by minimizing the impervious surface area and controlling runoff through infiltration, bioretention, and/or rainfall harvest and use, in accordance with the standards set forth in the municipal NPDES permit.

2. An applicant for a new development or a redevelopment project identified in subsection A of this section shall incorporate into the applicant's project plans a post construction stormwater mitigation plan which includes those best management practices necessary to control stormwater pollution from the completed project. Structural or treatment control BMPs (including, as applicable, post-construction treatment control BMPs) set forth in project plans shall meet the design standards set forth in the current municipal NPDES permit.

3. To the extent that the city may lawfully impose conditions, mitigation measures, or other requirements on the development or construction of a single-family home in a hillside area, a single-family hillside home development or redevelopment project shall implement 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.

4. New Development/Redevelopment Project Performance Criteria.

a. Post-construction treatment control BMPs are required for all new development and redevelopment projects identified in subsection A of this section unless alternative measures are allowed as provided in the municipal NPDES permit. BMPs must be implemented to retain on site the stormwater quality design volume (SWQDv), defined as runoff from either:

(1) The three-quarter-inch, twenty-four-hour rain event; or

(2) The eighty-fifth percentile, twenty-four-hour event, as determined from the Los Angeles County eighty-fifth percentile precipitation isohyetal map, whichever is greater.

b. BMPs shall meet the design specifications and on-site retention potential outlined in the municipal NPDES permit.

c. For projects unable to retain one hundred percent of the SWQDv on site due to technical infeasibility as defined in the municipal NPDES permit, such projects must implement alternative compliance measures in accordance with the municipal NPDES permit.

d. Single-family hillside home development projects are exempt from the new development/redevelopment project performance criteria unless they create, add or replace ten thousand square feet of impervious surface area.

e. Street and road construction projects of ten thousand square feet or more of impervious surface area are exempt from the new development/redevelopment project performance criteria but shall adhere to the city's green streets policy and be consistent with USEPA guidance regarding Managing Wet Weather with Green Infrastructure:

Green Streets (December 2008 EPA-833-F-08-009) to the maximum extent practicable.

5. Hydromodification Control Criteria.

a. All non-exempt new development and redevelopment projects located within natural drainage systems as defined in PVEMC 13.08.010 must implement hydrologic control measures to prevent accelerated downstream erosion and to protect stream habitat in natural drainage systems. Projects exempt from hydromodification controls are listed in the municipal NPDES permit.

b. The following new development and redevelopment projects must include one, or a combination of, hydromodification control BMPs, low impact development (LID) strategies, or stream and riparian buffer restoration measures:

(1) Single-family homes are required to implement LID BMPs in accordance with subsections (C)(1) through (C)(4) of this section. Single-family homes implementing such BMPs will satisfy the hydromodification requirements of this order.

(2) Non-single-family home projects disturbing an area greater than one acre but less than fifty acres within natural drainage systems must demonstrate one of the following:

(a) The project has been designed to retain on site, through infiltration, evapotranspiration, and/or harvest and use, the stormwater volume from the runoff of the ninety-fifth percentile, twenty-four-hour storm, or

(b) The runoff flow rate, volume, velocity, and duration for the post-development condition do not exceed the pre-development condition for the two-year, twenty-four-hour rainfall event, or

(c) The erosion potential (Ep) in the receiving water channel will approximate one, as determined by a hydromodification analysis study and the equation presented in Attachment J of the municipal NPDES permit, or other approved equations.

(3) Non-single-family home projects disturbing fifty acres or more within natural drainage systems must demonstrate one of the following:

(a) The project has been designed to infiltrate on site the stormwater volume from the runoff of the two-year, twenty-four-hour storm event, or

(b) The runoff flow rate, volume, velocity, and duration for the post-development condition do not exceed the pre-development condition for the two-year, twenty-four-hour rainfall event, or

(c) The erosion potential (Ep) in the receiving water channel will approximate one, as determined by a hydromodification analysis study and the equation presented in Attachment J of the municipal NPDES permit, or other approved equations.

D. Issuance of Discretionary Permits. No discretionary permit may be issued for any new development or redevelopment project identified in subsection A of this section until the authorized enforcement officer confirms that the project plans comply with the applicable stormwater mitigation plans and enumerated design criteria requirements.

E. Issuance of Final Approval. As a condition for issuing final approval for new development or redevelopment projects identified in subsection A of this section, the authorized enforcement officer shall require property owners or their representative(s) to build all the stormwater pollution control best management practices and structural or treatment control BMPs that are shown on the approved project plans and to submit a signed certification statement stating that the site and all structural or treatment control BMPs will be maintained in compliance with the municipal NPDES permit and other applicable regulatory requirements and including the following words:

> SHOULD THE ABOVE REPRESENTATION BE INCORRECT, WE UNDERSTAND AND ACKNOWLEDGE THAT WE, THE UNDERSIGNED, ARE RESPONSIBLE FOR THE COST OF CORRECTING ANY DEFICIENCY IN THE PERFORMANCE OF THE ABOVE CONDITION AS WELL AS PAYMENT OF APPLICABLE ADMINISTRATIVE AND/OR CIVIL REMEDIES. WE UNDERSTAND THAT THE CITY WILL RELY ON THE REPRESENTATIONS CONTAINED IN THIS STATEMENT AS HAVING ACHIEVED OUR OBLIGATION FOR COMPLIANCE WITH STORM WATER REQUIREMENTS AND SIGN THIS CERTIFICATION VOLUNTARILY, WITHOUT PURPOSE OF EVASION AND OF OUR OWN FREE WILL AND WITH FULL KNOWLEDGE OF ITS SIGNIFICANCE.

With the exception of simple LID BMPs (as defined in PVEMC 13.08.010) implemented on single-family residences, project owners shall provide an

operation and maintenance plan, monitoring plan where required, and verification of ongoing maintenance provisions for LID practices, treatment control BMPS, and hydromodification control BMPs including but not limited to: final map conditions, legal agreements, covenants, conditions or restrictions, CEQA mitigation requirements, conditional use permits, and/or other legally binding maintenance agreements. These maintenance records must be kept on site for treatment BMPs implemented on single-family residences.

F. Transfer of Properties Subject to Requirement for Maintenance of Structural and Treatment Control BMPs.

1. The transfer or lease of a property subject to a requirement for maintenance of structural and treatment control BMPs shall include conditions requiring the transferee and its successors to either (a) assume responsibility for maintenance of any existing structural or treatment control BMP or (b) to replace an existing structural or treatment control BMP with new control measures or BMPs meeting the current standards of the city and the municipal NPDES permit. Such requirement shall be included in any sale or lease agreement or deed for such property. The condition of transfer shall include a provision that the successor property owner or lessee conduct maintenance inspections of all structural or treatment control BMPs at least once a year and retain proof of inspection.

2. For residential properties where the structural or treatment control BMPs are located within a common area which will be maintained by the community association, appropriate arrangements shall be made with the association regarding the responsibility for maintenance.

3. If structural or treatment control BMPs are located within an area proposed for dedication to a public agency, they will be the responsibility of the developer until the dedication is accepted.

G. CEQA. Provisions of this section shall be complementary to, and shall not replace, any applicable requirements for stormwater mitigation required under the California Environmental Quality Act. (Ord. 706 § 3, 2015)

13.08.070 Enforcement.

A. The authorized enforcement officer or designee and authorized representatives thereof are authorized and directed to enforce all provisions of this chapter.

B. Authorized officers may carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance and noncompliance with the

municipal NPDES permit, including the prohibition of non-stormwater discharges into the MS4 and receiving waters. With the consent of the owner or occupant or pursuant to an inspection warrant, any authorized enforcement officer may establish on any property such devices as necessary to conduct sampling and monitoring activities necessary to determining the concentrations of pollutants in stormwater and/or non-stormwater runoff. The inspections provided for herein may include but are not limited to:

1. Inspecting efficiency or adequacy of construction or post-construction BMPs;

2. Inspecting, sampling and testing any area runoff, soils in areas subject to runoff, and/or treatment system discharges;

3. Inspection of the integrity of all storm drain and sanitary sewer systems, including the use of smoke and dye tests and video survey of such pipes and conveyance systems;

4. Inspection of all records of the owner, contractor, developer or occupant of public or private property relating to BMP inspections conducted by the owner, contractor, developer or occupant and obtaining copies of such records as necessary; and

5. Identifying points of stormwater discharge from the premises whether surface or subsurface and locating any illicit connection or discharge.

C. Facility Inspections. Commercial and industrial facilities as defined under the municipal NPDES permit shall be periodically inspected by the director of public works, authorized enforcement officer, building official, or representative thereof. Inspections shall be conducted no less than twice during the term of the municipal NPDES permit and as often as necessary as the director of public works deems appropriate to verify compliance with this chapter.

D. For the first failure to comply with any provision of this chapter or any applicable requirement of the municipal NPDES permit, the authorized enforcement officer shall issue to the violator a notice explaining the issues associated with stormwater pollution and warning of the nature of the violation. Such notice shall include information as to the action required to be taken to correct the violation, if any, and the time within which such action shall be completed. Such notice shall also contain information as to the fines and costs which may be imposed for failure to comply with the notice to correct and/or for subsequent violations of this chapter.

E. Any person who fails to comply with any provision of any notice issued pursuant to subsection D of this section within the time period(s) set forth therein shall be guilty of a misdemeanor.

F. Any person who fails to comply with any of the provisions of this chapter by undertaking any subsequent action prohibited by this chapter after having received notice pursuant to subsection D shall be guilty of a misdemeanor.

G. The city may declare any violation of this chapter a public nuisance, and abate it in accordance with the procedures of Chapter 8.48 PVEMC.

H. In addition to any other remedies provided in this section, any violation of this chapter may be enforced by a civil action brought by the city.

I. The remedies specified in 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. (Ord. 706 § 3, 2015)

Chapter 13.12
UNDERGROUND UTILITY DISTRICTS

Sections:

13.12.010 Definitions.

13.12.020 Public hearing.

13.12.030 Report to council.

13.12.040 Resolution designating district.

13.12.050 Above-ground facilities unlawful.

13.12.060 Exceptions.

13.12.070 Notice to property owners and utilities.

13.12.080 Responsibility of utility companies.

13.12.090 Responsibility of property owners.

13.12.100 Responsibility of city.

13.12.110 Extension of time.

13.12.120 New wiring to be underground.

13.12.010 Definitions.

Whenever in this chapter the words or phrases defined in this section are used, they shall have the respective meanings assigned to them in the following definitions:

A. “Commission” means the Public Utilities Commission of the state.

B. “Person” means and includes individuals, firms, corporations, partnerships, and their agents and employees.

C. “Poles, overhead wires and associated overhead structures” means poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground within a district and used or useful in supplying electric, communication, community antenna or similar associated service.

D. “Underground utility district” or “district” shall mean that area in the city within

which poles, overhead wires, and associated overhead structures are prohibited as such area is described in a resolution adopted pursuant to the provisions of PVEMC 13.12.040.

E. “Utility” includes all persons or entities supplying electric, communication, community antenna or similar or associated service by means of electrical materials or devices. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.020 Public hearing.
The council may from time to time call public hearings to ascertain whether the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication, community antenna, or similar or associated service. The city clerk shall notify all affected property owners as shown on the last equalized assessment roll and utilities concerned by mail of the time and place of such hearings at least ten days prior to the date thereof. Each such hearing shall be open to the public and may be continued from time to time. At each such hearing all persons interested shall be given an opportunity to be heard. The decision of the council shall be final and conclusive. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.030 Report to council.
Prior to holding such public hearing, the director of public works shall consult with all affected utilities and shall prepare a report for submission at such hearing containing, among other information, the extent of such utilities’ participation and estimates of the total costs to the city and the affected property owners. Such report shall contain an estimate of the time required to complete such underground installation and removal of overhead facilities. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.040 Resolution designating district.
If after any such public hearing the council finds that the public necessity, safety or welfare requires such removal and such underground installation within a designated area, the council shall, by resolution, declare such designated area an underground utility district and order such removal and underground installation. Such resolution shall include a description of the area comprising such district and shall fix the time within which such removal and underground installation shall be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal and underground installation, having due regard for the availability of labor, materials

and equipment necessary for such removal and for the installation of such underground facilities as may be occasioned thereby. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.050 Above-ground facilities unlawful.

Whenever the council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures therein as provided in PVEMC 13.12.040, it is unlawful for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when the overhead facilities are required to be removed by such resolution, except as the overhead facilities may be required to furnish service to an owner or occupant of property prior to the performance by such owner or occupant of the underground work necessary for such owner or occupant to continue to receive utility service as provided in PVEMC 13.12.090, and for such reasonable time required to remove the facilities after the work has been performed, and except as otherwise provided in this code. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.060 Exceptions.

A. Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained in the following circumstances, unless otherwise provided in the resolution designating an underground utility district:

1. Poles and pedestals for fire alarm boxes, street lights, traffic signals and the like installed and maintained by or for the city;

2. Air vents, meters, cabinets containing electronic devices, and cabinets for connection points determined by the director of public works to be necessary for service continuity, and not feasible of underground location, subject to approval by the director as to location and unobtrusiveness;

3. Antennas and supporting structures used for communication service or reception for a community antenna system subject to approval by the city council as to location and unobtrusiveness;

4. Temporary overhead facilities necessary for emergency service for less than ten days, which period may be extended by the director of public works for a period not exceeding ninety days and which period may be extended by the city council for an unlimited period;

5. Temporary overhead wires and supporting poles approved by the director of public works and erected to facilitate construction of a building or other

structure, for a period not more than one hundred eighty days.

B. Additional exceptions for specific facilities may be made in the resolution designating an underground utility district. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.070 Notice to property owners and utilities.

A. Within ten days after the effective date of a resolution adopted pursuant to PVEMC 13.12.040, the city clerk shall notify all affected utilities and all persons owning real property within the district created by the resolution of the adoption thereof.

B. The city clerk shall further notify such affected property owners of the necessity that, if they or any person occupying such property desires to continue to receive electric, communication, community antennas, or similar or associated service, they or such occupant shall provide all necessary facility changes on their premises so as to receive such service from the lines of the supplying utility or utilities at a new location.

C. Notification by the city clerk shall be made by mailing a copy of the resolution adopted pursuant to PVEMC 13.12.040, together with a copy of this chapter, to affected property owners as such are shown on the last equalized assessment roll and to the affected utilities. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.080 Responsibility of utility companies.

If underground construction is necessary to provide utility service within a district created by any resolution adopted pursuant to PVEMC 13.12.040, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the commission. Utilities not regulated by the commission shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under rules adopted by the council by resolution. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.090 Responsibility of property owners.

A. Every person owning, operating, leasing, occupying or renting a building or structure within a district shall be financially responsible to provide that portion of the service connection on that person's property between facilities referred to in PVEMC 13.12.080 and the termination facility on or within the building or structure being served.

B. In the event any person owning, operating, leasing, occupying or renting the

property does not comply with the provisions of subsection A of this section within the time provided for in the resolution enacted pursuant to PVEMC 13.12.040, the city engineer shall post written notice on the property being served and thirty days thereafter may authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to the property. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.100 Responsibility of city.
The city shall remove at its own expense all city-owned equipment from all poles required to be removed under this chapter in ample time to enable the owner or user of such poles to remove them within the time specified in the resolution enacted pursuant to PVEMC 13.12.040. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.110 Extension of time.
In the event that any act required by this chapter or by a resolution adopted pursuant to PVEMC 13.12.040 cannot be performed within the time provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstance beyond the control of the actor, then the time within which such act will be accomplished shall be extended for a period equivalent to the time of such limitation. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 253 § 1, 1968)

13.12.120 New wiring to be underground.
All new electric, telephone and community antenna service laterals, and wiring between buildings, shall be installed underground, with the following exceptions:

A. Where existing utility facilities are overhead, and connection thereto would be in a substantially different location from the probable future location of planned underground facilities, an overhead service may be installed; provided, that no additional utility pole may be installed without the prior approval of the city council. In any event, appropriate provisions shall be made for future underground service;

B. Temporary overhead facilities for emergency service for less than ten days and for other temporary purposes for not more than one hundred eighty days as approved by the director of public works. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 252 § 1, 1968)

Chapter 13.14
SANITARY SEWERS AND INDUSTRIAL WASTE

Sections:

13.14.010 Adoption of sanitary sewer and industrial waste ordinance.

13.14.020 Definitions.

13.14.030 Amendments to county ordinance.

13.14.040 Industrial waste disposal permit fees.

13.14.010 Adoption of sanitary sewer and industrial waste ordinance.

Title 20, Utilities, Division 2, Sanitary Sewers and Industrial Waste, of the Los Angeles County Code as amended and in effect on July 13, 2017, is hereby adopted by reference as the "sanitary sewer and industrial waste ordinance" of the city of Palos Verdes Estates.

A copy of the sanitary sewer and industrial waste ordinance has been deposited in the office of the city clerk of the city and shall be at all times maintained by the clerk for use and examination by the public. (Ord. 723 § 4, 2017)

13.14.020 Definitions.

Whenever any of the following names or terms are used in Los Angeles County Code Title 20, Division 2, adopted by reference in this chapter, each such name or term shall be deemed and construed to have the meaning ascribed to it in this section as follows:

A. "Board" means the city council.

B. "County engineer" means the city engineer.

C. "County of Los Angeles" means the city of Palos Verdes Estates, except in such instances where the county of Los Angeles is a correct notation due to circumstances.

D. "County sewer maintenance district" means the county sewer maintenance district, except in the instance where the territory concerned either is not within or has been withdrawn from a county sewer maintenance district. In any such instance, "county sewer maintenance district" means the city of Palos Verdes Estates.

E. "Ordinance" means an ordinance of the city of Palos Verdes Estates, except in such instances where the reference is to a stated ordinance of the county of Los

Angeles.

F. “Public sewer” means all sanitary sewers and appurtenances thereto lying within streets or easements dedicated to the city, which are under the sole jurisdiction of the city.

G. “Trunk sewer” means a sewer under the jurisdiction of a public entity other than the city of Palos Verdes Estates. (Ord. 723 § 4, 2017)

13.14.030 Amendments to county ordinance.
The following described section of the Los Angeles County sanitary sewer and industrial waste ordinance, adopted by this chapter as the sanitary sewer and industrial waste ordinance, is amended as follows:

A. Section 20.36.260 of said sanitary sewer and industrial waste ordinance is amended to exclude stormwater monitoring or stormwater treatment BMP approval/monitoring from the list of classes of businesses, processes and industries. (Ord. 723 § 4, 2017)

13.14.040 Industrial waste disposal permit fees.
The fees for the issuance of industrial waste disposal permits shall be the same as those established by the county of Los Angeles in Title 20, Utilities, Division 2, Sanitary Sewers and Industrial Waste, Sections 20.36.230, 20.36.240, 20.36.245, 20.36.250, 20.36.260, 20.36.265, 20.36.270, 20.36.280, 20.36.290 and 20.36.295 of the Los Angeles County Code and any subsequent amendments or modifications thereto. (Ord. 723 § 4, 2017)

Title 15
BUILDINGS AND CONSTRUCTION

Chapters:

15.04 General Requirements for Buildings

15.08 Administration

15.12 Building Codes – Adoptions and Amendments

15.50 Floodplain Management

Prior legislation: Ord. 169.

Chapter 15.04
GENERAL REQUIREMENTS FOR BUILDINGS

Sections:

15.04.010 Paved streets and alleys required.

15.04.020 Parkway trees.

15.04.030 Street and storm drainage improvements required.

15.04.010 Paved streets and alleys required.

A. It is unlawful for any person, firm or corporation to erect, construct or maintain any building on any lot or building site in the city where the adjacent street or streets on the front, rear or either side of the lot or building site are not paved.

B. It is unlawful for any person, firm or corporation to erect, construct or maintain any building on any lot or building site in the city where access or approach to the building is over an unpaved alley. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 172 §§ 1, 2, 1958)

15.04.020 Parkway trees.

Any owner, lessee or agent constructing or arranging for the construction of a building shall also provide for the planting of trees in the parkways adjacent to the site of the building, and the building inspector shall deny approval and acceptance to any building until such trees exist or their planting has been guaranteed by an agreement acceptable to the city engineer. Planting shall conform to the regulations referred to in Chapter 12.16 PVEMC. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 251 § 1, 1968)

15.04.030 Street and storm drainage improvements required.

A. Any owner, lessee or agent constructing or arranging for construction of a building or addition thereto shall also provide for the improvement of streets, alleys, walks and drainage courses adjacent to the site of the building in conformance with standards and specifications of the city and plans approved by the city engineer. In the event intervening street area is unimproved, pavement for two-way traffic shall be provided to connect to an existing paved street.

B. The city council may, after finding that such action will not adversely affect the health, safety and welfare of the public, modify the requirements of subsection A of this section or approve alternative arrangements assuring appropriate improvements.

C. The building inspector shall deny final approval and acceptance to any building

until improvements required by subsection A of this section exist, or their construction is guaranteed by agreement acceptable to the city engineer and accompanied by a cash or surety bond deposited with the city in a sum to be determined by the city engineer based on estimated actual cost. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 246 § 1, 1967)

Chapter 15.08
ADMINISTRATION

Sections:

15.08.120 Fee refunds.

15.08.130 Violation – Penalty.

15.08.140 After-the-fact permit application defined.

15.08.150 After-the-fact permit application – Investigation fee.

15.08.120 Fee refunds.

In the event that any person shall have obtained a permit and no portion of the work or construction covered by such permit has been commenced and such permit has been cancelled without any work having been done, the permittee, upon presentation to the building inspector of a request therefor in writing within ninety days of the issuance of such permit, shall be entitled to a refund in an amount equal to seventy-five percent of the fee actually paid for such permit. The building inspector will satisfy himself or herself as to the right of such applicant to such refund and each such refund shall be paid as provided by law for the payment of claims against the city. No refund shall be made when a permit has been obtained by falsification or misrepresentation and has been revoked for such cause. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 268 § 9, 1970)

15.08.130 Violation – Penalty.

Any person violating any of the provisions of this title, or any of the provisions of any of the building codes adopted by the city by reference thereto as set forth in this title, shall be guilty of a misdemeanor, except that, notwithstanding any other provision of this section, any violation constituting a misdemeanor under this title or under any provision of such building codes may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 627 § 27, 2001; Ord. 495 § 14, 1989; Ord. 268 § 9, 1970)

15.08.140 After-the-fact permit application defined.

“After-the-fact permit application” means any permit application which is submitted to city personnel pursuant to any provision of this title after any portion of the activity for which the permit is sought has been undertaken. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 474 § 3, 1988)

15.08.150 After-the-fact permit application – Investigation fee.

Each and every permit application submitted by any person which qualifies as an after-the-fact permit shall be subject to an investigation fee, the amount of which

shall be set by resolution. Such fee shall not be refundable regardless of whether the after-the-fact permit is granted or denied. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 474 § 3, 1988)

Chapter 15.12
BUILDING CODES – ADOPTIONS AND AMENDMENTS

Sections:

15.12.010 Adoption of California Building Code and related model codes.

15.12.020 Administration.

15.12.030 Fees.

15.12.040 Liability.

15.12.050 Maintenance agreement.

15.12.060 Building permit expiration.

15.12.070 Underground utilities.

15.12.080 Amendments to the California Electrical Code.

15.12.010 Adoption of California Building Code and related model codes.

A. For the purpose of prescribing regulations for the erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes are hereby adopted by reference and made a part of this chapter as though set forth in full, except as amended by this chapter: the California Building Code Parts 1 and 2, 2016 Edition, based on the 2015 International Building Code, including Chapter 1, Scope and Administration, with Appendices I and J; the California Green Building Code, 2016 Edition, as published by the International Code Council; the California Residential Code, 2016 Edition, based on the 2015 International Residential Code, including Appendix H as published by the California Building Standards Commission; the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2015 Edition, as published by the International Code Council; the Uniform Swimming Pool, Spa and Hot Tub Code, 2015 Edition, as published by the International Association of Plumbing and Mechanical Officials; the Uniform Solar Energy and Hydronics Code, 2015 Edition, as published by the International Association of Plumbing and

Mechanical Officials; the California Energy Code, 2016 Edition, as published by the International Code Council; the California Historical Building Code, 2016 Edition, as published by the International Code Council; the California Existing Building Code, 2016 Edition, as published by the International Code Council; and the California Referenced Standards, 2016 Edition, as published by the International Code Council (collectively, the "construction codes").

B. The provisions of these construction codes, as amended by this chapter, shall constitute the building regulations of the city of Palos Verdes Estates. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the construction codes, state regulations shall prevail over the construction codes. (Ord. 723 § 5, 2017; Ord. 705 § 3, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.020 Administration.

A. A copy of each construction code shall be maintained in the office of the city clerk and shall be made available for public inspection.

B. Except as otherwise provided in this chapter, the governing rules, regulations and conditions of administrative procedure for the city building codes shall be as set forth in Chapter 1 of the California Building Code, 2016 Edition, and such rules, regulations and conditions shall prevail over any provision pertaining to administrative procedures set forth in any of the other construction codes adopted by reference in PVEMC 15.12.010. (Ord. 723 § 6, 2017; Ord. 705 § 4, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.030 Fees.

Notwithstanding any provision of any construction codes adopted by reference in PVEMC 15.12.010, all fees shall be established by resolution of the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.040 Liability.

Notwithstanding the provisions of PVEMC 15.12.010, Section 104.10 of Chapter 1 of the California Building Code is hereby amended by adding a sentence to the end of the paragraph as follows:

> The provisions of this section shall apply if the Building Official or his/her authorized representative are employees of this jurisdiction and shall also apply if the Building Official or his/her authorized representative are acting under contract as agents of this jurisdiction.

(Ord. 723 § 7, 2017; Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3,

2007)

15.12.050 Maintenance agreement.
Prior to issuance of a permit, the applicant shall execute a construction site maintenance agreement with the city that sets forth requirements governing the work authorized by such permit. The agreement shall be prepared by the building official and shall contain pertinent provisions of city ordinances and regulations. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.060 Building permit expiration.
Notwithstanding the provisions of PVEMC 15.12.010, Section 105.5 of Chapter 1 of the California Building Code is hereby amended as follows:

> Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed through final inspection within eighteen (18) months from the date of issuance of such permit; provided, however, that for good cause, upon initial application for a permit, the City Council may establish a different expiration date when it is anticipated such date will be necessary to complete
>
> construction due to extenuating circumstances. Upon expiration, before work under the permit can be recommenced, a new permit shall be obtained. Such new permit shall be valid for six (6) months, and the fee therefor shall be one-half the amount required for a new permit for such work, if no changes have been made or will be made in the original plans and specifications for the work and not more than one year has passed since the expiration of the permit; otherwise, such new permit shall be subject to all terms and conditions applicable to new permits.
>
> Any permittee holding an unexpired permit may apply for an extension of the time within which the permittee may complete work under that permit when the permittee is unable to complete the work within the time required by this section although proceeding with due diligence. Application for extension shall be filed on forms prescribed by the Building Official and be accompanied by payment of the fee as the City Council may establish by resolution. The Building Official may extend the time for completion of work under the permit by the permittee for a period of time not exceeding 180 days upon finding the permittee has been proceeding with due diligence and that circumstances beyond the control of the permittee have prevented such work from being completed. No permit shall be so extended more than once.

(Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.070 Underground utilities.

Notwithstanding the provisions of PVEMC 15.12.010, Chapter 1 of the California Building Code is amended by adding Section 112.4 to read as follows:

> Section 112.4. All new electric, telephone and community antenna service laterals, and wiring between buildings, shall be installed underground, with the following exceptions:
>
> A. Where existing utility facilities are overhead, and connection thereto would be in a substantially different location from the probable future location of planned underground facilities, an overhead service may be installed; provided, that no additional utility pole may be installed without the prior approval of the city council. In any event, appropriate provisions shall be made for future underground service;
>
> B. Temporary overhead facilities for emergency service for less than ten days and for other temporary purposes for not more than one hundred eighty days as approved by the director of public works.

(Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

15.12.080 Amendments to the California Electrical Code.*

A. Notwithstanding the provisions of PVEMC 15.12.010, Section 310.2(B) of Title 24 California Code of Regulations Part 3 (the California Electrical Code, 2013 Edition) is hereby amended by adding thereto a second paragraph to read as follows:

> Copper wire shall be used for wiring No. 6 and smaller in all installation. Consideration for use of aluminum wiring can be made by the building official for feeder lines only on an individual basis where adequate safety measures can be ensured.

B. Notwithstanding the provisions of PVEMC 15.12.010, Article 310 of Title 24 California Code of Regulations Part 3 (the California Electrical Code, 2013 Edition) is amended by adding thereto a new Section 310.16 to read as follows:

> 310-16 Continuous inspection of aluminum wiring.
>
> Aluminum conductors of No. 6 or smaller used for branch circuits shall require continuous inspection by an independent testing agency approved by the building official for proper torquing of connections at their termination point.

(Ord. 705 § 5, 2013; Ord. 701 § 2 (Exh. 1), 2012; Ord. 698 § 2, 2010; Ord. 682 § 3, 2007)

* Code reviser's note: Section 6 of Ordinance 705 states: "This ordinance shall take effect 30 days from the adoption of this ordinance for all codes referenced herein, or January 1, 2014, whichever occurs later. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, which building permits have been obtained within 180 days from the effective date of this ordinance, shall be exempt from the provisions of this ordinance. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, and building permits have not been obtained within 180 days from the effective date of this ordinance, shall be subject to all provisions of this ordinance and the codes referenced in this ordinance."

Chapter 15.50
FLOODPLAIN MANAGEMENT

Sections:

15.50.010 Purpose.

15.50.020 Methods of reducing flood losses.

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Prior legislation: Ord. 636.

15.50.010 Purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health;

B. Minimize expenditure of public money for costly flood control projects;

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;

E. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;

F. Ensure that potential buyers are notified that property is in an area of special flood hazard; and

G. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.020 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction;

C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Control filling, grading, dredging, and other development which may increase flood damage; and

E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.030 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to

give this chapter its most reasonable application.

"Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

Area of Special Flood Hazard. See "special flood hazard area."

"Base flood" means a flood that has a one percent chance of being equaled or exceeded in any given year (also called the "one-hundred-year flood"). "Base flood" is the term used throughout this chapter.

"Basement" means an area of the building as defined by the California Building Code.

Building. See "structure."

"Development" means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

"Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of a floodplain.

"Flood, flooding, or floodwater" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and

2. The condition resulting from flood-related erosion.

"Flood boundary and floodway map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazard and the floodway.

"Flood hazard boundary map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazard.

"Flood insurance rate map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has

delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood insurance study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the flood insurance rate map, the flood boundary and floodway map, and the water surface elevation of the base flood.

"Floodplain" or "flood-prone area" means any land area susceptible to being inundated by water from any source. See "flooding."

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

"Floodplain management regulations" means this chapter and other zoning chapters, subdivision regulations, building codes, health regulations, special purpose chapters (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof that provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.

"Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "regulatory floodway."

"Floodway fringe" is that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

"Governing body" is the city council of the city of Palos Verdes Estates, California.

"Highest adjacent grade" means the highest natural elevation of the ground

surface prior to construction next to the proposed walls of a structure.

"Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement (see "basement" definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

a. The wet floodproofing standard in PVEMC 15.50.130(C)(3).

b. The anchoring standards in PVEMC 15.50.130(A).

c. The construction materials and methods standards in PVEMC 15.50.130(B).

d. The standards for utilities in PVEMC 15.50.140.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"Market value" means the cost of replacing the structure in question in new condition and adjusting the cost figure by the amount of depreciation which has accrued since the structure was constructed. It does not include the land, landscaping or detached accessory structures on the property. The cost of replacement shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the difference.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on a community's flood insurance rate map are referenced.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after the effective date of floodplain management regulations adopted by this community, and includes any subsequent improvements to such structures.

One-Hundred-Year Flood or 100-Year Flood. See "base flood."

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

Sheet Flow Area. See "area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on the FIRM as Zone A, AG, A1-A30, AE, A99, or AH.

"Start of construction" includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the

date of the permit. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the "actual start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a "historic structure"; provided, that the alteration will not preclude the structure's continued designation as a "historic structure."

"Variance" means a grant of relief from the requirements of this chapter that permits construction in a manner that would otherwise be prohibited by this chapter.

"Violation" means the failure of a structure or other development to be fully

compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.040 Lands to which this chapter applies.
This chapter shall apply to all areas of special flood hazard within the jurisdiction of Palos Verdes Estates. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.050 Basis for establishing the areas of special flood hazard.
The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated 1977 and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs), dated November 21, 2001, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping are the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at Palos Verdes Estates City Hall, 340 Palos Verdes Drive West, Palos Verdes Estates, CA 90274. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.060 Compliance.
No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.070 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another chapter, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.080 Interpretation.
In the interpretation and application of this chapter, all provisions shall be:

A. Considered as minimum requirements;

B. Liberally construed in favor of the governing body; and

C. Deemed to neither limit nor repeal any other powers granted under state statutes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.090 Warning and disclaimer of liability.
The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazard or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state of California, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.100 Development permit.
A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in PVEMC 15.50.050. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, and drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures; or

B. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, if required in PVEMC 15.50.130(C)(3); and

C. All appropriate certifications listed in PVEMC 15.50.120(D); and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.110 Designation of the floodplain administrator.
The planning director is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.120 Duties and responsibilities of the floodplain administrator.
The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Permit Review. Review all development permits to determine that:

1. Permit requirements of this chapter have been satisfied;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding; and

4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

B. Review and Use of Any Other Base Flood Data. When base flood elevation data has not been provided in accordance with PVEMC 15.50.050, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer PVEMC 15.50.130 through 15.50.160. Any such information shall be submitted to the city council for adoption.

C. Notification of Other Agencies. In alteration or relocation of a watercourse:

1. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;

2. Submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency; and

3. Assure that the flood-carrying capacity within the altered or relocated portion of said watercourse is maintained.

D. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by PVEMC 15.50.130(C)(1) (lowest floor elevations);

2. Certification required by PVEMC 15.50.130(C)(2) (elevation or floodproofing of nonresidential structures);

3. Certification required by PVEMC 15.50.130(C)(3) (wet floodproofing standard);

4. Certification required by PVEMC 15.50.160(A) (floodway encroachments).

E. Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard, for example where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in PVEMC 15.50.170 and 15.50.180.

F. Remedial Action. Take action to remedy violations of this chapter as specified in PVEMC 15.50.060. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.130 Standards of construction.
In all areas of special flood hazard the following standards are required:

A. Anchoring. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvement shall be constructed:

1. With materials and utility equipment resistant to flood damage;

2. Using methods and practices that minimize flood damage;

3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during

conditions of flooding.

C. Elevation and Floodproofing.

1. Residential construction, new or substantial improvement, shall have the lowest floor, including basement:

a. In an A zone, elevated to one foot above the base flood elevation, as determined by the floodplain administrator.

b. In all other zones, elevated to or above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with subsection (C)(1) of this section or alternatively, together with attendant utility and sanitary facilities:

a. Be floodproofed below the elevation recommended under subsection (C)(1) of this section so that the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the floodplain administrator.

3. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must exceed the following minimum criteria:

a. Be certified by a registered professional engineer or architect; or

b. Have a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.

The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.140 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

1. Infiltration of floodwaters into the systems; and

2. Discharge from the systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.150 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.160 Floodways.

Located within areas of special flood hazard established in PVEMC 15.50.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters that carry debris, potential projectiles, and erosion potential, the following provisions apply.

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered

professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

B. If subsection A of this section is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of PVEMC 15.50.130 through this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.170 Appeals.

The city council of the city shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

15.50.180 Variances.

Variances to the provisions of this chapter shall be considered in the manner set forth in Chapter 17.24 PVEMC.

A. In reviewing requests for variances, the planning commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;

2. Danger of life and property due to flooding or erosion damage;

3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;

4. Importance of the services provided by the proposed facility to the community;

5. Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage;

6. Compatibility of the proposed use with existing and anticipated development;

7. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

8. Safety of access to the property in time of flood for ordinary and emergency

vehicles;

9. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and

10. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

B. Any applicant to whom a variance is granted shall be given written notice that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property.

A copy of the notice shall be recorded by the floodplain administrator in the office of the Los Angeles County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

C. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

D. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

E. Variances shall only be issued upon a determination that the variance is the "minimum necessary," considering the flood hazard, to afford relief. "Minimum necessary" means to afford relief with a minimum of deviation from the requirements of this chapter.

F. Variances shall only be issued upon a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

G. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections A through E of this

section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 637 § 1, 2001)

Title 16
SUBDIVISIONS

Chapters:

16.04 General Provisions

16.08 Tentative Maps

16.12 Final Map

16.16 Design Standards

16.20 Vesting Tentative Maps

16.24 Lot Line Adjustments

16.28 Merger of Parcels

Prior legislation: Ords. 232 and 269.

Chapter 16.04
GENERAL PROVISIONS

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16.04.010 Authority – Subdivision Map Act definitions.

16.04.020 Application.

16.04.030 Prohibition.

16.04.040 Tract maps – Exceptions.

16.04.050 Parcel maps.

16.04.060 Planning commission as advisory agency.

16.04.070 City council as approving agency.

16.04.080 Certificates of compliance.

16.04.090 Violation – Penalty.

16.04.100 Fees.

Prior legislation: Ords. 156 and 495.

16.04.010 Authority – Subdivision Map Act definitions.
Pursuant to the Subdivision Map Act of the state, Cal. Gov. Code Title 7, Division 2, the provisions of this title are supplemental to those of the Subdivision Map Act and any associated regulations provided by law. This title regulates the design and improvement of subdivisions and assures consistency with the city's land use goals, policies and objectives. All terms used in this title which are defined in the Subdivision Map Act shall have the same meaning as ascribed in the Subdivision Map Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 1, 2006)

16.04.020 Application.
Except as specifically excluded by the Subdivision Map Act or this title, the provisions of this title shall apply to any division of real property wholly or partially within the city and shall govern the filing, processing, approval, conditional approval, or disapproval of tentative, final and parcel map applications and any subsequent modifications thereof. (Ord. 700 § 2 (Exh. 1), 2012)

16.04.030 Prohibition.
No person may lease, finance or transfer title to or offer to sell, lease, finance or

transfer title to any portion of any subdivision or parcel of land in the city for which a tentative, final or parcel map or waiver certificate is required pursuant to the Subdivision Map Act or this title, unless a parcel or final map or waiver certificate in full compliance with the Subdivision Map Act and this title has been approved by the city engineer and recorded with the county recorder. (Ord. 700 § 2 (Exh. 1), 2012)

16.04.040 Tract maps – Exceptions.

A tentative tract map and final tract map are required for all subdivisions creating five or more parcels, five or more condominiums as defined in Cal. Civ. Code § 783, a community apartment project containing five or more parcels, or for the conversion of a dwelling to a stock cooperative containing five or more dwelling units. A tract map shall not be required for a division of land if:

A. The land before division contains less than five acres, each parcel created by the division abuts upon a maintained public street or highway, and no dedications or improvements are required by the city;

B. Each parcel created by the division has a gross area of twenty acres or more and has approved access to a maintained public street or highway;

C. The land consists of a parcel or parcels of land having approved access to a public street or highway, which comprises part of a tract of land zoned for commercial development, and which has the approval of the city as to street alignments and width;

D. Each parcel created by the division has a gross area of not less than forty acres;

E. The land being subdivided is solely for the creation of an environmental subdivision pursuant to Cal. Gov. Code § 66418.2;

F. The conveyance of land is exclusively to a governmental agency, public entity, or public utility or subsidiary of a public utility for conveyance to that public utility for rights-of-way. (Ord. 700 § 2 (Exh. 1), 2012)

16.04.050 Parcel maps.

A. A tentative parcel map and final parcel map shall be required for all land divisions creating four or fewer parcels and for all divisions of land described in PVEMC 16.04.040(A) through (D).

B. The city engineer may waive the requirement of preparing a parcel map required by this section if he finds that the proposed division of land complies with such requirements as may have been established by the Subdivision Map Act or

this title as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or this title; provided, that in waiving such parcel map the city engineer may require the applicant to file a tentative parcel map.

C. A request for a waiver under subsection B of this section shall be submitted by the subdivider in a form acceptable to the city engineer. Notice of the action of the city engineer upon such a request shall be given to the subdivider and to all persons to whom notification of the tentative parcel map is required by law. The city engineer shall make a determination on the waiver application within sixty days of the application being deemed complete. The city engineer's determination on a request for a waiver of a parcel map is final. (Ord. 700 § 2 (Exh. 1), 2012)

16.04.060 Planning commission as advisory agency.

The city planning commission is designated as the "advisory agency" referred to in the Subdivision Map Act, and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions, and is hereby authorized to recommend approval, conditional approval, or disapproval of tentative maps of subdivisions and land divisions, and any modifications thereof, prepared and filed according to this title and the Subdivision Map Act, including, without limitation, recommending the kinds, nature and extent of the improvements required to be installed in subdivisions and land divisions. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 1, 2006)

16.04.070 City council as approving agency.

The city council shall be the approving agency for all subdivision and land division maps and any modifications thereof. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 1, 2006)

16.04.080 Certificates of compliance.

The city engineer shall approve or conditionally approve a certificate of compliance for parcels entitled to such certificates pursuant to Sections 66499.34, 66499.35 and 66499.36 of the Subdivision Map Act. (Ord. 700 § 2 (Exh. 1), 2012)

16.04.090 Violation – Penalty.

Any person violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be subject to punishment as described in PVEMC 1.16.010. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 1, 2006)

16.04.100 Fees.

A. Every person submitting a tentative or final tract or parcel map, or application

for waiver, certificate of compliance, lot line adjustment or other request for processing as required in this title, shall pay a processing fee in the amount established by resolution of the city council. The fees shall not exceed the amount reasonably required by the city to process the application. Such fees are nonrefundable.

B. Every person submitting a tentative or final tract or parcel map, or application for waiver, certificate of compliance, lot line adjustment or other request for processing as required in this title, shall pay any required pro rata payment to defray the actual or estimated costs, if any, of constructing (1) additional planned drainage facilities for the removal of surface and storm waters from local or neighborhood drainage areas, (2) additional planned sewer facilities, (3) expansion or reconstruction of a planned bridge facility, and/or (4) planned construction or reconstruction of major thoroughfares. The pro rata payment for additional drainage and sewer facilities shall be based on the proposed subdivision's acreage as a proportion of the total acreage that would be benefitted by the additional facilities. The method of apportionment for determining the pro rata payment for any bridge, railway, freeway, or major thoroughfare construction shall be determined by city council. The city shall deposit any payments received pursuant to this subsection in a separate fund established to fund only the particular project or facility for which the payment is collected. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 16.08
TENTATIVE MAPS

Sections:

16.08.010 Required – Filing.

16.08.020 Size and scale.

16.08.030 Contents.

16.08.040 Supplemental information.

16.08.050 Condominium maps.

16.08.060 Parklands.

16.08.070 Preparation.

16.08.080 Approval or disapproval.

16.08.090 Findings.

16.08.100 Revisions to tentative map.

16.08.110 Expiration and extension of tentative map.

16.08.120 Environmental review.

Prior legislation: Ords. 156 and 255.

16.08.010 Required – Filing.

Each subdivider proposing a division of land requiring the approval of a tract map or parcel map shall file with the city a tentative map, owners' statement, and such other and further information as is established by the Subdivision Map Act and by the city engineer. The time of filing a tentative map shall be construed to be the time at which the submittals are accepted as complete by the city engineer in accord with the California Permit Streamlining Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.020 Size and scale.

The size of each tentative map is optional; the scale shall be not less than two hundred feet to the inch. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.030 Contents.

Each such map shall contain the following information:

A. Tract number, name or designation;

B. Name and address of the owner whose property is proposed to be subdivided, and the name and address of the subdivider;

C. Name and address of the registered civil engineer, licensed surveyor, or other person who prepared the map;

D. North point;

E. Scale;

F. Date of preparation;

G. Boundary lines;

H. The location, width, proposed names and approximate grades of all streets within the boundaries of the proposed subdivision. Profiles may be required where topography may be a problem;

I. Name, location and width of adjacent streets;

J. Location and width of alleys;

K. Lot lines and approximate dimensions and numbers of each lot;

L. Location and width of areas subject to inundation from floods, or location of structures, and other permanent physical features;

M. Description of the exterior boundaries of the subdivision;

N. Location and width of all existing or proposed public or private easements;

O. Classification of lots as to proposed residential, commercial, industrial or other uses;

P. Elevation of sewers at proposed connections, if sewers exist;

Q. Approximate radii of curves;

R. Contours shall be shown drawn to intervals prescribed by the city engineer;

S. A map of the area in which the proposed subdivision is located outlining the proposed subdivision on that map, and showing lot size and layout of existing lots within said area. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.040 Supplemental information.

The tentative map shall show thereon, or be accompanied by reports and written statements from the subdivider giving essential information regarding, the following matters:

A. Source of water supply;

B. Type of street improvement and utilities work which the subdivider proposes to install;

C. Proposed stormwater sewer or other means of drainage (grade and size);

D. Proposed method of sewage disposal;

E. Protective covenants to be recorded, if any;

F. Proposed tree planting;

G. Proposed street signs. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.050 Condominium maps.
An application for a tentative map for condominium purposes shall contain all of the information required by PVEMC 16.08.030 and 16.08.040 except to the extent such requirement is not permitted by the Subdivision Map Act or other state law. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.060 Parklands.
A. An area in the subdivision equal to the amount set forth in this section shall be dedicated for park purposes. The amount shall be sufficient to provide five acres of park area per one thousand persons who will live in the subdivision, based upon the maximum number of dwelling units permitted in the subdivision as determined by an approved or conditionally approved map and the city zoning ordinance. There is a rebuttable presumption that the average number of persons per household in the proposed subdivision shall be equal to the average number of persons per household, as disclosed on the most recent available federal census, and the city is entitled to rely on that presumption in the absence of persuasive contrary information.

B. Where (1) there is no park or recreational facility designated in the general plan to be located in whole or in part within the proposed subdivision and (2) the subdivision contains fifty or fewer lots, the subdivider shall pay a fee in lieu of dedication, calculated by determining the square footage of the land required to be dedicated multiplied by the assessed value of a square foot of land in the subdivision.

C. Notwithstanding any provision of this section to the contrary, the requirement for dedication or payment of a fee in lieu of dedication for park purposes shall apply only when the subdivision will permit the development of the land being subdivided with one more additional dwelling unit than may be placed thereon in the absence of such subdivision. Land, fees, or combinations thereof acquired pursuant to this section may be used only for the purposes of developing new or rehabilitating existing neighborhood or community park or recreational facilities to serve the subdivision. The amount of land to be dedicated or the fees to be paid shall bear a reasonable relationship to the use of the park and recreational facilities by future inhabitants of the subdivision.

D. If the general plan provides that a park or recreational facility is to be located in whole or in part within the proposed subdivision, the subdivider shall dedicate land within the area of such subdivision for a local park consistent with the general plan and this section.

E. Any fees collected by the city shall be committed to specific projects within five years after the payment of the fees or the issuance of building permits for fifty percent of the lots within the subdivision, whichever is later. Any fees not committed at such time shall be distributed and paid to the then record owners of the subdivision in proportion to the size of their lot as compared to the total area of the subdivision.

F. Where private open space for park and recreational purposes is provided in a proposed subdivision and such space is to be privately owned and maintained by future residents of the subdivision, the city council may extend a credit of no more than fifty percent against the requirement to dedicate land or pay fees under this section; provided, that the city council makes all of the following findings:

1. The credit is consistent with the public interest;

2. Yards, court areas, setbacks and other open areas required to be maintained by the zoning and building regulations have not been included in the computation of such private space;

3. The private ownership and maintenance of the open space is adequately provided for by written agreement, conveyance or restrictions;

4. The use of the private open space is restricted to park and recreational purposes by recorded covenants which run with the land in favor of the future owners of property within the subdivision and which shall not be defeated or eliminated without the consent of the city council;

5. The proposed private open space is reasonably adaptable for use for park and recreational purposes, taking into consideration such factors as size, shape, topography, geology, access and location of the private open space land;

6. Facilities proposed for the open space area are in substantial accordance with the provisions of the open space and recreational elements of the general plan and are approved by city council.

G. Exemptions. The requirements of this section shall not apply to the following:

1. Commercial and industrial subdivisions;

2. Subdivisions containing less than five parcels and not used for residential purposes. A condition shall be placed on any such parcel map stating that if a building permit is requested for construction of a residential structure or structures on one or more of the parcels within four years from the date of recording of the parcel map, the fee in lieu of dedication, as prescribed by this section, shall be required to be paid by each owner of each parcel as a condition of the issuance of the building permit;

3. A condominium project which consists of the subdivision of air space in an existing apartment building that is more than five years old, where no new dwelling units are added;

4. Projects which are exempt under the Quimby Act, Cal. Gov. Code § 66477. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.070 Preparation.

A. The tentative map shall be prepared in accordance with the Subdivision Map Act and the provisions of this title. A tentative map application shall include a completed form, all documentation and information required pursuant to this title and payment of the required processing fees. Tentative map applications shall be submitted to the city engineer.

B. If at any time during the processing of a map application it is discovered that any required supporting material has not been filed, the map has been improperly or incorrectly prepared, or that required information has not been submitted, the city engineer shall give written notice thereof to the applicant and the applicant shall promptly provide all required material or information.

C. Each tentative map shall be legibly drawn by a registered civil engineer or licensed surveyor.

D. After the city engineer certifies that the application is complete, the subdivider may be required to confer with the city engineer and the art jury of the Palos Verdes Homes Association, as determined by the city engineer.

E. No map required by this chapter may be accepted for filing without the written consent of all persons having a record title interest in the real property as defined in Section 66436 of the Subdivision Map Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.080 Approval or disapproval.

A. The planning commission shall consider the map within fifty days after the application is deemed complete, except as set forth in subsection C of this section or unless such time is extended by agreement with the subdivider. The planning commission shall make its report to the city council within said time and may recommend approval, conditional approval, or denial of the map.

B. At the next regular meeting of the city council following the filing of the planning commission's report, the city council shall fix the meeting date at which the tentative map will be considered by it, which date shall be within thirty days thereafter. The city council shall approve, conditionally approve, or disapprove the tentative map within that thirty-day period.

C. The time periods set forth in this section shall commence after certification of the environmental impact report, adoption of a negative declaration, or a determination by the city that the project is exempt from the requirements of the California Environmental Quality Act.

D. Notice of the time, place and subject of the hearing shall be given at least ten days prior to the hearings as follows:

1. Mailed to the applicant and all persons shown on the last equalized assessment roll as owning real property within five hundred feet of the subject property;

2. Published in one newspaper circulated in the city; and

3. Posting at the subject property.

4. If the proposed subdivision is a conversion of residential real property to a condominium project or community apartment project, notice shall also be mailed to each tenant of the subject property. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.090 Findings.
The proposed tentative map shall comply with the provisions of the Subdivision Map Act and this title. The tentative map shall be denied if any of the following findings are made:

A. The proposed map is not consistent with the adopted general plan and any applicable specific plan;

B. The design or improvement of the proposed development is not consistent with the general plan and any applicable specific plan;

C. The site is not physically suitable for the type of development proposed;

D. The site is not suitable for the proposed density of the development;

E. The design of the development or the proposed improvements is likely to cause substantial environmental harm or to substantially injure fish or wildlife or their habitat;

F. The design of the development or the type of improvement will cause serious public health hazards;

G. The design of the development or type of improvement will conflict with easements, acquired by the public at large, for access through or use of property within the proposed development and no alternate easements, for access or for use, will be provided which are substantially equivalent to the ones previously acquired by the public. (Ord. 700 § 2 (Exh. 1), 2012)

16.08.100 Revisions to tentative map.
Any revised tentative map shall comply with all of the provisions of the Subdivision Map Act and this title in effect at the time the revised map is approved. Proceedings on a revised tentative map shall be conducted in the same manner as for the original approval of a tentative map. The approval or conditional approval of a revised tentative map annuls approval of a previous tentative map. (Ord. 700 § 2 (Exh. 1), 2012)

16.08.110 Expiration and extension of tentative map.
A. An approved or conditionally approved tentative map shall expire twenty-four months after its approval or conditional approval.

B. The planning commission may grant extensions to the term of an approved or conditionally approved map, not to exceed an additional twelve months. The applicant shall submit a written request to the planning commission for each

extension prior to the expiration of the tentative map. Such extension requests are subject to all other mandatory provisions set forth in Section 66452.6 of the Subdivision Map Act and all statutory extensions provided under the Subdivision Map Act.

C. The expiration of the term of an approved or conditionally approved tentative map terminates all proceedings, and no final map of all or any portion of the real property included within the tentative map may be filed without first processing a new tentative map.

D. Any conditions imposed on the subject property pursuant to a conditionally approved tentative map shall remain in effect after expiration of the tentative map unless such conditions are amended by a revised tentative map pursuant to PVEMC 16.08.100 or a final map is recorded. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 2, 2006)

16.08.120 Environmental review.

Environmental review is required for any proposed division of land which requires a tract map or parcel map, pursuant to the provisions of the California Environmental Quality Act (CEQA). (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 16.12
FINAL MAP

Sections:

16.12.010 Time of preparation.

16.12.020 Contents and form.

16.12.030 Soil investigation.

16.12.040 City engineer review.

16.12.050 City council action.

16.12.060 Final tract map and parcel map requirements.

16.12.070 Condominium and community apartment project conversions.

16.12.080 Minimum improvements requirements.

16.12.090 Making dedications and improvements.

16.12.100 Corrections and amendments.

Prior legislation: Ords 156, 233 and 315.

16.12.010 Time of preparation.

After approval of the tentative map, the subdivider may cause a final map to be prepared in accordance with a completed survey of the subdivision and in substantial compliance with the approved tentative map, and in full compliance with the Subdivision Map Act and this title. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 3, 2006)

16.12.020 Contents and form.

The final map shall be prepared by or under the direction of a registered civil engineer or licensed land surveyor, shall be based upon a survey, and shall conform to the requirements of the Subdivision Map Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 3, 2006)

16.12.030 Soil investigation.

A. Prior to the submission of the final subdivision map, the subdivider shall file with the city a preliminary soil report, prepared by a civil engineer who is registered by the state of California. The preliminary soil report may be waived if the city engineer determines that, due to the knowledge of the city as to the soil qualities of the subdivision, no preliminary analysis is necessary.

B. If the preliminary soil report indicates the presence of critically expansive soils or other soil problems which, if not corrected, would lead to structural defects, or the presence of rocks or liquids containing deleterious chemicals which, if not corrected, could cause construction materials such as concrete, steel, and ductile or cast iron to corrode or deteriorate, a soil investigation of each lot in the subdivision shall be prepared by a civil engineer who is registered by the state of California. The soil investigation shall recommend corrective action which is likely to prevent structural damage to each dwelling proposed to be constructed on the expansive soil. The report shall be filed with the city.

C. The city engineer shall approve the soil investigation if he determines that the recommended corrective action is likely to prevent structural damage to each dwelling to be constructed on each lot in the subdivision. The decision of the city engineer shall be final. The building permit shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each dwelling. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 3, 2006)

16.12.040 City engineer review.

A. Prior to the time of filing a final map, the subdivider shall submit a copy of the map to the city engineer, who shall examine the map for sufficiency of affidavits and acknowledgments, for correctness of surveying data and other matters to ensure compliance of the map with the requirements of the Subdivision Map Act, of this chapter, and of any conditions imposed by conditional approval of the tentative map. The city engineer shall route the final map to all necessary departments to review and approve, including without limitation the planning director, and all necessary and required agencies, prior to submission to city council for approval.

B. If the final map is unsatisfactory to the city engineer, or otherwise does not meet any required standard, the city engineer shall return the map, together with a statement of the grounds of its rejection, to the subdivider for correction and resubmission.

C. If the final map is found by the city engineer and all necessary departments and agencies to be in correct form and matters shown thereon to be in compliance, and the city engineer determines that the applicant has submitted all required bonds and agreements to the city clerk, the city engineer shall schedule consideration of the final map at the city council’s next meeting to consider and act upon the final map. (Ord. 700 § 2 (Exh. 1), 2012)

16.12.050 City council action.

A. The city council shall approve for recordation the final map if it meets all the requirements of the Subdivision Map Act, this title, and each condition of approval imposed under the tentative map. Approval of the final map for recordation shall not be denied if the final map is in substantial compliance with a valid, previously approved tentative map relating to the same land division. The city council shall not approve for recordation a final map if such map does not comply with any requirement or condition imposed by the Subdivision Map Act or this title or is not consistent with the general plan or a specific plan.

B. After approval by the city council of a final map of a subdivision or a parcel map, the city clerk shall transmit the map to the county recorder after certifying that the applicant has paid all required fees, assessments, bonds and other applicable securities. (Ord. 700 § 2 (Exh. 1), 2012)

16.12.060 Final tract map and parcel map requirements.

A final map shall conform to all of the following requirements:

A. The applicant shall obtain a certificate, signed and acknowledged by all parties having any record title interest in the real property subdivided, consenting to the preparation and recordation of the final map, subject to the provisions of Section 66436 of the Subdivision Map Act.

B. A certificate by the engineer or surveyor responsible for the survey and final map is required. His or her certificate shall give the date of the survey, state that the survey and final map were prepared by him or her or under his or her direction, and that the survey is true and complete as shown. The certificate shall also state that all monuments are of the character and occupy the positions indicated, or that they will be set in such positions on or before a specified later date.

C. All environmentally sensitive conditions shall be represented on a separate form indicating the location of such issues as faults, geologically hazardous areas, sensitive resource areas such as endangered species or habitat areas, wildlife corridors, significant plant species, ridgelines, flood hazard areas and archaeologically significant sites. This map shall also include the primary site plan information including the proposed lot lines, building pads, streets, easements and all required setbacks required as conditions of approval.

D. The final map shall conform to all of the design standards provided in Section 66434 of the Subdivision Map Act, including all size, content, and reproduction standards.

E. A certificate or statement for execution by the city clerk shall be required,

which provides that the city council approved the map and accepted, accepted subject to improvement, or rejected, on behalf of the public, any real property offered for dedication for public use.

F. The final map shall include a statement by the city engineer certifying that he or she has examined the map, the subdivision as shown is substantially the same as it appeared on the tentative map or any approved alterations thereof, the map complies with all requirements of the Subdivision Map Act and the city zoning ordinance in place at the time the tentative map was filed, and the map is technically correct.

G. Any public streets or public easements to be left in effect after the subdivision shall be shown on the final map. The filing of a final map constitutes abandonment of all public streets and public easements not shown on the final map; provided, that written notation of each abandonment is listed and certified by the city clerk or designee, and any public entity which owns a public easement to be abandoned pursuant to this subsection has been provided notice of the proposed abandonment. No public easement vested in another public entity may be abandoned if that public entity objects to the proposed abandonment. (Ord. 700 § 2 (Exh. 1), 2012)

16.12.070 Condominium and community apartment project conversions.
No final map for a subdivision to be created from the conversion of residential real property into a condominium project or community apartment project may be approved unless all of the following findings are made:

A. Each of the tenants of the proposed condominium or community apartment project has received written notification of intention to convert at least sixty days prior to the filing of a tentative map pursuant to Section 66452.18 of the Subdivision Map Act.

B. Each such tenant and each person applying for the residential real property shall receive all notices required pursuant to Chapter 3 of the Subdivision Map Act, including ten days' written notification that an application for a public report will be, or has been, submitted to the Department of Real Estate, and that such report is available on request.

C. Tenants shall be provided written notification that the subdivider has received the public report from the Department of Real Estate, within five days of the subdivider receiving such report.

D. Each of the tenants of the proposed condominium, or community apartment

project, has been, or will be, given written notification within ten days of approval of a final map for the proposed conversion.

E. Each of the tenants of the proposed condominium, or community apartment project, has been, or will be, given one hundred eighty days' written notice of intention to convert prior to termination of tenancy due to conversion or proposed conversion. The provisions of this subsection shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including without limitation the provision of services, payment of rent or the obligations imposed by Cal. Civ. Code §§ 1941, 1941.1 and 1941.2.

F. Each of the tenants of the proposed condominium, or community apartment project, has been or will be given notice of an exclusive right to contract for the purchase of his or her respective unit upon the same terms and conditions that such unit will be initially offered to the general public or terms more favorable to the tenant. The right shall run for a period of not less than ninety days from the date of issuance of the subdivision public report pursuant to Cal. Bus. & Prof. Code § 11018.2, unless the tenant gives prior written notice of his or her intention not to exercise the right.

G. The written notices to tenants required by this subsection are satisfied if such notices comply with the legal requirements for service by mail. (Ord. 700 § 2 (Exh. 1), 2012)

16.12.080 Minimum improvements requirements.

A. The minimum improvements which the subdivider will be required to make or enter into an agreement to make in the subdivision prior to the acceptance and approval of the final map by the city council shall be established by the conditions of approval of the tentative map and shall include, but not be limited to:

1. Adequate distribution lines for domestic water supply to each lot where the subdivision is to be supplied with water;

2. Sewage collection system where main lines of an adequate disposal system are available;

3. Adequate drainage of the subdivision;

4. Street and right-of-way improvements, including but not limited to curb and gutter and street trees, as per minimum standards established by resolution of the city council.

B. All such improvements shall conform to the dimensions and material

specifications established by the city engineer and the city council. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 3, 2006)

16.12.090 Making dedications and improvements.

A. The applicant shall make an irrevocable offer of dedication of real property within the subdivision that is needed for streets, highways, alleys, including access rights and abutters' rights, drainage, public utility easements, public trails, bicycle paths, open space and other public easements and parcels of land shown on the final map and intended for any public use.

B. Wherever the city council has determined that a street is necessary for the future subdivision of the property as shown on the subdivision map or for adjoining property, but that the present dedication and construction of such street are not warranted, the city council may require that the location, width and extent of such street shall be shown on the final map as a future street. No improvement of such future street shall be required of the subdivider.

C. The subdivider shall improve, or agree to improve, all land dedicated pursuant to subsection A of this section as a condition precedent to acceptance and approval of the final map. Such improvements shall include such grading, surfacing, sidewalks, street lights, street signs, street trees, curbs, gutters, culverts, bridges, storm drains, sanitary sewers, permanent subdivision monuments, bench marks, and such other structures or improvements as may be required under prescribed circumstances and conforming to such specifications pertaining to design and materials as shall be defined by resolution of the city council.

D. All improvements shall be installed to alignments and grades approved by the city engineer.

E. Plans, profiles and specifications of proposed improvements shall be furnished to the city engineer prior to the time of submitting the final map to the city engineer, and be approved by the city engineer before the map is filed with the city council. Such plans and profiles shall show full details of the proposed improvements.

F. If such improvement work is not completed satisfactorily before the final map is approved, as a condition precedent to the approval of the final map the owner or owners of the subdivision shall enter into an improvement agreement in the form as specified by the city engineer and provide security therefor in compliance with the Subdivision Map Act.

G. If required by city council as a condition of approval of a map, the subdivider shall reserve sites appropriate in the area and location for schools, parks, recreation facilities, fire stations, libraries or other public facilities, subject to the provisions of the Subdivision Map Act.

H. For any proposed subdivision that fronts a public waterway, river or stream, the subdivider shall make a dedication for a public easement along a portion of the bank of the waterway bordering or lying within the proposed subdivision and shall provide reasonable public access by fee or easement from a public street or highway to the waterway. Any such public easement shall allow reasonable public use of the waterway consistent with public safety.

I. For any proposed subdivision that fronts the coastline or shoreline, the subdivider shall make a dedication for a public easement to provide public access to the coastline or shoreline, unless reasonable public access is otherwise available within a reasonable distance from the subdivision.

J. For any proposed subdivision that fronts any lake or reservoir which is owned in part or entirely by any public agency, the subdivider shall make a dedication for a public easement to provide public access to any water of the lake or reservoir upon which the subdivision borders, unless reasonable public access is otherwise available within a reasonable distance from the subdivision.

K. Any dedications made pursuant to this section shall be made by a statement on the final map, signed and acknowledged by all parties having any record title interest in the real property to be subdivided, subject to the provisions of Subdivision Map Act Section 66436. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 3, 2006)

16.12.100 Corrections and amendments.

A. An amending map or certificate of correction shall be prepared and signed by a registered civil engineer or licensed land surveyor. An amending map shall conform to the requirements of Section 66434 of the Subdivision Map Act, if a final map, or Section 66445 of the Subdivision Map Act, if a parcel map. The amending map or certificate of correction shall set forth in detail the corrections made and show the names of the present fee owners of the property affected by the correction or omission.

B. The city engineer has twenty working days to review the amending map or certificate of correction to determine compliance with this title and the Subdivision Map Act. If the city engineer determines that the proposed amendment or corrections do not comply with this title or the Subdivision Map Act, he or she shall return the submittal to the applicant with a statement of the

corrections needed for compliance. Upon approval, the city engineer shall submit the amending map or certificate of correction to the county recorder for recordation.

C. Upon recordation of a certificate of correction, the county recorder shall, within sixty days of recording, transmit a certified copy to the city engineer, who shall maintain an index of recorded certificates of correction. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 16.16
DESIGN STANDARDS

Sections:

16.16.010 Conformance to plans.

16.16.020 Street and highway design.

16.16.030 Expense – Grades – Undergrounding – Street trees – Hydrology.

16.16.040 Sanitary sewers.

16.16.050 Water supply.

16.16.060 Alleys.

16.16.070 Utility easements.

16.16.080 Parking areas.

16.16.090 Lots.

16.16.100 Blocks.

16.16.110 Grades.

16.16.120 Curves and tangents.

16.16.130 Site design.

16.16.140 Biology.

16.16.150 Exceptions.

16.16.010 Conformance to plans.

A subdivision plan shall conform to the official plan of streets. In the absence of an official plan there shall be substantial conformance to the master plan. In the absence of a master plan, the street system in a proposed subdivision shall relate to the existing street system in the area adjoining the subdivision. All existing streets adjacent to a subdivision need not necessarily be carried into the new subdivision. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 1, 1956)

16.16.020 Street and highway design.

A. Freeways and limited-access highways shall conform to the standards of the Division of Highways, Department of Public Works, state of California. The standards of the Division of Highways shall be deemed to be the minimum

standards that will be acceptable.

B. Major thoroughfares shall be not less than one hundred ten feet wide.

C. Secondary thoroughfares shall be not less than eighty feet wide.

D. Local streets shall be not less than sixty feet wide.

E. Minor and cul-de-sac streets shall be not less than fifty feet wide, except where special conditions might justify a lesser width. Cul-de-sac streets shall be terminated by a turnaround of not less than a fifty-foot radius.

F. Special local streets where parkways, grade separations, freeways and hills, or other dominant factors, are involved shall be subject to individual determination by the city.

G. Along major highways, limited-access highways or freeways, a service roadway separated from the traffic roadway by an acceptable separation strip, when indicated by the master or official plan of the city or the state, will be required for access to abutting private property and local streets. All dimensions on such multiple-roadway thoroughfares shall be as defined in the city official plan or State Division of Highways plan.

H. Curved major highways shall have a centerline radius of not less than one thousand feet.

I. Curved secondary thoroughfares shall have a centerline radius of not less than five hundred feet.

J. Curves on other streets shall have a centerline radius of not less than two hundred feet. Lesser radii may be used if evidence indicates the requirements of this subsection are not practicable.

K. Street corners shall have a radius of not less than twenty feet or an equivalent angle, measured from the property line.

L. Street intersections shall be as near right angles as practicable. In no case should the angle be less than forty-five degrees.

M. Streets which are a continuation of streets in contiguous territory shall be so aligned as to assure that their centerlines shall coincide. In cases where straight continuations are not physically possible, such centerline shall be continued by curves.

N. In areas where no official plans exist, the layout of all improvements including

roadways, curbs, parkways, dividing strips, sewer lines and water mains within the rights-of-way of all highways, streets, alleys and utility easements shall be in accordance with standards established by the city council and where no such standards have been adopted the arrangement shall be subject to approval by the city engineer, planning and parks commission and city council.

O. Street layout shall conform when feasible to existing topography to minimize cut and fill activity.

P. All circulation routes shall provide for adequate access to emergency vehicles, as well as to local residents during emergency situations. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 2, 1956)

16.16.030 Expense – Grades – Undergrounding – Street trees – Hydrology.
A. All pavement, including curbs, gutters, sanitary sewers if available; water mains; gas; electricity; telephone and culverts, if required by the city engineer; fire hydrants; street trees; street lights and street signs shall be installed at the cost of the subdivider.

B. Water and sewer lines shall conform to grades approved by the city engineer.

C. All utilities shall be underground.

D. All park strips within rights-of-way shall be planted with trees, staked in accordance with city specifications provided in this code.

E. A hydrology report shall be submitted as part of the subdivision application, demonstrating compliance with the city's stormwater maintenance standards and analyzing wastewater capabilities on the site to determine the suitability for future development. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 3, 1956)

16.16.040 Sanitary sewers.
All sanitary sewer lines, appurtenances and service connections shall be constructed or laid to the grade established by the city engineer, and shall be of such size and design as designated by the city engineer. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 4, 1956)

16.16.050 Water supply.
Water shall be provided from a common source or sources, and water mains shall be constructed to serve each lot within the subdivided area and shall be of such size and design as designated by the superintendent or engineer of the agency furnishing water service. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 5, 1956)

16.16.060 Alleys.

A. Alleys twenty feet wide shall be provided at the rear of all lots classified for and to be used for commercial purposes unless adequate off-street parking areas to serve such property are securely reserved for such purpose and are shown upon the map and approved by the city in the manner provided in this title. Alleys elsewhere shall be optional, but if offered shall be approved by the city.

B. Alleys at the rear of business or multiple-dwelling residential properties shall be subject to determination by the city as to design, location and possible increased width.

C. Alleys shall be required at the rear of all property fronting directly upon any major highway.

D. Where two alleys intercept or intersect, the corners shall be cut either on a twenty-foot radius to which the lot boundaries are a tangent, or on a straight line connecting points on both lot lines, fifteen feet distant from the corner of the lot at the intersection of the alleys. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 6, 1956)

16.16.070 Utility easements.

A. Where alleys are not required and utility easements are not otherwise provided to the satisfaction of the city engineer, utility easements twelve feet in width shall be provided, generally through the interior of the block and in approximately the location that would be occupied by an alley. If such easement parallels the boundary of a subdivision along which no contiguous easement exists, the utility easement shall be ten feet in width.

B. All utilities should be located, where possible, through the interior of the block along either alleys or easements, as the case may be.

C. Sideline easements may be required at the discretion of the city engineer. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 7, 1956)

16.16.080 Parking areas.

Special areas for off-street parking of motor vehicles, offered for dedication or to be otherwise reserved for public use in connection with proposed business, multiple-dwelling residential, or institutional property, shall be subject to determination by the city as to size, location, shape and adequacy, and shall generally conform to the city zoning ordinance. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 8, 1956)

16.16.090 Lots.

A. Lot areas shall conform to the standards of development as defined by the

zoning ordinance or other official plans adopted pursuant to law.

B. Lots having no frontage on a public street shall be cause for disapproval of subdivisions.

C. The width of lots shall conform to standards of development as defined by the zoning ordinance or other official plans adopted pursuant to law; provided, that the minimum width of lots shall be one hundred feet and that odd-shaped lots shall be subject to individual determination by the city. No lot shall be less than fifteen thousand square feet.

D. No lot shall be divided by a county, city, school district or other taxing boundary line.

E. The side lines of lots shall be approximately at right angles to the street line on straight streets or be radial to the curve on curved streets.

F. Double-frontage lots should be avoided.

G. Corner lots shall have a width sufficient to permit adequate side yards. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 9, 1956)

16.16.100 Blocks.

A. Blocks less than three hundred thirty feet in length, or more than nine hundred feet in length, may be cause for disapproval.

B. In blocks nine hundred ninety feet or over, pedestrian ways at least twenty feet wide may be required.

C. Long blocks are desirable adjacent to main thoroughfares in order to reduce the number of intersections. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 10, 1956)

16.16.110 Grades.

A. Manmade slopes shall be minimized to the greatest extent possible.

B. Any grade greater than six percent shall be subject to review. Grades of more than ten percent are cause for disapproval of the map.

C. Multiple building pads are encouraged to enable building sites to follow existing topography. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 11, 1956)

16.16.120 Curves and tangents.

Suitable tangents, when possible, must be used between all curves. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 12, 1956)

16.16.130 Site design.

A. Design of building sites shall be sensitive to the natural terrain. Structures shall be located in such a way as to minimize necessary grading and to preserve landform natural features.

B. Site design shall preserve views of significant visual features. When designing lots, homes shall be oriented to allow view opportunities; however, residential privacy should not be unreasonably sacrificed.

C. The configuration and orientation of lots shall be designed to maximize separation of building areas from significant environmental resources.

D. Site design shall allow for installation of water-efficient landscaping as provided in Chapter 18.50 PVEMC.

E. Site design shall provide, to the extent feasible, for future passive or natural heating or cooling opportunities within the subdivision. (Ord. 700 § 2 (Exh. 1), 2012)

16.16.140 Biology.

A. To address sensitive biological resources, the planning director may require a biota report at the time of the application submittal.

B. All subdivision applications shall indicate all existing trees, watercourses, and other sensitive environmental resources currently shown on city-adopted resource maps on the site. Lot layouts and proposed building pads shall preserve as many trees as possible. (Ord. 700 § 2 (Exh. 1), 2012)

16.16.150 Exceptions.

Conditional exceptions to the regulations defined in this chapter may be authorized if exceptional or special circumstances apply to the property. Such special circumstances may include limited size, unusual shape, extreme topography, dominating drainage problems, or the impracticability of employing a comprehensive plan or layout by reason of prior existing recorded subdivisions of contiguous properties; however, no exceptions may be made to any requirement imposed by the Subdivision Map Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 156 § 13, 1956)

Chapter 16.20
VESTING TENTATIVE MAPS

Sections:

16.20.010 Applicable provisions.

16.20.020 Requirements.

16.20.030 Additional submittals.

16.20.040 Development rights conferred.

16.20.050 Amendment.

16.20.060 Expiration.

16.20.070 Fees.

16.20.010 Applicable provisions.

Any person requesting approval of a vesting tentative map pursuant to the provisions of the Subdivision Map Act shall comply with and be subject to the applicable provisions of the Subdivision Map Act and this title as it specifically applies to tentative maps and shall also comply with and be subject to the additional provisions of this chapter. At the time a vesting tentative map is filed it shall have printed conspicuously on its face the words “Vesting Tentative Map.” (Ord. 700 § 2 (Exh. 1), 2012; Ord. 421 § 1, 1986)

16.20.020 Requirements.

A vesting tentative map shall not be approved unless it is consistent with the general plan, applicable specific plans, zoning restrictions, all findings listed in PVEMC 16.08.090, and any other applicable provision of this code in effect at the time a complete application is submitted to the city. A vesting tentative map shall not be accepted for filing unless all other discretionary land use approvals required for the proposed development have been obtained, or applications therefor are filed concurrently with such map. (Ord. 700 § 2 (Exh. 1), 2012)

16.20.030 Additional submittals.

In addition to the submittal of information and material required by Chapter 16.08 PVEMC, the following submittals are also required prior to approval of a vesting tentative map:

A. Plans prepared by a registered civil engineer for all public works improvements to be constructed as a condition of the subdivision in accordance with city standards, subject to the approval of the city engineer;

B. Plans prepared by a registered civil engineer for all site development including but not limited to grading, drainage facilities and structures in accordance with city standards, subject to the approval of the city engineer. Plans for all structures are subject to the approval of the building official. Such plans shall be supported by geologic and/or soils engineer's reports as required by this code;

C. Plans for all irrigation and landscaping subject to the approval of the planning director;

D. Plot plan showing details of the entire development and all improvements to be constructed in the subdivision. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 5, 2006; Ord. 421 § 1, 1986)

16.20.040 Development rights conferred.

A. The approval or conditional approval of a vesting tentative map shall confer a vested right to proceed with development in substantial compliance with the ordinances, policies and standards described in Cal. Gov. Code § 66474.2.

B. Notwithstanding subsection A of this section, a permit, approval, extension, or entitlement shall be made conditionally or denied, even though such action may be contrary to the ordinances, policies and standards described in subsection A of this section, if any of the following are determined by the city engineer or planning director:

1. A failure to do so would place the residents of the subdivision, or the immediate community, or both, in a condition dangerous to their health or safety; or

2. The condition or denial is required to comply with state or federal law.

C. An approved or conditionally approved vesting tentative map shall not limit the city from imposing reasonable conditions on required approvals or permits necessary for the development and authorized by the ordinances, policies and standards described in Cal. Gov. Code § 66474.2.

D. Whenever a subdivider files a vesting tentative map for a subdivision whose intended development is inconsistent with the zoning ordinance in existence at that time, that inconsistency shall be noted on the map. The city may deny such a vesting tentative map or approve it conditioned on the subdivider, or the subdivider's designee, obtaining the necessary change in the zoning ordinance to eliminate the inconsistency. If the change in the zoning ordinance is obtained, the approved or conditionally approved vesting tentative map shall, notwithstanding

subsection A of this section, confer a vested right to proceed with the development in substantial compliance with the change in the zoning ordinance and map, as approved. The rights conferred by this subsection shall be for the time periods set forth in PVEMC 16.20.060. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 421 § 1, 1986)

16.20.050 Amendment.

After approval or conditional approval of a vesting tentative map, amendments can be made only by following procedures for the original approval or conditional approval. Approvals or permits which depart from the vesting tentative map may only be granted based upon an amendment to the vesting tentative map. No amendments shall be granted so as to modify or delete any public improvements and site development requirements and conditions approved in the first instance by the planning commission, or city council, including, but not limited to, grading, drainage facilities and structures. This section shall not be construed to prevent the city from denying or placing any conditions upon approval of a final map pursuant to Cal. Gov. Code § 66498.1(c). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 421 § 1, 1986)

16.20.060 Expiration.

A. The approval or conditional approval of a vesting tentative map shall expire at the end of the same time period established by this title for the expiration of the approval or conditional approval of a tentative map, including opportunities for extensions.

B. The rights conferred by a vesting tentative map shall last for an initial time period of one year beyond the recordation of the final map. Where several final maps are recorded on various phases of a project covered by a single vesting tentative map, this initial time period shall begin for each phase when the final map for that phase is recorded.

C. The initial time period for the vesting of rights set forth in subsection B of this section shall be automatically extended by any time used for processing a complete application for a grading period or for design or architectural review, if such processing exceeds thirty days from the date a complete application is filed.

D. A subdivider may apply for a one-year extension at any time before the initial time period set forth in subsection B of this section expires. The application shall be considered by the planning commission. If the extension is denied, the subdivider may appeal that denial to the city council within fifteen days of the planning commission's determination.

E. If the subdivider submits a complete application for a building permit during

the periods of time specified in subsections B through D of this section, the rights referred to in this chapter shall continue until the expiration of that permit, or any extension of that permit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 667 § 6, 2006; Ord. 421 § 1, 1986)

16.20.070 Fees.

The applicable fees associated with a vesting tentative map shall be paid at the rate established from time to time by resolution of the city council to reimburse the city for the filing and processing of a vesting tentative map application. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 421 § 1, 1986)

Chapter 16.24
LOT LINE ADJUSTMENTS

Sections:

16.24.010 Application.

16.24.020 Findings.

16.24.030 Map contents.

16.24.040 Submittal requirements.

16.24.010 Application.

As authorized under the provisions of Section 66412(d) of the Subdivision Map Act, a lot line adjustment may be approved between four or fewer existing adjoining parcels, where the land taken from one parcel is added to an adjoining parcel, and where a greater number of parcels than originally existed are not thereby created. (Ord. 700 § 2 (Exh. 1), 2012)

16.24.020 Findings.

The city engineer shall approve a lot line adjustment if the following findings are made:

A. The lots proposed to be created by the lot line adjustment comply with the general plan, any applicable specific plan, and all applicable zoning regulations, except the lot size requirement; however, the lots created shall each comply with the lot dimension requirements of the zoning ordinance;

B. The lot line adjustment, in and of itself, will not result in the need for additional improvements or facilities;

C. No additional parcels will result from the lot line adjustment, and any land taken from one parcel will be added to an adjacent parcel;

D. The proposed adjustment will result in a generally continuous and straight property line extending the full length of that property's dimension; and

E. The adjacent property owner(s) directly involved in the lot line adjustment has provided written authorization to the applicant supporting the proposed action. (Ord. 700 § 2 (Exh. 1), 2012)

16.24.030 Map contents.

The lot line adjustment map shall be prepared by a licensed surveyor and contain the following information:

A. Lot line adjustment number, name or designation;

B. North point, date and scale;

C. The dimensions and record boundaries of the total ownership;

D. Sufficient dimensions and record boundaries so as to define the boundaries of the subject properties;

E. The approximate boundaries, dimensions, and area of each lot;

F. A number for each lot;

G. The names, locations, widths, and improvements (within the rights-of-way) of all adjoining highways or streets;

H. The widths and approximate alignments of all easements, whether public or private, for access, drainage, sewage disposal, and public utilities which are existing;

I. The location of the nearest fire hydrant(s) located within five hundred feet of the lots;

J. Actual street names or an identifying letter for proposed streets;

K. Indicate topography by showing approximate contours;

L. The location of existing structures or improvements shall be clearly and accurately drawn to scale and indicate the distance to proposed lot lines. If it is impossible or impractical to describe such structures or improvements on the map, such information shall be submitted on a separate sheet;

M. The approximate location and direction of flow of all defined watercourses;

N. A vicinity map;

O. Zoning;

P. The location of any existing sewage disposal system;

Q. Calculation of the square footage of all parcels. (Ord. 700 § 2 (Exh. 1), 2012)

16.24.040 Submittal requirements.

To process a lot line adjustment, the following information is required:

A. Standard application form;

B. Lot line adjustment map;

C. Assessor's map book page or pages covering the proposed lot line adjustment;

D. Copy of the land contract or grant deed;

E. Original certificate of compliance, if available;

F. Certification of inspection report from building and safety, if there are existing structures;

G. Notarized statements from the legal owners of the property directly involved in the lot line adjustment authorizing the proposed action. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 16.28
MERGER OF PARCELS

Sections:

16.28.010 Application.

16.28.020 Procedure.

16.28.010 Application.

A parcel may be merged with a contiguous parcel held by the same owner if the following requirements are satisfied:

A. At least one of the affected parcels is undeveloped with any structure for which a building permit was issued, or for which a building permit was not required at the time of construction, or is developed only with an accessory structure or accessory structures, or is developed with a single structure, other than an accessory structure, that is also partially sited on the contiguous parcel or unit.

B. With respect to any affected parcel, one or more of the following conditions exists:

1. Comprises less than five thousand square feet in area at the time of the merger;

2. Was not created in compliance with the city zoning ordinance in effect at the time of its creation;

3. Does not meet current standards for sewage disposal and domestic water supply;

4. Does not meet slope stability standards;

5. Has no legal access which is adequate for vehicular and safety equipment access and maneuverability;

6. Its development would create health or safety hazards; or

7. It is inconsistent with the general plan or any applicable specific plan, other than minimum lot size or density standards.

C. The merger of parcels shall also conform to the procedural requirements of the Subdivision Map Act.

D. A notice of the merger shall be filed by the city with the county recorder, specifying the name of the record owner and particularly describing the property

merged. (Ord. 700 § 2 (Exh. 1), 2012)

16.28.020 Procedure.

A. Prior to recording a notice of merger, notice shall be provided to the current record owner of the property via certified mail, notifying the owner that the affected parcels may be merged and advising the owner of the opportunity to request a hearing to present evidence at the hearing that the property does not meet the criteria for a merger.

B. The owner of the affected property may file a request for a hearing on the proposed merger within thirty days of receiving notice of the proposed merger.

C. Upon receiving a request for a hearing, the planning commission shall schedule a hearing to consider the proposed merger within sixty days following the city's receipt of the request for a hearing. At the conclusion of the hearing, the planning commission shall either approve or disapprove the proposed merger. A determination of merger shall be recorded within thirty days following the conclusion of the hearing.

D. The city engineer shall make a determination regarding the proposed merger within thirty days if no hearing is requested. A determination of merger or nonmerger shall be recorded within ninety days after mailing the notice required under subsection A of this section. (Ord. 700 § 2 (Exh. 1), 2012)

Title 17
ZONING PROCEDURES

Chapters:

17.04 General Provisions

17.08 Definitions

17.10 Environmental Quality

17.12 Zones

17.16 Nonconformity

17.20 Conditional Use Permits

17.22 Site Plan Permits

17.24 Variances

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Chapter 17.04
GENERAL PROVISIONS

Sections:

17.04.010 Purpose – Authority.

17.04.020 Suitability considered.

17.04.030 Conflicting regulations.

17.04.040 Conformity.

17.04.050 Less restricted uses in more restrictive districts.

17.04.060 Administrative procedures.

17.04.065 Alternate setting of hearing procedures.

17.04.070 Filing fees.

17.04.080 Acceptance of applications.

17.04.090 Conditions of approval.

17.04.100 Processing procedures.

17.04.110 After-the-fact applications.

17.04.010 Purpose – Authority.

In order to provide the economic and social advantages resulting from an orderly planned use of land resources and to conserve and promote the public interest, health, comfort, and convenience of the city and its inhabitants, and to preserve the public peace, safety, morals, order, and general welfare of the city and its inhabitants, there is adopted and established this zoning code and PVEMC Title 18, adopted pursuant to Article XI, Section 7, of the constitution of the state of California and in compliance with the requirements of Cal. Gov. Code Title 7, Planning and Zoning Law. This zoning code and PVEMC Title 18 are intended to provide the legislative framework to enhance and implement the goals, policies, plans, principles and standards of the general plan. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 1.1, 1948)

17.04.020 Suitability considered.

It is declared that in the creation by the ordinance codified in this title and PVEMC Title 18 of the respective zones, districts and other regulations set forth in this title and PVEMC Title 18, the city council has given due and special consideration

to the peculiar suitability of each and every such zone, district and regulation in this title and PVEMC Title 18 established for the particular uses enumerated therefor, the conservation of property values and the most appropriate use of land throughout the city, in the unincorporated area of the county, and in the incorporated areas of adjoining municipalities. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 1.2, 1948)

17.04.030 Conflicting regulations.
Nothing in this title shall be interpreted to authorize the use of a lot, parcel, or structure in any way that is a violation of any other applicable statute, code or regulation. Wherever any provision of this title and PVEMC Title 18 imposes more stringent requirements, regulations, restrictions, or limitations than are imposed or required by the provisions of any other law, ordinance, restrictions or covenant, then the provisions of this title and PVEMC Title 18 shall govern. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 4.1, 1948)

17.04.040 Conformity.
No building or land or any portion thereof shall, after the effective date of the ordinance codified in this title and PVEMC Title 18, be erected or used except in conformity with the provisions of this title, PVEMC Title 18 and all other relevant provisions of the general plan and the code. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 4.2, 1948)

17.04.050 Less restricted uses in more restrictive districts.
The express enumeration and authorization in this title and PVEMC Title 18 of a particular class of building or use in any district shall be deemed a prohibition of such building or use in all more restrictive districts, except as otherwise specified. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 4.3, 1948)

17.04.060 Administrative procedures.
The director may prescribe, from time to time as the director deems necessary or desirable, rules and regulations appropriate for the implementation of the provisions of this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 3, 1991)

17.04.065 Alternate setting of hearing procedures.
Notwithstanding any other provision of this title or PVEMC Title 18, the director is authorized to set any entitlement application for a public hearing before the planning commission, and the city clerk is authorized to set any entitlement application for a public hearing before the city council. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 524 § 1, 1991)

17.04.070 Filing fees.

A. Every application or filing for any entitlement or request described in this title and PVEMC Title 18 shall be accompanied by the appropriate fees designated in the fee schedule currently in effect as adopted by resolution of the city council. No application or filing shall be deemed complete unless such fees have been paid.

B. The filing fee shall be waived for an application filed by any city, county, district, state or federal government, or agency thereof.

C. The director may refund a filing fee in whole upon the determination that the application was erroneously required or filed. The fee may be refunded pro rata, based on the cost of processing the application, if the application is withdrawn prior to a hearing thereon. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 4, 1991)

17.04.080 Acceptance of applications.

The director shall determine whether each application for a development entitlement pursuant to this title or PVEMC Title 18 is complete and transmit such determination to the applicant. In the event the application is determined not to be complete, the director's determination shall specify in writing those parts of the application which are incomplete and shall indicate the manner in which they can be made complete. No application for a development entitlement pursuant to this title or PVEMC Title 18 shall be deemed accepted until the determination has been made by the director that the application is complete and in compliance with the filing instructions. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 5, 1991)

17.04.090 Conditions of approval.

In the review and approval of any application for a development entitlement pursuant to this title or PVEMC Title 18, the planning commission or the city council may impose conditions relating, but not limited, to the following:

A. Regulation of use;

B. Special yards, spaces, and buffers;

C. Fences and walls;

D. Surfacing of parking areas subject to city specifications;

E. Street, service road, or alley dedications and improvements and/or appropriate security;

F. Regulation of points of vehicular ingress and egress;

G. Regulation of signs;

H. Landscaping and landscape maintenance;

I. Other maintenance of the grounds;

J. Regulation of noise, vibration, odors, etc.;

K. Regulation of time and/or duration for certain activities;

L. Time period within which the proposed use shall be developed;

M. Duration of use;

N. Structural height and massing;

O. Water, sewer and other infrastructure dedications and improvements;

P. Outdoor lighting;

Q. Green building standards;

R. Such other conditions as will make possible the development of the city in an orderly and efficient manner and in conformity with the intent and purposes of this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 6, 1991)

17.04.100 Processing procedures.

All applications for development entitlements provided for in this title and PVEMC Title 18 shall be processed in compliance with the following procedures unless another process is expressly provided:

A. The director shall set the application for a public hearing by the planning commission and give notice of the hearing as follows:

1. The hearing shall be scheduled for the first available meeting of the planning commission after the filing of a complete application and after proper notice has been provided;

2. Notice of the hearing shall be in such form as may be prescribed by the director and shall contain the time and place of the hearing and the location and proposed use of the property;

3. Notice shall also be mailed, postage prepaid, at least ten days before the hearing to:

a. The owner of the subject real property or to the owner’s authorized agent;

b. The project applicant;

c. Each local agency or public utility expected to provide water, sewage, streets, roads, schools, or other essential facilities or services to the project, whose ability to provide these facilities and services may be affected; and

d. All owners of real property as shown on the latest equalized assessment roll within three hundred feet of the subject real property;

4. Post a notice in at least two public places in the city and in one place at the subject site; and

5. Post any other notice required by law.

B. The director shall investigate the application and report to the planning commission at the time of the hearing. The director's report may include proposed findings and a recommendation including conditions, if any.

C. The planning commission may approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law for the particular development entitlement, and shall render its decision within thirty days after the conclusion of the hearing. Should the vote of the planning commission result in a tie, the application shall be scheduled for the first available regular meeting of the city council after proper notice of the hearing has been provided pursuant to subsection A of this section.

D. A hearing may be continued without additional mailed notice; provided, that the time and place to which the hearing will be continued are announced before adjournment. If this code otherwise requires notice of a hearing to be posted at the site of the property that is the subject of the application, notice of the continuance shall be posted on site in a manner that complies with the requirements of this section until the new date of hearing.

E. The decision, including the findings of the planning commission, shall be mailed to the applicant and reported to the city council according to procedures established by the director.

F. The city council may, within fifteen days after the date of the decision or on or before the first day following the first city council meeting after the date of the planning commission decision, whichever occurs last:

1. Confirm the action of the planning commission to grant or deny the

application;

2. Set the matter for public hearing and dispose of it in the same manner as on an appeal; or

3. Amend, modify, delete, or add any condition of approval which the city council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a development entitlement. Any determination of the city council pursuant to this subsection shall be conclusive and final. Should the vote of the city council result in a tie, the planning commission decision shall be final.

In the event the city council does not take one of the actions specified above within the period of time required, the decision of the planning commission shall be final.

G. The applicant, or any property owner entitled to notice of the hearing, may, within fifteen days after the date of the planning commission decision, appeal the planning commission decision to the city council. The appeal shall be filed with the city clerk on such form as may be prescribed by the city council, accompanied by payment of the fee as the city council may establish by resolution, and shall include the reasons for the appeal. The city clerk shall notify the director, who shall promptly furnish the city council with five copies of the minutes of the planning commission hearing and the decision appealed from, together with all other papers constituting the record upon which the decision was based. The city clerk shall set the appeal for public hearing and give notice of the time and place of the hearing pursuant to the provisions of subsection A of this section.

H. The city council may approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law for the particular development entitlement, and shall render its decision within thirty days after the conclusion of the hearing. The resolution shall contain the city council’s findings. The city clerk shall mail a copy of the resolution to the applicant. The decision of the city council shall be final.

I. At any time before the planning commission or city council makes a final decision on an application pursuant to this section, the applicant may withdraw the application. The withdrawal of the application shall be in writing and shall not require the consent of the planning commission or city council. The withdrawal of the application is deemed permanent and any associated authorization shall be void. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 647 § 1, 2003; Ord. 598 §§ 1, 2, 1996; Ord. 529 § 7, 1991)

17.04.110 After-the-fact applications.

A. If any construction activity (including, but not limited to, demolition) required to be reviewed pursuant to this title or PVEMC Title 18 or 19 is commenced before that review has been completed (the "noncompliant work"), then, in addition to the applicable requirements set forth in those titles, no application for a land use entitlement shall be approved unless the planning commission or city council, as the case may be, finds the noncompliant work would have been approved pursuant to the applicable provisions of the applicable title if approval were sought before the noncompliant work was commenced;

B. If the late filed application is for neighborhood compatibility review, then the provisions of Chapter 18.36 PVEMC shall apply to the application for review of noncompliant work in the same way they would apply to a timely filed application for neighborhood compatibility review;

C. If the noncompliant work is approved, then the following provisions shall also apply:

1. The work on the noncompliant work and all work proceeding in conformance with this title or PVEMC Title 18 or 19, as applicable, that has not been completed (collectively, the "ongoing work") shall be suspended for a period of up to six months after the noncompliant work is approved, as determined appropriate by the planning commission or city council, as the case may be; provided, that no suspension shall be imposed if the planning commission or city council, as the case may be, determines any suspension would (a) be detrimental to the surrounding community because of negative impacts on aesthetics, traffic or pedestrian travel, public safety or other matters in the public interest, or (b) cause an extreme hardship on the property owner;

2. Upon completion of the ongoing work when it includes any habitable area, the property shall remain unoccupied for a period of up to six months, as determined appropriate by the planning commission or city council, as the case may be; provided, that this provision shall not be applicable if the planning commission or city council, as the case may be, determines such a requirement would (a) be detrimental to the surrounding community because of negative impacts on public safety or other matters in the public interest, or (b) cause an extreme hardship on the property owner; and

3. If the planning commission or city council, as the case may be, determines that the architect, contractor or any other professional responsible for the ongoing work ("participating professional") knew or should have known the

noncompliant work was occurring, then it may direct the director or designee to submit a letter to the licensing body of that participating professional, if one exists, informing and complaining to that body of the unprofessional conduct of that participating professional. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 691 § 1, 2009)

Chapter 17.08
DEFINITIONS

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17.08.010 Applicability.
For the purpose of this title and PVEMC Title 18, certain words and terms used in this title and PVEMC Title 18 are defined in this chapter. When not inconsistent with the context, words used in the present tense include the future tense; words in the singular number include the plural number and words in the plural number include the singular number. The word "shall" is always mandatory and not merely directory. The word "may" is permissive. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 Art. II, 1948)

17.08.020 Accessory building.
"Accessory building" means a subordinate building or a part of the main building on the same lot or building site, the use of which is incidental to that of the main building, and which is used exclusively by the occupants of the main building. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.1, 1948)

17.08.030 Accessory use.
"Accessory use" means a use customarily incidental and accessory to the principal use of a lot or a building located upon the same lot or building site. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.2, 1948)

17.08.033 Advertisement.
"Advertisement" means any printed or lettered announcement, whether in a magazine, newspaper, handbill, notice, display, billboard, poster, Internet website or application, or any other form. (Ord. 717 § 1, 2016)

17.08.035 Agricultural employee.
"Agricultural employee" means a person employed for the purpose of engaging in agriculture, including farming in all its branches, and, among other things, including the cultivation and tillage of the soil, dairying, the production, cultivation, growing and harvesting of any agricultural or horticultural commodities (including commodities defined as agricultural commodities in

Section 1141j(f) of Title 12 of the United States Code), the raising of livestock, bees, furbearing animals, poultry, and any practices performed by a farmer or on a farm as an incident or in conjunction with such farming operations, including preparation for market and delivery to storage or to market or to carriers for transportation to market. (Ord. 709 § 1, 2014)

17.08.036 Agricultural employee housing.
"Agricultural employee housing" means any living quarters or accommodations of any type specifically for agricultural employees and which comply with Cal. Health & Saf. Code §§ 17008 and 17021.6 and other applicable provisions of the Employee Housing Act. (Ord. 709 § 1, 2014)

17.08.040 Alley.
"Alley" means a public thoroughfare or way having a width of not more than twenty feet which affords only a secondary means of access to abutting property. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.3, 1948)

17.08.045 Amateur radio antenna.
"Amateur radio antenna" means any antenna used for noncommercial purposes to receive and/or transmit radio signals on an amateur radio bandwidth, as designated by the Federal Communications Commission. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.050 Basement.
"Basement" means the lowest level of a building that is not more than six feet above natural grade for at least fifty percent of the basement perimeter and does not exceed twelve feet above grade at any point. (Ord. 714 § 1, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 646 § 1, 2002; Ord. 84 § 2.5, 1948)

17.08.055 Bed and breakfast inn.
"Bed and breakfast inn" means a facility offering transient lodging accommodations to the public and providing kitchen facilities adequate to provide meals to guests of the facility only and not otherwise open to the public. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.060 Building.
"Building" means a structure having a roof supported by columns or walls. (See "structure.") (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.6, 1948)

17.08.070 Building height.
"Building height" means the vertical distance as measured from any point on natural grade within the perimeter of the structure to the highest point of the

structure at that point. The following elements of the structure shall not be considered when determining its height:

A. Vent pipes;

B. Chimneys;

C. Television antennas;

D. Eaves extending beyond the perimeter walls of the structure. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 303 § 1, 1974; Ord. 84 § 2.7, 1948)

17.08.080 Building site.
"Building site" means the ground area of a building or buildings together with all open spaces adjacent thereto as required by this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.8, 1948)

17.08.085 Cellar.
"Cellar" means that portion of a building located entirely underground within the footprint of the building, so that it is below the adjoining grade from all sides. A cellar shall contain no windows and shall not be directly accessible from outside of the building. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 599 § 1, 1996)

17.08.090 City.
"City" means the incorporated city of Palos Verdes Estates. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.9, 1948)

17.08.100 City council.
"City council" means the city council of the city of Palos Verdes Estates. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.10, 1948)

17.08.110 Commission.
"Commission" means the city planning commission. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.11, 1948)

17.08.115 Communal housing.
"Communal housing" means housing for nonfamily groups with common kitchen and dining facilities but without medical, psychiatric, or other care. Communal housing includes boarding houses, lodging houses, dormitories, communes, and religious homes. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.120 Compensation.
"Compensation" means anything of value. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.12, 1948)

17.08.125 Director.
"Director" means the city manager or the designee of the city manager. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 8, 1991)

17.08.127 Disability.
"Disability" or "disabilities" mean the same as the term "physical and mental disabilities" is defined in Section 12926.1 of the California Fair Employment and Housing Act (Cal. Gov't Code § 12926.1), and the term "disability" is defined in Section 12102 of the federal Americans with Disabilities Act (42 U.S.C. Section 12102). (Ord. 709 § 1, 2014)

17.08.130 Domestic animal.
"Domestic animal" means an animal which is commonly maintained in residence with humans. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.140 Dwelling, multifamily.
"Multifamily dwelling" means a building or portion thereof used to house two or more families, including domestic employees of such families, living independently of each other. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.14, 1948)

17.08.150 Dwelling, single-family.
"Single-family dwelling" means a building containing only one kitchen and used to house not more than one family including domestic employees of such family. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.145, 1948)

17.08.160 Dwelling unit.
"Dwelling unit" means a building or portion thereof used by one family and containing but one kitchen. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.15, 1948)

17.08.170 Dwelling unit, second.
"Second dwelling unit" means an area attached to an existing building, or a detached building, which provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation, on the same lot or lots as a one-family dwelling. Detached servants' quarters are included in this definition. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 651 § 1, 2003; Ord. 441 § 3, 1987; Ord. 386 § 1, 1984)

17.08.175 Emergency shelter.
"Emergency shelter" means housing with minimal supportive services for homeless persons that limits occupancy by homeless persons to six months or less and that does not deny emergency shelter due to a person's inability to pay. (Ord. 709 § 1, 2014)

17.08.180 Erected.
"Erected" includes "built," "built upon," "added to," "altered," "constructed," "reconstructed," "moved upon," or any physical operations on the land required for a building. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.16, 1948)

17.08.190 Family.
"Family" means an individual or two or more persons living together as a single household in a dwelling unit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 334 § 1, 1978; Ord. 84 § 2.17, 1948)

17.08.195 Floor area.
"Floor area" means all floor area of rooms with a ceiling height of seven feet or more, at every floor, measured from the outside of the surrounding exterior walls of a building, including the garage but excluding the floor area of stairwells and elevator shafts at each floor above the lowest floor served. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 672 § 1, 2006; Ord. 665 § 1, 2006)

17.08.196 Floor area, gross.
"Gross floor area" means all area included in the definition of floor area in PVEMC 17.08.195 plus the following:

A. The floor area of each stairway and/or elevator shaft at each level or story above the lowest floor served;

B. The floor area of any space where any vertical dimension for such space exceeds five feet as measured from the ground level to the lowest face of the structural members in the ceiling;

C. The floor area of all patios, decks, verandahs, loggias, carports, balconies and other similar structures if such area is covered by a roof overhang projecting more than six feet from the exterior walls; and

D. At every room where the floor to ceiling dimension exceeds fifteen feet, the floor area shall be counted twice. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 672 § 2, 2006; Ord. 665 § 2, 2006)

17.08.197 Floor area, net.
"Net floor area," as it applies to PVEMC 18.12.060, Parking requirements, means all area within the surrounding walls at every floor of the use that the parking serves measured from the outside of exterior walls and the centerline of interior walls. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 672 § 3, 2006; Ord. 665 § 3, 2006)

17.08.200 Garage, private.

"Private garage" means an accessory building or a main building or portion thereof, used for the shelter or storage of self-propelled vehicles owned or operated by the occupants of a main building and wherein there is no service or storage for compensation. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.18, 1948)

17.08.210 Garage, public.
"Public garage" means any building, except one defined in this chapter as a private or storage garage, used for the storage, care or repair of self-propelled vehicles, or where any such vehicles are equipped for operation, or kept for hire. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.19, 1948)

17.08.220 Garage, storage.
"Storage garage" means any building or portion thereof, other than one defined in this chapter as a public garage or private garage, used only for the storage of self-propelled vehicles. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.20, 1948)

17.08.230 Grading.
"Grading" means any excavation or filling. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 309 § 1, 1975)

17.08.235 Habitable story.
"Habitable story" shall be defined as a story used in the R-1 or R-M zone for living, sleeping, eating or cooking and as a story used in the C zone for operating an authorized business. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 5, 1989)

17.08.238 Individual with a disability.
"Individual with a disability" means an individual with a qualifying disability under the Fair Housing Laws. Generally, any person with any mental or physical impairment, disorder or condition, which substantially limits one or more major life activities, including physical, mental and social activities and working. "Individual with a disability" does not include impairments, disorders or conditions resulting from the current, illegal use of or addiction to a controlled substance, sexual behavior disorders, compulsive gambling, kleptomania, or pyromania. (Ord. 709 § 1, 2014)

17.08.240 Kitchen.
"Kitchen" means any room equipped with permanent cooking facilities including, but not limited to, a stove, an oven, or other permanent electrical equipment for cooking food. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.21, 1948)

17.08.245 Lead department.
"Lead department" means the city department coordinating a specific project.

(Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 9, 1991)

17.08.250 Lot.
"Lot" means a designated parcel, tract, or area of land established by plot, subdivision, or as otherwise permitted by law, to be used, developed, or built upon as a unit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.22, 1948)

17.08.260 Lot, corner.
"Corner lot" means a lot located at the junction of two or more intersecting streets having an angle of intersection of not more than one hundred thirty-five degrees, with a boundary line thereof bordering on two of the streets. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.23, 1948)

17.08.270 Lot, interior.
"Interior lot" means a lot other than a corner lot. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.24, 1948)

17.08.280 Lot, through.
"Through lot" means an interior lot having frontage on two parallel or approximately parallel streets. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.25, 1948)

17.08.290 Lot lines.
The boundary lines of a lot are:

A. Front Lot Line. The line dividing a lot from the street. On a corner lot only one street line shall be considered as a front lot line, and such front lot line shall be determined by the commission;

B. Rear Lot Line. The line opposite the front lot line;

C. Side Lot Lines. Any lot lines other than the front lot line or the rear lot line. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.26, 1948)

17.08.295 Mobilehome park.
"Mobilehome park" means any area or tract of land where two or more lots are rented or leased, held out for rent or lease, or were formerly held out for rent or lease and later converted to a subdivision, cooperative, condominium, or other form of resident ownership, to accommodate manufactured homes or mobilehomes used for human habitation. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.300 Movie theater.
"Movie theater" means any building or portion thereof designed or used for the showing of motion pictures, when an admission fee is charged and when such

building is open to the public and has a capacity of ten or more persons. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.305 Native vegetation.
"Native vegetation" means any existing vegetation capable of maintaining itself without cultivation, artificial irrigation or other intensive maintenance. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 309 § 1, 1975)

17.08.310 Natural grade.
"Natural grade" means, for the purposes of this chapter, the vertical location of the ground surface prior to any excavation or fill or as approved under PVEMC Title 16 relating to the subdivision of land. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 270 § 7, 1970)

17.08.320 Nonconforming building.
"Nonconforming building" means a building which was legal when established, but which because of the adoption or amendment of this title or PVEMC Title 18 conflicts with the provisions of this title or PVEMC Title 18 applicable to the district in which such building is located. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.27, 1948)

17.08.330 Nonconforming use.
"Nonconforming use" means the use of a building or land which was legal when established, but which because of the adoption or amendment of this title or PVEMC Title 18 conflicts with the provisions of this title or PVEMC Title 18 applicable to the district in which such use is located. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.28, 1948)

17.08.340 Occupancy, change of.
"Change of occupancy" means a discontinuance of an existing use and the substitution therefor of a use of a different kind or class. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.29, 1948)

17.08.350 Occupied.
"Occupied" includes "used," "arranged," "converted to," "rented" or "leased," or "intended to be occupied." (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.30, 1948)

17.08.360 Person.
"Person" includes any individual, firm, copartnership, joint adventure, association, social club, fraternal organization, corporation, estate, trust, business trust, receiver, syndicate, this and any other county, city and county, municipality, district or other political subdivision, or any other group or combination acting as

a unit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.31, 1948)

17.08.364 Reasonable accommodation.
"Reasonable accommodation" means a modification or exception to the standards, regulations, policies and procedures contained in this code for the siting, development and use of housing or housing-related facilities, that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the city or require a fundamental or substantial alteration of the city's planning and zoning program. (Ord. 709 § 1, 2014)

17.08.365 Residential care facility, large.
"Residential care facility, large" means any family home or group care facility serving seven or more persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities. (Ord. 709 § 1, 2014)

17.08.366 Residential care facility, small.
"Residential care facility, small" means any family home or group care facility serving six or fewer persons in need of personal services, supervision or assistance essential for sustaining the activities of daily living or for the protection of the individual, excluding jails or other detention facilities. (Ord. 709 § 1, 2014)

17.08.370 Roof.
"Roof" means the solid cover of a building. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.32, 1948)

17.08.375 Satellite dish.
"Satellite dish" means a parabolic reflector or similar antenna with a parabolic surface, regardless of mounting method, designed solely to receive satellite-delivered signals. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.378 Short-term or vacation rental.
"Short-term or vacation rental" means the rental of a dwelling unit, or portion thereof, to a person or group of persons for compensation of any kind, for lodging or sleeping purposes for a period of less than thirty consecutive calendar days whether or not the property is concurrently occupied by the property owner, except for bed and breakfast inns as provided in PVEMC 17.08.055. (Ord. 717 § 2, 2016)

17.08.380 Sign.

"Sign" means any material, device or lettered or pictorial matter or copy when used or located in such a manner as to be visible by the public from outdoors, for display of an advertisement, notice, directional matter, name, announcement, declaration, demonstration, display, illustration or insignia used to advertise, promote or attract the interest of any person, business, activity, institution or organization. However, a sign shall not include the following:

A. Official notices authorized by a court, public body, public official or officer;

B. Building entrance numbers not exceeding ten square feet in total area;

C. The flag of the United States of America, the flag of any other government entity, or the flag of any religious entity;

D. Religious icons, such as a cross or other religious symbol, when not integral to a written sign;

E. Names of buildings, dates of erection, monumental citations, commemorative tablets, memorial plaques, signs of historical interest and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type material and made an integral part of the structure;

F. Holiday decorations displayed within forty-five days of a holiday, as defined in PVEMC 10.04.060. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.382 Single room occupancy housing.
"Single room occupancy housing" means a structure that provides living units that have separate sleeping areas and may have private or some combination of shared bath or toilet facilities. The structure may or may not have separate or shared cooking facilities for the residents. (Ord. 709 § 1, 2014)

17.08.385 Solar energy system.
"Solar energy system" means any solar collector or other solar energy device or structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating or cooling, electricity generation, or water heating. (Ord. 700 § 2 (Exh. 1), 2012)

17.08.390 Street.
"Street" means a public or an approved private thoroughfare or road easement which affords the principal means of access to abutting property, but not including an alley. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.34, 1948)

17.08.400 Structure.

"Structure" means anything constructed or erected, the use of which requires a more or less permanent location on the ground or attachment to something having a permanent location on the ground, but not including walls and fences less than four and one-half feet in height when located in front yards, or less than six feet in height when located in side or rear yards, nor other improvements of a minor character. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.35, 1948)

17.08.410 Structural alteration.
"Structural alteration" means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor joists or roof joists, or the addition of any new structure on a lot. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.36, 1948)

17.08.413 Supportive housing.
"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to an on-site or off-site service that assists the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community. Supportive housing is a residential use of property that is permitted subject to the same standards and procedures as apply to other residential uses of the same type in the same zone. (Ord. 709 § 1, 2014)

17.08.415 Target population.
"Target population" means persons with low incomes who have one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health condition, or individuals eligible for services provided pursuant to the Lanterman Developmental Disabilities Services Act (Division 4.5 [commencing with Section 4500] of the Welfare and Institutions Code) and may include, among other populations, adults, emancipated minors, families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, and homeless people. (Ord. 709 § 1, 2014)

17.08.417 Transitional housing.
"Transitional housing" means buildings configured as rental housing developments, but operated under program requirements that require the termination of assistance and recirculating of the assisted unit to another eligible program recipient at a predetermined future point in time that shall be no less than six months from the beginning of the assistance. Transitional housing is a residential use of property that is permitted subject to the same standards and procedures as apply to other residential uses of the same type in the same zone. (Ord. 709 § 1, 2014)

17.08.420 Use.
"Use" means the purpose for which land or a building is arranged, designed or intended, or for which either is or may be occupied or maintained. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.37, 1948)

17.08.430 Used.
"Used" includes "occupied," "arranged," "designed for," or "intended to be used." (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.38, 1948)

17.08.440 Yard.
"Yard" means an open and unoccupied space on a lot on which a building is situated and, except where otherwise provided in this title and PVEMC Title 18, is open and unobstructed from ground to the sky. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.39, 1948)

17.08.450 Yard, front.
"Front yard" means a yard extending across the full width of the lot between the side lot lines and measured between the front lot line and either the nearest line of the main building or the nearest line of any enclosed or covered porch. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.40, 1948)

17.08.460 Yard, rear.
"Rear yard" means a yard extending across the full width of the lot between the side lot lines and measured between the rear lot line and the nearest rear line of the main building or the nearest line of any enclosed or covered porch. Where a rear yard abuts a street it shall meet front yard requirements of the district. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.41, 1948)

17.08.470 Yard, side.
"Side yard" means a yard extending from the front yard to the rear yard between the side lot line and the nearest line of the main building, or of any accessory building attached thereto. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 2.42, 1948)

Chapter 17.10
ENVIRONMENTAL QUALITY

Sections:

17.10.010 Environmental quality – Purpose.

17.10.020 Definitions.

17.10.030 Division of responsibility.

17.10.040 Review of traffic impacts.

17.10.045 Consultation.

17.10.050 Completion deadlines.

17.10.060 Public notice of environmental decision.

17.10.070 Review.

17.10.080 Appeal of environmental decision.

17.10.090 Conflict determinations.

17.10.100 Costs.

17.10.010 Environmental quality – Purpose.

The purpose of this chapter is to provide guidelines for the study of proposed activities and the effect that such activities would have on the environment in accordance with the requirements of the California Environmental Quality Act ("CEQA"). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.020 Definitions.

Except as otherwise defined in Chapter 17.08 PVEMC, words and phrases used in this chapter shall have the same meaning given them by Chapter 2.5 of CEQA and by Article 20 of the State CEQA Guidelines, as such provisions may be amended from time to time. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.030 Division of responsibility.

A. Lead Department. The lead department shall:

1. Determine whether an activity is a project subject to CEQA and whether the project involves the exercise of the city's discretion;

2. If determined to be a project that involves the city's discretion, evaluate whether it is exempt or whether there is a possibility that the project may

have a significant effect on the environment;

3. If the project is not exempt from CEQA, submit to the director an application for preparation of an initial study, in a form approved by the director.

B. Director. The director shall:

1. Generate and keep a list of exempt projects;

2. Conduct initial studies;

3. Prepare negative declarations;

4. Prepare draft and final EIRs;

5. Consult with and obtain comments from other public agencies and members of the public with regard to the environmental effect of projects, including "scoping" meetings, when deemed necessary or advisable;

6. Assure adequate opportunity and time for public review and comment on the draft EIR or negative declaration;

7. Determine adequacy of an EIR or negative declaration;

8. Submit the final appropriate document to the city council or other decisionmaking person or party who will approve or disapprove a project. Such decisionmaking body shall certify the adequacy of the environmental document;

9. File documents required or authorized by CEQA and the State CEQA Guidelines;

10. Collect fees and charges necessary for the implementation of this chapter and which may be designated by the city council;

11. Formulate rules and regulations as the director may determine are necessary or desirable to further the purposes of this chapter;

12. Evaluate and respond to comments received on environmental documents. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.040 Review of traffic impacts.

A. In conducting any EIR, the director shall assess traffic and transit impacts using the "transportation impact analysis" methods contained in the Los Angeles County

Congestion Management Program.

B. If an EIR is required for a project, any impact(s) identified by a transit operator shall be discussed in the EIR, in addition to all other impacts required to be discussed pursuant to CEQA. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 572 § 2, 1993; Ord. 562 § 1, 1993)

17.10.045 Consultation.
Immediately after deciding that an EIR is required for a project, the director shall, by certified mail or other method which provides a record, send each responsible agency, each trustee agency, each public agency which provided comments after consultation pursuant to PVEMC 17.10.030(B)(5), each fixed-route transit operator providing service to the project, including the Metropolitan Transportation Authority, each city immediately adjacent to the city, and each agency possessing jurisdiction by law with regard to the project a notice of preparation stating that an EIR will be prepared. This notice shall also be sent to every federal agency involved in approval or funding of the project. When one or more state agencies will be a responsible agency or a trustee agency, the director shall send a notice of preparation to each state responsible agency and each trustee agency with a copy to the State Clearinghouse in the Office of Planning and Research. The notice shall include the description and location of the project (by address or map) and the probable environmental effects of the project. (Ord. 700 § 2 (Exh. 1), 2012)

17.10.050 Completion deadlines.
A. Time Limitations. Time limits for completion of the various phases of the environmental review process shall be consistent with CEQA and the Guidelines. Reasonable extensions to these time limits shall be allowed upon consent by the applicant.

B. Legislative Acts. Time limits set forth in this section shall not apply to legislative actions or administrative actions that require prior legislative action.

C. Appeal. Any time limits set forth herein shall be suspended during any administrative appeal. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.060 Public notice of environmental decision.
A. Posting. Notice of the decision of whether to prepare an EIR, negative declaration, or declare a project exempt shall be posted at an appropriate and publicly accessible location in or near City Hall, and shall be dated.

B. Additional Notice. Notice that the city proposes to adopt a negative declaration or environmental impact report shall be provided to the public prior to the date of

the meeting at which consideration of adoption of the negative declaration or environmental impact report shall be given. Notice shall be given to all organizations and individuals who have previously requested such notice. Notice shall also be given by publication one time in a newspaper of general circulation designated by city council for such purpose. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.070 Review.

A. If the project requires review and approval by the planning commission or city council, the director may coordinate review and approval of the proposed negative declaration or environmental impact report with review of the associated entitlements by the planning commission.

B. For any project which requires review and approval by the planning commission, it shall not approve or conditionally approve the project unless it has first complied with the requirements of CEQA. Any such CEQA determination made by the planning commission shall be final unless appealed pursuant to PVEMC 17.10.080.

C. For any project which requires review and approval by the city council, the planning commission shall make a recommendation to city council and shall recommend approval, denial or conditional approval of the associated environmental review. (Ord. 700 § 2 (Exh. 1), 2012)

17.10.080 Appeal of environmental decision.

A. Time. Fifteen days after the decision is made, any interested party may appeal the decision to the planning commission, or city council if the planning commission has made a final determination pursuant to PVEMC 17.10.070(B), by completing a request to appeal in a form provided by the director.

B. Fee. Any person appealing a decision of the director shall pay a fee as established by the city council by resolution at the time of filing the appeal.

C. Determination. The appeal hearing shall be limited to considerations of the environmental or procedural issues raised by the appellant in the written notice of appeal. The original decision shall be presumed correct, and the burden of proof shall be on the appellant to establish otherwise.

D. Appeal to Planning Commission. The planning commission may uphold or reverse an environmental determination made by the director, or remand the decision back to the director for reconsideration if substantial evidence of procedural irregularities or significant new environmental issues is presented. The

decision of the commission will be final, unless appealed to the city council. Any interested party may, within fifteen days after the decision of the planning commission, appeal the decision to the city council by completing a request to appeal form as approved by the director and paying a fee as established by the city council by resolution.

E. Appeal to City Council. The city council shall uphold or reverse an environmental determination made by the planning commission, or remand the decision back to the planning commission for reconsideration if substantial evidence of procedural irregularities or significant new environmental issues is presented. The decision of the city council shall be final. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.090 Conflict determinations.

This chapter establishes guidelines for the evaluation of the environmental factors concerning activities within the city and in accordance with CEQA and the State Guidelines. Where conflicts exist, CEQA and the State Guidelines shall prevail except where this chapter is more restrictive. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

17.10.100 Costs.

Each applicant for an entitlement governed by the provisions of this chapter shall be responsible and shall pay or reimburse the city for all costs incurred by the city in preparing any and all environmental documents and related studies required pursuant to this chapter, CEQA, or the Guidelines. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 10, 1991)

Chapter 17.12
ZONES

Sections:

17.12.010 Zones established.

17.12.020 Zoning map.

17.12.030 Boundary uncertainties.

17.12.010 Zones established.

For the purpose of this title and PVEMC Title 18, four classes of use zones are established as follows:

A. R-1, single-family residential zone;

B. R-M, multifamily residential zone;

C. C, retail commercial zone;

D. OS, open space zone. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 373 § 1, 1983; Ord. 84 § 3.1, 1948)

17.12.020 Zoning map.

The boundaries of such zones are shown upon the zoning map adopted by the ordinance codified in this title and PVEMC Title 18, or amendments thereto, and are adopted and approved, and the regulations of this title and PVEMC Title 18 governing the use of land and buildings, and development standards as set forth in this title and PVEMC Title 18, are established and declared to be in effect upon all land included within the boundaries of each and every district shown upon the map. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 3.2, 1948)

17.12.030 Boundary uncertainties.

Where uncertainty exists as to the boundaries of any district shown on the official land use plan, the following rules shall apply:

A. Where district boundaries are indicated as approximately following street lines, alley lines or lot lines, such lines shall be construed to be such boundaries;

B. In unsubdivided property or where the district boundary line divides a lot, the location of such boundary, unless the same is indicated by specific dimensions, shall be determined by use of the scale appearing on the zoning map;

C. In case any further uncertainty exists, the planning commission shall interpret the intent of the zoning map as to the location of district boundaries;

D. Where any public street or alley, or other public right-of-way, is vacated or abandoned, the land formerly in such street, alley, or right-of-way shall be included within the district of adjoining property on either side; and in the event such street, alley, or right-of-way was a district boundary line between two or more different districts, the new district boundary line shall be the former centerline of such street, alley, or right-of-way. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 3.3, 1948)

Chapter 17.16
NONCONFORMITY

Sections:

17.16.010 Nonconformity resulting from amendment.

17.16.020 Continuation.

17.16.030 Alterations to nonconforming structures.

17.16.040 Buildings under construction.

17.16.050 Reconstruction of damaged buildings.

17.16.060 Off-street parking – R-M zone.

17.16.070 Off-street parking – C zone.

17.16.080 Sign abatement.

Prior legislation: Ords. 84 and 398.

17.16.010 Nonconformity resulting from amendment.

The provisions of this title and PVEMC Title 18 shall apply to uses which become nonconforming by reason of the adoption of the ordinances codified in this title and PVEMC Title 18 or any amendment thereof, as of the effective date of such adoption or amendment. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

17.16.020 Continuation.

A. Nonconforming Buildings. Any nonconforming building may be continued and maintained provided there are no structural alterations except as otherwise permitted pursuant to this chapter.

B. Nonconforming Uses. Any nonconforming use may be continued and maintained, except as set forth in this subsection:

1. Any use which is made nonconforming because such use is prohibited by an ordinance adopted subsequent to the establishment of such use shall be discontinued no later than six months from the effective date of such ordinance. Upon application submitted by the owner of such use, accompanied by: (a) the written consent of the owner of the building in which such use is located; and (b) evidence that such abatement period would effect a taking of property for which compensation would be required, the city council shall extend the date for termination of such nonconforming use to such date as is necessary to avoid that taking, as determined in the discretion of the city

council. Notwithstanding PVEMC 17.04.100, such application shall not be considered by the planning commission nor shall a public hearing be required prior to the determination of the city council.

2. Any part of a building or land occupied by a nonconforming use which is changed to or replaced by a use conforming to the provisions of this title and PVEMC Title 18, as they apply to the particular district, shall not thereafter be used or occupied by a nonconforming use.

3. Any part of a building or land occupied by a nonconforming use, which use is discontinued and for which no new city business license for a similar nonconforming use is taken out for six months or more following such discontinuance, shall thereafter be used in conformity with the provisions of this title and PVEMC Title 18 and the nonconforming right shall be lost.

C. Change in Nonconforming Use. A nonconforming use of property may be changed to another nonconforming use of a more restrictive classification, provided no structural alterations are made and that the change of use is approved by the city. Application for such a change of use shall be processed using the same procedures as for an application for a conditional use permit.

D. New Conditional Uses. Any existing use which was permitted as a matter of right when established, but which is of the type that a subsequently enacted ordinance requires such type of use to obtain a conditional use permit before it may be implemented, shall not be deemed to be rendered nonconforming by such ordinance, but shall, instead, be deemed to have been granted a conditional use permit permitting such use to be operated in conformance with the operations existing on the effective date of such ordinance. Such deemed-approved conditional use permit shall be subject to all provisions of Chapter 17.20 PVEMC; provided, however, that notwithstanding the provisions of PVEMC 17.20.050 and 17.20.070, the deemed-approved conditional use permit provided by this subsection shall expire without further hearing in any of the following situations:

1. The building or land occupied by the use with the deemed-approved conditional use permit is changed to or replaced by a use conforming to the provisions of this title and PVEMC Title 18, as they apply to the particular district; or

2. The use with the deemed-approved conditional use permit is discontinued and no city business license for a similar use is taken out for six months or more from the date of such discontinuance.

E. This section shall not apply to nonconforming satellite dishes, amateur radio antennas, and commercial antennas, which shall comply with all applicable city regulations and standards in effect as of the effective date of the ordinance enacting this subsection. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 675 § 1, 2006; Ord. 605 § 1, 1996; Ord. 496 § 2, 1989)

17.16.030 Alterations to nonconforming structures.
Structural alterations may be made to a nonconforming structure provided all of the following conditions are met:

A. All work related to the alteration complies with all applicable laws and regulations;

B. The nonconforming structure was built in compliance with all applicable laws and regulations in effect at the time it was constructed;

C. The alteration does not increase the nonconformity in any way; and

D. The total square footage of the structure that is proposed to be altered, or has been altered within the past five years, does not exceed fifty percent of the square footage of the existing structure. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 605 § 2, 1996)

17.16.040 Buildings under construction.
Any building for which a building permit has been issued and the construction of the whole or a part of which has been started prior to the effective date of the ordinance codified in this title and PVEMC Title 18 may be completed and used in accordance with the plans and application upon which the building permit was issued. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

17.16.050 Reconstruction of damaged buildings.
A. The provisions of this title and PVEMC Title 18 shall not prevent the reconstruction, repairing or rebuilding and continued use of any nonconforming building accidentally damaged by fire, explosion or acts of nature or war, wherein the cost of such reconstruction, repairing or rebuilding does not exceed the fair market value of such building at the time such damage occurred.

B. In the event that an existing nonconforming building located in the commercial (C) zone of the city is demolished, reconstructed or remodeled and the previous lot coverage exceeded eighty percent, the building may be rebuilt to the previously approved lot coverage.

C. Notwithstanding subsection A of this section, the provisions of this title and PVEMC Title 18 shall not prevent the reconstruction, repairing or rebuilding and

continued use of any nonconforming building located in the residential (R) or multifamily residential (R-M) zones of the city which is accidentally damaged by fire, explosion or acts of nature or war. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

17.16.060 Off-street parking – R-M zone.
Any building or use located in the multifamily residential (R-M) zone of the city which is nonconforming because of changes in the city's off-street parking requirements may not increase its habitable floor area unless the entire building is upgraded to meet current parking standards. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

17.16.070 Off-street parking – C zone.
Any building or use which is nonconforming because of changes in the city's off-street parking requirements may be expanded, increased or modified, and no addition to or change in the off-street parking facilities shall be required except as follows:

A. If the existing off-street parking facilities are not sufficient to comply with the new requirements after such expansion, increase or modification, additional parking facilities shall be added. The additional parking facilities to be added shall be the difference between the off-street parking facilities the new provisions would require for such use as expanded, increased or modified, and the required off-street parking facilities for such use before expansion, increase or modification under the prior requirements.

B. Any off-street parking facilities provided under these conditions shall be developed pursuant to the provisions of PVEMC 18.12.060. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

17.16.080 Sign abatement.
A. All signs which are rendered nonconforming by reason of the adoption of PVEMC 18.12.050 shall be completely removed within the following time periods, which periods shall commence on the effective date of this section:

1. Temporary signs, sixty days;

2. Advertising displays pertaining to the business conducted, services available or rendered, or the goods produced, sold or available for sale, other than business identification signs, within sixty days of notification by the city.

B. Business identification signs in existence prior to adoption of Ordinance No. 89-496 may remain nonconforming; provided, that they remain unaltered, unmoved,

or unchanged. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 2, 1989)

Chapter 17.20
CONDITIONAL USE PERMITS

Sections:

17.20.010 Purpose.

17.20.020 Application.

17.20.030 Authority to grant conditional use permit.

17.20.040 Requirements for conditional use permit.

17.20.050 Expiration.

17.20.060 Mandatory periodic review.

17.20.070 Revocation.

17.20.010 Purpose.

The principal objective of zone planning is to provide for the proper location of land uses within the city. To accomplish this objective, certain types of land use are classified as being permitted as a matter of right in one or more of the various zones established in this title. However, other types of land use require special consideration due to the size of the area needed for full development of such uses; the traffic, noise, vibration, smoke or other problems incidental to their operation; special locational requirements; or the effect they may have on the value of surrounding properties or on the health, safety and welfare of the general public. Such uses, together with the conditions controlling their establishment, operation and maintenance, are designated as “conditional uses” and shall be regulated by the provisions of this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 375 § 1, 1982)

17.20.020 Application.

A. Application for a conditional use permit shall be made by the owner of the property involved or the owner’s duly authorized representative or by the purchaser or lessee of the property with the written consent of the owner. The application shall be filed with the city on the form provided by the city for that purpose. The application shall be accompanied by the payment of a filing fee, as established by city council resolution.

B. The application shall require the applicant to provide the following information:

1. A legal description of the property involved and the proposed use, with plot plans showing existing buildings, proposed buildings or facilities, and a description of the proposed use;

2. A reference to the specific provisions of this title and PVEMC Title 18 that are applicable to the conditional use permit sought;

3. A radius map and a certified list of the names and addresses of all property owners within three hundred feet from the exterior boundaries of the property involved, as shown on the latest assessment roll of the county assessor; and

4. Such additional information as the planning commission, from time to time, may deem necessary or desirable. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 375 § 1, 1982)

17.20.030 Authority to grant conditional use permit.

The planning commission or council, as provided in this chapter, may grant a conditional use permit on such terms and conditions as may be in harmony with the general intent and purposes of this code. In addition, the planning commission or city council may impose such conditions as the planning commission or the city council deems necessary or desirable to ensure that the use will be established, operated, and maintained in accordance with the findings required by this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 12, 1991; Ord. 387 § 1, 1984; Ord. 375 § 1, 1982)

17.20.040 Requirements for conditional use permit.

The planning commission or city council, in granting a conditional use permit, must find that:

A. The use applied for at the location set forth in the application is properly one authorized by conditional use permit pursuant to this code;

B. The use is consistent with the general plan and any applicable specific plan;

C. The site is adequate in size and shape to accommodate the yards, walls, fences, parking and loading facilities, landscaping, setbacks, and other development standards prescribed in this code, or as are otherwise required in order to integrate the use with the site, surrounding properties, and other permitted uses in the city;

D. The site is adequately served by highways or streets of sufficient width and improvement as are necessary to carry out the kind and quantity of traffic such use will generate and by other public or private service facilities as are required;

E. The use will not create unusual noise, traffic, or other conditions that may be objectionable, detrimental, or incompatible with surrounding properties or other permitted uses in the city;

F. The integrity and character of the city, neighborhood, and site, the utility and value of surrounding properties, and the public health, safety, and welfare will not be adversely affected by the use; and

G. The application has been processed in accordance with the California Environmental Quality Act and the provisions of Chapter 17.10 PVEMC. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 13, 1991; Ord. 375 § 1, 1982)

17.20.050 Expiration.

A. Any conditional use permit issued pursuant to the provisions of this chapter is conditional upon the privilege being utilized within one hundred eighty days after the effective date of the approval or such other validation period specified as a condition of approval of the permit. If the permit privileges are not utilized or construction work is not begun and diligently carried on within the required time, the permit shall become void; provided, however, that upon the written request of the applicant filed with the city prior to the expiration of the validation period, the planning commission may extend the time limit upon a finding of unavoidable delay.

B. If a conditional use is abandoned or is discontinued for a continuous period of one year, the permit shall become void.

C. No conditional use permit that has become void may thereafter be reinstated, unless authorized in accordance with the procedure prescribed in this chapter for the approval of a conditional use. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 375 § 1, 1982)

17.20.060 Mandatory periodic review.

A. Any conditional use permit may contain a condition for mandatory periodic review. Under no circumstances shall a mandatory periodic review of a conditional use permit be scheduled more frequently than once per year. The review shall be conducted by the planning commission and shall consider the following issues:

1. Whether a use different than that originally approved in the conditional use permit is being conducted on the property;

2. Whether facts and circumstances surrounding the project have changed to such an extent as to make the project undesirable;

3. Whether any of the conditions imposed on a conditional use permit have been violated;

4. Whether the use now constitutes a public nuisance;

5. Whether neighbors of the project have complained about the use, requested changes in conditions or termination of the permit;

6. Whether zoning laws or development standards inconsistent with the project are now in effect for the project site; and

7. Whether or not a modification to the existing conditions is required.

B. A mandatory periodic review imposed under this section shall be conducted by the planning commission at or after the time for review fixed in the conditional use permit. The hearing shall be scheduled automatically by city staff. No application or fee shall be required from the conditional use permit holder.

C. At the time of the review, the planning commission, after reviewing the issues set forth in subsection A of this section, shall determine whether or not the permit should continue without modification or a public hearing should be held to determine whether or not the conditional use permit should be revoked or modified. The imposition of a condition for mandatory periodic review on a conditional use permit shall not in any way affect the validity or applicability of provisions concerning expiration set forth in PVEMC 17.20.050 or revocation or modification set forth in PVEMC 17.20.070. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 541 § 1, 1992)

17.20.070 Revocation.

A. The planning commission may recommend revocation or modification and the city council may revoke or modify the conditional use permit upon finding that:

1. The use as established, operated or maintained constitutes a public nuisance; or

2. One or more of the findings for, or conditions of, approval of the conditional use permit have been violated; or

3. The use as established, operated and maintained is not consistent with the use for which the permit was approved; or

4. The use has ceased or been suspended for one year or more; or

5. The use has not been exercised within the validation time period; or

6. The permit was obtained by fraud.

B. The planning commission shall hold a public hearing on the proposed modification or revocation of the conditional use permit at which the then current

holder of the conditional use permit (the applicant for the conditional use permit or the applicant's successor in interest) shall be given opportunity to present evidence as to why the conditional use permit should not be modified or revoked. Notice of the hearing shall be given to the holder either by personal service or by registered mail, postage prepaid, return receipt requested; provided, however, that should such notice not be able to be given in such means after three attempts, such notice may be given by posting on the property for which the conditional use permit was issued. The commission may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. After the hearing, the commission shall recommend that the conditional use permit be revoked, modified or allowed to remain unchanged and shall cause a written report of its recommendation to be transmitted to the city council; provided, however, if the commission has held such hearing on its own motion and is of the opinion that the use permit should neither be revoked or modified, the commission need not report its recommendation.

C. At the next regular meeting of the city council after the planning commission has acted, any reported recommendation of the planning commission shall be deemed filed with the city council. Within thirty days thereafter, the city council shall hold a public hearing upon the question of the revocation or modification of the conditional use permit. The city council may for any reason, when it deems such action necessary or desirable, continue such hearing to a time and place certain. After the hearing, the city council may revoke or modify the conditional use permit or allow the permit to remain unchanged. The action of the city council shall be final. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 598 § 4, 1996; Ord. 375 § 1, 1982)

Chapter 17.22
SITE PLAN PERMITS

Sections:

17.22.010 Site plan permits.

17.22.020 Applications.

17.22.030 Revised and changed plans.

17.22.035 Requirements for site plan permit.

17.22.040 Fees.

17.22.050 Period of validity, establishment and expiration.

17.22.060 Revocation.

17.22.070 Subsequent site plan permit.

17.22.010 Site plan permits.

A. The purpose of a site plan permit is to provide for administrative review of detailed development plans for a proposed use. Uses which require a site plan permit are regarded as having a significant potential for adverse impacts on the subject site or surrounding community due to the nature or magnitude of the use vis-a-vis the sensitivity of the subject site or surrounding community.

The site plan review process shall apply only in the R-M and C zones when a new structure is added, when a second story is added, when one thousand square feet or more of floor area is added, or when a grading permit is required. The site plan review process shall ensure that the development standards and other city land use regulatory ordinances are applied in a coordinated fashion. The process shall incorporate architectural review conducted by the Palos Verdes Homes Association art jury and any other function of the Homes Association in order to assist in project coordination. This process is intended to promote coordination and consistency by providing all interested parties with sufficient facts to fully understand the implications and merits of a project and by facilitating well-informed decisions.

Establishment, maintenance and operation of the use or uses proposed by the application shall be in compliance with the information and specifications shown on the approved site plan permit.

A site plan permit is a precise plan of development and shall include the following:

1. A description of the use(s) and operating characteristics, including circulation and parking;

2. A plot plan showing the location of all uses;

3. Supplementary exhibits, as necessary, to show other information which may be required such as building elevations, landscaping, infrastructure, and grading;

4. Proposed conditions of approval.

B. A site plan permit may have more restrictive site development standards than required in the zone in order to make the required findings under PVEMC 17.22.035. Conversely, a site plan permit may have less restrictive site development standards if allowed by the specific plan for the zone and if the required findings under PVEMC 17.22.035 can be made.

C. A site plan permit application may be submitted only by a property owner of the subject property, by his authorized agent, or by a public agency.

D. Site plan permits are applicable to the subject property and all rights granted by the approval of a site plan permit remain with the property and all conditions and requirements of a site plan permit are passed on to the new property owner when there is a change of ownership. A site plan permit does not extend the expiration date of any other permit required by improvements to the site.

E. Conditions, requirements and standards, indicated graphically or in writing as part of any site plan permit granted by authority of this chapter, shall have the same force and effect as the zoning requirements of this title and PVEMC Title 18. Any use or development established as a result of an approved site plan permit but not in compliance with all such conditions, requirements or standards shall be in violation of this code; and Chapter 17.32 PVEMC, Enforcement, shall be applicable. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 598 § 5, 1996; Ord. 529 § 16, 1991; Ord. 496 § 3, 1989)

17.22.020 Applications.

A. Each application for a site plan permit shall be filed with the director on a form prescribed by, and with all documents and information required by, the director.

B. Any property owner, the authorized agent of the property owner, or a local agency may submit an application for a site plan permit in compliance with the filing instructions. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 17, 1991; Ord. 496 § 3, 1989)

17.22.030 Revised and changed plans.

A. When the planning commission or council approves an application for any site plan permit in a manner that is different from that which was presented, the planning commission or city council may require revised plans to be submitted as a condition of approval. No building or grading permits or certificates of use and occupancy authorized by site plan permit shall be issued until such revised plans are submitted to the director and found by the director to be consistent with the action of the approving authority. If such revision is not submitted within sixty days, or as otherwise specified by the approving authority, after the date of final determination, the permit shall thereafter be null and void. Nevertheless, prior to the expiration of this period, the director may grant one extension of time of an additional sixty days if it is requested and justified by the applicant.

B. Plans that are changed from those approved by the planning commission or city council may be submitted to the director. If the director determines that the proposed changed plan is a minor amendment of no significant effect, and complies with the spirit and intent of the original approving action, the director may approve the changed plan without further compliance with this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 18, 1991; Ord. 496 § 3, 1989)

17.22.035 Requirements for site plan permit.

A. The planning commission or city council, as provided in this chapter, in granting or approving a site plan permit application must find that:

1. The use or project proposed is consistent with the general plan;

2. The use or project is consistent with any specific plan;

3. The use, activity, or improvements proposed by the application are consistent with the provisions of this title and PVEMC Title 18;

4. The approval of the permit application is in compliance with the requirements of the California Environmental Quality Act and Chapter 17.10 PVEMC;

5. The neighborhood compatibility requirements of Chapter 18.36 PVEMC have been satisfied;

6. The art jury of the Palos Verdes Home Association has completed its architectural review and has approved the project; and

7. The application will not result in conditions or circumstances contrary to the public health and safety and the general welfare.

B. In approving any application for a site plan permit, the planning commission or city council may impose such conditions as the planning commission or city council deems necessary or desirable to ensure that the proposed use, activity, or improvements will be established, operated, and maintained in accordance with the provisions of this chapter and any other conditions necessary to achieve the objectives of the general plan, any specific plan, and the zoning code.

C. After the date of final determination by the planning commission or the city council, and after compliance with the provisions of this section, the proposed project may be established in compliance with all applicable regulations with the provision of the application as approved, and with the provisions and requirements of the conditions of approval. Alternately, with the concurrence of or at the request of the applicant, any site plan permit application may be withdrawn. When an application is withdrawn, such action is effective immediately and is not subject to appeal. Thereafter, such application shall be null and void and the property shall have the same status as if no application had been filed. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 19, 1991)

17.22.040 Fees.

A. A filing fee to defray the cost of processing and notification for each site plan permit application shall be paid by the property owner or his authorized agent. Such fees shall be in accordance with the fee schedule currently in effect as adopted by resolution of the city council. When different types of permits are combined per PVEMC 17.22.010(A), the type of permit application requiring the highest fee shall be the applicable fee for the combined application, plus one hundred dollars for each additional permit included in the combined application.

B. The filing fee shall be waived for an application filed by any city, county, district, state or federal government, or agency thereof.

C. The planning director may refund a filing fee in whole upon a determination that the application was erroneously required or filed. The fee may be refunded pro rata, based on the cost of processing the application, if the application is withdrawn prior to a decision thereon. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 3, 1989)

17.22.050 Period of validity, establishment and expiration.

A. The period of validity of a site plan permit established pursuant to subsection B of this section shall be indefinite, or as stated in the permit, provided none of the grounds for revocation listed in PVEMC 17.22.060 are present.

B. A site plan permit shall be deemed established if, within ninety days of approval, all ministerial permits, including building permits, are obtained. In the case of a site plan permit where no ministerial permits are required, the permit is established when the use authorized by the permit is actually commenced within one year of the site plan permit approval. In circumstances where a certificate of use and occupancy is required, such certificate must be obtained for the permit to be established.

C. Site plan permits shall expire and be of no further force or effect if the permit is not established or, after establishment, the use or activity for which the permit was approved is discontinued or abandoned for a period of one year. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 3, 1989)

17.22.060 Revocation.

A. Any site plan permit may be revoked by the approving authority pursuant to the provisions of this section on any of the following grounds:

1. Such approval was based on inaccurate or misleading information;

2. One or more of the conditions upon which such approval was granted or extended have been violated;

3. Due to a change in conditions occurring after the original grant, the approval, or the continuation of the use as approved, is contrary to the public health, safety or general welfare, or is detrimental to or incompatible with other permitted uses in the vicinity;

4. The findings which were the basis for the original permit approval can no longer be made;

5. Regulations applicable when the permit was approved have been amended.

B. Prior to any revocation, the approving authority shall hold a public hearing. The hearing shall be preceded by notice given in the same manner as was required to be given for consideration of issuance of the permit, except that the permittee shall be given not less than fifteen days' notice. The notice shall state the causes for which revocation is considered.

C. Following the hearing, the approving authority may revoke the permit, impose additional conditions on the permit, or revoke the permit subject to reinstatement upon compliance with specified conditions.

D. If a revocation of any approval is ordered, the approving authority may at the

same time provide for a reasonable period of time to amortize any lawful existing uses on the site. Extensions of the amortization period may be granted for good cause shown on application to the approving authority by any affected person. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 3, 1989)

17.22.070 Subsequent site plan permit.

Any application for a site plan permit for a site where a site plan permit has already been approved shall be deemed to be an application for a subsequent site plan permit. A subsequent site plan permit may be approved on the condition that it supersedes all prior site plan permits. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 3, 1989)

Chapter 17.24
VARIANCES

Sections:

17.24.010 Initiation.

17.24.020 Application – Filing.

17.24.030 Application – Contents.

17.24.040 Authority to grant variance.

Prior legislation: Ord. 426.

17.24.010 Initiation.

Whenever practical difficulties, unnecessary hardships, or results inconsistent with the general purposes of this title and PVEMC Title 18 occur through a strict interpretation of their provisions, the planning commission or city council upon its own motion may, or upon the verified application of any property owner or owners shall, in specific cases initiate proceedings for the granting of a variance from the provisions of this title and PVEMC Title 18 under such conditions as may be necessary to assure that the spirit and purpose of this title and PVEMC Title 18 will be observed, public safety and welfare secured, and substantial justice done. All acts of the planning commission and city council under this chapter shall be construed as administrative acts for the purpose of assuring that the intent and purpose of this title and PVEMC Title 18 shall apply in special cases, as provided in this chapter, and shall not be construed as amendments to the provisions of this title and PVEMC Title 18 or the zoning map. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 8.1, 1948)

17.24.020 Application – Filing.

Application for variance shall be made in writing, on forms provided by the city for that purpose. The commission, from time to time, shall prescribe the information to be provided thereon. Such applications shall be numbered consecutively in the order of their filing and shall become a part of the permanent official records of the city, and there shall be attached to each such application copies of all notices and actions pertaining thereto. A uniform fee shall be paid to the city upon the filing of each application for the purpose of defraying expenses incidental to the proceedings. The fee shall be fixed by the city council by resolution. Each application shall immediately be referred to the commission for hearing as provided in this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 424 § 1, 1986; Ord. 337 § 1, 1978; Ord. 84 § 8.3, 1948)

17.24.030 Application – Contents.
The application for variance shall set forth in detail such facts as may be required by the planning commission, and shall be accompanied by:

A. Legal description of the property involved and the proposed use, with complete plans and also ground plans and elevations of all proposed buildings, and locations of existing buildings; also description of the proposed use;

B. A reference to the specific provisions of this title and PVEMC Title 18 from which such property is sought to be excepted;

C. The names and addresses of all property owners within three hundred feet from the exterior limits of the property involved, as shown by the latest assessment roll of the county;

D. Evidence of the ability and intention of the applicant to proceed with actual construction work in accordance with the plans within six months from the date of filing the application. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 8.4, 1948)

17.24.040 Authority to grant variance.
The planning commission or city council, as the case may be, may grant a variance only if the following findings are made:

A. That there are special circumstances or conditions attached to the property, which do not apply generally to other properties in the same district;

B. That the granting of such variance is necessary for the preservation and enjoyment of substantial property rights possessed by other properties in the same district but which are denied the property in question;

C. That the granting of the variance will not result in material damage or prejudice to other property in the vicinity, nor be detrimental to the public safety or welfare;

D. That the variance does not grant special privilege to the applicant; and

E. That the variance request is consistent with the general plan. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 598 § 6, 1996)

Chapter 17.28
AMENDMENTS

Sections:

17.28.010 Initiation by city council or commission.

17.28.020 Planning commission review.

17.28.030 City council review.

Prior legislation: Ord. 425.

17.28.010 Initiation by city council or commission.

Amendments to this title and PVEMC Title 18 and the regulations and zoning map shall be as follows:

A. By resolution of intention of city council;

B. By resolution of intention of the planning commission;

C. By application by one or more property owners of property proposed for rezoning. Any such application shall include payment of a fee to cover the cost of making maps, sending out notices, and other expenses involved, as determined by the city council by resolution. Furthermore, the application shall include the proposed amendment, a description of the property that would be affected, and an explanation of the reason of public necessity, convenience, health, safety, or general welfare requiring such amendment. The application shall be submitted to the planning director for initial review to determine the completeness of the application. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 598 § 8, 1996; Ord. 84 § 9.1, 1948)

17.28.020 Planning commission review.

A. Upon the acceptance of a completed application or upon the adoption of a resolution as described in PVEMC 17.28.010, the director shall review the application for conformance with the provisions of this title and PVEMC Title 18. The planning director may prepare a recommendation and forward the recommendation, application, or resolution and other relevant materials to the planning commission and schedule the matter for public hearing before the planning commission pursuant to the provisions of this chapter.

B. The planning commission shall hold a public hearing and make a recommendation to the city council, which may include the reasons for the recommendation and the relationship of the proposed ordinance or amendment to the general plan and any applicable specific plans. (Ord. 700 § 2 (Exh. 1), 2012)

17.28.030 City council review.

The city council, after receipt of the recommendation of the planning commission, shall hold a final hearing upon the proposed amendment and take such action as it deems appropriate. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 17.32
ENFORCEMENT

Sections:

17.32.010 Enforcement responsibility.

17.32.020 Building permit – Conformity required.

17.32.030 Building permit – Plat required.

17.32.040 Remedies cumulative and nonexclusive.

17.32.050 Violation – Nuisance.

17.32.060 Violation – Misdemeanor.

17.32.010 Enforcement responsibility.

The chief of police, building inspector, code enforcement officer, city clerk, and all officials charged with the issuance of licenses or permits shall enforce the provisions of this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 10.1, 1948)

17.32.020 Building permit – Conformity required.

No building permit shall be issued for the erection or use of any structure or part thereof, or for the use of any land, which is not in accordance with the provisions of this title and PVEMC Titles 15, 18, and 19. Any permit issued contrary to the provisions of this title and PVEMC Titles 15, 18, and 19 shall be void and of no effect. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 10.2, 1948)

17.32.030 Building permit – Plat required.

A. All applications for building permits shall be accompanied by a plat, drawn to scale, showing the actual dimensions of the lot or building site to be built upon, the location, height and area of the building or buildings to be erected, and such other information as may be necessary for the enforcement of this title and PVEMC Title 18.

B. Where a proposed front yard is less than the prescribed minimum for the district in which the building is to be erected, such plat shall include the nearest adjoining premises on both sides in the same block on which premises buildings have already been erected, together with the location of such buildings. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 10.3, 1948)

17.32.040 Remedies cumulative and nonexclusive.

All remedies provided for in this chapter shall be cumulative and not exclusive. The

conviction and punishment of any person herein shall not release such person from the responsibility of correcting prohibited conditions or removing prohibited buildings, structures or improvements, nor prevent the enforced correction or removal thereof. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 10.6, 1948)

17.32.050 Violation – Nuisance.

Any building or structure erected or maintained, or any use of property, contrary to the provisions of this title and PVEMC Title 18 shall be unlawful and a public nuisance and the city attorney shall, upon order of the city council, immediately commence action or actions, proceeding or proceedings for the abatement, removal and enjoinment thereof, in the manner provided by law, and shall take such other steps and shall apply to such court or courts as may have jurisdiction to grant such relief as will abate or remove such building, structure or use, and restrain and enjoin any person from setting up, erecting or maintaining such building or structure, or using any property contrary to the provisions of this title and PVEMC Title 18. It shall be the right and duty of every citizen to participate and assist the city officials in the enforcement of the provisions of this title and PVEMC Title 18. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 10.5, 1948)

17.32.060 Violation – Misdemeanor.

Any person violating any of the provisions of this chapter shall be guilty of a misdemeanor, except that notwithstanding any other provision of this section, any violation constituting a misdemeanor under this chapter may, in the discretion of the enforcing authority, be charged and prosecuted as an infraction. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 627 § 30, 2001; Ord. 495 § 18, 1989; Ord. 84 § 10.7, 1948)

Chapter 17.36
STATUTE OF LIMITATIONS

Sections:

17.36.010 Limitation of actions.

17.36.010 Limitation of actions.

Any action or proceeding to attack, review, set aside, void or annul any decision on an approval granted pursuant to this title or PVEMC Title 18, involving matters listed in Cal. Gov. Code § 65901 or 65903, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, or to determine the reasonableness, legality or validity of any conditions attached thereto, shall not be maintained by any person unless the action or proceeding is commenced within ninety days after the date of the decision. Thereafter, all persons are barred from any such action or proceeding or any defense of invalidity or unreasonableness of that decision or of these proceedings, acts or determinations. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 4, 1989)

Chapter 17.40
MINOR MODIFICATIONS TO APPROVED PERMITS

Sections:

17.40.010 Purpose.

17.40.020 Application.

17.40.030 Procedure.

17.40.010 Purpose.

The modification procedure is intended to provide a method of reviewing and approving or disapproving minor or nonsubstantial changes to existing, previously approved development entitlements as provided for in this title and PVEMC Title 18, without deviating from any standards required pursuant to this code. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 685 § 2, 2008; Ord. 529 § 26, 1991)

17.40.020 Application.

A. In lieu of the procedures otherwise required pursuant to the provisions of this title or PVEMC Title 18, the director shall grant a minor modification of a previously approved development entitlement subject to such conditions as the director may impose if the director finds:

1. That the granting of the modification will not be detrimental to the public welfare or injurious to property and improvements in the area in which the property is located;

2. That the modification is consistent with the general plan and other zoning code and building code regulations; and

3. That the modification is consistent with the spirit and intent of the prior development entitlement approval(s).

B. The director may grant a minor modification to an approved development entitlement governing only the following measurable design and/or site considerations, which in no case may exceed the prescribed standards required pursuant to this code:

1. Relocation of improvements, other than buildings, on the property; provided, that the new location is not in a setback.

2. Lot coverage of a building or structure so long as such increase does not exceed two hundred square feet or ten percent of that previously approved, whichever is less.

3. Height of any structure so long as any increase in height is less than two feet or ten percent of that previously approved, whichever is less.

4. On-site circulation and parking, loading, and landscaping.

5. Placement of walls, fences, and structures.

6. Reconfiguration of architectural features and/or modification of finished materials that does not alter or compromise the previously approved theme.

7. Permission to repair or remodel nonconforming structures, if the work will bring the structures and their subsequent use into greater conformity with permitted uses.

8. Reduction in density or intensity of a development project.

9. Modifications required to conform to changes in the building code adopted after issuance of the development entitlement.

C. Any modification request which exceeds the prescribed limitations required pursuant to this title or PVEMC Title 18 shall require the filing of a new application and subsequent revision and consideration by the appropriate review authority. (Ord. 714 § 2, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 685 § 3, 2008; Ord. 529 § 26, 1991)

17.40.030 Procedure.

A. An application for a minor modification shall be filed with the director on a form prescribed by the director.

B. Each decision of the director to approve a minor modification shall be reported to the city council and the planning commission according to procedures established by the director. Notice of the decision shall be mailed to the applicant and all owners of real property abutting, across the street or alley from, or having a common corner with the subject property.

C. An interested party may appeal a decision of the director under this section to the planning commission by filing a written appeal with the director within fifteen days after such decision and paying the established appeal fee. The planning commission shall approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law. The planning commission determination shall be final unless appealed to city council.

D. Fees for a minor modification application and for an appeal of a determination

thereon shall be levied as provided for by this code and established by resolution of the city council. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 17.44
REASONABLE ACCOMMODATION

Sections:

17.44.010 Purpose and intent.

17.44.020 Applicability.

17.44.030 Application.

17.44.040 Reviewing authority.

17.44.050 Findings.

17.44.060 Decision.

17.44.070 Conditions of approval.

17.44.080 Appeals.

17.44.090 Waiver of time periods.

17.44.100 Lapse due to discontinuance.

17.44.010 Purpose and intent.

This chapter sets forth the procedures to request reasonable accommodation for persons with disabilities seeking equal access to housing under the federal Fair Housing Amendments Act of 1988 (42 U.S.C. Section 3601 et seq.), and the California Fair Employment and Housing Act (Cal. Gov't Code § 12900 et seq.), as any of these statutory provisions now exist or may be amended from time to time (collectively, the "Fair Housing Laws") in the application of zoning laws and other land use regulations, policies and procedures.

It is the intent of this chapter that, notwithstanding time limits provided to perform specific functions, application review, decision making and appeals proceed expeditiously, especially where the request is time sensitive, and so as to reduce impediments to equal access to housing. (Ord. 709 § 2, 2014)

17.44.020 Applicability.

A. A request for reasonable accommodation may be made by any person with a disability, or his/her representative, when the application of a zoning law or other land use regulation, policy or practice acts as a barrier to fair housing opportunities. Requests related to deviation from the building code shall be submitted directly to the building department.

B. A request for reasonable accommodation may include a modification or exception to the rules, standards, practices and procedures regulating the siting, development or use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

C. This chapter shall only apply to persons with disabilities as defined under the Fair Housing Laws. (Ord. 709 § 2, 2014)

17.44.030 Application.

A. Any person with a disability may file an application for a request for reasonable accommodation with the planning department, on a form approved by the planning director, and shall contain the following information, accompanied by a fee established by resolution of the city council:

1. Applicant's and/or property owner's name, mailing address, daytime phone number and e-mail address;

2. The address of the property for which the request is being made;

3. Current actual use of the property;

4. The basis for the claim that the individual is considered disabled under Fair Housing Laws and evidence satisfactory to the city supporting the claim;

5. The specific code provision, regulation, procedure or policy of the city from which relief is being sought including an explanation of how the application of the existing code provision, regulation, procedure or policy prevents the disabled individual's use and enjoyment of the subject property and precludes reasonable accommodation;

6. The length of time the reasonable accommodation is necessary;

7. An explanation of why the reasonable accommodation is necessary to make the specific property accessible to the individual;

8. A site plan or illustrative drawing showing the proposed accommodation; and

9. Any other information required to make the findings required by PVEMC 17.44.050 consistent with Fair Housing Laws.

B. A request for reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. If the project

for which the request for reasonable accommodation is being made also requires discretionary approval (including, but not limited to: conditional use permit, site plan permit, etc.), then the applicant shall file the application submittal information together with the application for discretionary approval for concurrent review. The processing procedures of the discretionary permit shall govern the joint processing of both the reasonable accommodation and the discretionary permit.

C. A reasonable accommodation does not affect or negate an individual's obligations to comply with other applicable regulations not at issue with the requested accommodation.

D. If an individual needs assistance in making the request for reasonable accommodation, the city shall provide assistance to ensure that the process is accessible. (Ord. 709 § 2, 2014)

17.44.040 Reviewing authority.

A. Applications for reasonable accommodation shall be reviewed by the planning director or his/her designee, if no approval is sought other than the request for reasonable accommodation. The director may, in his/her discretion, refer applications that may have a material effect on surrounding properties (e.g., location of improvements in the front yard, would violate a specific condition of approval, improvements are permanent) directly to the planning commission for a decision.

B. Applications for reasonable accommodation submitted for concurrent review with another discretionary land use application shall be reviewed by the authority reviewing the discretionary land use application. The processing procedures of the discretionary land use permit shall govern the joint processing of both the reasonable accommodation permit and the discretionary permit, provided that the reviewing authority shall review the application at the next reasonably available opportunity following completion of all standard processing requirements for discretionary land use permits required by this code, including without limitation environmental review. (Ord. 709 § 2, 2014)

17.44.050 Findings.

A written decision to grant, grant with conditions, or deny a request for reasonable accommodation shall consider all of the following factors:

A. Whether the housing, which is the subject of the request, will be occupied by an individual with disabilities protected under Fair Housing Laws.

B. Whether the request for reasonable accommodation is necessary to make housing available to an individual with disabilities protected under Fair Housing Laws.

C. Whether the requested reasonable accommodation would not impose an undue financial or administrative burden on the city, as defined in the Fair Housing Laws and interpretive case law.

D. Whether the requested reasonable accommodation would not require a fundamental alteration in the nature of a city program or law, including but not limited to land use and zoning.

E. Whether the requested reasonable accommodation would adversely impact wetlands, environmentally sensitive habitat area, public access and/or public views, and, if it would have such an impact, whether the request can be accomplished under a feasible alternative approach that eliminates or minimizes those impacts. Mitigation shall be included to address significant impacts.

F. Whether the feasible alternative to be implemented under subsection E of this section is the feasible alternative resulting in the least adverse impact on wetlands, environmentally sensitive habitat area, public access and/or public views. (Ord. 709 § 2, 2014)

17.44.060 Decision.

A. The planning director shall consider an application and issue a written determination within forty-five calendar days of the date of receipt of a completed application. At least ten calendar days before issuing a written determination on the application, the planning director shall mail notice to the applicant and all property owners and occupants within three hundred feet of the subject property that the city will be considering the application and inviting written comments on the requested accommodation.

B. Upon referral from the planning director, the planning commission shall consider an application at the next reasonably available public meeting after submission of an application for reasonable accommodation. The planning commission shall issue a written determination within forty-five calendar days after such public meeting.

C. Notice of planning commission meeting to review and act on the application shall be made in writing ten calendar days prior to the meeting and mailed to the applicant and all property owners and occupants within three hundred feet of the subject property.

D. If necessary to reach a determination on any request for reasonable accommodation, the reviewing authority may request further information from the applicant consistent with this section, specifying in detail what information is required. In the event a request for further information is made, the applicable time period to issue a written determination shall be stayed until the applicant responds to the request.

E. The reviewing authority's written decision shall set forth the findings, any conditions of approval, notice of the right to appeal and the right to request reasonable accommodation on the appeals process, if necessary. The decision shall be mailed to the applicant, and when the reviewing authority is the planning director, to any person having provided written or verbal comment on the application.

F. The written decision of the reviewing authority shall be final unless appealed in the time and manner set forth in PVEMC 17.44.080.

G. While a request for reasonable accommodation is pending, all laws and regulations otherwise applicable to the property that is the subject of the request shall remain in full force and effect.

H. Where the improvements or modification approved through reasonable accommodation would generally require a variance, a variance shall not be required. (Ord. 709 § 2, 2014)

17.44.070 Conditions of approval.

In granting a request for reasonable accommodation, the reviewing authority may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by PVEMC 17.44.050. (Ord. 709 § 2, 2014)

17.44.080 Appeals.

A. Within fifteen days after the decision is made, any interested party may appeal the decision to the planning commission, or city council if the planning commission has made a final determination, by completing a request to appeal in a form provided by the director. Any person filing an appeal shall pay a fee as established by the city council by resolution at the time of filing the appeal.

B. The planning commission or the city council, as applicable, shall hear the matter and render a determination as soon as reasonably practicable, but in no event later than ninety calendar days after an appeal has been filed. All determinations shall address and be based upon the same findings required to be made in the

original determination from which the appeal is taken.

C. The city shall provide notice of an appeal hearing to the applicant, property owners and occupants within three hundred feet of the subject property, and any other person requesting notification at least ten calendar days prior to the hearing. The council or commission hearing the appeal shall announce its findings within thirty calendar days of the hearing, unless good cause is found for an extension, and the decision shall be mailed to the applicant. The city council's decision shall be final.

D. If an individual needs assistance in filing an appeal of an adverse decision, the city may provide reasonable assistance to ensure that the appeals process is accessible. (Ord. 709 § 2, 2014)

17.44.090 Waiver of time periods.

Notwithstanding any provisions in this section regarding the occurrence of any action within a specified period of time, the applicant may request additional time beyond that provided for in this section or may request a continuance regarding any decision or consideration by the city of a pending appeal. Extensions of time sought by applicants shall not be considered delay on the part of the city, shall not constitute failure by the city to provide for prompt decisions on applications and shall not be a violation of any required time period set forth in this section. (Ord. 709 § 2, 2014)

17.44.100 Lapse due to discontinuance.

Unless the reviewing authority determines a reasonable accommodation runs with the land, a reasonable accommodation shall lapse if the rights granted by it are discontinued for one hundred eighty consecutive days. If the person initially occupying a residence or business vacates, the reasonable accommodation shall remain in effect only if the planning director determines that:

A. The modification is physically integrated into a structure or property and cannot easily be removed or altered to comply with applicable standards;

B. Its removal would constitute an unreasonable financial burden; and

C. The accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling or business. The planning director may request the applicant or his or her successor-in-interest to the property to provide documentation that subsequent occupants are persons with disabilities. Failure to provide such documentation within ten days of the date of a request by the director shall constitute grounds for discontinuance by the city of a previously

approved reasonable accommodation. (Ord. 709 § 2, 2014)

Title 18
ZONING REGULATIONS

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Chapter 18.04
R-1 ZONE

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18.04.150 Alterations – Limitations.

18.04.160 Coastal zone limitations on development in bluffs.

Prior legislation: Ords. 335, 393 and 601.

18.04.010 Uses permitted.

The following uses are permitted in the R-1 zone:

A. A one-family dwelling of a permanent character, placed in a permanent location and used by but one family;

B. Home occupations complying with all of the criteria set forth in PVEMC 18.42.030 and approved by the finance director;

C. Small residential care facilities;

D. The following accessory buildings and uses, provided there is a main building on the premises:

1. Private recreational facilities,

2. Private bath house, private greenhouse, private gardens or private service yard,

3. Private shed or private workshop;

E. The keeping of domestic animals only and excluding all other animals. (Ord. 709 § 3, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 2, 1993; Ord. 441 § 1, 1987; Ord. 374 § 1, 1983; Ord. 84 § 5.1, 1948)

18.04.020 Conditional uses.

The following uses may be permitted in the R-1 zone if a conditional use permit is obtained in the manner prescribed by this code:

A. Agriculture and horticulture, flower and vegetable gardening, nurseries and greenhouses used only for purposes of propagation and culture and not including any sale at retail from the premises nor any signs or displays; provided, however, that field, bush or tree crops may be raised and marketed;

B. Churches, temples and other places of public worship;

C. Public utilities, both publicly and privately owned, subject to the off-street parking provisions in PVEMC 18.12.060;

D. Bed and breakfast inn;

E. Communal housing;

F. Agricultural employee housing in conformance with Cal. Health & Saf. Code §§ 17021.5 and 17021.6.

G. Second dwelling units exceeding the standards set forth in PVEMC 18.04.130. (Ord. 714 § 3, 2015; Ord. 709 § 4, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 651 § 2,

2003; Ord. 567 § 2, 1993; Ord. 441 § 2, 1987; Ord. 386 § 2, 1984; Ord. 374 § 2, 1983; Ord. 84 § 5.10, 1948)

18.04.021 Prohibited uses.

The following uses are prohibited in the R-1 zone:

A. Cannabis delivery, including the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

B. Commercial cannabis activities, including cultivation, possession, manufacture, possessing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualified patients and/or primary caregivers.

C. Cultivation of cannabis or medical marijuana, including the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

D. Short-term or vacation rental.

E. Short-term or vacation rental advertisement. No person or entity shall maintain any advertisement of a rental prohibited by this section.

F. All other similar uses deemed detrimental to the public health and safety of residents and quality of life. The decision of the approving authority as to whether a particular use is detrimental shall be made during the site plan review process. (Ord. 717 § 3, 2016; Ord. 716 § 2, 2016)

18.04.025 Commercial events.

Any event located on property which includes a single-family dwelling, anticipating or prepared to accommodate more than twenty people, where the property owner or his or her representative advertises, requests, or charges an admission fee, rental fee, or other form of payment for the use of the property or any facilities or residence located on the property shall be prohibited. Any event held in violation of this section is declared to be a public nuisance punishable as a misdemeanor. Any person owning property found to be in violation of this section and any other person found to have paid for, rented, or otherwise occupied such property in violation of this section shall be jointly and severally liable for any and all penalties that may be imposed pursuant to PVEMC 1.16.010 and/or Chapter 8.48

PVEMC. (Ord. 700 § 2 (Exh. 1), 2012)

18.04.030 Automobile storage.
In the R-1 single-family residence zone there shall be at least two accessible automobile storage spaces in an enclosed garage for each single-family residence; provided, that on lots or parcels of land having an area of twelve thousand square feet or less such private garage shall not exceed an aggregate total capacity for more than three automobiles. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 473 § 1, 1988)

18.04.040 Building height.
The maximum building height in the R-1 zone shall be two and one-half stories; provided, however, that in no event shall any building exceed thirty feet in height at any point above natural grade at that point. On a downslope lot with a single street frontage, where the slope of the lot measured from a plane defined by the two front corners of the lot and the natural grade at either of the rear corners of the building exceeds two and one-half to one, the height of the building may be one additional story and may be thirty-five feet in height at any point above natural grade at that point, so long as it does not exceed a height of sixteen feet above the centerline of the street directly in front of that same point. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 397 § 1, 1985; Ord. 303 § 1, 1974; Ord. 271 § 1, 1970; Ord. 84 § 5.3, 1948)

18.04.050 Chimney height.
In the R-1 single-family residence zone:

A. The maximum height of a chimney stack shall be the minimum height allowed by the building code; and

B. No chimney cap shall exceed thirty inches in height measured from the top of the chimney stack. Exceptions to the requirements of this section may be permitted by the city council after considering the recommendation of the planning commission based upon the determination that the exception is necessary for the architectural integrity of the project or for the public health and safety. Application for an exception shall be filed and processed pursuant to the procedures applicable to conditional use permits. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 679 § 1, 2007)

18.04.060 Utility meter location.
No above-ground utility meters and appurtenant electrical distribution devices shall be erected in the required front yard, as defined in this chapter, unless a special permit is applied for and obtained from the planning commission. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 547 § 1, 1992)

18.04.070 Front yard.

Except as set forth in PVEMC 18.04.100, no building in the R-1 zone shall be erected nearer to either the front property line of the building site or the line of any future street as shown on the official street plan than is permitted by the covenants of record on each and every tract within the city on file in the office of the county recorder of Los Angeles County as of July 27, 1993. Notwithstanding the foregoing, incidental architectural features, including but not limited to eaves, fireplaces and bay windows, may intrude into a front yard setback, provided such intrusion does not exceed forty percent of the front yard setback distance otherwise required by this section or five feet, whichever is less. (Ord. 714 § 4, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 571 § 2, 1993; Ord. 84 § 5.5, 1948)

18.04.080 Side yard.

Except as set forth in PVEMC 18.04.100, no building in the R-1 zone shall be erected nearer to the side property lines of the building site than is permitted by the covenants of record on each and every tract within the city on file in the office of the county recorder of Los Angeles County as of July 27, 1993; provided, however, that in no case shall the side yard setback be less than five feet for a one-story building, or seven feet for a two-story building, or eight feet for a two-and-one-half-story building. Notwithstanding the foregoing, incidental architectural features, including but not limited to eaves, fireplaces and bay windows, may intrude into a side yard setback, provided such intrusion does not exceed forty percent of the side yard setback distance otherwise required by this section or five feet, whichever is less. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 571 § 3, 1993; Ord. 84 § 5.6, 1948)

18.04.090 Rear yard.

Except as set forth in PVEMC 18.04.100, no building in the R-1 zone shall be erected nearer to the rear property line of the building site than is permitted by the covenants of record on each and every tract within the city on file in the office of the county recorder of Los Angeles County as of July 27, 1993. Notwithstanding the foregoing, incidental architectural features, including but not limited to eaves, fireplaces and bay windows, may intrude into a rear yard setback, provided such intrusion does not exceed forty percent of the rear yard setback distance otherwise required by this section or five feet, whichever is less. (Ord. 714 § 5, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 571 § 4, 1993; Ord. 84 § 5.7, 1948)

18.04.100 Setbacks and covenants.

A. Notwithstanding any amendment or other change in any setback requirement set forth in any covenant of record effectuated after July 27, 1993, for purposes of this code, the setbacks for residentially zoned property shall remain as set forth in

the covenants of record applicable to the lot as of July 27, 1993, unless a variance for an alternative setback is obtained pursuant to Chapter 17.24 PVEMC.

B. The minimum setback requirements for any property which is zoned R-1 or R-M but which is classified under any covenants of record for any use less restrictive than single-family residential use shall be established by the planning commission, provided such setback requirements shall not be less than the smallest setbacks established for any property classified as being in residence district class A in the covenants of record otherwise applicable to such property as of July 27, 1993, unless a variance is obtained pursuant to Chapter 17.24 PVEMC, nor shall such setbacks be greater than the largest setbacks established for such property by such covenants. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 571 § 5, 1993)

18.04.105 Lot coverage.

In the R-1 single-family residence zone, in no case shall more than thirty percent of any lot or building site be covered by buildings. In no case shall more than sixty-five percent of any lot be covered by permanent structures and pavement, including buildings as well as driveways and walkways or other similar features.

The public works director may reduce the sixty-five percent lot coverage permitted on any lot where he finds that such reduction is necessary to avoid the proposed development having an adverse impact on the city's storm drain system. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 473 § 1, 1988)

18.04.110 Frontage.

Except in multiple-dwelling developments or where otherwise provided in this title or PVEMC Title 17, every dwelling in the R-1 zone shall face or front upon a street or permanent means of access to a street, and in no event shall any dwelling face or front upon an alley. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 5.85, 1948)

18.04.120 Dwelling size.

Every dwelling erected after the effective date of the ordinance codified in this title and PVEMC Title 17 in any R-1 district shall have a minimum ground floor area of not less than twelve hundred square feet, exclusive of unroofed porches, and its architecture and general appearance shall be in keeping with the character of the neighborhood and such as not to be detrimental to the general welfare of the community in which it is located. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 5.9, 1948)

18.04.130 Second dwelling units.

The following provisions shall apply to the construction of all second units:

A. The lot on which a second dwelling unit is constructed shall contain only one

single-family dwelling unit as the primary use.

B. Except as otherwise set forth in this section, construction of the second dwelling unit shall conform to height, setback, lot coverage, fees, charges and other zoning requirements generally applicable to residential construction in the zone in which the lot is located and to the applicable requirements of the city building code and shall be included with the primary residence in determining whether the lot meets those requirements.

C. A minimum of three enclosed, accessible garage parking spaces shall be provided on the lot containing the second dwelling unit.

D. There shall be no more than one second dwelling unit on the same lot as the one-family dwelling.

E. The second dwelling unit shall contain no more than one bedroom.

F. Either the primary or second dwelling unit shall be owner-occupied.

G. A mobilehome shall not be permitted as a second dwelling unit.

H. If the second dwelling unit is attached to the primary dwelling, the increased floor area of the second dwelling unit shall not exceed thirty percent of the existing living area.

I. If the second dwelling unit is detached, it shall not exceed seven hundred square feet and shall be separated from the primary unit by a minimum distance of twenty feet. A second dwelling unit attached to a garage shall not be permitted.

J. A second dwelling unit that complies with the requirements of this section shall be permitted on any lot having a minimum of fifteen thousand square feet.

K. A conditional use permit shall be required for detached second dwelling units exceeding the standards set forth in subsection I of this section or locating on a lot between ten thousand and fourteen thousand nine hundred ninety-nine square feet. Second dwelling units are not permitted on lots having less than ten thousand square feet.

L. The primary and second dwelling units shall remain under the same ownership. Prior to the issuance of a building permit for a second dwelling unit, the property owner shall provide written proof to the planning director that an unsubordinated covenant setting forth the following requirements, in a form satisfactory to the director and the city attorney, has been recorded in the office of the county recorder:

1. A reference to the deed under which the property was acquired by the owner;

2. The second dwelling unit shall not be sold separately, and the lot upon which the unit is located shall not be subdivided in any manner which would authorize such sale or ownership;

3. The second dwelling unit shall be a legal unit, and may be used as habitable space, only so long as either the primary dwelling unit or the second dwelling unit is occupied by the owner of record of the lot; and

4. The restrictions shall be binding upon any successors in ownership of the lot.

M. No private sewage disposal system shall be used for either the primary or second dwelling unit.

N. The massing of the second dwelling unit shall clearly be subordinate to the primary unit.

O. No second dwelling unit shall be permitted on a lot with frontage on two streets or frontage on one street and an alley, whether paved or unpaved.

P. If construction for the second dwelling unit is not located entirely within the confines of an existing structure on the property, the rear and side yard setbacks for such new construction shall be a minimum of twenty feet from the property lines and the front setback shall comply with previously established front setback requirements for the specific building site.

Q. The maximum height of any new construction required for a second dwelling unit shall not exceed eighteen feet from any portion of the building above natural grade. (Ord. 714 § 6, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 651 § 3, 2003; Ord. 441 § 4, 1987; Ord. 386 § 3, 1984)

18.04.140 Allowable floor area.

In the R-1 single-family residence zone, the maximum floor area allowable shall be the lesser of thirty percent of the lot area plus one thousand seven hundred fifty square feet or fifty percent of the lot area. The square footage of a cellar shall be excluded in calculating the floor area of a building. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 599 § 2, 1996; Ord. 512 § 1, 1990; Ord. 473 § 1, 1988)

18.04.145 Mechanical equipment noise.

A. For purposes of this section, “mechanical equipment” means any motorized equipment which is permanently installed on real property for the purpose of

carrying out or providing a service on such property, including but not limited to generators (whether intended for emergency or full-time use), furnaces, air conditioners, pool and spa equipment, motors which run fountains or kinetic sculptures, and similar items.

B. Mechanical equipment in the R-1 single-family zone shall not generate noise at any property line that is more than five decibels higher than the ambient noise level at the property line at the time of measurement.

C. A mechanical equipment permit shall be required for the installation or replacement of mechanical equipment in the R-1 single-family residence zone. A mechanical equipment permit application shall be filed with the director on a form prescribed by the director.

D. Mechanical equipment shall not be located in any setback, unless the director finds that the proposed placement shall not adversely impact any other property.

E. Each decision of the director to approve mechanical equipment located in any setback shall be reported to the city council and the planning commission according to procedures established by the director. Notice of the decision shall be mailed to the applicant and all owners of real property abutting, across the street or alley from, or having a common corner with the subject property.

F. An interested party may appeal a decision of the director under this section to the planning commission by filing a written appeal with the director within fifteen days after such decision and paying the established appeal fee. The planning commission shall approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law. The planning commission determination shall be final unless appealed to city council. (Ord. 714 § 7, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 681 § 1, 2007)

18.04.150 Alterations – Limitations.

Notwithstanding the provisions of PVEMC 18.04.030, 18.04.105 and 18.04.140, remodel or repair of any lawfully constructed building, structure or feature may be undertaken even if such remodeling or repairing involves structural alteration, provided the building was constructed before June 14, 1988, and the remodeling or repair does not extend or enlarge the exterior of the building, structure or feature. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 486 § 1, 1989; Ord. 473 § 1, 1988)

18.04.160 Coastal zone limitations on development in bluffs.

Structures, additions to structures, grading, stairways, pools, tennis courts, spas or solid fences may be constructed on private property on, or within fifty feet of,

the bluff edge only after preparation of a geologic report and findings by the city that the proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence:

A. Poses no threat to the health, safety and general welfare of persons in the area by reason of identified geologic conditions which cannot be mitigated; and

B. The proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence will minimize alteration of natural landforms and shall not be visually intrusive from public view points in the coastal zone. Permitted development shall not be considered visually intrusive if it incorporates the following to the maximum extent feasible:

1. The development is sited on the least visible portion of the site as seen from public view points;

2. The development conforms to the scale of existing surrounding development;

3. The development incorporates landscaping to soften and screen structures; and

4. The development incorporates materials, colors, and/or designs which are more compatible with natural surroundings. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 535 § D, 1991)

Chapter 18.05
SPORTS COURTS

Sections:

18.05.010 Definition.

18.05.020 Purpose.

18.05.030 Permit required.

18.05.040 Procedure.

18.05.050 Application requirements.

18.05.060 Sports court permit requirements.

18.05.070 Expiration.

18.05.010 Definition.

A “sports court” means any hardscape area of dimensions exceeding twenty feet by thirty feet, including, but not limited to, tennis courts, handball courts and racquetball courts, but excluding pools and driveways used exclusively for access to a garage. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 478 § 1, 1989)

18.05.020 Purpose.

The purpose of this chapter is to regulate the development of sports courts in the R-1 zone of the city so as to maximize visually pleasant relationships, minimize physical problems and noise intrusion, preserve the natural contours of the land insofar as is reasonable and practical and protect the use and enjoyment of property in the city. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 478 § 1, 1989)

18.05.030 Permit required.

No sports court shall be constructed, erected or otherwise created in the R-1 zone of the city by any resident without a sports court permit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 478 § 1, 1989)

18.05.040 Procedure.

All applications for sports court permits shall be processed in compliance with PVEMC 17.04.100. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 694 § 1, 2009; Ord. 478 § 1, 1989)

18.05.050 Application requirements.

Each application for a sports court permit shall include the following:

A. Grading. A plan for grading in accordance with Chapter 18.24 PVEMC;

B. Wall/Fence Height. A plan for wall and fence heights in accordance with Chapter 18.32 PVEMC;

C. Site Plan. A site plan, including all current and planned improvements. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 478 § 1, 1989)

18.05.060 Sports court permit requirements.
The city council shall not grant a permit for a sports court unless the following criteria are met:

A. Lot Coverage. No more than thirty percent of the lot is covered by permanent buildings, and no more than twenty-five percent of the lot shall be covered by a sports court. No more than sixty-five percent of the lot shall be covered by any hardscape including permanent structures such as buildings, swimming pools, spas, gazebos, sports courts, bath houses, patios and pool decking, as well as driveways and walkways. If the city council finds that the proposed coverage will have an adverse impact on the city's storm drain system, the permit may be denied notwithstanding the fact that the lot coverage requirement has been met.

B. Setback. No portion of the sports court hardscape shall be located closer than seven feet from any property line, except if adjacent to city parkland, it may be five feet from the property line.

C. Proximity to Neighboring Living Quarters. The distance from the sports court to any neighboring residence has been maximized. A minimum distance of fifty feet from any part of an adjacent residential building is required. If an adjacent lot is undeveloped, a sports court shall be a minimum distance of fifty feet from any portion of a reasonably sited potential residential development. The planning commission shall cause to be prepared a study of how the vacant lot(s) may be impacted by the proposal prior to making a recommendation to the city council of approval or denial of a sports court application.

D. Landscaping. A landscaping plan has been submitted and approved and the plan requires (1) mature screen planting around fences and/or walls which may be visible to the public and (2) prohibits maintenance of screen planting lower than the height of the court fence and any higher than three feet above the height of the court fence.

E. Noise Control. The applicant has made provisions to minimize the noise impact on the neighborhood through use of land contours, stucco or other sound-absorbing materials and wall coatings.

F. Drainage. A drainage system has been provided which carries drainage away from adjacent structures and provides for the safe disposal of all drainage related to the sports court.

G. Retaining Walls and Fences. No retaining walls exceed eight feet on the downhill side of a slope, or more than ten feet on the uphill side, and that no fences surrounding sports courts located near public streets or adjacent residences exceed eight feet in height as measured from the court surface. In locations not readily visible off the site, a fence height of ten feet may be permissible with city council approval.

H. Windscreening Prohibited. No windscreen shall be constructed.

I. Lighting. No lighting shall be permitted.

J. Use Limitations. The sports court does not unreasonably interfere with the use and enjoyment or potential use and enjoyment of adjacent or nearby property. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 478 § 1, 1989)

18.05.070 Expiration.

The applicant shall have a maximum of two years after approval of a sports court application within which to apply for and be issued a grading or building permit. The sports court approval shall expire in the event such grading or building permit has not been issued within the prescribed two-year time period, or in the event such grading permit or building permit terminates or expires under any other provision of this code or of the law of this state. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 648 § 1, 2003; Ord. 517 § 1, 1990)

Chapter 18.08
R-M ZONE

Sections:

18.08.010 Uses permitted.

18.08.011 Prohibited uses.

18.08.015 Commercial events.

18.08.020 Automobile storage.

18.08.030 Off-street parking.

18.08.040 Building height.

18.08.060 Building site area and setbacks.

18.08.070 Lot coverage.

18.08.080 Minimum lot area.

18.08.090 Allowable floor area.

18.08.100 Minimum floor area per unit.

18.08.110 Landscaping.

18.08.120 Screening of mechanical equipment.

18.08.130 Condominium conversion.

Prior legislation: Ords. 84, 193, 270, 276, 303, 335, 393 and 601.

18.08.010 Uses permitted.

The following uses shall be permitted in the R-M zone:

A. Any use permitted in the R-l zone, including second dwelling units, subject to all the conditions in the R-1 zone.

B. Two-family dwellings and multiple dwellings.

C. Mobilehome parks or mobilehomes, if a conditional use permit is obtained in the manner prescribed by this code. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 651 § 4, 2003; Ord. 496 § 6, 1989)

18.08.011 Prohibited uses.

The following uses are prohibited in the R-M zone:

A. Cannabis delivery, including the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

B. Commercial cannabis activities, including cultivation, possession, manufacture, possessing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualified patients and/or primary caregivers.

C. Cultivation of cannabis or medical marijuana, including the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

D. Short-term or vacation rental.

E. Short-term or vacation rental advertisement. No person or entity shall maintain any advertisement of a rental prohibited by this section.

F. All other similar uses deemed detrimental to the public health and safety of residents and quality of life. The decision of the approving authority as to whether a particular use is detrimental shall be made during the site plan review process. (Ord. 717 § 4, 2016; Ord. 716 § 3, 2016)

18.08.015 Commercial events.

Any event located on property which includes a dwelling, anticipating or prepared to accommodate more than twenty people, where the property owner or his or her representative advertises, requests, or charges an admission fee, rental fee, or other form of payment for the use of the property or any facilities or residence located on the property shall be prohibited. Any event held in violation of this section is declared to be a public nuisance punishable as a misdemeanor. Any person owning property found to be in violation of this section and any other person found to have paid for, rented, or otherwise occupied such property in violation of this section shall be jointly and severally liable for any and all penalties that may be imposed pursuant to PVEMC 1.16.010 and/or Chapter 8.48 PVEMC. (Ord. 700 § 2 (Exh. 1), 2012)

18.08.020 Automobile storage.

There shall be at least one but not to exceed three automobile storage garages for

each family unit erected in the R-M zone. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.030 Off-street parking.

A. Each development shall provide on site a minimum of two covered spaces for each one-bedroom unit, and one-half covered space for each additional bedroom. No required parking spaces may be situated in a tandem fashion. Upon the request of the applicant, a qualifying housing development meeting the requirements of PVEMC 18.68.020(O) may provide a minimum of one space for each studio or one-bedroom unit, two spaces for each two- or three-bedroom unit, and two and one-half spaces for each unit with four or more bedrooms, inclusive of guest parking. Parking requirements for a qualifying housing development may be satisfied with tandem and/or uncovered parking.

B. Off-street guest parking shall be provided at a rate of one-quarter space per unit. Guest parking may be allowed in front and rear yard setbacks in accordance with landscaping requirements.

C. Required parking spaces only may be utilized for the parking of automobiles, light trucks and motorcycles belonging to the occupants of and visitors to the building.

D. No required parking space may be utilized for the purpose of storing commercial vehicles, recreational vehicles, boats, equipment, materials or anything not specifically permitted under subsection C of this section.

E. Each parking space shall contain a clearly delineated and marked rectangular area at least twenty feet long and nine feet wide.

F. Calculation of space requirements shall be rounded up to the nearest whole number on a project basis.

G. Any increase in the habitable floor area requires the parking facilities to be upgraded for the entire building to meet current parking standards. (Ord. 709 § 5, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.040 Building height.

A. The maximum building height shall not exceed two habitable stories excluding garage space.

B. The building height shall not exceed thirty-five feet at any point above natural grade at that point, except as noted below.

C. For any multifamily (R-M) lot, upsloping from the street, which shares a common property boundary with a single-family residential (R-1) lot, the maximum building height shall not exceed thirty-five feet from the lowest point on the perimeter of the lot, measured from natural grade.

D. The provisions of these standards shall not prevent reconstruction, repairing or rebuilding and continued use of any nonconforming building accidentally damaged by fire, explosion or acts of nature or war, subsequent to the effective date of the ordinance codified in this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.060 Building site area and setbacks.
Except as set forth in PVEMC 18.04.100, the minimum site area, front yard, rear yard and side yard setbacks shall be as permitted by the covenants of record on each and every tract within the city on file in the office of the county recorder of Los Angeles County as of July 27, 1993. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 571 § 6, 1993; Ord. 496 § 6, 1989)

18.08.070 Lot coverage.
Maximum lot coverage of principal and accessory buildings shall not exceed sixty percent of any interior lot or seventy percent of any corner lot in net area. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.080 Minimum lot area.
The minimum lot area per dwelling unit shall be one thousand seven hundred fifty square feet. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.090 Allowable floor area.
The maximum allowable floor area shall be equal to the lot area. The allowable floor area includes only the habitable living space. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.100 Minimum floor area per unit.
The minimum size for dwelling units on a per-bedroom basis shall be as follows:

A. Seven hundred fifty square feet for a one-bedroom unit;

B. Nine hundred fifty square feet for a two-bedroom unit;

C. One thousand fifty square feet for a three-bedroom unit;

D. One hundred square feet per additional bedroom above three. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.110 Landscaping.

All required yards shall be permanently landscaped and maintained as follows:

A. Front yards shall provide at least fifty percent plantable area for landscaping.

B. Rear yards shall provide at least twenty-five percent plantable area for landscaping.

C. Side yards shall provide at least twenty-five percent plantable area (of both side yards) for landscaping. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.120 Screening of mechanical equipment.

A. All mechanical equipment, including but not limited to heating, venting and air conditioning, shall be placed in the garage or basement. When placement in the garage or basement is not practical or feasible, mechanical equipment may be placed in an outside location on the ground or rooftop. Such units shall not be visible. Since many rooftops in Malaga Cove and Lunada Bay are visible from surrounding residences, all rooftop or above-ground equipment shall be screened so as not to be visible from any vantage point to the greatest extent practicable.

B. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit and duct work, shall be effectively screened from public view or architecturally integrated in a building structure.

C. This section shall not apply to solar energy systems unless the planning director or his or her designee determines that the particular proposed solar energy system would have a specific adverse impact on the public health and safety, and there is no feasible method to fully mitigate or avoid the adverse impact. Any determination made by the director or his or her designee pursuant to this subsection may be appealed to the planning commission. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

18.08.130 Condominium conversion.

A. All condominium conversion projects shall be subject to all provisions of the standards provided in this chapter, the California Subdivision Map Act, Cal. Gov. Code § 66410 et seq., and all other applicable state regulations.

B. All condominium conversion projects shall be subject to appropriate noise attenuation upgrades as recommended to the decisionmaking bodies. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 6, 1989)

Chapter 18.12
C ZONE

Sections:

18.12.010 Uses permitted.

18.12.020 Uses requiring a conditional use permit.

18.12.030 Prohibited uses.

18.12.040 Building height requirements.

18.12.050 Signage requirements.

18.12.060 Parking requirements.

18.12.070 Building site area and setbacks.

18.12.080 Lot coverage.

18.12.090 Landscaping requirements.

18.12.100 Loading and unloading.

18.12.110 Screening of mechanical equipment – Mechanical equipment noise.

18.12.120 Safety and decorative lighting requirements.

18.12.130 Noise, smoke and odor requirements.

Prior legislation: Ords. 84, 193, 259, 270, 303, 335, 393 and 601.

18.12.010 Uses permitted.

The following uses are permitted in the C zone: general retail stores, shops, barber shops, beauty salons, financial institutions, medical, dental, and optometry offices, professional offices, law offices and other general business offices, except those listed as a use requiring a conditional use permit, or as a prohibited use, and emergency shelters subject to the standards provided in PVEMC 18.72.010. (Ord. 709 § 6, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.020 Uses requiring a conditional use permit.

The following uses require a conditional use permit:

A. Restaurant, cafe, tea room, or other eating establishments, with or without outdoor dining facilities;

B. Bar or cocktail lounge located within five hundred feet of a residential district (R-1 or R-M);

C. Uses providing dancing, music, theatrical performances or other entertainment of any kind;

D. Uses entailing public assembly of one hundred persons or more;

E. Churches, schools and places of assembly;

F. Mixed commercial and residential uses;

G. Gasoline service stations, including minor mechanical repair;

H. Commercial parking lots;

I. Uses including liquor stores and others purveying alcoholic beverages located within five hundred feet of a residential district (R-1 or R-M);

J. Uses operating between the hours of ten p.m. and seven a.m.;

K. Any uses proposing video or similar electronic games;

L. Health and fitness center;

M. Movie theaters;

N. Real estate offices;

O. Laundry and clothes cleaning agencies; provided, that no dry cleaning shall be conducted on the premises;

P. Single room occupancy housing subject to the standards provided in PVEMC 18.72.020;

Q. Large residential care facilities;

R. All other similar enterprises, or businesses which in the opinion of the approving authority require mitigating conditions prior to the initiation of the use. The findings of similarity shall be made during the site plan review process. (Ord. 709 § 7, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.030 Prohibited uses.

The following uses are prohibited in the commercial zone:

A. Industrial and manufacturing uses requiring processing or assembly of

components or goods;

B. Video and amusement arcades;

C. Drive-through restaurants;

D. Gasoline service station mini-markets;

E. Auto body repair shops;

F. Bowling alleys;

G. Mortuaries;

H. Cemeteries;

I. Cannabis delivery, including the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended;

J. Commercial cannabis activities, including cultivation, possession, manufacture, possessing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualified patients and/or primary caregivers;

K. Cultivation of cannabis or medical marijuana, including the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended;

L. Massage parlors; provided, however, that an establishment at which massage services are provided by a physical therapist or chiropractor licensed by the state of California or by massage technicians, each of which are licensed by the State Massage Therapy Organization, as that term is defined in Cal. Gov. Code § 4600(e), shall not be deemed a massage parlor;

M. Commercial car washes;

N. Truck terminals;

O. Dry cleaning facilities with a dry cleaning plant on the premises;

P. Salvage and recycling facilities;

Q. Short-term or vacation rental;

R. Short-term or vacation rental advertisement. No person or entity shall maintain any advertisement of a rental prohibited by this section;

S. All other similar uses deemed detrimental to the public health and safety of residents and quality of life. The decision of the approving authority as to whether a particular use is detrimental shall be made during the site plan review process. (Ord. 717 § 5, 2016; Ord. 716 § 4, 2016; Ord. 700 § 2 (Exh. 1), 2012; Ord. 680 § 1, 2007; Ord. 673 § 2, 2006; Ord. 496 § 7, 1989)

18.12.040 Building height requirements.

A. The maximum building height shall not exceed two stories, excluding garage space used for required parking.

B. The maximum building height shall not exceed thirty-five feet in height at any point above natural grade at that point, except as provided below.

C. The maximum building height on commercial lots located within forty-five feet of a residential district (R-1 or R-M) shall not exceed thirty-five feet in height at any point above natural grade at that point, or shall not exceed the height of the existing building on such lots, whichever is less.

D. The maximum building height on any commercial lot upsloping from the street shall not exceed thirty-five feet measured from the natural grade of the lowest point on the perimeter of the lot. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.050 Signage requirements.

A. Permitted Signs.

1. It is required that all exterior exposed signs located in the commercial zones relate to and be compatible with the character and architectural style of the related structure and surroundings.

2. To ensure compatibility, no new sign may be erected nor may any existing sign be remodeled or changed unless a permit to undertake such work is first obtained. If the proposed sign meets all of the standards set forth in this section, a permit shall be issued by the building official or his or her designee. If the proposed sign fails to comply with any standard set forth in subsection B of this section, a permit may be issued by the planning commission only upon a finding that the proposed sign is compatible with the character and architectural style of its proposed surroundings, including but not limited to the structure or area on which it is to be placed.

3. The signage requirements of this section apply to any lawfully erected sign, structure, housing, device, figure, statuary, painting, display, message, placard or other contrivance which has been designed, constructed, crafted, intended or engineered to advertise, or to provide data or information in the nature of advertising, for the following purpose: to designate, identify, or indicate the name or business of the owner or occupant of the premises upon which the lawfully erected advertising display is located for commercial purposes.

B. One business identification sign shall be allowed for each business and must meet the following requirements and standards:

1. Said sign may be placed on a wall, canopy, in a window, or other location approved by the decisionmaking body;

2. Said sign shall not exceed one-half square foot in sign area for each linear foot of building frontage it identifies, not to exceed fifty square feet, and may be permitted only on the side of the building that faces a public right-of-way;

3. Canopy signs shall not project beyond the vertical face of the awning or canopy;

4. The maximum size of any letter, number or logo shall not exceed six inches in height or width;

5. Signs may be lighted. However, no signs shall be devised or constructed so as to rotate, blink, flash, emit smoke or fumes, or move in any fashion;

6. Signs shall be restricted to advertising only the person, firm, company or corporation operating the use conducted on the site or the products or commodities sold or services provided. Signs shall not be allowed to advertise the products sold or prepared or the individual services performed on the premises unless the products or services are an integral part of the business;

7. Colors used in signs shall be compatible with the related structure and surroundings;

8. No roof-mounted signs shall be permitted. In addition, no wall signs shall project above the roofline of any building.

C. Illumination of signs is permitted in accordance with the following provisions: the light from any illuminated sign shall not be of an intensity or brightness greater than two foot-candles above ambient lighting, as measured at the

property line of the nearest residentially zoned property.

D. Signs that have blinking, flashing or fluttering lights or other illuminated device which has a changing light intensity, brightness or color and beacon lights are not permitted.

1. In any commercial zone, illuminated signs, if used, shall be white, amber or light-toned in color.

2. Colored lights that, in the sole opinion of the city, could be confused with or construed as traffic-control devices are prohibited.

3. Neither the direct nor reflected light from primary light sources may create a hazard to operators of motor vehicles.

E. Temporary Signs. Signs of a temporary nature displaying products, commodities and/or activities must be placed inside of windows only. The total of all signs must not cover more than twenty-five percent of the total window area facing a public right-of-way. Temporary signs may not be posted for a period in excess of sixty days. No temporary signs may be illuminated, animated or lighted. Temporary signs may not be placed inside a window more than sixty days in any one calendar year.

F. The following signs are exempt from the regulations of these standards:

1. Signs of a noncommercial nature and in the public interest, erected by or on the order of a city employee in the performance of his or her public duty, such as public notices, safety signs, danger signs, trespassing signs, traffic and directional signs, and the like;

2. Names of buildings, dates of erection, monumental citations, commemorative tablets, memorial plaques, signs of historical interest and the like, when carved into stone, concrete or similar material or made of bronze, aluminum or other permanent-type material and made an integral part of the structure.

G. Maintenance – Alteration and Relocation.

1. Every sign shall be maintained in a safe, presentable and good condition, including the replacement of defective parts, painting, repainting, cleaning and other acts required for the maintenance of such sign.

2. No existing sign shall be altered, moved or relocated unless the sign complies with all other provisions of this section, is altered so as to comply

therewith, or obtains a permit from the planning commission in accordance with subsection (A)(2) of this section.

3. Sign changes or alterations shall be deemed to include any change of all or a portion of the copy or sign face, message or sign legend, except those changes which are for maintenance or are part of the normal function of the sign.

H. The following signs are prohibited:

1. Signs which contain statements, words, pictures or other representations which violate the state of Cal. Pen. Code § 311 et seq.;

2. Signs which contain or are an imitation of an official traffic sign or signal or contain the words “stop,” “go,” “slow,” “caution,” “danger,” “warning,” or similar words, except construction signs and barricades, and except when these words are incorporated in the permanent name of the business;

3. Signs which advertise an activity, business or service no longer conducted or provided on the premises forty-five days after such discontinuance or abandonment;

4. Signs which move in any manner, have any portions which move, or have the appearance of moving, except for clocks, time and temperature and similar public service signs;

5. Signs which contain or consist of posters, pennants, banners, ribbons, streamers, spinners or other similar devices are prohibited except as otherwise permitted in these standards;

6. Signs which are portable, folding or similar signs, except as permitted for service station and automobile washing uses;

7. Signs which are displayed on the exterior of a building and are made of materials which are impermanent and will not withstand exposure to the weather, except as specifically authorized in these standards.

I. Inventory and Abatement of Illegal and Abandoned Signs.

1. Every illegal or abandoned sign identified in the inventory, and every illegal or abandoned sign thereafter identified, shall be deemed to constitute a public nuisance.

2. The director is authorized to abate all illegal or abandoned signs pursuant

to the procedures set forth in Chapter 17.32 PVEMC or, alternatively, pursuant to the California Outdoor Advertising Act. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 583 §§ 1, 2, 3, 1995; Ord. 496 § 7, 1989)

18.12.060 Parking requirements.

A. Every business shall provide the following vehicular off-street parking spaces:

1. Medical, dental, optometry or chiropractic offices and clinics, one space per two hundred square feet of net floor area;

2. Banks, lending agencies, financial and governmental uses, one space per two hundred fifty square feet of net floor area;

3. Realty offices, one space per two hundred square feet of net floor area;

4. Other professional offices, one space per two hundred fifty square feet of net floor area;

5. Retail and commercial uses:

a. General retail sales, repair and services, one space per two hundred fifty square feet of net floor area,

b. Restaurants, bars, cocktail lounges, and cafes, one space for every three seats or one hundred square feet of net floor area devoted to dining, whichever requires more parking (including outside areas),

c. Barber and beauty services, one space per two hundred fifty square feet of net floor area,

d. Service stations and vehicle repair uses, one space per four hundred square feet of net floor area, plus three additional spaces,

e. Movie theaters, one space per every three seats,

f. Other Commercial Uses. Proposed commercial uses not mentioned shall provide one parking space for every two hundred fifty square feet of net floor area.

6. Large care facilities, one space per two beds, or an alternate ratio as determined by a parking demand study approved by the city engineer.

B. All parking spaces shall meet the following standards:

1. All parking areas shall be paved with an asphaltic, concrete, turfblock, or

masonry surfacing and shall have appropriate bumper guards or curbing, striping, and directional arrows.

2. Required parking spaces shall not be used for repair work or servicing other than in an emergency.

3. No tandem parking spaces shall be permitted.

C. All parking lots shall meet the following screening and landscaping requirements:

1. All outdoor off-street parking spaces shall be screened on all sides where they adjoin, face or are across the street from residential zones or developed residential properties, where practical.

2. All landscaped areas shall be completely enclosed by a six-inch continuous concrete curb.

3. All portions of outdoor parking areas not used for automobile maneuvering, parking or for pedestrian walkways shall be landscaped.

4. All landscaped areas shall be equipped with low water usage irrigation systems.

5. For safety purposes, all landscaping adjacent to parking lot ingress and egress points shall not exceed the height of twenty-four inches.

6. Drought-tolerant trees and plants shall be a major design feature in all parking lots. However, trees shall be limited to a height not to exceed thirty feet at maturity.

D. The planning commission may grant permission to expand, increase or modify an existing building or use which does not meet the off-street parking requirements established by this section in a manner which would require additional parking if the applicant demonstrates to the satisfaction of the planning commission that adequate parking to service the expanded, increased, or modified building or use is otherwise available, and the expansion, increase or modification is for a restaurant or retail sales use. (Ord. 709 § 8, 2014; Ord. 700 § 2 (Exh. 1), 2012; Ord. 665 § 4, 2006; Ord. 582 § 1, 1995; Ord. 518 § 1, 1990; Ord. 496 § 7, 1989)

18.12.070 Building site area and setbacks.

The minimum site area, front yard, rear yard and side yard setbacks shall be as permitted by the covenants of record on each and every tract within the city on file

in the office of the recorder of Los Angeles County on the date the ordinance codified in this chapter is adopted by the city council. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.080 Lot coverage.

Maximum lot coverage of principal and accessory buildings shall not exceed eighty percent of net lot area. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.090 Landscaping requirements.

A. All portions of a developed site not occupied by other permitted facilities or dry landscape cover shall be permanently landscaped with a combination of trees, groundcover and shrubbery compatible with the building, site and surroundings and arranged in a harmonious manner. All trees shall be limited to a height not to exceed thirty feet at maturity.

B. Dry landscape cover shall not exceed ten percent of the total landscaped area and shall be of natural color.

C. All required landscaped areas shall be maintained in a neat, clear, orderly and healthful condition; this includes proper pruning, mowing of lawns, weeding, removal of litter, fertilizing, replacement of plants when necessary, and regular watering of all plants. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.100 Loading and unloading.

Whenever the normal operator of any development requires that goods, merchandise or equipment be routinely delivered to or shipped from that development, a sufficient off-street loading area must be provided. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.110 Screening of mechanical equipment – Mechanical equipment noise.

A. For purposes of this section, “mechanical equipment” means any motorized equipment which is permanently installed on real property for the purpose of carrying out or providing a service on such property, including but not limited to generators (whether intended for emergency or full-time use), furnaces, air conditioners, pool and spa equipment, motors which run fountains or kinetic sculptures, and similar items.

B. Mechanical equipment shall be placed in the garage or basement. When it is not practical or feasible to place mechanical equipment in the garage or basement, mechanical equipment may be placed in an outside location on the ground or rooftop. Ground-mounted units shall not be visible. All rooftop equipment shall be screened so as to not be visible from any vantage point to the extent practicable.

C. Mechanical equipment on property in the C zone shall not generate noise at the property line of any property in the R-1 zone that is more than five decibels higher than the ambient noise level at the property line at the time of measurement.

D. All exterior equipment, whether freestanding or attached to a building, including pipes, conduit and duct work, shall be effectively screened from public view or architecturally integrated in a building or structure.

E. This section shall not apply to solar energy systems unless the planning director or his or her designee determines that the particular proposed solar energy system would have a specific adverse impact on the public health and safety, and there is no feasible method to fully mitigate or avoid the adverse impact. Any determination made by the director or his or her designee pursuant to this subsection may be appealed to the planning commission. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 681 § 2, 2007; Ord. 496 § 7, 1989)

18.12.120 Safety and decorative lighting requirements.

A. All new developments and/or remodels shall be reviewed on a case-by-case basis by city staff as part of the site plan review process and shall provide appropriate pedestrian safety lighting. Such lighting shall be positioned so that no direct lighting is visible off site.

B. All required lighting shall be permanently maintained.

C. Safety or decorative incandescent lighting not exceeding one hundred watts per fixture shall be exempt from these requirements. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

18.12.130 Noise, smoke and odor requirements.

No permitted commercial use shall generate noise, smoke or odors that will have an annoying or disruptive effect upon uses located outside the immediate space occupied by that use.

A. Noise. Continuous noise levels shall not exceed the maximum permitted levels, as set forth in the city’s noise ordinance.

B. Smoke.

1. No commercial use shall emit from a vent, stack, chimney, or combustion process any smoke that is visible to the naked eye, except normal fireplace usage.

2. All commercial uses shall comply with the requirements of the South Coast

Air Quality Management District.

C. Odor. No commercial use shall generate objectionable odors that can be perceived outside of the immediate space occupied by that use. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 496 § 7, 1989)

Chapter 18.16
OS ZONE

Sections:

18.16.010 Purpose and intent.

18.16.020 Uses permitted.

18.16.025 Uses permitted with a conditional use permit.

18.16.030 Uses requiring specific development plan.

18.16.040 Specific development plan.

18.16.050 Coastal zone limitations on development in bluffs.

18.16.060 Prohibited uses.

18.16.010 Purpose and intent.

The purpose of the open space (OS) zone is to preserve, promote and enhance valuable natural and open space resources in the city. It is also the purpose of the application of this zone to assure that uses of the open space lands and facilities are compatible with other permitted uses in the community.

The open space zone land consists of all publicly owned land including all city-owned land, including parklands and street rights-of-way, except any land within the coastal zone as defined by the California Coastal Commission, all school sites utilized or owned by the Palos Verdes Peninsula Unified School District, all sites utilized or owned by the Palos Verdes Peninsula Library District, and all land owned or which could be owned by the Palos Verdes Homes Association as a result of the exercise of any reversionary rights.

The provisions of this chapter are intended to provide criteria and procedures by which these resources may be properly used and maintained. It is further the intent of these provisions to implement the goals and objectives of the conservation and public facilities sections of the Palos Verdes Estates general plan. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.020 Uses permitted.

The following uses shall be permitted in the OS zone:

A. Undeveloped natural open space available for visual and physical enjoyment of the public;

B. Elementary school facilities in use as elementary schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;

C. Public intermediate or junior high school facilities in use as intermediate or junior high schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;

D. Public high school facilities in use as high schools on January 1, 1985, including classrooms, meeting rooms, administration, and physical education facilities including playgrounds and sports courts;

E. Citizens, parent-teacher associations, Camp Fire Girls, Boy Scout troops, Girl Scouts, YMCA, YWCA, farmers' organizations, school-community advisory council, senior citizens' organizations, clubs and associations formed for recreational, educational, political, economic, artistic or moral activities of the public school districts may engage in supervised recreational activities and they may meet and discuss, from time to time, as they may desire, any subjects and questions which in their judgment pertain to the educational, political, economic, artistic and moral interests of the citizens of the committees;

F. Public, literary, scientific, recreational, education or public agency meetings;

G. The administration of examinations for the selection of personnel or the instruction of precinct board members by public agencies;

H. Supervised recreational activities;

I. Libraries in use as libraries as of January 1, 1985;

J. Open space for the preservation of natural resources, including without limitation areas required for the preservation of plant and animal life, habitat for fish and wildlife species, areas required for ecologic and other scientific studies, and rivers, streams and estuaries; and

K. Open space areas needed for public health and safety, including without limitation areas which require special city management or regulation because of hazardous or special conditions such as earthquake fault zones, unstable soil areas, and areas required for the protection of water quality and water reservoirs. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.025 Uses permitted with a conditional use permit.
The following uses may be permitted in the OS zone with the granting of a conditional use permit in the manner prescribed in Chapter 17.20 PVEMC:

A. Public special education and continuation classrooms, public adult education classrooms, public school nonclassroom facilities and new public school facilities;

B. Firehouses;

C. Parks or playgrounds, other than as permitted in PVEMC 18.16.020;

D. Private schools, which include classroom uses;

E. Art galleries, museums or libraries open to the public;

F. The conduct of religious services;

G. Private studios for artists, musicians and other cultural and scientific endeavors;

H. Uses of existing facilities or public property which are not permitted by PVEMC 18.16.020. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 2, 1987; Ord. 449 § 2, 1987)

18.16.030 Uses requiring specific development plan.
A specific development plan shall be required with the submission of an application for a conditional use permit when there is new construction, structural alteration, modification or additions to any structure and/or open space facility such as parks, playgrounds, parking lots, perimeter or interior landscaping, fencing, walls, lighting, utilities or paving on a site in the OS zone.

The specific development plan shall be prepared and processed in accordance with PVEMC 18.16.040. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 450 § 1, 1987; Ord. 449 § 1, 1987; Ord. 373 § 2, 1983)

18.16.040 Specific development plan.
A. Applicant. Application for a specific development plan shall be made by the owner of the property involved or the owner's duly authorized representative or by a purchaser or lessee of the property with the written consent of the owner.

B. Application. The application shall be filed with the city on the form provided by the city for that purpose. The application shall include the following documents and information:

1. The property involved, including the identification of any geologic, seismic or other safety hazards present on the site and mitigation measures proposed,

existing uses of the site, legal description of the site and relationship of the site to surrounding land uses;

2. The proposed use of the site and its relationship to the general plan and this chapter, the location and identification of all proposed structures, together with height, bulk and setback limitations;

3. Elevations and type, color and texture of all exterior materials of all structures, existing and proposed;

4. The location, height and exterior materials of all walls and fences, existing and proposed;

5. Provisions for public and private transportation, water supply, sewerage disposal, stormwater drainage, disposal of solid wastes, and energy supply;

6. The location, number of spaces, dimensions and circulation pattern of all off-street parking and loading areas, existing and proposed;

7. The location, size, height, exterior materials and lighting of all signs, existing and proposed;

8. The location and type of all outdoor lighting, existing and proposed;

9. The location and extent of existing and proposed streets and proposed street improvements;

10. A landscape plan indicating existing and proposed natural features such as vegetation, watercourses, and topography;

11. Standards for the maintenance and preservation of landscaping and natural resources;

12. A radius map and a certified list of the names and addresses of all property owners within three hundred feet from the exterior boundaries of the property involved, as shown on the latest assessment roll of the county treasurer;

13. Proposed implementation measures and conditions necessary to comply with this title and the general plan; and

14. Such additional information as the planning commission, from time to time, may deem necessary or desirable.

C. Application Fee. The application shall be accompanied by the payment of a

filing fee, as established by resolution of the city council.

D. Upon the acceptance of a completed application, the director shall review the application for conformance with the provisions of this title. The director shall prepare a recommendation and forward the recommendation, application, and other relevant materials to the planning commission and schedule the matter for public hearing before the planning commission pursuant to the provisions of PVEMC 17.04.100. The planning commission shall hold such public hearing and make a written recommendation to the city council.

E. The city council, after receipt of the recommendation of the planning commission, shall hold a final hearing upon the proposed application and take such action as it deems appropriate.

F. Adoption a Legislative Act. The adoption of a specific development plan and any amendment thereto is a legislative act which shall be reviewable pursuant to Cal. Civ. Proc. Code § 1085 and shall be subject to initiative and referendum.

G. Procedure for Administration. Every specific development plan adopted by the city shall be administered in accordance with the provisions of Cal. Gov. Code Title 7, Division 1, Chapter 3, Article 8, Specific Plans, commencing with Cal. Gov. Code § 65450. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 373 § 2, 1983)

18.16.050 Coastal zone limitations on development in bluffs.
The provisions of PVEMC 18.16.020 and 18.16.030 notwithstanding, structures, additions to structures, grading, stairways, pools, tennis courts, spas or solid fences may be constructed on private property on, or within fifty feet of, the bluff edge only with a coastal development permit granted by the city only after preparation of a geologic report and findings by the city that the proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence:

A. Poses no threat to the health, safety and general welfare of persons in the area by reason of identified geologic conditions which cannot be mitigated; and

B. The proposed structure, addition, grading, stairway, pool, tennis court, spa, and/or solid fence will minimize alteration of natural landforms and shall not be visually intrusive from public view points in the coastal zone. Permitted development shall not be considered visually intrusive if it incorporates the following to the maximum extent feasible:

1. The development is sited on the least visible portion of the site as seen from public view points;

2. The development conforms to the scale of existing surrounding development;

3. The development incorporates landscaping to soften and screen structures; and

4. The development incorporates materials, colors, and/or designs which are more compatible with natural surroundings. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 535 § E, 1991)

18.16.060 Prohibited uses.

The following uses are prohibited in the OS zone:

A. Cannabis delivery, including the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

B. Commercial cannabis activities, including cultivation, possession, manufacture, possessing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualified patients and/or primary caregivers.

C. Cultivation of cannabis or medical marijuana, including the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

D. All other similar uses deemed detrimental to the public health and safety of residents and quality of life. The decision of the approving authority as to whether a particular use is detrimental shall be made during the site plan review process. (Ord. 716 § 5, 2016)

Chapter 18.20
SPECIFIC EXCEPTIONS

Sections:

18.20.010 La Venta Inn.

18.20.010 La Venta Inn.

The La Venta Inn, located on lots 4 and 6, block 1536, tract 6884, may be used for hotel and restaurant purposes within the existing building only. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 84 § 4.9, 1948)

Chapter 18.24
GRADING

Sections:

18.24.010 Purpose.

18.24.020 Applicability.

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18.24.060 Exception to permit requirement.

18.24.065 Requirements for grading permit.

18.24.070 Expiration.

Prior legislation: Ords. 318 and 334.

18.24.010 Purpose.

The purpose of this chapter is to preserve the natural scenic character of the city by establishing minimum standards and requirements relating to grading of land and removal of major native vegetation. The intent is to regulate the development of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, minimize physical problems and preserve the natural contours of the land insofar as is reasonable and practical. The regulations contained in this chapter are in addition to grading requirements of other regulations or ordinances of the city and, where in conflict, the more restrictive regulation shall apply. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 309 § 1, 1975)

18.24.020 Applicability.

This chapter applies to all lots, building sites, subdivided, resubdivided or unsubdivided land and zones in the city. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 309 § 1, 1975)

18.24.030 Grading permit – Required.

A. No person shall perform grading on any lot or parcel without a grading permit issued by the city council in any of the following circumstances:

1. Where the building official has required an engineering geology report;

2. Any property resulting in a cut or fill in excess of ten feet in depth or height;

3. Any lot where the quantity of cut and fill exceeds two hundred fifty cubic yards;

4. Any lot where the quantity of cut and fill exceeds one hundred cubic yards for grading exterior to the dwelling unit foundation, garage and driveway.

B. No person shall remove major native vegetation without a grading permit issued by the city council.

C. All applications for grading permits shall be processed in compliance with PVEMC 17.04.100. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 483 § 1, 1989; Ord. 383 § 1, 1983; Ord. 309 § 1, 1975)

18.24.035 Swimming pool.

A. Notwithstanding the requirements of PVEMC 18.24.030 or 18.24.040, a grading permit may be issued by the building official for the excavation to install a swimming pool, provided more than twenty-four months have expired since all earlier grading was completed.

B. Notwithstanding the requirement of PVEMC 18.24.040, grading for a swimming pool shall not be cumulated with grading subsequently applied for, provided the swimming pool has been completed at the time the application has been received. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 578 § 2, 1994; Ord. 483 § 2, 1989)

18.24.040 Grading permit – Required for regrading.

Notwithstanding the fact that an application for grading is not sufficient to require planning commission review pursuant to PVEMC 18.24.030, a grading permit is required from the planning commission if:

A. There has been grading or a grading application on the property within twenty-four months preceding the date of the current application which would, when combined with the current application, require a grading permit approval pursuant to PVEMC 18.24.030; or

B. When the depth of any fill combined with any previous fill exceeds a depth of ten feet. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 546 § 1, 1992; Ord. 383 § 1, 1983; Ord. 309 § 1, 1975)

18.24.050 Grading permit – Application.

A. Application shall be made to the building official on forms furnished by the

building official and accompanied by grading plans which, as a minimum, would show a section or sections through the site and vicinity, including at least the adjacent lots and homes and the lots and homes on the front and rear, showing the effect of proposed work upon visual relationships of other lots, existing structures, or land adjacent to or in the immediate vicinity of the proposed work. Photographs of the site and the surrounding areas are encouraged for inclusion with the plans. At the discretion of the building official, a preliminary plan in sufficient detail to show complete final grading may be submitted for approval.

B. Each application shall be accompanied by an application fee which shall be fixed by the city council by resolution.

C. The building official shall prepare appropriate documents to comply with the California Environmental Quality Act for each application prior to the submission of such application to the planning commission. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 423 § 1, 1986; Ord. 389 § 1, 1984; Ord. 338 § 1, 1978; Ord. 324 § 1, 1977; Ord. 309 § 1, 1975)

18.24.060 Exception to permit requirement.

A permit to grade under an existing dwelling may be issued by the building official without review by the planning commission or city council as otherwise required by PVEMC 17.04.100 if the building official determines an engineering geology report is not required for the proposed project. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 584 § 1, 1995; Ord. 578 § 1, 1994)

18.24.065 Requirements for grading permit.

A. The planning commission or city council shall not approve a grading permit application if the planning commission or city council finds:

1. The proposed grading will unreasonably change the natural contours of the land;

2. The proposed grading will create a hazard to the immediate or adjacent property;

3. The proposed grading will unreasonably interfere with the use and enjoyment of property by other persons in the city; or

4. The proposed grading will result in substantial erosion or substantial uncontrolled water runoff.

B. Whenever an application for grading permit has been approved by either the planning commission or the city council, no person, firm, or corporation shall

undertake any grading or remove major native vegetation in violation of any of the conditions imposed by the planning commission or city council, and any grading undertaken pursuant to any such permit shall constitute agreement by the applicant to conform to the conditions imposed in the permit. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 22, 1991)

18.24.070 Expiration.

The applicant shall have a maximum of two years after approval of a grading permit application within which to apply for and be issued a grading or building permit. The grading permit approval shall expire in the event such grading or building permit has not been issued within the prescribed two-year time period, or in the event such grading permit or building permit terminates or expires under any other provision of this code or of the law of this state. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 648 § 2, 2003; Ord. 538 § 1, 1991; Ord. 483 § 2, 1989)

Chapter 18.28
OUTDOOR LIGHTING

Sections:

18.28.010 Applicability – Conformance.

18.28.020 One thousand watts defined.

18.28.030 Direct rays limited to property of origin.

18.28.040 Direct illumination of other properties – Prohibited hours.

18.28.050 Prohibited hours generally.

18.28.060 Lighting permit – Effect.

18.28.010 Applicability – Conformance.

No outdoor lighting shall, after the effective date of the ordinance codified in this chapter, be installed in the R-1 or R-M zones, except in accordance with the provisions of this chapter. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 304 § 1, 1974)

18.28.020 One thousand watts defined.

Whenever the term “one thousand watts” or the term “an aggregate of one thousand watts” is used in this chapter, it shall be construed to mean one thousand watts on lots fifteen thousand square feet or smaller. On lots larger than fifteen thousand square feet it shall be deemed to mean one thousand watts plus an additional one hundred watts for each one thousand five hundred square feet or major fraction thereof by which the lot exceeds fifteen thousand square feet, up to a maximum of two thousand watts. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 304 § 1, 1974)

18.28.030 Direct rays limited to property of origin.

No light shall, after the effective date of the ordinance codified in this chapter, be installed in any R-1 or R-M zone where the direct rays from the light extend beyond the property line of the property upon which such light is installed, except that individual nonreflector light bulbs not exceeding illumination equivalent to an incandescent light bulb of one hundred fifty watts each shall be permitted without restriction, except that the aggregate of all outdoor lights shall not exceed one thousand watts for any lot. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 304 § 1, 1974)

18.28.040 Direct illumination of other properties – Prohibited hours.

No outdoor lighting in the R-1 or R-M zones shall be used after seven-thirty p.m. of any day or before seven a.m. of any day where such light source results in direct illumination of a parcel of property or properties other than those upon which such light fixture or source is physically located, except that individual nonreflector

light bulbs not exceeding illumination equivalent to an incandescent light bulb of one hundred fifty watts each shall be permitted. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 304 § 1, 1974)

18.28.050 Prohibited hours generally.

No outdoor lighting in the R-1 or R-M zones shall be used after nine p.m. of any day or before seven a.m. of any day, except that individual light bulbs not exceeding illumination equivalent to an incandescent light bulb of one hundred fifty watts each or an aggregate of one thousand watts for each lot shall be permitted; provided, however, that if any reflector bulbs are used the direct rays of such bulbs may not extend beyond the property line of the property upon which such light is installed. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 304 § 1, 1974)

18.28.060 Lighting permit – Effect.

Notwithstanding the requirements of this chapter, lights may be installed and used in a manner and at times not permitted by this chapter only upon receipt of a lighting permit issued pursuant to the provisions of this chapter. A lighting permit shall be issued if the planning commission finds that the installation or use, as conditioned, of the requested lights will not adversely affect any person's use or enjoyment of any other property. A lighting permit shall be denied if the planning commission or the city council finds that such installation or use of lights will adversely affect any person's use or enjoyment of any other property. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 529 § 23, 1991; Ord. 304 § 1, 1974)

Chapter 18.32
WALLS AND FENCES

Sections:

18.32.010 R-1 and R-M walls, fences and accessory structures.

18.32.020 Placement of containers.

18.32.010 R-1 and R-M walls, fences and accessory structures.

A. Maximum Height. No fence, wall or accessory structure in the R-1 or R-M zone shall exceed the following heights:

1. Any fence, wall or accessory structure in the minimum required setback adjacent to a public street shall not exceed three feet, six inches in height. However, if a fence, wall, or accessory structure is located on a downhill slope from the street it shall not exceed three feet, six inches in height on the side facing the street and not exceed six feet, six inches in height on the downhill side of a slope. Setbacks from an alley adjacent to the rear or side of a lot are not included in this requirement.

2. All other fences, walls or accessory structures shall not exceed six feet, six inches in height.

B. Special Permits. Except where a wall, fence or accessory structure has been approved in the course of other required approvals under this code, a special permit may be issued for a wall, fence or accessory structure to exceed the standards set forth in subsection A of this section only as follows:

1. By the director, if he/she finds the wall, fence or accessory structure proposed shall not adversely affect any other property, for any wall, fence or accessory structure which is more than six feet, six inches but no more than eight feet in height and is not located within the minimum required setback adjacent to a public street.

Each decision of the director to approve a special permit shall be reported to the city council and the planning commission according to procedures established by the director. Notice of the decision shall be mailed to the applicant and all owners of real property abutting, across the street or alley from, or having a common corner with the subject property.

An interested party may appeal a decision of the director under this section to the planning commission by filing a written appeal with the director within fifteen days after such decision and paying the established appeal fee. The

planning commission shall approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law. The planning commission determination shall be final unless appealed to city council.

2. By the planning commission, if it finds the wall, fence or accessory structure proposed shall not adversely affect any other property, for:

a. Any wall, fence or accessory structure not located in a minimum required setback adjacent to a public street which exceeds eight feet in height,

b. Any wall, fence or accessory structure located in a minimum required setback adjacent to a public street which exceeds three feet, six inches in height.

C. Height shall be, for all purposes of this chapter, measured from the adjacent natural or existing elevation, whichever is lower.

D. “Nonhabitable accessory structure” means a structure that is not a single-family residence and is not used for habitable purposes, including, by way of example and not by way of limitation, an outdoor fireplace, trellis, pergola, gazebo, storage shed, or detached garage.

E. “Habitable accessory structure” means a structure that is not a single-family residence and is used for habitable purposes, including, by way of example and not by way of limitation, a guest house, pool house, play room, or cabana. Habitable accessory structures shall not have a kitchen and must have four walls and a roof.

F. In no event shall the setback of any habitable accessory structures be less than the setback requirements established for the main residential building.

G. Habitable accessory structures shall not exceed seven hundred square feet or ten percent of the lot size, whichever is less.

H. A conditional use permit shall be required for habitable accessory structures exceeding the standards set forth in subsection G of this section; provided, however, that in no case shall the accessory structure exceed the size of the main residential building.

I. Any accessory structure shall be silhouetted at the discretion of the planning director and/or planning commission. (Ord. 714 §§ 8 – 10, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 689 § 1, 2009; Ord. 556 § 1, 1992; Ord. 312 § 1, 1975)

18.32.020 Placement of containers.

Refuse containers should be kept in an area readily accessible to the refuse collector at ground level immediately adjacent to a driveway, or immediately adjacent to the side of a garage or the front ten feet thereof, or at other such fire-safe location as the planning commission may approve. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 18.36
NEIGHBORHOOD COMPATIBILITY

Sections:

18.36.010 Purpose and intent.

18.36.020 Compatibility.

18.36.021 Compatibility in the commercial zone.

18.36.030 Objectives.

18.36.040 Process.

18.36.041 Exceptions.

18.36.043 Neighborhood meeting.

18.36.045 Approval.

18.36.050 Expiration.

Prior legislation: Ords. 685 and 690.

18.36.010 Purpose and intent.

The purpose of this chapter is to preserve the natural scenic character of the city by establishing minimum standards related to the siting and massing of either a new structure or a remodeled structure in an existing neighborhood to assure to the greatest extent practicable that the resulting structures are compatible with the neighborhood within which they are located. The intent of this chapter is to regulate the development or redevelopment of each building site with respect to adjacent land, public or private, and existing structures so as to maximize visually pleasant relationships, assure a bright, open neighborhood with a maximum of light and air, and avoid the unpleasant appearance of crowding one structure against another, or of one structure towering over another, insofar as is reasonable and practical. It is not the intent to unreasonably restrict or regulate the right of an individual property owner to determine the type of structure or addition he may wish to place or modify on his property. The applicant has the obligation to take into consideration the impacts of the affected property owners when modifying the structure or proposing a new structure and take reasonable steps to mitigate such impacts. The regulations in this chapter are in addition to the requirements of other regulations or ordinances of the city, and, where in conflict, the more restrictive regulations shall apply. (Ord. 714 § 11, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 475 § 1, 1988)

18.36.020 Compatibility.

A. On any property in the R-1 zone, no person shall construct or cause to be constructed any of the following structures unless and until such structure is found pursuant to this chapter to be compatible with the neighborhood within which it is located:

1. Any new structure of one thousand square feet or more of gross floor area;

2. Addition of one thousand square feet or more of gross floor area to any existing structure;

3. Addition of gross floor area in the form of a second story whether in whole or in part to any existing structure;

4. Addition to an existing building of a second story deck or balcony eighty or more square feet in area and/or projecting more than six feet from the existing building;

5. Addition to an existing building of a second story deck or balcony which is located in a required side yard;

6. Addition of a mezzanine, whether in whole or in part, to any existing building or structure, that changes the exterior of the building or structure; or

7. Any increase in the roof ridge elevation of any portion of an existing building, unless the increase is only a result of utilizing an alternate roofing material.

B. On any property in the R-M zone, no person shall construct or cause to be constructed any new structure or make any addition to or modify any existing structure unless such structure is found pursuant to this chapter to be compatible with the neighborhood within which it is located. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 665 § 5, 2006; Ord. 602 § 1, 1996; Ord. 573 § 1, 1993; Ord. 496 § 8, 1989; Ord. 475 § 1, 1988)

18.36.021 Compatibility in the commercial zone.

No person shall construct any new structure, add one thousand square feet or more of gross floor area to a structure, or add a second story on any property in the C (commercial) zone unless the resulting structure is found to be compatible with the neighborhood within which it is located. The design criteria and review processes set forth in this chapter as established for residential zones shall apply equally to the C (commercial) zone to protect and maintain the established character of all neighborhoods within the city. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 665

§ 6, 2006; Ord. 496 § 8, 1989)

18.36.030 Objectives.

To maintain neighborhood compatibility, residential proposals shall address the following objectives:

A. Natural Amenities. Improvements to residential property shall respect and preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping.

B. Neighborhood Character. Proposals shall be reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, particularly those within three hundred feet of the proposed development parcel boundaries. While many elements can contribute to the scale of a residential structure, designs should minimize the appearance of over- or excessive building substantially in excess of existing structures in the neighborhood. The square footage of the structure and the total lot coverage should reflect the uncrowded character of the city and the respective neighborhood. The height of the structures shall maintain, to the extent reasonably practicable, some consistency with the height of structures on neighboring properties.

C. Privacy. Design proposals shall respect the existing privacy of adjacent properties by maintaining an adequate amount of separation between the proposed structure and adjacent properties, and the design of balconies, decks and windows should respect the existing privacy of adjacent properties.

D. Views. Designs should consider to the extent reasonably practicable neighbors' existing views. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 475 § 1, 1988)

18.36.040 Process.

A. Application. In addition to the general provisions for review of a development entitlement contained in Chapter 17.04 PVEMC, the following procedures shall apply to an application for neighborhood compatibility review.

1. Application shall be made to the director on forms furnished by him, and shall be accompanied by plans showing the effect of the proposed work upon visual relationships with other lots, existing structures, and/or land adjacent to or within three hundred feet of the proposed work.

2. For initial review, applicants are encouraged to submit preliminary design proposals covering the entire lot development, both present and future, to permit the director to analyze neighborhood compatibility and the

applicability of the provisions of this chapter prior to incurring the expense for detailed design drawings.

3. Following submittal of a formal application, the director shall review the application to determine whether the proposed project is exempt from the provisions of this chapter under subsection B of this section, determine compliance with all city ordinances and other laws, and shall prepare a neighborhood compatibility checklist to determine the need for approval under this chapter.

B. Exemption. The director shall grant an exemption from the review otherwise required by this chapter for the following categories of projects if the director finds that the project has no adverse impact on the natural features of the land, is reasonably compatible with the existing neighborhood character in terms of the scale of development of surrounding residences, has no adverse impact on the privacy of adjacent properties and has no adverse impact on neighbors' existing views:

1. Addition to the second floor of an existing building of less than two hundred square feet in area.

2. Addition to an existing building of a second story deck or balcony up to one hundred sixty square feet in area which is not located in a required side yard setback and projects no more than ten feet from the existing building.

3. Any roof ridge increase of less than two feet in the roof ridge elevation of any portion of an existing building.

An exemption shall not be granted if a previous exemption was granted within twenty-four months preceding the date of the current application and review pursuant to this chapter would have been required if the current application had been part of the previous application. Each decision of the director to approve an exemption shall be reported to the city council and the planning commission according to procedures established by the director. (Ord. 714 § 12, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 676 § 1, 2007; Ord. 665 § 7, 2006; Ord. 602 § 2, 1996; Ord. 598 § 10, 1996; Ord. 529 § 25, 1991; Ord. 524 § 2, 1991; Ord. 475 § 1, 1988)

18.36.041 Exceptions.

Notwithstanding the provisions of any other section of this chapter, neighborhood compatibility review shall not be required pursuant to this chapter for:

A. Remodel or repair of a building, structure or feature, where such work does not extend or enlarge the exterior of the building, structure or feature; or

B. Construction, remodel or repair of a cellar where no external change of any kind is otherwise made in the building. (Ord. 714 § 13, 2015; Ord. 700 § 2 (Exh. 1), 2012; Ord. 599 § 3, 1996; Ord. 487 § 1, 1989)

18.36.043 Neighborhood meeting.

A. Requirements for Applicants for Neighborhood Compatibility Review. In addition to any other action otherwise required by law pertaining to the processing of applications for neighborhood compatibility review, the owner of the property for which such review is being sought shall take all of the following actions:

1. Send notice to both the owner(s) of real property, as shown on the latest equalized assessment roll, within three hundred feet of the subject property, and the city planning department, of the pendency of the filing of such an application, including with such notice copies of preliminary drawings of the proposed project at a scale no smaller than one inch equals sixteen feet, and a copy of the single-family residential development guidelines. No application for neighborhood compatibility review will be accepted as complete unless it contains evidence acceptable to the director that such notice has been sent.

2. Hold a meeting at least four weeks before the date of the planning commission meeting at which the application will be heard, and invite the persons entitled to notice pursuant to subsection (A)(1) of this section to attend such meeting to discuss the proposed application. The meeting shall be held on a nonholiday weekend or during daylight hours and before nine a.m. or after five p.m. on a weekday. The meeting shall be held at the subject property; provided, however, that if the occupancy of the subject property by a tenant or physical conditions at the subject property make it unsafe or infeasible to provide a table and chairs at the subject property, the meeting may be held at another location within the city. The silhouette of the proposed project shall be erected on the subject property before the meeting. Notice of the date, time and place of such meeting shall be sent at least seven days before the meeting and shall be filed with the planning department.

3. If the hearing on the application is continued by the planning commission, the applicant is encouraged, but not required, to hold a further meeting with the persons entitled to notice pursuant to subsection (A)(1) of this section at least one week prior to the continued hearing.

B. Additional Requirements for Appellants. Notwithstanding any other provision of this code, a property owner entitled to notice of a neighborhood compatibility

application may not file an appeal of planning commission approval of such an application or any condition of approval or lack thereof, or of any grading permit sought in connection with a neighborhood compatibility application, unless he or she has first contacted the project applicant and discussed thoroughly, preferably in person, his or her specific concerns about the project and any potential resolution of those concerns, or has made a good faith attempt to so meet. This requirement may be met by the potential appellant's attendance and discussion of the project at the meeting scheduled by the applicant pursuant to subsection A of this section. A brief description of any meeting attended by the potential appellant or of such person's attempts made to meet with the applicant shall be included with the appeal. Notwithstanding PVEMC 17.04.100(G), no further action shall be taken on any appeal which does not include evidence satisfactory to the director of such person's attendance at a neighborhood meeting or attempt to meet as required by this subsection.

C. Requirements Following Compromise. If a meeting pursuant to subsection A of this section results in any modifications to the project prior to the planning commission hearing on the project, the applicant shall (1) notify the director of the proposed modifications and (2) explain to the planning commission at the hearing on the matter any discrepancy between the project as proposed in the notice sent pursuant to subsection (A)(1) of this section and the project as presented to the planning commission. If a meeting between a potential appellant and an applicant occurs after the planning commission has approved a project and results in the applicant agreeing to changes to the project to address the potential appellant's concerns, the applicant shall submit a written statement of those changes to the city, together with any request for approval of the changes which is otherwise required by the city. If such statement and request for approval are received within ten days of the end of the appeal period, the appeal will be removed from the city council agenda and the entire appeal fee will be refunded to the potential appellant notwithstanding PVEMC 17.04.070(C). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 684 § 1, 2008; Ord. 634 § 1, 2001)

18.36.045 Approval.

No application for neighborhood compatibility approval shall be approved unless the planning commission or city council, as the case may be, finds:

A. That the proposed development is designed and will be developed to preserve to the greatest extent practicable the natural features of the land, including the existing topography and landscaping;

B. That the proposed development is designed and will be developed in a manner

which will be reasonably compatible with the existing neighborhood character in terms of scale of development in relation to surrounding residences and other structures;

C. That the proposed development is designed and will be developed in a manner which will preserve to the greatest extent practicable the privacy of persons residing on adjacent properties; and

D. That the proposed development is designed and will be developed in a manner to the extent reasonably practicable so that it does not unreasonably interfere with neighbors' existing views. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 598 § 11, 1996)

18.36.050 Expiration.

The applicant shall have a maximum of two years after approval of a neighborhood compatibility application within which to apply for and be issued a grading or building permit. The compatibility approval shall expire in the event such grading or building permit has not been issued within the prescribed two-year period, or in the event such grading permit or building permit terminates or expires under any other provision of this code or of the law of this state. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 629 § 1, 2001; Ord. 538 § 2, 1991; Ord. 509 § 1, 1990)

Chapter 18.37
CZ-O COASTAL ZONE OVERLAY ZONE

Sections:

18.37.010 Purpose.

18.37.020 Application.

18.37.030 Uses permitted.

18.37.040 Precise plan procedure.

18.37.050 Prohibited uses.

18.37.010 Purpose.

The CZ-O coastal zone overlay zone and its application is for the purpose of protecting the public health, safety and general welfare by:

A. Protecting the coastal bluffs as a natural resource;

B. Assuring that the bluff can support proposed development (as defined in PVEMC 19.01.070);

C. Protecting parklands within the coastal zone for park purposes. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 534 § 4, 1991)

18.37.020 Application.

The coastal zone overlay zone ("CZ-O") shall be superimposed over the zoning designation of lands within the coastal zone as defined in PVEMC 19.01.060. The official zoning map shall be amended to apply the coastal zone overlay to all areas of the city which are included in such overlay and shall indicate the designation "CZ-O" after the zoning designation of the district over which it is superimposed, and the regulations of the CZ-O zone shall apply in addition to the regulations of the underlying zoning of the district. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 534 § 4, 1991)

18.37.030 Uses permitted.

A. Except as prohibited by this section, real property in the CZ-O zone may be used for any use permitted in the zone over which the CZ-O zone designation is superimposed.

B. City parklands in the CZ-O zone may be used only for public park purposes.

C. No structure, addition to a structure, grading, stairway, pool, tennis court, spa or solid fence shall be constructed on or down the face of any bluff on private land

or within fifty feet of such bluff's edge (as the terms "bluff" and "bluff edge" are defined in PVEMC 19.01.030 and 19.01.040, respectively) without meeting the requirements of PVEMC 19.02.020(D), precise plan approval. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 534 § 4, 1991)

18.37.040 Precise plan procedure.

A. Applicant. The applicant for precise plan approval shall be those persons designated in PVEMC 19.02.030.

B. Application. The application for precise plan approval shall include the information and documents required by PVEMC 19.02.030.

C. Application Fee. The application shall be accompanied by the payment of a filing fee, as established by resolution of the city council.

D. Findings for Precise Plan Approval. No precise plan shall be recommended for approval or approved except upon the affirmative findings that:

1. The precise plan complies with the requirements of this chapter;

2. The proposed use is consistent with the general plan, the LCP, PVEMC Title 19, all zoning regulations for the underlying zone, and any applicable specific plan.

E. Conditions of Precise Plan Approval. Precise approval may be recommended and granted upon conditions that are necessary and reasonable to ensure that the proposed use will be designed, located, developed and maintained in accordance with the findings required by this chapter, PVEMC Title 19, the LCP and any applicable specific plan.

F. Procedures for notice and hearing of precise plan approval by the city shall be those procedures set forth in PVEMC 19.02.070. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 534 § 4, 1991)

18.37.050 Prohibited uses.

The following uses are prohibited in the CZ-O zone:

A. Cannabis delivery, including the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical marijuana or medical marijuana products, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

B. Commercial cannabis activities, including cultivation, possession, manufacture, possessing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical marijuana or medical marijuana products, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualified patients and/or primary caregivers.

C. Cultivation of cannabis or medical marijuana, including the planting, growing, harvesting, drying, curing, grading, or trimming of marijuana or cannabis, defined in Cal. Health & Saf. Code Chapter 3.5, as may be amended.

D. All other similar uses deemed detrimental to the public health and safety of residents and quality of life. The decision of the approving authority as to whether a particular use is detrimental shall be made during the site plan review process. (Ord. 716 § 6, 2016)

Chapter 18.42
HOME OCCUPATION

Sections:

18.42.010 Purpose.

18.42.020 Definition.

18.42.030 Home occupations permitted.

18.42.040 Procedure.

18.42.050 Uses subject to home occupation license tax.

18.42.060 Abatement of use.

18.42.070 Enforcement.

18.42.010 Purpose.

It is the purpose of this chapter to:

A. Recognize that a residential property owner or resident has a limited right to conduct a nonobtrusive business from his or her residence, and that the average neighbor will generally prefer to have that business conducted in a fashion that he or she is unaware of its existence;

B. Maintain the residential character of residential neighborhoods;

C. Prevent the use of home occupations from transforming a residential neighborhood into a commercial one; and

D. Encourage and promote efforts to reduce traffic congestion and generation of pollutants by allowing and recognizing changing work environments including telecommuting and work-at-home options. (Ord. 700 § 2 (Exh. 1), 2012)

18.42.020 Definition.

"Home occupation" is defined as an accessory use or activity of a business nature such as is otherwise permitted in the C zone, conducted on residential property by the occupant(s) of the residence. A home occupation shall be clearly incidental and secondary to the primary residential use of the property and shall not change the residential character of such property or adversely affect the residential neighborhood within which it is located. The provisions of this chapter shall not be deemed to affect in any way any restrictions on home occupations otherwise lawfully imposed on any property including through the provisions of any declaration of covenants, conditions and restrictions. (Ord. 700 § 2 (Exh. 1), 2012;

Ord. 567 § 4, 1993)

18.42.030 Home occupations permitted.

Home occupations are permitted in the R-1 and R-M zones if such uses are established and at all times maintained consistent with the following criteria, and following approval of an application as provided in PVEMC 18.42.040 and payment of the applicable home occupation license tax.

A. The proposed use is permitted in the C zone.

B. Home occupation uses shall be incidental to the primary use of the structure as a residential use and shall not detract from the residential character of the neighborhood. No more than two hundred square feet of floor area may be used in connection with a home occupation or for storage purposes in connection with a home occupation.

C. The street address of the residence shall not be used for advertisements.

D. All respects of the home occupation shall be conducted entirely within an enclosed structure. Supplies, tools, equipment, goods, samples and other items relating to a home occupation shall not be stored or displayed outside or at any location within a structure where they will be visible to passing pedestrian or vehicular traffic.

E. Visitors, customers or deliveries shall not exceed that normally and reasonably occurring for a residence.

F. No signs associated with a home occupation will be permitted. There shall not be any exterior indication of the home occupation or variation from the residential character of the property.

G. There shall be no emission of noise, smoke, fumes, dust, gas, odor or glare from the property.

H. There shall be no use of any equipment which may cause radio or television interference or fluctuation in line voltage off the property.

I. There shall be no connection of utilities or any use of community facilities other than as customary for residential purposes.

J. The only employees of the home occupation permitted at the residential unit shall be the resident(s) of such unit or members of the resident’s immediate family.

K. There shall not be any process, procedure, substance, or chemical used which is hazardous to public health, safety, morals or welfare. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 4, 1993)

18.42.040 Procedure.

A. Home occupation applications shall be submitted to the finance director and signed by the applicant stating that the criteria in PVEMC 18.42.030 are met.

B. The finance director shall approve an application for a home occupation pursuant to PVEMC 18.42.030 if he finds that all of the criteria contained in PVEMC 18.42.030 are met.

C. The finance director shall notify the applicant and any other person who has requested notice thereof of the disposition of an application in a timely manner. An interested party may appeal a decision of the finance director under this section to the city council by filing a written appeal with the finance director within ten days after such decision and paying the fee established therefor.

D. Fees for a home occupation application and for an appeal of a determination thereon may be levied as provided for by this code and established by resolution of the city council. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 4, 1993)

18.42.050 Uses subject to home occupation license tax.

Home occupations are subject to home occupation license taxes in an amount as established by resolution of the city council. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 4, 1993)

18.42.060 Abatement of use.

Any violation of this chapter may be abated pursuant to the nuisance abatement procedures of Chapter 8.48 PVEMC. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 4, 1993)

18.42.070 Enforcement.

This chapter shall be enforced in accordance with the provisions of PVEMC 1.16.010. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 567 § 4, 1993)

Chapter 18.50
WATER CONSERVATION LANDSCAPING

Sections:

18.50.010 Purpose.

18.50.020 Applicability.

18.50.025 Exemptions.

18.50.030 Definitions.

18.50.040 Compliance requirements.

18.50.050 Exceptions.

18.50.060 Submittals.

18.50.070 Determination of conforming installation.

18.50.080 Compliance verification.

18.50.090 Existing landscapes.

Prior legislation: Ord. 569.

18.50.010 Purpose.

It is the policy of the city of Palos Verdes Estates to promote water conservation. The water-efficient landscape standards detailed in this chapter are intended to promote water conservation while allowing the maximum possible flexibility in designing healthy, attractive, and cost-effective water-efficient landscapes. This chapter is intended to be at least as effective in conserving water as the model ordinance drafted by the California Department of Water Resources pursuant to Assembly Bill AB 1881. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.020 Applicability.

This chapter applies to:

A. All new development, as defined in this chapter, which proposes new or altered landscape area of two thousand five hundred square feet or more; and

B. All homeowner-provided or homeowner-hired landscaping projects for single-family residential projects which are subject to discretionary review by the city and propose new or altered landscape area of five thousand square feet or more.

In addition, all existing landscapes installed before January 1, 2010, which are over

one contiguous acre in size are subject to the provisions of PVEMC 18.50.090. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.025 Exemptions.

Landscaping that is part of a registered historical site is exempt from this chapter. Cemeteries are exempt from compliance with all provisions of this chapter except PVEMC 18.50.040(D). (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.030 Definitions.

A. “Automatic irrigation system” means an irrigation system that can be controlled without manual manipulation and which operates on a preset program.

B. “Evapotranspiration” or “ET” means the approximate summation of water losses through evaporation from soil and transpiration from the plants during a specified period of time.

C. “ETo” means the approximation of water loss expressed in inches per year from a field of four- to seven-inch-tall cool season grass that is not water stressed.

D. “ET adjustment factor” means a factor used to set an efficiency goal that when applied to ETo adjusts for plant factor and irrigation efficiency, two of the major influences upon the amount of water that needs to be applied to a landscape.

E. “Hydrozone” means a portion of the planting area having plants grouped according to water need.

F. “Irrigation system” means a complete connection of system components, including the water distribution network and the necessary irrigation equipment and downstream from the backflow prevention device.

G. “Landscape area” means all areas where new or altered landscaping is proposed as part of a new development proposal.

H. “Landscape plan” means design plans with a planting plan and irrigation plan, and plans with supporting detail sheets to include notes and/or specifications.

I. “New development” means a new building on a vacant site, an addition to an existing building on a site, a new building on a developed site, or a change in land use type that requires a discretionary permit from the city.

J. “Plant factor” means a factor that, when multiplied by the ETo, estimates the amount of water used by a given plant species.

K. “Planting area” means the parcel area less building pad(s), driveway(s),

patio(s), deck(s), walkway(s) and parking area(s). Planting area includes water bodies (i.e., fountains, ponds, lakes) and natural areas.

L. “Special landscape area (SLA)” means park and recreational areas permanently and solely dedicated to edible plants such as orchards and vegetable gardens, and areas irrigated with recycled water that are subject to the MAWA with an ET adjustment factor not to exceed 1.0.

M. “Turf” means a groundcover surface of mowed grass with an irrigation water need of greater than thirty percent of the ETo.

N. “Water budget calculation” means the maximum annual applied water allowance, which shall be calculated using this formula:

$$MAWA = (ETo)(0.62)[0.7 \times LA + 0.3 \times SLA]$$

MAWA = Maximum applied water allowance (maximum gallons per year available for the project)

ETo = Reference evapotranspiration (44.2 inches per year for the city of Palos Verdes Estates)

0.7 = ET adjustment factor (as designated by the state of California)

LA = Landscape area (square feet, including SLA)

0.62 = Conversion factor (inches to gallons)

SLA = Special landscape area (square feet)

0.3 = The additional ET adjustment factor for the special landscape area

O. “Water wise plants” means those plants that are evaluated as needing moderate (forty to sixty percent of ETo), low (ten to thirty percent of ETo) and very low (less than ten percent of ETo) amounts of water as defined and listed by water use classifications of landscape species (WUCOLS) prepared by the University of California Cooperative Extension. Other sources of water wise plant classifications may be used if approved by the director.

P. “Weather-based irrigation controller” means an irrigation controller that automatically adjusts the irrigation schedule based on changes in the weather. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.040 Compliance requirements.

Applicants for new development proposing new or altered landscaping shall

comply with each of the following requirements in the design, installation, and maintenance of the landscape area, unless an exception is granted pursuant to PVEMC 18.50.050:

A. Landscape Plan. Applicants shall submit a landscape plan depicting the landscape area and all existing landscaping to remain on the lot as determined by the director. Landscaping shall be designed to be irrigated at no more than 0.7 of the reference evapotranspiration (ETo) and shall not exceed the MAWA. The city reserves the right to modify plans in quantity and quality of the landscape to meet the requirements of this chapter.

B. Use of Turf and Water Wise Plants.

1. The landscape area of projects proposing exclusively commercial uses shall be designed without the use of turf and with one hundred percent water wise plants. Notwithstanding that requirement, projects may use turf where a specific turf type is proposed for any required bio-swale or bio-filter systems, or areas adjacent to pedestrian traffic where walking travel or crossings are expected. These walking areas would include corner lot locations or linear areas located along pedestrian routes.

2. Turf may be used in parkways where vehicle parking is permitted adjacent to the parkway curb. Where parking is not permitted adjacent to the parkway curb, the parkway shall be designed using one hundred percent water wise plants.

3. The landscape area of single-family residential, multifamily residential, mixed use, and institutional use projects shall be designed with no more than forty percent of the landscaped area in turf or plants that are not water wise plants. Approved turf parkways shall not be counted toward the forty percent turf limitation.

4. Turf is not permitted in medians or parking lot landscape finger planters.

5. Turf shall not be used on slopes of twenty percent (five to one) or greater within the landscape area.

6. Additional turf areas may be approved by the city for areas designed and used for outdoor sporting and recreational activities, or for an approved functional use. Approved turf areas may be watered at 1.0 of the reference evapotranspiration (ETo).

C. Mulch. The landscape area, except those portions of the landscape area planted

in turf, shall be covered with mulch material to an average thickness of at least three inches throughout. In areas with groundcovers planted from flats, mulch shall be installed to an average thickness of one and one-half inches. Additional mulch material shall be added from time to time as necessary in order to maintain the required depth of mulch.

D. Irrigation. All new or altered irrigation systems proposed as part of a new development shall incorporate the following requirements in their design, installation and maintenance:

1. Irrigation systems shall be designed and installed to avoid overspray and runoff into public streets. Valves shall be separated for individual hydrozones based on plant water needs and sun or shade requirements.

2. Water budget calculations shall be shown on irrigation plans.

3. An automatic irrigation system is required and shall include a weather-based irrigation controller, including a rain shutoff sensor.

4. Areas less than eight feet wide shall be irrigated with appropriately selected equipment that provides the proper amount of water coverage without causing overspray onto adjacent surfaces.

5. All sprinklers shall have matched precipitation rates within each valve and circuit. All irrigation systems shall be designed to include optimum distribution uniformity, head to head spacing, and setbacks from walkways and pavement.

6. All irrigation systems shall provide check valves at the low end of irrigation lines to prevent unwanted draining of irrigation lines.

7. Pressure regulators may be required on the irrigation system as determined by the director. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.050 Exceptions.

Exceptions to these water-efficient landscape standards may be granted by the director upon a finding, based on substantial evidence, that the exceptions will promote equivalent or greater water conservation than is provided for in these standards. Requests for exceptions shall be in writing and shall be submitted to the director at the time the application is submitted to the city for review. Requests for exceptions must be accompanied by documentary evidence supporting the finding of equivalent or greater water conservation. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.060 Submittals.

A. Applicants shall provide all relevant information on the landscape plan including botanical names for plants and turf species; container sizes; percentage calculations of allowable areas of turf; low, medium or high water use plants and water wise plants; water budget calculations; monthly irrigation schedule; and specific requests for any exceptions to the requirements of this chapter. Areas of existing landscaping to remain unaltered shall be indicated on the landscape plan.

B. The landscape plan shall be prepared in accordance with the provisions of the California Business and Professions Code relating to the practice of landscape architecture (Cal. Bus. & Prof. Code § 5641 et seq.).

C. The landscape plan shall include a statement of compliance in a form approved by the director certifying that the landscape design complies with the mandatory elements of this chapter. The statement of compliance shall be signed by the person who prepared the landscape plan and include the person's license number and/or professional stamp. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.070 Determination of conforming installation.

The person who prepared the landscape plan shall inspect the installation of the landscaping and any irrigation system included in the plan and shall certify in writing to the director that the installation substantially conforms to the approved landscape plan (a "certification of conforming installation") prior to a final landscape inspection or issuance of a permanent certificate of occupancy. The certification of conforming installation shall be signed by the person who prepared the landscape plan and include the person's license number and/or professional stamp. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.080 Compliance verification.

Verification of compliance with this chapter, as applicable, shall be made by the director in accordance with the following requirements:

A. No building permit shall be issued unless the statement of compliance required by PVEMC 18.50.060(C) has been included on the final landscape plan submitted for plan check approval.

B. No building permit shall be given a final landscape inspection or issued a permanent certificate of occupancy until the director receives a certification of conforming installation as required by PVEMC 18.50.070. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

18.50.090 Existing landscapes.

A. The following provisions apply to all existing landscapes referenced in PVEMC 18.50.020:

1. For landscapes served by a single water meter, the city may require any or all of the following: irrigation water use analyses, irrigation surveys, and irrigation audits to evaluate water use and to provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as:

$$MAWA = (0.8) (ETo) (LA) (0.62).$$

All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

2. For landscapes that do not have a meter, the city may require any or all of the following: irrigation surveys and irrigation audits to evaluate water use and to provide recommendations as necessary to prevent water waste. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

B. Existing irrigation systems shall be adjusted and calibrated to prevent overspray and runoff into public streets. (Ord. 700 § 2 (Exh. 1), 2012; Ord. 695 § 3, 2010)

Chapter 18.55
WIRELESS COMMUNICATIONS FACILITIES

Sections:

18.55.010 Purpose.

18.55.020 Definitions.

18.55.030 Standards generally applicable to all wireless communications facilities.

18.55.040 Application content.

18.55.050 Independent consultant review.

18.55.060 Collocation and modification standards.

18.55.070 Exemptions to prevent an effective prohibition.

18.55.080 Compliance report.

18.55.090 Maintenance.

18.55.100 Amortization of nonconforming facilities.

18.55.110 Permit extensions.

18.55.120 Temporary wireless facilities.

18.55.130 Revocation.

18.55.140 Decommissioned or abandoned wireless communications facilities.

18.55.150 Wireless communications facilities removal or relocation.

18.55.160 Fee or tax.

18.55.170 Compliance obligations.

18.55.180 Conflicts with prior ordinances.

18.55.190 Duty to retain records.

18.55.200 Severability.

18.55.210 Wireless communications facilities on public or private property.

18.55.220 Wireless communications facilities in the public rights-of-way.

18.55.230 Rule 6409, eligible wireless communications facilities.

Prior legislation: Ords. 635 and 700.

18.55.010 Purpose.

A. The purpose of this chapter is to reasonably regulate, to the extent permitted under California and federal law, the installations, operations, collocations, modifications, replacements and removals of various wireless communications facilities ("WCFs") in the city recognizing the benefits of wireless communications while reasonably respecting other important city needs, including the protection of public health, safety, and welfare, aesthetics and local values.

B. The overarching intent of this chapter is to make wireless communications reasonably available while protecting scenic views and preserving the rural character and aesthetics of the city. This will be realized by:

1. Minimizing the visual and physical effects of WCFs through appropriate design, siting, screening techniques and location standards;

2. Encouraging the installation of visually unobtrusive WCFs at locations where other such facilities already exist; and

3. Encouraging the installation of such facilities where and in a manner such that potential adverse aesthetic impacts to the community are minimized.

C. To allow the city to better preserve the established rural character, it is the intent to limit the duration of WCF permits, in most cases, to terms of ten years, and to reevaluate existing WCFs at the end of each term for purposes of further minimizing aesthetic impacts on the community.

D. It is not the purpose or intent of this chapter to:

1. Prohibit or to have the effect of prohibiting wireless communications services; or

2. Unreasonably discriminate among providers of functionally equivalent wireless communications services; or

3. Regulate the placement, construction or modification of WCFs on the basis of the environmental effects of radio frequency ("RF") emissions where it is demonstrated that the WCF does or will comply with the applicable FCC regulations; or

4. Prohibit or effectively prohibit collocations or modifications that the city

must approve under state or federal law.

E. The provisions in this chapter shall apply to all permit applications to install, operate or change, including, without limitation, to collocate, modify, replace or remove, any new or existing wireless tower or base station within the city. This chapter does not apply to WCFs owned by or exclusively operated for government agencies, amateur radio stations, satellite dish or other television antennas or other OTARD antennas, or towers, except to the extent that such towers may be used to support WCFs.

F. Nothing in this chapter is intended to allow the city to preempt any state or federal law or regulation applicable to a WCF.

G. The provisions of this chapter are in addition to, and do not replace, any obligations a WCF permit holder may have under any franchises, licenses, or other permits issued by the city.

H. PVEMC 18.55.010 through 18.55.200 are applicable to PVEMC 18.55.210 through 18.55.230. (Ord. 722 § 1, 2017)

18.55.020 Definitions.

For the purpose of this chapter, the following words and phrases shall be defined as follows:

“Antenna” means any system of wires, poles, rods, reflecting discs, dishes, whips, or other similar devices used for the transmission or reception of electromagnetic waves.

“Antenna height” means the distance from the grade of the property at the base of the antenna or, in the case of a roof-mounted antenna, from the grade at the exterior base of the building to the highest point of the antenna and its associated support structure when fully extended.

“Array” means one or more antennas mounted at approximately the same level above ground on tower or base station.

“Base station” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as follows:

> A structure or equipment at a fixed location that enables [FCC]-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in [47 C.F.R. § 1.40001(b)(9)] or any equipment associated with a

tower.

(i) The term includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.

(ii) The term includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).

(iii) The term includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under this section, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of [47 C.F.R. § 1.40001] that has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.

(iv) The term does not include any structure that, at the time the relevant application is filed with the State or local government under this section, does not support or house equipment described in paragraphs (b)(1)(i) – (ii) of [47 C.F.R. § 1.40001].

Note: As an illustration and not a limitation, the FCC's definition refers to any structure that actually supports wireless equipment even though it was not originally intended for that purpose. Examples include, but are not limited to, wireless communications facilities mounted on buildings, utility poles and transmission towers, light standards or traffic signals. A structure without wireless equipment replaced with a new structure designed to bear the additional weight from wireless equipment constitutes a base station.

"Camouflaged" or "concealed WCF" means a wireless communications facility that (1) is integrated as an architectural feature of an existing structure such as (but not limited to) a cupola, or (2) is integrated in an outdoor fixture such as (but not limited to) a flagpole; or (3) uses a design which mimics and is consistent with nearby natural, or architectural features, or is incorporated into or replaces existing permitted facilities (including but not limited to stop signs or other traffic signs or freestanding light standards) so that the presence of the WCF is not readily apparent.

"City-owned structure" without limitation means any pole, building, facility, transportation or traffic sign or other structure owned by the city.

"Collocation" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as "[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes." As an illustration and not a limitation, the FCC's definition effectively means "to add" new equipment to an existing facility and does not necessarily refer to more than one wireless communications facility installed at a single site.

"CPUC" means the California Public Utilities Commission or its successor agency.

"Director" means the city manager or the designee of the city manager.

"Distributed antenna system" or "DAS" means a network of one or more antennas and related fiber optic nodes typically mounted to or located at streetlight poles, utility poles, sporting venues, arenas or convention centers which provide access and signal transfer for wireless service providers. A distributed antenna system also includes the equipment location, sometimes called a "hub" or "hotel" where the DAS network is interconnected with one or more wireless service provider's facilities to provide the signal transfer services.

"Eligible facilities request" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as "[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) [c]ollocation of new transmission equipment; (ii) [r]emoval of transmission equipment; or (iii) [r]eplacement of transmission equipment."

"Eligible facility permit" or "EFP" means a permit for an eligible facilities request that meets the criteria found in PVEMC 18.55.230.

"Eligible support structure" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which defines that term as "[a]ny tower or base station as defined in this section, provided that it is existing at the time the relevant application is filed with the State or local government under this section."

"Existing" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which provides that "[a] constructed tower or base station is existing for purposes of [the FCC's Section 6409(a) regulations] if it has been

reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition."

"Facility" means an installation used to transmit signals over the air from facility to facility or from facility to user equipment for any wireless service and includes, but is not limited to, personal wireless services facilities.

"FCC" means the Federal Communications Commission or its successor agency.

"Mock-up" means a temporary, full-sized, structural model built to scale chiefly for study, testing, or displaying a wireless communications facility. It is nonfunctional and has no power source.

"Monopole" means a single freestanding, nonlattice, tubular tower that is not camouflaged and that is used to act as or support an antenna or antenna arrays.

"Nonresidential zone" means any zoning district other than the R-1, single-family residential zone, or R-M, multifamily residential zone.

"OTARD antenna" means antennas covered by the "over-the-air reception devices" rule in 47 C.F.R. Section 1.4000 et seq., as may be amended.

"Personal wireless service facilities" means facilities for the provision of personal wireless services, as defined in 47 U.S.C. Section 332(c)(7).

"Personal wireless services" means commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services, as defined in 47 U.S.C. Section 332(c)(7).

"Private property" means any property owned by a private individual or entity.

"Public property" means the same as set forth in PVEMC 12.04.010, which defines the term as "property owned in fee by the city or dedicated for public use."

"Public rights-of-way" means the same as set forth in PVEMC 12.04.010, which defines the term as "public easements or public property that are used for streets, alleys or other public purposes." This definition excludes (1) any other public property that is not used primarily for roadways, or (2) other fee-owned public property.

"RF" means radio frequency.

"Screening" means the effect of locating an antenna behind a building, wall,

facade, fence, landscaping, berm, and/or other specially designed device so that view of the antenna from adjoining and nearby public street rights-of-way and private properties is eliminated or minimized.

"Section 6409(a)" means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.

"Section 6409(a) modification" means a collocation or modification of transmission equipment at an existing wireless tower or base station that does not result in a substantial change in the physical dimensions of the existing wireless tower or base station. For the purposes of a Section 6409(a) modification, the term "substantial change" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. Note: The thresholds for a substantial change in 47 C.F.R. Section 1.4000(b)(7) above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur. The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012, the date that Congress passed Section 6409(a).

"Site" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that "[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground."

"Temporary wireless facilities" means portable wireless communications facilities intended or used to provide personal wireless services on a temporary or emergency basis, such as a large-scale special event in which more users than usual gather in a confined location or when a disaster disables permanent wireless facilities. Temporary wireless facilities include, without limitation, cells-on-wheels ("COWs"), sites-on-wheels ("SOWs"), cells-on-light-trucks ("COLTs") or other similarly portable wireless communications facilities not permanently affixed to the land.

"Tower" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9),

as may be amended, which defines that term as "[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site." Examples include, but are not limited to, monopoles, mono-trees and lattice towers.

"Transmission equipment" means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(8), as may be amended, which defines that term as "[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul."

"Unconcealed" means a wireless communications facility that is not a camouflaged facility and has no or effectively no camouflage techniques applied such that the wireless equipment is plainly obvious to the observer.

"Unlicensed wireless service" means the offering of telecommunications services, using duly authorized devices which do not require individual licenses, but does not mean the provision of direct-to-home satellite services, as defined in 47 U.S.C. Section 332(c)(7).

"Utility pole" means any utility pole used by one or more CPUC-regulated utilities.

"Wireless" means any FCC-licensed or authorized wireless communication service transmitted over frequencies in the electromagnetic spectrum.

"Wireless communications facility" or "WCF" means a facility used to provide personal wireless services as defined in 47 U.S.C. Section 332(c)(7)(C); or wireless information services provided to the public or to such classes of users as to be effectively available directly to the public via licensed or unlicensed frequencies; or wireless utility monitoring and control services; or any other FCC licensed or authorized service. A WCF does not include a facility entirely enclosed within a permitted building outside of the rights-of-way where the installation does not require a modification of the exterior of the building; nor does it include a device attached to a building, used for serving that building only and that is otherwise permitted under other provisions of this code. A WCF consists of an antenna or

antennas, including, but not limited to, directional, omni-directional and parabolic antennas, base station, support equipment, and (if applicable) a wireless tower. It does not include the support structure to which the WCF or its components is attached. The term does not include mobile transmitting devices used by wireless service subscribers, such as vehicle or hand held radios/telephones and their associated transmitting antennas, nor does it include other facilities specifically excluded from the coverage of this chapter.

"Wireless facilities provider" means an entity utilized by a wireless service provider to construct and/or operate the wireless service provider's wireless facility.

"Wireless facility permit, administrative" or "AWFP" means any new facility or collocation or modification to an existing facility that is camouflaged in a nonresidential zone and integrated into the facade and design of an existing structure or building. If on an existing utility pole in a nonresidential zone, the facility must be integrated into the pole, well designed, and does not substantially change the appearance of the pole as determined by the director.

"Wireless facility permit, conditional" or "CWFP" means any new facility, collocation, or modification to an existing facility not subject to PVEMC 18.55.230 located in a public rights-of-way or on private property that is unconcealed, located in a less preferred location, unconcealed in a preferred location, or does not meet the criteria for either an administrative wireless facility permit or an eligible facility permit.

"Wireless service provider" means the FCC licensed or authorized entity actually offering wireless services to the public. (Ord. 722 § 1, 2017)

18.55.030 Standards generally applicable to all wireless communications facilities.

A. Height Restrictions.

1. No tower or antenna of any wireless communications facility shall exceed the zone height limit of the zone upon which the wireless communications facility is located.

2. No wireless communications facility located in the public rights-of-way or public property shall exceed seventeen feet in height above ground level, unless otherwise approved pursuant to PVEMC 18.55.070; and except that a WCF on an existing utility pole cannot exceed six feet above the height of the existing pole.

3. The height limitations in subsections (A)(1) and (2) of this section are subject to preemption pursuant to 47 U.S.C. Section 14000.

B. Installation of WCFs. Prior to the installation of a new wireless communications facility or a modification or collocation to an existing wireless communications facility that does not constitute an “eligible facilities request” nor qualify for an eligible facility permit, the owner, or occupant with written permission from the owner of the lot, premises, parcel of land or building on which a wireless communications facility is to be located shall first obtain a conditional wireless facility permit or administrative wireless facility permit from the city pursuant to this chapter.

C. Installation of Eligible Facilities. Unless specifically exempt by federal or state law, all applications for the installation of wireless communications facilities that constitute “eligible facilities requests” within the meaning of 47 U.S.C. Section 1455(a) require the approval of an eligible facility permit as described in PVEMC 18.55.230 prior to construction of such eligible facility.

D. Exempted Facilities. This chapter does not apply to the following:

1. Amateur radio facilities;

2. OTARD antennas;

3. Facilities owned and operated by the city for its use; or

4. Facilities owned and operated by CPUC-regulated electric companies authorized to deliver electrical power in the city for use in connection with electrical power generation, transmission and distribution facilities subject to CPUC General Order 131-D.

E. Encroachment Permit. In addition to the subsections above, installation of a wireless communications facility on public property or public rights-of-way requires an encroachment permit.

F. Required Permits. All proposed facilities and collocations or modifications to facilities governed under this chapter shall be subject to either a conditional wireless facility permit or an administrative wireless facility permit from the city, unless exempted from this chapter as an eligible facility permit under PVEMC 18.55.230.

1. Conditional Wireless Facility Permit.

a. A conditional wireless facility permit is required for any new facility,

collocation, or modification to an existing facility located in a public rights-of-way, public property or on private property as follows:

(1) All facilities in less preferred locations, as defined in PVEMC 18.55.210(C)(1)(b) and 18.55.220(E)(2);

(2) All unconcealed facilities in preferred locations, as defined in PVEMC 18.55.210(C)(1)(a) and 18.55.220(E)(2); and

(3) All other facilities that do not meet the criteria for either an administrative wireless facility permit described herein or an eligible facility permit described in PVEMC 18.55.230.

b. Approval of a conditional wireless facility permit for a wireless communications facility shall be subject to the following:

(1) All standards and regulations contained in PVEMC 18.55.210 and 18.55.220, and any amendments or modifications to the facility as approved by resolution of the planning commission at a noticed public hearing;

(2) No wireless communications facility proposed within two hundred feet from any dwelling used or approved for a residential use may be approved unless the proposed facility meets all of the following criteria:

(a) The proposed wireless communications facility is located on public property or public rights-of-way;

(b) All nonantenna equipment associated with the proposed wireless communications facility is placed underground, unless otherwise approved by the planning commission;

(c) No individual antenna on the proposed wireless communications facility exceeds three cubic feet in volume, unless the planning commission otherwise approves camouflage techniques that would justify an alternative size;

(d) The cumulative antenna volume on any single pole does not exceed nine cubic feet, unless the planning commission otherwise approves camouflage techniques that would justify an alternative size;

(e) The proposed wireless communications facility is located a

minimum of two hundred feet from any other wireless communications facility located along the same side of the street, unless otherwise approved pursuant to PVEMC 18.55.070; and

(f) The proposed wireless communications facility is located a minimum of two hundred feet from any intersection along any street, unless the city in its proprietary capacity has granted a license or other access agreement for a wireless communications facility to use a city-owned, nondecorative traffic or safety sign pole at such an intersection, in which case no more than one city-owned, nondecorative traffic signal pole at any such intersection shall be permitted to be used to accommodate wireless communications facilities, unless otherwise approved pursuant to PVEMC 18.55.070.

c. A wireless communications facility application must include all of the contents described in PVEMC 18.55.040.

d. All decisions for a wireless communications facility must be in writing and contain the reasons for approval or denial.

e. All approved or deemed-approved wireless communications facilities shall be subject to all the conditions imposed by the planning commission.

f. Noticing requirements and appeal provisions shall follow the procedures described in PVEMC 17.04.100.

2. Administrative Wireless Facility Permit.

a. An administrative wireless facility permit is required for any new facility or collocation or modification to an existing facility as follows:

(1) All camouflaged facilities in a nonresidential zone that are integrated into the facade and design of an existing building;

(2) All camouflaged facilities on an existing structure, other than a utility pole, in a nonresidential zone;

(3) Any camouflaged facility on a utility pole in a nonresidential zone, excluding public rights-of-way, that is integrated into the pole, well designed, and does not substantially change the appearance of the pole as determined by the director; or

(4) Wireless telecommunication equipment that is incidental to and

part of the provision of a public utility, including electrical power, gas, and sewerage, in accordance with a franchise agreement with the city.

b. Approval of an administrative wireless facility permit shall be subject to the following:

(1) All standards and regulations described in PVEMC 18.55.040 and 18.55.210, and any amendments or modifications to the facility as approved by the director.

(2) No camouflaged wireless communications facility proposed within two hundred feet from any dwelling used or approved for a residential use may be permitted unless the proposed facility meets all of the following criteria:

(a) All nonantenna equipment associated with the proposed wireless communications facility is placed underground or concealed into the facade or design of a building;

(b) No individual antenna on the proposed wireless communications facility exceeds three cubic feet in volume;

(c) The cumulative antenna volume on any single pole does not exceed nine cubic feet; and

(d) For facilities not concealed within a building, the proposed wireless communications facility must be located a minimum of two hundred feet from any other wireless communications facility located along the same side of a street, unless the existing facility is concealed into the facade or design of a building, and a minimum of two hundred feet from any street intersection.

c. All approved or deemed-approved wireless communications facilities shall be subject to all the conditions imposed by the director.

d. All decisions for an administrative wireless facility permit must be in writing and contain the reasons for approval or denial. Each decision of the director to approve or deny an administrative wireless facility permit shall be reported to the city council and the planning commission according to procedures established by the director. Notice of the decision shall be mailed to the applicant and all owners of real property abutting, across the street or alley from, or having a common corner with the subject site.

e. An interested party may appeal a decision of the director under this section to the planning commission by filing a written appeal with the director within fifteen days after such decision and paying the established appeal fee. The planning commission shall approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law. The planning commission determination shall be final unless appealed to the city council. (Ord. 722 § 1, 2017)

18.55.040 Application content.

A. The director shall develop and publish and from time to time modify and republish an application or applications to be used to apply for permits or extensions thereof.

B. At a minimum, the director shall include in every application the following information:

1. Legal Description. A legal description of the property where the wireless communications facility is to be installed.

2. Radius Map and Certified List. A radius map and a certified list of the names and addresses of all property owners within three hundred feet of the exterior boundaries of the property involved, as shown on the latest assessment roll of the county assessor. For wireless communications facilities in the public rights-of-way, the three hundred feet shall be measured from any portion of a base station, including antennas, cables, and equipment. The radius map and certified list may be reduced for AWFP and EFP applications at the discretion of the director.

3. Plot Plan. A plot plan of the lot, premises or parcel of land showing the exact location of the proposed wireless communications facility (including all related equipment and cables), exact location and dimensions of all buildings, parking lots, walkways, trash enclosures, and property lines.

4. Elevations and Roof Plan. Building elevations and roof plan (for building- and/or rooftop-mounted facilities) indicating exact location and dimensions of equipment proposed. For freestanding facilities, indicate surrounding grades, structures, and landscaping from all sides.

5. Screening. Proposed landscaping and/or nonvegetative screening (including required safety fencing) plan for all aspects of the facility.

6. Manufacturer’s Specification. Manufacturer’s specifications, including

installation specifications, exact location of cables, wiring, materials, color, and any support devices that may be required.

7. Good-Faith Letter. Written documentation demonstrating a good faith effort to locate the proposed facility in the least intrusive location and screened to the greatest extent feasible in accordance with the site selection and visual impact criteria of PVEMC 18.55.210 and 18.55.220.

8. Reasonable Efforts to Collocate Required. Applicants proposing new wireless communications facilities must demonstrate that reasonable efforts have been made to locate on existing facilities. The applicant must provide written documentation of all efforts to collocate the proposed facility on an existing facility, or antenna mounting structure, including copies of letters or other correspondence sent to other carriers or tower owners requesting such location and any responses received. This should include all relevant information as applicable regarding existing towers or base stations in the area, topography, signal interference, signal propagation and available land zoning restrictions.

9. Photographs and Photo Simulations. Photographs and photo simulations that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle.

10. Master Plan. A master plan which identifies the location of the proposed facility in relation to all existing and potential facilities maintained by the wireless service provider intended to serve the city. The master plan shall reflect all potential locations that are reasonably anticipated for construction within two years of submittal of the application. Applicants may not file, and the city shall not accept, applications that are not consistent with the master plan for a period of two years from approval of a conditional wireless facility permit or administrative wireless facility permit unless: (a) the applicant demonstrates materially changed conditions which could not have been reasonably anticipated to justify the need for a wireless communications facility site not shown on a master plan submitted to the city within the prior two years, or (b) the applicant establishes before the planning commission that a new wireless communications facility is necessary to close a significant gap in the applicant's service area, and the proposed new installation is the least intrusive means to do so.

A significant gap is deemed by the courts to be fact specific, and defies any bright line legal rule. Where an applicant claims a significant gap, it bears the

burden to provide technically sufficient information as part of its application disclosing the nature and location of such gap, the base or basis of the claim, and the further burden to disclose all of the elements and/or factors that contributed to the applicant's assertion thereof. The presumption shall be that no significant gap exists absent the showings required herein. Where the applicant is a wireless facilities provider that is not a wireless service provider for the services to be provided from the site under consideration and a significant gap is asserted, the information required shall be provided only by the wireless service provider, shall be provided under penalty of perjury, and shall be signed by an authorized employee of the wireless service provider. The director shall incorporate these requirements in each wireless application.

11. Alternative Analysis. A siting analysis which identifies a minimum of five other feasible locations within or outside the city which could serve the area intended to be served by the facility, unless the applicant provides compelling technical reasons for providing fewer than the minimum. The alternative site analysis should include at least one collocation site, if feasible.

12. Noise Study. A noise study prepared and certified by an acoustical engineer licensed by the state of California for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the city's noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property lines. In lieu of a noise study, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed a one dba increase over ambient noise levels as measured from the property line of any residential property. Within residential zones and properties adjacent to residential zones, soundproofing measures shall be used to reduce noise caused by the operation of a wireless communications facility and all accessory equipment to a level which would have a no-net increase in ambient noise level as measured from the property line of any residential property.

13. Certificate of Public Convenience and Necessity. Certification that applicant is a telephone corporation or a statement providing the basis for its claimed right to enter the public rights-of-way. If the applicant has a certificate of public convenience and necessity (CPCN) issued by the California Public Utilities Commission, it shall provide a true and complete copy of its

CPCN.

14. Mock-Up. A mock-up including all proposed antenna structures, antennas, cables, hardware and related accessory equipment shall be constructed prior to notice being given to the public and at least fifteen calendar days prior to a public hearing, in order for the planning commission or the director to assess aesthetic impacts to surrounding land uses and public rights-of-way. This requirement may be waived by the director.

Installation of a mock-up can occur prior to submittal of a formal application; provided, that the public works director has reviewed the plans for the mock-up and grants approval of an encroachment permit or other valid permit. Prior to installation of a mock-up, the applicant shall provide notice to all residents and homeowners within three hundred feet of the proposed mock-up at least forty-eight hours in advance, and shall provide proof of notice to the public works director.

15. RF Exposure Compliance Report. An RF exposure compliance report prepared and certified by an RF engineer licensed by the state of California that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

16. Written Authorization from Property Owner Required. Every applicant applying for authorization to construct, modify, or remove a wireless communications facility located on private or public property must include with its application a written authorization signed by the owner of the property.

17. Other Information. Any other information as deemed necessary by the city in order to consider an application for a wireless communications facility.

18. Fees. The application shall be accompanied by the appropriate fee in an amount as established by resolution of the city council.

19. Community Meeting. In addition to any other action otherwise required by law pertaining to the processing of a conditional wireless facility permit application, the applicant for which such review is being sought shall take all of the following actions:

a. Send written notice to both the owner(s) of real property, as shown on the latest equalized assessment roll, within three hundred feet of the proposed wireless communications facility, and the city planning department, of the pendency of the filing of such an application, including with such notice copies of preliminary drawings of the proposed project at a scale no smaller than one inch equals sixteen feet. No application for neighborhood review will be accepted as complete unless it contains evidence acceptable to the director that such notice has been sent.

b. Hold a community meeting at least four weeks before the date of the planning commission meeting at which the application will be heard, and invite the persons entitled to notice pursuant to subsection (B)(19)(a) of this section to attend such meeting to discuss the proposed application. The community meeting shall be held on a nonholiday weekend or during daylight hours and before nine a.m. or after five p.m. on a weekday. The meeting shall be held at the subject site; provided, however, that if the occupancy of the subject site by a tenant or physical conditions at the subject site make it unsafe or infeasible to provide a table and chairs at the subject site, the meeting may be held at another location within the city. The mock-up of the proposed project shall be erected at the subject site before the meeting. The primary location and all alternative sites shall be presented to the community as well as the reasons for the selection of the primary location. Notice of the date, time and place of such meeting shall be sent at least seven days before the meeting and shall be filed with the planning department.

c. If the hearing on the application is continued by the planning commission, the applicant is encouraged, but not required, to hold a further meeting with the persons entitled to notice pursuant to (a) of this subsection at least one week prior to the continued hearing.

d. If a meeting pursuant to subsection (B)(19)(b) of this section results in any modifications to the project prior to the planning commission hearing on the project, the applicant shall (1) notify the director of the proposed modifications, and (2) explain to the planning commission at the hearing on the matter any discrepancy between the project as proposed in the

notice sent pursuant to subsection (B)(19)(a) of this section and the project as presented to the planning commission.

A community meeting may be required at the discretion of the director for an application for an administrative wireless facility permit or an eligible facility permit.

C. Appeals. No decision on any wireless communications facility application shall be considered final until and unless all appeals have been taken or are time-barred.

D. Effect of State or Federal Law Change. In the event a subsequent state or federal law prohibits the collection of any information described herein, the director is authorized to omit, modify or add to that request from the city's application form. (Ord. 722 § 1, 2017)

18.55.050 Independent consultant review.

A. Authorization. The city council authorizes the director to, in his or her discretion, select and retain an independent consultant with expertise in communications satisfactory to the director in connection with any permit application.

B. Scope. The director may require the independent consultant to review and comment on any issue that involves specialized or expert knowledge in connection with the application. Such issues may include, but are not limited to:

1. Permit application completeness or accuracy;

2. Planned compliance with applicable federal RF exposure standards;

3. Whether and where a significant gap exists or may exist, and whether such a gap relates to service coverage or service capacity;

4. Whether technically feasible and potentially available alternative locations and designs exist;

5. The applicability, reliability and sufficiency of analyses or methodologies used by the applicant to reach conclusions about any issue within this scope; and

6. Any other application issue or element that requires expert or specialized knowledge.

C. Deposit. The applicant must pay for the cost of any review required under subsection B of this section and for the technical consultant's testimony in any

hearing as requested by the director and must provide a reasonable advance deposit of the estimated cost of such review with the city prior to the commencement of any work by the technical consultant. The applicant must provide an additional advance deposit to cover the consultant's testimony and expenses at any meeting where that testimony is requested by the director. Where the advance deposit(s) are insufficient to pay for the cost of such review and/or testimony, the director shall invoice the applicant who shall pay the invoice in full within ten calendar days after receipt of the invoice. No permit shall issue to an applicant where that applicant has not timely paid a required fee, provided any required deposit or paid any invoice as required in the code. (Ord. 722 § 1, 2017)

18.55.060 Collocation and modification standards.

The following additional development and design criteria apply to collocation and modifications to existing wireless communications facilities. The modification or collocation of wireless facilities not subject to the provisions of PVEMC 18.55.230 shall be disapproved if any of the following will occur:

A. The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site;

B. The proposed collocation or modification would diminish the existing concealment elements of the support structure as determined by the director;

C. The proposed collocation or modification violates any section of the PVEMC, or any prior condition of approval for the site;

D. If the site is not presently camouflaged, the proposed collocation or modification does not provide for camouflage. (Ord. 722 § 1, 2017)

18.55.070 Exemptions to prevent an effective prohibition.

All requests granted under this chapter are subject to review and consideration by the planning commission. The applicant always bears the burden to demonstrate why an exemption should be granted. An applicant seeking an exemption under this section on the basis that a permit denial would actually or effectively prohibit the provision of the telecommunications service to be provided by the wireless communications facility must demonstrate by clear and convincing evidence all of the following:

A. A significant gap in the applicant's service coverage exists; and

B. All alternative designs and locations are either technically infeasible or not available. (Ord. 722 § 1, 2017)

18.55.080 Compliance report.

A. Within thirty days after installation or modification of a WCF, the applicant shall deliver to the director a written report that demonstrates that its WCF as constructed and normally operating fully complies with the conditions of the permit, including height restrictions, and applicable safety codes, including structural engineering codes. The demonstration shall be provided in writing to the director containing all technical details to demonstrate such compliance, and certified as true and accurate by qualified professional engineers, or, in the case of height or size restrictions, by qualified surveyors. This report shall be prepared by the applicant and reviewed by the city at the sole expense of the applicant, which shall promptly reimburse the city for its review expenses. The director may require additional proofs of compliance as part of the application process and on an ongoing basis to the extent the city may do so consistent with federal law.

B. If the initial report required by this section shows that the WCF does not so comply, the permit shall be deemed suspended, and all rights thereunder of no force and effect, until the applicant demonstrates to the city's satisfaction that the WCF is compliant. Applicant shall promptly reimburse the city for its compliance review expenses.

C. If the initial report required by this section is not submitted within the time required, the city may, but is not required to, undertake such investigations as are necessary to prepare the report described in subsection A of this section. Applicant shall within five days after receiving written notice from the city that the city is undertaking the review, deposit such additional funds with the city to cover the estimated cost of the city obtaining the report. Once said report is obtained by the city, the city shall then timely refund any unexpended portion of the applicant's deposit. The report shall be provided to the applicant. If the report shows that the applicant is noncompliant, the city may suspend the permit until the applicant demonstrates to the city's satisfaction that the WCF is compliant. During the suspension period, the applicant shall be allowed to activate the WCF for short periods, not to exceed one hundred twenty minutes during any twenty-four-hour period, for the purpose of testing and adjusting the site to come into compliance.

D. If the WCF is not brought into compliance promptly, the city may revoke the permit and require removal of the WCF. (Ord. 722 § 1, 2017)

18.55.090 Maintenance.

The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be maintained in a neat and clean manner

and in accordance with all approved plans and conditions of approval. (Ord. 722 § 1, 2017)

18.55.100 Amortization of nonconforming facilities.

A. Any nonconforming facilities in existence at the time this chapter becomes effective must be brought into conformance with this chapter in accordance with the amortization schedule in this section. As used in this section, the "fair market value" will be the construction costs listed on the building permit application for the subject facility and the "minimum years" allowed will be measured from the date on which this chapter becomes effective.

Fair Market Value on Effective Date	Minimum Years Allowed
Less than $50,000	5
$50,000 to $500,000	10
Greater than $500,000	15

B. The director may grant a written extension to a date certain not greater than one year when the facility owner shows (1) a good faith effort to cure nonconformance, and (2) extreme economic hardship would result from strict compliance with the amortization schedule. Any extension must be the minimum time period necessary to avoid such extreme economic hardship. The director must not grant any permanent exemption from this section.

C. Nothing in this section is intended to limit any permit term to less than ten years. In the event that the amortization required in this section would reduce the permit term to less than ten years for any permit granted on or after July 21, 2017, then the minimum years allowed will be automatically extended by the difference between ten years and the number of years since the city granted such permit. Nothing in this section is intended or may be applied to prohibit any collocation or modification covered under 47 U.S.C. Section 1455(a) pursuant to PVEMC 18.55.230 on the basis that the subject wireless communications facility is a legal nonconforming facility. (Ord. 722 § 1, 2017)

18.55.110 Permit extensions.

An existing wireless communications permit that is subject to term expiration may be extended for a maximum of two additional five-year terms upon the following conditions:

A. Every application for a five-year extension shall be:

1. Made on the extension application form provided by the city; and

2. Accompanied by a fee in an amount as established by resolution of the city council.

B. The extension application shall be developed and revised from time to time at the director's discretion. The extension application shall at a minimum require the following:

1. The identification of the wireless site requested to be extended; and

2. A true and complete copy of all city-issued permits for the site including any collocations at the site.

C. The extension application shall be approved by the director only upon the following mandatory showings:

1. That the site as it exists at the time the extension application is tendered is in all respect compliant with all applicable city permits for the site, including collocations; and

2. If the site as it exists at the time the extension application is tendered would be approvable consistent with the city's code in existence at that time. (Ord. 722 § 1, 2017)

18.55.120 Temporary wireless facilities.

A. Temporary wireless facilities may be placed and operated within the city without an administrative temporary use permit only when a duly authorized federal, state, county or city official declares an emergency within the city, or a region that includes the city in whole or in part at the location of the temporary wireless facility.

B. By placing a temporary wireless facility pursuant to this section the entity or person placing the temporary wireless facility agrees to and shall defend, indemnify and hold harmless the city, its agents, officers, officials, employees and volunteers from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs and other actions or proceedings ("claims") brought against the city or its agents, officers, officials, employees or volunteers for any and all claims of any nature related to the installation, use, nonuse, occupancy, removal, and disposal of the temporary wireless facility.

C. The temporary wireless facility shall prominently display upon it a legible notice identifying the entity responsible for the placement and operation of the

temporary wireless facility.

D. Any temporary wireless facilities placed pursuant to this section must be removed within the earlier of (1) five days after the date the emergency is lifted or (2) upon three days' written notice from the director or city manager, or (3) within one hour if required for public safety reasons by city police or fire officials. In the event that the temporary wireless facility is not removed as required in this section, the city may at its sole election remove and store or remove and dispose of the temporary wireless facility at the sole cost and risk of the person or entity placing the temporary wireless facility.

E. Any person or entity that places temporary wireless facilities pursuant to this section must send the director or city manager an email notice or deliver a written notice by hand within thirty minutes of the placement followed by a written notice dispatched within twelve hours to the director or city manager via prepaid U.S. mail first overnight delivery, such as U.S. Postal Express Mail or its equivalent, that identifies the site location of the temporary wireless facility and person responsible for its operation. (Ord. 722 § 1, 2017)

18.55.130 Revocation.

A. Grounds for Revocation. A permit granted under this chapter may be revoked for noncompliance with any enforceable permit, permit condition or law provision applicable to the facility.

B. Revocation Procedures.

1. When the director finds reason to believe that grounds for permit revocation exist, the director shall send written notice by certified U.S. mail, return receipt requested, to the permittee at the permittee's last known address that states the nature of the noncompliance as grounds for permit revocation. The permittee shall have a reasonable time from the date of the notice, but no more than thirty days unless authorized by the director, to cure the noncompliance or show that no noncompliance ever occurred.

2. If after notice and opportunity to show that no noncompliance ever occurred or to cure the noncompliance, the permittee fails to cure the noncompliance, the city council shall conduct a noticed public hearing to determine whether to revoke the permit for the uncured noncompliance. The permittee shall be afforded an opportunity to be heard and may speak and submit written materials to the city council. After the noticed public hearing, the city council may revoke or suspend the permit when it finds that the permittee had notice of the noncompliance and an enforceable permit, permit condition or law

applicable to the facility. Written notice of the city council's determination and the reasons therefor shall be dispatched by certified U.S. mail, return receipt requested, to the permittee's last known address. Upon revocation, the city council may take any legally permissible action or combination of actions necessary to protect public health, safety and welfare. (Ord. 722 § 1, 2017)

18.55.140 Decommissioned or abandoned wireless communications facilities.
A. Decommissioned Wireless Facilities. Any permittee that intends to decommission a wireless communications facility must send thirty days' prior written notice by United States certified mail to the director. The permit will automatically expire thirty days after the director receives such notice of intent to decommission, unless the permittee rescinds its notice within the thirty-day period.

B. Procedures for Abandoned Facilities or Facilities Not Kept in Operation.

1. To promote the public health, safety and welfare, the director may declare a facility abandoned when:

a. The permittee notifies the director that it abandoned the use of a facility for a continuous period of ninety days; or

b. The permittee fails to respond within thirty days to a written notice sent by certified U.S. mail, return receipt requested, from the director that states the basis for the director's belief that the facility has been abandoned for a continuous period of ninety days; or

c. The permit expires and the permittee has failed to file a timely application for renewal.

2. After the director declares a facility abandoned, the permittee shall have ninety days from the date of the declaration (or longer time as the director may approve in writing as reasonably necessary) to:

a. Reactivate the use of the abandoned facility subject to the provisions of this chapter and all conditions of approval;

b. Transfer its rights to use the facility, subject to the provisions of this chapter and all conditions of approval, to another person or entity that immediately commences use of the abandoned facility; or

c. Remove the facility and all improvements installed solely in connection

with the facility, and restore the site to a condition compliant with all applicable codes consistent with the then-existing surrounding area.

3. If the permittee fails to act as required in subsection (B)(2) of this section within the prescribed time period, the city council may deem the facility abandoned and revoke the underlying permit(s) at a noticed public meeting in the same manner as provided in subsection (B)(2) of this section. Further, the city council may take any legally permissible action or combination of actions reasonably necessary to protect the public health, safety and welfare from the abandoned wireless communications facility. (Ord. 722 § 1, 2017)

18.55.150 Wireless communications facilities removal or relocation.

A. Removal by Permittee. The permittee or property owner must completely remove the wireless communications facility and all related improvements, without cost or expense to the city, within ninety days after:

1. The permit expires; or

2. The city council properly revokes a permit pursuant to PVEMC 18.55.130(B); or

3. The permittee decommissions the wireless communications facility; or

4. The city council properly deems the wireless communications facility abandoned pursuant to 18.55.140(B); or

5. In addition and within the ninety-day period, the permittee or property owner must restore the former wireless communications facility site area to a condition compliant with all applicable codes and consistent with the then-existing surrounding area.

B. Removal by City. The city may, but is not obligated to, remove an abandoned wireless communications facility, restore the site to a condition compliant with all applicable codes and consistent with the then-existing surrounding area, and repair any and all damages that occurred in connection with such removal and restoration work. The city may, but shall not be obligated to, store the removed wireless communications facility or any part thereof, and may use, sell or otherwise dispose of it in any manner the city deems appropriate in its sole discretion. The last-known permittee or its successor-in-interest and, if on private property, the real property owner shall be jointly liable for all costs incurred by the city in connection with its removal, restoration, repair and storage, and shall promptly reimburse the city upon receipt of a written demand, including any interest on the balance owing at the maximum lawful rate. The city may, but shall

not be obligated to, use any financial security required in connection with the granting of the facility permit to recover its costs and interest. A lien may be placed on all abandoned personal property and the real property on which the abandoned wireless communications facility is located for all costs incurred in connection with any removal, repair, restoration and storage performed by the city. The city clerk shall cause such a lien to be recorded with the county of Los Angeles clerk-recorder's office.

C. Relocation Procedures for Facilities in the Rights-of-Way. After reasonable written notice to the permittee, the director may require a permittee, at the permittee's sole expense and in accordance with the standards in this chapter applicable to such wireless communications facility, to relocate or reconfigure a wireless communications facility in the public rights-of-way as the director deems necessary to maintain or reconfigure the rights-of-way for other public projects or take any actions necessary to protect public health, safety and welfare. The provisions in this section are intended to include circumstances in which a wireless communications facility is installed on a pole scheduled for undergrounding. (Ord. 722 § 1, 2017)

18.55.160 Fee or tax.

The city council may, by resolution, impose any fee or tax permitted by law for the placement of a wireless communications facility. Such fee or tax shall be in addition to any fee imposed by the city council for an application for a conditional wireless facility permit or administrative wireless facility permit. (Ord. 722 § 1, 2017)

18.55.170 Compliance obligations.

An applicant or permittee will not be relieved of its obligation to comply with every applicable provision in the code, this chapter, any permit, any permit condition or any applicable law or regulation by reason of any failure by the city to timely notice, prompt or enforce compliance by the applicant or permittee. (Ord. 722 § 1, 2017)

18.55.180 Conflicts with prior ordinances.

If the provisions in this chapter conflict in whole or in part with any other city regulation or ordinance adopted prior to the effective date of this chapter, the provisions in this chapter will control. (Ord. 722 § 1, 2017)

18.55.190 Duty to retain records.

The permittee must maintain complete and accurate copies of all permits and other regulatory approvals (collectively, the "records") issued in connection with the wireless facility, which includes without limitation this approval, the approved

plans and photo simulations incorporated into this approval, all conditions associated with this approval and any ministerial permits or approvals issued in connection with this approval. In the event that the permittee does not maintain such records as required in this condition or fails to produce true and complete copies of such records within a reasonable time after a written request from the city, any ambiguities or uncertainties that would be resolved through an inspection of the missing records will be construed against the permittee. (Ord. 722 § 1, 2017)

18.55.200 Severability.

In the event that a court of competent jurisdiction holds any section, subsection, paragraph, sentence, clause or phrase in this section unconstitutional, preempted, or otherwise invalid, the invalid portion shall be severed from this section and shall not affect the validity of the remaining portions of this section. The city hereby declares that it would have adopted each section, subsection, paragraph, sentence, clause or phrase in this section irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases in this section might be declared unconstitutional, preempted or otherwise invalid. (Ord. 722 § 1, 2017)

18.55.210 Wireless communications facilities on public or private property.

A. Purpose. The following procedures and design standards shall be required for the installation of wireless communications facilities within public or private property. These criteria are intended to guide and facilitate applicants in locating and designing facilities and supporting equipment in a manner that will be compatible with the purpose, intent, and goals of this section. It is the intent of the city to use its time, place, and manner authority to protect and preserve the aesthetics of the city.

B. Permit Required.

1. Installation of wireless communications facilities located on public or private property will be subject to this chapter.

2. Applicants shall apply for a conditional wireless facility permit or administrative wireless facility permit for any wireless communications facility that it seeks to place on public or private property.

C. Design Standards. The following general design guidelines shall be considered for regulating the location, design, and aesthetics for a wireless communications facility:

1. Site Selection Criteria.

a. Preferred Locations. When doing so would not conflict with one of the standards set forth in this subsection or with federal law, wireless communications facilities shall be located in the most preferred location as described in this subsection, which range from the most preferred to the least preferred locations on public or private property.

(1) Location on a new or existing building in a nonresidential zone.

(2) Location on an existing city-owned structure in a nonresidential zone.

(3) Location on a new camouflaged structure in a nonresidential zone.

(4) Located more than two hundred feet of a residential building, excluding out-buildings, unless camouflaged in or on a nonresidential building (e.g., churches, temples, etc.).

b. Less Preferred Locations. To the extent feasible, facilities shall not be located in the following areas:

(1) Environmentally sensitive areas;

(2) On the top of a ridgeline when prominently visible from public viewpoints;

(3) On the top of a bluff, slope or hill along or adjacent to a roadway where views of the ocean would be significantly obstructed; or

(4) On a structure, site or in a district designated as a local, state or federal historical landmark, or having significant local historical value as determined by the city council.

c. No new facility may be placed in a less preferred location unless the applicant demonstrates to the reasonable satisfaction of the planning commission that no more preferred location can feasibly serve the area the facility is intended to serve; provided, however, that the planning commission may authorize a facility to be established in a less preferred location if doing so is necessary to prevent substantial aesthetic impacts.

d. All facilities (including all related accessory cabinet(s)) shall meet the setback requirements of the underlying zone. In no case shall any portion of a facility be located in a defined front yard or side yard.

e. In no case shall any part of a facility alter vehicular circulation within a site or impede access to and from a site. In no case shall a facility alter off-street parking spaces (such that the required number of parking spaces for a use is decreased) or interfere with the normal operation of the existing use of the site.

f. All wireless communications facilities shall utilize unmetered commercial power service, or commercial power metering in the enclosure required by the utility, or remote power metering in flush-to-grade vaults. If a commercial power meter is installed and the wireless communications facility can be converted to unmetered or wireless power metering, the permittee shall apply for a permit modification to perform the conversion.

g. Any freestanding ground-mounted wireless communications facility, including any related accessory cabinet(s) and structure(s), shall apply towards the allowable lot coverage for structures/buildings of the underlying zone.

h. The antenna height of any wireless communications facility shall not exceed the height limit of the underlying zone or the maximum permissible height of property upon which the WCF is located.

D. General Standards.

1. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless communications facility shall be valid for a period of ten years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten years from the date of issuance, such permit shall automatically expire.

2. Wireless communications facilities shall not bear any signs or advertising devices other than certification, warning, or other required seals or required signage.

3. No permittee shall unreasonably restrict access to an existing antenna location if required to collocate by the city, and if feasible to do so.

4. All antennas shall be designed to prevent unauthorized climbing.

E. Visual Impacts.

1. Facilities shall be designed to be as visually unobtrusive as possible. Colors

and designs must be integrated and compatible with existing on-site and surrounding buildings and/or uses in the area. Facilities shall be sited to avoid or minimize obstruction of views from adjacent properties.

2. Facilities shall not be of a bright, shiny or glare-reflective finish. The facility shall be finished in a color to neutralize it and blend it with, rather than contrast it from, the sky and site improvements immediately surrounding; provided, that, wherever feasible, a light color shall be used to meet this requirement.

3. If feasible, the base station and all wires and cables necessary for the operation of a facility shall be placed underground so that the antenna is the only portion of the facility that is above ground. If the base station is located within or on the roof of a building, it may be placed in any location not visible from surrounding areas outside the building, with any wires and cables attached to the base station screened from public view. The applicant shall demonstrate to the satisfaction of the planning commission or director that it is not technically feasible to locate the base station below ground.

4. Innovative design to minimize visual impact must be used whenever the screening potential of the site is low. For example, the visual impact of a site may be mitigated by using existing light standards and telephone poles as mounting structures, or by constructing screening structures which are compatible with surrounding architecture.

5. Screening of the facility should take into account the existing improvements on or adjacent to the site, including landscaping, walls, fences, berms or other specially designed devices which preclude or minimize the visibility of the facility and the grade of the site as related to surrounding nearby grades of properties and public street rights-of-way.

6. Landscaping or other screening shall be placed so that the antenna and any other aboveground structure is screened from public view. Landscaping or other screening required by this section shall be maintained by the permittee and replaced as necessary as determined by the director. All existing landscaping that has been disturbed by the permittee in the course of placement or maintenance of the wireless facility shall be restored to its original condition as existed prior to placement of the wireless facility by the permittee.

7. Wireless communications facilities shall be located where the existing topography, vegetation, building, or other structures provide the greatest

amount of screening.

8. All building and roof-mounted wireless telecommunications facilities and antennas shall be designed to appear as an integral part of the structure and located to minimize visual impacts.

F. Undergrounding of Equipment. To preserve community aesthetics, all facility equipment, excluding antennas, aboveground vents, and the smallest possible electrical meter boxes, shall, to the greatest extent possible, be required to be located underground, flush to the finished grade, shall be fully enclosed, and not cross property lines. Equipment may include, but is not limited to, the following: meter pedestals, fiber optic nodes, radio remote units or heads, power filters, cables, cabinets, vaults, junction or power boxes, and gas generators. Wherever possible, electrical meter boxes related to wireless communications facilities shall be appropriately screened, not visible to the general public, and located in less prominent areas on public property and private property. Where it can be demonstrated that undergrounding of equipment is infeasible due to conflict with other utilities, the director may approve alternative above-grade equipment mounting when adequately screened from public view. Any approved above-grade equipment must be located so as not to cause any physical or visual obstruction to pedestrian or vehicular traffic, or to interfere with or create hazards to pedestrians or motorists.

G. Soundproofing Measures. Within residential zones, and properties adjacent to residential zones, soundproofing measures shall be used to reduce noise caused by the operation of wireless communications facilities and all accessory equipment to a level which would have no net increase in ambient noise level.

H. Antennas and Other Pole-Mounted Equipment. Antennas and other pole-mounted equipment located above ground shall conform to the following criteria:

1. Facilities installed on existing utility poles, street lights or sign poles shall be appropriately scaled and aesthetically designed such that the new facility is not substantially larger, more obtrusive, or more readily visible than the existing facilities or utility devices affixed to the utility poles in the immediate vicinity of the proposed installation.

2. No more than one antenna array may be attached to a utility pole, street light pole or sign pole unless it is a collocation.

3. If required, an antenna enclosure shall be attached directly to the top of the pole or mounted around the main pole circumference. Antenna enclosures

shall not be mounted perpendicular to the main pole structure and shall not be mounted on cross members or outrigger structures extending from the main pole.

4. Antennas may not exceed six feet above the utility pole tip height, unless additional separation is required by applicable safety codes.

5. Pole-mounted equipment, other than the antenna, is prohibited on sign poles. Equipment shall be located in a ground-mounted cabinet or underground vault.

6. No new poles may be installed except as replacements for existing poles.

7. No new utility pole may be installed in a commercial or open space zone unless the CPUC has authorized the applicant to install such facilities and the applicant demonstrates that no other feasible alternative exists.

8. All facilities may only have subdued colors and nonreflective materials that blend with the surrounding area.

9. Conduits shall not be exposed and must be concealed within the support pole. (Ord. 722 § 1, 2017)

18.55.220 Wireless communications facilities in the public rights-of-way.

A. Purpose. The following procedures and design standards shall be required for the installation of wireless communications facilities within the public rights-of-way. These criteria are intended to guide and facilitate applicants in locating and designing facilities and supporting equipment in a manner that will be compatible with the purpose, intent, and goals of this section. It is the intent of the city to use its time, place, and manner authority to protect and preserve the aesthetics of the city and the health and safety of pedestrians and occupants of vehicles in city rights-of-way.

B. Permit Required. Installation of wireless communications facilities within the public rights-of-way will be permitted subject to payment of applicable permit fees. The director or his designee will review and approve encroachment permit applications from carriers which hold a certificate of public convenience and necessity (CPCN) from the California Public Utilities Commission (CPUC), subject to the criteria contained in this section.

C. Insurance Required. A certificate of general liability insurance and commercial automobile liability insurance in a form and amount acceptable to the city must be submitted prior to issuance of the permit, and maintained for as long as the

facilities exist within the public rights-of-way.

D. Permit Duration. Unless Government Code Section 65964, as may be amended, authorizes the city to issue a permit with a shorter term, a permit for any wireless communications facility shall be valid for a period of ten years, unless pursuant to another provision of this code it lapses sooner or is revoked. At the end of ten years from the date of issuance, such permit shall automatically expire.

E. Design Standards.

1. Location. Facilities may be located in the public rights-of-way when doing so would not conflict with one or more of the standards set forth in this subsection or with federal law.

2. Wireless communications facilities in the public rights-of-way shall be located in the most preferred location as described in this subsection, which range from the most preferred to the least preferred locations.

a. Location on an existing city-owned structure in a nonresidential zone.

b. Located more than two hundred feet of a residential building, excluding accessory buildings.

c. Location on an existing structure, utility pole or street sign pole, except that the facility may be located in a residential zone if it is necessary to prevent substantial aesthetic impacts and is the least intrusive means.

d. Location on a new camouflaged structure in a nonresidential zone.

e. Collocation on an existing eligible support structure, except that the facility may be located in a residential zone if it is necessary to prevent substantial aesthetic impacts and is the least intrusive means.

f. Location on a new structure, except that the facility may be located in a residential zone if it is necessary to prevent substantial aesthetic impacts and is the least intrusive means.

3. Proposed facilities located in the public rights-of-way may be denied if any of the following occurs:

a. Conflicts with existing overhead or underground utilities or structures;

b. Interferes with traffic visibility;

c. Results in vehicular access problems;

d. Results in a safety hazard;

e. Would violate any law or regulation; or

f. Significantly impacts the aesthetics of the area.

4. Undergrounding of Equipment. To preserve the rural nature and the community aesthetics, all portions of a wireless communications facility, excluding antennas and the towers or poles they are mounted to, shall be required to be located underground, flush to the finished grade, fully enclosed, and not cross property lines. Electrical meter boxes related to wireless communications facilities shall be appropriately screened and located in less prominent areas within the public rights-of-way.

5. For facilities adjacent to residential zones, sound reduction measures shall be used to reduce any noise caused by the operation of the wireless communications facility.

F. Antennas and Other Pole-Mounted Equipment. Antennas located above ground on an existing utility pole or on a sign pole shall conform to the following criteria:

1. Wireless communications facilities shall be appropriately scaled and aesthetically designed to be consistent with the surrounding area in which it is installed.

2. No more than one antenna array may be attached to any structure in the public rights-of-way unless for a collocation.

3. If required, an antenna enclosure shall be attached directly to the top of the pole or mounted around the main pole circumference. Antennas shall not be mounted perpendicular to the main pole structure and shall not be mounted on cross members or outrigger structures extending from the main pole unless required by the CPUC.

4. Antennas may not exceed six feet above the utility pole tip height, unless additional separation is required by applicable safety codes.

5. Pole-mounted equipment, other than antennas, are prohibited on sign poles unless otherwise approved by the planning commission. Equipment shall be located within a ground-mounted cabinet or underground vault.

6. No new poles may be installed except as replacements for existing poles.

7. No new utility pole may be installed in a public rights-of-way unless the

CPUC has authorized the applicant to install such facilities and the applicant demonstrates that no other feasible alternative exists.

8. All facilities may only have subdued colors and nonreflective materials that blend with the surrounding area.

9. Conduits shall not be exposed and must be concealed within the support pole. (Ord. 722 § 1, 2017)

18.55.230 Rule 6409, eligible wireless communications facilities.

A. Purpose. The purpose of this section is to adopt reasonable regulations and procedures, consistent with and subject to federal and California state law, for compliance with Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. 112-96, codified in 47 U.S.C. Section 1455(a), and related Federal Communications Commission regulations codified in 47 C.F.R. Section 1.40001 et seq.

1. Section 6409(a) generally requires that state and local governments "may not deny, and shall approve" requests to collocate, remove or replace transmission equipment at an existing tower or base station. FCC regulations interpret the statute and create procedural rules for local review, which generally preempt subjective land-use regulations, limit application content requirements and provide the applicant with a "deemed granted" remedy when the local government fails to approve or deny the request within sixty days after submittal (accounting for any tolling periods). Moreover, whereas Section 704 of the Telecommunications Act of 1996, Pub. L. 104-104, codified in 47 U.S.C. Section 332, applies to only "personal wireless service facilities" (e.g., cellular telephone towers and equipment), Section 6409(a) applies to all "wireless" facilities licensed or authorized by the FCC (e.g., wi-fi, satellite, or microwave backhaul).

2. The city council finds that the partial overlap between wireless deployments covered under Section 6409(a) and other wireless deployments, combined with the different substantive and procedural rules applicable to such deployments, creates a potential for confusion that harms the public interest in both efficient wireless communications facilities deployment and deliberately planned community development in accordance with local values. The city council further finds that a separate permit application and review process specifically designed for compliance with Section 6409(a) contained in a section devoted to Section 6409(a) will best prevent such confusion.

3. Accordingly, the city of Palos Verdes Estates adopts this section to

reasonably regulate requests submitted for approval under Section 6409(a) to collocate, remove or replace transmission equipment at an existing wireless tower or base station, in a manner that complies with federal law and protects and promotes the public health, safety and welfare of the citizens of Palos Verdes Estates.

B. Prohibition of Personal Wireless Service. This section does not intend to, and shall not be interpreted or applied to: (1) prohibit or effectively prohibit personal wireless services; (2) unreasonably discriminate among providers of functionally equivalent personal wireless services; (3) regulate the installation, operation, collocation, modification or removal of wireless communications facilities on the basis of the environmental effects of radio frequency emissions to the extent that such emissions comply with all applicable FCC regulations; (4) prohibit or effectively prohibit any collocation or modification that the city may not deny under California or federal law; or (5) allow the city to preempt any applicable California or federal law.

C. Eligible Facility Permit. Any request to collocate, replace or remove transmission equipment at an existing wireless tower or base station submitted for approval under Section 6409(a) shall require an eligible facility permit subject to the director's approval, conditional approval or denial under the standards and procedures contained in this section. However, the applicant may alternatively elect to seek either a conditional wireless facility permit or an administrative wireless facility permit described elsewhere in this chapter.

D. Other Regulatory Approvals Required. No collocation or modification approved under any eligible facility permit may occur unless the applicant also obtains all other permits or regulatory approvals from other city departments and state or federal agencies. An applicant may obtain an eligible facility permit concurrently with permits or other regulatory approvals from other city departments after first consulting with the director. Furthermore, any eligible facility permit granted under this section shall remain subject to the lawful conditions and/or requirements associated with such other permits or regulatory approvals from other city departments and state or federal agencies.

E. Permit Applications – Submittal and Review Procedures.

1. Permit Application Required. The director may not grant any eligible facility permit unless the applicant has submitted a complete application.

2. Permit Application Content. This section governs minimum requirements for permit application content and procedures for additions and/or modifications

to eligible facility permit applications. The city council directs and authorizes the director to develop and publish application forms, checklists, informational handouts and other related materials that describe required materials and information for a complete application in any publicly stated form. Without further authorization from the city council, the director may from time to time update and alter the permit application forms, checklists, informational handouts and other related materials as the director deems necessary or appropriate to respond to regulatory, technological or other changes. The materials required under this section are minimum requirements for any eligible facility permit application the director may develop.

a. Application Fee Deposit. The applicable permit application fee established by city council resolution. In the event that the city council has not established an application fee specific to an eligible facility permit, the established fee for an administrative wireless facility permit shall be required.

b. Prior Regulatory Approvals. Evidence that the applicant holds all current licenses and registrations from the FCC and any other applicable regulatory bodies where such license(s) or registration(s) are necessary to provide wireless services utilizing the proposed wireless communications facility. For any prior local regulatory approval(s) associated with the wireless communications facility, the applicant must submit copies of all such approvals with any corresponding conditions of approval. Alternatively, a written justification that sets forth reasons why prior regulatory approvals were not required for the wireless communications facility at the time it was constructed or modified.

c. Site Development Plans. A fully dimensioned site plan and elevation drawings prepared and sealed by a California-licensed engineer showing any existing wireless communications facilities with all existing transmission equipment and other improvements, the proposed facility with all proposed transmission equipment and other improvements and the legal boundaries of the leased or owned area surrounding the proposed facility and any associated access or utility easements.

d. Equipment Specifications. Specifications that show the height, width, depth and weight for all proposed equipment. For example, dimensioned drawings or the manufacturer’s technical specifications would satisfy this requirement.

e. Photographs and Photo Simulations. Photographs and photo simulations

that show the proposed facility in context of the site from reasonable line-of-sight locations from public streets or other adjacent viewpoints, together with a map that shows the photo location of each view angle. At least one photo simulation must clearly show the impact on the concealment elements of the support structure, if any, from the proposed modification.

f. RF Exposure Compliance Report. An RF exposure compliance report prepared and certified by an RF engineer acceptable to the city that certifies that the proposed facility, as well as any collocated facilities, will comply with applicable federal RF exposure standards and exposure limits. The RF report must include the actual frequency and power levels (in watts effective radio power (ERP)) for all existing and proposed antennas at the site and exhibits that show the location and orientation of all transmitting antennas and the boundaries of areas with RF exposures in excess of the uncontrolled/general population limit (as that term is defined by the FCC) and also limit (as that term is defined by the FCC). Each such boundary shall be clearly marked and identified for every transmitting antenna at the project site.

g. Justification Analysis. A written statement that explains in plain factual detail whether and why Section 6409(a) and the related FCC regulations at 47 C.F.R. Section 1.40001 et seq. require approval for the specific project. A complete written narrative analysis will state the applicable standard and all the facts that allow the city to conclude the standard has been met —bare conclusions not factually supported do not constitute a complete written analysis. As part of this written statement the applicant must also include (i) whether and why the support structure qualifies as an existing tower or existing base station; and (ii) whether and why the proposed collocation or modification does not cause a substantial change in height, width, excavation, equipment cabinets, concealment or permit compliance.

h. Noise Study. A noise study prepared and certified by an acoustical engineer licensed by the state of California for the proposed facility and all associated equipment including all environmental control units, sump pumps, temporary backup power generators, and permanent backup power generators demonstrating compliance with the city's noise regulations. The noise study must also include an analysis of the manufacturers' specifications for all noise-emitting equipment and a depiction of the proposed equipment relative to all adjacent property

lines. In lieu of a noise study, the applicant may submit evidence from the equipment manufacturer that the ambient noise emitted from all the proposed equipment will not, both individually and cumulatively, exceed the applicable limits set out in the noise ordinance.

3. Pre-Application Meeting Appointment. Prior to application submittal, applicants must schedule and attend a pre-application meeting with city staff for all eligible facility permit applications. Such pre-application meeting is intended to streamline the application review through discussions including, but not limited to, the appropriate project classification, including whether the project qualifies for an eligible facility permit; any latent issues in connection with the existing tower or base station; potential concealment issues (if applicable); coordination with other city departments responsible for application review; and application completeness issues. Applicants must submit a written request for an appointment in the manner prescribed by the director. City staff shall endeavor to provide applicants with an appointment within five working days after receipt of a written request.

4. Application Submittal Appointment. All applications for an eligible facility permit must be submitted to the city at a pre-scheduled appointment. Applicants may submit up to three WCF site applications per appointment but may schedule successive appointments for additional applications whenever feasible by the director. Applicants must submit a written request for an appointment in the manner prescribed by the director. City staff shall endeavor to provide applicants with an appointment within five working days after receipt of a written request.

5. Application Resubmittal Appointment. All application resubmittals must be tendered to the city at a pre-scheduled appointment. Applicants may resubmit up to three individual WCF site applications per appointment but may schedule successive appointments for additional applications whenever feasible for the city. Applicants must submit a written request for an appointment in the manner prescribed by the director. City staff shall endeavor to provide applicants with an appointment within five working days after receipt of a written request.

6. Applications Deemed Withdrawn. To promote efficient review and timely decisions, an application will be automatically deemed withdrawn when an applicant fails to tender a substantive response within ninety days after the city deems the application incomplete in a written notice to the applicant. The director may in the director’s discretion grant a written extension for up to an

additional thirty days upon a written request for an extension received prior to the ninetieth day. The director may grant further written extensions only for good cause, which includes circumstances outside the applicant's reasonable control.

F. Notice.

1. Manner of Notice. Within fifteen days after an applicant submits an application for an eligible facility permit, written notice of the application shall be sent by first-class United States mail to:

a. Applicant or its duly authorized agent;

b. Property owner or its duly authorized agent;

c. All real property owners within three hundred feet from the subject site as shown on the latest equalized assessment rolls;

d. Any person who has filed a written request with either the city clerk or the city council; and

e. Any city department that will be expected to review the application.

2. Notice Content. The notice required under this section shall include all the following information:

a. A general explanation of the proposed collocation or modification;

b. The following statement: "This notice is for information purposes only; no public hearing will be held for this application. Federal law may require approval for this application. Further, Federal Communications Commission regulations may deem this application granted by the operation of law unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement"; and

c. A general description, in text or by diagram, of the location of the real property that is the subject of the application.

G. Approvals – Denials without Prejudice. Federal regulations dictate the criteria for approval or denial of approval permit application submitted under Section 6409(a). The findings for approval and criteria for denial without prejudice are derived from, and shall be interpreted and applied in a manner consistent with, such federal regulations.

1. Findings for Approval. The director may approve or conditionally approve an

application for an eligible facility permit only when the director finds all of the following:

a. The application involves the collocation, removal or replacement of transmission equipment on an existing wireless tower or base station; and

b. The proposed changes would not cause a substantial change.

2. Criteria for a Denial without Prejudice. The director shall not approve an application for an eligible facility permit when the director finds that the proposed collocation or modification:

a. Violates any legally enforceable standard or permit condition reasonably related to public health and safety; or

b. Involves a structure constructed or modified without all approvals required at the time of the construction or modification; or

c. Involves the replacement of the entire support structure; or

d. Does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

3. All Eligible Facility Permit Denials Are without Prejudice. Any "denial" of an eligible facility permit application shall be limited to only the applicant request for approval pursuant to Section 6409(a) and shall be without prejudice to the applicant. Subject to the application and submittal requirements in this chapter, the applicant may immediately submit a new permit application for either a conditional wireless facility permit, administrative wireless facility permit, or submit a new and revised eligible facility permit.

4. Conditional Approvals. Subject to any applicable limitations in federal or state law, nothing in this section is intended to limit the city's authority to conditionally approve an application for an eligible facility permit to protect and promote the public health, safety and welfare.

H. Standard Conditions of Approval. Any eligible facility permit approved or deemed granted by the operation of federal law shall be automatically subject to the conditions of approval described in this section.

1. Permit Duration Unchanged. The city's grant or grant by operation of law of an eligible facility permit constitutes a federally mandated modification to the underlying permit or approval for the subject tower or base station. The

city's grant or grant by operation of law of an eligible facility permit shall not extend the term of the underlying wireless facility permit or any city-authorized extension thereto.

2. Accelerated Permit Terms Due to Invalidation. In the event that any court of competent jurisdiction invalidates any portion of Section 6409(a) or any FCC rule that interprets Section 6409(a) such that federal law would not mandate approval for any eligible facility permit(s), such permit(s) shall automatically expire one year from the effective date of the judicial order, unless the decision would not authorize accelerated termination of previously approved eligible facility permits. A permittee shall not be required to remove its improvements approved under the invalidated eligible facility permit when it has submitted an application for either a conditional wireless facility permit or an administrative wireless facility permit for those improvements before the one-year period ends. The director may extend the expiration date on the accelerated permit upon a written request from the permittee that shows good cause for an extension.

3. No Waiver of Standing. The city's grant or grant by operation of law of an eligible facility permit does not waive, and shall not be construed to waive, any standing by the city to challenge Section 6409(a), any FCC rules that interpret Section 6409(a) or any eligible facility permit.

4. Compliance with All Applicable Laws. The permittee shall maintain compliance at all times with all federal, state and local laws, statutes, regulations, orders or other rules that carry the force of law ("laws") applicable to the permittee, the subject site, the facility or any use or activities in connection with the use authorized in this permit. The permittee expressly acknowledges and agrees that this obligation is intended to be broadly construed and that no other specific requirements in these conditions are intended to reduce, relieve or otherwise lessen the permittee's obligations to maintain compliance with all laws.

5. Inspections – Emergencies. The city or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permittee. The permittee shall cooperate with all inspections. The city reserves the right to enter or direct its designee to enter the facility and support, repair, disable or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.

6. Contact Information for Responsible Parties. Permittee shall at all times maintain accurate contact information for all parties responsible for the

facility, which shall include a phone number, street mailing address and email address for at least one natural person who is responsible for the facility. All such contact information for responsible parties shall be provided to the director upon permit grant, annually thereafter, and permittee's receipt of the director's written request.

7. Indemnities. The permittee and, if applicable, the nongovernment owner of the private property upon which the tower and/or base station is installed shall defend, indemnify and hold harmless the city, its agents, officers, officials and employees (a) from any and all damages, liabilities, injuries, losses, costs and expenses and from any and all claims, demands, lawsuits, writs of mandamus and other actions or proceedings brought against the city or its agents, officers, officials or employees to challenge, attack, seek to modify, set aside, void or annul the city's approval of the permit, and (b) from any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of or in connection with the activities or performance of the permittee or, if applicable, the private property owner or any of each one's agents, employees, licensees, contractors, subcontractors or independent contractors. The permittee shall be responsible for costs of determining the source of the interference, all costs associated with eliminating the interference, and all costs arising from third party claims against the city attributable to the interference. In the event the city becomes aware of any such actions or claims the city shall promptly notify the permittee and the private property owner and shall reasonably cooperate in the defense. It is expressly agreed that the city shall have the right to approve, which approval shall not be unreasonably withheld, the legal counsel providing the city's defense, and the property owner and/or permittee (as applicable) shall reimburse the city for any costs and expenses directly and necessarily incurred by the city in the course of the defense.

8. Adverse Impacts on Adjacent Properties. Permittee shall undertake all reasonable efforts to avoid undue adverse impacts to adjacent properties and/or uses that may arise from the construction, operation, maintenance, modification and removal of the facility. Radio frequency emissions, to the extent that they comply with all applicable FCC regulations, are not considered to be adverse impacts to adjacent properties.

9. General Maintenance. The site and the facility, including but not limited to all landscaping, fencing and related transmission equipment, must be

maintained in a neat and clean manner and in accordance with all approved plans and conditions of approval.

10. Graffiti Abatement. Permittee shall remove any graffiti on the wireless communications facility at permittee's sole expense subject to the provisions of Chapter 8.49 PVEMC.

I. Notice of Decision – Appeals.

1. An application for an eligible facilities request shall be filed with the director on a form prescribed by the director.

2. Each decision of the director to approve an eligible facilities request shall be reported to the city council and the planning commission according to procedures established by the director. Notice of the decision shall be mailed to the applicant and all owners of real property abutting, across the street or alley from, or having a common corner with the subject site as shown on the latest equalized assessment rolls at the time the application was submitted.

3. An interested party may appeal a decision of the director under this section to the planning commission by filing a written appeal with the director within fifteen days after such decision and paying the established appeal fee. The planning commission shall approve, approve with conditions, or disapprove the application in accordance with applicable criteria and requirements specified by law. The planning commission determination shall be final unless appealed to city council.

4. Fees for an eligible facilities request and for an appeal of a determination thereon shall be levied as provided for by this code and established by resolution of the city council.

5. No decision on any wireless communications facility application shall be considered final until and unless all appeals have been taken or are time-barred. (Ord. 722 § 1, 2017)

Chapter 18.60
NONCOMMERCIAL ANTENNAS

Sections:

18.60.010 Satellite dishes.

18.60.020 Amateur radio antennas.

18.60.010 Satellite dishes.

A. The purposes of this section are as follows:

1. To recognize that satellite dishes create different and more extensive visual impacts than other antennas because of their bulk, diameter, surface area, opaqueness, mobility and eye level installation;

2. To provide standards that address the different and more extensive visual impacts created by satellite dishes in order to:

a. Conserve and preserve the unique views of the city and develop regulations that encourage view preservation,

b. Preserve and protect the unique semirural and open character of the community and overall aesthetic and visual qualities of the city, and

c. Conserve, protect and enhance the natural resources, beauty and open space of the community for the benefit and enjoyment of its residents of the entire region.

B. A satellite dish located in any zoning district which is two feet or less in diameter shall not require approval by the planning director or a building permit. A satellite dish located in any commercial zoning district which is six feet or less in diameter shall not require approval by the planning director or a building permit. This exemption shall not apply to satellite dishes located on a mast which is greater than twelve feet in height. Freestanding masts are measured from existing adjacent grade. Masts located on a building are measured from the point where the mast meets the roof surface.

C. Except for satellite dishes determined to be exempt pursuant to subsection B of this section, approval from the planning director shall be required prior to the placement or installation of any satellite dish. Application for approval shall be made upon an application form provided by the city and shall be accompanied by the following:

1. A plot plan of the lot, premises or parcel of land, showing the exact location

of the proposed satellite dish, and exact location and dimensions of all buildings, parking lots, walkways, trash enclosures, and property lines.

2. A radius map and a certified list of the names and addresses of all property owners within three hundred feet of the exterior boundaries of the property involved, as shown on the latest assessment roll of the county assessor.

3. Building elevations and roof plan (for building- and/or rooftop-mounted facilities) indicating exact location and dimensions of satellite dish. For freestanding satellite dishes, indicate surrounding grades, structures, and landscaping from all sides.

4. A fee, as established by resolution of the city council.

D. Except for antennas determined to be exempt pursuant to subsection B of this section, one master satellite dish shall be allowed in a multiple-family development with two or more dwelling units, upon approval of a conditional use permit pursuant to Chapter 17.20 PVEMC.

E. The planning director shall approve or conditionally approve any application for installation of a satellite dish, if the director finds as follows:

1. The satellite dish is no greater than twelve feet in diameter;

2. The satellite dish is no greater than sixteen feet in height, as measured from the point at which the dish's foundation meets grade to the highest point of the dish;

3. The satellite dish is not located on the roof of a single-family residence or accessory structure, unless:

a. The applicant submits a report from a qualified technician, describing the signal reception capabilities of the proposed satellite dish from alternative locations on the subject property, which demonstrates to the satisfaction of the director that no reasonable alternative location is available that would provide reasonable signal reception on the subject property at a height of sixteen feet or less or not on a roof,

b. The satellite dish does not significantly impair a view from any adjacent property and is substantially screened from view from any adjacent property, including any adjacent public or private street or sidewalk; provided, that such screening does not preclude reasonable reception,

c. The overall height of the satellite dish does not exceed the maximum

ridge line of the roof of the primary structure on the property, and

d. The satellite dish is painted to match the color of the roof it is located on;

4. The satellite dish is substantially screened from view from any adjacent properties and any adjacent public or private street or sidewalk. The method of screening may include landscaping, fences or walls as permitted by Chapter 18.32 PVEMC;

5. The satellite dish is constructed using standard colors and in a manner that blends with its surroundings;

6. The satellite dish is not installed on a slope of thirty-five percent or more;

7. No portion of the satellite dish is located within any required setback. However, the satellite dish may be located in a rear or side setback if the applicant submits a report from a qualified technician, describing signal reception capabilities of the proposed satellite dish from alternative locations on the subject property, which demonstrates to the satisfaction of the director that no reasonable alternative location is available that would provide reasonable signal reception on the subject property. If placement in the rear or side yard is approved, a minimum setback of three feet from the adjacent property line is required. In addition, the satellite dish shall be substantially screened from view from any adjacent properties and any adjacent public or private street or sidewalk. No portion of the satellite dish may be located within any front yard area;

8. Only one satellite dish is permitted per lot;

9. The satellite dish is not used as a sign for any commercial establishment;

10. All wires from satellite dishes shall be placed underground where feasible.

F. Notice of the planning director's decision shall be given to the property owner, all owners of adjacent properties, and any person specifically requesting such notice.

G. Within fifteen days of the notice of the decision, the applicant or any interested person may appeal the planning director's decision to the planning commission. Notice of the appeal hearing shall be given to the property owner, all owners of adjacent properties, and any person specifically requesting such notice at least fifteen days prior to the hearing date. The planning commission shall conduct a

hearing in accordance with PVEMC 17.04.100. The determination of the planning commission shall be final.

H. All satellite dishes shall conform to the requirements of this section. Satellite dishes for which prior approval was granted by the city shall be made to conform to the provisions of this section within five years from the date written notice is mailed to the property owner. Satellite dishes which have been installed without prior approval from the city shall be brought into conformance with the requirements of this section within ninety days of the date written notice is mailed to the property owner. (Ord. 700 § 2 (Exh. 1), 2012)

18.60.020 Amateur radio antennas.

A. This section regulates noncommercial amateur radio antennas that exceed fifteen feet in height and are affixed to real property or are located on vehicles parked on lots.

B. Freestanding antennas are measured from existing adjacent grade. Antennas located on a building or vehicle are measured from the point where the structure meets the roof surface. The height of the antenna assembly includes the antenna support structure and is the maximum to which it is capable of being extended.

C. The erection or replacement of amateur radio antenna assemblies shall be reviewed by the planning director. The director shall deny the permit if the application is incomplete, or the application does not adequately mitigate the proposed antenna's adverse impact on the health, safety or welfare of the community, including, without limitation, adverse aesthetic impacts arising from the antenna design or location. The amateur radio antenna shall be substantially screened from view from any adjacent property, including any adjacent public or private street or sidewalk; provided, that such screening does not preclude reasonable reception. Any antenna approved pursuant to this section cannot be located in any front yard area and shall not be used for commercial purposes. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 18.64
MOBILEHOME PARKS

Sections:

18.64.010 Purpose.

18.64.020 Application.

18.64.030 Design standards.

18.64.040 Subdivisions.

18.64.010 Purpose.

The purpose of this chapter is to provide regulations for the location, design, and improvement of mobilehome parks. The provisions of the Mobilehome Parks Act, Cal. Health & Saf. Code Division 13, Part 2.1, and the applicable regulations adopted pursuant to it by the State Department of Housing and Community Development are adopted as a part of this chapter. (Ord. 700 § 2 (Exh. 1), 2012)

18.64.020 Application.

A conditional use permit application shall be filed pursuant to the requirements of Chapter 17.20 PVEMC. Each conditional use permit application filed pursuant to this section shall comply with the general plan and any applicable specific plans. (Ord. 700 § 2 (Exh. 1), 2012)

18.64.030 Design standards.

A. Mobilehome parks may be developed on a parcel of land at least ten acres in area.

B. The mobilehome park shall be located on a well-drained site, properly graded to provide for adequate runoff. The site shall be free of flood hazard from external sources. The planning director may require dedications and improvements to ensure proper protection of the park in accordance with this section.

C. The planning director may require dedications and improvements on streets and highways abutting the proposed park in accordance with the circulation element of the general plan and established widths of local and collector streets.

D. Each lot shall contain a minimum area of three thousand five hundred square feet with a minimum width of forty feet fronting on a driveway and a minimum depth of seventy feet. The requirements of this subsection shall not apply in the following circumstances:

1. Lots larger than the above minimum sizes may be required where it is

determined that increased lot size will be consistent with the general plan pattern established by mobilehome parks in the vicinity, or is necessary to accommodate mobilehome sizes proposed by the conditional use.

2. Lots on curved driveways or cul-de-sacs, where lot lines are either converging or diverging from the front to the rear of the lot, shall have an average width of at least thirty feet, but in no case may the frontage on a driveway be less than twenty-five feet.

E. Mobilehomes shall be as specified in California Code of Regulations Title 25.

F. Maximum lot coverage shall be as specified in California Code of Regulations Title 25.

G. A landscaped parkway of at least twenty feet in width shall be provided along the entire perimeter of each mobilehome park where the park is adjacent to a public roadway.

H. Roads within mobilehome parks shall be designed to provide reasonable and convenient traffic circulation and shall meet the following standards:

1. No road may be less than thirty-three feet wide if car parking is permitted on one side of the road, and not less than forty-one feet wide if car parking is permitted on both sides.

2. The entire width of the roads within mobilehome parks shall be surfaced with a minimum of two-inch-thick asphalt, concrete, plant mix, or other approved material.

I. Each mobilehome park shall provide on site a minimum of two spaces for each unit, and one guest space for each two units. No required parking spaces may be situated in a tandem fashion.

J. Walkways shall be provided to permit reasonably direct access to all lots, service buildings, and other areas or buildings used by occupants of a mobilehome park. Collector walkways serving utility buildings, playgrounds, and other general areas shall be four feet wide or more, and individual entrance walks to each mobilehome site shall be at least two feet wide. All walkways shall be constructed of asphalt, concrete, or other approved materials which will permit all-weather pedestrian movement.

K. Common storage areas shall be provided for residents of the mobilehome park for the storage of recreational vehicles, trailers, and other licensed or unlicensed

vehicles. This area shall total at least fifty square feet for each residential unit. All storage on a lot shall be in accordance with the provisions of California Code of Regulations Title 25. (Ord. 700 § 2 (Exh. 1), 2012)

18.64.040 Subdivisions.

Subdivision of mobilehome parks shall comply with all applicable design standards established by this chapter and all applicable state and city subdivision requirements. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 18.68
DENSITY BONUSES

Sections:

18.68.010 Purpose.

18.68.020 Definitions.

18.68.030 Density bonuses and other incentives.

18.68.040 Procedure.

18.68.050 Operating agreements.

18.68.060 Findings and conditions.

18.68.010 Purpose.

This chapter is intended to encourage the development of affordable housing projects in compliance with the mandates of state law (Cal. Gov. Code § 65915). State law requires that local governments grant density bonuses of at least twenty percent plus additional incentives to facilitate the economic feasibility of affordable housing projects. Density bonuses and incentives are available to developers who agree to construct at least:

A. Ten percent of the units affordable to lower income households;

B. Five percent of the units affordable to very low income households;

C. Senior citizen housing containing a minimum of thirty-five dwelling units; or

D. Ten percent of the total dwelling units in a common interest development affordable to moderate income households; provided, that all the units in the development are offered for purchase. (Ord. 700 § 2 (Exh. 1), 2012)

18.68.020 Definitions.

A. “Affordable” means housing units offered at an affordable rent or sales price.

B. “Affordable rent” means monthly housing expenses, including a reasonable allowance for utilities, for rental target units reserved for very low or low income households, not exceeding the following calculations:

1. Very low income: fifty percent of the median income for Los Angeles County adjusted for household size, multiplied by thirty percent and divided by twelve;

2. Low income: sixty percent of the area median income for Los Angeles County adjusted for household size, multiplied by thirty percent and divided by twelve.

C. “Affordable sales price” means a sales price for which the income of very low, low, or moderate income households, adjusted for household size, is sufficient to qualify for the purchase of target units, calculated on the basis of underwriting standards of mortgage financing for the development.

D. “Density bonus” means a minimum density increase of at least five percent over the maximum allowable residential density of the zoning district in which the site is located.

E. “Density bonus units” means those residential units allowed pursuant to the provisions of this chapter which exceed the maximum residential density for the development site.

F. “Household size” means the number of persons assumed in determining the affordable rent or affordable sales price of target units. Two persons will be assumed for one-bedroom units and three persons will be assumed for two-bedroom units.

G. “Housing cost” means the sum of actual or projected monthly payments for all of the following associated with for-sale target units:

1. Principal and interest on a mortgage loan, including any loan insurance fees;

2. Property taxes and assessments;

3. Fire and casualty insurance;

4. Property maintenance and repairs;

5. Homeowners’ association fees; and

6. A reasonable allowance for utilities.

H. “Housing development” means construction projects consisting of five or more residential units, including single-family, multifamily, and mobilehomes for sale or rent.

I. “Incentives” means the regulatory concessions that are specified in Cal. Gov. Code § 65915(k), and include without limitation:

1. A reduction in the site development standards, or a modification of the zoning code requirements or architectural design requirements. These standards and requirements may be modified if they exceed the minimum building standards approved by the California Building Standards Commission (as provided in Cal. Health & Saf. Code Division 13, Part 2.5, commencing with Cal. Health & Saf. Code § 18901). The incentives may include without limitation a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required;

2. Approval of mixed-use zoning in conjunction with the affordable housing development project;

3. Any other regulatory incentive or concession which would result in identifiable cost reductions.

J. "Low income household" means a household where the income does not exceed eighty percent of the county median income for Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Saf. Code § 50079.5.

K. "Maximum residential density" means the maximum number of dwelling units that can be built on a site based on the maximum number of dwelling units per acre permitted by the general plan and this title, excluding the provisions of this chapter.

L. "Moderate income household" means a household where the income does not exceed one hundred twenty percent of the county median income for Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Saf. Code § 50079.5.

M. "Operating agreement" means a legally binding agreement between a developer and the city that is recorded against the property. The purpose of the agreement is to ensure that the requirements of this chapter of the development code are satisfied. Among other items, the agreement shall establish:

1. The number of target units;

2. The size of the target units;

3. The location of the target units;

4. The terms and conditions of affordability; and

5. The production schedule.

N. “Nonrestricted units” means all units within a housing development project other than the target units.

O. “Qualifying housing development” means an affordable housing development project in which the applicant agrees to provide one of the following:

1. At least ten percent of the total units of the housing development as target units affordable to low income households;

2. At least five percent of the total units of the housing development as target units affordable to very low income households;

3. A senior citizen housing development; or

4. At least ten percent of the total units in a common interest development as target units affordable to moderate income households; provided, that all the units in the development are offered for purchase.

P. “Qualifying resident” means senior citizens or other persons eligible to reside in a senior citizen housing development.

Q. “Senior citizen housing development” means a housing development which has been designed to meet the physical and social needs of senior citizens and which qualifies as “senior citizen housing” pursuant to Cal. Civ. Code § 51.3.

R. “Target unit” means a dwelling unit in a housing development that is reserved as affordable or is reserved for qualifying residents so as to qualify for development incentives pursuant to this chapter.

S. “Very low income household” means a household with an income which does not exceed fifty percent of the median income of Los Angeles County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Cal. Health & Saf. Code § 50105. (Ord. 700 § 2 (Exh. 1), 2012)

18.68.030 Density bonuses and other incentives.

A. Very Low and Lower Income Housing.

1. An applicant of a qualified housing development project with target units that includes at least ten percent of the total units that are reserved as affordable for lower income households or five percent for very low income households for a period of no less than thirty years is entitled to a density

bonus of twenty percent and one incentive.

2. A second incentive shall be provided for qualified housing development projects with target units that include at least twenty percent of the total units that are reserved as affordable for lower income households or ten percent for very low income households, for a period of no less than thirty years.

3. A third incentive shall be provided for qualified housing development projects with target units that include at least thirty percent of the total units that are reserved as affordable for lower income households or fifteen percent for very low income households, for a period of no less than thirty years.

4. Additional density bonuses of up to thirty-five percent shall be awarded by city council in compliance with Cal. Gov. Code § 65915(f) if the qualified housing development project includes more than ten percent affordable lower income units or five percent affordable very low income units.

B. Common Interest Developments.

1. An applicant for a common interest development which includes at least ten percent of the total units that are reserved as affordable for moderate income households for a period of no less than thirty years is entitled to a density bonus of five percent and one incentive.

2. A second incentive shall be provided for a common interest development which includes at least twenty percent of the total units that are reserved as affordable for moderate income households for a period of no less than thirty years.

3. A third incentive shall be provided for a common interest development which includes at least thirty percent of the total units that are reserved as affordable for moderate income households for a period of no less than thirty years.

4. Additional density bonuses of up to thirty-five percent shall be awarded by city council in compliance with Cal. Gov. Code § 65915(f) if the common interest development includes more than ten percent affordable moderate income units.

C. An applicant for a qualified senior citizen housing project is entitled to a density bonus of twenty percent.

D. Additional incentives may only be granted to the extent determined necessary by the city council to render a housing development project economically feasible. Incentives that involve modification to established architectural, building or engineering standards may only be granted by the city council when the city council has determined that such modifications:

1. Will not substantially compromise the proper utilization and functioning of the site for residential purposes; and

2. Will not have an adverse impact on surrounding properties.

E. The incentives may include without limitation:

1. Modification of the number of required parking spaces;

2. Modification of the minimum setbacks;

3. Modification of architectural design requirements that exceed the minimum building standards approved by the State Building Standards Commission as set forth in Cal. Health & Saf. Code Division 13, Part 2.5 (commencing with Cal. Health & Saf. Code § 18901);

4. Modification of requirements for public works improvements or other on-site or off-site physical improvements;

5. Expedited case processing; or

6. Deferred payment of the city's development impact fees.

F. The following criteria shall be used to determine the minimum number of density bonus units to be granted and the minimum number of target units to be provided for affordable housing projects pursuant to this section.

1. The minimum number of density bonus units for lower or very low affordable housing granted pursuant to this chapter equals the maximum residential density for the site multiplied by 0.2. The minimum number of density bonus units for a common interest development granted pursuant to this chapter equals the maximum residential density for the site multiplied by 0.05. Any fractions of units will be rounded to the next largest number.

2. The minimum number of target units to be provided pursuant to this chapter equals the maximum residential density multiplied by 0.05, if the target units are restricted and affordable to very low income households, or 0.10, if the target units are restricted and affordable to lower income

households or moderate income households as part of a common interest development.

3. In cases where a density increase of less than twenty percent (or five percent in the case of common interest developments) is requested, no reduction shall be allowed in the number of target units required.

4. If the applicant proposes more affordable units than the minimum required to obtain a density bonus, the city council shall provide a greater density bonus of up to thirty-five percent, as required by Cal. Gov. Code § 65915(f); however, in no case may the qualified housing development project obtain a density bonus greater than thirty-five percent.

G. The applicable residential district development standards shall apply to affordable housing projects submitted pursuant to this chapter. However, modifications shall be allowed by the city council if the applicant demonstrates to the satisfaction of city council that the affordable housing project cannot be built at the proposed density or it is not financially feasible to be built by complying with the city's development standards. To achieve the best possible design for affordable housing projects, the applicant shall work with planning department to determine the most appropriate modifications to be made to the city's development standards and the appropriate degree of these modifications. Any such modifications may be approved by city council as part of the density bonus application and operating agreement.

H. A qualifying housing development located in the commercial zone that includes the consolidation of two or more parcels, each of which is less than one acre in size, into a single building site of one acre or larger, shall be entitled to a density bonus of five percent in addition to the applicable density bonus as provided in this section. (Ord. 709 § 9, 2014; Ord. 700 § 2 (Exh. 1), 2012)

18.68.040 Procedure.

A. Concurrent with the submittal of an application for approval of site plan review or other development entitlements, the city council may grant a twenty percent density bonus and/or other incentives permitted pursuant to this chapter. An application is required to initiate the city's review process for affordable housing projects, which shall be submitted in compliance with Chapter 17.04 PVEMC. An application for an affordable housing project shall be deemed complete when it contains all of the information requested by the planning director or his or her designee as provided on the affordable housing application form. Upon acceptance of the application as complete, the planning director or his or her designee shall review it for conformance with the applicable policies of the

general plan and this chapter.

B. The planning director shall schedule the application submitted pursuant to this chapter for consideration concurrently with the consideration of the site plan or any other applicable development entitlement. If no entitlement application is scheduled to be heard by the planning commission, the planning director shall schedule the application to be considered at the next regularly scheduled planning commission meeting for which it is practical to provide the required notice.

C. The planning commission shall recommend to the city council that it approve, conditionally approve, or deny the application. The planning commission shall adopt a resolution containing its findings and determination pursuant to PVEMC 18.68.060. If the application is recommended for approval, the resolution shall include the conditions and limitations imposed.

D. After the planning commission has made a determination, the affordable housing project shall be scheduled for a public hearing before the city council, which shall approve, deny or conditionally approve the application. The city council determination shall be final. (Ord. 700 § 2 (Exh. 1), 2012)

18.68.050 Operating agreements.

A. Applicants requesting a density bonus or other incentives shall agree to enter into an operating agreement with the city. An operating agreement shall be made a condition of the discretionary development entitlement approvals and all building permits for all affordable housing projects undertaken pursuant to this chapter.

B. The terms of the draft agreement shall be reviewed and revised as appropriate by the planning director and city attorney. The planning director shall make a recommendation to the planning commission for review and issuance of a recommendation to city council. City council is responsible for a final determination on the agreement.

C. The agreement shall be recorded as a restriction on the parcel or parcels on which the target units will be constructed and shall be binding to all future owners and successors in interest.

D. All operating agreements prepared and executed pursuant to this section shall include at least the following:

1. The total number of units approved for the affordable housing development, including the number of target units;

2. A description of the household income group to be accommodated by the housing development and the standards for determining the corresponding affordable rent or affordable sales price and housing cost;

3. The location, unit sizes (square feet), and number of bedrooms of target units;

4. Tenure of use restrictions for target units;

5. Schedule for completion and occupancy of target units;

6. Description of the additional incentive(s) or financial assistance being provided by the city;

7. A description of the remedies for breach of the agreement by either party;

8. A covenant that the target units shall be reserved as affordable or for qualifying residents for a period of no less than thirty years; and

9. Other provisions to ensure implementation and compliance with this chapter.

E. In the case of for-sale housing developments, the operating agreement shall provide for the following conditions governing the initial sale and use of target units during the use restriction period:

1. Target units shall, upon initial sale, or subsequent sale within the use restriction period, be sold to eligible very low or low income households at an affordable sales price and housing cost, or be maintained as a senior citizen housing development. Target units that are part of a common interest development may be sold to moderate income households at an affordable sales price and housing cost.

2. Target units shall be owner-occupied by eligible very low or low income households during the use restriction period or by qualified residents in the case of a senior citizen housing development. Target units that are part of a common interest development may be occupied by moderate income households.

3. The initial purchaser of each target unit shall execute an agreement approved by the city restricting the sale of the target unit in accordance with this chapter during the applicable use restriction period. Such agreement shall be recorded against the parcel containing the target unit and shall

contain such provisions as the planning director may require to ensure continued compliance with this chapter and the state's density bonus law.

F. In the case of rental housing developments, the operating agreement shall provide for the following conditions governing the use of target units during the use restriction period:

1. The rules and procedures for qualifying tenants, establishing affordable rent, filling vacancies, and maintaining target units for qualified tenants.

2. Provisions requiring owners to verify tenant incomes, when applicable, and maintain books and records to demonstrate compliance with this chapter.

3. Provisions requiring owners to submit an annual report to the city, which includes the name, address, and income, when applicable, of each person occupying target units, and which identifies the bedroom size and monthly rent of each target unit. (Ord. 700 § 2 (Exh. 1), 2012)

18.68.060 Findings and conditions.

A. To approve an affordable housing project, the city council shall make all of the following findings:

1. That the applicant has submitted evidence that the proposed modifications to the development standards are necessary to accommodate the proposed density;

2. That the site for the intended use is adequate in size and shape to accommodate the use;

3. That the site for the proposed use relates to the streets and highways properly designed to carry the type and quantity of traffic generated by the proposed use;

4. That the proposed use will not impair the integrity and character of the zoning district in which it is located, or otherwise have an adverse effect on adjacent property or the permitted use thereof;

5. That the proposed use is not contrary to the general plan;

6. That the proposed use will not endanger or otherwise constitute a menace to the public health, safety or general welfare; and

7. That the proposed project is financially feasible.

B. To deny an affordable housing project, the city council shall make at least one of

the following findings:

1. The affordable housing development project is not needed for the city to meet its share of the regional housing need of very low or low income housing.

2. The affordable housing development project would have a specific adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to very low and low income households.

3. There is no feasible way to comply with state or federal requirements without rendering the development unaffordable to very low, low or moderate income households.

4. Approval of the affordable housing development project would increase the concentration of very low and low income households in a neighborhood that already has a disproportionately high number of very low and low income households.

5. The project is not consistent with the land use designation for the subject site as set forth in the general plan.

C. In reviewing an application for an operating agreement, the planning commission shall recommend, and the city council shall impose, such conditions deemed necessary to ensure that the requested use will be in accordance with the findings required by this section. The conditions imposed on the affordable housing development project may involve any pertinent factors affecting the establishment, operation and maintenance of the requested use, including without limitation:

1. Special setbacks, open space, and buffer areas;

2. Fences and walls;

3. Lighting;

4. Parking facilities, including vehicular ingress and egress, the surfacing of parking areas and driveways, and pedestrian circulation;

5. On-site and off-site street, sidewalk, or utility improvements;

6. Dedication of right-of-way or easements or access rights;

7. Regulation of nuisance factors, such as noise, vibration, odors, dust, dirt,

gases, etc.;

8. Landscaping and maintenance thereof;

9. Maintenance of the grounds and/or signs;

10. Modification or limitation to activities, including times and types of operation, and use of area on the site;

11. Such other conditions that may be necessary to address unusual site conditions and/or to ensure that the requested use is developed in an orderly and efficient manner and in general accord with the elements of the general plan and purpose of this chapter. (Ord. 700 § 2 (Exh. 1), 2012)

Chapter 18.72
SPECIAL DEVELOPMENT STANDARDS

Sections:

18.72.010 Emergency shelters.

18.72.020 Single room occupancy (SRO) housing.

18.72.010 Emergency shelters.

This section sets forth standards for the establishment and operation of emergency shelter facilities.

A. Permit and Operational Requirements. The approval and operation of an emergency shelter shall be subject to the following requirements:

1. Site Plan Permit Required. Emergency shelters may be established and operated in the commercial zone subject to nondiscretionary approval of a site plan permit in compliance with Chapter 17.22 PVEMC;

2. Management and Operations Plan. An application for a permit to establish and operate an emergency shelter shall be accompanied by a management and operations plan, which shall establish hours of operation, staffing levels, maximum length of stay, size and location of exterior and interior on-site waiting and intake areas, and security procedures.

B. Development Standards. In addition to other standards set forth in commercial zone, emergency shelters shall conform to the following standards:

1. Maximum of fifteen beds.

2. Minimum separation of three hundred feet between emergency shelters.

3. Facility Requirements.

a. Each occupant shall be provided a minimum of fifty square feet of personal living space, not including space for common areas.

b. Bathing facilities shall be provided in quantity and location as required by the California Plumbing Code (Title 24 Part 5), and shall comply with the accessibility requirements of the California Building Code (Title 24 Part 2).

c. Shelters must provide a storage area for refuse and recyclables that is enclosed by a six-foot-high landscape screen, solid wall, or fence, which is accessible to collection vehicles on one side. The storage area must be large enough to accommodate the number of bins that are required to

provide the facility with sufficient service so as to avoid the overflow of material outside of the bins provided.

d. The shelter may provide one or more of the following specific facilities and services on site, including but not limited to:

i. Commercial kitchen facilities designed and operated in compliance with the California Retail Food Code;

ii. Dining area;

iii. Laundry room;

iv. Recreation room;

v. Support services (e.g. training, counseling, etc.); and

vi. Child care facilities.

C. On-Site Waiting and Intake Areas. A minimum of five percent of the total square footage of a shelter shall be designated for indoor on-site waiting and intake areas. In addition, an exterior waiting area shall be provided, the minimum size of which is equal to or larger than the minimum interior waiting and intake area.

1. Staging for drop-off, intake and pick-up should take place inside the building, at a rear or side entrance, or inner courtyard.

2. Shelter plans shall show the size and location of any proposed waiting or occupant intake areas, interior and exterior.

D. Off-Street Parking. Off-street parking shall be provided at the rate of one space per four beds, plus one space for each staff person on duty. (Ord. 709 § 10, 2014)

18.72.020 Single room occupancy (SRO) housing.
SRO housing shall conform to the following standards:

A. Occupancy shall be limited to maximum two persons per unit. Minimum unit sizes (not including toilet compartment) shall be:

1. One person: one hundred fifty square feet.

2. Two persons: one hundred seventy-five square feet.

B. Each SRO unit shall be provided with the following minimum amenities:

1. Kitchen sink with garbage disposal.

2. A toilet and sink located in a separate room within the unit that is a minimum twenty square feet.

3. One closet per person.

4. Telephone and cable TV hookups.

C. If full bathrooms are not provided in each unit, shared showers shall be provided on each floor at a ratio of one per seven occupants or fraction thereof on the same floor, with doors lockable from the inside.

D. If full kitchens are not provided in each unit, shared kitchen facilities shall be provided on each floor consisting of a range, sink with garbage disposal, and refrigerator.

E. If laundry facilities are not provided in each unit, common laundry facilities shall be provided, with one washer and one dryer on the premises for every twenty-five units.

F. Elevators shall be required for SROs of two or more stories.

G. On-site management shall be provided at all times.

H. Off-street parking shall be provided at the rate of one-half space per unit, plus one space for each employee on duty. (Ord. 709 § 10, 2014)

Chapter 18.73
REGULATION OF MEDICAL MARIJUANA

Sections:

18.73.010 Definitions.

18.73.020 Prohibition.

18.73.030 Public nuisance.

18.73.010 Definitions.

As used in this chapter:

"Cannabis," or "marijuana," shall have the same definition as Cal. Health & Saf. Code § 11018.

"Commercial cannabis activity" means cultivation, possession, manufacture, processing, storing, laboratory testing, labeling, transporting, distribution, or sale of medical cannabis or a medical cannabis product, except as set forth in Cal. Bus. & Prof. Code § 19319, related to qualifying patients and primary caregivers.

"Cultivation" means any activity involving the planting, growing, harvesting, drying, curing, grading, or trimming of cannabis.

"Delivery" shall include the use by a dispensary of any technology platform owned and controlled by the dispensary, or independently licensed by the state under the Medical Marijuana Regulation and Safety Act, which enables persons, qualified patients, and/or primary caregivers to arrange for or facilitate the commercial transfer of medical cannabis or medical cannabis products.

"Dispensary" means a facility where medical cannabis, medical cannabis products, or devices for the use of medical cannabis or medical cannabis products are offered, either individually or in any combination, for retail sale, including an establishment that delivers medical cannabis and medical cannabis products as part of a retail sale.

"Medical cannabis" means a product containing cannabis, including but not limited to concentrates and extractions, intended to be sold by or to medical cannabis patients in California pursuant to Cal. Health & Saf. Code §§ 11362.5 and 11362.7.

"Medical Marijuana Regulation and Safety Act" shall refer to Cal. Bus. & Prof. Code Chapter 3.5, commencing with § 19300 et seq.

"Mobile marijuana dispensaries" means any dispensary, clinic, cooperative, association, club, business or group which transports or delivers, or arranges the transportation or delivery, of medical cannabis to a person.

"Person" means any individual, firm, corporation, association, club, society, or other organization. The term "person" shall include any owner, manager, proprietor, employee, volunteer, or salesperson.

"Primary caregiver" shall have the same definition as Cal. Health & Saf. Code § 11362.7, as may be amended.

"Qualified patient" shall have the same definition as Cal. Health & Saf. Code § 3362.7, as may be amended, and which means a person who is entitled to the protections of Cal. Health & Saf. Code § 11362.5. For the purposes of this chapter, "qualified patient" shall include a person with an identification card, as that term is defined by Cal. Health & Saf. Code § 11362.7 et seq. (Ord. 716 § 1, 2016)

18.73.020 Prohibition.

A. Commercial cannabis activities of all types are expressly prohibited in all zones within the city's jurisdictional limits. No person shall establish, operate, conduct, or allow a dispensary or commercial cannabis activity anywhere within the city.

B. Mobile marijuana dispensaries are prohibited in all zones within the city's jurisdictional limits. No person shall:

1. Locate, operate, own, suffer, allow to be operated or abide, abet or assist in the operation of any mobile marijuana dispensary within the city;

2. Deliver marijuana to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose; or

3. Deliver any medical cannabis product, including, but not limited to, tinctures, baked goods, or other consumable products, to any location within the city from a mobile marijuana dispensary, regardless of where the mobile marijuana dispensary is located, or engage in any operation for this purpose.

C. This section is meant to prohibit all activities for which a state license is required. Accordingly, the city shall not issue any permit, license or other entitlement for any activity for which a state license is required under the Medical Marijuana Regulation and Safety Act.

D. Marijuana cultivation by any person or entity, including clinics, collectives,

cooperatives and dispensaries, is prohibited in all zones within the city's jurisdictional limits. No permit, whether conditional or otherwise, shall be issued for the establishment of such activity. No person, including a qualified patient or primary caregiver, shall cultivate any amount of cannabis in the city, even for medicinal purposes, except where the city is preempted by federal or state law from enacting a prohibition on such activity. (Ord. 716 § 1, 2016)

18.73.030 Public nuisance.

Any use or condition caused, or permitted to exist, in violation of any provision of this chapter shall be, and hereby is declared to be, a public nuisance and may be summarily abated by the city pursuant to Cal. Civ. Proc. Code § 731 or any other remedy available to the city. (Ord. 716 § 1, 2016)

Title 19
COASTAL REGULATIONS

Chapters:

19.01 Definitions

19.02 Exemption, Notice, Hearing, Extension, Revocation, Emergency and Appeal Procedures for Coastal Development Permits

Chapter 19.01
DEFINITIONS

Sections:

19.01.010 Aggrieved person.

19.01.020 Appealable coastal development and grounds for appeal.

19.01.030 Bluff.

19.01.040 Bluff edge.

19.01.050 Coastal development permit.

19.01.060 Coastal zone.

19.01.070 Development.

19.01.080 Development, excluded.

19.01.090 Development, nonappealable.

19.01.100 Disaster.

19.01.105 Emergency.

19.01.110 Final decision.

19.01.120 Hearing officer.

19.01.130 Open space.

19.01.140 Parklands.

19.01.145 Public view point.

19.01.150 Public works project.

19.01.160 Structure.

19.01.010 Aggrieved person.

"Aggrieved person" means any person, including the applicant, who:

A. Testified personally, or through a representative, or submitted written testimony at a hearing on an application for an "appealable coastal development permit" (as defined in this chapter); or

B. By other appropriate means prior to the hearing informed the city of the nature of his or her concerns; or

C. For good cause was unable to do either of the acts required by subsection A or B of this section; or

D. Submitted written testimony at least twenty-four hours prior to such a hearing, if no appearance is made by that person at said public hearing, and requested that that testimony be made a part of the public record for such hearing; or

E. When no hearing is required, informed the director of planning, either in writing or personally, of an interest in the subject of an appealable coastal development permit at least five days prior to the date upon which action is taken upon an appealable coastal development permit. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.020 Appealable coastal development and grounds for appeal.

A. Any action taken by the city to approve a coastal development permit within the coastal zone which meets the criteria of subsections (A)(1) through (4) of this section shall be an appealable coastal development (hereinafter, an "ACDP") and may be appealed to the Coastal Commission only after exhaustion of all city appeal remedies, if any:

1. An approval by the city for a development (as defined in this chapter) which lies (a) between the sea and the first public road paralleling the sea; or (b) within three hundred feet of the inland extent of any beach, or of the mean high tide line of the sea where there is no beach, whichever is the greater distance;

2. An approval by the city for a development not included in subsection (A)(1) of this section, but which is located on tidelands, submerged lands, or public trust lands; or within one hundred feet of any wetland, estuary or stream; or within three hundred feet of the top of the seaward face of any coastal bluff (as defined in this chapter);

3. An approval by the city for a development which is not included in subsections (A)(1) and (2) of this section, but which is located in a sensitive coastal resource area;

4. Any development approved by the city for any major public works project and any major energy facility for which the estimated cost is greater than fifty thousand dollars.

B. The "grounds for appeal" shall be limited to one or more of the following allegations:

1. For developments described in subsection (A)(1) of this section:

a. The development interferes with or fails to provide adequate physical access to a public or private commercial use.

b. The development fails to protect public views from any public road or from a recreational area to and along the coast.

c. The development is not compatible with the established physical scale of the area.

d. The development may significantly alter existing natural landforms.

e. The development does not comply with shoreline erosion and geologic setback requirements.

f. The development does not comply with the public access and public recreational policies and requirements of the California Coastal Act, as contained in Chapter 3, commencing with Cal. Pub. Res. Code § 30200.

2. For all developments described in subsections (A)(2) through (A)(4) of this section, an allegation that the development does not conform with the city's certified LCP. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.030 Bluff.

A "bluff" means any scarp or steep face of rock, decomposed rock, sediment or soil resulting from erosion, faulting, folding or excavation of the land mass. A bluff may be a simple planar, a curved surface or a steplike section. For purposes of this chapter, bluff is limited to those features having vertical relief of ten feet or more. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.040 Bluff edge.

A "bluff edge" means the upper termination of a bluff. When the top edge of a bluff is rounded away from the face of the bluff as a result of erosion related to the presence of a steep bluff face, the edge shall be defined as that point nearest the bluff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the bluff below such rounding. In a case where the bluff contains a series of steplike features at the top of the bluff face, the bluff edge shall be the edge of the topmost riser on the bluff. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.050 Coastal development permit.
"Coastal development permit" means a permit for any development within the coastal zone which is required pursuant to Cal. Pub. Res. Code § 30600(a). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.060 Coastal zone.
"Coastal zone" means that land and water area of the city as described and shown on the maps required and identified in the Coastal Act of 1976, as amended, by Section 30103 of Cal. Pub. Res. Code § 30000. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.070 Development.
Whether lying on land outside of the water, or in or under water, each of the following shall be a "development" for purposes of this chapter:

A. The placement or erecting of any solid material or structure;

B. The discharge or disposal of any dredged material or any gaseous, liquid, solid or thermal waste;

C. Grading, removing, dredging, mining or extraction of any materials;

D. A change in density or intensity of the use of any land, including but not limited to (1) any subdivision created pursuant to the Subdivision Map Act commencing with Cal. Gov. Code § 66410, (2) any other division of land, including lot splits; provided, however, that where a land division is brought in connection with the purchase of said land by a public agency for public recreational use, such division shall not constitute a development for purposes of this chapter;

E. Any change in the intensity of the use of water, or access thereto;

F. Construction, reconstruction, demolition or any alteration of the size of any structure, including but not limited to any private, public or municipal utility;

G. The removal or harvesting of major vegetation other than for agricultural purposes. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.080 Development, excluded.
An "excluded development" means:

A. Improvements to existing single-family residences, pursuant to California Code of Regulations Section 13250.

B. Improvements to any structure other than a single-family residence or a public

works facility, pursuant to California Code of Regulations Section 13253.

C. Any improvements to an existing structure, including replacement of a structure destroyed by a natural disaster, other than a major public works facility, which is in conformity with requirements of Cal. Pub. Res. Code § 30610(g), and any repairs or maintenance of an existing structure which do not result in an addition to, or enlargement of, the structure, unless any of the following apply:

1. There exists a risk of an adverse environmental impact or impacts;

2. There will be an adverse impact on public access to the coast;

3. The improvement, repair or maintenance constitutes a change in use which is not in conformity with the city's certified LCP.

D. Any category of development which may be determined by the Coastal Commission to have no potential for any significant impact on the environment, coastal resources or public access to the coast.

E. Minor public works projects limited to:

1. The erection of public signs;

2. Those listed in the repair, maintenance and utility hookup exclusions from permit requirements, including Appendix I thereto, adopted by the California Coastal Commission on September 5, 1978, which is incorporated herein by this reference, and pertaining to excluded activity with regard to roads, public utilities and miscellaneous alterations; or

3. Maintenance and repair of public facilities in an emergency (as defined in this chapter) and as permitted by PVEMC 19.02.130. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.090 Development, nonappealable.
"Nonappealable development" means any development in the coastal zone which is not an appealable development or an excluded development. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.100 Disaster.
"Disaster" means any situation in which the force or forces which destroyed the structure to be replaced was (were) beyond the control of its owners. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.105 Emergency.

An “emergency” means a sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.110 Final decision.
“Final decision” means a decision made by the city to approve a coastal development permit, whether after hearing by the city’s planning commission, city council or a hearing officer (as defined in this chapter), for any application seeking approval to construct, erect or install a development which is other than an excluded development, and for which all:

A. Required findings supporting the legal conclusion that the proposed development is, or is not, in conformity with the city’s certified LCP and the public access and recreation policies of Chapter 3 of the Coastal Act, commencing with Cal. Pub. Res. Code § 30200; and

B. Rights of appeal to the city, if any, have been exhausted. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.120 Hearing officer.
The “hearing officer” for developments which are heard by other than the planning commission and/or the city council shall be the director of planning or his or her designee. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.130 Open space.
“Open space” means land in the coastal zone which is designated on the zoning map, pursuant to Chapter 18.16 PVEMC, as an open space (OS) zone. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.140 Parklands.
“Parklands” for purposes of this chapter shall have the same meaning as that set forth in PVEMC 12.24.010(A); i.e., any grounds, avenues, parkways and areas under the control, management and direction of the city. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.145 Public view point.
“Public view point” means any publicly owned beach, park, bluff area or other location in the coastal zone to which the public has access and from which it can view development in the coastal zone. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.150 Public works project.
A “public works project” for purposes of this chapter means any action undertaken

by the city or by any other governmental entity to construct or alter any public structure or utility right-of-way, including but not limited to improvement of public streets and development of public utilities. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.01.160 Structure.

"Structure" as used in this chapter shall include, but shall not be limited to, any building, road, pipe, pipeline, flume, conduit, siphon, aqueduct, telephone line or electrical power transmission and distribution line; provided, however, that for purposes of the replacement of a structure destroyed by a disaster, "structure" also includes landscaping and erosion-control devices. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

Chapter 19.02
EXEMPTION, NOTICE, HEARING, EXTENSION, REVOCATION, EMERGENCY AND APPEAL PROCEDURES FOR COASTAL DEVELOPMENT PERMITS

Sections:

19.02.010 Purpose.

19.02.020 Permitted use.

19.02.030 Applicant for a coastal development permit.

19.02.040 Findings for approval.

19.02.050 Action by the planning commission.

19.02.060 Action by the city council.

19.02.065 Appeal of planning commission decision to the city council.

19.02.070 Notice of hearing by planning commission and/or the city council and/or hearing officer.

19.02.080 Effective date of city council action for purposes of appeal to the California Coastal Commission and termination of the appeal period.

19.02.090 Failure to act.

19.02.100 Determination of applicable procedures.

19.02.110 Extension of permits.

19.02.120 Revocation of permits.

19.02.130 Emergency permits.

19.02.140 Amendments incorporated by reference.

19.02.150 Penalties for violation(s).

19.02.010 Purpose.

The following shall be the procedures for notice and hearing for, and appeal of any final decision on, an application for any proposed development in the coastal zone which requires a coastal development permit and which is consistent with the city's certified LCP, the city's general plan and zoning ordinances and state law. The purpose of this chapter is to protect the public health, safety and general welfare by:

A. Protecting the coastal bluffs and the marine environment as delicate natural resources;

B. Protecting undeveloped natural land in open space available for visual and physical enjoyment by the public;

C. Assuring that the coastal bluffs can support proposed private development; and

D. Preserving parklands within the coastal zone for public park use. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.020 Permitted use.

A. Except as prohibited by this section, real property in the coastal zone may be used for any purpose which is permitted by the city zoning code and which is consistent with the city's LCP.

B. Parklands in the coastal zone may be used only for the purposes set forth in Chapter 12.24 PVEMC, as amended by Ordinance No. 362.

C. Open space in the coastal zone may be used only for the purposes set forth in Chapter 18.16 PVEMC.

D. Structures, additions to structures, grading, stairways, pools, tennis courts, spas or solid fences may be constructed on private property on, or within twenty-five feet of, the bluff edge only after preparation of a geologic report and findings by the city that the proposed structure, addition, grading, stairway, pool, tennis court, spa and/or solid fence (1) poses no threat to the health, safety and general welfare of persons in the area by reason of identified geologic conditions which cannot be mitigated and (2) the proposed structure, addition, grading, stairway, pool, tennis court, spa and/or solid fence will minimize alteration of natural landforms and shall not be visually intrusive from public view points in the coastal zone. Permitted development shall not be considered visually intrusive if it incorporates the following to the maximum extent feasible:

1. The development is sited on the least visible portion of the site as seen from public view points;

2. The development conforms to the scale of existing surrounding development;

3. The development incorporates landscaping to soften and screen structures;

4. The development incorporates materials, colors, and/or designs which are more compatible with natural surroundings. (Ord. 701 § 2 (Exh. 1), 2012; Ord.

535 § C, 1991)

19.02.030 Applicant for a coastal development permit.

An application for a coastal development permit shall be accepted only from the owner of record of the real property on which the proposed development will occur, or the authorized agent of the owner, or the developer of the proposed development. An application for a coastal development permit which is made by a person other than the property owner shall be signed by both the applicant and the property owner. Each application shall include the following information and documents in addition to any other information or documents which would otherwise be required by the city for the same type of development were it to lie outside of the coastal zone:

A. A site plan, drawn to scale, showing the location and proposed use of each existing structure to remain, each new structure which is proposed to be built and the relationship of all remaining and proposed structures to the bluff and to public view points;

B. A plan showing elevations for each existing structure which is proposed to remain on the property and for each proposed new structure in relationship to the elevation of the bluff and public view points; elevations shall indicate the height of all structures shown, the structural features proposed, types of materials of construction and the contours of the bluff;

C. Engineering and geology reports which consider, describe and analyze the following:

1. Cliff geometry and site topography, extending the survey work beyond the site of the proposed development as needed to depict any unusual geomorphic conditions which might affect the site, and

2. Historic, current and foreseeable cliff erosion, including but not limited to investigation of recorded land surveys and tax assessment records, the use of historic maps and photographs where available, and possible changes in shore configuration and sand transport, and

3. Geologic conditions, including but not limited to soil, sediment and rock types and characteristics and structural features such as bedding, joints and faults, and

4. Evidence of past or potential landslide conditions, the implications of such conditions for the proposed development, and the potential effects of the development on landslide activity, and

5. The impact of the proposed construction activity on the stability of the site and adjacent area, and

6. The potential for erosion of the site and mitigation measures to be used to ensure minimized erosion problems during and after construction including but not limited to plans for landscaping and drainage design, and

7. The effects of, and the potential for, marine erosion on seacliffs, and

8. The potential effects of seismic forces resulting from a maximum credible earthquake, and

9. Analysis of any other factors which might affect slope stability, and

10. An evaluation of (a) existing on-site and off-site conditions which, when the proposed development is completed, could result in geologic instability on off-site facilities, including but not limited to roads and public pedestrian and bicycle access ways, and (b) the additional impacts which could occur due to the development, including but not limited to increased erosion along a footpath and erosion of roads, buildings and bikeways;

D. A detailed report including mitigation measures for any potential impacts and including alternative solutions and appropriate measures for monitoring those mitigations as required and consistent with Cal. Pub. Res. Code § 21081.6. The report shall contain the professional opinion of a California certified civil engineer and a California certified geologist as to whether the development can be designed so that it will neither be subject nor contribute to significant geologic instability on site and off site through the lifespan of the proposed development. The report shall use a currently acceptable engineering stability analysis method and shall also describe the degree of uncertainty of analytical results predicated on assumptions and unknowns. The degree of analysis required shall be that degree appropriate to the degree of potential risk presented by the site and the proposed development;

E. If the city so requires, in the city's sole discretion, a waiver of and a hold harmless from the applicant, including both the developer and the property owner and their successors and assigns, for any and all claims against the city, the county, the state and other public agencies involved in the development, for future liability or damage resulting from the CDP and the development when completed. All such waivers and hold harmless clauses shall be recorded with the office of the county recorder for the county of Los Angeles;

F. Other information and requirements as the director of planning and the city engineer, in their sole discretion, may deem necessary to processing the application. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.040 Findings for approval.

A. A coastal development permit shall be approved by the issuing body only upon affirmative findings that:

1. The plans for the proposed development and the coastal development permit comply with all of the requirements of this chapter and other relevant city ordinances and development standards; and

2. The proposed use is consistent with the certified local coastal program, the general plan, any applicable specific plan, and the applicable zoning ordinance or ordinances; and

3. The proposed use will not be visually intrusive from public view points; and

4. The required reports and plans demonstrate to the satisfaction of the city, in its sole discretion, that the proposed use can be supported by the bluff and the proponent has demonstrated that the proposed use will not increase any existing geologic hazards; and

5. The proposed development, when located between the sea and the first public road inland from the sea, is in conformance with the public access and recreation policies of the California Coastal Act as contained in Chapter 3, Cal. Pub. Res. Code §§ 30200 through 30224, the applicable sections of the California Code of Regulations, and the local coastal program.

B. Approval may be recommended and/or granted upon conditions that are necessary and reasonable to ensure that the proposed use will be designed, located, developed and maintained in accordance with the findings required by this section, the local coastal program, the general plan, any applicable specific plan, and the applicable zoning ordinance or ordinances. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600 § 1, 1996; Ord. 535 § C, 1991)

19.02.050 Action by the planning commission.

All applications for a coastal development permit shall be considered by the planning commission at a public hearing. The planning commission shall approve, conditionally approve, or deny the application, or any portions thereof, within seven calendar days after it completes its hearing on the application. The conditions and findings adopted by the planning commission shall be transmitted to the city council by the director of planning. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600

§ 2, 1996; Ord. 535 § C, 1991)

19.02.060 Action by the city council.
Within fifteen days after the date of the planning commission's decision, or on or before the first day following the first city council meeting after the date of the planning commission's decision, whichever occurs last, the city council may:

A. Confirm the action of the planning commission and grant or deny the application; or

B. Set the matter for public hearing and thereafter dispose of it in the same manner as an appeal; or

C. Amend, modify, delete, or add any condition of approval which the city council finds is not substantial under the circumstances relative to or affecting the property subject to the application for a coastal development permit and is in accord with the criteria for approval established by this chapter; or

D. Take no action, in which event the decision of the planning commission shall be considered final on the date of the city council meeting at which the matter is reported to the city council. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600 § 3, 1996; Ord. 535 § C, 1991)

19.02.065 Appeal of planning commission decision to the city council.
A. An aggrieved person may, within fifteen days after the date of the planning commission decision, appeal the planning commission decision to the city council. The appeal shall be filed with the city clerk on such forms as may be prescribed by the city, accompanied by payment of the fee as the city council may establish by resolution, and shall include the reasons for the appeal. The city clerk shall notify the director of planning, who shall promptly furnish the city council with minutes of the planning commission hearing and the papers constituting the record upon which the decision was based. The city clerk shall set the appeal for public hearing and give notice of the time and place of the hearing pursuant to the provisions of PVEMC 19.02.070.

B. The city council may approve, approve with conditions, or disapprove the application. It shall render its decision by resolution within thirty days after the conclusion of its hearing. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600 § 4, 1996)

19.02.070 Notice of hearing by planning commission and/or the city council and/or hearing officer.
The provisions of this section shall constitute the minimum notice requirements for any application for a coastal development permit, whether appealable or

nonappealable.

A. Excluded Developments Exempt from Notice Requirements. Applications for excluded developments shall not be subject to the requirements for notice and hearing otherwise required by this chapter.

B. Notice for Appealable Developments, Nonappealable Developments with Hearing and Nonappealable Developments without Hearing. At least fifteen calendar days prior to any required public hearing by the planning commission or the city council on an application for an appealable or nonappealable CDP, the city shall provide notice by first class mail, postage prepaid, of the pending application. The notice prior to hearing shall be provided to:

1. All persons who have supplied self-addressed, stamped envelopes for receipt of notice (a) regarding the property upon which the coastal development plan is sought, or (b) for all decisions regarding the coastal zone which lies within the city; and

2. All property owners within three hundred feet and all tenants within one hundred feet of the perimeter of the property upon which the coastal development permit is sought; and

3. The California Coastal Commission.

Additionally, notice shall be published in a newspaper of general circulation at least fifteen calendar days prior to a public hearing required by this chapter.

C. Contents of the Notice. The notice of hearing shall contain the following information:

1. A statement that the development is within the coastal zone; and

2. The name and address of the applicant and the date upon which the application was filed with the city; and

3. The case number assigned to the application; and

4. A description of the property upon which the application is sought, including any proposed or existing tract number, the nearest cross streets, the name of the street on which the project is proposed with a street number if existent and an assessor’s parcel number or numbers, if known; and

5. The date, time and place upon which the application will be heard or otherwise acted upon by the planning commission or city council; and

6. A brief description of (a) the rights of the recipient to present the testimony, written or oral, as set forth in PVEMC 19.01.010, and (b) the procedures to be followed in conduct of the hearing; and

7. The appeal procedures for the city and the California Coastal Commission.

D. Notice Required for Continued Hearings. If a decision on an application for a coastal development permit is continued by the city upon its own motion or upon motion made at the request of the applicant, and the hearing is continued to a time and date which (1) have not previously been stated in the original notice, or (2) are not announced at the hearing which is being continued, the city shall provide notice of the further hearing in the same manner and to the same persons as set forth in subsections A, B and C of this section.

E. Notice of Planning Commission Action. Within seven calendar days of an action by the planning commission on an application for a coastal development permit, the city shall provide notice of that action by first class mail, postage prepaid, to (1) the applicant, (2) the California Coastal Commission, (3) any persons who specifically request notice of such action by submitting a self-addressed, stamped envelope to the city prior to the date when the notice is required to be sent, and (4) the members of the city council. Notice of the action shall also appear on the next city council agenda after the planning commission's action; provided, that such action shall have occurred not less than seven days prior to such city council meeting. Such notice shall contain the conditions of approval, if any, written findings as required by the California Coastal Act, applicable sections of the California Code of Regulations, this chapter, and a summary of the procedures for appeal of the planning commission's decision to the city council and to the California Coastal Commission.

F. Notice of Final Action. The city's action on a coastal development permit application shall be final when the city council considers the application pursuant to PVEMC 19.02.060(A), (B), (C) or (D), or when the city council renders a decision by resolution pursuant to PVEMC 19.02.065. Within seven calendar days of a final action by the city council on an application for a coastal development permit, the city shall provide notice of that action by first class mail, postage prepaid, to (1) the applicant, (2) the California Coastal Commission, and (3) any persons who specifically request notice of such action by submitting a self-addressed, stamped envelope to the city prior to the date when the notice is required to be sent. Such notice shall contain the conditions of approval, if any, written findings as required by the California Coastal Act, and applicable sections of the California Code of Regulations, this chapter, and a summary of the procedures for appeal of the city

council decision to the California Coastal Commission. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600 §§ 5, 6, 1996; Ord. 535 § C, 1991)

19.02.080 Effective date of city council action for purposes of appeal to the California Coastal Commission and termination of the appeal period.
The city council's action shall become effective on the tenth working day after the appeal period of the California Coastal Commission has expired unless (A) an appeal is filed in accordance with California Code of Regulations Title 14, Section 13111, or (B) the notice of final action required by California Code of Regulations Title 14, Section 13571 and PVEMC 19.02.070(F) has been found deficient by the California Coastal Commission. The final action of the city may be appealed to the California Coastal Commission prior to the effective date by an aggrieved person who has exhausted all city appeals. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 600 § 7, 1996; Ord. 535 § C, 1991)

19.02.090 Failure to act.
When the city determines that the time limits established by Cal. Gov. Code § 65950 et seq. have expired, the city shall, within seven calendar days of such determination, notice any person or entity entitled to receive notice pursuant to PVEMC 19.02.070(E) that it has taken final action by operation of law pursuant to Cal. Gov. Code § 65950 et seq. Such notice shall, to the extent applicable, include the information required by PVEMC 19.02.070(E). (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.100 Determination of applicable procedures.
A. The determination of the "type" of development, i.e., whether a development is categorically exempt, appealable or nonappealable, shall be made by the director of planning at the time the application for a coastal development permit is submitted to the city. That determination shall be made with reference to the city's LCP, including any maps, exclusions, land use designations and this chapter.

B. Upon reaching his determination, the director of planning shall inform the applicant and any other party requesting the information of his determination and of the notice and hearing requirements for the type of development determined by the director to apply to the proposed development.

C. Where an applicant or an interested person challenges the determination of the director, or the city has a question as to the appropriate designation for the proposed application, the following procedures shall establish whether a development is categorically exempt, appealable or nonappealable:

1. The director shall request an opinion from the executive director of the

California Coastal Commission; and

2. When the executive director's determination is, after investigation of the facts, not in accordance with the city's determination, the city shall request that the Coastal Commission hold a hearing for the purpose of determining the appropriate type for the proposed development. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.110 Extension of permits.

A. No later than forty-five days prior to the time that construction must commence on a development to which the city has granted a coastal development permit, the applicant may, upon payment of a fee (fifty dollars for all developments other than residential, twenty-five dollars for all residential development), apply to the director of the city for an extension of time within which to commence and/or complete construction of the development. The application shall be accompanied by evidence of a valid, unexpired coastal development permit granted by the city.

If the director determines that there are no changed circumstances which are inconsistent with the California Coastal Act of 1976, as amended, and California Code of Regulations Title 14, Section 13000 et seq., his determination of consistency shall be conclusive and he may extend the term of the coastal development permit by a period not to exceed one year if all of the following are true:

1. Notice, including a summary of the procedures set forth in this section, has been given by the director of his determination that the application is consistent by (a) posting said notice at the project site, and (b) mailing said notice to all parties the director has reason to know may be interested in the application, including all parties who participated in the initial permit hearing; and

2. If no written objection has been received within ten working days of publishing the aforedescribed notice.

B. In the event that the director determines that the application for extension is not consistent, or that he or she receives timely written objection, the director shall report the application to the city council. If a majority of the council object to the extension on the grounds that it may be inconsistent with the California Coastal Act and/or the applicable Code of Regulations, the application shall be set for a full hearing, pursuant to PVEMC 19.02.060, before the planning commission as though it were a new application for a coastal development permit. If there is not an objection to the determination of the director by a majority of the city council,

the director shall issue the extension for a period not to exceed one year.

C. Any valid, unexpired coastal development permit for which application for an extension is timely made shall be automatically extended for the period of time during which the city is considering the requested extension; provided, however, that if construction has not commenced at the time of said application, no construction may commence until the city has made its determination on the extension. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.120 Revocation of permits.

A. Scope of Section. The provisions of this section shall govern proceedings for revocation of a coastal development permit previously granted by the city.

B. Grounds for Revocation. Grounds for revocation of a permit shall be:

1. Intentional inclusion of inaccurate, erroneous or incomplete information in connection with a coastal development permit application, where the city finds that accurate and complete information would have caused the city to require additional or different conditions on a permit or deny an application;

2. Failure to comply with the notice provisions of PVEMC 19.02.070 where the views of the person(s) not notified were not otherwise made known to the city and could have caused the city to require additional or different conditions on a permit or deny an application.

C. Initiation of Proceedings to Revoke. Any person who did not have an opportunity to fully participate in the original permit proceeding by reason of the permit applicant's intentional inclusion of inaccurate information or failure to provide adequate public notice as specified in PVEMC 19.02.070 may request revocation of a permit by application to the director of the city, specifying, with particularity, the grounds for revocation. The director shall review the stated grounds for revocation and, unless the request is patently frivolous and without merit, shall initiate revocation proceedings. The director may initiate revocation proceedings on his or her own motion when the grounds for revocation have been established pursuant to the provisions of subsection B of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.130 Emergency permits.

The following procedures shall apply to the issuance of a coastal development permit in the event of an emergency as defined in PVEMC 19.01.105.

A. Applications.

1. Applications in case of emergency shall be made by letter to the director or in person or by telephone, if time does not allow a written request.

2. The following information should be included in the request:

a. Nature of the emergency;

b. Cause of the emergency, insofar as this can be established;

c. Location of the emergency;

d. The remedial, protective, or preventive work required to deal with the emergency; and

e. The circumstance during the emergency that appeared to justify the cause(s) of action taken, including the probable consequences of failing to take action.

B. Criteria for Granting Permit.

1. The director shall provide public notice of the emergency work, with the extent and type of notice determined by the director on the basis of the nature of the emergency.

2. The director may grant an emergency permit upon reasonable terms and conditions, including an expiration date and the necessity for a regular permit application later, if the director finds that:

a. An emergency exists that requires action more quickly than permitted by the procedures for administrative permits or for regular permits administered pursuant to this code, and the work can and will be completed within thirty days unless otherwise specified by the terms of the permit;

b. Public comment on the proposed emergency action has been reviewed, if time allows; and

c. The work proposed would be consistent with the certified land use plan portion of the LCP.

3. The director shall not issue an emergency permit for any work that falls within the provisions of Cal. Pub. Res. Code § 30519(b) which requires review by the California Coastal Commission.

C. Report to the Governing Body of the Local Government and to the Coastal

Commission.

1. The director shall report, in writing, to the city council at its first scheduled meeting after the emergency permit has been issued, reporting the nature of the emergency and the work involved. Copies of this report shall be available at the meeting and shall be mailed to all persons who have requested such notification in writing.

2. The report of the director shall be informational only; the decision to issue an emergency permit is solely at the discretion of the director subject to the provisions of this section. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.140 Amendments incorporated by reference.
Whenever in this title reference is made to a section of the California Coastal Act (Cal. Pub. Res. Code § 30000 et seq.) or to California Code of Regulations Title 14, such reference shall include the section so referenced as it may be amended from time to time. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)

19.02.150 Penalties for violation(s).
Any person who violates any provision of this chapter of the code shall be subject to the penalties described in Cal. Pub. Res. Code Division 20, Chapter 9, Article 2, commencing with Cal. Pub. Res. Code § 30820. (Ord. 701 § 2 (Exh. 1), 2012; Ord. 535 § C, 1991)